

same case, whether such services are delivered sequentially or simultaneously.

(e)A licensee may not offer an expert opinion or recommendation relating to the conservatorship of or possession of or access to a child unless the licensee has conducted a child custody evaluation relating to the child in accordance with Family Code, Chapter 107, Subchapter D.

(f)Before beginning child custody evaluations or adoption evaluations, a licensee shall inform the parties in writing of:

(1)the limitations on confidentiality in the evaluation process; and

(2)the basis of fees and costs and the method of payment, including any fees associated with postponement, cancellation, and/or nonappearance, and the parties' pro rata share of the fees and costs as determined by the court order or written agreement of the parties.

(g)A Licensed Marriage and Family Therapist Associate shall not conduct child custody evaluations or adoption evaluations unless qualified by another professional license to provide such services or otherwise allowed by law.

§801.58. Technology-Assisted Services.

(a)Licensees who provide marriage and family therapy to clients or supervision to supervisees outside the State of Texas shall comply with the laws and rules of this board and of the out-of-state regulatory authority.

(b)Licensees who provide treatment, consultation, and supervision using technology-assisted services shall meet the same standards of appropriate practice as licensees who practice in traditional (i.e., in-person) settings.

(c)In accordance with Occupations Code, §502.251 (relating to License Required), a person may not practice as a marriage and family therapist unless the person holds a license under this chapter or is exempt under Occupations Code, §502.004 (relating to Application of Chapter).

(d)Licensees may use technology-assisted services only after receiving appropriate education, training, and/or supervised experience in using relevant technology. A therapist who uses technology-assisted services must maintain documentation of academic preparation and supervision in the use of technology-assisted services as part of the therapist's academic program or the substantial equivalent provided through at least 15 hours of continuing education and 2 hours every subsequent renewal period. Licensees must comply with this subsection by January 1, 2018.

(e)A licensee shall not render therapy using technology-assisted services without complying with the following at the onset of each session:

(1)fully verifying the location and identity of the client, to the most reasonable extent possible;

(2)disclosing the identity and applicable credentials of the licensee; and

(3)obtaining appropriate consents from clients.

(f) Before providing technology-assisted services, licensees shall determine whether a client is a minor. Upon determining that a client is a minor, and before providing technology-assisted services, licensees shall obtain required consent from a parent or guardian and shall verify the identity of the parent, guardian, or other person consenting to the minor's treatment.

(g) The licensee shall determine if technology-assisted service is an appropriate delivery of treatment or supervision, considering the professional, intellectual, or emotional needs of the client or supervisee.

(h) Informed consent shall include, at a minimum, information that defines electronic service delivery as practiced by the licensee and the potential risks and ethical considerations. The licensee shall obtain and maintain written and/or electronic evidence documenting appropriate client informed consent for the use of technology-assisted services. The licensee shall ensure that the informed consent complies with other informed consent requirements in this chapter and shall include the following:

(1) identification of the client, the therapist, and the therapist's credentials;

(2) list of services provided by the licensee using technology-assisted services;

(3) client agreement that the therapist determines on an on-going basis whether the condition being assessed and/or treated is appropriate for technology-assisted services;

(4) details on security measures taken with the use of technology-assisted services, as well as potential risks to privacy notwithstanding such measures;

(5) information regarding secure protocols and back-up plans in case of technical failure;

(6) the licensee's credentials or training to engage in technology-assisted services, physical location of practice, and contact information;

(7) risks and benefits of engaging in the use of technology;

(8) emergency procedures to follow when the therapist is not available;

(9) information collected and any passive tracking mechanisms used;

(10) third-party websites or services used by the licensee to facilitate technology-assisted services; and

(11) an explanation of how records are maintained electronically, including, but not limited to, encryption type and record security, and the archival storage period for transaction records.

(i) Therapists who use technology-assisted services shall meet or exceed applicable federal and state legal requirements of health information privacy, including, but not limited to, compliance with the Health Insurance Portability and Accountability Act of 1966 (HIPAA), Public Law 104-191; The Health Information Technology for Economic and Clinical Health (HITECH) Act, 42 U.S.C. Chapter 156, Subchapter III; Health and Safety Code, Chapter 181 (relating to Medical Records Privacy); and state

privacy, confidentiality, and security rules.

(j) Licensees must comply with this section by January 1, 2018.

SUBCHAPTER D. APPLICATION PROCEDURES.

§801.71. Purpose.

The purpose of this subchapter is to set out the application procedures for examination and licensure as a marriage and family therapist or marriage and family therapist associate.

§801.72. General.

(a) Unless otherwise indicated, an applicant must submit all required information and documentation of credentials on official board forms.

(b) The board will not consider an application as officially submitted until the applicant pays the application fee. The fee must accompany the application form.

(c) An application must be completed within one year of the original date of filing. An application that is not completed one year past the date an application is opened is void.

§801.73. Required Application Materials.

(a) Application form. The application form shall contain:

(1) specific information regarding personal data, employment and type of practice, other state licenses and certifications held, disciplinary actions taken by other jurisdictions, felony or misdemeanor convictions, educational

background including direct clinical experience, supervised experience, and references;

(2) a statement that the applicant has read the Act and the board rules and agrees to abide by the Act and the board rules;

(3) the applicant's permission to the board to seek any information or references it deems necessary to determine the applicant's qualifications;

(4) a statement that the applicant, if issued a license, shall return the license to the board upon the revocation or suspension of the license;

(5) a statement that the applicant understands that the fees submitted in the licensure process are nonrefundable;

(6) the applicant's signature and date of signature; and

(7) official transcripts.

(b) Supervised experience form. The supervised experience form must be completed by the applicant's supervisor and is valid only when it bears the supervisor's signature.

(c) Course work. An applicant must have the official transcript(s) showing all relevant course work sent directly to the board office.

(d) Other documents. Vita, resume, and/or other documentation of the applicant's credentials may be submitted.

(e) Effective September 1, 2006, all applicants for licensure must submit proof of successful completion of the