

Texas Certification Board (TCB)
Standards for Peer Specialist Services under
Texas Medicaid Health Services

DIVISION 1. GENERAL PROVISIONS 1 TAC §354.3001, §354.3003

Section 1. Purpose and Applicability

Reference [§354.3001. Purpose and Applicability.](#)

- A. Peer specialists providing services under these standards support recipients with a mental health condition and/or substance use disorder to actively plan and work toward long-term recovery.
- B. These standards establish requirements for providing peer specialist services through Medicaid and applies only to peer specialist services that are Medicaid reimbursable under this subsection and other applicable rules or laws.

Section 2. Definitions

Reference [§354.3003. Definitions](#)

The following words and terms, when used in this section, have the following meanings unless the context clearly indicates otherwise.

- A. **Adult** - A person who is 21 years or older.
- B. **Certifying Entity** - An organization approved by HHSC to certify;
 - 1. Peer specialists
 - 2. Peer specialist supervisors; and
 - 3. Peer specialist training entities
- C. **Closed** - The Texas Certification Board (TCB) record for a revoked or relinquished certification, including the record for a person who is deceased or no longer certified for another reason.
- D. **Dual relationship** - A peer specialist's familial, financial, business, professional, close personal, sexual, or any other non-therapeutic relationship with a recipient, or any activity with another person that interferes or conflicts with the peer specialist's professional obligation to a recipient.
- E. **HHSC** - The Texas Health and Human Services Commission or its designee.
- F. **Lived experience** - When a person has experienced a significant life disruption due to the person's own mental health condition and/or substance use disorder and is now in recovery.
- G. **LPHA** - Licensed Practitioner of the Healing Arts. A person licensed as one of following and acting within the authorized scope of the person's license:
 - 1. physician;
 - 2. licensed professional counselor;

3. licensed clinical social worker;
 4. psychologist;
 5. advanced practice registered nurse;
 6. physician assistant; or
 7. licensed marriage and family therapist.
- H. **Mental health** - A state of well-being in which an individual realizes ones own abilities, can cope with the normal stresses of life, and is able to be productive.
- I. **Mental health condition** - A condition (excluding a single diagnosis of an intellectual or developmental disability or a substance use disorder) that substantially impairs:
1. an individual's thought, perception of reality, emotional process, or judgment;
 2. an individual's behavior; or
 3. an individual's ability to participate in daily routines.
- J. **Peer specialist** - A person who uses lived experience, in addition to skills learned in formal training, to deliver strengths- based, person-centered services to promote a recipient's recovery and resiliency.
- K. **Prevalent language** - A non-English language determined to be spoken by at least 10 percent of persons in a community where a peer specialist will be providing services or in a community in which training is offered. Persons are only counted toward the minimum 10 percent if they do not speak English as their primary language and if they have a limited ability to read, speak, write, or understand English.
- L. **Psychotherapy** - Psychotherapy is a general term for treating mental health problems by talking with a psychologist or other appropriately credentialed mental health professional.
- M. **QCC** - Qualified Credentialed Counselor. A person licensed as one of the following and acting within the authorized scope of the person's license:
1. licensed professional counselor;
 2. licensed clinical social worker;
 3. licensed marriage and family therapist;
 4. psychologist;
 5. physician;
 6. physician's assistant;
 7. licensed chemical dependency counselor;
 8. certified addictions registered nurse; or
 9. advanced practice nurse recognized by the Board of Nurse Examiners as a clinical nurse specialist or practitioner with a specialty in psychiatric-mental health nursing.
- N. **QMHP** - Qualified Mental Health Professional. A QMHP must demonstrate competency in the work to be performed and:
1. be a Registered Nurse; or
 2. have a bachelor's degree from an accredited college or university with a

minimum number of hours that is equivalent to a major in psychology, social work, medicine, nursing, rehabilitation, counseling, sociology, human growth and development, physician's assistant, gerontology, special education, educational psychology, early childhood education, or early childhood intervention.

- O. **QPS** - Qualified Peer Supervisor. A QPS must:
1. be a certified peer specialist under this subsection; and
 2. have one of the following combinations:
 - a. a high school diploma or General Equivalency Diploma (GED) and at least four years of work experience as a peer specialist, up to two years of which may be substituted by work experience supervising others; or
 - b. an associate's degree or higher from an accredited college or university and at least two years of work experience as a peer specialist.
- P. **Recipient** - Refers to a person receiving Medicaid services under this standard.
- Q. **Recovery** - A process of change through which a person:
1. improves one's health and wellness;
 2. lives a self-directed life;
 3. strives to reach one's self-defined full potential; and
 4. participates in one's personal community.
- R. **Relationship focused** - Requires a peer specialist to deliver services through a relationship with the recipient that is respectful, trusting, empathetic, collaborative, and mutual.
- S. **Substance use disorder** - A recurrent use of alcohol or drugs that causes clinically and functionally significant impairment, such as health problems, disability, and failure to meet major responsibilities at work, school, or home.
- T. **Texas Certification Board (TCB)** - The Texas Certification Board is an autonomous body created under the bylaws of the Texas Association. TCB is a certifying entity approved by HHSC to certify Peer Specialists, Peer Specialist Supervisors Peer Specialist training entities and approve instructors under these standards.

DIVISION 2. PEER SPECIALISTS 1 TAC §§354.3051, 354.3053, 354.3055

Section 3. Peer Specialist Minimum Qualifications

Reference [§354.3051. Minimum Qualifications.](#)

- A. A peer specialist must:
1. be at least 18 years of age;

2. have lived experience;
 3. have a high school diploma or General Equivalency Diploma (GED);
 4. be willing to appropriately share his own recovery story with recipients;
 5. be able to demonstrate current self-directed recovery; and
 6. pass criminal history and registry checks as described in Section 16 of this subsection (relating to Criminal History and Registry Checks).
- B. A person certified in Texas on the date this rule is initially effective may apply to The Texas Certification Board to be grandfathered into certification under these standards.
1. A request under this subsection must meet the requirements under Section 17(A) of this subsection (relating to Procedures for Peer Specialist Certification), except as outlined in paragraphs (2) and (3) of this subsection.
 2. A person with a certification in good standing with the Texas Certification Board, on the date this rule is initially effective, may apply to The Texas Certification Board to be grandfathered into peer specialist certification under this subsection, with the designation of Recovery Support Peer Specialist. A person requesting to be grandfathered under this paragraph is exempt from the initial certification and supervised work experience requirements under Section 18 of this subsection (relating to Initial Peer Specialist Certification).
 3. A person with a certification in good standing with Via Hope, on the date this rule is initially effective, may apply to The Texas Certification Board to be grandfathered into peer specialist certification under this subsection, with the designation of Mental Health Peer Specialist. A person requesting to be grandfathered in under this paragraph must submit documentation of at least 250 hours of supervised work experience. If the person does not have, or cannot document, at least 250 hours of supervised work experience, The Texas Certification Board may offer that person an initial certification under Section 18 of this subsection.
 4. The grandfathering period shall be February 1, 2019 through April 30, 2019.
- C. The Texas Certification Board will ensure that each applicant for certification meets the requirements in subsection (A) or (B) of this section.
- D. A peer specialist must complete required training and be certified under this subsection before providing services under this subsection. A peer specialist must remain certified in good standing under this subsection to provide services under this subsection. The required training does not apply to a person grandfathered into certification under subsection (B) of this section.

Section 4. Scope of Work

Reference §354.3053. *Scope of Work*

- A. A peer specialist provides peer specialist services as described below relating to Services provided:
1. All peer specialist services must be recovery oriented, person-centered, relationship focused, and trauma informed.

2. Peer specialist services may include:
 - a. recovery and wellness support, which includes providing information on and support with planning for recovery;
 - b. mentoring, which includes serving as a role model and providing assistance in finding needed community resources and services; and
 - c. advocacy, which includes providing support in stressful or urgent situations, and helping to ensure that the recipient's rights are respected.
3. Services may be provided individually or in a group.
4. Participation in peer specialist services is voluntary.

B. A peer specialist may also provide mental health rehabilitative services that are within the peer specialist's knowledge and abilities.

Section 5. Ethical Responsibilities

Reference [§354.3055. Ethical Responsibilities](#)

The principles in the following Code of Ethics guide Texas Certified Peer Specialists in their roles, relationships, and levels of responsibility in which they function professionally.

1. The primary responsibility of Certified Peer Specialists is to help individuals achieve their own needs, wants, and goals. Certified Peer Specialists will be guided by the principle of self-determination for all.

2. Certified Peer Specialists will maintain high standards of personal conduct. Certified Peer Specialists will also conduct themselves in a manner that fosters their own recovery.

3. Certified Peer Specialists will openly share their recovery stories, and will likewise be able to identify and describe the supports that promote their recovery.

4. Certified Peer Specialists will, at all times, respect the rights and dignity of those they serve.

5. Certified Peer Specialists will never intimidate, threaten, harass, use undue influence, physical force or verbal abuse, or make unwarranted promises of benefits to the individuals they serve.

6. Certified Peer Specialists will not practice, condone, facilitate or collaborate in any form of discrimination on the basis of ethnicity, race, gender, gender identity, gender expression, sexual orientation, age, religion, national origin, marital status, political belief, mental or physical disability, military status, or any other preference or personal characteristic, condition or state.

7. Certified Peer Specialists will advocate for those they serve that they may make their own decisions in all matters when dealing with other professionals.

8. Certified Peer Specialists will respect the privacy and confidentiality of those they serve.

9. Certified Peer Specialists will advocate for the full integration of individuals into the communities of their choice and will promote the inherent value of these individuals to those communities. Certified Peer Specialists will be directed by the knowledge that all individuals have the right to live in the least restrictive and least intrusive environment.

10. Certified Peer Specialists will not enter into dual relationships or commitments that conflict with the interests of those they support.

11. Certified Peer Specialists will not engage in sexual/intimate activities with those to whom they are currently providing support, or have worked with in a professional role in the past two years.

12. Certified Peer Specialists will not provide services to another when under the influence of alcohol or when impaired by any substance, whether or not it is prescribed.

13. Certified Peers Providers will keep current with emerging knowledge relevant to recovery, and openly share this knowledge with their colleagues.

14. Certified Peer Specialists will not accept gifts of significant value from those they serve.

A peer specialist may not:

- a) practice psychotherapy, make clinical or diagnostic assessments, or dispense expert opinions;
- b) engage in any service that requires a license;
- c) falsify any documentation related to application, training, testing, certification, or services provided under this subchapter;
- d) retaliate against any person who, in good faith, makes a complaint or files a grievance against the peer specialist regarding services provided under this subchapter;
- e) engage in conduct that is prohibited by state, federal, or local law, including those laws prohibiting the use, possession, or distribution of drugs or alcohol;
- f) participate in, condone, or promote discrimination on the basis of race, creed, color, national origin, gender, sexual orientation, religion, age, physical disability, or economic status in the performance of peer specialist services or training;
- g) delay or fail to report suspicion of abuse or neglect to the proper authority;
- h) violate law, rule, or policy related to a recipient's privacy and confidentiality;
- i) violate professional and personal boundaries, including having sexual contact with a recipient;
- or
- j) have a dual relationship with a recipient.

DIVISION 4. ORGANIZATIONS IN WHICH PEER SPECIALIST DELIVER SERVICES 1

TAC §354.3103, §354.3105

Section 6. Supervision of Peer Specialists

Reference §354.3103. *Supervision of Peer Specialists.*

- A. Peer specialist supervision must focus on a peer specialist's provision of services, including review of cases and activities, skill building, problem resolution, and professional growth. Supervision may also include aspects specific to the organization, such as following organizational policy or other administrative matters.

- B. Peer specialist supervision must occur:
 - 1. at least once weekly for a peer specialist with an initial certification;
 - 2. at least once monthly for a peer specialist with a two year certification; or
 - 3. more frequently at the request of the peerspecialist.
- C. Peer specialist supervision may:
 - 1. be provided individually or in a group setting;
 - 2. be provided face-to-face or via teleconference; and
 - 3. include observation of the peer specialist providing services.
- D. Peer specialist supervision must be documented.

Section 7. Peer Specialist Supervisor Minimum Supervisor Minimum Qualifications

Reference [§354.3105. Peer Specialist Supervisor Minimum Qualifications](#)

- A. A peer specialist supervisor must:
 - 1. be at least 18 years of age;
 - 2. be a:
 - a. QCC;
 - b. LPHA;
 - c. QMHP, with a QCC or LPHA supervising the QMHP; or
 - d. QPS, with a QCC or LPHA supervising the QPS;
 - 3. pass criminal history and registry checks as described in Section 16 of this subsection (relating to Criminal History and Registry Checks);
 - 4. meet the training requirements under Section 14 of this subsection (relating to Supervisor Training) and Section 15 of this subsection (relating to Peer Specialist Supervisor Certification Renewal Training); and
 - 5. be certified under this subsection.
- B. An LPHA or QCC supervising a QMHP or QPS per subsections (A)(2)(c) or (A)(2)(d) of this section must conduct:
 - 1. at least monthly documented meetings with each QMHP or QPS being supervised; and
 - 2. documented observation of a QMHP or QPS providing supervision at a frequency determined by the LPHA or QCC based on the QMHP's or QPS's skill level.
- C. A person who has at least two (2) years of experience supervising peer specialists, within the five (5) years prior to the date this rule is initially effective, may apply to The Texas Certification Board to be grandfathered into peer specialist supervisor certification under this subsection. A person requesting to be grandfathered under this subsection must successfully complete the knowledge assessment required under Section 14(B) of this subsection (relating to Supervisor Training). If the person is unable to successfully complete the knowledge assessment, The Texas Certification Board may:
 - 1. deny the request for grandfathering; or
 - 2. accept the request for grandfathering, with an initial one-year certification during which the person must successfully complete specific training and pass

the knowledge assessment for that training.

3. the grandfathering period shall be February 1, 2019 through April 30, 2019.

- D. A peer specialist supervisor must be certified as such under this subsection before providing supervision to a peer specialist under this subsection.
- E. If a peer specialist supervisor is also a peer specialist, that person cannot supervise themselves.

DIVISION 5. TRAINING 1 TAC §354.3151, §354.3153, §354.3155, §354.3157, §354.3159, §354.3161, §354.3163, §354.3165

Section 8. Training Entity Minimum Requirements

Reference §354.3151. *Training Entity Minimum Requirements.*

- A. A training entity must have:
 - 1. a physical location in Texas;
 - 2. experience in training or sponsoring training for paraprofessionals;
 - 3. experience in training or sponsoring training that uses adult learning principles;
 - 4. experience in training or sponsoring training related to elements of peer specialist services;
 - 5. a plan to provide training for:
 - a. peer specialists, including:
 - 1. core training; and
 - 2. at least one type of supplemental training;
 - b. peer specialist supervisors under Section 14 of this section (relating to Supervisor Training); and
 - c. instructors who will provide training under subparagraph (a) or (b) of this paragraph;
 - 6. a plan to provide training on a regularly scheduled basis, including primary training location(s), training schedule, and procedures related to registration/enrollment, training methodology, course completion/graduation requirements, and evaluation of training;
 - 7. a documented application process for peer specialists, peer specialist supervisors, and instructors, including:
 - a. use of HHSC-approved scoring rubric(s) for peer specialists and peer specialist supervisors; and
 - b. availability of application materials in prevalent languages, professionally translated;
 - 8. a documented internal review process designed to ensure consistency and equity in application scoring, unless the training entity consists of only one individual trainer; and
 - 9. a documented fee policy.
- B. A training entity must be certified by The Texas Certification Board or an HHSC approved certifying entity to provide training under this subsection.
- C. A training entity must use training curricula pre-approved by HHSC, including the knowledge assessment required under Section 12(E) (relating to Core and

Supplemental Training) of this subsection.

- D. All training must:
 - 1. provide reasonable accommodation for a person with a disability;
 - 2. provide reasonable accommodation for a person who speaks a prevalent language; and
 - 3. be culturally sensitive.
- E. A training entity must maintain the following documentation for each person trained:
 - 1. application;
 - 2. date of each training attended and length of each training; and
 - 3. results of each knowledge assessment.
- F. An application not approved must be retained for at least two (2) years.
- G. Documentation of each person trained must be retained for at least five (5) years.
- H. The grandfathering period shall be February 1, 2019 through April 30, 2019.

Section 9. Instructor Requirements

Reference [§354.3153. Instructor Requirements](#)

- A. An instructor must:
 - 1. be a certified peer specialist in good standing, and must have the certification endorsement related to any supplemental training before providing that training;
 - 2. be trained by a training entity certified under this subsection, and be approved to provide each type of training described in this subsection before facilitating that training; and
 - 3. use training curricula pre-approved by HHSC, including the knowledge assessment required under Section 12(E) (relating to Core and Supplemental Training) of this subsection.
- B. An instructor who has been consistently providing peer specialist training in the two (2) years before the initial effective date of this section may apply to The Texas Certification Board to be approved as an instructor under this subsection without meeting the requirements in:
 - 1. subsection (A)(1) of this section; and
 - 2. subsection (A) (2) of this section, except that the instructor may only provide supplemental training in the area of specialty for which they have historically provided training.
 - 3. The grandfathering period shall be February 1, 2019 through April 30, 2019.

Section 10. Orientation and Assessment

Reference [§354.3155. Orientation and Self-Assessment](#)

- A. A peer specialist must complete required orientation before applying to participate in core training.
- B. The orientation items are posted on the HHSC website and training entity websites.
- C. The orientation items are completed through online modules, self-study, and a readiness assessment.
- D. Orientation includes:
 - 1. a self-assessment tool;
 - 2. a description of peer specialist services;
 - 3. a description of a peer specialist's typical workday;
 - 4. employment demographics for peer specialists;
 - 5. review of the background check requirements and other minimum qualifications to be certified under this section;
 - 6. information about peer specialist careers;
 - 7. information about the concept of recovery; and
 - 8. the evidence based for peer support.

Section 11. Application for Training

Reference [§354.3157. Application for Training](#)

- A. A person who has completed the orientation and self-assessment required under Section 10 of this division (relating to Orientation and Self-Assessment) may apply for training by submitting to a training entity, in a format specified by the training entity:
 - 1. a complete application;
 - 2. proof that the person completed the required orientation and self-assessment; and
 - 3. any other documentation required by the training entity.
- B. The training entity or trainer must communicate to the applicant of application approval or disapproval within sixty (60) calendar days of receiving the application. The training entity or trainer must include in the Notice of disapproval the reason(s) for disapproval and information on how to file an appeal.
- C. An applicant who is not approved for training may file an appeal per Section 26 of this subsection (relating to Peer Specialist or Peer Specialist Supervisor: Denial, Suspension, or Revocation of Certification or Renewal).

Section 12. Core and Supplemental Training

Reference [§354.3159. Core and Supplemental Training](#)

- A. Core training must be delivered in a classroom setting. If provided through telecommunication, participants must be able to ask questions in real time and interact with the instructor and other classmates.

- B. Core training must be consistent with Services Provided:
 - 1. All peer specialist services must be recovery oriented, person-centered, relationship focused, and trauma informed.
- C. Upon successful completion of core training, a person is eligible for the supplemental training consistent with the person's lived experience:
 - 1. Mental Health Peer Specialist, for a person with lived experience in recovery from a mental health condition; or
 - 2. Recovery Support Peer Specialist, for a person with lived experience in recovery from a substance use disorder.
- D. Upon successful completion of a supplemental training, a person may apply for certification under Sections 17 and 20 of this subsection (relating to Peer Specialist and Peer Specialist Supervisor Certification).
- E. Successful completion of both core training and supplemental training must be documented through a knowledge assessment completed by each participant at the end of each training.

Section 13. Peer Specialist Certification Renewal Training

Reference [§354.3161. Peer Specialist Certification Renewal Training](#)

- A. In order to qualify for renewal under Section 19 of this subsection (relating to Peer Specialist Certification Renewal), a peer specialist must obtain at least twenty (20) hours of training each certification period, of which three(3) hours must be related to the ethical responsibilities of a peer specialist.
- B. Renewal training must be relevant to the skills required of, or services provided by, a peer specialist under this subsection.
- C. Renewal training may include classroom training, webinars, online training, and conferences.
- D. Renewal training may be obtained through:
 - 1. a certified training entity under this subsection;
 - 2. training pre-approved by The Texas Certification Board under this subsection; or
 - 3. training approved for continuing education for a mental health or substance use disorder professional, if the training also complies with subsection (B) of this section.
- E. A person dually certified as a peer specialist and a peer specialist supervisor may include the six (6) hours of training required each certification period under Section 15 of this section (relating to Peer Specialist Supervisor Certification Renewal Training) as part of the twenty (20) hours of training required under this section.

Section 14. Supervisor Training

Reference [§354.3163. Supervisor Training](#)

- A. A peer specialist supervisor must successfully complete training on peer specialist services and the recovery model from a certified training entity before being certified to supervise a peer specialist under this subsection.
- B. Successful completion of supervisor training must be documented through a knowledge assessment completed by each participant at the end of each training.

Section 15. Peer Specialist Supervisor Certification Renewal Training

Reference [§354.3165. Peer Specialist Supervisor Certification Renewal Training](#)

- A. In order to qualify for renewal under Sections 17 and 20 of this subsection (relating to Peer Specialist and Peer Specialist Supervisor Certification), a peer specialist supervisor must obtain at least six (6) hours of training each certification period related to peer specialist supervision and leadership.
- B. Renewal training may be obtained through:
 - 1. a training entity under this subsection;
 - 2. training pre-approved by The Texas Certification Board **or HHSC approved certifying entity** under this subsection; or
 - 3. training pre-approved for continuing education for a mental health or substance use disorder professional, if the training relates to peer specialist supervision and leadership.

DIVISION 6. PEER SPECIALIST AND PEER SPECIALIST SUPERVISOR CERTIFICATION

Section 16. Criminal History and Registry Checks

Reference [§354.3201. Criminal History and Registry Checks](#)

- A. A certified peer specialist, certified peer specialist supervisor, or applicant for either certification must disclose and provide to The Texas Certification Board complete information about all:
 - 1. misdemeanor and felony charges;
 - 2. indictments;
 - 3. deferred adjudications;
 - 4. episodes of community supervision or probation; and
 - 5. convictions.
- B. Failure to make full and accurate disclosure under subsection (A) of this section may be grounds for application denial or disciplinary action, including revocation of the person's certification.
- C. If a certified peer specialist or certified peer specialist supervisor is convicted of a crime listed in subsection (D) of this section, the person must immediately report that information to the Texas Certification Board.
- D. HHSC has identified the following offenses as offenses directly related to the duties and responsibilities of a peer specialist or peer specialist supervisor and has

categorized them according to the seriousness of the offense.

1. Category 1 includes:
 - a. capital offenses;
 - b. sexual offenses involving a child victim;
 - c. felony sexual offenses involving an adult victim who is a client (one or more counts);
 - d. multiple counts of felony sexual offenses involving any adult victim; and
 - e. 1st degree homicide.
2. Category 2 includes:
 - a. kidnapping;
 - b. arson;
 - c. homicide lesser than 1st degree;
 - d. felony sexual offenses involving an adult victim who is not a client (single count); and
 - e. attempting to commit crimes in Category 1 or 2.
3. Category 3 includes felony offenses that are not listed separately in this section and that result in actual or potential physical harm to others or animals.
4. Category 4 includes:
 - a. class A misdemeanor alcohol and drug offenses;
 - b. class A misdemeanor offenses resulting in actual or potential physical harm to others or animals;
 - c. felony alcohol and drug offenses; and
 - d. all other felony offenses not listed separately in this section.
5. Category 5 includes:
 - a. class B misdemeanor alcohol and drug offenses;
 - b. class B misdemeanor offenses resulting in actual or potential physical harm to others or animals.

- E. The Texas Certification Board will deny the initial or renewal application of a person who has been convicted or placed on community supervision for a:
1. category 1 offense during the person's lifetime;
 2. category 2 offense during the fifteen years preceding the date of application;
 3. category 3 offense during the ten years preceding the date of application;
 4. category 4 offense during the five years preceding the date of application, unless, at the time of application, proceedings have been dismissed and the person has been discharged after having been placed on and completing community supervision following a deferred adjudication; or
 5. category 5 offense during the three years preceding the date of application.
- F. The Texas Certification Board will deny the initial or renewal application of a person when there has been a finding of incapacity based on mental defect or disease by a court in a criminal matter.
- G. When a person's application is denied under subsection (E) or (F) of this section, the person may reapply when:
1. the person receives a full pardon based on the person's wrongful conviction;

2. the criminal bar timeframes under which an individual is not eligible to apply, as established in subsection (E) of this section, have elapsed; or
 3. the person who had been found to be incapacitated is found to be no longer incapacitated, in which case the provisions of this section applicable to the status of the charge and prosecution at that time will apply.
- H. The Texas Certification Board defers action on an initial or renewal application for a person who has been charged or indicted for an offense described in subsection (D) of this section. If the person is convicted, placed on deferred adjudication, or placed on community supervision for the offense, then subsection (E) of this section applies. If the charges are dismissed or the person is acquitted, the application or renewal is processed without prejudice.
1. The person remains subject to applicable renewal requirements during the deferral.
 2. A certification renewal remains deferred under this subsection until paragraph (4) of this subsection or subsection (E) of this section applies.
 3. The Texas Certification Board will send a notice stating the reason for the deferral by certified mail to the certified peer specialist or certified peer specialist supervisor at the address listed in The Texas Certification Board records.
 4. If no other bar exists at the time, The Texas Certification Board will restore a person's certification upon receipt of official documentation that the charges have been dismissed or the person has been acquitted, except that, where the dismissal follows a deferred adjudication, the time frames set forth in subsection (E) of this section apply.
- I. A person whose certification has been denied or deferred under this section may appeal the section only if:
1. that person was convicted or placed on community supervision or deferred adjudication, and
 2. the person claims that the time frames outlined in subsection (E) of this section have elapsed.
- J. The provisions of this section do not limit the ability to take any other action against a certified peer specialist, certified peer specialist supervisor, or applicant for either certification as otherwise authorized by law, rule, or Texas Certification Board policy.
- K. A certified peer specialist, certified peer specialist supervisor, or applicant for either certification must not be listed on the Employee Misconduct Registry, maintained by HHSC under Chapter 253 of the Texas Health and Safety Code.
- L. The Texas Certification Board has an exception process for applicants with a criminal history that would require application denial under subsection (E) of this section. The Texas Certification Board exception process allows exemptions to denials under this section, due to extraordinary or extenuating circumstances specific to the person's criminal history and events of that person's life since the conviction.
1. The Texas Certification Board exception process is as follows:
 - a. certification applicant with a criminal conviction that require a three (3) year waiting period to clear may be considered after two (2) years

- depending on verification of accomplishments during the two (2) years.
- b. certification applicant requiring a five (5) year waiting period may be considered after three (3) years depending on verification of accomplishments during the three (3) years.
 - c. certification applicant requiring a ten (10) and fifteen (15) year waiting period may apply to be considered after five (5) years depending on verification of accomplishments during the five (5) years.
 - d. certification applicant will be required to send all information verifying recovery. This can be done by
 1. submitting three letters from sponsors or coaches who have worked with them,
 2. employers, counselors or any person who can verify they have rehabilitated successfully and lead a recovery lifestyle, and
 3. In addition, verification of successful completion of sentence and no outstanding charges.
 - e. The Texas Certification Board Standards Committee will review the application submitted by the certification applicant for approval or denial of their application.
 - f. Candidates may be required to agree to an evaluation by a LMHP, LCDC or one of TAPNET's screeners.
 - g. If the application is denied the candidate may appeal through the Texas Certification appeals process.
2. The Texas Certification Board exception process does not apply to subsection (K) of this section.

Section 17. Procedures for Peer Specialist Certification

Reference [§354.3203. Procedures for Peer Specialist Certification](#)

- A. An applicant must submit all required information and documentation to The Texas Certification Board electronically or in hard copy, as specified by the Texas Certification Board, including:
 1. application form;
 2. proof of core training and supplemental training;
 3. state-issued identification;
 4. signed ethics statement; and
 5. application and certification fee.
- B. For each applicant, The Texas Certification Board will require that the applicant submit their TCIC and NCIC criminal background check from Texas Department of Public Safety (DPS) or IdentoGo no more than thirty-(30) days prior to their application submission to The Texas Certification Board as required under Section 16 of this division (relating to Criminal History and Registry Checks).
- C. Application approval must be based on the requirements under Section 3 of this subsection (relating to Minimum Qualifications) and Section 16 of this section.
- D. Texas Certification Board will notify the applicant in writing of their application

approval or disapproval within sixty-(60) calendar days. Notice of disapproval will include the reason(s) for disapproval and information on how to file an appeal.

- E. Application denials will be communicated to HHSC and the other HHSC approved certifying entities.
- F. An applicant who is not approved may file an appeal per Section 26 of this subsection (relating to Complaints, Appeals, and Hearings).
- G. For an approved applicant, The Texas Certification Board will issue a peer specialist certification, including an endorsement based on the supplemental training completed by the person per Section 12 of this subsection (relating to Core and Supplemental Training). Each peer specialist certification includes:
 - 1. a certificate number;
 - 2. the peer specialist's endorsement, based on lived experience and supplemental training, as a:
 - 1. Mental Health Peer Specialist; or
 - 2. Recovery Support Peer Specialist;
 - 3. the date the certification will expire;
 - 4. the name of the Texas Certification Board; and
 - 5. the peer specialist's signature.
- H. A peer specialist may only provide services consistent with the endorsement on the person's certification, as listed in subsection (E) (2) of this section. However, a person with lived experience in recovery from both a mental health condition and a substance use disorder may apply to receive both supplemental trainings.
 - 1. Documentation of each supplemental training under this subsection must be provided to The Texas Certification Board to have a second endorsement added to the person's certification.
 - 2. Two endorsements do not require additional supervised work experience under Section 18 of this section (relating to Initial Peer Specialist Certification).
 - 3. Two endorsements do not require additional certification renewal training hours.

Section 18. Initial Peer Specialist Certification

Reference [§354.3205. Initial Peer Specialist Certification](#)

- A. Initial peer specialist certification is valid for six (6) months.
- B. During the initial certification period, a peer specialist must document at least 250 hours of supervised work experience as a peer specialist under this subsection.
 - 1. Independent study, such as reading or watching instructional videos, does not count toward the required hours.
 - 2. Time spent receiving supervision, other than observation of the peer specialist providing services, does not count toward the required hours.
- C. Supervision of a peer specialist during initial certification must comply with Section 6

of this subsection (relating to Supervision of Peer Specialists) and Section 7 of this subsection (relating to Peer Specialist Supervisor Minimum Qualifications).

- D. If a peer specialist is not able to complete the supervised work experience and submit documentation of such to The Texas Certification Board within the six-month certification, The Texas Certification Board may approve one additional six-month certification or may deny renewal.
- E. Documentation of supervised work experience must include a letter of recommendation from the peer specialist's supervisor.
- F. Once The Texas Certification Board receives and approves documentation that a peer specialist has successfully completed the 250 hours of supervised work experience, The Texas Certification Board will grant the peer specialist a two-year certification.

Section 19. Peer Specialist Certification Renewal

Reference [§354.3207. Peer Specialist Certification Renewal](#)

- A. After the initial certification under Section 18 of these standards (relating to Initial Peer Specialist Certification), peer specialist certification must be renewed every two (2) years.
- B. Each peer specialist certification renewal under this section must include the following documentation:
 - 1. Renewal application form
 - 2. Signed Peer Specialist Code of Ethics
 - 3. Recertification fee;
 - 4. documentation of the peer specialist's renewal training hours; and
 - 5. results of the TCIC and NCIC criminal history and registry background checks from Texas Department of Public Safety (DPS) or Identogo conducted on the peer specialist :
 - a. no more than thirty (30) days before renewing the certification; and
 - b. per the requirements found in Section 16 of this section (relating to Criminal History and Registry Checks).

Section 20. Procedures for Peer Specialist Supervisor Certification

Reference [§354.3209. Procedures for Peer Specialist Supervisor Certification](#)

- A. An applicant must submit all required information and documentation to The Texas Certification Board electronically or in hard copy, the following documentation:
 - 1. application form;
 - 2. proof of peer specialist supervisor training;
 - 3. state-issued identification;
 - 4. signed ethics statement; and
 - 5. application and certification fee.

- B. For each applicant, The Texas Certification Board require the applicant to submit their Texas Department of Public Safety (DPS) or IdentoGo background check no more than thirty (30) days prior to their application submission to The Texas Certification Board as required under Section 16 of this section (relating to Criminal History and Registry Checks).
- C. Application approval must be based on the requirements in Section 7 of this subsection (relating to Peer Specialist Supervisor Minimum Qualifications) and Section 16 of these standards.
- D. The Texas Certification Board will notify the applicant in writing of their application approval or disapproval within sixty-(60) calendar days. Notice of disapproval will include the reason(s) for disapproval and information on how to file an appeal.
- E. Application denials will be communicated to HHSC and the other certifying body, Wales Education Services.
- F. An applicant who is not approved may file an appeal per Section 26 of this subsection (relating to Complaints, Appeals, and Hearings).
- G. The Texas Certification Board will issue an approved applicant a peer specialist supervisor certification. Each peer specialist supervisor certification includes:
 - 1. a certificate number;
 - 2. the date the certification will expire;
 - 3. the name of the Texas Certification Board; and
 - 4. the peer specialist supervisor's signature.

Section 21. Peer Specialist Supervisor Certification Renewal

Reference [§354.3211. Peer Specialist Supervisor Certification Renewal](#)

- A. A peer specialist supervisor certification must be renewed every two (2) years.
- B. Each peer specialist supervisor certification renewal under this section must include the following documentation:
 - 1. peer specialist supervisor certification renewal application;
 - 2. documentation of the peer specialist supervisor's recertification training hours;
 - 3. signed code of ethics
 - 4. re-certification fee; and
 - 5. results of their TCIC and NCIC criminal history and registry background check from Texas Department of Public Safety (DPS) or IdentoGo conducted on the peer specialist supervisor:
 - a. no more than thirty (30) days prior to their application submission to The Texas Certification Board before renewing the certification; and
 - b. per the requirements found under Section 16 of this section (relating to Criminal History and Registry Checks).

Section 22. Reciprocity

Reference §354.3251

Individuals, who have taken certification training from a recognized source in another state and received a certification recognized by the state Medicaid agency in the state where the certification was issued, may apply to become certified by completing this Reciprocity Application.

- A. In order to be approved for reciprocity, individuals must meet the following criteria:
1. Individual has taken a peer specialist certification training from a recognized source in another state;
 2. Individual has received a certification recognized by the state Medicaid agency in the state where the certification was issued;
 3. Individual has an *active* certification in the state where the certification was issued; and
 4. Individual is in good standing with the certifying body in the state where the certification was issued.
- B. The reciprocity process includes the following basic components:
1. Individual submits a completed application (see following page), a copy of active certification, and two character references;
 2. TCB reviews the curriculum from the state of the original certification.
 3. TCB contacts the original certifying body to confirm that the individual is in good standing with an active certification;
 4. TCB contacts the individual's previous employer to confirm that the individual was in good standing at the time of employment; then
 5. results of the TCIC and NCIC criminal history and registry background checks from the Texas Department of Public Safety (DPS) or IdentoGo conducted on the peer specialist:
 - a. no more than thirty (30) days before renewing the certification; and
 - b. per the requirements found in Section 16 of this section (relating to Criminal History and Registry Checks)
 6. Each application for reciprocity will be evaluated on a case-by-case basis.
 7. TCB makes a decision about whether to grant reciprocity.
- C. If the application for reciprocity is granted, the applicant does not have to take a knowledge assessment. The TCB-issued certification will end on the original expiration date of the other State's certification. The same TCB continuing education requirements will be in effect for the remainder of the certification period. If the other State's Certification does not have an expiration date, the TCB Certification will be for a maximum of twenty-four months.
- D. If the application for reciprocity is not granted, the applicant may not re-apply for reciprocity. Based on the information gathered by TCB during the reciprocity process, it is up to the discretion of TCB whether to offer or deny the applicant an opportunity to apply to TCB.

DIVISION 7. CERTIFICATION ENTITIES

Section 23. Texas Certification Board Minimum Requirements

Reference [§354.3251. Texas Certification Board Minimum Requirements](#)

A. The Texas Certification Board has:

1. experience licensing or certifying a professional or paraprofessional group;
2. documented application procedures for each certification type;
3. documented procedures for certification renewal of peer specialists and peer specialist supervisors;
4. documented procedures for investigating complaints and taking action against a certified person or training entity, as needed;
5. documented procedures for processing appeals or grievances;
6. documented procedures for determining reciprocity with another state's peer specialist or peer specialist supervisor certification;
7. a documented fee policy;
8. documented procedures for taking each possible action on a certification, including late renewal, expiration, inactive status, suspension, revocation, and voluntary relinquishment;
9. documented procedures for initial certification and renewal criminal history and registry checks, per Section 16 of this subsection (relating to Criminal History and Registry Checks);
10. documented policy and procedures for an exception process for background checks, per Section 16(L) of this subsection, if The Texas Certification Board plans to offer an exception process;
11. documented procedures for monitoring approved training entities; and
12. a plan for professional translation of application and certification renewal documents into prevalent languages.

Section 24. Texas Certification Board Ongoing Requirements

Reference [§354.3255. Texas Certification Board Ongoing Requirements](#)

A. The Texas Certification Board will operate according to the:

1. requirements of this subsection; and
2. application materials that The Texas Certification Board submitted to and approved by HHSC.

B. If The Texas Certification Board wishes to change a process or procedure that was documented in its approved application to HHSC, The Texas Certification Board will submit the change to HHSC and obtain HHSC's approval before implementing the change.

C. The Texas Certification Board will notify HHSC of any change of name, location, or contact information at least thirty-(30) calendar days before the change occurs.

D. The Texas Certification Board will not be a training entity and will not provide peer specialist or peer specialist supervisor training.

- E. The Texas Certification Board will maintain the following documentation for each certified peer specialist or certified peer specialist supervisor, and will retain the documentation for the required length of time:
 - 1. application, including documentation of required training, for at least five (5) years after the record is closed;
 - 2. results of each criminal history and registry check, for at least five (5) years after the record is closed;
 - 3. documentation of each approved certification renewal, including training documentation submitted, for at least the last five renewals;
 - 4. each complaint against the person and the resolution of the complaint, for at least five (5) years after the record is closed;
 - 5. documentation of each action or status change related to the certification, including expiration, inactive status, suspension, revocation, and voluntary relinquishment, for at least five (5) years after the record is closed; and
 - 6. documentation of each fee paid, for at least the last five (5) years.

- F. The Texas Certification Board will maintain the following documentation for each training entity, and will retain the record for at least five (years after the record is closed):
 - 1. application;
 - 2. each complaint against the training entity and the resolution of the complaint; and
 - 3. documentation of each fee paid.

- G. For any certification type, an application not approved will be retained for at least five (5) years.

- H. Documentation of each appeal or grievance will be maintained for at least five (5) years after the appeal or grievance is resolved.

DIVISION 8. COMPLAINTS, APPEALS, AND HEARINGS

Section 25. Peer Specialist or Peer Specialist Supervisor: Denial, Suspension, or Revocation of Certification or Renewal

Reference §354.3303. *Peer Specialist or Peer Specialist Supervisor: Denial, Suspension, or Revocation of Certification or Renewal*

- A. An applicant for training under Section 11 of this subsection (relating to Application for Training) may appeal a denial of the application for training to The Texas Certification Board that approved the training entity that is the subject of the complaint.

- B. An applicant for certification, a certified peer specialist, or a certified peer specialist supervisor may appeal the denial, suspension, or revocation of a certification or a denial of a certification renewal to the Texas Certification Board.

- C. Procedures to appeal denials, suspensions or revocations are addressed under Section 26.

Section 26. Training Entity: Denial, Suspension, or Revocation of Certification

Reference [§354.3305. Training Entity: Denial, Suspension, or Revocation of Certification](#)

A training entity may appeal the denial, suspension, or revocation of a certification to the Texas Certification Board. The complaints, investigation, denial, suspension, revocation, disciplinary actions, administrative penalties, informal disposition, voluntary surrender of certification and contested case procedures are as follows:

Complaints and Investigation

- A. The Texas Certification Board (TCB) has a process established to provide an avenue through which a person wishing to report an alleged violation of these standards may file a complaint against an applicant for training, an applicant for certification, a certified peer specialist, certified peer specialist supervisor, certified training entity or approved trainer.
- B. Complaints must be submitted in writing and mailed to TCB Headquarters at 401 Ranch Road 620 South, Ste. 310, Austin, and TX 78734.
 1. The provisions of this section shall apply to complaints against an applicant for certification, a certified peer specialist, certified peer specialist supervisor, certified training entity or approved trainer.
 2. A person wishing to report an alleged violation of these standards may file a complaint with the TCB. All complaints shall be in writing and under oath.
 3. Upon receipt of a complaint, the TCB will send an acknowledgment letter to the complainant, together with the TCB's policies and procedures pertaining to complaint investigation and resolution. The TCB may accept an anonymous complaint if there is sufficient information for the investigation.
 4. The TCB will document, evaluate, prioritize, and investigate complaints based on the seriousness of the alleged violation and the level of client or participant risk, and will make any report to another agency required by law.
 5. Prior to or during an investigation, the TCB will request a response from the applicant for certification, certified peer specialist certified peer specialist supervisor, certified training entity or approved trainer against whom a complaint has been filed, and provide the TCB's policies and procedures pertaining to complaint investigation and resolution. The an applicant for training, an applicant for certification, a certified peer specialist, certified peer specialist supervisor, certified training entity or approved trainer against whom an alleged violation has been filed shall respond within fifteen (15) working days of receipt of the TCB's request.
 6. Pursuant to a TCB investigation, regarding an alleged violation of these standards, an applicant for training, an applicant for certification, a certified peer specialist, certified peer specialist supervisor, certified training entity or approved trainer against whom a complaint has been filed, shall produce records, documents and other evidence related to the certification or approval to the TCB, upon request, unless otherwise prohibited by law. An applicant for training, an applicant for certification, a certified peer specialist, certified peer specialist supervisor, certified training entity or approved trainer against whom a complaint has been filed shall not interfere with the TCB's

- access to service recipients, witnesses or other parties.
7. If it is determined that the matters alleged in the complaint are non-jurisdictional, or if the matters alleged in the complaint would not constitute a violation of these standards, the TCB may close the complaint and give written notice of the closure to an applicant for training, an applicant for certification, a certified peer specialist, certified peer specialist supervisor, certified training entity or approved trainer against whom the complaint was filed and the complainant.
 8. The TCB may refer complaints outside its jurisdiction, or also within the jurisdiction of another licensing program within the TCB or of another agency, to the appropriate program or agency for action, as permitted by law.
 9. The TCB, at least quarterly and until final disposition of the complaint, shall notify the person filing the complaint and each person against whom the complaint was made of the status of the complaint, unless the notice would jeopardize an investigation.

Appeals

- A. The Texas Certification Board (TCB) has a process established to provide an avenue through which an applicant for training, an applicant for certification, a certified peer specialist, certified peer specialist supervisor, applicant for training may
 1. appeal a denial of their application for training to TCB which approved the training entity that is the subject of the complaint;
 2. appeal the denial, suspension, or revocation of a certification or a denial of a certification renewal to TCB; or
 3. appeal a denial of the application for training.
- B. Appeals must be submitted in writing and mailed to TCB Headquarters at 401 Ranch Road 620 South, Ste. 310, Austin, and TX 78734.
 1. The provisions of this section shall apply for appeals to denials of the applicant for training, an applicant for certification, a certified peer specialist, or certified peer specialist supervisor.
 2. An applicant for training, an applicant for certification, a certified peer specialist, or certified peer specialist supervisor seeking to appeal a denial of the application for training, appeal a denial for suspension or revocation of a certification or denial of a certification renewal under these standards may file an appeal with the TCB. All appeals shall be in writing and under oath.
 3. Upon receipt of an appeal, the TCB will send an acknowledgment letter to the person or training entity filing the appeal, together with the TCB's policies and procedures pertaining to the appeal process and resolution.
 4. The TCB will document, evaluate, prioritize, and review appeals based on the seriousness of the denial, suspension, or revocation.
 5. Prior to or during the review, the TCB will request a response from the person or training entity filing the appeal, and provide the TCB's policies and procedures pertaining to the appeal process and resolution. The person or training entity filing the appeal shall respond within fifteen (15) working days of receipt of the TCB's request.

6. Pursuant to a TCB review regarding the appeal of these standards, person or training entity filing the appeal shall produce records, documents and other evidence related to the certification or approval to the TCB, upon request, unless otherwise prohibited by law. The person or training entity filing the appeal shall not interfere with the TCB's access to service recipients, witnesses or other parties.
7. If it is determined that the matters of the appeal are non-jurisdictional, or if the matters of the denial would not constitute a violation of these standards, the TCB may overrule the denial and give written notice of TCB's decision to override the denial to the person or training entity filing the appeal and the entity that issued the denial.
8. The TCB may refer denials that are upheld outside its jurisdiction, or also within the jurisdiction of another licensing program within the TCB or of another agency, to the appropriate program or agency for action, as permitted by law.
9. The TCB, at least quarterly and until final disposition of the appeal, shall notify the person or training entity filing the appeal and the entity that issued the denial the status of the appeal, unless the notice would jeopardize the review.

Disciplinary Actions

- A. The provisions of this section shall apply to a certified peer specialist, certified peer specialist supervisor, certified training entity and approved trainer under these standards, and shall not limit the authority of the TCB to take any other the holder of, or applicant for, a certification under these standards.
- B. The TCB may take action as authorized under these standards if an applicant for, or holder of, a certification issued under these standards:
 1. violates or assists another to violate the rule under these standards;
 2. circumvents or attempts to circumvent a rule under these standards;
 3. directly or indirectly participates in a plan to evade a rule under these standards;
 4. has a certification in another jurisdiction refused, suspended, or revoked for a reason that the TCB determines would constitute a violation of a rule under these standards;
 5. engages in false, misleading, or deceptive conduct;
 6. engages in conduct that discredits or tends to discredit the certified person or entity ;
 7. directly or indirectly reveals a confidential communication made to the person by recipient of services, except as required or permitted by law;
 8. refuses to perform an act or service the person is certified to perform under these standards on the basis of the service recipient's age, sex, race, religion, national origin, color, sexual orientation, gender or political affiliation; or
 9. Is charged or convicted of a criminal offense defined in the criminal history standards §354.3201.
- C. Where grounds exist to take action against a person, against a certification, issued

under these standards, or against an applicant, issued under these standards, the TCB may:

1. deny, refuse to issue, or refuse to renew a certification;
2. revoke or suspend a certification;
3. probate a suspension of a certification;
4. impose an administrative penalty against a person or training entity who violates a rule under these standards; or
5. Issue a reprimand against the applicable certification holder.

D. The TCB will determine the length of the probation or suspension. If the TCB probates the suspension of a certification, the TCB may require the holder of the applicable certification:

1. report regularly to the TCB on matters that are the basis of the probation;
2. limit practice to the areas prescribed by the TCB; or
3. Complete additional educational requirements, as required by the TCB to address the areas of concern that are the basis of the probation.

DI. An individual whose certification under these standards for a minimum of two years after the date of revocation. The TCB may consider the findings that resulted in revocation and any other relevant facts in determining whether to deny the application under this section, or as otherwise permitted by law, if an otherwise complete and sufficient application for a certification is submitted after two years have elapsed since revocation.

DII. A voluntary surrender accepted by the TCB in response to a complaint deemed to be the result of a formal disciplinary action as provided for in that section.

DIII. The TCB, upon determination that grounds may exist to take disciplinary action, shall issue a notice of violation notifying the certified person or training entity of the proposed action.

1. the notice letter shall be sent via certified mail to the certified person or training entity's address of record.
2. the notice shall specify:
 - a. the statutes, rules, or orders allegedly violated;
 - b. the factual basis of the alleged violations;
 - c. the disciplinary action the TCB intends to take; and
 - d. notice of an opportunity for a hearing.
3. if the TCB is proposing to assess an administrative penalty, the letter shall also inform the certified person or training entity of the amount of the proposed penalty and of the opportunity for a hearing on the occurrence of the violation, the amount of the penalty, or both.

DIV. The letter shall also include the following notices:

1. If the certified person or training entity does not request a hearing on or before the 30th day after notice is effective, the allegations will be deemed true and the TCB will issue a default final order implementing the proposed action.
2. Notice is effective three days after the date of certified mailing.

DV. A certified person or training entity must submit a timely written request for a hearing to avoid having the allegations in the notice letter deemed true and a default order implementing the proposed action issued by the TCB. The request for hearing is timely if filed with the TCB, postmarked on, or before the 30th day after the notice is effective. If the certified person or training entity fails to timely file a request for a hearing, the factual allegations of the notice letter may be deemed true and shall form the basis of a default final order by the TCB making findings of fact and conclusions of law consistent with the notice of violation, and implementing the proposed action.

Administrative Penalties

- A. The provisions of this section shall apply to administrative penalties proposed or assessed against any person or entity for violation of a rule under these standards.
- B. The amount of an administrative penalty shall be based on the following criteria:
 - 1. the seriousness of the violation;
 - 2. the history of previous violations;
 - 3. the amount necessary to deter a future violation;
 - 4. efforts made to correct the violation; and
 - 5. any other matter that justice requires.
- C. The seriousness of a violation shall be categorized by one of the following severity levels:
 - 1. Level I - violations in which harm or other adverse impact to public health, safety, or welfare has actually occurred or is likely to occur and/or recur;
 - 2. Level II - violations that demonstrate a potential for harm or other adverse impact to public health, safety, or welfare; or
 - 3. Level III - violations that are not likely to substantially affect public health, safety, or welfare.
- D. The range of administrative penalties by severity levels is as follows for each violation at the discretion of the TCB Ethics Committee and approved by the Board:
 - 1. Level I - up to \$500 per violation;
 - 2. Level II - up to \$250 per violation; or
 - 3. Level III - up to \$100 per violation.
- E. Subsequent violations of the same or similar nature in the same severity level for which an administrative penalty has previously been imposed may be categorized at the next higher severity level, based upon the repeated violation. Subsequent Level I violations of the same or similar nature for which an administrative penalty has previously been imposed at the Level I severity level may be assessed a higher penalty within that severity level, up to \$1,000 per violation, based upon the repeated violations.
- F. Repeated or serious violations may result in suspension or revocation of certification as determined by the TCB Ethics Committee and approved by the Board.

Informal Disposition

- A. At any stage of a disciplinary case, informal disposition of a complaint or contested case involving an applicant, certified person or training entity may be made through an informal conference held to determine whether the matters in controversy can be resolved without further proceedings, including by agreed order.
- B. In any case where a notice of violation has been issued proposing disciplinary action against an applicant, certified person or training entity, that an applicant, certified person or training entity will be given the opportunity to attend an informal conference to show compliance with the law, prior to a requested hearing. If an applicant, certified person or training entity fails to appear at a scheduled informal conference, the TCB may deem that an applicant, certified person or training entity to have waived the right to an informal conference and may proceed to hearing.
- C. An informal conference shall be voluntary for an applicant, certified person or training entity shall not be a prerequisite to a formal hearing.
- D. The conference shall be informal and shall not follow the procedures established in these standards for contested cases and formal hearings.
- E. The TCB will establish the time, date and place of the informal conference, and provide written notice to an applicant, certified person or training entity. Written notice will be provided no less than ten (10) business days prior to the date of the informal conference at the last known address of the applicant, certified person or training entity.
- F. Applicant, certified person or training entity may be represented by legal counsel at the informal conference. The TCB's legal counsel and appropriate staff will be present at the conference.
- G. At the conclusion of the informal conference, the TCB may propose an informal disposition of the complaint or contested case. The proposal may include proposed entry of an agreed order imposing any disciplinary action authorized by these standards. The TCB may also conclude that the TCB lacks jurisdiction; that the matter should be referred for further investigation; that the complaint should be closed without action; or that the TCB will proceed to a contested case hearing on the proposed action, if requested by an applicant, certified person or training entity.
- H. Applicant, certified person or training entity may either accept or reject the TCB's proposal at the informal conference. If the recommendations are accepted, a proposed agreed order will be forwarded to the applicant, certified person or training entity, or that person's or training entities attorney. The order will include any agreed findings of fact and conclusions of law. If the applicant, certified person or training entity fails to return the signed order within thirty (30) calendar days of receipt of the proposed order, or within another time frame specified or agreed to

by the TCB, the TCB's proposed order will be deemed withdrawn and the TCB may proceed to a contested case hearing on the action originally proposed, if the applicant, certified person or training entity has requested one, or otherwise proceed with appropriate action against the applicant, certified person or training entity . The applicant, certified person or training entity will be deemed to have signed and received the proposed agreed order after sent certified mail.

- I. Ethics complaints and findings will be communicated with HHSC and other approved certifying Bodies

Voluntary Surrender of Certification in Response to a Complaint

- A. When certified person or training entity has offered the surrender of that person's or training entity certification in response to a complaint, the TCB will consider whether to accept the surrender of the certification. A certified person or training entity will be deemed to have offered the surrender of that person's or training entity certification in response to a complaint when the surrender is offered after the certified person or training entity has received notice that a complaint has been received by the TCB. A certified person or training entity will be deemed to have received notice that a complaint has been received by the TCB after a letter notifying the certified person or training entity is signed/receipt by certified mail by the TCB.
- B. Surrender of a certification or designation without the TCB's acceptance thereof shall not deprive the TCB of jurisdiction under these standards, or other applicable law.
- C. When the TCB accepts the surrender of a certification offered in response to a complaint, the certification surrender is deemed to be the result of a formal disciplinary action and an order shall be prepared accepting the certification surrender on that basis.
- D. If the TCB accepts the surrender of a certification offered in response to a complaint, the person is not eligible to apply for a certification under these standards for a minimum of two years after the date of acceptance of the surrender.

Procedures for Contested Cases

- A. The provisions of this section shall apply to certified person or training entity under these standards.
- B. Where the TCB has issued a notice of violation that has not been resolved by informal disposition and the certified person or training entity has timely requested a hearing, the TCB will proceed to a hearing.

- C. The TCB will provide written notice of the hearing to the certified person or training entity by certified mail, return receipt requested, at certified person or training entity's last known address as reflected in the TCB's address of record for the certified person or training entity. A Notice of Hearing will be provided at least ten (10) days before the date of the hearing. Certified person or training entity's receipt of the Notice of Hearing at least ten days before the date of the hearing will be presumed if the TCB mailed the Notice of Hearing at least ten (10) days before the date of the hearing, and allowed an additional three (3) days for mailing.
- D. If the certified person or training entity fails to appear at a scheduled hearing after being given proper notice of the hearing at certified person or training entity's last known address as reflected in the TCB's address of record for the certified person or training entity, the TCB may move for dismissal of the case, without prejudice, to allow for informal disposition of the case by default order. Based upon the certified person or training entity's failure to appear after proper notice of the hearing, the factual allegations of the notice letter may be deemed true and shall form the basis of a final default order by the TCB making findings of fact and conclusions of law consistent with the notice of violation, and implementing the proposed action.
- E. Notice of intent to appeal is provided to the Ethics Appeals Committee in writing, at least thirty (30) days in advance of the meeting of the Board of Directors at which such appeal is to be discussed. Findings/actions of the Ethics Committee and/or the TCB Board may be appealed to the Ethics Appeals Committee. Decisions of the Ethics Appeals Committee shall be final.
- F. Ethic complaints must be submitted in writing and mailed to TCB Headquarters at 401 Ranch Road 620 South, Ste. 310, Austin, and TX 78734.

Section 27 Effective February 1, 2019.