

Title 22. Examining Boards  
Part 35. Texas State Board of Examiners of Marriage and Family Therapists  
Chapter 801. Licensure and Regulation of Marriage and Family Therapists  
Subchapter B. The Board.  
Amendments §801.18, New §801.19  
Subchapter G. Experience Requirements for Licensure  
Amendments §§801.142 and 801.143  
Subchapter J. Licensure Renewal and Inactive Status.  
Amendments §§801.234 and 801.235  
Subchapter L. Complaints and Violations  
Amendments §§801.291 and 801.296

### Adoption Preamble

The Texas State Board of Examiners of Marriage and Family Therapists (board) adopts amendments to §§801.18, 801.142, 801.143, 801.234, 801.235, 801.291, and 801.296, and new §801.19, concerning the licensure and regulation of marriage and family therapists. Section 801.142 is adopted with changes to the proposed text as published in the July 9, 2010, issue of the *Texas Register* (35 TexReg 6016). Amendments to §§801.18, 801.143, 801.234, 801.235, 801.291, and 801.296, and new §801.19 are adopted without changes and, therefore, the sections will not be republished.

### BACKGROUND AND PURPOSE

The amendments and new sections modify requirements for experience needed for licensure; supervisor requirements, including new fees for board approved supervisor status; licensure renewal; late renewal; and complaints and violations. The new section and amendments also set out procedures for issuing criminal history evaluation letters, as required by House Bill 963, 81st Legislature, 2009, which amended Occupations Code, Chapter 53, Subchapter D, Preliminary Evaluation of License Availability, relating to the eligibility of certain applicants for occupational licenses.

### SECTION-BY-SECTION SUMMARY

The amendments to §801.18 establish a \$50 fee for the issuance of criminal history evaluation letters, a \$20 application fee for board-approved supervisor status, and a \$50 biennial renewal fee for board-approved supervisor status, to more accurately reflect costs associated with administration of board approved supervisory status and criminal history evaluation letters.

The new §801.19 establishes the procedures for the issuance of criminal history evaluation letters.

The amendments to §801.142 clarify the experience requirements for licensure, related to supervised clinical experience. The amendments also establish new procedures for the submission and approval of supervision contracts. The amendments to §801.143 modify the supervisor requirements, including the submission of application and renewal fees for

supervisors, the qualifications and required licensure for supervisor approvals, and ethical requirements and responsibilities of supervisors. The amendment to §801.234 clarifies that a license holder is responsible for complying with license renewal requirements. The amendment to §801.235 improves section clarity related to late renewal. The amendments to §801.291 provide that the board may take disciplinary action if a license holder violates a board order or engages in conduct that discredits the profession of marriage and family therapy. The amendments to §801.296 provide an administrative mechanism for closure of certain complaints.

## COMMENTS

The board has reviewed and prepared responses to the comments received regarding the proposed rules during the comment period. The seven commenters were individuals, associations, and/or groups, including the Texas Association of Marriage and Family Counselors and the Texas Association for Marriage and Family Therapists. The commenters were not against the rules in their entirety; however, the commenters suggested recommendations for change as discussed in the summary of comments. Commenters were generally in favor of rules.

Comment: Concerning §801.142(1)(A)(i)(I), the proposal to reduce the number of hours of direct clinical services provided to couples and families from 750 to 500, received five comments. Four supported the reduction, and one opposed on the grounds that it would dilute the specialization of the licensed marriage and family therapist (LMFT). One individual recommended modification by allowing an LMFT Associate who is also a licensed professional counselor intern to count supervised experience hours accrued under the licensed professional counselor intern license, which were provided by a board-approved supervisor for both boards, prior to becoming an LMFT Associate towards the 750 hour requirement.

Response: The board determined that there should be no change to the rule as originally written due to the comments. The proposed amendment to reduce the number of hours from 750 to 500 was not adopted and will remain at 750 hours.

Comment: Concerning other amendments to §801.142, one commenter supported the changes.

Response: The board agrees and adopted the proposed amendments, with the exception of proposed amendment to §801.142(1)(A)(i)(I), as stated in the previous comment and response.

Comment: Concerning §801.291(1)(L), the inclusion of “conduct that discredits or tends to discredit the profession of marriage and family therapy” as grounds for denial, revocation, probation, or suspension of a license, reprimand of a license, or imposition of an administrative penalty, two commenters expressed concerns about ambiguous and possibly problematic wording. One commenter offered modified language.

Response: The board disagrees. Another mental health licensing board utilizes the proposed language, and it has not proven to be ambiguous or problematic. No change was made as a result of comments.

Comment: Concerning §801.143(a)(1), in which the board clarifies that the license required to become a board-approved supervisor is the LMFT license, one commenter disagrees that all individuals must be LMFTs in order to provide board-approved supervision towards licensure. The individual requests modified language to allow for grandfathering of individuals who were previously approved by the board but who are not licensed as an LMFT.

Response: The board disagrees. The board has determined that the public is best protected by requiring board-approved supervisors to be licensees of the board.

Comment: One commenter recommended creation of an “Emeritus” status for LMFT licensure, similar to the one outlined in the rules for licensed social workers.

Response: This proposal is unrelated to the proposed amendments. The board may consider it in the future.

#### STATUTORY AUTHORITY

The amendments and new rule are adopted under the Texas Occupations Code, §53.105, which authorizes the adoption of a rule regarding fees for criminal history evaluation letters; Texas Occupations Code, §502.152, which authorizes the board to adopt rules necessary for the performance of its duties; as well as under the Texas Occupations Code, §502.153, which authorizes the board to set fees reasonable and necessary to cover the costs of administering this chapter.

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Legend: (Final Amendments – One proposed amendment withdrawn)  
Regular Print = Final language incorporating all proposed changes for final adoption  
(No change) = No changes are being considered for the designated subdivision

Subchapter B. The Board.

§801.18. Fees.

(a) The board has established the following fees for licenses, license renewals, examinations, and all other administrative expenses under the Licensed Marriage and Family Therapists Act (Act).

(b) The schedule of fees shall be as follows:

- (1) application fee--\$40;
- (2) licensure examination fee--shall be in accordance with the current contracted examination fee;
- (3) initial licensure fee issued for a two-year term--\$90;
- (4) biennial renewal fee--\$130;
- (5) late renewal fee--late renewal fees shall be set as follows:
  - (A) on or within 90 days--biennial renewal fee plus one-fourth of the current biennial renewal fee (\$33); and
  - (B) longer than 90 days but less than one year--biennial renewal fee plus one-half of the current biennial renewal fee (\$65);
- (6) inactive status (administrative) fee--\$75;
- (7) duplicate license fee--\$10;
- (8) provisional licensure fee--\$40;
- (9) continuing education sponsor fee--\$50 annually;
- (10) child support reinstatement fee--\$40;
- (11) verification fee--\$10;
- (12) student loan default reinstatement fee--\$40;

(13) criminal history evaluation letter fee--\$50;

(14) application fee for board approved supervisor status--\$20; and

(15) renewal fee for board-approved supervisor status--\$50 biennially.

(c) All fees are nonrefundable.

(d) For all applications and renewal applications, the board is authorized to collect subscription and convenience fees, in amounts determined by the Texas Online Authority, to recover costs associated with application and renewal application processing through Texas Online. For all applications and renewal applications, the board is authorized to collect fees to fund the Office of Patient Protection in accordance with Occupations Code, Chapter 101 (relating to Health Professions Council.)

(e) The board shall make periodic reviews of its fee schedule and make any adjustments necessary to provide funds to meet its expenses without creating an unnecessary surplus. All fee changes shall be made through rulemaking procedures.

#### §801.19. Request for Criminal History Evaluation Letter.

(a) In accordance with Occupations Code, §53.102, a person may request the department to issue a criminal history evaluation letter regarding the person's eligibility for a license if the person:

(1) is enrolled or planning to enroll in an educational program that prepares a person for an initial license or is planning to take an examination for an initial license; and

(2) has reason to believe that the person is ineligible for the license due to a conviction or deferred adjudication for a felony or misdemeanor offense.

(b) A person making a request for issuance of a criminal history evaluation letter shall submit the request on a form prescribed by the department, accompanied by the criminal history evaluation letter fee and the required supporting documentation, as described on the form. The request shall state the basis for the person's potential ineligibility.

(c) The department has the same authority to investigate a request submitted under this section and the requestor's eligibility that the department has to investigate a person applying for a license.

(d) If the department determines that a ground for ineligibility does not exist, the department shall notify the requestor in writing of the determination. The notice shall be issued not later than the 90th day after the date the department received the request form, the criminal history evaluation letter fee, and any supporting documentation as described in the request form.

(e) If the department determines that the requestor is ineligible for a license, the department shall issue a letter setting out each basis for potential ineligibility and the department's determination as to eligibility. The letter shall be issued not later than the 90th day after the date the department received the request form, the criminal history evaluation letter fee, and any supporting documentation as described in the request form. In the absence of new evidence known to, but not disclosed by, the requestor or not reasonably available to the department at the time the letter is issued, the department's ruling on the request determines the requestor's eligibility with respect to the grounds for potential ineligibility set out in the letter.

#### Subchapter G. Experience Requirements for Licensure.

§801.142. Supervised Clinical Experience Requirements and Conditions. The following supervised clinical experience requirements and conditions shall apply.

(1) Supervised clinical experience accrued in Texas may only be accrued under licensure as a Licensed Marriage and Family Therapist Associate (with the exception noted in subparagraph (A)(i)(III) and (ii)(III) of this paragraph).

(A) The applicant must have completed a minimum of two years of work experience in marriage and family therapy services that:

(i) includes at least 3,000 hours of marriage and family therapy practice acceptable to the board:

(I) of which at least 1,500 hours must be direct clinical services, of which 750 ~~500~~ hours shall be provided to couples or families;

(II) the remaining 1,500 hours may come from related experiences that may include but not be limited to workshops, public relations, writing case notes, consulting with referral sources, etc;

(III) of the 3,000 hours, no more than 500 hours may be transferred from a Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) accredited doctoral program; and

(ii) the applicant must be supervised in a manner acceptable to the board, including:

(I) at least 200 hours of supervision;

(II) of the 200 hours, at least 100 hours must be individual supervision;

(III) of the 200 hours, no more than 100 hours may be transferred from the graduate program;

(IV) at least 50 hours of the post-graduate supervision must be individual supervision.

(B) An associate may practice marriage and family therapy in any setting under supervision, such as a private practice, public or private agencies, hospitals, etc.

(C) During the post graduate supervision, both the supervisor and the associate may have disciplinary actions taken against their licenses for violations of the Act or rules.

(D) Supervision must be conducted under a supervision contract, which must be submitted to the board on the official form within 60 days of the initiation of supervision. The supervision contract submitted to the board must be approved by the board. Fees charged by a supervisor during the course of supervision, which occurred without a board-approved supervision contract in place and subsequently resulted in the supervised experience hours of the supervisee being denied by the board solely on the basis that there was no board approved supervision contract in place within 60 days of the initiation of supervision, must be reimbursed to the supervisee.

(E) Group supervised experience of an associate may count toward an associate's supervision requirement only if the supervision group consisted of a minimum of three and no more than six associates during the supervision hour.

(F) Individual supervised experience of an associate may count toward the associate's supervision requirement only if the supervision consisted of no more than two associates.

(G) The 200 hours of supervision must be face-to-face. The associate must receive a minimum of one hour of supervision every two weeks. A supervision hour is 45 minutes. Up to 50 hours of the 200 hours of face-to-face supervision may occur via telephonic or other electronic media, as approved by the supervisor.

(H) An associate may have no more than two board-approved supervisors at a time, unless given prior approval by the board or its designee.

(I) The associate may receive credit for up to 500 clock hours toward the required 3,000 hours of supervised clinical services by providing services via telephonic or other electronic media, as approved by the supervisor.

(2) Supervision and supervised clinical experience accrued toward licensure as a Licensed Marriage and Family Therapist in another jurisdiction are accepted by endorsement only (except as noted in paragraph (1)(A)(ii)(III) of this section).

(A) It is the applicant's responsibility to ensure that supervision and supervised experience accrued in another jurisdiction is verified by the jurisdiction in which it occurred and that the other jurisdiction provides verification of supervision to the board.

(B) If an applicant has been licensed as a marriage and family therapist in a United States jurisdiction for the 5 years preceding the application, the supervised clinical experience requirements will be considered to have been met. If licensed for any other period of 5 years, the board will determine whether clinical experience requirements have been met.

§801.143. Supervisor Requirements.

(a) Supervisors are recognized by the board when subsection (a) or (b) of this section is met by submitting an application which includes the applicable fee and the following:

(1) a license as a marriage and family therapist (which is not a provisional or an associate license) issued by the board;

(2) one of the following:

(A) successful completion of a one-semester graduate course in marriage and family therapy supervision from an accredited institution; or

(B) a 40-hour continuing education course in clinical supervision that meets the minimum requirements of the board and is offered by a board-approved provider; and

(3) a master's degree and at least 3,000 hours of practice of marriage and family therapy over a minimum of three years as a licensed marriage and family therapist, or a doctoral degree recognized by the board and at least 1,000 hours of practice of marriage and family therapy over a minimum of one year as a licensed marriage and family therapist.

(b) In lieu of meeting the qualifications set forth in subsection (a) of this section, a person is an acceptable supervisor if the person is licensed by the board and has been designated as an approved supervisor or supervisor candidate by the American Association for Marriage and Family Therapy (AAMFT) before the person provides any supervision.

(c) A supervisor may not be employed by the person whom he or she is supervising.

(d) A supervisor may not be related within the second degree by affinity (marriage) or within the third degree by consanguinity (blood or adoption) to the person whom he or she is supervising.

(e) A board-approved supervisor shall maintain and sign a record(s) to document the date of each supervision conference and document the Licensed Marriage and Family Therapist (LMFT) Associate's total number of hours of supervised experience accumulated up to the date of the conference.

(f) Both the LMFT Associate and the board-approved supervisor are fully responsible for the marriage and family therapy activities of the LMFT Associate.

(1) The supervisor shall ensure that the LMFT Associate is aware of and adheres to Subchapter C of this chapter (relating to Guidelines for Professional Therapeutic Services and Code of Ethics).

(2) A dual relationship between the supervisor and the LMFT Associate that impairs the supervisor's objective, professional judgment shall be avoided.

(3) A supervisor may not supervise more than eight persons at one time.

(4) If a supervisor determines that the LMFT Associate may not have the therapeutic skills or competence to practice marriage and family therapy under a regular license, the supervisor shall develop and implement a written plan for remediation of the LMFT Associate.

(5) A supervisor shall timely submit accurate documentation of supervised experience.

(g) Supervisor approval will expire on the date the licensee's regular license next expires. Renewal of supervisor approval will begin and expire on the same date as for the regular license.

(h) A licensee who is approved by the board as a supervisor whose license is not renewed due to failure to meet all requirements for licensure renewal shall not advertise or represent himself or herself as a supervisor in any manner. A licensee who lets his/her license expire and continues to provide supervision towards licensure under this chapter or the Act, or as a result of an order of the board, must reimburse all supervisees for supervision provided while the license was expired before renewal may be approved.

(i) A supervisor whose license expires, or is revoked or suspended, is no longer an approved supervisor and hours accumulated under that person's supervision after expiration, revocation or suspension may not count as acceptable hours unless approved by the board.

(j) A supervisor who becomes subject to a board disciplinary order is no longer an approved supervisor. The person shall inform all LMFT Associates of the board disciplinary order and assist the LMFT Associates in finding alternate supervision.

(k) The LMFT Associate may compensate the supervisor for time spent in supervision if the supervision is not part of the supervisor's responsibilities as a paid employee of an agency, institution, clinic, or other business entity.

(l) Supervisory status may be denied, revoked, or suspended following a fair hearing for violation of the Act or rules. The fair hearing will be conducted under the fair hearing rules of the Department of State Health Services, at 25 Texas Administrative Code §§1.51 - 1.55 (relating to Fair Hearing Procedures).

(m) A supervisor whose supervisory status has expired shall refund all supervisory fees received after the expiration of the supervisory status to the LMFT Associate(s) who paid the fees.

(n) Supervision of an LMFT Associate without being approved as a supervisor, or after expiration of the supervisor status, may be grounds for disciplinary action.

Subchapter J. License Renewal and Inactive Status.

§801.234. Licensure Renewal.

(a) At least 60 days prior to the expiration date of a person's license, the board will send notice to the licensee of the expiration date of the license, the amount of the renewal fee due, and a licensure renewal form which the licensee must complete and return to the board with the required fee. The licensure renewal form may be completed electronically. Failure to receive notice does not relieve the licensee from the responsibility to timely renew.

(b) The licensure renewal form shall require the licensee to provide current addresses, telephone numbers, and information regarding completion of continuing education requirements.

(c) A license is not renewed until the board receives the completed licensure renewal form and the renewal fee, and the licensee has complied with the continuing education requirements. The board or its designee may grant the licensee additional time to complete continuing education requirements based on extraordinary circumstances, such as medical complications.

(d) The board shall issue a renewal card to a licensee who has met all requirements for renewal.

#### §801.235. Late Renewal.

(a) A person who renews a license after the expiration date but on or within 90 days after the expiration date shall pay the renewal fee plus one-fourth of the current biennial license renewal fee. If a person's license has been expired for 90 days but less than one year the person may renew the license by paying to the board the renewal fee and a fee that is equal to one-fourth of the current biennial license renewal fee.

(b) A person whose license was not renewed within one year of the expiration date may seek to obtain a new license by reapplying for licensure, submitting to examination, and complying with current requirements and procedures for obtaining an original license.

(c) The board may renew without re-examination an expired license of a person who was licensed as a Marriage and Family Therapist in this state, moved to another state, and is currently licensed as a Marriage and Family Therapist and has been in practice in the other state for the two years preceding application. The person must pay to the board a fee that is equal to the examination fee for the license.

#### Subchapter L. Complaints and Violations.

§801.291. General. The purpose of this subchapter is to establish procedures for the denial, revocation, probation, or suspension of a license, reprimand of a licensee, or imposition of an administrative penalty, and the procedures for filing complaints and allegations of statutory or rule violations.

(1) The following shall be grounds for revocation, probation or suspension of a license, imposition of an administrative penalty, refusal to renew a license, or reprimand of a licensee if a licensee has:

- (A) been convicted of a felony or a misdemeanor involving moral turpitude;
- (B) obtained or attempted to obtain a license by fraud or deception;
- (C) used drugs or alcohol to an extent that affects professional competence;
- (D) been grossly negligent in performing professional duties;
- (E) been adjudicated mentally incompetent by a court of competent jurisdiction;
- (F) practiced in a manner detrimental to the public health or welfare;
- (G) advertised in a manner that tends to deceive or defraud the public;
- (H) had a license or certification revoked by a licensing agency or by a certifying professional organization;
- (I) otherwise violated the Act or board rules;
- (J) committed an act for which liability exists under the Civil Practice and Remedies Code, Chapter 81;
- (K) violated an order of the board; or
- (L) engaged in conduct that discredits or tends to discredit the profession of marriage and family therapy.

(2) If the board suspends a license, the suspension shall remain in effect for the period of time stated in the order or until the board determines that the reason for the suspension no longer exists.

(3) If a suspension overlaps a license renewal date, the suspended marriage and family licensee shall comply with the renewal procedures in this chapter; however, the suspension shall remain in effect pursuant to paragraph (2) of this subsection.

(4) Upon revocation, suspension or non-renewal of a license, a licensee shall return his or her license certificate and all existing renewal cards to the board.

#### §801.296. Complaint Procedures.

(a) A person wishing to report a complaint or allege a violation of the Act or this chapter by a licensee or other person may notify the department staff. The initial notification of a complaint may be in writing, by telephone, or by personal visit to the board office. A complaint shall not be accepted by the board office if the official complaint form is not filed within 5 years of the date of termination of the licensee-client relationship which gave rise to the alleged violations. If the client was a minor at the time of the alleged violation, this time limitation does not begin to run until the client reaches the age of 18 years. A complainant shall be notified of the non-acceptance of

untimely complaints. This time limitation shall not apply to complaints involving violations of §801.45 of this title (relating to Sexual Misconduct) or any of the board's other rules relating to sexual misconduct. The board may waive this time limit in cases of egregious acts or continuing threats to public health or safety when presented with evidence that warrants such action.

(b) Upon learning of a complaint, the department staff may assist the person to obtain an official complaint form from the board's web site or offer to send to the complainant an official form which the complainant should complete and return to the board office. The executive director may refer an anonymous complaint for an investigation, if it appears that enough information has been provided regarding the alleged violation to conduct an investigation.

(c) Upon receipt of a written complaint, the department staff shall send an acknowledgment letter to the complainant. The executive director or executive director's designee shall determine whether the complaint appears to be within the jurisdiction of the board. If the complaint does not appear to be within the jurisdiction of the board or if the matters alleged in the complaint would not constitute a violation of the Act or this chapter, the executive director may dismiss the complaint and give written notice of dismissal to the licensee or person against whom the complaint has been filed, the complainant, and the ethics committee. The ethics committee, upon review, may reverse or amend the decision of the executive director and reopen the case. If the complaint does appear to be within the jurisdiction of the board, the executive director shall refer the complaint for an investigation and determine whether to notify the alleged violator of the complaint by mail within 45 days and request that the alleged violator submit a written response regarding the complaint within 15 days of receipt of the notice. The board may consider failure to respond to a request for a response to a complaint or failure to respond to a request for information to be evidence of failure to cooperate in an investigation. If the executive director determines that the respondent to the complaint should not be notified within 45 days by mail, an investigator of the department shall notify the respondent of the complaint by letter, by telephone, or in person.

(d) Department investigative staff shall collect all information related to the complaint. Department investigative staff shall prepare an investigative report or summary. The chair shall appoint an ethics committee, which shall include at least one public board member, to review the complaint and the supporting documentation. The ethics committee shall be appointed to work with the executive director to:

- (1) review each complaint and determine what action to take, if any;
- (2) ensure that complaints are not dismissed without appropriate consideration;
- (3) ensure that a person who files a complaint has an opportunity to explain the allegations made in the complaint; and
- (4) dismiss complaint cases on which no formal action will be taken or recommend formal action to be taken and participate in subsequent due processes afforded to the respondent under the Act or this chapter.

(e) Department staff shall keep an information file about each complaint which will include the following:

- (1) all persons contacted in relation to the complaint;
- (2) a summary of findings made in each step of the complaint process;
- (3) an explanation of the legal basis and reason for a complaint that is dismissed; and
- (4) other relevant information.

(f) Department staff shall periodically notify the parties to the complaint of status of the complaint until the complaint is resolved.

(g) The ethics committee, executive director, or executive director's designee may request further investigation of the complaint.

(h) After an investigation has been completed, the person completing the investigation shall submit the findings to the ethics committee, executive director, or executive director's designee. The written investigative report shall set out all facts obtained during the investigation. If the ethics committee determines that there are insufficient grounds to support the finding of a violation or act upon the complaint, the ethics committee may dismiss the complaint with a finding of no violation. Department staff shall give written notice of the dismissal to the complainant and the licensee or person against whom the complaint has been filed.

(i) If the ethics committee determines that there are sufficient grounds to support the finding of one or more violations, the ethics committee will consider the relevant factors identified in §801.301 of this title and the severity level and sanction guide in §801.302 of this title and determine what recommended action to take against the respondent to the complaint, if any. The Ethics Committee will report to the board any proposed disciplinary actions to be taken against a licensee. If the respondent is not a licensee of the board or a person whose expired license is no longer renewable and is found to have violated the Occupations Code, Chapter 502, the board may issue an order to cease and desist and may refer the case to the Office of Attorney General for appropriate action.

(j) If the committee determines that a violation exists and that the circumstances surrounding the violation did not involve a serious risk of or did not result in significantly affecting the health and safety of clients or other persons, the committee may resolve the complaint by informal methods such as an advisory notice or warning letter. The committee may also issue an advisory notice or a warning letter if the complaint did not result in a violation, but the circumstances surrounding the complaint are of concern of the board.

(k) If the executive director receives credible evidence that a licensee is engaging in acts that pose an immediate and significant threat of physical or emotional harm to the public, the executive director shall consult with the members of the Ethics Committee for authorization for an emergency suspension of the license.

(1) Ethics Committee meetings and policy are as follows:

(1) The Ethics Committee will meet on a regular basis to review and recommend action on complaints filed against licensees. Additionally, the committee will hold informal hearings to review previous committee actions at the request of a respondent.

(2) An agenda and completed reports of complaint investigations will be sent to committee members approximately two weeks prior to each meeting. The agenda will list all items to be considered by the committee. Complaints will be listed on the agenda by the assigned complaint tracking number. At the discretion of the executive director or the ethics committee members, a recording may be made of the ethics committee meeting, with the exception that an executive session may not be recorded.

(3) Persons who are not members of the committee are permitted to observe committee work unless the committee enters into executive session for legal consultation. Committee members, staff, consultants and licensees against whom the complaint is filed and the person filing the complaint may participate in the discussion of a complaint pending action before the committee. The committee chair or committee by vote may impose time limitations on discussion.

(4) A report on all completed investigations will be provided to committee members. The report will include copies of information obtained in the investigation and a summary sheet with a staff recommendation for the disposition for each case. Cases that are recommended for closure may be listed together as a consent agenda item. Any committee member, consultant, or staff person may remove cases from the consent agenda for individual review upon request. All cases left on the consent agenda will be voted on as a group for closure. All other cases will be considered on an individual basis.

(5) The committee will base its decision regarding the validity of a complaint on the evidence documented in the report of the investigation. The committee may find that there is or is not evidence of a violation of licensing law or rules or the committee may request additional information of a case for later review. If the committee finds that a licensee has violated licensing law or rules, the committee will consider the established policy guidelines and other relevant factors in their recommendation of disciplinary action.

(6) All parties to a complaint will be notified of the findings and recommendations of the committee. The respondent to a complaint who disagrees with the action of the committee may submit a written statement of the reasons for his or her disagreement, and may request an informal hearing before the committee. Request for an informal hearing must be made within 10 days of the date of the letter stating the disposition of the case.