



Licensed Chemical Dependency Counselor Program

Program Rules

Title 25, Texas Administrative Code, Chapter 450

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§450.100. Definitions.

The words and terms used in this chapter shall have the meanings set forth in §441.101 of this title unless the context clearly indicates otherwise, except as follows.

(1) "Commissioner"--The Commissioner of the Department of State Health Services.

(2) "Department"--The Department of State Health Services and its Commissioner, Assistant Commissioners, organizational units, divisions and/or employees.

(3) "Qualified Credentialed Counselor" or "QCC"--A licensed chemical dependency counselor or one of the practitioners listed below who is licensed and in good standing in the State of Texas, to the extent that such person is acting within the authorized scope of the person's license, including:

(A) licensed professional counselor (LPC);

(B) licensed master social worker (LMSW);

(C) licensed marriage and family therapist (LMFT);

(D) licensed psychologist;

(E) licensed physician;

(F) licensed physician's assistant;

(G) certified addictions registered nurse (CARN); or

(H) nurse practitioner recognized by the Board of Nurse Examiners as a clinical nurse specialist or practitioner with a specialty in psych-mental health (APN-P/MN).

§450.101. License Required.

(a) An individual identified to the public as a chemical dependency counselor must be licensed

or exempt under this chapter. Except as provided by this section, individuals who are not licensed chemical dependency counselors (LCDCs) shall not:

(1) offer or provide chemical dependency counseling services other than education;

(2) represent themselves as chemical dependency counselors; or

(3) use any name, title, or designation that implies licensure as a chemical dependency counselor.

(b) The following people are exempt from this chapter when they are acting within the scope of their authorized duties:

(1) counselors employed by Federal institutions;

(2) school counselors certified by the Texas Education Agency;

(3) to the extent such licensees are acting within the authorized scope of their respective licenses, licensed physicians, licensed psychologists, licensed professional counselors (LPC), licensed marriage and family therapists (LMFT), and licensed social workers;

(4) religious leaders of congregations providing pastoral counseling within the scope of their congregational duties and people who are working for or providing counseling with a program exempted under TEX. HEALTH & SAFETY CODE ANN. §§ 464.051-.061 (Vernon 2001 & Supp. 2004);

(5) students who are participating in a practicum as part of a supervised course of clinical training at a regionally accredited institution of higher education or a proprietary school; and

(6) counselor interns who are registered with the department and working under the auspices of a registered clinical training institution.

(c) Residents of other states are exempt if they:

(1) are legally authorized to provide chemical dependency counseling in those states; and

(2) do not offer or provide chemical dependency counseling in Texas for more than 30 days in any 12-month period.

(d) A person who qualifies for an exemption but chooses to get a license from the department is subject to the same rules and disciplinary actions as other licensees.

§450.102. Scope of Practice.

(a) A licensed chemical dependency counselor (LCDC) is licensed to provide chemical dependency counseling services involving the application of the principles, methods, and procedures of the chemical dependency profession as defined by the profession's ethical standards and the Knowledge, Skills, and Attitudes (KSAs) as defined in Chapter 441 of this title (relating to General Provisions). The license does not qualify an individual to provide services outside this scope of practice.

(b) The scope of practice for a chemical dependency counselor includes services that address substance abuse/dependence and/or its impact on the service recipient subject to the following:

(1) the counselor is prohibited from using techniques that exceed his or her professional competence;

(2) the service recipient may only be the user, family member or any other person involved in a significant relationship with an active user;

(3) LCDCs may diagnose substance disorders, but anything other than a mental health diagnostic impression, must be determined by a qualified professional; and

(4) LCDCs are not qualified to treat individuals with a mental health disorder or provide family counseling to individuals whose

presenting problems do not include chemical dependency.

§450.103. Department Review.

Pursuant to a department inquiry regarding an alleged violation of the rules or the law, a person licensed, registered, or approved under this chapter shall produce records, documents and other evidence related to the license, registration, or approval to the department, upon request, unless otherwise prohibited by law. A person licensed, registered or approved under this chapter, shall not interfere with the department's access to clients, witnesses or other parties.

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(5) a counselor in the course of treating the substance abuse/dependence issues of a client may independently address family issues, co-occurring mental health issues and physical and sexual abuse issues of a client if the counselor demonstrates:¶
(A) 45 hours of post licensure educational hours in each area, and¶
(B) 2,000 hours of clinically supervised post licensure work experience by a qualified professional.

§450.104. Fees.

(a) The schedule for fees is:

(1) initial application fee--\$25;

(2) initial licensure fee--\$75;

(3) renewal fees:

(A) renewal application fee--\$25;

(B) license renewal fee--\$75;

(C) late renewal penalty fee (up to 90 days after the license expiration date) - \$37.50;

(D) late renewal penalty fee (between 91 days and one year after the license expiration date)--\$75;

(4) background investigation fee--\$40;

(5) inactive status fee--\$50;

(6) certificate replacement or duplication fee--\$25; and

(7) returned check fee--\$25.

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(b) The department charges a \$25 fee for a printed list of licensed counselors or a set of mailing labels.

(c) The department may contract with an outside organization to administer the licensure examination, and the fee charged by the contract organization is subject to change. The current fee shall be printed in the registration form. Examination fees shall be paid directly to the contract organization administering the examination.

(d) Licensure fees paid to the department are not refundable.

(e) Fees shall be paid in full with a personal check, cashier's check, commercial check, or money order.

(f) For all new and renewal applications, the department is authorized to collect subscription and convenience fees in amounts determined by the Texas Online Authority to recover costs associated with new and renewal application processing through Texas Online. The fees may be paid with a credit card when applying for or renewing a license online.

§450.105. Licensure Application Standards and Registration.

(a) Every person seeking licensure shall register with the department by submitting the following items in a form acceptable to the department:

(1) the application fee and the background investigation fee;

(2) the department's current application form which has been completed, signed, dated, and notarized;

(3) a recent full-face wallet-sized photograph of the applicant;

(4) two sets of fingerprints completed according to department instructions with cards issued by the department;

(5) documentation that the applicant has successfully completed intern registration requirements in §450.106 of this title (relating to Requirements for Counselor Intern Registration).

(b) An applicant shall:

(1) read the department rules (Chapter 450 of this title);

(2) follow all laws and rules, including the ethical standards;

(3) allow the department to seek any additional information or references necessary; and

(4) notify the department in writing within 30 days of a change in address.

(c) Application materials become the property of the department.

(d) An application packet will not be accepted unless it is complete.

(1) Incomplete documents will be returned to the sender. The department will hold the remaining documents, but will not accept the application until all outstanding documents have been completed and approved.

(2) The application and background fee is not refundable and will not be returned. When resubmitting documents that were returned to the sender as incomplete, a second application fee is not required.

(e) A document may be considered incomplete if it does not conform to the following standards.

(1) All documents must be complete, signed, and dated. Signatures shall include credentials. If the documentation relates to past activity, the date of the activity shall also be recorded.

(2) Documentation shall be permanent and legible.

(3) When it is necessary to correct a document, the error shall be marked through with a single line, dated, and initialed by the writer. Correction fluid shall not be used.

(f) An applicant must receive written notice of registration from the department before

accumulating any supervised work experience or taking the examination or providing chemical dependency services.

(g) Within 45 days of receipt of the application, the department shall notify the applicant that the application is complete or specify the additional information required.

(h) By signing the application, the applicant accepts responsibility for remaining knowledgeable of licensure rules, including revisions.

§450.106. Requirements for Counselor Intern Registration.

To be eligible for a counselor intern registration under this chapter, a person must:

- (1) be at least 18 years of age;
- (2) have a high school diploma or its equivalent;
- (3) successfully complete 270 classroom hours of chemical dependency curricula as described in §450.107 of this title (relating to Standards for 270 Educational Hours) or meet the educational waiver contained in §450.109 of this title (relating to Education and Experience Exemptions/Waivers);
- (4) complete 300 hours of approved supervised field work practicum as described in §450.108 of this title (relating to Practicum Standards) or meet the educational waiver contained in §450.109 of this title (relating to Education and Experience Exemptions/Waivers);
- (5) pass the criminal history standards described in §450.115 of this title (relating to Criminal History Standards);
- (6) sign a written agreement to abide by the ethical standards contained in §450.121 of this title (relating to Ethical Standards); and
- (7) be worthy of the public trust and confidence as determined by the department.

§450.107. Standards for 270 Educational Hours.

(a) At least 135 (nine semester hours) of the education hours must be specific to substance use disorders and their treatment. The remaining 135 hours may be specific or related to chemical dependency counseling. Related education hours may include courses in psychology, upper division sociology, counseling, mental health, behavioral science, psychiatric nursing, ethics, and rehabilitation counseling.

(b) The education shall be provided by a proprietary school, or an accredited institution of higher education.

(c) Continuing education and extended learning courses offered by institutions of higher education are not acceptable unless the curriculum follows the Workforce Education Curriculum Manual and meets the standards equivalent to a credit course.

(d) Educational hours obtained at a proprietary school must follow the curriculum for Transdisciplinary Foundations for Addictions Professional outlined in the KSAs:

- (1) Understanding Addiction;
- (2) Treatment Knowledge;
- (3) Application to Practice; and
- (4) Professional Readiness.

(e) The department shall not accept hours unless documented with a passing grade on an official transcript from the school. The applicant shall submit additional information requested by the department if needed to verify the content of a course.

§450.108. Practicum Standards.

(a) The practicum shall be completed under the administration of a proprietary school or an accredited institution of higher education.

(b) The applicant must complete the practicum under the administration of a single school.

(c) The department shall not accept a practicum without an official transcript from the school and a letter from the school's educational coordinator or chair verifying that the practicum was completed in the field of substance abuse.

(d) Practicum hours may be paid or voluntary.

(e) The practicum shall be delivered according to a written training curriculum that provides the student with an orientation to treatment services and exposure to treatment activities in each of the KSA dimensions. The practicum must include the intern observing treatment delivery and the intern providing services under direct observation. The practicum shall include at least 20 hours of experience in each of the KSA dimensions.

(f) All training shall be provided by qualified credentialed counselors (QCCs).

§450.109. Education and Experience Exemptions/Waivers.

(a) Applicants holding a degree in chemical dependency counseling, sociology, psychology, or any other degree approved by the department are exempt from the 270 hours of education and the 300 hour practicum. The applicant must submit an official college transcript with the official seal of the college and the signature of the registrar. Degree programs approved by the department include baccalaureate, masters, or doctoral degrees with a course of study in human behavior/development and service delivery.

(b) The department may waive the 4,000 hours of supervised work experience for individuals who hold a masters or doctoral degree in social work or a masters or doctoral degree in a counseling-related field with 48 semester hours of graduate-level courses. Counseling related degrees shall be reviewed on a case-by-case basis. The applicant shall submit an official college transcript with the official seal of the college and the signature of the registrar, and any other related documentation requested by the department.

§450.110. Requirements for Licensure.

To be eligible for a license under this chapter, a person must:

(1) complete the application related to §450.105 of this title (relating to Licensure Application Standards and Registration);

(2) meet the requirements to be a counselor intern in §450.106 of this title (relating to Requirements for Counselor Intern Requirements);

(3) hold an associate degree or more advanced degree with a course of study in human behavior/development and service delivery, with the exception of:

(A) those applicants who meet the requirements for intern registration and submit an application to the department by September 1, 2004; and

(B) those counselors who are renewing a continuous license.

(4) complete 4,000 hours of approved supervised experience working with chemically dependent persons as described in §450.111 of this title (relating to Standards for Supervised Work Experience);

(5) pass the written chemical dependency counselor examination approved by the department;

(6) submit an acceptable written case presentation to the test administrator;

(7) pass an oral chemical dependency counselor examination approved by the department; and

(8) submit two letters of recommendation from LCDCs.

§450.111. Standards for Supervised Work Experience.

(a) An applicant must be registered with the department as described in §§450.105 and 450.106 of this title (relating to Licensure Application Standards and Registration and Requirements for Counselor Intern Registration) before accumulating supervised work experience.

(b) All supervised work experience obtained in Texas must be completed at a registered clinical training institution (CTI).

(c) Work experience must be documented on the department's supervised work experience documentation form and signed by the agency's CTI coordinator.

(1) All hours included in the documented supervised work experience must be performed within the KSA dimensions.

(2) The supervised work experience form must be accompanied by the intern's job description reflecting duties in the KSA dimensions.

(d) Out-of-state work experience will be accepted only if the following conditions are met.

(1) The applicant is either certified or licensed or in the process of seeking licensure or certification in the other state.

(2) The standards for clinical supervision of work experience must meet or exceed Texas standards and be outlined in the governing agency's rules or standards. A copy of the governing rules or standards must be submitted with the other required documentation of supervised work experience.

(3) The supervised work experience must be documented on the department's supervised work experience form or a comparable form used by the governing agency of the other state.

(e) Supervised work experience may be paid or voluntary.

(f) An intern must complete all supervised work experience, pass the written and oral examination and complete an approved associate degree within five years from the date of registration.

(g) A person who has completed the 4,000 hours of supervised work experience and is currently eligible to take or retake the examination is a graduate intern and may continue to provide chemical dependency services under the auspices of a registered clinical training institution during the five-year registration period.

(h) It is the applicant's responsibility to verify that the training institution is registered with the department. The department shall not accept hours from an unregistered provider. A list of registered CTIs is available on the department's web site, under "Licensure" at <http://www.dshs.state.tx.us/sa/>.

§450.112. Examination.

(a) To be eligible for examination, an applicant shall:

(1) be registered with the department as an intern;

(2) submit an acceptable case study to the test administrator; and

(3) pay the examination fee to the test administrator.

(b) All required documentation and fees must be submitted to the test administrator by the specified deadlines. It is the applicant's responsibility to obtain testing information.

(c) An applicant may only take each portion of the examination four times, and all testing must be completed within five years from the date of registration.

(d) If an applicant does not pass both parts of the examination within five years of the date of registration, does not complete the approved associate degree and/or does not complete the required 4,000 hours of supervised work

experience, the department shall deny the application.

(1) A person whose license application has been denied is no longer an intern or a graduate and cannot provide chemical dependency counseling services under the auspices of a clinical training institution.

(2) A person whose application has been denied under this section may reapply for licensure only after completing 24 semester hours of course work pre-approved by the department at an institution of higher education. The new application shall not be considered complete without an official college transcript documenting the required coursework.

(3) If the department accepts the new application, the person must complete the remaining requirements for licensure and may take only the failed portion(s) of the examination an additional three times. Transition standards will not apply. The additional tests must be completed within three years of the new date of registration. During this period, the applicant may provide chemical dependency counseling services as an intern under the auspices of a registered clinical training institution.

§450.113. Issuing Licenses.

(a) When the applicant has met all requirements for licensure and paid the licensure fee, the department will issue a license within 45 days.

(b) LCDCs shall keep current versions of the certificate of licensure and the department's public complaint notice prominently displayed in their place of business.

(c) A licensee shall not duplicate the licensure certificate to obtain a second copy of the license. A licensee can obtain an official duplicate certificate from the department by submitting a written request and the fee specified in §450.104 of this title (relating to Fees).

(d) The department will replace a lost or damaged certificate if the licensee provides:

(1) the remnants of the original license (if damaged);

(2) the original license and copy of legal documents (for a name change);

(3) the original license (for printing error); or

(4) a notarized statement if the license has been lost, stolen, or destroyed.

(e) A license replaced because of a printing error or mail damage will be replaced without cost, but all other license replacements require a fee, as specified in §450.104 of this title (relating to Fees). The fee shall be paid in advance with a money order, commercial check, or cashier's check.

(f) LCDCs shall notify the department in writing within 30 days of a change in name or address.

(g) The licensee shall return the license if it is suspended or revoked.

(h) The licensee shall remain knowledgeable of the current rules in this chapter, including rule changes.

§450.114. Licensure through Reciprocity.

(a) A person seeking application through reciprocity shall submit:

(1) a copy of the reciprocal license or certification;

(2) the department's current reciprocity application which has been completed, signed, dated, and notarized;

(3) two sets of fingerprints on cards issued by the department;

(4) a recent full-face wallet-sized photograph of the applicant;

(5) two letters of recommendation; and

(6) the application fee and the background investigation fee.

(b) The applicant shall meet the criminal history standards described in §450.115 of this title (relating to Criminal History Standards).

(c) The department may issue a license based on reciprocity if the individual is currently licensed or certified by another state as a chemical dependency counselor.

(d) The department shall not issue a license based on reciprocity unless it finds that the licensing or certification standards of the state of origin are at least substantially equivalent to the requirements for licensure of this chapter.

(e) An applicant who does not qualify for reciprocity may apply for licensure through examination and is subject to the same standards as other applicants.

§450.115. Criminal History Standards.

(a) The department reviews the criminal history of every applicant for licensure. Reviews are conducted when:

(1) an applicant registers with the department as an intern;

(2) a LCDC applies for license renewal; and

(3) the department receives information that a counselor or intern has been charged, indicted, placed on deferred adjudication, community supervision, or probation, or convicted of an offense described in subsection (d) of this section.

(b) An applicant shall disclose and provide complete information about all misdemeanor and felony charges, indictments, deferred adjudications, episodes of community supervision or probation, and convictions. Failure to make full and accurate disclosure will be grounds for immediate application denial, disciplinary action, or license revocation.

(c) The department obtains criminal history information from the Texas Department of Public Safety, including information from the Federal Bureau of Investigations (FBI).

(d) The department determines whether an offense is directly related to the duties and responsibilities of a LCDC. The department has identified the following related offenses and categorized them according to the seriousness of the offense. If an offense is not listed in one of these categories and the department determines that it is directly related to chemical dependency counseling, the department shall determine the appropriate category.

(1) Category X includes:

(A) capital offenses;

(B) sexual offenses involving a child victim;

(C) felony sexual offenses involving an adult victim who is a client (single count);

(D) multiple counts of felony sexual offenses involving any adult victim; and

(E) homicide 1st degree.

(2) Category I includes:

(A) kidnapping;

(B) arson;

(C) homicide lesser degrees;

(D) felony sexual offenses involving an adult victim who is not a client (single count); and

(E) attempting to commit crimes in Category I or X.

(3) Category II includes felony offenses that result in actual or potential harm to others and/or animals not listed separately in this section.

(4) Category III includes:

(A) class A misdemeanor alcohol and drug offenses;

(B) class A misdemeanor offenses resulting in actual or potential harm to others or animals;

(C) felony alcohol and drug offenses; and

(D) other felony offenses that do not result in actual or potential harm to others and/or animals.

(5) Category IV includes:

(A) class B misdemeanor alcohol and drug offenses; and

(B) class B misdemeanor offenses resulting in actual or potential harm to others or animals.

(e) The department shall deny the initial or renewal license application of a person who has been convicted or placed on community supervision in any jurisdiction for a:

(1) category X offense during the person's lifetime;

(2) category I offense during the 15 years preceding the date of application;

(3) category II offense during the ten years preceding the date of application;

(4) category III offense during the seven years preceding the date of application; or

(5) category IV offense during the five years preceding the date of application.

(f) The department shall deny the intern registration application of a person who has been convicted or placed on community supervision in any jurisdiction for a:

(1) category X offense during the person's lifetime;

(2) category I offense during the ten years preceding the date of application;

(3) category II offense during the five years preceding the date of application;

(4) category III offense during the two years preceding the date of application; or

(5) category IV offense during the year preceding the date of application.

(g) The department shall defer action on the application of a person who has been charged, indicted, or placed on deferred adjudication, community supervision, or probation for an offense described in subsection (d) of this section. The person may reapply when:

(1) the charges are dropped or the person is found not guilty; or

(2) the timeframes established in subsection (d) of this section have been met.

(h) The department shall suspend a counselor's license or an intern's registration if the department receives notice from the Texas Department of Public Safety or another law enforcement agency that the individual has been charged, indicted, placed on deferred adjudication, community supervision, or probation, or convicted of an offense described in subsection (d) of this section.

(1) The department shall send notice stating the grounds for summary suspension by certified mail to the license holder at the address listed in the department's records. The suspension is effective five days after the date of mailing.

(2) The department shall restore the person's license upon receipt of official documentation that the charges have been dismissed or the person has been found not guilty.

(i) A person whose license has been denied or suspended under this section may only appeal the action if:

(1) the person was convicted or placed on community supervision; and

(2) the appeal is based on the grounds that the timeframes defined in subsection (d) of this section have been met.

§450.116. License Expiration and Renewal/Active Military Duty.

(a) A license issued under this chapter is valid for two years, or until the expiration date printed on the license. The licensee is responsible for renewing the license in a timely manner. The department shall send the licensee a renewal notice, but failure to receive notice from the department does not waive or extend renewal deadlines.

(b) To renew a license, the counselor shall:

(1) send a complete renewal application to the department;

(2) pay the renewal application fee, the license fee, and the background investigation fee;

(3) submit two sets of fingerprints completed according to department instructions with cards issued by the department (if the counselor has not previously submitted fingerprint cards for initial licensure through examination or licensure renewal);

(4) meet the criminal history standards described in §450.115 of this title (relating to Criminal History Standards); and

(5) complete all required continuing education as described in section §450.117 of this title (relating to Continuing Education Standards).

(c) An LCDC who is also licensed as a social worker whose license permits the licensee to engage in clinical practice, LMFT, LPC, physician, or psychologist in the State of Texas shall complete at least 24 hours of continuing education during each two-year licensure period. The 24 hours of education must include the

specific courses required in subsection (e) and, if applicable, in subsection (f).

(d) A LCDC who does not meet the criteria in subsection (c) of this section must complete at least 60 hours of continuing education.

~~(e) Continuing education hours must include at least three hours of ethics training and at least six hours of training (total) in HIV, Hepatitis C, and sexually transmitted diseases.~~

~~(f) If an individual's job duties include clinical supervision, required hours of continuing education must include three hours of clinical supervision training.~~

~~(g) Renewal fees are due on or before the expiration date. A licensee who submits a late renewal application shall pay a penalty fee in addition to the renewal application and licensure fees, as provided in §450.104 of this title (relating to Fees).~~

~~(h) A license cannot be renewed more than one year after the date of expiration. To obtain a new license, the person shall comply with the requirements and procedures for obtaining an initial license. Everyone who applies for a new license under this subsection must pass the written and oral examinations, with one exception. If the person was licensed in Texas, moved to another state, and is currently licensed and has been in practice in the other state for the two years preceding application, the person may renew an expired license without reexamination. The person must pay a fee that is equal to two times the required renewal fee.~~

~~(i) A person whose license has expired cannot offer or provide chemical dependency counseling services as defined by the KSAs, represent himself or herself as an LCDC, or act in the capacity of a QCC.~~

~~(j) A licensee who teaches a qualifying continuing education course shall receive the same number of hours as students attending the course. Only one set of hours can be accrued for a single curriculum and no more than 30 hours of CE credit will be granted for courses taught by the applicant.~~

Deleted: (e) All continuing education hours must be specific to substance use disorders and their treatment or related to chemical dependency counseling as defined by the KSA dimensions. Related education hours may include courses in psychology, sociology, counseling, mental health, behavioral science, psychiatric nursing, ethics, and rehabilitation counseling.¶

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(k) If a licensee meets the conditions specified in paragraph (1) of this subsection, a licensee on active duty, or ordered by proper authority to active duty, in or with the United States Armed Forces serving outside the State of Texas, is entitled, subject to the provisions of paragraphs (2) and (3) of this subsection, to an additional amount of time, equal to the total number of days that the person serves on active duty, to complete the continuing education requirements outlined in this section and in §450.117 of this title (relating to Continuing Education Standards), and to meet all other renewal requirements specified in this section, including the payment of fees applicable to license renewal. If a complete renewal application and fees are submitted within the additional amount of time allowed by this subsection, no late renewal penalty fee will be imposed.

(1) Written notification from the licensee to the department's chemical dependency counselor licensing staff of the licensee's eligibility under this subsection for an extension of time to renew a license, and a copy of the official order(s) or other official documentation showing the licensee is or was on or ordered to active duty outside the State of Texas, and the length of active duty, shall be received by the department no later than 60 days after the licensee is discharged from active duty. Whenever possible, the licensee shall provide written notification of the licensee's intent to extend the renewal period under this subsection before the commencement of active duty or the scheduled expiration of the licensee's license.

(2) A licensee who is eligible to extend the renewal period under this subsection remains subject to subsection (i) of this section after the regularly scheduled expiration of the LCDC's license, and until such time, if any, as the licensee completes renewal of the license in accordance with this subsection.

(3) If the licensee's renewal period is extended pursuant to this subsection, the licensee's subsequent renewal cycle shall commence on the date that the renewal application is finally granted.

§450.117. Continuing Education Standards.

(a) The department will accept continuing education (CE) hours that meet the criteria in this section. Hours that do not meet these criteria may be evaluated on a case-by-case basis.

(b) ~~Subject to department review, the department~~ will accept continuing education credits from:

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(1) recognized State boards, including, but not limited to the Texas State Boards of Social Work and Professional Counselor Examiners;

(2) the National Association of Alcohol and Drug Abuse Counselors; and

(3) the Texas Certification Board for Addiction Professionals.

(c) All continuing education hours must be specific to substance use disorders and their treatment or related to chemical dependency counseling as defined by the KSA dimensions. Related education hours may include courses in psychology, sociology, counseling, mental health, behavioral science, psychiatric nursing, ethics, and rehabilitation counseling.

~~(d) For counselors who live out of state, the department will also accept continuing education hours approved by other state and Federal agencies.~~

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~~(e) Continuing education certificates must contain:~~

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(1) applicant's name and license number;

(2) date CE hours were completed;

(3) number of CE hours assigned to each course;

(4) CE course title;

(5) educational provider number, if applicable;

(6) sponsoring agency name; and

(7) signature of instructor or coordinator.

(d) The department will also accept education hours from an accredited college or university.

(1) College transcripts must contain the official seal of the college and the signature of the registrar.

(2) One hour of college credit is equivalent to 15 CE hours.

(e) Independent study or distance learning courses must be guided and monitored by the instructor and include an evaluation of performance and/or participation verification. In addition, the course must be structured so that students have access to faculty or instructors for questions and assistance in the completion of such course work.

(h) If a counselor earns more than the required number of hours during a two-year licensure period, up to one third of the required hours may be carried forward into the following licensure period.

§450.118. Inactive Status.

(a) A licensee may request to have his or her license placed on inactive status by submitting a written request and paying the inactive fee before the license expires. Inactive status shall not be granted unless the license is current and in good standing, with no pending investigations or disciplinary actions.

(b) A person on inactive status cannot perform activities outlined in the KSA dimensions, represent himself or herself as an LCDC, or act in the capacity of a QCC. A person is subject to investigation and action during the period of inactive status.

(c) Inactive status shall not exceed two years.

(d) To return to active status, the person shall submit a written request to reactivate the license, a completed renewal application form, the renewal application fee and the license renewal

fee, and documentation of 30 hours of continuing education within the inactive status period.

(e) An inactive license will automatically expire at the end of the two-year period.

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§450.119. Documentation.

(a) The rules in this section apply only to counseling records of a counselor's private practice.

(b) The counselor shall establish and maintain a record for every client at the time of initial service delivery. The client record shall include:

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(1) client identifying information;

(2) assessment results, including a statement of the client's problems and/or diagnosis;

(3) plan of care;

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(4) documentation of all services provided, including date, duration, and method of delivery; and

(5) a description of the client's status at the time services are discontinued.

(c) The counselor shall maintain a record of all charges billed and all payments received.

(d) All entries shall be permanent, legible, accurate, and completed in a timely manner.

(e) All documents and entries shall be dated and authenticated. Authentication of electronic records shall be by a digital authentication key.

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(f) When it is necessary to correct a record, the error shall be marked through with a single line, dated, and initialed by the counselor.

(g) The counselor shall protect all client records and other client-identifying information from destruction, loss, tampering, and unauthorized access, use or disclosure. Electronic client information shall be protected to the same degree

as paper records and shall have a reliable backup system.

(h) The counselor shall not deny clients access to the content of their records except as provided by TEX. HEALTH & SAFETY CODE ANN. §611.0045 (Vernon 2001 & Supp. 2004).

(i) Client records shall be kept for at least six years. Records of adolescent clients shall be kept for at least five years after the client turns 18.

§450.120. Counseling Through Electronic Means.

(a) The rules in this section apply only to a counselor in private practice using the Internet or counseling by telephone.

(b) The counselor must reside in and perform the services from Texas.

(c) The department maintains its authority to regulate the counselor regardless of the location of the client.

(d) The counselor is subject to the statutes of other states and countries where the client may reside or receives services by electronic means. Such statutes may limit the counselor's practice.

(e) The counselor's provision of services by electronic medium must comply with 42 C.F.R. pt. 2 and the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

(f) The counselor must be able to verify the identification of the client and ensure the client's appropriate age.

(g) If a counselor uses the Internet as the electronic means by which counseling is provided or transfers data through the Internet, the counselor must comply with the following:

(1) data may only be transferred using at least a 128-encryption;

(2) e-mail communication is restricted relating to client information and documentation; and

(3) the counselor must provide technical backup for system problems by providing a phone number to the client to call for technical support and a contingency plan for the client when a technical problem occurs.

(h) The counselor must provide services using audio and video in real time.

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(i) The counselor must provide a description of all services offered to the client in writing and describe who is appropriate for the services. The description must include:

(1) a grievance procedure and provide a link to the department for filing a complaint when using the Internet and the toll-free number for the department when counseling by telephone;

(2) the counselor's credentials, education level, and training;

(3) a link to the licensure verification page when using the Internet and the toll-free number for the department when counseling by telephone;

(4) the difference between electronic counseling and traditional counseling; and

(5) the potential risk regarding clinical issues, security and confidentiality.

(j) Services may only be offered by licensed counselors. Counselor interns may not provide counseling by electronic medium.

(k) The counselor must provide an emergency contact person and phone number and emergency procedures to the client in writing.

§450.121. Ethical Standards.

(a) All applicants and LCDCs shall comply with these ethical standards.

(b) The LCDC shall not discriminate against any client or other person on the basis of gender, race, religion, age, national origin, disability, sexual orientation, or economic condition.

(c) The LCDC shall maintain objectivity, integrity, and the highest standards in providing services to the client.

(d) The LCDC shall:

(1) promptly report to the department any suspected, alleged, or substantiated incidents of abuse, neglect, or exploitation committed by self or other LCDCs or registered counselor interns;

(2) promptly report to the department violations of Texas Occupations Code, Chapter 504, or rules adopted under the statute, including violations of this section by self or others, unless making such a report would violate Federal confidentiality regulations found in 42 Code of Federal Regulations, Part 2;

(3) recognize the limitations of his or her ability and shall not offer services outside the counselor's scope of practice or use techniques that exceed his or her professional competence. In the course of treating the substance abuse/dependence issues of a client, the LCDC may independently address family issues, co-occurring mental health issues and physical and sexual abuse issues of a client if the counselor demonstrates:

(A) 45 hours of education in each area, and

(B) 2,000 hours of clinically supervised post licensure work experience by a qualified professional; and

(4) try to prevent the practice of chemical dependency counseling by unqualified or unauthorized persons.

(e) The LCDC shall not engage in the practice of chemical dependency counseling if impaired by, intoxicated by, or under the influence of chemicals, including alcohol.

(f) The LCDC shall uphold the law and refrain from unprofessional conduct. In so doing, the LCDC shall:

(1) comply with all applicable laws and regulations;

(2) not make any claim, directly or by implication, that the counselor possesses professional qualifications or affiliations that the counselor does not possess;

(3) include their current credentials when signing all professional documents;

(4) not mislead or deceive the public or any person; and

(5) refrain from any act which might tend to discredit the profession.

(g) The LCDC shall:

(1) report information fairly, professionally, and accurately to clients, other professionals, the department, and the general public;

(2) maintain appropriate documentation of services provided;

(3) not submit or cause or allow to be submitted to a client or third party payer a bill for services that were not provided or were improper, unreasonable, or medically or clinically unnecessary, with the exception of a missed appointment; and

(4) provide responsible and objective training and supervision to interns and subordinates under the counselor's supervision. This includes properly documenting supervision and work experience and providing supervisory documentation needed for licensure.

(h) In any publication, the LCDC shall give written credit to all persons or works which have contributed to or directly influenced the publication.

(i) The LCDC shall respect a client's dignity, and shall not engage in any action that may injure the welfare of any client or person to whom the counselor is providing services. The LCDC shall:

(1) make every effort to provide access to treatment, including advising clients about resources and services, taking into account the financial constraints of the client;

(2) remain loyal and professionally responsible to the client at all times, disclose the counselor's ethical code of standards, and inform the client of the counselor's loyalties and responsibilities;

(3) not engage in any activity which could be considered a professional conflict, and shall immediately remove himself or herself from such a conflict if one occurs;

(4) terminate any professional relationship or counseling services which are not beneficial, or is in any way detrimental to the client;

(5) always act in the best interest of the client;

(6) not abuse, neglect, or exploit a client;

(7) not have sexual contact with or enter into a personal or business relationship with a client (including any client receiving services from the counselor's employer) for at least two years after the client's services end;

(8) not request a client to divulge confidential information that is not necessary and appropriate for the services being provided;

(9) not offer or provide chemical dependency counseling or related services in settings or locations which are inappropriate, harmful to the client or others, or which would tend to discredit the profession of chemical dependency counseling; and

(10) refrain from using any method or engaging in any conduct that could be considered coercive or degrading to the client or another, including, without limitation, threats, negative labeling, or attempts to provoke shame or humiliation.

(j) The LCDC shall protect the privacy of all clients and shall not disclose confidential information without express written consent, except as permitted by law. The LCDC shall remain knowledgeable of and obey all State and Federal laws and regulations relating to confidentiality of chemical dependency treatment records, and shall:

(1) inform the client, and obtain the client's consent, before tape-recording the client, allowing another person to observe or monitor the client;

(2) ensure the security of client records;

(3) not discuss or divulge information obtained in clinical or consulting relationships except in appropriate settings and for professional purposes which clearly relate to the case;

(4) avoid invasion of the privacy of the client;

(5) provide the client his/her rights regarding confidentiality, in writing, as part of informing the client in any areas likely to affect the client's confidentiality; and

(6) ensure the data requested from other parties is limited to information that is necessary and appropriate to the services being provided and is accessible only to appropriate parties.

(k) The LCDC shall inform the client about all relevant and important aspects of the professional relationship between the client and the counselor, and shall:

(1) in the case of clients who are not their own consenters, inform the client's parent(s) or legal guardian(s) of circumstances which might influence the professional relationship;

(2) not enter into a professional relationship with members of the counselor's family, close friends or associates, or others whose welfare might be jeopardized in any way by such relationship;

(3) not establish a personal relationship with any client (including any individual receiving services from the counselor's employer) for at least two years after the client's services end;

(4) neither engage in any type or form of sexual behavior with a client (including any individual receiving services from the counselor's employer) for at least two years after the client's services end nor accept as a client anyone with whom they have engaged in sexual behavior; and

(5) not exploit relationships with clients for personal gain.

(l) The LCDC shall treat other professionals with respect, courtesy, and fairness, and shall:

(1) refrain from providing or offering professional services to a client who is receiving chemical dependency treatment from another professional, except with the knowledge of the other professional and the consent of the client, until treatment with the other professional ends;

(2) cooperate with the department, professional peer review groups or programs, and professional ethics committees or associations, and promptly supply all requested or relevant information unless prohibited by law; and

(3) ensure that his/her actions in no way exploit relationships with supervisees, employees, students, research participants or volunteers.

(m) Prior to treatment, the LCDC shall inform the client of the counselor's fee schedule and establish financial arrangements with a client. The counselor shall not:

(1) charge exorbitant or unreasonable fees for any treatment service;

(2) pay or receive any commission, consideration, or benefit of any kind related to the referral of a client for treatment;

(3) use the client relationship for the purpose of personal gain, or profit, except for the normal, usual charge for treatment provided; or

(4) accept a private professional fee or any gift or gratuity from a client if the client's treatment is paid for by another funding source, or if the client is receiving treatment from a facility where the counselor provides services (unless all parties agree to the arrangement in writing).

§450.122. Actions Against a License.

(a) Actions against a license include:

(1) refusal to issue or renew a license;

(2) suspension or revocation of a license;

(3) placing a counselor on probation if the counselor's license has been suspended; and

(4) reprimand of a license holder.

(b) The department shall take action against a license for:

(1) violating or assisting another to violate the statute or these rules;

(2) circumventing or attempting to circumvent the statute or these rules;

(3) participating, directly or indirectly, in a plan to evade the statute or these rules;

(4) engaging in false, misleading, or deceptive conduct as defined by Texas Business and Commerce Code, §17.46;

(5) engaging in conduct that discredits or tends to discredit the profession of chemical dependency counseling;

(6) revealing or causing to be revealed, directly or indirectly, a confidential communication made to the LCDC by a client or recipient of services, except as required by law;

(7) having a license to practice chemical dependency counseling in another jurisdiction refused, suspended, or revoked for a reason that the department finds would constitute a violation of this chapter;

(8) refusing to perform an act or service for which the person is licensed to perform under this chapter on the basis of the client's or recipient's sex, race, religion, age, national origin, or handicaps; or

(9) committing an act for which liability exists under Texas Civil Practice and Remedies Code, Chapter 81.

(c) The department will determine the length of the probation or suspension. The department may hold a hearing at any time and revoke the probation or suspension.

(d) The department may impose an administrative penalty against a licensee who violates Texas Occupations Code, Chapter 504 or a rule or order adopted under the statute.

(e) Surrender or expiration of a license does not interrupt an investigation or disciplinary action. The individual is not eligible to regain the license until all outstanding investigations, disciplinary actions, or hearings are resolved.

(f) An individual whose license has been revoked is not eligible to apply for licensure until two years have passed since the date of revocation. During the period of revocation, the individual cannot become a counselor intern. The individual is not eligible to reapply for licensure unless he/she petitions the department and demonstrates that sufficient time has elapsed to allow the events leading to revocation to no longer serve as a basis for denial of application. The department may require certain conditions be met, before it grants an individual's petition for re-licensure.

(g) The department shall deny, suspend, and/or refuse to renew the license of a person based on criminal history as provided in §450.115 of this title (relating to Criminal History Standards).

(h) The department shall implement a final order to suspend the license of a counselor for failure to pay child support as provided by the Texas Family Code, Chapter 232.

§450.123. Clinical Training Institution (CTI) Registration.

(a) To become a registered clinical training institution (CTI), an organization shall:

(1) provide activities in an array of the KSA dimensions, including assessment and counseling;

(2) serve a predominantly substance-abusing population;

(3) employ a full time QCC as the CTI coordinator;

(4) be in good standing with applicable licensing and regulatory agencies;

(5) agree to comply with applicable rules in this chapter; and

(6) submit a complete application.

(b) The program shall receive the registration letter and training program number before training begins. Approval allows the organization to provide clinical training at any of its programs or sites with relevant services.

(c) The approval is valid for two years. The CTI shall reapply every two years by submitting a completed application form. The department may mail a courtesy notice, but it is the program's responsibility to reapply at least 45 days before the expiration date.

(d) The CTI shall notify the department in writing within 30 days of the following changes:

(1) a change in the CTI coordinator;

(2) a change in the organization's name or mailing address; and

(3) closure of the training program.

(e) The department may withdraw approval if the CTI fails to comply with all applicable department rules.

§450.124. Clinical Training Institution (CTI) Standards.

(a) The training program shall appoint a single training coordinator who is a qualified credentialed counselor (QCC). The training coordinator shall oversee all training activities and ensure compliance with department requirements and rules.

(b) The Clinical Training Institution (CTI) shall establish admission criteria. No applicant shall be admitted without:

(1) documentation that the applicant is registered with the department; and

(2) a signed ethics agreement which is consistent with the LCDC ethical standards in §450.121 of this title (relating to Ethical Standards).

(c) The CTI shall establish the following level system to classify interns according to hours of supervised work experience:

(1) Level I: 0-1,000 hours of work experience;

(2) Level II: 1,001-2000 hours of work experience;

(3) Level III: 2,001-4,000 hours of work experience; and

(4) Graduate Status: over 4,000 hours of work experience.

(d) The CTI shall have an organizational structure that includes all intern levels. The CTI shall designate each intern's level in writing and provide the intern with a copy of the documentation.

(e) All interns must be under the direct supervision of a QCC as described in §450.125 of this title (relating to Direct Supervision of Interns).

(f) The CTI shall provide each Level I, II, and III intern with reading assignments and training

activities for the supervised work experience that includes material in each KSA dimension.

(g) The CTI shall use the department's KSA evaluation tool to structure the intern's 4,000 hours of supervised work experience.

(1) The clinical supervisor and the intern shall set weekly objectives based on areas targeted for improvement.

(2) The supervisor shall provide reading, computer, and/or video assignments that address areas needing improvement. The CTI shall allow the intern two hours per month to complete these assignments.

(3) The clinical supervisor shall monitor the intern's progress and provide verbal and written feedback during weekly supervision meetings.

(4) The intern shall complete a written KSA self-evaluation during the first 50 hours of work experience.

(5) The clinical supervisor and the intern shall complete and discuss a written KSA evaluation at the completion of each level of experience (after 1,000 hours, 2,000 hours, and 4,000 hours).

(h) The CTI shall not allow a Level I, II, or III intern to accrue more than 40 hours of work experience per week.

(i) A person who has completed the 4,000 hours of supervised work experience and is currently eligible to take or retake the examination is a graduate intern and may continue to provide chemical dependency counseling services at a registered clinical training institution during the five-year registration period.

(j) The CTI coordinator shall send the following documents directly to the department and provide the intern with copies within ten working days from the date the intern completes the required 4,000 hours or leaves the agency:

(1) the supervised work experience form signed by the CTI Coordinator; and

(2) a copy of the intern's job description showing job responsibilities within the KSAs.

(k) All activities counted towards the intern's supervised work experience shall be within the scope of chemical dependency counseling services as defined by the KSAs.

(l) The CTI shall not approve hours for which the intern fails to substantially complete related activities and supervision assignments. Any failure to complete assignments shall be documented on the weekly supervision form.

(m) The CTI shall give each student the department's student CTI assessment form with instructions to complete the assessment and mail it directly to the department's counselor licensure department.

(n) The CTI shall use all current forms mandated by the department.

(o) The CTI shall ensure that each clinical supervisor obtains three hours of continuing education in clinical supervision every two years.

(p) The CTI shall inform students of testing requirements and procedures, as well as testing schedules and information provided by the department.

(q) The CTI shall ensure that interns designate their status by using "intern" or "CI" when signing client record entries.

(r) The CTI shall maintain the following documentation for four years in the student files, to include:

(1) letter of registration;

(2) ethics agreement signed by the student;

(3) copies of KSA evaluations;

(4) documentation of all supervision activities;

(5) documentation of intern levels and accumulated hours; and

(6) copy of the supervised work experience form.

(s) The CTI shall give the student a copy of all information contained in the intern file when the intern completes the required supervised work experience and/or leaves the agency.

§450.125. Direct Supervision of Interns.

(a) Direct supervision is oversight and direction of a counselor intern provided by a QCC that complies with the provisions in this section.

(b) The QCC shall assume responsibility for the actions of the intern within the scope of the intern's clinical training.

(c) If the intern has less than 2,000 hours of supervised work experience, the supervisor must be on site when the intern is providing services. If the intern has at least 2,000 hours of documented supervised work experience, the supervisor may be on site or immediately accessible by telephone.

(d) During an intern's first 1,000 hours of supervised work experience (Level I), the CTI coordinator or QCC designee shall:

(1) be on duty at the program site where the intern is working;

(2) observe and document the intern performing assigned activities at least once every two weeks (or 80 hours);

(3) provide and document one hour of face-to-face individual or group supervision each week; and

(4) sign off on all clinical assessments, treatment plans, and discharge summaries completed by the intern.

(e) During an intern's second 1,000 hours of supervised work experience (Level II), the CTI coordinator or QCC designee shall:

(1) be on duty at the program site where the intern is working;

(2) observe and document the intern performing assigned activities at least once every month (160 hours);

(3) provide and document one hour of face-to-face individual or group supervision each week; and

(4) sign off on all clinical assessments, treatment plans, and discharge summaries completed by the intern.

(f) An individual who has successfully completed the verbal and written portions of the licensing examination may be supervised in accordance with Level III standards set forth in subsection (g) of this section, but is still required to complete 4,000 hours of supervised work experience before achieving graduate status in the absence of a waiver under §450.109 of this title (relating to Education and Experience Exemptions/Waivers).

(g) During an intern's last 2,000 hours of required supervised work experience (Level III), the CTI coordinator or QCC designee shall:

(1) be available by phone while the intern is working;

(2) observe and document the intern performing assigned activities as determined necessary by the CTI coordinator;

(3) provide and document one hour of face-to-face individual or group supervision each week; and

(4) sign off on all clinical assessments, treatment plans, and discharge summaries completed by the intern.

(h) After an intern achieves graduate status, the CTI coordinator or QCC designee shall:

(1) be available by phone while the graduate intern is working;

(2) provide and document one hour of face-to-face individual or group supervision each week; and

(3) sign off on all clinical assessments, treatment plans, and discharge summaries completed by the graduate intern.

(i) A supervisor's schedule must allow an average of two hours of supervision-related activity per week per intern.

§450.126. Intern Violations.

(a) The CTI shall investigate all allegations that an intern has violated the ethical standards described in §450.121 of this title (relating to Ethical Standards).

(b) If the allegation is substantiated, the CTI shall take appropriate action. Action may include denying some or all of the intern's supervised work experience hours.

(c) The CTI shall submit a written report to the department with 48 hours of substantiating that an intern has:

(1) abused, neglected, or exploited a service recipient;

(2) committed an ethical violation that results in actual or potential harm to a service recipient;

(3) engaged in illegal activity;

(4) falsified or destroyed documentation;

or
(5) established a close personal or business relationship with a client outside the counseling relationship.

(d) The CTI shall deny all supervised work experience hours for an intern with a substantiated ethical violation described in subsection (c) of this section.