

LPC & LMFT SUPERVISOR REFRESHER COURSE

On my website: www.laurelclement.com

1. Agenda
2. Evaluation
3. CEU Certificate
4. Suggested Termination Clause

SUPERVISOR DILEMMAS:

SUBMIT YOUR QUESTIONS DURING THE MORNING ABOUT SUPERVISION ISSUES THAT YOU WOULD LIKE FEEDBACK ON!



LPC/LMFT REFRESHER COURSE AGENDA

9:00 to 10:00: Ethics with Laurel Clement, J.D., LPC-S

10:00 to 10:45: Being Your Authentic Self with Mercedes Burk, LPC-S, LMFT-S

10:45 to 11:00: break

11:00 to 11:45: Jon Strain, Employment Lawyer

11:45 to noon: morning questions

Noon to one: lunch

1:00 to 2:15: Mental Health in the Workplace with Keri Riggs, LPC-S

2:15 to 2:30: break

2:30 to 3:30: Religious Abuse with Mishaal Riaz, LPC

3:30 to 4:00: Supervision Dilemma & Wrap-up



**WHERE DO I TURN IN
MY EVALUATION?**

Iclementlaw@gmail.com

**DOWNLOAD IT FROM MY WEBSITE:
WWW.LAURELCLEMENT.COM**

***Where do I get my
CEU certificate?***



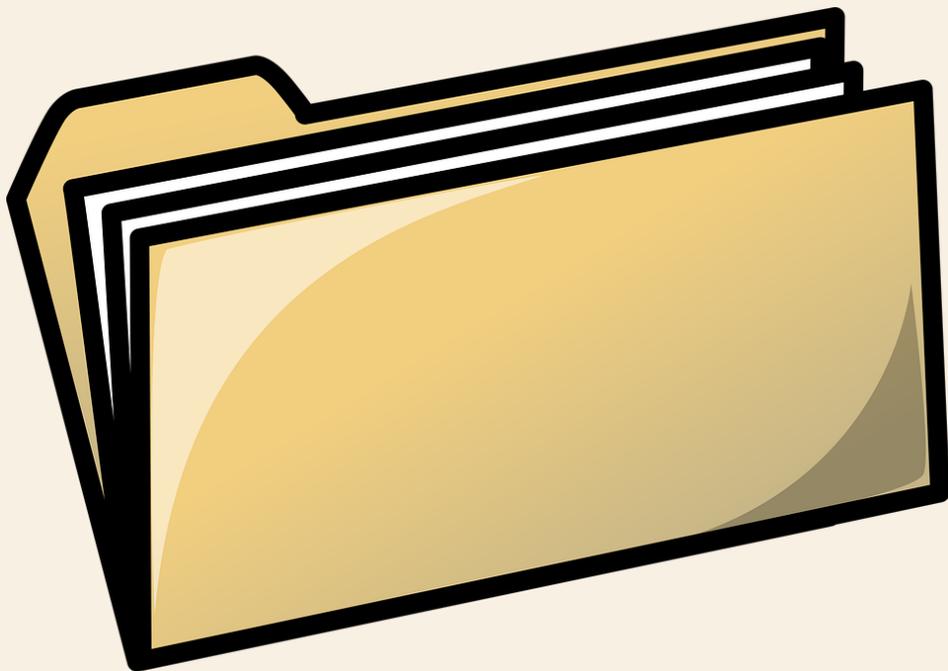
The background features a complex geometric design. On the left, there are several overlapping shapes: a dark purple triangle at the top left, a blue square with concentric circles, a light grey semi-circle, a pink triangle with diagonal lines, a pink square with a white border pattern, a blue square, a grey triangle, and a pink triangle. A white dot is connected by a white line to the top-left corner of the pink triangle with diagonal lines. The text is positioned on the right side of the image, set against a solid blue background.

**ETHICS:
REMEDICATION PLANS, TERMINATION
IN ASSOCIATE CONTRACTS, AND
SUPERVISOR COMPLAINTS**



REMEDIATION PLANS

REMEDIATION PLAN: LPC 681.93(E)



If a supervisor determines the LPC Associate may not have the counseling skills or competence to practice professional counseling under an LPC license, the supervisor **will develop and implement a written plan for remediation** of the LPC Associate, which must be reviewed and **signed by the LPC Associate** and **maintained** as part of the LPC Associate's file.

REMEDICATION PLANS: MFT 801.143(F)(4)

If a supervisor determines the LMFT Associate may not have the therapeutic skills or competence to practice marriage and family therapy under an LMFT license, the supervisor **must develop and implement a written plan for remediation** of the LMFT Associate. A supervisor **may share** a remediation plan developed for an LMFT Associate with any other current or future supervisors of that Associate.



REMEDIATION PLAN

**Have you noticed some issues with your supervisee?
Have you brought them up to your supervisee? Have
you documented them in your supervision notes?**



**This is generally not the last-ditch effort before you
fire your supervisee. This is really the middle step.**



**The issue may be something that has happened several times
such as texting during your supervision sessions... or you may
have discovered an issue of the breach of client confidentiality,
which needs to be documented immediately.**

SUGGESTED WRITTEN INGREDIENTS IN A REMEDIATION PLAN

- **State specifically the issue.**
- **Refer to the date or dates that you previously discussed the issue in supervision.**
- **Clarify why the issue is harmful in counseling: i.e. texting during a session doesn't demonstrate that you are emotionally present for our sessions and seems disrespectful to our time together.**
- **State a remedy for the issue.**
- **State a date for completion of the remedy.**
- **Follow-up with a discussion of the topic again after completion.**
- **Include in your paperwork that "your failure to complete the remediation plan and/or the repeat of the issue the basis of the remediation plan will be grounds for termination of the supervisory relationship and notification of BHEC of this plan."**



WHAT CAN YOU NOT SAY IN YOUR REMEDIATION PLAN?

- I will not count your hours until you pay me for my overdue supervision fees.
 - All social media deliverables and blog post are due in one week.
 - You affirm that you will not post anything negative about my supervision skills or my counseling practices on-line as retribution for this remediation plan.
 - You have been warned about your messy office. As a consequence, you will be responsible for cleaning the kitchen every Friday.
- 

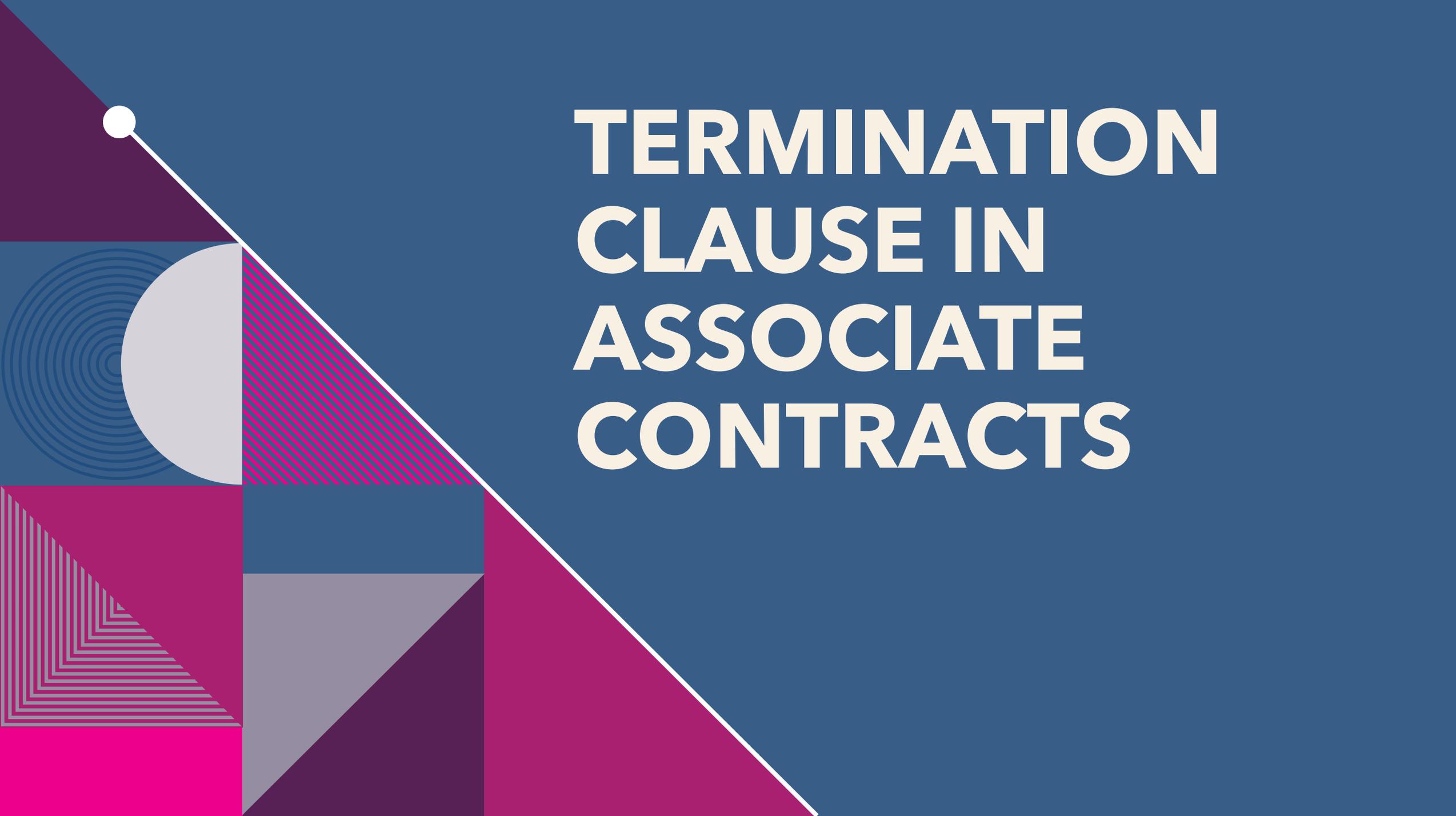
WHAT IS THE DIFFERENCE BETWEEN A REMEDIATION PLAN AND A DISCIPLINARY ACTION?



WHAT IS THE DIFFERENCE BETWEEN A REMEDIATION PLAN AND A DISCIPLINARY ACTION?



- 1. Remediation plan is for your supervisee.**
- 2. Disciplinary action is for your employee.**

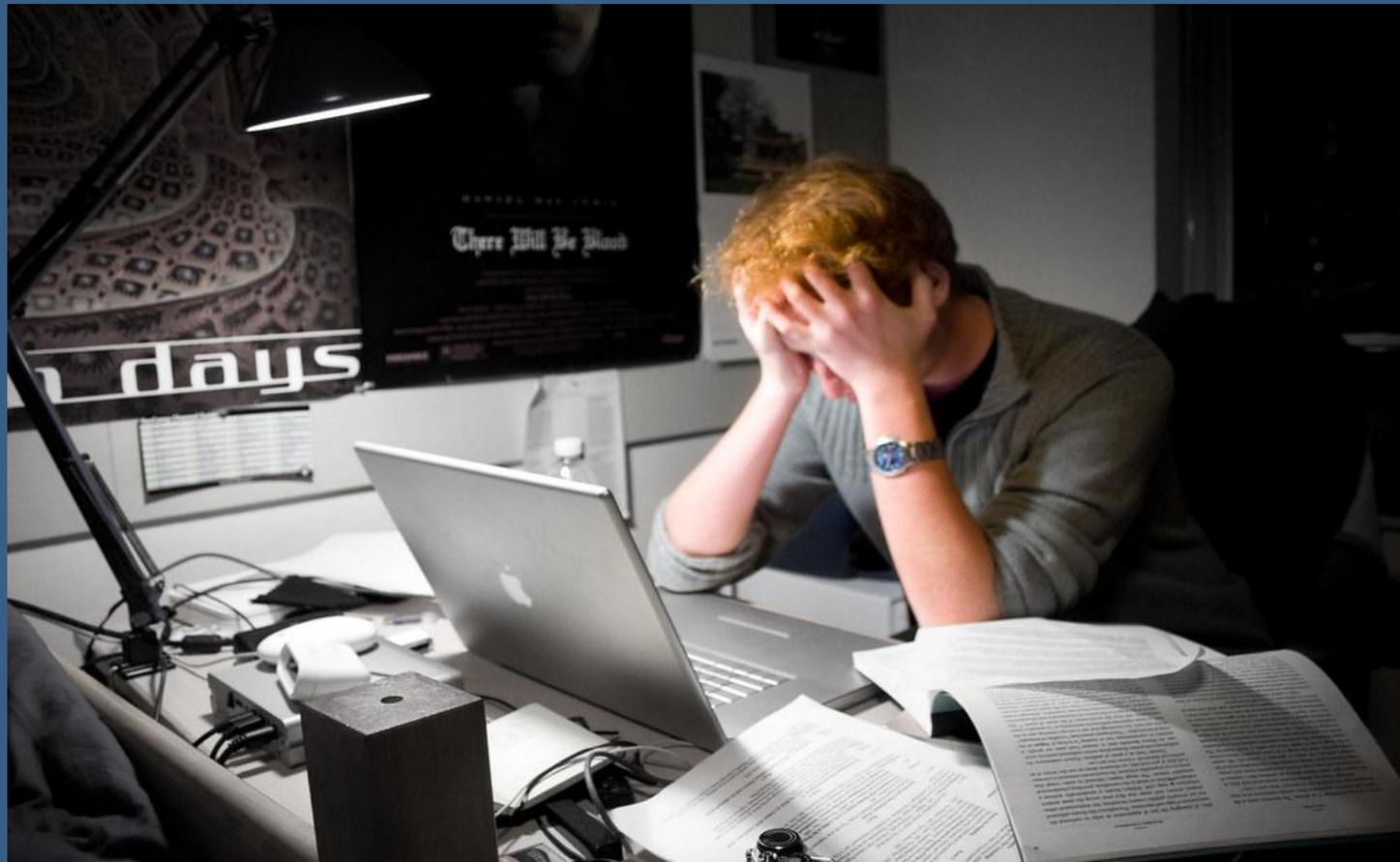


TERMINATION CLAUSE IN ASSOCIATE CONTRACTS

STANDARD TERMINATION WORDING IS FIFTEEN (15) OR THIRTY (30) DAYS BY WRITTEN NOTICE.



WHAT IF YOU DECIDE THAT YOU NEED TO TERMINATE SOONER?

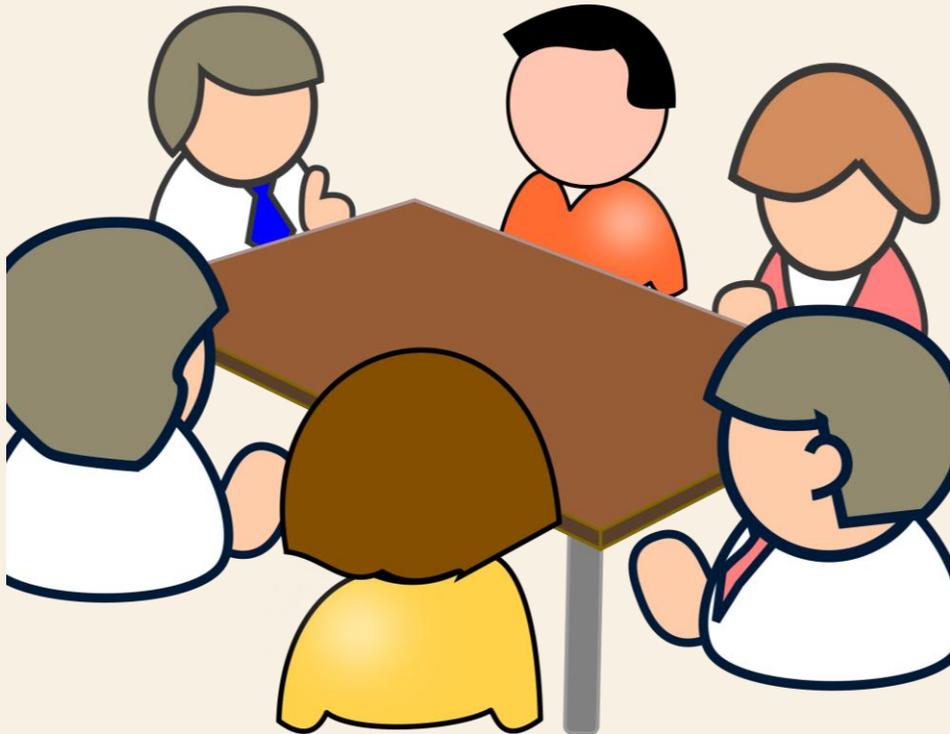


WHAT ARE THE CONSIDERATIONS WHEN WANTING TO TERMINATE YOUR SUPERVISEE?

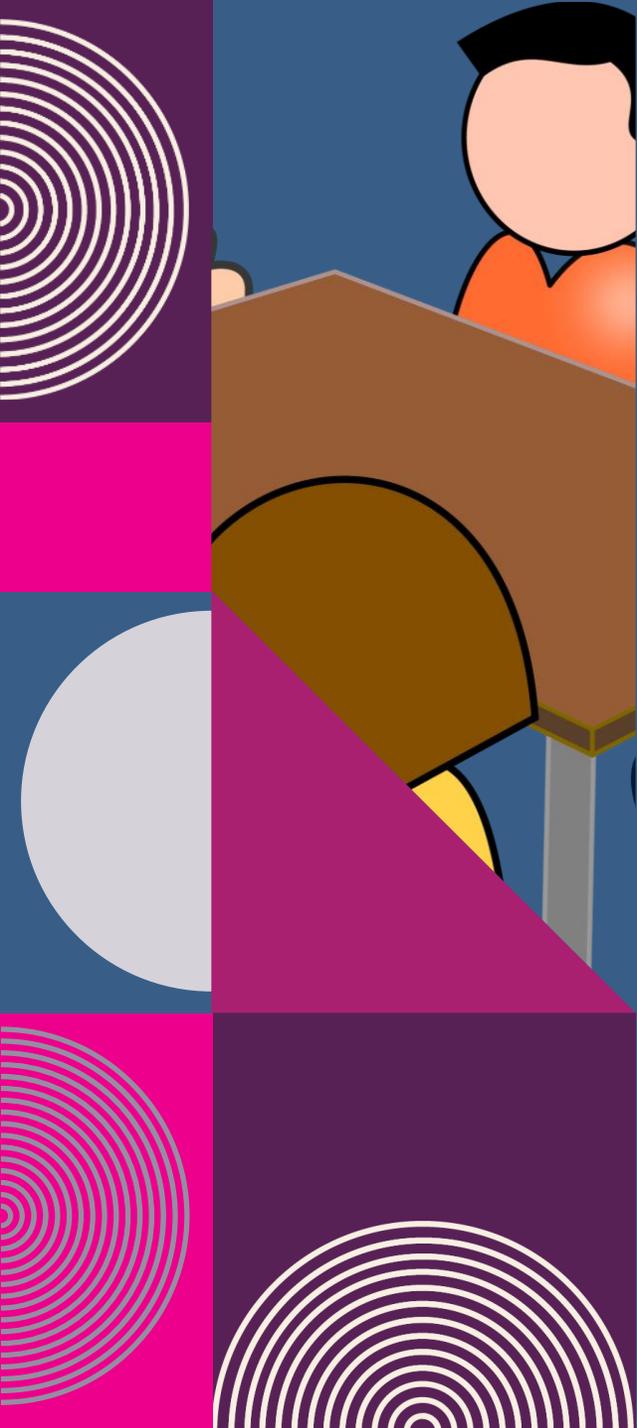
- 1. Have you done a remediation plan or is a remediation plan necessary?**
- 2. How many clients does the supervisee have?**
- 3. What level of care do they need?**
- 4. How quickly do you want to stop seeing the supervisee?**
- 5. Does the supervisee have another supervisor?**
- 6. When are you required to see the supervisee again for supervision?**



CODE REQUIREMENTS FOR HOURS TO COUNT: LPC 681.92(E)



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



CODE REQUIREMENTS FOR HOURS TO COUNT: LMFT 801.142(3)(A)

- An LMFT Associate, **when providing services**, must receive a minimum of **one hour of supervision every week**, except for good cause shown.
- Definitions: **Group supervision**--Supervision that involves a minimum of three and no more than six marriage and family therapy supervisees or LMFT Associates in a clinical setting during the supervision hour.
- **Individual supervision**--Supervision of no more than two marriage and family therapy supervisees or LMFT Associates in a clinical setting during the supervision hour.

SUGGESTED TERMINATION "WITH CAUSE"

If the termination is "with cause", please know that I may limit or cease any further supervision sessions with you. My decision will be based on the reason for termination, your present caseload, and a possible supervisor replacement.

If I do cease my supervision sessions with you-- you will not be allowed to see any clients until you obtain another supervisor.



SUPERVISOR LIABILITY



Complaints on the increase.

WHERE DOES IT COME FROM? LPC 681.93(B)

(b) **Both the LPC-Associate and the supervising LPC-S are fully responsible** for the professional counseling activities of the LPC-Associate. The LPC-S may be subject to disciplinary action for violations that relate only to the professional practice of counseling committed by the LPC-Associate which the LPC-S **knew about** or due to the oversight nature of the supervisory relationship **should have known about**.



WHERE DOES IT COME FROM? LMFT 801.143



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



SOAH CASE DECIDED DECEMBER 12, 2025

Allegations by BHEC:

1. Supervisor did not timely create an individual written remediation plan for supervisee before termination.
2. Supervisor failed to keep a written record of each supervisory session.
3. Supervisor failed to provide a copy of all records to the supervisee upon request.

LPC 681.93(A)(2)



The supervisor must provide a copy of all records to the LPC Associate *upon request.*

SOAH CASE DECIDED DECEMBER 12, 2025

Decision by Administrative Judge:

BHEC failed to prove any of the allegations.

1. Supervisor did not timely create an individual written remediation plan for supervisee before termination.

Staff failed to prove that the rule requires more than including a copy of the remediation plan in her file.

2. Supervisor failed to keep a written record of each supervisory session.

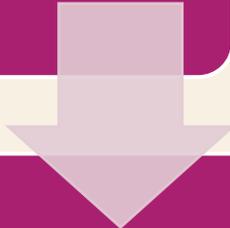
Supervisor kept dates of the sessions and staff could not provide supporting citations showing that more was required.

3. Supervisor failed to provide a copy of all records to the supervisee upon request.

The rules do not specify a time limit. Nevertheless, staff argues that the amount of time was unreasonable. There is no evidence that the supervisee was harmed.

MY PENDING CASES REPRESENTING THE SUPERVISOR:

Very early stages: Retribution by associate for checking the box that says that the supervisee is not capable of being fully licensed.



Challenging at SOAH the rule that states that the associate may compensate the supervisor for supervision only if the supervision is not part of the supervisor's job responsibilities.
(Gov't interference w/a contract.)



SUPERVISOR LIABILITY

I have seen the supervisor receive a complaint in different formats:

1. After the associate's complaint is resolved with a disciplinary action, then BHEC decides to also issue a complaint to the supervisor.
2. The associate and the supervisor both receive complaints at the same time. The supervisor's complaint was for failure to properly supervise.
3. The associate files a complaint against the supervisor.



SUPERVISOR LIABILITY

- If your associate receives a complaint and BHEC asks you to participate in the investigation... GET AN ATTORNEY.
- If you and your associate receive a complaint at the same time...and you believe ya'll are on the same page... then see if ya'll can agree to retain the same attorney.
- If you think that your supervisee is going to throw you under the bus... then get a different attorney!



THE FOLLOWING IS A LETTER THAT A BHEC ATTORNEY SENT:

**The supervisor was a witness in a case
where they were prosecuting my client-
her supervisee.**

Witness Participation

John Bridges <john.bridges@bhec.texas.gov>

Mon, Nov 29, 2021 at 9:50 AM

Ms. XXXXXXXX,

If you were just a regular person off the street then your participation could be seen as merely voluntary. But because you accepted money to serve as Ms. XXXXXX SUPERVISOR, there is added responsibility on your part.

Also, as a licensed individual you have a heightened responsibility to take part in investigatory proceedings.

Might I remind you that Texas Administrative Code §884.30 requires that

Licensees must cooperate with and respond to Council investigations. Failure to cooperate or respond may serve as grounds for a Council-initiated complaint and disciplinary action.

If you are worried about backlash from prior responsibilities I can procure a subpoena that will compel your responsibility and give you a cover. Please let me know if you need this option.



COMMON SUPERVISOR COMPLAINTS

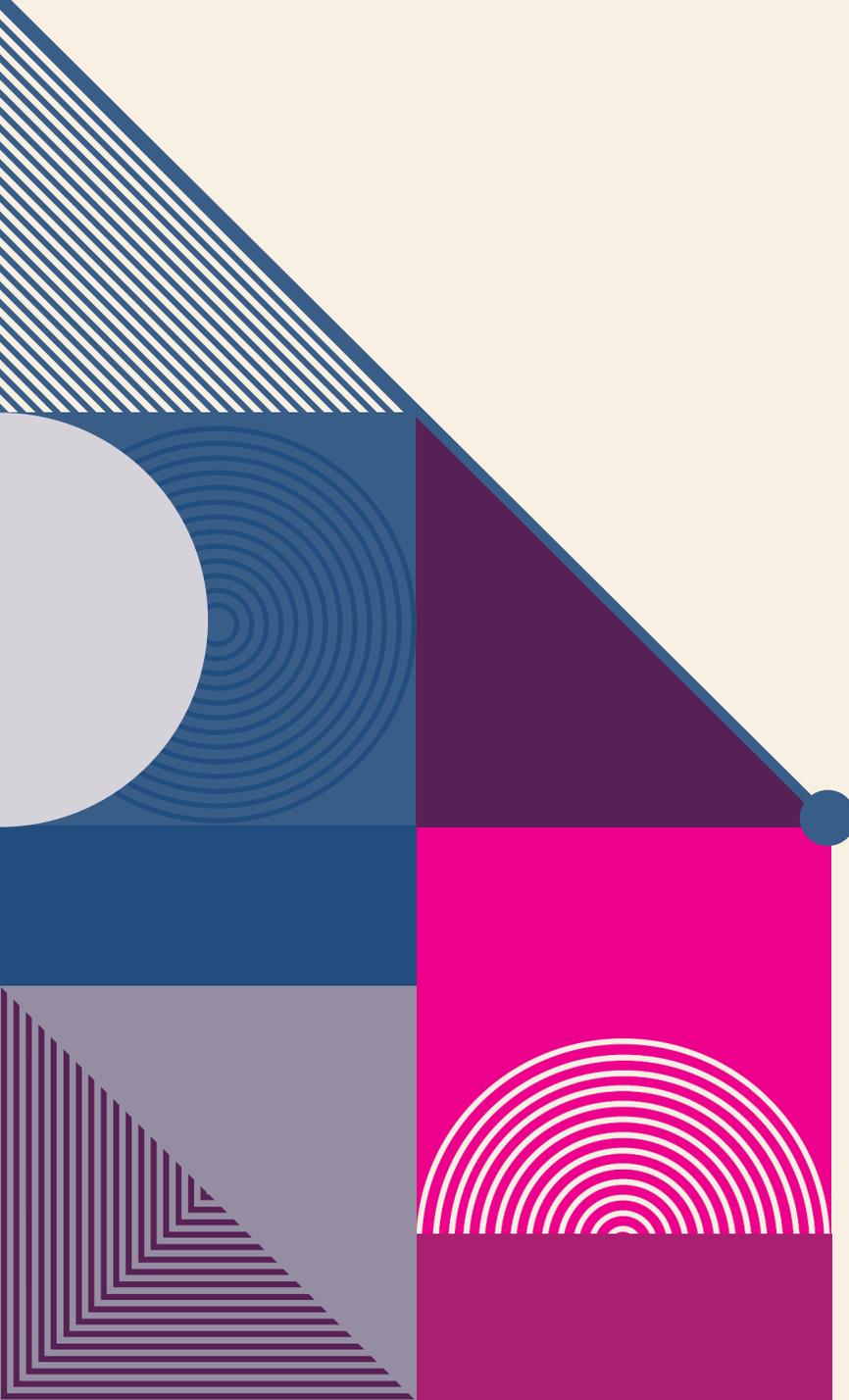
- Incomplete paperwork.
- Boundaries/dual relationship.
- Insufficient meetings, requirements.



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THANK YOU

Laurel Arnold Clement

Attorney & LPC-Supervisor

www.laurelclement.com

<https://www.facebook.com/attorneyandLPC>