



Texas Board of Marriage and Family Therapists v. Texas Medical Association, 511 S.W.3d 28 (Tex. 2017)

Outcome: Neutral

Topics Covered: Scope of Practice

Issue

The issue in this case was whether the administrative rules of the Texas State Board of Examiners of Marriage and Family Therapists (MFT) exceeded the scope of practice allowed to MFTs under the Marriage and Family Therapists Act (MFT Act).

AMA Interest

The AMA believes that allied health professionals should only practice within the scope of their training and licensure. The AMA further believes it is inappropriate to substitute the services of an allied health professional for those of a physician.

Case Summary

The MFT Act allows MFTs to employ therapeutic techniques that include “the evaluation ... of cognitive, affective, behavioral, or relational dysfunction in the context of marriage or family systems.” Tex. Occ. Code § 502.002(6). The MFT Board adopted the following administrative rules, which were then challenged:

- MFTs may provide a “diagnostic assessment which utilizes the knowledge organized in the Diagnostic and Statistical Manual of Mental Disorders (DSM) as well as the Institutional Classification of Diseases (ICD).” Rule 801.42(13).
- MFTs “shall base all services on an assessment, evaluation, or diagnosis of the client.” Rule 801.44(q).

The Texas Medical Association (TMA) sued to have the MFT Board administrative rules declared invalid, asserting that the rules’ allowance of “diagnostic assessment” and “diagnosis” exceeded the statutory right to make an “evaluation.” Both the trial court and the Texas Court of Appeals held Rule 801.42(13) invalid and Rule 801.44(q) valid.

The MFT Board appealed the Rule 801.42(13) holding to the Texas Supreme Court. On February 24, 2017, the Supreme Court found that Rule 801.42(13) was valid and reversed the Court of Appeals.

Litigation Center Involvement

The Litigation Center contributed to TMA's legal expenses.