

ADOPTED RULES

Adopted rules include new rules, amendments to existing rules, and repeals of existing rules. A rule adopted by a state agency takes effect 20 days after the date on which it is filed with the Secretary of State unless a later date is required by statute or specified in the rule (Government Code, §2001.036). If a rule is adopted without change to the text of the proposed rule, then the *Texas Register* does not republish the rule text here. If a rule is adopted with change to the text of the proposed rule, then the final rule text is included here. The final rule text will appear in the Texas Administrative Code on the effective date.

TITLE 4. AGRICULTURE

PART 2. TEXAS ANIMAL HEALTH COMMISSION

CHAPTER 41. FEVER TICKS

4 TAC §41.8

The Texas Animal Health Commission (Commission) in a duly noticed meeting on February 25, 2025, adopted amendments to §41.8, concerning Dipping, Treatment, and Vaccination of Animals. Section 41.8 is adopted without changes to the proposed text published in the December 13, 2024, issue of the *Texas Register* (49 TexReg 10091) and will not be republished.

JUSTIFICATION FOR RULE ACTION

Cattle Fever Ticks are a significant threat to the United States cattle industry. These ticks are capable of carrying the protozoa, or microscopic parasites, *Babesia bovis* or *B. bigemina*, commonly known as cattle fever. This disease caused enormous economic losses to the U.S. cattle industry in the late 1800s and early 1900s. Since that time, the Commission works to protect the state and nation from the pest and its repercussions.

Section 41.8 establishes guidelines for various treatment methods for fever ticks. These treatments include scheduled dipping, injectable doramectin, vacating premises, and approved acaricides. The proposed amendments to §41.8 update the doramectin administration schedule from 25-28 days to 21-28 days. The proposed amendments also change the extended withdrawal period from 35 days to a period determined by TAHC and USDA APHIS. These changes follow current recommendations from the Food Animal Residue Avoidance Databank (FARAD) and are made in collaboration with the USDA's Cattle Fever Tick Eradication Program.

HOW THE RULES WILL FUNCTION

The amendments to §41.8 include guidelines for administering doramectin. The amendments update the frequency of administration and updates the required withdrawal period.

SUMMARY OF COMMENTS RECEIVED AND COMMISSION RESPONSE

The 30-day comment period ended January 12, 2025.

During this period, the commission did not receive any comments regarding the proposed rules.

STATUTORY AUTHORITY

The amendments are proposed under the Texas Agriculture Code, Chapter 161, §161.046 which authorizes the Commission to promulgate rules in accordance with the Texas Agriculture Code.

The Commission is vested by statute, §161.041(a), with the requirement to protect all livestock, domestic animals, and domestic fowl from disease. The Commission is authorized, through §161.041(b), to act to eradicate or control any disease or agent of transmission for any disease that affects livestock.

Pursuant to §161.005, entitled "Commission Written Instruments" the commission may authorize the executive director or another employee to sign written instruments on behalf of the Commission. A written instrument, including a quarantine or written notice signed under that authority, has the same force and effect as if signed by the entire commission.

Pursuant to §161.007, entitled "Exposure or Infection Considered Continuing" if a veterinarian employed by the Commission determines that a communicable disease exists among livestock, domestic animals, or domestic fowl or on certain premises or that livestock, domestic animals, or domestic fowl have been exposed to the agency of transmission of a communicable disease, the exposure or infection is considered to continue until the Commission determines that the exposure or infection has been eradicated through methods prescribed by rule of the Commission.

Pursuant to §161.048, entitled "Inspection of Shipment of Animals or Animal Products" the Commission may require testing, vaccination, or another epidemiologically sound procedure before or after animals are moved. An agent of the Commission is entitled to stop and inspect a shipment of animals or animal products being transported in this state in order to determine if the shipment originated from a quarantined area or herd; or determine if the shipment presents a danger to the public health or livestock industry through insect infestation or through a communicable or noncommunicable disease.

Pursuant to §161.054, entitled "Regulation of Movement of Animals" the Commission, by rule, may regulate the movement of animals. The Commission may restrict the intrastate movement of animals even though the movement of the animals is unrestricted in interstate or international commerce.

Pursuant to §161.057, entitled "Classification of Areas" the Commission by rule may prescribe criteria for classifying areas in the state for disease control. The criteria must be based on sound epidemiological principles. The Commission may prescribe different control measures and procedures for areas with different classifications.

Pursuant to §161.061, entitled "Establishment" if the Commission determines that a disease listed in §161.041 of this code or an agency of transmission of one of those diseases exists in a place in this state or among livestock, exotic livestock, domestic animals, domestic fowl, or exotic fowl, or that a place in this state or livestock, exotic livestock, domestic animals, domestic fowl, or exotic fowl are exposed to one of those diseases or an

agency of transmission of one of those diseases, the Commission shall establish a quarantine on the affected animals or on the affected place.

Pursuant to §161.081, entitled "Importation of Animals" the Commission by rule may regulate the movement, including movement by a railroad company or other common carrier, of livestock, exotic livestock, domestic animals, domestic fowl, or exotic fowl into this state from another state, territory, or country.

Pursuant to §167.003, entitled "General Powers and Duties of the Commission" the Commission shall eradicate all ticks capable of carrying Babesia in this state and shall protect all land, premises, and livestock in this state from those ticks and exposure to those ticks. In carrying out this chapter, the Commission may adopt necessary rule.

Pursuant to §167.004, entitled "Classification of Animals or Premises as Infested, Exposed or Free from Exposure" the Commission by rule shall define what animals and premises are to be classified as exposed to ticks. The Commission shall classify as exposed to ticks livestock that have been on land or in an enclosure that the Commission determines to be tick infested or exposed to ticks or to have been tick infested or exposed to ticks before or after the removal of the livestock, unless the Commission determines that the infestation or exposure occurred after the livestock were removed and that the livestock did not become infested or exposed before removal.

No other statutes, articles, or codes are affected by this proposal.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on March 3, 2025.

TRD-202500760

Jeanine Coggeshall

General Counsel

Texas Animal Health Commission

Effective date: March 23, 2025

Proposal publication date: December 13, 2024

For further information, please call: (512) 839-0511



TITLE 22. EXAMINING BOARDS

PART 8. TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD

CHAPTER 153. RULES RELATING TO PROVISIONS OF THE TEXAS APPRAISER LICENSING AND CERTIFICATION ACT

22 TAC §153.16

The Texas Appraiser Licensing and Certification Board (TALCB) adopts amendments to 22 TAC §153.16, License Reinstatement.

The amendments are adopted without changes to the proposed text as published in the December 6, 2024, issue of the *Texas Register* (49 TexReg 9870) and will not be republished.

The amendments to §153.16 define the requirements for the reinstatement of an expired trainee license.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Occupations Code §1103.151, which authorizes TALCB to adopt rules related to certificates and licenses that are consistent with applicable federal law and guidelines adopted by the AQB; §1103.152, which authorizes TALCB to prescribe qualifications for appraisers that are consistent with the qualifications established by the Appraiser Qualifications Board; and §1103.154, which authorizes TALCB to adopt rules relating to professional conduct.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 25, 2025.

TRD-202500709

Kathleen Santos

General Counsel

Texas Appraiser Licensing and Certification Board

Effective date: March 17, 2025

Proposal publication date: December 6, 2024

For further information, please call: (512) 936-3088



CHAPTER 159. RULES RELATING TO THE PROVISIONS OF THE TEXAS APPRAISAL MANAGEMENT COMPANY REGISTRATION AND REGULATION ACT

22 TAC §159.203, §159.204

The Texas Appraiser Licensing and Certification Board (TALCB) adopts amendments to 22 TAC §159.204, Complaint Processing and new 22 TAC §159.203, Sanctions Guidelines.

The amendments and new rule are adopted without changes to the proposed text as published in the December 6, 2024, issue of the *Texas Register* (49 TexReg 9871) and will not be republished.

The amendments to §159.204 clarifies the preliminary investigative review process, adds a subsection for the online payment of administrative penalties and required fees, and removes the sanctions guidelines for placement into new rule, 159.203.

New §159.203 is formerly section (m) of §159.204 that outlines the Board's sanctions guidelines and factors taken into consideration for case disposition. Both rules are amended for renumbering and to reflect corresponding references to sections within the rule.

No comments were received regarding adoption of the amendments and new rule.

The amendments and new rule are adopted under Texas Occupations Code §1104.151, which authorizes TALCB to adopt rules necessary to administer the provisions of Chapter 1104, Texas Occupations Code.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 25, 2025.

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Kathleen Santos

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Effective date: March 17, 2025

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For further information, please call: (512) 936-3088



PART 21. TEXAS STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS

CHAPTER 463. APPLICATIONS AND EXAMINATIONS

SUBCHAPTER B. LICENSING REQUIREMENTS

22 TAC §463.9

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Psychologists adopts the amendments to §463.9, relating to Licensed Specialist in School Psychology. Section 463.9 is adopted without changes as published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9696) and will not be republished.

Reasoned Justification.

The adopted amendments adjust language identified during the quadrennial rule review to better align with statute regarding unlicensed practice of school psychology outside an educational program. The amendment will clarify an unlicensed individual may complete an internship or other program if begun while enrolled in a psychology program.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

The agency received two comments in favor of the rule change, noting appreciation for the rule change including a way for students to complete their internships even after graduation.

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Agency Response.

The agency appreciates the public input.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §501.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Psychologists previously voted and, by a majority, approved to propose the adoption of this rule to the Executive Council. The rule is specifically authorized by §501.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed the rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 501 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 25, 2025.

TRD-202500693

Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Psychologists

Effective date: March 17, 2025

Proposal publication date: November 29, 2024

For further information, please call: (512) 305-7706



22 TAC §463.10

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Psychologists adopts the amendments to §463.10, relating to Licensed Psychologists. Section 463.10 is amended without changes as published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9698) and will not be republished.

Reasoned Justification.

The adopted amendments remove language identified during the quadrennial rule review to align with statute regarding waiving experience requirements for applicants with a license in another jurisdiction.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

None.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §501.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Psychologists previously voted and, by a majority, approved to propose the adoption of this rule to the Executive Council. The rule is specifically authorized by §501.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed the rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 501 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Texas State Board of Examiners of Psychologists

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For further information, please call: (512) 305-7706



SUBCHAPTER E. EXAMINATIONS

22 TAC §463.31

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Psychologists adopts the amendment to §463.31, relating to Minimum Passing Scores for Examinations. Section 463.31 is amended without changes as published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9700) and will not be republished.

Reasoned Justification.

The adopted amendments reduce the required passing score on the psychology jurisprudence exam from 90% to 85%.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

The agency received five comments in opposition to the rule change. Commenters opposed lowering the jurisprudence exam passing score because of concerns of lower licensing standards. They stated that lowering the passing score could lead to increased examples of unethical practice and, ultimately, public harm.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

One individual commented in favor of the rule change, noting that test question construction can make it difficult to pass even when an open book exam.

Agency Response.

The agency appreciates the public input. The agency disagrees that setting the jurisprudence exam passing score at 85 percent will create a decrease in licensing standards. The agency monitors test performance and has chosen the passing score based on a holistic look at the test performance data and trends.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules nec-

essary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §501.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Psychologists previously voted and, by a majority, approved to propose the adoption of this rule to the Executive Council. The rule is specifically authorized by §501.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed the rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 501 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Psychologists

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For further information, please call: (512) 305-7706



PART 30. TEXAS STATE BOARD OF EXAMINERS OF PROFESSIONAL COUNSELORS

CHAPTER 681. PROFESSIONAL COUNSELORS

SUBCHAPTER B. RULES OF PRACTICE

22 TAC §681.37

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Professional Counselors adopts amendments to §681.37, relating to Billing and Financial Arrangements. Section 681.37 is adopted without changes to the proposed text as published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9702) and will not be republished.

Reasoned Justification.

The adopted amendments remove language identified during the quadrennial rule review to better align with the agency's statute.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

One commenter opposed the rule stating that cross references to other codes and rules are helpful to licensees.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

One person supported the proposed change without comment.

Agency Response.

The agency appreciates the public comments. The proposed change will not remove any helpful cross references, but will only eliminate a statement that does not align with the agency's statute.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §503.2015 of the Tex. Occ. Code the Texas State Board of Examiners of Professional Counselors previously voted and, by a majority, approved to propose the adoption of this rule to the Executive Council. The rule is specifically authorized by §503.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 503 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Professional Counselors

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For further information, please call: (512) 305-7706



22 TAC §681.41

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Professional Counselors adopts amendments to §681.41, relating to General Ethical Requirements. Section 681.41 is adopted without changes to the proposed text as published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9703) and will not be republished.

Reasoned Justification.

The adopted amendments remove language identified during the quadrennial rule review as potentially unenforceable, while not changing the substantive requirement that a licensee not make or benefit from false, misleading, deceptive, fraudulent, or exaggerated claims.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

Four individuals commented against the proposed rule, suggesting that it is important for license holders to correct misinformation when they learn of it. Several commenters mentioned the danger of false information appearing online, including fake online reviews.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

One commenter supported the proposed amendment without comment.

Agency Response.

The agency appreciates the public comment. The proposed amendment will eliminate blanket language requiring a licensee to correct misrepresentations made by another person without any evidence of impact to the licensee or a client. However, Council rules will continue to prohibit a licensee from benefiting from any false, deceptive, or fraudulent statements, which would include having someone post false advertisements online.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reason-

ably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §503.2015 of the Tex. Occ. Code the Texas State Board of Examiners of Professional Counselors previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §503.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 503 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Professional Counselors

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For further information, please call: (512) 305-7706



22 TAC §681.44

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Professional Counselors adopts the repeal of §681.44, relating to Drugs and Alcohol Use. Section 681.44 is adopted without changes to the proposed text as published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9705) and will not be republished.

Reasoned Justification.

The adopted repeal removes language identified during the quadrennial rule review as unnecessary and duplicative, without changing the substantive impact of the rules.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

One public commenter supported the repeal, noting the substance of the rule is stated elsewhere in the board's rules.

Agency Response.

The agency appreciates the public comment in support of the rule change.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle 1, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §503.2015 of the Tex. Occ. Code the Texas State Board of Examiners of Professional Counselors previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §503.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 503 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 25, 2025.

TRD-202500698

Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Professional Counselors

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For further information, please call: (512) 305-7706



22 TAC §681.47

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Professional Counselors adopts the repeal of §681.47, relating to Assumed Names. Section 681.47 is adopted without changes to the proposed text as published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9706) and will not be republished.

Reasoned Justification.

The adopted repeal removes language identified during the quadrennial rule review as potentially in conflict with the Texas Business and Commerce Code, while not changing the substantive requirement in other rules that a licensee not make or benefit from false, misleading, deceptive, fraudulent, or exaggerated claims.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

N/A.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle 1, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §503.2015 of the Tex. Occ. Code the Texas State Board of Examiners of Professional Counselors previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §503.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 503 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Professional Counselors

Effective date: March 17, 2025

Proposal publication date: November 29, 2024

For further information, please call: (512) 305-7706



22 TAC §681.49

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Professional Counselors adopts amendments to §681.49, relating to Advertising and Announcements. Section 681.49 is adopted without changes to the proposed text as published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9707) and will not be republished.

Reasoned Justification.

The adopted amendments remove language identified during the quadrennial rule review as potentially unenforceable, while not changing the substantive requirement that a licensee not make or benefit from false, misleading, or deceptive advertising.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

Two commenters were neutral on the rule proposal, with one noting rewording of the rule language might make more sense than repeal. The other felt that any rule changes need to be better communicated because some supervisors report wrong information.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

The agency appreciates the public input. The agency believe existing rule language is sufficient to protect against false advertisements and the language proposed to be repealed does not need rewording. The agency also takes multiple steps to advertise upcoming rule changes to the licensed community.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §503.2015 of the Tex. Occ. Code the Texas State Board of Examiners of Professional Counselors previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §503.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 503 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Professional Counselors

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For further information, please call: (512) 305-7706



SUBCHAPTER C. APPLICATION AND LICENSING

22 TAC §681.81

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Professional Counselors adopts amendments to §681.81, relating to General Academic Requirements. Section 681.81 is adopted with changes to the proposed text as published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9709) and will be republished.

Reasoned Justification.

The adopted amendments remove language identified during the quadrennial rule review that is superseded by Council rule §882.11.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

One commenter supported the proposed change without comment.

Agency Response.

The agency appreciates the public support.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §503.2015 of the Tex. Occ. Code the Texas State Board of Examiners of Professional Counselors previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §503.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Ex-

ecutive Council. Therefore, the Executive Council has complied with Chapters 503 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

§681.81. *General Academic Requirements.*

(a) The Council will accept as meeting academic requirements graduate degrees from accredited schools that meet the requirements of §681.82 of this title and §681.83 of this title.

(b) The applicant must provide the Council with documents and evidence to establish his or her formal education is equivalent to at least a master's degree granted by an accredited school. In order to meet this requirement the applicant must comply with Council §882.11 of this title.

(c) Applicants must provide upon request a course description from an official school catalog or bulletin or a course syllabus to substantiate the relevance of the course to the academic requirements of §681.83 of this title.

(d) The Council will not consider undergraduate level courses as meeting any academic requirements for licensure unless the applicant's official transcript clearly shows the course was awarded graduate credit by the school.

(e) The Council will consider courses for which an applicant's official transcript indicates a passing grade or credit was earned.

(f) In evaluating transcripts, the Council will consider a quarter hour of academic credit as two-thirds of a semester hour.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Professional Counselors

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For further information, please call: (512) 305-7706



22 TAC §681.92

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Professional Counselors adopts amendments to §681.92, relating to Experience Requirements. Section 681.92 is adopted with changes to the proposed text as published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9710) and will be republished.

Reasoned Justification.

The adopted amendments remove language identified during the quadrennial rule review as unnecessary and duplicative, without changing the substantive impact of the rule.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

One individual suggested the removed language should be rewritten to clarify whether an LPC associate may have more than one supervisor.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

One individual supported the rule change since the removed language is already elsewhere in the board rules.

Agency Response.

The agency appreciates the public comment. The agency does not believe any additional wording changes are necessary, and the proposed repeal of language is appropriate, because elsewhere in the rules make clear an LPC associate may have up to only two supervisors.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §503.2015 of the Tex. Occ. Code the Texas State Board of Examiners of Professional Counselors previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §503.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 503 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

§681.92. Experience Requirements.

(a) All applicants for LPC licensure must complete supervised experience acceptable to the Council of 3,000 clock-hours under a Council-approved supervisor.

(1) All internships physically occurring in Texas must be completed under the supervision of a Council-approved supervisor.

(2) For all internships physically completed in a jurisdiction other than Texas, the supervisor must be a person licensed or certified by that jurisdiction in a profession that provides counseling and who has the academic training and experience to supervise the counseling services offered by the Associate. The applicant must provide documentation acceptable to the Council regarding the supervisor's qualifications.

(b) The supervised experience must include at least 1,500 clock-hours of direct client counseling contact. Only actual time spent counseling may be counted.

(c) An LPC Associate may not complete the required 3,000 clock-hours of supervised experience in less than 18 months.

(d) The experience must consist primarily of the provision of direct counseling services within a professional relationship to clients by using a combination of mental health and human development principles, methods, and techniques to achieve the mental, emotional, physical, social, moral, educational, spiritual, or career-related development and adjustment of the client throughout the client's life.

(e) The LPC Associate must receive direct supervision consisting of a minimum of four (4) hours per month of supervision in individual (up to two Associates) or group (three or more) settings while the Associate is engaged in counseling unless an extended leave of one month or more is approved in writing by the Council approved supervisor. No more than 50% of the total hours of supervision may be received in group supervision.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Professional Counselors

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For further information, please call: (512) 305-7706



22 TAC §681.101

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Professional Counselors adopts amendments to §681.101, relating to Examinations. Section 681.101 is adopted without changes to the proposed text as published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9712) and will not be republished.

Reasoned Justification.

The adopted amendments remove language identified during the quadrennial rule review as unnecessary and duplicative, without changing the substantive impact of the rule.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

One commenter disagreed with the rule change, asking that the rule specify applicants are required to take the LPC jurisprudence.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

One individual supported the rule without comment.

Agency Response.

The agency appreciates the public input. The agency does not believe any additional clarification is needed to the rule, as the jurisprudence exam requirement is clearly within the context of applying for an LPC license and must therefore be the applicable jurisprudence exam.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §503.2015 of the Tex. Occ. Code the Texas State Board of Examiners of Professional Counselors previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §503.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 503 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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For further information, please call: (512) 305-7706

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SUBCHAPTER D. SCHEDULE OF SANCTIONS

22 TAC §681.204

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Professional Counselors adopts amendments to §681.204, relating to Other Actions. Section 681.204 is adopted without changes to the proposed text as published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9713) and will not be republished.

Reasoned Justification.

The adopted amendments remove language identified during the quadrennial rule review to better align with the agency's statute.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

One individual commented in opposition to the removal of conditional letters of agreement as a board tool, but recognized there was no statutory support for these agreements.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

The agency appreciates the public input, and notes the removal of this language is necessary to align the boards rules with its statutory authority, which does not include issuing conditional letters of agreement.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §503.2015 of the Tex. Occ. Code the Texas State Board of Examiners of Professional Counselors previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §503.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qual-

ifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 503 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Professional Counselors

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For further information, please call: (512) 305-7706



22 TAC §681.205

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Professional Counselors adopts amendments to §681.205, relating to Schedule of Sanctions. Section 681.205 is adopted without changes to the proposed text as published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9714) and will not be republished.

Reasoned Justification.

The adopted amendments update the schedule of sanctions to reflect amendments proposed in other rules.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

One individual supported the rule change, appreciating the agency's staff for keeping the schedule of sanctions up to date.

Agency Response.

The agency appreciates the public input.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §503.2015 of the Tex. Occ. Code the Texas State Board of Examiners of Professional Counselors previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §503.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 503 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Professional Counselors

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PART 34. TEXAS STATE BOARD OF SOCIAL WORKER EXAMINERS

CHAPTER 781. SOCIAL WORKER LICENSURE

SUBCHAPTER B. RULES OF PRACTICE

22 TAC §781.306

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Social Worker Examiners adopts amended §781.306, relating to Professional Representation. Section 781.306 is adopted without changes to the proposed text as published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9715) and will not be republished.

Reasoned Justification.

The adopted amendments remove language identified during the quadrennial rule review as potentially unenforceable, while not changing the substantive requirement that a licensee not make or benefit from false, misleading, deceptive, fraudulent, or exaggerated claims.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

The agency received two comments against the proposed rule change. These comments stated the proposed repealed language is important to prevent harm to the public and the profession, requiring social workers to make sure all representations about their services are accurate. One commenter specifically discussed the potential for false online reviews to be posted by people affiliated with a licensed social worker.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

The agency appreciates the public comment. The proposed amendment will eliminate blanket language requiring a licensee to correct misrepresentations made by another person without any evidence of impact to the licensee or a client. However, Council rules will continue to prohibit a licensee from benefiting from any false, deceptive, or fraudulent statements, which would include having someone post false advertisements online.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §505.2015 of the Tex. Occ. Code the Texas State Board of Social Worker Examiners previously voted and, by a majority, approved to propose the adoption of this rule to the Executive Council. The rule is specifically authorized by §505.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, stan-

dards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed the rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 505 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Darrel D. Spinks

Executive Director

Texas State Board of Social Worker Examiners

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For further information, please call: (512) 305-7706



22 TAC §781.310

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Social Worker Examiners adopts amendments to §781.310, relating to Billing and Financial Relationships. Section 781.310 is adopted without changes to the proposed text as published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9717) and will not be republished.

Reasoned Justification.

The adopted amendments remove language identified during the quadrennial rule review to better align with the agency's statute.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

N/A.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §505.2015 of the Tex. Occ. Code the Texas State Board of Social Worker Examiners previously voted and, by a majority, approved to propose the adoption of this rule to the Executive Council. The rule is specifically authorized by §505.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed the rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 505 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Darrel D. Spinks

Executive Director

Texas State Board of Social Worker Examiners

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For further information, please call: (512) 305-7706



22 TAC §781.313

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Social Worker Examiners adopts the repeal of §781.313, relating to Corporations and Business Names. Section 781.313 is adopted without changes to the proposed text as published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9718) and will not be republished.

Reasoned Justification.

The adopted repeal remove language identified during the quadrennial rule review as potentially in conflict with the Texas Business and Commerce Code, while not changing the substantive requirement in other rules that a licensee not make or benefit from false, misleading, deceptive, fraudulent, or exaggerated claims.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

N/A.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §505.2015 of the Tex. Occ. Code the Texas State Board of Social Worker Examiners previously voted and, by a majority, approved to propose the adoption of this rule to the Executive Council. The rule is specifically authorized by §505.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed the rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 505 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Darrel D. Spinks

Executive Director

Texas State Board of Social Worker Examiners

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For further information, please call: (512) 305-7706



SUBCHAPTER D. SCHEDULE OF SANCTIONS

22 TAC §781.804

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Social Worker Examiners adopts amended §781.804, relating to Other Actions. Section 781.804 is adopted with changes to the proposed text as published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9719) and will be republished.

Reasoned Justification.

The adopted amendments remove language identified during the quadrennial rule review to better align with the agency's statute.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

N/A.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §505.2015 of the Tex. Occ. Code the Texas State Board of Social Worker Examiners previously voted and, by a majority, approved to propose the adoption of this rule to

the Executive Council. The rule is specifically authorized by §505.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed the rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 505 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

§781.804. Other Actions.

Complaints may be resolved by issuance of a warning letter. Warning letters inform licensees of their duties under the Act, the Council Act, or council rules and whether the council has a concern about the circumstances surrounding the complaint.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 25, 2025.

TRD-202500713

Darrel D. Spinks

Executive Director

Texas State Board of Social Worker Examiners

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Proposal publication date: November 29, 2024

For further information, please call: (512) 305-7706



22 TAC §781.805

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Social Worker Examiners adopts amendments to §781.805, relating to Schedule of Sanctions. Section 781.805 is adopted with changes to the proposed text as published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9720) and will be republished.

Reasoned Justification.

The adopted amendments update the schedule of sanctions to reflect amendments proposed in other rules.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

N/A.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §505.2015 of the Tex. Occ. Code the Texas State Board of Social Worker Examiners previously voted and, by a majority, approved to propose the adoption of this rule to the Executive Council. The rule is specifically authorized by §505.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed the rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 505 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

§781.805. Schedule of Sanctions.

The following standard sanctions shall apply to violations of the Act and these rules.

Figure: 22 TAC §781.805

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Darrel D. Spinks

Executive Director

Texas State Board of Social Worker Examiners

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For further information, please call: (512) 305-7706



PART 35. TEXAS STATE BOARD OF EXAMINERS OF MARRIAGE AND FAMILY THERAPISTS

CHAPTER 801. LICENSURE AND REGULATION OF MARRIAGE AND FAMILY THERAPISTS

SUBCHAPTER B. RULES OF PRACTICE

22 TAC §801.43

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Marriage and Family Therapists adopts amendments to §801.43, relating to Professional Representation. Section 801.43 is adopted without changes to the proposed text as published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9722) and will not be republished.

Reasoned Justification.

The adopted amendments remove language identified during the quadrennial rule review as potentially unenforceable, while not changing the substantive requirement that a licensee not make or benefit from false, misleading, deceptive, fraudulent, or exaggerated claims.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

One comment against the rule amendment stated the proposal was an "unnecessary change that will harm both professionalism and the Texas public," discussing the possibility of a licensee having someone post false online reviews about their practice.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

The agency appreciates the public comment. The proposed amendment will eliminate blanket language requiring a licensee to correct misrepresentations made by another person without any evidence of impact to the licensee or a client. However, Council rules will continue to prohibit a licensee from benefiting from any false, deceptive, or fraudulent statements, which would include having someone post false advertisements online.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Exec-

utive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §502.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Marriage and Family Therapists previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §502.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 502 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Marriage and Family Therapists

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Proposal publication date: November 29, 2024

For further information, please call: (512) 305-7706



22 TAC §801.44

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Marriage and Family Therapists adopts amendments to §801.44, relating to Relationships with Clients. Section 801.44 is adopted with changes to the proposed text as published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9723) and will be republished.

Reasoned Justification.

The adopted amendments will remove language identified during the quadrennial rule review to better align with the agency's statute.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

One commenter opposed the proposed change on the grounds that having cross references to other codes and rules is helpful information for licensees.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

The agency appreciates the public comment. The proposed changes do not eliminate cross references to any code or rules, but simply repeals a sentence that did not accurately state the law.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §502.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Marriage and Family Therapists previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §502.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 502 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

§801.44. *Relationships with Clients.*

- (a) A licensee must provide marriage and family therapy professional services only in the context of a professional relationship.
- (b) A licensee must make known in writing to a prospective client the important aspects of the professional relationship, including the licensee's status as an LMFT or LMFT Associate, any probationary status or other restrictions placed on the licensee by the council, office procedures, after-hours coverage, fees, and arrangements for payment (which might affect the client's decision to enter into the relationship).
- (c) A licensee must obtain an appropriate consent for treatment before providing professional services. A licensee must make reasonable efforts to determine whether the conservatorship, guardianship, or parental rights of the client have been modified by a court. Before the commencement of therapy services to a minor client who is named in a custody agreement or court order, a licensee must obtain and review a current copy of the custody agreement or court order in a suit affecting the parent-child relationship. A licensee must maintain these documents in the client's record. When federal or state statutes provide an exemption to secure consent of a parent or guardian before providing services to a minor, such as in Texas Family Code, Chapter 32, a licensee must follow the protocol set forth in such federal or state statutes.
- (d) A licensee must make known in writing to a prospective client the confidential nature of the client's disclosures and the clinical record, including the legal limitations of the confidentiality of the mental health record and information.
- (e) No commission or rebate or any other form of remuneration may be given or received by a licensee for the referral of clients for professional services. A licensee employed or under contract with a chemical dependency facility or a mental health facility must comply with the requirements in Texas Health and Safety Code, §164.006.
- (f) A licensee may not exploit the licensee's position of trust with a client or former client.
- (g) A licensee may not engage in activities that seek to meet the licensee's personal needs instead of the needs of the client.
- (h) A licensee may not provide marriage and family therapy services to family members, personal friends, educational associates, business associates, or others whose welfare might be jeopardized by such a dual relationship.
- (i) A licensee must set and maintain professional boundaries with clients and former clients.
- (j) A licensee may disclose confidential information to medical or law enforcement personnel if the licensee determines there is a probability of imminent physical injury by the client to the client or others or there is a probability of immediate mental or emotional injury to the client.
- (k) In group therapy settings, the licensee must take reasonable precautions to protect individuals from physical or emotional trauma resulting from interaction within the group.
- (l) A licensee must make a reasonable effort to avoid non-therapeutic relationships with clients or former clients. A non-therapeutic relationship is an activity begun by either the licensee, the client, or former client for the purposes of establishing a social, business, or other relationship not related to therapy. A licensee must ensure the welfare of the client or former client if a non-therapeutic relationship arises.
- (m) A licensee may not bill clients or third parties for services not actually rendered or as agreed to in writing.

(n) A licensee must end a professional relationship when it is reasonably clear the client is not benefiting from it. Upon ending a professional relationship, if the client still requires mental health services, the licensee must make reasonable efforts to provide a written referral to clients for appropriate services and to facilitate the transfer to appropriate care.

(o) A licensee who engages in technology-assisted services must provide the client with the licensee's license number and information on how to contact the council by telephone, electronic communication, or mail. The licensee must comply with all other provisions of this chapter.

(p) A licensee may not offer services that are beyond the licensee's professional competency, and the services provided must be within accepted professional standards of practice and appropriate to the needs of the client. In emerging areas in which generally recognized standards for preparatory training do not exist, licensees must take reasonable steps to ensure the competence of their work and to protect clients, research participants, and other affected individuals from the potential for harm.

(q) A licensee must base all services on an assessment, evaluation, or diagnosis of the client.

(r) A licensee must evaluate a client's progress on a continuing basis to guide service delivery and must make use of supervision and consultation as indicated by the client's needs.

(s) A licensee may not knowingly offer or provide professional services to an individual concurrently receiving professional services from another mental health services provider except with that provider's knowledge. If a licensee learns of such concurrent professional services, the licensee must take immediate and reasonable action to inform the other mental health services provider.

(t) A licensee may not aid or abet the unlicensed practice of marriage and family therapy services by a person required to be licensed under the Act. A licensee must report to the council knowledge of any unlicensed practice.

(u) A licensee may not enter into a non-professional relationship with a client's family member or any person having a personal or professional relationship with a client, if the licensee knows or reasonably should have known such a relationship could be detrimental to the client.

(v) A licensee must refrain from providing services when they know or should know that their physical or mental health or lack of objectivity are likely to impair their competency or harm a client or other person with whom they have a professional relationship

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Marriage and Family Therapists

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For further information, please call: (512) 305-7706



22 TAC §801.50

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Marriage and Family Therapists adopts the repeal of §801.50, relating to Corporation and Business Names. Section 801.50 is repealed without changes to the proposed text as published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9725) and will not be republished.

Reasoned Justification.

The adopted amendments remove language identified during the quadrennial rule review as potentially in conflict with the Texas Business and Commerce Code, while not changing the substantive requirement in other rules that a licensee not make or benefit from false, misleading, deceptive, fraudulent, or exaggerated claims.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

One person commented against the rule stating it seemed unnecessary to state someone could do what they are already doing.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

The agency appreciates the public comment. The proposed repeal will remove language the Council has determined is unnecessary and potentially in conflict with the Business and Commerce Code.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §502.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Marriage and Family Therapists previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §502.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may

not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 502 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Marriage and Family Therapists

Effective date: March 17, 2025

Proposal publication date: November 29, 2024

For further information, please call: (512) 305-7706



22 TAC §801.53

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Marriage and Family Therapists adopts amendments to §801.53, relating to Advertising and Announcements. Section 801.53 is adopted without changes to the proposed text as published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9726) and will not be republished.

Reasoned Justification.

The adopted amendments remove language identified during the quadrennial rule review as potentially unenforceable, while not changing the substantive requirement that a licensee not make or benefit from false, misleading, or deceptive advertising.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

One commenter supported the rule change stating a rule contingent on a client's understanding of advertising is hard to define.

Agency Response.

The agency appreciates the public comment in support of the rule change.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §502.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Marriage and Family Therapists previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §502.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 502 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Marriage and Family Therapists

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Proposal publication date: November 29, 2024

For further information, please call: (512) 305-7706



SUBCHAPTER C. APPLICATIONS AND LICENSING

22 TAC §801.115

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Marriage and Family Therapists adopts new §801.115, relating to Applicants Currently Li-

censed as an LMFT in Another Jurisdiction. Section 801.115 is adopted with changes to the proposed text as published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9728) and will be republished.

Reasoned Justification.

The adopted new rule deems marriage and family therapist applicants who are licensed to practice independently in another jurisdiction for two years to have met all academic and experience requirements if they meet all minimum statutory requirements for licensure.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

None.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §502.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Marriage and Family Therapists previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §502.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Ex-

Executive Council. Therefore, the Executive Council has complied with Chapters 502 and 507 of the Texas Occupations Code and may adopt this rule.

§801.115. Applicants Currently Licensed as an LMFT in Another Jurisdiction.

An applicant who has held an independent, active license as an LMFT in good standing issued by another jurisdiction for at least two years immediately preceding the date the application was received will be deemed to have met all academic and experience requirements, if the applicant can demonstrate:

- (1) 3,000 hours of work experience that includes at least 1,500 hours of direct clinical services;
- (2) 200 hours of supervision that includes at least 100 hours of individual supervision; and
- (3) has completed a master's or doctoral degree with a graduate internship.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Darrel D. Spinks
Executive Director
Texas State Board of Examiners of Marriage and Family Therapists
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For further information, please call: (512) 305-7706



22 TAC §801.204

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Marriage and Family Therapists adopts amendments to §801.204, relating to Licensing of Military Service Members, Military Veterans, and Military Spouses. Section 801.204 is adopted without changes to the proposed text as published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9730) and will not be republished.

Reasoned Justification.

The adopted amendments remove language identified during the quadrennial rule review to better align with the agency's statute.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

None.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §502.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Marriage and Family Therapists previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §502.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 502 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Darrel D. Spinks
Executive Director
Texas State Board of Examiners of Marriage and Family Therapists
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For further information, please call: (512) 305-7706



SUBCHAPTER D. SCHEDULE OF SANCTIONS

22 TAC §801.303

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Marriage and Family Therapists adopts amendments to §801.303, relating to Other Actions. Section 801.303 is adopted with changes to the proposed text as published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9731) and will be republished.

Reasoned Justification.

The adopted amendments remove language identified during the quadrennial rule review to better align with the agency's statute.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

None.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §502.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Marriage and Family Therapists previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §502.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 502 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

§801.303. *Other Actions.*

Complaints may be resolved by issuance of a warning letter. Warning letters inform licensees of their duties under the Act, the Council Act, or council rules and whether the council has a concern about the circumstances surrounding the complaint.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 25, 2025.

TRD-202500720

Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Marriage and Family Therapists

Effective date: March 17, 2025

Proposal publication date: November 29, 2024

For further information, please call: (512) 305-7706



22 TAC §801.305

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Marriage and Family Therapists adopts amendments to §801.305, relating to Schedule of Sanctions. Section 801.305 is adopted without changes to the proposed text as published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9732) and will not be republished.

Reasoned Justification.

The adopted amendments update the schedule of sanctions to reflect amendments proposed in other rules.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

None.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which

vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §502.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Marriage and Family Therapists previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §502.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 502 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 25, 2025.

TRD-202500722

Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Marriage and Family Therapists

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Proposal publication date: November 29, 2024

For further information, please call: (512) 305-7706



PART 41. TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL

CHAPTER 881. GENERAL PROVISIONS SUBCHAPTER B. RULEMAKING

22 TAC §881.20

The Texas Behavioral Health Executive Council adopts amendments to §881.20, relating to Rulemaking by the Executive Council. Section 881.20 is adopted without changes to the proposed text as published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9733) and will not be republished.

Reasoned Justification.

The adopted amendments remove language identified during the quadrennial rule review as unnecessary and duplicative, without changing the substantive impact of the rule.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

One commenter disagreed with the proposed amendment, stating they would like to keep the ability to make changes to rules as necessary.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

The Council thanks the commenter for their response. The proposed amendments merely eliminate duplicative language from the rule. The Council will continue to have the ability to make non-substantive, editorial changes to rules as necessary.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

The Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 25, 2025.

TRD-202500692

Darrel D. Spinks

Executive Director

Texas Behavioral Health Executive Council

Effective date: March 17, 2025

Proposal publication date: November 29, 2024

For further information, please call: (512) 305-7706



TITLE 30. ENVIRONMENTAL QUALITY PART 1. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

CHAPTER 30. OCCUPATIONAL LICENSES AND REGISTRATIONS

The Texas Commission on Environmental Quality (TCEQ, agency, or commission) adopts new Texas Administrative Code (TAC) §30.344 and §30.394 and the amendments to 30 TAC §§30.5, 30.7, 30.14, 30.18, 30.20, 30.24, 30.26, 30.28, 30.185, 30.340, 30.342, 30.350, 30.387, 30.390, and 30.392.

New §30.344 and §30.394 and amended §§30.5, 30.7, 30.14, 30.20, 30.26, 30.28, 30.185, 30.340, 30.342, 30.350, 30.387, 30.390, and 30.392 are adopted without changes to the proposed text as published in the September 13, 2024, issue of the *Texas Register* (49 TexReg 7289) and therefore will not be republished. Amended §30.18 and §30.24 are adopted with changes to the proposed text as published in the September 13, 2024, issue of the *Texas Register*, and therefore will be republished.

Background and Summary of the Factual Basis for the Adopted Rules

House Bill (HB) 1845 amended Texas Water Code (TWC), Chapter 37, Occupational Licensing and Registration, to add TWC, §37.0045 which requires the commission to establish, by rule, a provisional occupational license for Class D Wastewater operators and public water system operators for persons without a high school diploma or equivalent.

HB 2453 amended Texas Occupations Code (TOC) by adding new Chapter 60, to allow licensing agencies to issue a digital license or certificate of registration in lieu of a physical paper license. The bill does not require rulemaking. However, the executive director (ED) amends 30 TAC §30.5 to explicitly state that the ED may issue a digital license in lieu of physical paper license.

Senate Bill (SB) 422 amended TOC Chapter 55, to allow military service members to engage in a business or occupation for which a license is required, without a Texas license, provided the military service member holds a current license in good standing from another jurisdiction. The ED has a reciprocity process for military service members and already complies with the intent of the bill to ease the burden on military families relocated to Texas. Therefore, no rulemaking is required in this regard. However, the bill also requires that the ED process applications and issue the license for qualified military service members, veterans, or spouses, within 30 days of the receipt of application.

Staff Recommended Changes

This rulemaking adopts amended 30 TAC Chapter 30 to incorporate the operator resiliency training requirements. On June 8, 2021, the 87th Texas Legislature passed SB 3 to address preparing for, preventing, and responding to weather emergencies and power outages. In the aftermath of Winter Storm Uri, TCEQ was tasked to conduct an "after-action review" to evaluate the factors that impacted public water systems during the Winter Storm. The project team engaged stakeholders from the private and public sectors to discuss a variety of topics to enhance critical infrastructure resilience. One of the recommendations that came out of the after-action review was to require public water system operators to take resiliency training. The adopted amendments to the rules will assist licensed operators, public water systems, and affected utilities prepare for, respond to, and recover from severe weather-related events. TCEQ has the authority to expand the requirements for minimum operator training under existing language in TWC, §37.002 and 30 TAC Chapter 30 Sub-

chapter K. TCEQ's rule currently requires specific courses to be taken to qualify for specific license levels. This rulemaking codifies in rule the new requirements for public water system operators to comply with the resiliency training requirements for new and renewal of public water system operator licenses.

This rulemaking also reduces the number of continuing education (CE) credits required to renew the Leaking Petroleum Storage Tank Project Manager license from 32 hours to 20 hours. Previously, individuals were required to complete 32 hours of continuing education every three years to be eligible to renew their license. The regulated community expressed difficulty in meeting this requirement based on the available TCEQ-approved training (note the commission does not develop or offer training for this license). The ED does not believe there will be any impact to the environment by reducing the training requirement.

The rulemaking also adopts minor updates to provide consistency with other licensing requirements and rules. These include updating occupational training terminology to be consistent with current training policies and technologies.

Section by Section Discussion

The commission adopts amended 30 TAC §30.5 to reflect the addition of TOC Chapter 60, Digital Licenses. The amendment adds §30.5(g) to allow the ED to issue a digital license in lieu of a physical paper license.

The commission adopts amended 30 TAC §30.7 to update definitions to be consistent with current training technology, delivery methods, and approval procedures. Definitions in this section have been renumbered to account for the added definitions.

The commission adopts amended 30 TAC §30.7(3) to remove the term "classroom" from the definition of "approved classroom training providers". This definition now incorporates all types of training, rather than just classroom training.

The commission adopts amended 30 TAC §30.7(4) to remove the definition of "approved conference and webinar training providers" as this term is no longer relevant. The term "approved training provider" encompasses training providers for all types of training.

The commission adopts amended 30 TAC §30.7(5) to remove the definition of "approved distance training providers" as this term is no longer relevant. The term "approved training provider" encompasses training providers for all types of training. Subsequent definitions have been renumbered.

The commission adopts amended 30 TAC §30.7(6) (now §30.7(4)) to update the definition of "approved training" to add the term "registration" since training is used for obtaining or renewing both licenses and registrations.

The commission adopts amended 30 TAC §30.7(7) (now §30.7(5)) to update the terms used for training delivery methods. The three types of approved training delivery methods include in-person (occurs at the same place and time for the instructor and student), live-online (occurs at the same time for the instructor and student, but not at the same place), and self-paced training (occurs with a separation of both place and time between the instructor and student). The following terms were removed from this definition (conferences, seminars, workshops, training at association meetings) as they are considered types of training, rather than types of delivery methods.

The commission adopts amended 30 TAC §30.7(8) (now §30.7(6)) to update the definition of "association" to add the term "registrations" since members could hold either licenses or registrations.

The commission adopts new 30 TAC §30.7(7) to include a definition for "association meetings" which refers to any in-person or online sessions conducted by an association that are delivered in-person, live-online, or a combination of both.

The commission adopts new 30 TAC §30.7(8) to include a definition for "classroom training." "Classroom training" refers to courses that are held in real-time and can be held in-person, live-online, or a combination of both.

The commission adopts amended 30 TAC §30.7(9) to clarify that conferences may be delivered in-person, live-online, or a combination of both and must be conducted by a governmental entity, association, or accredited college.

The commission adopts amended 30 TAC §30.7(10) to add the term "registration" since continuing education is required for renewal of both licenses and registrations.

The commission adopts new 30 TAC §30.7(11) to include a definition of "core training" which refers to courses that are required to obtain an occupational license or registration that are approved by the ED.

The commission adopts amended 30 TAC §30.7(11) (now §30.7(12)) to update definition of "correspondence training." Correspondence training is a type of self-paced training that can be conducted as paper-based training, electronic-based (such as receiving a CD in the mail), or a combination of these systems.

The commission deletes existing 30 TAC §30.7(12), the definition for "distance training." The term "self-paced training delivery method" (now §30.7(26)) replaces the term "distance training" to be consistent with current training terminology.

The commission adopts amended 30 TAC §30.7(13) to add the term "registrations" since a distributor can sell a product to individuals with either occupational licenses or registrations.

The commission adopts new 30 TAC §30.7(16) to define "in-person training delivery method" as an interactive instructor-led training delivered in real time at the same physical location as the student.

The commission adopts new 30 TAC §30.7(18) to define "live-online training delivery method" as training that occurs at the same time for the instructor and student, but not at the same place. Instructor-led classroom, conferences, or association meetings can be held using this delivery method.

The commission adopts new 30 TAC §30.7(22) to define "pre-recorded training" as training that has been previously recorded or developed through an online platform that is not delivered in person or in real-time. This type of training occurs with a separation of both place and time between the instructor and student.

The commission adopts amended 30 TAC §30.7(20) (now §30.7(24)) to clarify that a "qualified instructor" is an individual that is approved to teach a TCEQ-approved core occupational licensing course.

The commission adopts new 30 TAC §30.7(24) to define "qualified presenter" as an individual that is approved to teach continuing education training. This individual has instructional and

work-related experience, as well as subject matter expertise to answer students' questions and deliver the training.

The commission adopts new 30 TAC §30.7(26) to define "self-paced training delivery method" as training delivered with a separation of time and place between the instructor and learning resources and the learner. The term "self-paced training" replaces the term "distance training."

The commission adopts amended 30 TAC §30.7(23) (now §30.7(28)) to add the term "hands-on" to clarify that a subject matter expert needs hands-on work-related experience.

The commission deletes 30 TAC §30.7(24) to remove the term "technology-based training." The term is no longer relevant and the terms "live-online training" or "self-paced training" replace this term.

The commission adopts amended 30 TAC §30.7(26) (now §30.7(30)) to clarify that a "training provider" refers to an administrative entity and its designated personnel, not just an individual, responsible for delivering the training. This update is meant to clarify that the training provider is the company that develops the training, not the instructor or presenter.

The commission deletes existing 30 TAC §30.7(27) to remove the term "webinar." The term is no longer relevant and has been incorporated into the term "live-online training."

The commission adopts amended the title of 30 TAC §30.14 and §30.14(a) to change "registration" to "company registration" to clarify that this section applies only to company registrations and not individual registrations, which are included in §30.18.

The commission adopts amended 30 TAC §30.14(f) to clarify that an applicant for a new registration must not only resolve outstanding deficiencies, but also notify the executive director that the deficiencies have been resolved, within the established timeframe, before the application is considered expired. The timeframe has been adjusted from 60 to 120 days to be consistent with the timeframe allowed for an applicant for a new license to resolve deficiencies. The term "expired" replaces the term "void" to be consistent with the Occupational Licensing Section's terminology.

The commission adopts amended 30 TAC §30.18 to add "individual registrations" to the title to clarify that the requirements in the section apply to both licenses and individual registrations. Company registrations are covered in §30.164. The commission adopts amended §30.18(a) to add "individual registrations" to the requirement for applications for a license to be made on a standard form. This section requires that the application be submitted prior to taking an exam. Since individual registrations have no examination requirement, "if applicable" was added.

The proposed rulemaking included new 30 TAC §30.18(b) and (c) to require applicants for new licenses to undergo FBI fingerprinting for a criminal history review unless granted a waiver. TCEQ is withdrawing these provisions to further evaluate stakeholder feedback on this issue. Applicants will continue to have the option to utilize FBI fingerprinting as one of the methods for completing the criminal history review required for licensure.

The commission adopts amended 30 TAC §30.18(g) to clarify that an applicant for a new registration must not only resolve deficiencies, but also must notify the executive director that the deficiency has been resolved, within the prescribed timeframe. The term "expired" replaces the term "void" to clarify that an application expires if the deficiencies have not been resolved.

The commission adopts amended 30 TAC §30.20(d) and (e) to replace the term "void" with the term "expired" to clarify that an application expires if the deficiencies have not been resolved. An application expires after 365 days from the approval date of the application or when an applicant fails the same examination four times.

The proposed rulemaking included new 30 TAC §30.24(c) and (d) to require applicants for renewal licenses to undergo FBI fingerprinting for a criminal history review unless granted a waiver. TCEQ is withdrawing these provisions to further evaluate stakeholder feedback on this issue. Applicants will continue to have the option to utilize FBI fingerprinting as one of the methods for completing the criminal history review required for licensure.

The commission adopts amended TAC §30.24(r) to clarify that an applicant for a renewal of a license or registration must not only resolve deficiencies, but also must notify the executive director that the deficiency has been resolved, within the timeframe. The term "expired" replaces the term "void" to be consistent with the Occupational Licensing section's terminology.

The commission adopts amended 30 TAC §30.26(f) to add paragraph (4), as required by SB 422. The amendment requires the executive director to issue a license to a military service member, military veteran, or military spouse that holds a current license in good standing with another jurisdiction that is substantially equivalent within 30 days. Because the legislation requires approval within 30 days of application, the final rule removes (4)(b) to conform to the statute.

The commission adopts amended 30 TAC §30.28(b), (b)(3), and (b)(4) to update the terminology for types of training that the executive director may approve. The term "events" in §30.28(b) has replaced the term "delivery methods" to define the types of training events the executive director may approve. The types of delivery methods that the executive director may approve are included in new §30.28(c). The term "prerecorded training" has replaced the term "technology-based training" and the term "distance training" has been removed to be consistent with the adopted amendments to the definitions in §30.7.

The commission adopts new 30 TAC §30.28(c) to clarify the types of delivery methods for which the executive director may approve training. Training delivery methods include in-person (occurs at the same place and time for the instructor and student), live-online (occurs at the same time for the instructor and student, but not at the same place, and self-paced training (occurs with a separation of both place and time between the instructor and student), as defined in §30.7. Subsequent sections have been renumbered.

The commission adopts amended 30 TAC §30.28(e)(7) (now §30.28(f)(7)) to clarify that a training provider must not only resolve deficiencies, but also must notify the executive director that the deficiency has been resolved, within the 60-day timeframe.

The commission adopts amended 30 TAC §30.28(g) (now §30.28(h)) to the number of core courses for instructor qualifications as a basis for calculating fees for training applications. Separate instructor qualification fees are not required when submitted with an initial training application for a core course. However, after an initial training application is submitted and approved, a \$10 fee per instructor and core course will be assessed.

The commission adopts amended 30 TAC §30.38(h) (now §30.38(i)) to require training providers to verify the identity of

students. Additionally, the amendments replace the term "technology-based" with "self-paced" to be consistent with current training terminology.

The commission also adopts updated Figure: 30 TAC §30.28(g) (now Figure: 30 TAC §30.28(h)) to ensure the fee table for training applications is consistent with the adopted updates to the training terminology. The rows for "technology-based training" and "webinar" have been deleted since these terms have been deleted from this chapter. The new organization of the table makes it clearer which fee applies to which type of training. A new row for Instructor Qualification has been added.

The commission adopts amended 30 TAC §30.28(p) (now §30.28(q)) to remove reference to "webinars" as this term has been deleted in this chapter and the term "distance training" was replaced with "self-paced training." Additionally, the term "live-online" has been added as a type of delivery method that cannot be approved to teach required manual skills.

The commission adopts amended 30 TAC §30.185, Qualification for License Renewal. The amendment reduces the number of continuing education hours required to renew a Leaking Petroleum Storage Tank Project Manager license. Previously, individuals were required to complete 32 hours of continuing education every three years to be eligible to renew their license. The regulated community expressed difficulty in finding training that is approved for continuing education (CE) credit for this particular license. The commission does not develop or offer training for this license, it only approves training for CE credit. TCEQ believes that reducing the required CEs from 32 to 20 will address the lack of available TCEQ-approved training without any detrimental effects on the environment or to public health.

The commission adopts amended 30 TAC §30.340 to implement new TWC §37.0045, Qualifications for Certain Licenses, created by HB 1845. The commission adopts updated Figure: 30 TAC §30.340(a) to add a row for the Provisional Class D License for wastewater operators to the table. The table lists the minimum requirements by wastewater operator license type. The Provisional Class D License has no education or work experience required and has 20 hours of required training.

The commission also adopts updated Figure: 30 TAC §30.340(f) to add the Provisional Class D Wastewater License to the table. The table shows the required courses and elective courses for each type of wastewater operator license. The Provisional Class D Wastewater Operator License requires the Basic Wastewater Operation course and requires no elective courses. The adopted updates also clarify that the Basic Wastewater Operation course is required for Class B and Class A Wastewater Operators. This change provides consistency between the requirements for the Water and Wastewater operators, as Class B and Class A Water Operators are required to take the basic training course as shown in Figure: 30 TAC §30.390(f). This does not change the total hourly requirements for either license level shown in Figure §30.390(a).

The commission deletes 30 TAC §30.342(a)(2) to eliminate the option for licensed wastewater operators to renew their license through examination in lieu of continuing education credits. Previously, licensed wastewater operators could either meet the continuing education requirements or pass the applicable exam again to be eligible to renew their license. The option to renew a license by taking the exam again was offered in the past to all license types, however this option was removed for all other licenses except for water and wastewater operators

and is very rarely used. For consistency, and to ensure that all water operators take the required resiliency CEs, the option to renew through re-examination was discontinued. To maintain consistency, this option was discontinued for wastewater operators as well. Approximately 3 individuals, out of approximately 2,500, used this option to renew a wastewater operation license per year.

The commission adopts new 30 TAC §30.344 to implement new TWC §37.0045, Qualifications for Certain Licenses, as required by HB 1845. The commission adopts §30.344(a) to establish that the Wastewater D Provisional license may be issued to an individual that does not possess a high school diploma or equivalent and has also completed the required training, passed the applicable examination, and acts under the direct supervision of a license holder. The commission adopts §30.344(b) to establish that the provisional license is valid for two years and that the application fee is \$74. The commission adopts §30.344(c) to establish that provisional licenses are not renewable or reobtainable. The commission adopts §30.344(d) to establish that a provisional license holder whose license expires must submit proof of a high school diploma or equivalent and apply for a Class D operator or higher prior to the expiration date of the provisional license, to be able to continue to work as a licensed wastewater operator. An advantage of applying for the Class D operator prior to the expiration date of the provisional license, is that the individual would not have to retake the Class D Operator exam, as it is the same exam. However, if the provisional license expires before the individual applies for the Class D license, the individual will need to re-test.

The commission adopts amended 30 TAC §30.350(e) to restructure Figure: 30 TAC §30.350(e) to make it easier to determine which license type is required based on the treatment technology and permitted flow. No changes to the requirements were made.

The commission adopts new 30 TAC §30.387(8) and (9) to add definitions for "resiliency continuing education training" and "resiliency overview course." The "resiliency continuing education" refers to any training on resiliency topics that TCEQ approves to count toward the resiliency training that is required to renew a water operator license. The "resiliency overview course" refers to the overview of the resiliency topics, as outlined by the ED, that is required for a new or upgraded water operator license starting on April 1, 2024. The requirement was implemented as part of an agency policy and is being codified in rule through this rulemaking. The resiliency overview course can be taken as a stand-alone course or as part of the Basic Waterworks Operations core course, if the course has been updated to include the resiliency overview topics. Subsequent sections have been renumbered.

The commission adopts amended 30 TAC §30.390 to implement new TWC, §37.0045, Qualifications for Certain Licenses, required by HB 1845, and incorporate the resiliency training requirement, as recommended by the Winter Storm Uri After Action Review. The commission adopts updated Figure: 30 TAC §30.390(a) to add the Provisional Class D License for water operators to the table. The table lists the minimum requirements by water operator license type. The Provisional Class D License has no education or work experience required and has 22 hours of required training. Additionally, the training credit hours required for each license type was increased by 2 to account for the resiliency overview core course requirement. Starting on April 1, 2024, individuals who apply for a new water operator license and

have not taken an updated core course with the resiliency component are required to take the Resiliency Overview Course for an additional two hours. Once the Resiliency Overview Course has been completed, it does not need to be repeated if the individual applies for another license level.

The commission also adopts updated Figure: 30 TAC §30.390(f) to add the Provisional Class D Water Operator License to the table. The table shows the required courses and elective courses for each type of water operator license. The Provisional Class D Water Operator License requires the Basic Waterworks Operation and the Resiliency Overview courses and requires no elective courses. The updated table also adds the Resiliency Overview course as core course requirement for all water operator license levels. This requirement has already been implemented and applies to applications received on or after April 1, 2024. The standalone Resiliency Overview Course is required if the individual did not take the updated Basic Waterworks Operation that incorporates resiliency overview topics into the course.

The commission adopts amended 30 TAC §30.390(g) to clarify that an individual who previously held a Class A, B, or C license would not be eligible to apply for a Class D Water Operator license if the individual currently operates facilities listed in §30.390(g)(1) - (5). This is consistent with the requirements for the Wastewater Operator D license.

The commission adopts amended 30 TAC §30.392 to implement the resiliency requirements for renewing a water operator license, as recommended by the Winter Storm Uri After Action Review. The commission adopts amended §30.392(a)(1) to specify that two of the required 30 CE credit hours must be approved as resiliency training.

The commission deletes 30 TAC §30.392(a)(2) to eliminate the option for licensed water operators to renew their license through examination. Previously, licensed water operators could either meet the continuing education requirements or pass the applicable exam again to be eligible to renew their license. The option to renew a license by taking the exam again was offered in the past to all license types, however this option was removed for all other licenses except for water and wastewater operators. To ensure that all water operators take the required resiliency CEs, the option to renew through re-examination has been discontinued. To maintain consistency, this option will be discontinued for water operators as well. Approximately 5 licensees use this option annually to renew their license.

The commission adopts new 30 TAC §30.392(e) to establish that applicants whose license expires on or after April 1, 2024, are required to take the Resiliency Overview Course as part of the continuing education requirement to renew a license. An individual must take the Resiliency Overview Course once to meet the resiliency training requirement. After that, the individual may repeat the course for continuing education hours. Although not stated in the rule, TCEQ practice allows these individuals two renewal cycles to complete the course. For example, if an individual's license expires on May 1, 2024, that individual would have until the next renewal cycle (May 1, 2027) to take the Resiliency Overview Course.

The commission adopts new 30 TAC §30.394 to implement new TWC, §37.0045, Qualifications for Certain Licenses, as a result of HB 1845. The commission adopts §30.394(a) to establish that the Water Operator D provisional license may be issued to an individual that does not possess a high school diploma or equivalent and has also completed the required training, passed the

applicable examination, and acts under the direct supervision of a license holder. The commission adopts §30.394(b) to establish that the provisional license is valid for two years and that the application fee is \$74. The commission adopts §30.394(c) to establish that provisional licenses are not renewable or reobtainable. The commission adopts §30.394(d) to establish that a provisional license holder whose license expires must submit proof of a high school diploma or equivalent and apply for a Class D operator or higher prior to the expiration date of the provisional license, to be able to continue to work as a licensed water operator. An advantage of applying for the Class D operator prior to the expiration date of the provisional license, is that the individual would not have to retake the Class D Operator exam. However, if the provisional license expires before the individual applies for the Class D license, the individual will need to re-test.

Final Regulatory Impact Determination

The commission reviewed this rulemaking action in light of the regulatory analysis requirements of Texas Government Code, §2001.0225, and determined that the adopted rules are not subject to that statute because the adopted rules do not meet the criteria for "major environmental rules" as defined in Texas Government Code, §2001.0225(g)(3). Texas Government Code, §2001.0225 applies only to rules that are specifically intended to protect the environment or reduce risks to human health from environmental exposure and that may adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state. Texas Government Code, §2001.0225 does not apply because the adopted rules would only modify existing licensing and registration requirements.

The purpose of the adopted rules is to implement HB 1845, HB 2453, and SB 422 (88th Texas Legislature).

The specific intent of the adopted rules is: to ensure consistency between the rules and their applicable statutes as amended by recent legislation; to establish, by rule, a provisional occupational license for Class D Wastewater operators and public water system operators for persons without a high school diploma or equivalent; to issue a digital license or certificate of registration in lieu of a physical paper license; and to allow military service members to engage in a business or occupation for which a license is required, without a Texas license, provided the military service member holds a current license in good standing from another jurisdiction.

Furthermore, even if the adopted rules did meet the definition of a major environmental rule, the adopted rules are not subject to Texas Government Code, §2001.0225, because they do not meet any of the four applicability requirements specified in Texas Government Code, §2001.0225(a). Texas Government Code, §2001.0225(a) applies to rules adopted by an agency, the result of which is to: 1) exceed a standard set by federal law, unless the rule is specifically required by state law; 2) exceed an express requirement of state law, unless the rule is specifically required by federal law; 3) exceed a requirement of a delegation agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program; or 4) adopt a rule solely under the general powers of the agency instead of under a specific state law.

In this case, the adopted rules do not meet any of these requirements: there are no federal standards for the occupational licenses and registrations program administered by the commis-

sion; the rules do not exceed an express requirement of state law; there is no delegation agreement that would be exceeded by the rules; and the adopted rules would implement HB 1845 and HB 2453 and SB 422 (88th Texas Legislature).

Written comments on the Draft Regulatory Impact Analysis Determination may be submitted to the contact person at the address listed under the Submittal of Comments section of this preamble.

The commission invited public comment regarding the draft regulatory impact analysis determination during the public comment period. No comments were received on the regulatory impact analysis.

Takings Impact Assessment

The commission has prepared a takings impact assessment for these adopted rules pursuant to Texas Government Code, §2007.043. The specific purpose of these adopted rules is: to ensure consistency between the rules and their applicable statutes as amended by recent legislation; to establish, by rule, a provisional occupational license for Class D Wastewater operators and public water system operators for persons without a high school diploma or equivalent; to issue a digital license or certificate of registration in lieu of a physical paper license; and to allow military service members to engage in a business or occupation for which a license is required, without a Texas license, provided the military service member holds a current license in good standing from another jurisdiction.

The adopted regulations do not affect a landowner's rights in private real property because this adopted rulemaking does not burden, restrict, or limit the owner's right to property and reduce its value by 25% or more beyond that which would otherwise exist in the absence of the regulations. The adopted rules do not constitute a taking because they would not burden private real property.

Consistency with the Coastal Management Program

The commission reviewed the adopted rules and found that they are neither identified in Coastal Coordination Act Implementation Rules, 31 TAC §29.11(b)(2) or (4), nor will they affect any action/authorization identified in Coastal Coordination Act Implementation Rules, 31 TAC §29.11(a)(6). Therefore, the adopted rules are not subject to the Texas Coastal Management Program (CMP).

The commission invited public comment regarding the consistency with the coastal management program during the public comment period. No comments were received regarding the CMP.

Public Comment

The commission offered a public hearing on October 10, 2024. The comment period closed on October 14, 2024. The commission received comments from five individuals. One commenter expressed support for implementing HBs 1845 and 2453, the resiliency requirement, reducing the CE credit requirement for the Leaking Petroleum Storage Tank Project Manager license, and updating training terminology. Four of the commenters were against the fingerprinting requirement, one was against the resiliency requirement for renewing a license, and one was against the provisional license. One commenter suggested that fingerprinting should not be required for individuals that have undergone fingerprinting for another state agency.

Response to Comments

Comment 1

Four individuals commented that they are against the fingerprinting requirement for occupational licensing. One also commented that the fingerprinting requirement is an unnecessary extra step, especially for renewal applicants. Another also commented that they work at a rural water supply that is located 90 miles from the closest FBI fingerprinting office and that the fingerprinting requirement would cause hardship for individuals trying to obtain new and renewal licenses. It was also commented that TCEQ already has licensee's social security number on file.

Response 1

TCEQ is withdrawing the provisions requiring applicants for new and renewal licenses to undergo FBI fingerprinting for a criminal history review unless granted a waiver to further evaluate stakeholder feedback on this issue. Applicants will continue to have the option to utilize FBI fingerprinting as one of the methods for completing the criminal history review required for licensure.

Comment 2

One individual recommended that the TCEQ allow individuals that have a license to carry (LTC) or an engineering license, which both require fingerprinting and background checks, should not be required to undergo the fingerprinting requirement with TCEQ. They stated that, as the holder of an LTC, they can purchase a firearm without having to undergo fingerprinting and a background check and expressed concern as to why they need to undergo fingerprinting when it has already been accomplished through another state program.

Response 2

TCEQ is withdrawing the provisions requiring applicants for new and renewal licenses to undergo FBI fingerprinting for a criminal history review unless granted a waiver to further evaluate stakeholder feedback on this issue. Applicants will continue to have the option to utilize FBI fingerprinting as one of the methods for completing the criminal history review required for licensure.

Comment 3

One individual commented that they are in support of the resiliency requirement for new operators, but not for current operators.

Response 3

In the aftermath of Winter Storm Uri, TCEQ was tasked to conduct an "after-action review" to evaluate the factors that impacted public water systems during the Winter Storm. The project team engaged stakeholders from the private and public sectors to discuss a variety of topics to enhance critical infrastructure resilience. One of the recommendations that came out of the after-action review was to require all public water system operators to take resiliency training. This requirement has already been implemented and applies to applications received on or after April 1, 2024.

The resiliency training requirement will assist licensed operators, public water systems, and affected utilities prepare for, respond to, and recover from severe weather-related events. The resiliency training requirement is intended for an operator to get an introduction to resiliency, through the Resiliency Overview course. After that, a minimum of two hours of resiliency training will be required to renew all Water Operator licenses of any level. Of the 30 continuing education (CE) hours required to renew a water operator license, at least two CE hours must be

approved as resiliency training. The renewal resiliency training will provide a more in-depth coverage of one or more of the resiliency topics with the intention that overtime operators will gain in-depth knowledge on all resiliency topics and stay up to date throughout their career as a licensed operator.

Comment 4

One individual commented that they are against allowing individuals without a high school diploma or equivalent from obtaining a water or wastewater license.

Response 4

The provisional licenses for water and wastewater operators are statutorily required and TCEQ is required to implement it. House Bill 1845 amended TWC Chapter 37, Occupational Licensing and Registration, to add TWC §37.0045 which requires the commission to establish, by rule, a provisional occupational license for Class D Wastewater operators and public water system operators for persons without a high school diploma or equivalent. TCEQ is amending 30 TAC Chapter 30 to meet this statutory requirement.

Comment 5

One individual commented that they are not opposed to implementing House Bills 1845 and 2453, the resiliency requirement, reducing the CE credit requirement for the Leaking Petroleum Storage Tank Project Manager license, or updating training terminology.

Response 5

The agency acknowledges the support.

SUBCHAPTER A. ADMINISTRATION OF OCCUPATIONAL LICENSES AND REGISTRATIONS

30 TAC §§30.5, 30.7, 30.14, 30.18, 30.20, 30.24, 30.26, 30.28

Statutory Authority

These amendments are adopted under the authority granted to the Texas Commission on Environmental Quality (commission) in Texas Water Code (TWC), §5.012, which provides that the commission is the agency responsible for implementing the constitution and laws of the state relating to conservation of natural resources and protection of the environment; and §5.103 and §5.105, which establish the commission's general authority to adopt rules.

These amendments are also adopted under TWC, §37.002, which provide the commission's specific authority to adopt rules governing occupational licenses and registrations; TWC, §§26.0301, 37.003, 37.005, and 37.006; Texas Health and Safety Code, §§341.033, 341.034, 361.027, and 366.071, and Texas Occupations Code (TOC), §1903.251.

The adopted rules implement TWC, §37.045 as added by House Bill (HB) 1845; 30 TOC, §60.002 as added by HB 2453; and 30 TOC, §55.0041 and §55.005(a) as amended by Senate Bill 422.

§30.18. *Applications for an Initial License and Individual Registrations.*

(a) Applications for initial licenses and individual registrations shall be made on a standard form provided by the executive director. The application must be submitted to the executive director with the fee according to §30.30 of this title (relating to Terms and Fees for Licenses

and Registrations). The application must be submitted to the executive director before the applicant may take the examination, if applicable.

(b) Supplemental information for each individual program shall be submitted according to the specific requirements for each program.

(c) An approved application shall be valid for one year from the date of application approval.

(d) All statements and qualifications provided by each applicant or on the behalf of the applicant are subject to verification by the executive director.

(e) All statements, qualifications, and attachments provided by the applicant relating to an application shall be true, accurate, complete, and contain no misrepresentation or falsification.

(f) Misrepresentation or falsification of any information may be grounds for denial of an application and for enforcement action.

(g) All applications must be completed in full. All deficiencies must be resolved, and the applicant must notify the executive director that the deficiency has been resolved, within 120 days of notification, or the application shall be considered expired.

(h) An applicant must furnish evidence of any training credit, proof of education, or work experience when requested. Diplomas from non-accredited high schools will be evaluated by the executive director on a case-by-case basis and will be considered based on the following submitted information:

- (1) transcript;
- (2) documentation of actual coursework;
- (3) time spent on coursework or program; and

(4) any additional documentation the executive director might reasonably request or that would assist the applicant in demonstrating the proof of their education claim.

(i) The executive director shall determine whether an applicant meets the requirements of this subchapter. If all requirements have been met, the executive director shall issue the license. The license shall be valid for the term specified in Subchapters B - L of this chapter (relating to Backflow Prevention Assembly Testers; Customer Service Inspectors; Landscape Irrigators, Irrigation Technicians, and Irrigation Inspectors; Leaking Petroleum Storage Tank Corrective Action Project Managers and Specialists; Municipal Solid Waste Facility Supervisors; On-Site Sewage Facilities Installers, Apprentices, Designated Representatives, Maintenance Providers, Maintenance Technicians, and Site Evaluators; Water Treatment Specialists; Underground Storage Tank On-Site Supervisor Licensing and Contractor Registration; Wastewater Operators and Operations Companies; Public Water System Operators and Operations Companies; and Visible Emissions Evaluator Training and Certification, respectively.) The effective date of the license shall be the date the executive director issues the license.

§30.24. License and Registration Applications for Renewal.

(a) A license or registration may not be renewed if it has been:

(1) expired for more than 30 days and an application has not been received by the executive director or postmarked within 30 days after the expiration date of the license or registration;

(2) revoked; or

(3) replaced by a higher class of license.

(b) Applications for renewal must be made on a standard form provided by the executive director.

(1) The executive director shall mail a renewal notification at least 60 days before the license or registration expires to the most recent address provided to the executive director. If a person does not receive a renewal notification, the person is not relieved of the responsibility to timely submit a renewal application.

(2) The person is responsible for ensuring that the completed renewal application, the renewal fee, and other required information are submitted to the executive director by the expiration date of the license or registration.

(c) All statements, qualifications, and attachments provided by the applicant that relate to a renewal application shall be true, accurate, complete, and contain no misrepresentation or falsification.

(d) Approved training to renew a license must be successfully completed after the issuance date and before the expiration date of the current license. Any training credits completed in excess of the amount required for the renewal period shall not be carried over to the next renewal period.

(e) An individual who holds a license prescribed by Texas Water Code, §26.0301, or Texas Health and Safety Code, §341.033 or §341.034, specifically the holder of a Class A or Class B public water system operator or Class A or B wastewater treatment facility operator license may certify compliance with continuing education requirements prior to or at the time the license is renewed by submitting a continuing education certification form available from the executive director.

(f) The executive director may renew a license or registration if the application is received by the executive director or is postmarked within 30 days after the expiration date of the license or registration, and the person meets the requirements for renewal by the expiration date of the license or registration and pays all appropriate fees. This subsection does not extend the validity period of the license or registration nor grant the person authorization to perform duties requiring a license or registration. This subsection only allows an additional 30 days after the expiration of the license or registration for the person to submit the renewal application, any supporting documentation, and appropriate fees.

(g) An individual whose license renewal application is not received by the executive director or is not postmarked within 30 days after the license expiration date may not renew the license and must meet the current education, training, and experience requirements, submit a new application with the appropriate fee, and pass the examination. A person whose registration renewal application is not received by the executive director or is not postmarked within 30 days after the expiration date may not renew the registration and must submit a new application with the appropriate fee and meet all applicable requirements for a new registration.

(h) Persons failing to renew their license or registration in a timely manner due to serving as a military service member may renew their license within two years of returning from active duty by submitting the following:

(1) a completed renewal application;

(2) a copy of the military orders substantiating the military service during the time the license expired; and

(3) the applicable license renewal fee.

(i) For good cause the executive director may extend the two years period for a military service member seeking to renew their license. Good cause may include, but is not limited to, hospitalization or injury to the licensee.

(j) Completion of the required continuing education will be waived for the renewal cycle for military service members outside of this state who were unable to complete the requirements.

(k) These procedures apply only to military service members who are outside this state and not to military contractors.

(l) All licensees must notify the executive director of any change in the previously submitted application information within ten days from the date the change occurs.

(m) All registration holders must notify the executive director of any change in the previously submitted application information within ten days after the month in which the change occurs.

(n) Licenses and registrations that have renewal cycles in transition shall follow the renewal requirements in the applicable subchapter.

(o) The executive director shall determine whether an applicant meets the renewal requirements of this subchapter. If all requirements have been met, the executive director shall renew the license or registration.

(p) The license or registration shall be valid for the term specified.

(q) If the application does not meet the requirements, the executive director shall notify the applicant in writing of the deficiencies.

(r) All deficiencies must be resolved, and the applicant must notify the executive director that the deficiency has been resolved within 30 days of date printed on the notification, or the renewal application shall be considered expired after the license expiration date.

(s) A person whose license or registration has expired shall not engage in activities that require a license or registration until the license or registration is renewed or a new license or registration has been obtained.

(t) The commission shall follow the notification requirements in §30.36 of this title (relating to Notice) prior to denying an individual the opportunity to renew a license based on the individual's prior conviction of an offense.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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For further information, please call: (512) 239-2678



SUBCHAPTER E. LEAKING PETROLEUM STORAGE TANK CORRECTIVE ACTION PROJECT MANAGERS AND SPECIALISTS

30 TAC §30.185

Statutory Authority

These amendments are adopted under the authority granted to the commission in Texas Water Code (TWC), §5.012, which provides that the commission is the agency responsible for implementing the constitution and laws of the state relating to conservation of natural resources and protection of the environment; and §5.103 and §5.105, which establish the commission's general authority to adopt rules.

These adopted rules incorporate additional recommended changes to 30 TAC 30.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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SUBCHAPTER J. WASTEWATER OPERATORS AND OPERATIONS COMPANIES

30 TAC §§30.340, 30.342, 30.344, 30.350

Statutory Authority

These amendments are adopted under the authority granted to the commission in Texas Water Code (TWC), §5.012, which provides that the commission is the agency responsible for implementing the constitution and laws of the state relating to conservation of natural resources and protection of the environment; and §5.103 and §5.105, which establish the commission's general authority to adopt rules.

The adopted rules implement TWC, §37.0045 as added by HB 1845.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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SUBCHAPTER K. PUBLIC WATER SYSTEM OPERATORS AND OPERATIONS COMPANIES

30 TAC §§30.387, 30.390, 30.392, 30.394

Statutory Authority

These amendments are adopted under the authority granted to the commission in Texas Water Code (TWC), §5.012, which provides that the commission is the agency responsible for implementing the constitution and laws of the state relating to conservation of natural resources and protection of the environment; and §5.103 and §5.105, which establish the commission's general authority to adopt rules.

The adopted rules implement TWC, §37.0045 as added by HB 1845.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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