

**Texas State Board of Examiners of Professional Counselors**  
**Proposed Changes to Title 22 TAC Chapter 681**  
**Comment Summary**

Overall, the proposed rule changes align with the legislative intent of HB 1501 (86R) and the transfer of administrative duties from TSBEP to the newly created Texas Behavioral Health Executive Council (BHEC). Given that BHEC is a new and innovative model, it is important that TSBEP retain in rule its essential functions. The following comments are submitted with that intent.

- 681.2 Definitions:
  - (16) Licensee: TCA strongly supports and commends the Board for changing LPC-Intern to LPC-Associate. This change more accurately reflects that LPC-Associates have completed their graduate degrees, successfully passed their licensing exams, and are qualified to work directly with clients.
  - (19) Recognized Religious Practitioner: TCA disagrees with removing this rule. This definition provides detail on the criteria for exemption from licensure as a “recognized religious practitioner.” The requirement that these individuals be affiliated with a legally recognized religious organization is an important distinction to protect the public. This definition, or a similar definition, was retained in the proposed TSBEMFT and TSBEP rules. Given that a goal of BHEC is consistency across the Boards, there is no reason to remove this rule.
- 681.13 Impartiality and Non Discrimination:
  - TCA strongly disagrees with removing this rule. While many of the deleted rules are now included in the rules governing BHEC, a rule explicitly prohibiting discrimination by the licensing boards is NOT included in the BHEC rules. Inclusion of this rule makes it clear to licensees and the public that the TSBEP is explicitly prohibited from considering age, race, religion, ethnicity, sex, disability, national origin or genetic information when making decisions. The argument that prohibitions against discrimination may be found in other statutes does not preclude inclusion of this rule. Many rules reflect language that is included in statute. There is no harm in retaining this rule and could provide the benefit of maintaining transparency in the operations of the Board.
- 681.16 Petition for Adoption of a Rule:
  - TCA recommends that this rule be retained. Although BHEC rules provide for petitions to adopt rules, TCA feels strongly that petitions for rules specifically related to licensing standards, scope of practice, and penalty matrices for LPCs should be submitted directly to the Board because those are areas in which the Board has exclusive authority. These petitions should not be vetted first by BHEC but considered directly by the independent licensing board.
- 681.202. Relevant Factors:
  - TCA recommends that this rule be retained as it provides clarity in the process of sanctioning licensees for rule violations. TCA recognizes that BHEC and not the licensing boards will manage the complaint process. We do not agree that change in process merits the removal of this rule. It both benefits licensees and the public by setting forth the considerations in review of complaints and imposing sanctions. If this rule is not retained, TCA strongly recommends that this information be readily available on the Complaints section of the BHEC website.