

**RULES
OF
TENNESSEE BOARD FOR PROFESSIONAL COUNSELORS,
MARITAL AND FAMILY THERAPISTS, AND CLINICAL PASTORAL THERAPISTS**

**CHAPTER 0450-03
GENERAL RULES GOVERNING CLINICAL PASTORAL THERAPISTS**

TABLE OF CONTENTS

0450-03-.01	Definitions	0450-03-.12	Continuing Education
0450-03-.02	Reserved	0450-03-.13	Professional Ethics
0450-03-.03	Necessity of Licensure	0450-03-.14	Evidence of Clinical Practice Experience
0450-03-.04	Qualifications for Licensure	0450-03-.15	Disciplinary Actions and Civil Penalties
0450-03-.05	Procedures for Licensure	0450-03-.16	Duplicate License
0450-03-.06	Fees	0450-03-.17	Change of Address and/or Name
0450-03-.07	Application Review, Approval, and Denial	0450-03-.18	Mandatory Release of Client Records
0450-03-.08	Examinations	0450-03-.19	Board Officers, Consultants, Records, Complaints, Declaratory Orders, and Screening Panels
0450-03-.09	Renewal of License	0450-03-.20	Consumer Right-To-Know Requirements
0450-03-.10	Supervision of Professional Experience (Post-Academic Work)	0450-03-.21	Advertising
0450-03-.11	Retirement and Reactivation of License		

0450-03-.01 DEFINITIONS. As used in this rule, the terms and acronyms shall have the following meanings ascribed to them.

- (1) AAPC - When the acronym AAPC appears in this rule, it is intended to mean American Association of Pastoral Counselors.
- (2) Actively engaged - Engaged in the practice of clinical pastoral therapy 10 or more face-to-face client contact clock hours per week.
- (3) Applicant - Any individual seeking licensure by the Board who has submitted an official application and paid the application fee.
- (4) Board - The Board for Professional Counselors, Marital and Family Therapists, and Clinical Pastoral Therapists.
- (5) Board Administrative Office - The office of the administrator assigned to the Board located at 665 Mainstream Drive, Nashville, TN 37243.
- (6) Clinical Contact Hour - A 50 minute period a counselor or therapist spends working with an individual, family, or group.
- (7) Closed Files - An Administrative action which renders an incomplete or denied file inactive.
- (8) Clock Hour - Sixty minutes in a continuing education activity. Providers who measure continuing education activities in "continuing education units" shall define CEU in clock hours.
- (9) Continuing Education - Education beyond the basic licensing educational requirement which is related to the practice of clinical pastoral therapy.
- (10) Department - Division of Health Related Boards, Tennessee Department of Health, from which the Board receives Administrative support.
- (11) Endorsement - The process of licensure which is governed by T.C.A. § 63-22-205 and Rule 0450-03-.05.

(Rule 0450-03-.01, continued)

- (12) Fee - Money, gift, services or anything of value offered or received as compensation in return for rendering services.
- (13) Fee Splitting - The practice of paying commissions to colleagues out of fees received from clients who have been referred by the colleague for services.
- (14) Good Moral Character - Any individual being highly regarded in personal behavior and professional ethics.
- (15) He/she His/her - When he or his appears in the text of these rules the word represents both the feminine and masculine genders.
- (16) HRB - When the acronym HRB appears in this rule, it is intended to mean health related boards.
- (17) Internship - The supervised, planned, practical experience completed near the end of the education process and obtained in the clinical setting by observing and applying the principles, methods, and techniques learned in training and/or educational settings. The internship involves a longer period of time than the practicum.
- (18) License - Document issued to an applicant who successfully completes the licensure process. The license takes the form of an "artistically designed" license as well as other versions bearing an expiration date.
- (19) Licensed Clinical Pastoral Therapist - A person who has met the qualifications for a licensed clinical pastoral therapist and holds a current, unsuspended or unrevoked license that has been lawfully issued by the Board.
- (20) Person - Any individual, firm, corporation, partnership, organization, or body politic.
- (21) Practicum - The supervised, planned, practical experience occurring in a clinical setting for an early introduction to subject matter. It is generally time-bound and for a shorter period of time than an internship, but it allows for demonstration and testing of information, knowledge, and skills acquired.
- (22) Private Practice - Practice of counseling or therapy other than in a public or nonprofit agency or entity.
- (23) Relative - Parent, spouse, former spouse, siblings, children, cousins, in-laws (present and former), aunts, uncles, grandparents, grandchildren, step-children, employees, or anyone sharing the same household.
- (24) Supervisee - An individual who is engaged in post graduate or graduate supervised experience under the direction of a supervisor.
- (25) Written Evidence - Includes, but is not limited to, verification from supervisors or other professional colleagues familiar with the applicant's work.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-22-102, 63-22-201, 63-22-203, and 63-22-205.
Administrative History: Original rule filed December 30, 1998; effective March 15, 1999. Amendment filed April 30, 2002; effective July 14, 2002. Amendment filed July 21, 2004; effective October 4, 2004.

0450-03-.02 RESERVED.

0450-03-.03 NECESSITY OF LICENSURE.

- (1) It is unlawful for any person who is not licensed in the manner prescribed in T.C.A. §§ 63-22-101, et seq., to represent himself as a licensed clinical pastoral therapist or to hold himself out to the public as being licensed by means of using a title on signs, mailboxes, address plates, stationery, announcements, telephone listings, calling cards, or other instruments of professional identification.
- (2) Clinical pastoral therapy is one of the healing arts, the practice of which is restricted to those persons credentialed by the Board. Persons engaging in the practice of clinical pastoral therapy without being credentialed or expressly exempted by law are in violation of T.C.A. § 63-1-123.
- (3) No other person shall hold himself out to the public by a title or description of services incorporating the words “licensed clinical pastoral therapist” or “licensed clinical pastoral counselor”, and he shall not state or imply that he is licensed. Nothing in this rule shall prohibit a person from stating or using the educational degrees which he has obtained.
- (4) Use of Titles
 - (a) Any person who possesses a valid, unsuspended and unrevoked license issued by the Board has the right to use the title “Licensed Clinical Pastoral Therapists” and to practice clinical pastoral therapy, as defined in T.C.A. § 63-22-201.
 - (b) Violation of this rule or T.C.A. § 63-22-201 regarding use of titles shall constitute unprofessional and/or unethical conduct and subject the licensee to disciplinary action.
 - (c) Any person licensed by the Board to whom this rule applies must use the title authorized by this rule whenever he or she is “advertising” [as that term is defined in rule 0450-03-.21 (2)] or the failure to do so will constitute an omission of a material fact which makes the advertisement misleading and deceptive and subjects the clinical pastoral therapist to disciplinary action pursuant to T.C.A. §§ 63-22-110 (b) (4), and 63-22-202(a).

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-1-145, 63-1-146, 63-22-102, 63-22-110, 63-22-201, and 63-22-202. **Administrative History:** Original rule filed December 30, 1998; effective March 15, 1999. Amendment filed July 21, 2004; effective October 4, 2004. Amendment filed April 17, 2007; effective July 1, 2007. Amendment filed November 26, 2008; effective February 9, 2009.

0450-03-.04 QUALIFICATIONS FOR LICENSURE.

- (1) Licensed Clinical Pastoral Therapist by Examination. Prior to submitting an application each of the following qualifications must be met by a candidate for licensed clinical pastoral therapist:
 - (a) Be at least 18 years of age.
 - (b) Provide evidence that he is highly regarded in moral character and professional ethics. Such evidence shall include at least two original letters written within the preceding 12 months from professionals attesting to the applicant’s personal character and professional ethics. The letters must be submitted on the signator’s letterhead.
 - (c) Education. The educational requirements must be completed prior to the date of application.

(Rule 0450-03-.04, continued)

1. One hundred twenty (120) graduate semester hours from a recognized educational institution of which sixty (60) graduate semester hours shall be in a course of studies in clinical pastoral therapy, as follows:
 - (i) At least 15 hours in core clinical theory;
 - (ii) At least 15 hours in pastoral counseling theory; and
 - (iii) At least 15 hours in areas of specialization such as, but not limited to, psychodynamic psychotherapy, marriage and family therapy, cognitive therapy, or behavioral therapy.
 - (iv) At least nine (9) of the 120 hours must relate specifically to the diagnosis and treatment of mental disorders.
 2. The awarding of the master of divinity (M. Div.) Degree or its equivalent as designated by the Board.
 3. The awarding of an advanced degree (either a master's or doctoral degree) in pastoral therapy or a closely related field.
 4. Completion of a practicum consisting of at least one (1) unit of full-time clinical pastoral education in a program accredited by the Association for Clinical Pastoral Education.
 5. Completion of a two (2) year internship in an approved training program in clinical pastoral therapy.
- (d) Has provided a minimum of one thousand four hundred (1,400) hours of pastoral therapy with individuals, couples, families and/or groups while receiving a minimum of two hundred seventy (270) hours of supervision of such therapy with an approved supervisor.
- (e) Pass the written and oral examination pursuant to Rule 0450-03-.08.
- (2) Licensed Clinical Pastoral Therapist by Endorsement. Individuals seeking licensure by endorsement must meet the following qualifications under subparagraph (a) or (b).
- (a) Fellow or Diplomate of the American Association of Pastoral Counselors.
1. Be at least 18 years of age.
 2. Must provide evidence that he is highly regarded in moral character and professional ethics. Such evidence shall include at least two original letters written within the preceding 12 months from professionals attesting to the applicant's personal character and professional ethics. The letters must be submitted on the signator's letterhead.
 3. Pass the written and oral examination pursuant to Rule 0450-03-.08.
- (b) Certified as a clinical member of AAPC.
1. Be at least 18 years of age.
 2. Submit documentation that he has been engaged in the full-time practice of clinical pastoral therapy for at least five (5) years subsequent to that certification.

(Rule 0450-03-.04, continued)

Such documentation shall include two (2) affidavits signed by certified mental health professionals and notarized, attesting to the applicant's period of service as a clinical pastoral therapist or pastoral counselor.

3. Must provide evidence that he is highly regarded in moral character and professional ethics. Such evidence shall include at least two original letters written within the preceding 12 months from professionals attesting to the applicant's personal character and professional ethics. The letters must be submitted on the signator's letterhead.
 4. Pass the written and oral examinations pursuant to Rule 0450-03-.08.
- (3) Clinical Pastoral Therapist by certain professional experience or by licensure in certain other professions. Until January 1, 2006, the Board will license as a clinical pastoral therapist any applicant who fulfills at least one (1) of the following requirements:
- (a) Currently certified as a clinical pastoral therapist. Such certification must be lawfully issued by the Board and not be suspended or revoked;
 - (b) Documents, as provided in part 0450-03-.05 (4) (e) 1., satisfaction of the requirements of T.C.A. § 63-22-203(1)-(4);
 - (c) Documents, as provided in part 0450-03-.05 (4) (e) 2., current active status as a fellow or diplomate of AAPC and being actively engaged in the practice of pastoral psychotherapy for at least five (5) years prior to January 1, 2003.
 - (d) Documents, as provided in part 0450-03-.05 (4) (e) 3., having received a graduate theological degree from a recognized educational institution and being currently licensed in Tennessee as a psychologist designated as a health service provider, a professional counselor designated as a mental health service provider, a marital and family therapist, a clinical social worker, or an alcohol and drug abuse counselor, and, in addition, documents being actively engaged in the practice of clinical pastoral therapy for at least five (5) years prior to January 1, 2003.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-22-102, 63-22-201, 63-22-203, 63-22-205, and 63-22-206.
Administrative History: Original rule filed December 30, 1998; effective March 15, 1999. Amendment filed July 21, 2004; effective October 4, 2004.

0450-03-.05 PROCEDURES FOR LICENSURE. To become licensed as a clinical pastoral therapist in Tennessee a person must comply with the following procedures and requirements.

- (1) Clinical Pastoral Therapist by Examination.
 - (a) An application packet shall be requested from the Board Administrative Office. When submitted, the appropriate fees, as provided in Rule 0450-03-.06, shall be included.
 - (b) An applicant shall respond truthfully and completely to every question or request for information contained in the form, and submit it along with all documentation and fees required by the form and this rule to the Board's Administrative Office. It is the intent of this Rule that all steps necessary to accomplish the filing of the required documentation be completed prior to filing an application and that all documentation be filed simultaneously.

(Rule 0450-03-.05, continued)

- (c) Applications for licensure will be accepted throughout the year and files which are completed on or before the 30th day prior to the meeting will ordinarily be processed at the next Board meeting scheduled for the purpose of reviewing files. Supporting documents requested in these instructions must be received in the Board's Office within 60 days of receipt of the application or the file will be closed.
- (d) An applicant shall submit verification of having completed a supervised practicum and/or internship pursuant to T.C.A. § 63-22-203.
- (e) An applicant shall submit with his application a head and shoulders photograph taken within the preceding 12 months.
- (f) It is the applicant's responsibility to request a graduate transcript from his degree granting institution, pursuant to T.C.A. § 63-22-203, be submitted directly from the school to the Board's Administrative Office. The institution granting the degree must be accredited, pursuant to T.C.A. § 63-22-201(9), at the time the degree was granted. The transcript must show that the degree has been conferred and carry the official seal of the institution and reference the name under which the applicant has applied for licensure. The transcript must show at least 120 graduate semester hours, pursuant to T.C.A. § 63-22-203(3)(A). The educational requirements contained in this Rule must be completed prior to the date of application for licensure.
- (g) An applicant shall complete and submit the worksheet form for reporting course work as a part of the application.
- (h) An applicant shall submit evidence of good moral character. Such evidence shall include at least two original letters written within the preceding 12 months from professionals attesting to the applicant's personal character and professional ethics. The letters must be submitted on the signator's letterhead.
- (i) An applicant shall submit evidence of a practicum consisting of at least one (1) unit of full-time clinical pastoral education in a program accredited by the Association for Clinical Pastoral Education.
- (j) An applicant shall submit evidence of an internship consisting of at least two (2) years of clinical pastoral therapy training in an approved training program.
- (k) An applicant shall submit evidence of a minimum of one thousand four hundred (1,400) hours of pastoral therapy with individuals, couples, families and/or group, while receiving a minimum of two hundred seventy (270) hours of supervision of such therapy with an approved supervisor.
- (l) An applicant shall direct the examination service to submit directly to the Board's Administrative Office evidence that he passed the examination, pursuant to Rule 0450-03-.08.
- (m) An applicant, who has met all other requirements upon being deemed eligible by the Board, shall be required to pass the oral examination, pursuant to Rule 0450-03-.08.
- (n) An applicant shall disclose the circumstances surrounding any of the following:
 - 1. Conviction of any criminal law violation of any country, state, or municipality, except minor traffic violations.
 - 2. The denial of certification application by any other state or the discipline of certification in any state.

(Rule 0450-03-.05, continued)

3. Loss or restriction of certification or professional licensure.
 4. Any civil suit judgment or civil settlement in which the applicant was a party defendant including, without limitation, actions involving malpractice, breach of contract, antitrust activity, or any other civil action remedy recognized under any country's or state's statutory, common, or case law.
- (o) An applicant shall cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's licensure application materials, the result of a criminal background check.
 - (p) When necessary, all documents required to be submitted shall be translated into English and such translation certified along with the original document as to authenticity by the issuing source.
 - (q) Personal resumes are not acceptable and will not be reviewed.
 - (r) Application review and licensure decisions shall be governed by Rule 0450-03-.07.
- (2) Clinical Pastoral Therapist by Endorsement if Certified as a Clinical Member of AAPC.
 - (a) An application packet shall be requested from the Board's Administrative Officer. When submitted, the appropriate fees, as provided in Rule 0530-3-.06, shall be included.
 - (b) An applicant shall respond truthfully and completely to every question or request for information contained in the form, and submit it along with all documentation and fees required by the form and this rule to the Board's Administrative Office. It is the intent of this rule that all steps necessary to accomplish the filing of the required documentation be completed prior to filing an application and that all documentation be filed simultaneously.
 - (c) Applications for licensure will be accepted throughout the year and files which are completed on or before the 30th day prior to the meeting will ordinarily be processed at the next Board meeting scheduled for the purpose of reviewing files. Supporting documents requested in these instructions must be received in the Board's Office within 60 days of receipt of the application or the file will be closed.
 - (d) An applicant shall submit with his application a head and shoulders photograph taken within the preceding 12 months.
 - (e) An applicant shall cause the AAPC to send documentation that he is certified as a clinical member of the AAPC and that his membership is in good standing.
 - (f) An applicant shall submit documentation that he has been engaged in the full-time practice of clinical pastoral therapy for at least five (5) years subsequent to that certification. Such documentation shall include two (2) affidavits signed by certified mental health professionals and notarized, attesting to the applicant's period of service in full-time practice of pastoral therapy.
 - (g) An applicant shall submit evidence of good moral character. Such evidence shall include at least two original letters written within the preceding 12 months from professionals attesting to the applicant's personal character and professional ethics. The letters must be submitted on the signator's letterhead.

(Rule 0450-03-.05, continued)

- (h) An applicant, who has met all other requirements upon being deemed eligible by the Board, shall be required to pass the written and oral examination, pursuant to Rule 0450-03-.08.
 - (i) An applicant shall disclose the circumstances surrounding any of the following:
 - 1. Conviction of any criminal law violation of any country, state, or municipality, except minor traffic violations.
 - 2. The denial of certification application by any other state or the discipline of certification in any state.
 - 3. Loss or restriction of certification.
 - 4. Any civil suit judgment or civil settlement in which the applicant was a party defendant including, without limitation, actions involving malpractice, breach of contract, antitrust activity, or any other civil action remedy recognized under any country's or state's statutory, common, or case law.
 - (j) An applicant shall cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's licensure application materials, the result of a criminal background check.
 - (k) When necessary, all documents required to be submitted shall be translated into English and such translation certified along with the original document as to authenticity by the issuing source.
 - (l) Personal resumes are not acceptable and will not be reviewed.
 - (m) Application review and licensure decisions shall be governed by Rule 0450-03-.07.
- (3) Clinical Pastoral Therapist by Endorsement if Fellow or Diplomate of AAPC.
- (a) An application packet shall be requested from the Board's Administrative Officer. When submitted, the appropriate fees, as required by Rule 0450-03-.06, shall be included.
 - (b) An applicant shall respond truthfully and completely to every question or request for information contained in the form, and submit it along with all documentation and fees required by the form and this rule to the Board's Administrative Office. It is the intent of this Rule that all steps necessary to accomplish the filing of the required documentation be completed prior to filing an application and that all documentation be filed simultaneously.
 - (c) Applications for licensure will be accepted throughout the year and files which are completed on or before the 30th day prior to the meeting will ordinarily be processed at the next Board meeting scheduled for the purpose of reviewing files. Supporting documents requested in these instructions must be received in the Board's Office within 60 days of receipt of the application or the file will be closed.
 - (d) An applicant shall submit with his application a head and shoulders photograph taken within the preceding 12 months.

(Rule 0450-03-.05, continued)

- (e) It is the applicant's responsibility to request the American Association of Pastoral Counselors to send documentation that he is a fellow or diplomate in the association and that his membership is in good standing.
 - (f) An applicant shall submit evidence of good moral character. Such evidence shall include at least two original letters written within the preceding 12 months from professionals attesting to the applicant's personal character and professional ethics. The letters must be submitted on the signator's letterhead.
 - (g) An applicant, who has met all other requirements upon being deemed eligible by the Board, shall be required to pass the written and oral examination, pursuant to Rule 0450-03-.08.
 - (h) An applicant shall disclose the circumstances surrounding any of the following:
 - 1. Conviction of any criminal law violation of any country, state, or municipality, except minor traffic violations.
 - 2. The denial of certification application by any other state or the discipline of certification in any state.
 - 3. Loss or restriction of certification.
 - 4. Any civil suit judgment or civil settlement in which the applicant was a party defendant including, without limitation, actions involving malpractice, breach of contract, antitrust activity, or any other civil action remedy recognized under any country's or state's statutory, common, or case law.
 - (i) An applicant shall cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's licensure application materials, the result of a criminal background check.
 - (j) When necessary, all documents required to be submitted shall be translated into English and such translation certified along with the original document as to authenticity by the issuing source.
 - (k) Personal resumes are not acceptable and will not be reviewed.
 - (l) Application review and licensure decisions shall be governed by Rule 0450-03-.07.
- (4) Clinical Pastoral Therapist by certain professional experience or by certification in certain other professions
- (a) An application packet shall be requested from the Board's Administrative Officer.
 - (b) An applicant shall respond truthfully and completely to every question or request for information contained in the form and submit it along with all documentation and fees required by the form and this rule to the Board's Administrative Office. It is the intent of this rule that all steps necessary to accomplish the filing of the required documentation be completed prior to filing an application and that all documentation be filed simultaneously.
 - (c) Applications for licensure will be accepted throughout the year and files which are completed on or before the 30th day prior to the meeting will ordinarily be processed at the next Board meeting scheduled for the purpose of reviewing files. Supporting

(Rule 0450-03-.05, continued)

documents requested in these instructions must be received in the Board's Office within 60 days of receipt of the application or the file will be closed.

- (d) An applicant shall submit with his application a head and shoulders photograph taken within the preceding 12 months.
- (e) An applicant shall submit documentation of at least one (1) of the following:
 - 1. Completion of educational requirements and supervised counseling experience as required in subparagraph 0450-03-.04 (3) (b).
 - (i) It is the applicant's responsibility to request a graduate transcript from his degree granting institution, pursuant to T.C.A. § 63-22-203, be submitted directly from the school to the Board's Administrative Office. The institution granting the degree must be accredited, pursuant to T.C.A. § 63-22-201(10), at the time the degree was granted. The transcript must show that the degree has been conferred and carry the official seal of the institution and reference the name under which the applicant has applied for licensure. The transcript must show at least one hundred twenty (120) graduate semester hours, pursuant to T.C.A. § 63-22-203(3)(A). The educational requirements contained in this rule must be completed prior to the date of application for licensure.
 - (ii) An applicant shall complete and submit the worksheet form for reporting course work.
 - (iii) An applicant shall submit evidence of a practicum consisting of at least one (1) unit of full-time clinical pastoral education in a program accredited by the Association for Clinical Pastoral Education.
 - (iv) An applicant shall submit evidence of an internship consisting of at least two (2) years of clinical pastoral therapy training in an approved training program.
 - (v) An applicant shall submit evidence of a minimum of one thousand four hundred (1,400) hours of pastoral therapy with individuals, couples, families and/or groups while receiving a minimum of two hundred seventy (270) hours of supervision of such therapy with an approved supervisor.
 - 2. Active status as a fellow or diplomate of AAPC and actively engaged in the practice of pastoral psychotherapy for at least five (5) years prior to January 1, 2003 as required in subparagraph 0450-03-.04 (3) (c) - Such documentation shall include two (2) affidavits signed by licensed or certified mental health professionals, attesting to the applicant's practice of pastoral psychotherapy.
 - 3. Completion of educational requirements, licensure requirements, and clinical pastoral therapy experience as required in subparagraph 0450-03-.04 (3) (d).
 - (i) Documentation of a graduate theological degree.
 - (ii) An applicant shall submit a copy of his original Tennessee certificate or license as a psychologist designated as a health service provider, a professional counselor designated as a mental health service provider, a marital and family therapist, a clinical social worker, or an alcohol and drug

(Rule 0450-03-.05, continued)

abuse counselor, or an applicant must submit a copy of his renewal certificate.

- (iii) An applicant must submit documentation that he has been actively engaged in the practice of clinical pastoral therapy for at least five (5) years prior to January 1, 2003. Such documentation shall include two (2) affidavits signed by certified mental health professionals, attesting to the applicant's period of service as a clinical pastoral therapist or pastoral counselor.
- (f) An applicant shall submit evidence of good moral character. Such evidence shall include at least two original letters within the preceding 12 months from professionals attesting to the applicant's personal character and professional ethics. The letters must be submitted on the signator's letterhead.
- (g) An applicant shall disclose the circumstances surrounding any of the following:
 - 1. Conviction of any criminal law violation of any country, state, or municipality, except minor traffic violations.
 - 2. The denial of certification application by any other state or the discipline of certification in any state.
 - 3. Loss or restriction of certification and/or licensure.
 - 4. Any civil suit judgment or civil settlement in which the applicant was a party defendant including, without limitation, actions involving malpractice, breach of contract, antitrust activity, or any other civil action remedy recognized under any country's or state's statutory, common, or case law.
- (h) An applicant shall cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's licensure application materials, the result of a criminal background check.
- (i) When necessary, all documents required to be submitted shall be translated into English and such translation certified along with the original document as to authenticity by the issuing source.
- (j) Personal resumes are not acceptable and will not be reviewed.
- (k) Application review and licensure decisions shall be governed by Rule 0450-03-.07.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-22-102, 63-22-110, 63-22-201, 63-22-202, 63-22-203, 63-22-205, and 63-22-206. **Administrative History:** Original rule filed December 30, 1998; effective March 15, 1999. Amendment filed July 21, 2004; effective October 4, 2004. Amendment filed March 17, 2006; effective May 31, 2006.

0450-03-.06 FEES.

- (1) The fees authorized by statutes are established as nonrefundable as follows:
 - (a) Application Fee - a fee to be paid by all applicants including those seeking licensure by reciprocity. It must be paid each time an application for licensure is filed.

(Rule 0450-03-.06, continued)

- (b) Duplicate License Fee - a fee to be paid when an individual requests a replacement for a lost or destroyed "artistically designed" License.
 - (c) Endorsement/Verification Fee - a fee paid for each certification, verification, endorsement of an individual's record for any purpose.
 - (d) Late Renewal Fee - a fee to be paid when an individual fails to timely renew his certificate.
 - (e) Renewal Fee - a fee to be paid by all licensees. This fee also applies to individuals who reactivate a retired or lapsed license.
 - (f) State Regulatory Fee - to be paid by all individuals at the time of application and with each renewal application.
- (2) All fees shall be established by the Board.
- (3) All fees must be submitted to the Board's Administrative Office by certified or personal check or money order. Checks or money orders are to be made payable to the Board for Professional Counselors, Marital and Family Therapists, and Clinical Pastoral Therapists.
- (4) Fee Schedule:
- | | Amount |
|---------------------------------|----------|
| (a) Application | \$200.00 |
| (b) Duplicate License | 25.00 |
| (c) Late Renewal | 75.00 |
| (d) Renewal (Biennial) | 115.00 |
| (e) State Regulatory (Biennial) | 10.00 |
| (f) Examination | 250.00 |

Authority: T.C.A. §§4-3-1011, 4-5-202, 4-5-204, 63-1-103, 63-1-106, 63-1-107, 63-1-108, 63-1-112, 63-1-118, 63-22-102, 63-22-108, 63-22-203, 63-22-205, and 63-22-207. **Administrative History:** Original rule filed December 30, 1998; effective March 15, 1999. Amendment filed July 31, 2000; effective October 14, 2000. Amendment filed August 16, 2002; effective October 30, 2002. Amendment filed July 21, 2004; effective October 4, 2004. Amendment filed September 11, 2015; effective December 10, 2015.

0450-03-.07 APPLICATION REVIEW, APPROVAL AND DENIAL.

- (1) An application shall be requested from the Board's administrative office or shall be downloaded from the Internet. The submitted application shall be accompanied by the nonrefundable application fee pursuant to rule 0450-03-.06.
- (2) Applications for licensure will be accepted throughout the year and files which are completed on or before the 30th day prior to the meeting will ordinarily be processed at the next board meeting scheduled for the purpose of reviewing files
- (3) Initial review of all applications to determine whether or not the application file is complete may be delegated to the Board's Administrator, provided that approval of all applications is made and ratified by the Board. In no event may an application be approved or denied without prior review by at least one member of the Board.

(Rule 0450-03-.07, continued)

- (4) If an application is incomplete when received in the Board's administrative office, a deficiency letter will be sent to the applicant notifying him/her of the deficiency. The requested information must be received in the Board's administrative office before a licensure decision will be made. Under no circumstances shall licensure be granted to any applicant whose application the Board has determined to be incomplete.
- (5) If a completed application has been denied and ratified as such by the Board, the action shall become final and the following shall occur.
 - (a) A notification of the denial shall be sent by the Board's Administrative Officer by certified mail return receipt requested. Specific reasons for denial will be stated, such as incomplete information, unofficial records, examination failure, or other matters judged insufficient for licensure and such notification shall contain all the specific statutory or rule authorities for the denial.
 - (b) The notification, when appropriate, shall also contain a statement of the applicant's right to request a contested case hearing under the Tennessee Administrative Procedures Act (T.C.A. §§ 4-5-301, et seq.) to contest the denial and the procedure necessary to accomplish that action.
 - (c) An applicant has a right to a contested case hearing only if the licensure denial was based on subjective or discretionary criteria.
 - (d) An applicant may be granted a contested case hearing if licensure denial is based on an objective, clearly defined criteria only if after review and attempted resolution by the Board's Administrative staff, the licensure application can not be approved and the reasons for continued denial present genuine issues of fact and/or law which are appropriate for appeal.
- (6) The Board may at its discretion delay a decision on eligibility to take the written and/or oral examination(s) for any applicant for whom the Board wishes additional information for the purpose of clarifying information previously submitted. This request is to be in writing and shall be made within 60 days from the date of the official review of the application by the Board.
- (7) If the Board finds it has erred in the issuance of a license, the Board will give written notice by certified mail of its intent to revoke the license. The notice will allow the applicant the opportunity to meet the requirements of licensure within thirty (30) days from date of receipt of the notification. If the applicant does not concur with the stated reason and the intent to revoke the license, the applicant shall have the right to proceed according to Rule 0450-03-.07 (5).
- (8) Whenever requirements for licensure are not completed within six (6) months from the date of the initial review of application and credentials, written notification will be mailed to the applicant and the application file will be closed. An applicant whose file has been closed shall subsequently be considered for licensure only upon the filing of a new application and payment of all appropriate fees.
- (9) Abandonment of application
 - (a) An application shall be deemed abandoned and closed if:
 1. The application has not been completed by the applicant within six months after it was initially reviewed, and

(Rule 0450-03-.07, continued)

2. The applicant fails to sit for the written examination, if applicable, or oral examination, within six (6) months after being notified of eligibility.
 - (b) The Administrator may close the abandoned file.
- (10) If an applicant requests one entrance for licensure and after Board review, wishes to change that application to a different type of entrance, a new application, with supporting documents and an additional application fee must be submitted (i.e. endorsement to examination).

Authority: T.C.A. §§4-5-202, 4-5-204, 63-22-102, 63-22-201, 63-22-203, 63-22-205, 63-22-206, and 63-22-110. **Administrative History:** Original rule filed December 30, 1998; effective March 15, 1999. Amendment filed July 31, 2000; effective October 14, 2000. Amendment filed July 21, 2004; effective October 4, 2004. Amendment filed October 6, 2004; effective December 20, 2004.

0450-03-.08 EXAMINATIONS. In addition to having filed an application, individuals seeking licensure as a Clinical Pastoral Therapists are required to pass an examination consisting of written and oral sections.

- (1) Written section
 - (a) The written section of the examination shall be passed by all applicants, except certain persons who are licensed by professional experience.
 - (b) The Board adopts the following examinations or their successor examinations as the written section of the examination:
 1. The Marital and Family Therapy Examination, published by the Professional Examination Service (PES), as developed by the Association of Marital and Family Therapy Regulatory Boards and with a passing score determined by PES.
 2. The National Counselor Examination and the National Clinical Mental Health Counseling Examination given by the National Board for Certified Counselors (NBCC) and with a passing score determined by NBCC.
 3. The Examination for Professional Practice in Psychology (EPPP) provided by PES and with a passing score as determined by the Association of State and Provincial Psychology Boards.
 4. The written examination adopted by the Association of Social Work Boards (ASWB) and with a passing score as determined by ASWB.
 - (c) Even though the Board adopts the above listed examinations as its written section, an applicant must successfully complete only one (1) of these examinations. The choice of which examination to successfully complete is entirely up to the applicant.
 - (d) The testing agencies govern the examination dates.
 - (e) A passing score on the written section will qualify the applicant for the oral section if the Board determines all other requirements pursuant to Rule 0450-03-.05 have been successfully completed.
- (2) Oral section
 - (a) The Oral section of the examination is required for all applicants unless exempted by law.

(Rule 0450-03-.08, continued)

- (b) The oral section of the examination is scheduled for each applicant as soon as reasonable after the applicant has been deemed eligible by the Board. Notification of admission to the oral section of the examination will be provided to applicants in writing from the Board's Administrative Office at least 30 days prior to the examination date.
 - (c) The oral section of the examination shall be conducted by a two or three member committee appointed by the president of the Board, whose written report and recommended action shall be forwarded to the Board. A passing score shall be 75 percent.
 - (d) Oral examination sites are determined by the Board, and respective applicants shall be notified in writing as to the location, time, and date.
 - (e) The oral section of the examination of an applicant shall cover:
 - 1. The applicant's knowledge of the content and interpretation of T.C.A. §§ 63-22-201, et seq.
 - 2. The applicant's knowledge of the Board's current code of ethics, adopted pursuant to Rule 0450-03-.13.
 - 3. Other practice-related areas.
 - (f) The Board's Administrative Office will notify applicants in writing of the results of the oral section of the examination once ratified by the full Board.
 - (g) An applicant who does not appear for his/her scheduled oral examination shall be deemed to have failed the oral examination unless the oral examiner is notified at least twenty-four (24) hours prior to the scheduled examination time. A subsequent scheduled oral examination shall be considered as a second (2nd) attempt.
 - (h) If the applicant has met all other requirements, a passing score will qualify him for licensure.
- (3) If the applicant neglects, fails, or refuses to take an examination or fails to pass the examination for a license under these rules within 12 months after being deemed eligible to sit by the Board, the application will be closed/denied. However, such an applicant may thereafter make a new application accompanied by the required fees. The applicant shall meet any requirements in effect at the time of the new application.
- (4) Oral section re-examination
- (a) An applicant who fails to pass the oral section of the examination may apply for re-examination.
 - (b) Such a request must be received in the Board's Administrative Office on or before the 30th day after the applicant's receipt of notification by certified mail of the examination results.
 - (c) An individual will be scheduled for the next available examination.
- (5) Appeal of the oral section examination results
- (a) An appeal shall be made in writing to the Board, and the applicant shall set forth the grounds for appeal, the specific facts or circumstances which constitute the basis for

(Rule 0450-03-.08, continued)

the appeal, and how those facts or circumstances demonstrate examiner misconduct or error.

- (b) An applicant will be notified in writing by certified mail of the results of the appeal. In acting on an appeal, the Board may take such action as it deems appropriate, including issuance of a license where the Board determines that the applicant has demonstrated the required competence. If the applicant does not concur with the finding of the Board, the applicant may proceed pursuant to Rule 0450-03-.07(5).
 - (c) If an appeal is denied, the applicant shall have the right to request a contested case hearing. Such request must be in writing and submitted to the Board within thirty (30) days of receipt of the notice from the Board.
- (6) The Board may at its discretion delay a decision on eligibility to take the oral section of the examination or re-examination for any applicant for whom the Board wishes additional information for the purpose of clarifying information previously submitted. This request is to be in writing and shall be made within 60 days from the date of the official review of the application by the Board.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-22-102, 63-22-203, and 63-22-205. **Administrative History:** Original rule filed December 30, 1998; effective March 15, 1999. Amendment filed July 16, 2003; effective September 29, 2003. Amendment filed September 4, 2003; effective November 18, 2003. Amendment filed July 21, 2004; effective October 4, 2004. Amendment filed October 6, 2004; effective December 20, 2004. Amendment filed July 27, 2006; effective October 10, 2006.

0450-03-.09 RENEWAL OF LICENSE.

- (1) Renewal application
 - (a) The due date for license renewal is the last day of the month in which a licensee's birthdate falls pursuant to the Division of Health Related Board's biennial birthdate renewal system, as contained as the expiration date on renewal licenses.
 - (b) Methods of Renewal
 - 1. Internet Renewals - Individuals may apply for renewal and pay the necessary fees via the Internet. The application to renew can be accessed at:

www.tennesseeanytime.org
 - 2. Paper Renewals - For licensees who have not renewed their license online via the Internet, a renewal application form will be mailed to each licensee to the last address provided to the Board. Failure to receive such notification does not relieve the individual of the responsibility of timely meeting all requirements for renewal.
 - (c) A license issued pursuant to these rules is renewable by the expiration date indicated on the license. To be eligible, an individual must submit to the Division of Health Related Boards on or before the expiration date all of the following:
 - 1. A completed and signed renewal application form.
 - 2. The renewal and state regulatory fees as required by rule 0450-03-.06.

(Rule 0450-03-.09, continued)

- (d) licensees who fail to comply with the renewal rules or notification received by them concerning failure to timely renew shall have their licenses processed pursuant to rule 1200-10-1-.10.
- (2) Reinstatement of an Expired License
- (a) Licenses that have expired may be reinstated upon meeting the following conditions:
 - 1. Payment of all past due renewal fees.
 - 2. Payment of the late renewal fee provided in rule 0450-03-.06; and
 - 3. Submission of evidence of completion of continuing education requirements pursuant to rule 0450-03-.12.
 - (b) Renewal issuance decisions pursuant to this Rule may be made administratively or upon review by any Board member or the Board's designee.
 - (c) Anyone submitting a signed renewal form or letter which is found to be untrue may be subject to disciplinary action as provided in rule 0450-03-.15.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-107, 63-22-102, 63-22-108, 63-22-110, 63-22-111, 63-22-202, 63-22-203, 63-22-205, 63-22-206, and 63-22-207. **Administrative History:** Original rule filed December 30, 1998; effective March 15, 1999. Amendment filed April 30, 2002; effective July 14, 2002. Amendment filed July 21, 2004; effective October 4, 2004.

0450-03-.10 SUPERVISION OF PROFESSIONAL EXPERIENCE (POST-ACADEMIC WORK).

- (1) This section shall govern the supervision of professional experience following the completion of all academic requirements for applicants by examination.
- (2) In order to document an applicant's qualifications as a clinical pastoral therapist and to meet standards comparable to those set by the American Association of Pastoral Counselors, the applicant shall present evidence at the time the application is submitted of supervision by an approved supervisor or supervision whose qualifications are equivalent to AAPC standards.
- (3) Equivalency shall be defined as including the following qualifications for the applicant's supervisor:
 - (a) The supervisor shall have at least five (5) years of full-time experience as a clinical pastoral therapist;
 - (b) The supervisor shall have at least two (2) years experience supervising clinical pastoral therapists; or
 - (c) The supervisor shall have received at least 50 hours of supervision by an AAPC approved supervisor.

- (4) Conflict of interest supervision

Supervision provided by the applicant's parents, spouse, former spouse, siblings, cousins, in-laws (present or former), aunts, uncles, grandparents, step-children, employees, or anyone sharing the same household, shall not be acceptable toward fulfillment of certification requirements. For the purpose of this rule, a supervisor shall not be considered an employee of the applicant if the only compensation received by the supervisor consists of payments for actual supervisory hours.

(Rule 0450-03-.10, continued)

Authority: T.C.A. §§4-5-202, 4-5-204, 63-22-201, 63-22-203, and 63-22-204. **Administrative History:** Original rule filed December 30, 1998; effective March 15, 1999.

0450-03-.11 RETIREMENT AND REACTIVATION OF LICENSE.

- (1) A person who holds a current license and does not plan to practice in Tennessee and who does not intend to use the title "licensed clinical pastoral therapist" may apply to convert an active license to inactive ("retired") status. An individual who holds a retired license will not be required to pay the renewal fee.
- (2) A person who holds an active license may apply for retired status in the following manner:
 - (a) Obtain an affidavit of retirement form, complete and submit to the Board's Administrative Office;
 - (b) Submit any documentation which may be required to the Board's Administrative Office.
- (3) Licensees whose license has been retired may reenter active status by doing the following:
 - (a) Submit a written request to the Board's Administrative Office for licensure reactivation;
 - (b) Pay the licensure renewal fee and state regulatory fee, as provided in Rule 0450-03-.06 and, if retirement was pursuant to Rule 0450-1-.09 and reactivation was requested prior to the expiration of one year from the date of retirement, the Board may require payment of the renewal fee, past due renewal fee, and state regulatory fees, as provided in Rule 0450-03-.06; and
 - (c) Comply with the continuing education provisions of Rule 0450-03-.12 applicable to reactivation of retired license.
- (4) Licensure reactivation applications shall be treated as licensure applications and review and decisions shall be governed by rule 0450-03-.05.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-22-102, 63-22-108, 63-22-203, 63-22-205, 63-22-206, 63-22-207, and 63-22-110. **Administrative History:** Original rule filed December 30, 1998; effective March 15, 1999. Amendment filed July 21, 2004; effective October 4, 2004.

0450-03-.12 CONTINUING EDUCATION.

- (1) Basic requirements
 - (a) Each person registered with the Board is required to complete 10 clock hours of continuing education during each calendar year.
 - (b) Those persons who hold two (2) licenses regulated by the Tennessee Board for Professional Counselors, Marital and Family Therapists and Clinical Pastoral Therapists, shall complete fifteen (15) clock hours of continuing education each calendar year. A person who holds three (3) licenses shall complete twenty (20) clock hours of continuing education each calendar year. In each case, at least five (5) clock hours shall be directly related to the practice of each profession for which the person is licensed.
 - (c) Ethics and Jurisprudence Course Requirement

(Rule 0450-03-.12, continued)

1. Three (3) clock hours of the ten (10) clock hour annual requirement shall, every two (2) years, pertain to the following subjects:
 - (i) Professional ethics; and/or
 - (ii) Tennessee Code Annotated, Title 63, Chapter 22; and/or
 - (iii) Official Compilation, Rules and Regulations of the State of Tennessee, Chapter 0450-3.
 2. Those persons who hold two (2) certificates and/or licenses regulated by the Tennessee Board for Professional Counselors, Marital and Family Therapists and Clinical Pastoral Therapists shall have three (3) clock hours of the fifteen (15) clock hour annual requirement pertain to ethics and jurisprudence every two (2) years.
 3. A person who holds three (3) certificates and/or licenses shall have three (3) clock hours of the twenty (20) clock hour annual requirement pertain to ethics and jurisprudence every two (2) years.
- (d) A person is not required to complete continuing for a profession in the calendar year that his/her license was initially approved.
- (2) Acceptable continuing education - Acceptable continuing education shall consist of master or doctoral level course work from a nationally or regionally accredited institution of higher education; attendance at educational events sponsored or approved by national, state, regional, or local professional associations in the field; or events related to the practice of the profession for which a nationally or regionally accredited institution of higher education grants CEUs.
 - (3) Multi-Media - Notwithstanding the provisions of paragraph (2) and part (5) (b) 3., continuing education courses may be presented in the traditional lecture and classroom formats or, with successful completion of a written post experience examination to evaluate material retention, in Multi-Media formats.
 - (a) Multi-Media courses may include courses utilizing:
 1. The Internet
 2. Closed circuit television
 3. Satellite broadcasts
 4. Correspondence courses
 5. Videotapes
 6. CD-ROM
 7. DVD
 8. Teleconferencing
 9. Videoconferencing

(Rule 0450-03-.12, continued)

10. Distance learning
 - (b) A maximum of five (5) clock hours may be received for multi-media courses during each calendar year. Those persons who hold two (2) licenses regulated by the Tennessee Board for Professional Counselors, Marital and Family Therapists and Clinical Pastoral Therapists may receive a maximum of seven and one-half (7½) clock hours for multi-media courses during each calendar year. Those persons who hold three (3) licenses may receive a maximum of ten (10) clock hours for multi-media courses during each calendar year.
- (4) Documentation
 - (a) Each person registered with the Board must retain proof of attendance and completion of all continuing education requirements. This documentation must be retained for a period of four years from the end of the calendar year in which the continuing education was acquired. This documentation must be produced for inspection and verification, if requested in writing by the Board during its verification process. The Board will not maintain continuing education files.
 - (b) The Board will conduct a randomly selected audit of individual records to assure that the continuing education requirements have been met. An individual's records may be audited during consecutive renewal periods.
 - (c) If audited, the individual must, within fifteen (15) working days of a request from the Board, provide evidence of continuing education activities. Such evidence must be by submission of one or more of the following:
 1. Certificates verifying the individual's attendance at the continuing education programs described above.
 2. An individual submitting a program as evidence of attendance at a continuing education event will also be required to submit two or more of the following for each program submitted: registration receipt, signed program, canceled check, hotel bill, name badge, or an original letter on official stationery signed by a professional associate who attended.
 3. An original letter on official institution stationery from the instructor of the graduate level course verifying that the course was completed and listing the number of credit hours of attendance completed by the individual.
 4. Official transcript verifying credit hours earned. One semester credit hour is equivalent to 10 clock hours for the purpose of licensure renewal. Credit for auditing will be for the actual clock hours in attendance, not to exceed the academic credit.
- (5) Continuing Education Course Approval - Courses to be offered for credit toward the continuing education requirement must, unless otherwise provided, receive prior approval from the Board. Unless otherwise provided, all courses shall be offered within Tennessee.
 - (a) Course approval procedures
 1. Pre-approved course providers - Continuing education courses which pertain to the practice of clinical pastoral therapy shall be considered approved if provided or sanctioned by the following entities:
 - (i) American Association for Marriage and Family Therapy;

(Rule 0450-03-.12, continued)

- (ii) American Association of Pastoral Counselors;
 - (iii) American Association of Sex Educators, Counselors, and Therapists;
 - (iv) American Counseling Association;
 - (v) American Psychiatric Association;
 - (vi) American Psychological Association;
 - (vii) National Association of Social Workers;
 - (viii) Any state professional association affiliated with the national associations listed in subparts (i) through (vii);
 - (ix) National Board for Certified Counselors;
 - (x) Nationally or regionally accredited institutions of higher education, including graduate courses and continuing education courses; and
 - (xi) Any state regulatory agency for clinical pastoral therapy in the United States.
2. Course approval procedure for other course providers
- (i) Unless pre-approved as provided in part (5) (a) 1, the course provider must have delivered to the Board's Administrative Office at least thirty (30) days prior to a regularly scheduled meeting of the Board that precedes the course, documentation which includes all of the following items which must be resubmitted if substantive changes are made after receipt of approval from the Board:
 - (I) course description or outline;
 - (II) names of all lecturers;
 - (III) brief resume of all lecturers;
 - (IV) number of hours of educational credit requested;
 - (V) date of course;
 - (VI) copies of materials to be utilized in the course; and
 - (VII) how verification of attendance is to be documented.
 - (ii) Notwithstanding the provisions of the introductory language of this paragraph, any clinic, workshop, seminar or lecture at national, regional, state and local meetings of clinical pastoral therapists will be recognized for continuing education credit by the Board if
 - (I) the course provider has complied with the provisions of subpart (5) (a) 2 (i); or

(Rule 0450-03-.12, continued)

- (II) the course provider is exempt from needing prior approval as provided in part (5) (a) 1.
 - (iii) Notwithstanding the provisions of subparagraph (3) (a), out-of-state continuing education providers may seek course approval if they are a clinical pastoral therapy regulatory agency or association from a state that borders Tennessee; and
 - (I) the course provider has complied with the provisions of subpart (5) (a) 2 (i); or
 - (II) the course provider is exempt from needing prior approval as provided in part (5) (a) 1.
- 3. Course approval procedure for individual licensees and certificate holders
 - (i) Any licensee may seek approval to receive credit for successfully completing continuing education courses by delivering to the Board's Administrative Office at least thirty (30) days prior to a regularly scheduled meeting of the Board that precedes the course, everything required in items (5) (a) 2 (i) (I) through (VII) which must be resubmitted if substantive changes are made after receipt of approval from the Board; and
 - (ii) To retain course approval, the licensee must submit a course evaluation form, supplied by the Board, to the Board's Administrative Office within thirty (30) days after successfully completing the course.
- (b) Continuing education credit will not be allowed for the following:
 - 1. Regular work activities, Administrative staff meetings, case staffing, reporting, etc.
 - 2. Membership in, holding office in, or participation on boards or committees, business meetings of professional organizations or banquet speeches.
 - 3. Independent unstructured or self-structured learning.
 - 4. Training specifically related to policies and procedures of an agency may not be counted.
 - 5. Non-counseling content courses - examples: finance or business management.
- (6) Continuing education for reactivation of license
 - (a) Reactivation of retired license
 - 1. An individual whose license has been retired for one year or less will be required to fulfill continuing education requirements as outlined in this Rule as a prerequisite to reinstatement. Those hours will be considered replacement hours and cannot be counted during the next licensure renewal period.
 - 2. Any individual requesting reactivation of a license which has been retired must submit, along with the reactivation request, verification which indicates the attendance and completion of ten (10) hours of continuing education which must have begun and successfully completed within twelve (12) months immediately preceding the date of requested reinstatement. The continuing education hours

(Rule 0450-03-.12, continued)

completed in order to reinstate a retired license shall not be credited toward the continuing education hours required to be completed by the end of the calendar year following reinstatement.

- (b) Reactivation of revoked license - No person whose license has been revoked for failure to comply with continuing education may be reinstated without complying with these requirements. Continuing education will accumulate at the same rate as that for those certificates which are active. The required clock hours of continuing education must have been begun and successfully completed within twelve (12) months immediately preceding the date of reinstatement. A license which has been revoked for noncompliance with the continuing education requirement shall also be subject to the late renewal fee pursuant to rule 0450-03-.06.
 - (c) Reactivation of expired licensure - No person whose license has expired may be reinstated without submitting evidence of continuing education. The continuing education hours documented at the time of reinstatement must equal the hours required, had the license remained in an active status, and must have been successfully completed within twelve (12) months immediately preceding the date of reinstatement.
 - (d) Continuing education hours obtained as a prerequisite for reactivating a license may not be counted toward the calendar year requirement.
- (7) Waiver or Extension of Continuing Education Requirements.
- (a) The Board may grant a waiver of the need to attend and complete the required clock hours of continuing education or the Board may grant an extension of the deadline to complete the required clock hours of continuing education if it can be shown that compliance is beyond the physical or mental capabilities of the person seeking the waiver.
 - (b) Waivers or extension of the deadline will be considered only on an individual basis and may be requested by submitting the following items to the Board's Administrative Office prior to the expiration of the calendar year (December 31) in which the continuing education is due:
 - 1. A written request for a waiver or deadline extension which specifies which requirements are sought to be waived or which deadline is sought to be extended, and a written and signed explanation of the reason for the request; and
 - 2. Any documentation which supports the reason(s) for the waiver or deadline extension requested or which is subsequently requested by the Board.
 - (c) A waiver or deadline extension approved by the Board is effective only for the calendar year for which either is sought.
- (8) Violations
- (a) Any licensee who falsely certifies attendance and completion of the required hours of continuing education requirements, or who does not or can not adequately substantiate completed continuing education hours with the required documentation, may be subject to disciplinary action.

(Rule 0450-03-.12, continued)

- (b) Prior to the institution of any disciplinary proceedings, a letter shall be issued to the last known address of the individual stating the facts or conduct which warrant the intended action.
- (c) The licensee has thirty (30) days from the date of notification to show compliance with all lawful requirements for the retention of the license.
- (d) Any licensee who fails to show compliance with the required continuing education hours in response to the notice contemplated by subparagraph (b) above may be subject to disciplinary action.
- (e) Continuing education hours obtained as a result of compliance with the terms of a Board Order in any disciplinary action shall not be credited toward the continuing education hours required to be obtained in any renewal period.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-22-102, and 63-22-108. **Administrative History:** Original rule filed December 30, 1998; effective March 15, 1999. Amendment filed July 31, 2000; effective October 14, 2000. Amendment filed April 30, 2002; effective July 14, 2002. Amendment filed July 16, 2003; effective September 29, 2003. Amendment filed July 30, 2003; effective October 13, 2003. Amendment filed July 21, 2004; effective October 4, 2004. Amendment filed October 18, 2004; effective January 1, 2005. Amendment filed March 23, 2007; effective June 6, 2007. Amendment filed November 26, 2008; effective February 9, 2009.

0450-03-.13 PROFESSIONAL ETHICS.

- (1) The certified clinical pastoral therapists and anyone under their supervision shall conduct their professional practice in conformity with the legal, ethical and professional standards established by the Board.
- (2) All licensees shall comply with the current code of ethics adopted by the American Association of Pastoral Counselors (AAPC), except to the extent that it conflicts with the laws of the state of Tennessee or the rules of the Board. If the code of ethics conflicts with state law or rules, the state law or rules govern the matter. Violation of the codes of ethics or state law or rules may subject a licensee to disciplinary action.
 - (a) Each applicant or licensee is responsible for being familiar with and following this code of ethics.
 - (b) A copy of this code of ethics may be obtained by writing the American Association of Pastoral Counselors, 9504A Lee Highway, Fairfax, VA 22031-2303.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-22-102, 63-22-110, 63-22-203, 63-22-205, 63-22-206, and 63-22-207. **Administrative History:** Original rule filed December 30, 1998; effective March 15, 1999. Amendment filed August 16, 2002; effective October 30, 2002. Amendment filed July 21, 2004; effective October 4, 2004.

0450-03-.14 EVIDENCE OF CLINICAL PRACTICE EXPERIENCE.

- (1) Required documentation:
 - (a) Copy of the advanced degree transcript or other documentation.
 - (b) Evaluations from at least three approved supervisors, verifying supervisory experiences and the number of counseling hours in supervision on forms provided by the Board.

(Rule 0450-03-.14, continued)

- (c) Give evidence of having received at least one-third of one's required pastoral counseling training, both academic and supervision, with an AAPC - approved training program.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-22-102, and 63-22-203. **Administrative History:** Original rule filed December 30, 1998; effective March 15, 1999.

0450-03-.15 DISCIPLINARY ACTIONS AND CIVIL PENALTIES.

- (1) Upon a finding by the Board that a clinical pastoral therapist has violated any provision of the T.C.A. §§ 63-22-201, et seq., or the rules promulgated thereto, the Board may impose any of the following actions separately or in any combination deemed appropriate to the offense.
 - (a) **Advisory Censure** - This is a written action issued to the clinical pastoral therapist for minor or near infractions. It is informal and advisory in nature and does not constitute a formal disciplinary action.
 - (b) **Formal Censure or Reprimand** - This is a written action issued to a clinical pastoral therapist for one time and less severe violations. It is a formal disciplinary action.
 - (c) **Probation** - This is a formal disciplinary action which places a clinical pastoral therapist on close scrutiny for a fixed period of time, and/or which restricts the individual's activities during the probationary period. This action may be combined with conditions which must be met before probation will be lifted.
 - (d) **Licensure Suspension** - This is a formal disciplinary action which suspends an individual's right to practice for a fixed period of time. It contemplates the reentry of the individual into the practice under the licensure previously issued.
 - (e) **Licensure Revocation** - This is the most severe form of disciplinary action and removes an individual from the practice of the profession and terminates the licensure previously issued. If revoked, it relegates the violator to the status he possessed prior to application for licensure. However, the Board may, in its discretion, allow the reinstatement of a revoked license upon conditions and after a period of time it deems appropriate. No petition for reinstatement and no new applicant for licensure from a person whose license was revoked shall be considered prior to the expiration of at least one year, unless otherwise stated in the Board's revocation order.
 - (f) **Conditions** - Any action deemed appropriate by the Board to be required of a disciplined licensee in any of the following circumstances:
 - 1. During any period of probation, suspension; or
 - 2. During any period of revocation after which the licensee may petition for an order of compliance to reinstate the revoked license; or
 - 3. As a prerequisite to the lifting of probation or suspension or as a prerequisite to the reinstatement of a revoked license; or
 - 4. As a stand-alone requirement(s) in any disciplinary order.
 - (g) **Civil penalty** – A monetary disciplinary action assessed by the Board pursuant to paragraph (4) of this rule.
 - (h) Once ordered, probation, suspension, revocation, assessment of a civil penalty, or any other condition of any type of disciplinary action may not be lifted unless and until the

(Rule 0450-03-.15, continued)

licensee petitions, pursuant to paragraph (2) of this rule, and appears before the Board after the period of initial probation, suspension, revocation, or other conditioning has run and all conditions placed on the probation, suspension, revocation, have been met, and after any civil penalties assessed have been paid.

(2) Order of Compliance - This procedure is a necessary adjunct to previously issued disciplinary orders and is available only when a petitioner has completely complied with the provisions of a previously issued disciplinary order, including an unlicensed practice civil penalty order, and wishes or is required to obtain an order reflecting that compliance.

(a) The Board will entertain petitions for an Order of Compliance as a supplement to a previously issued order upon strict compliance with the procedures set forth in subparagraph (b) in only the following three (3) circumstances:

1. When the petitioner can prove compliance with all the terms of the previously issued order and is seeking to have an order issued reflecting that compliance; or
2. When the petitioner can prove compliance with all the terms of the previously issued order and is seeking to have an order issued lifting a previously ordered suspension or probation; or
3. When the petitioner can prove compliance with all the terms of the previously issued order and is seeking to have an order issued reinstating a license previously revoked.

(b) Procedures

1. The petitioner shall submit a Petition for Order of Compliance, as contained in subparagraph (c), to the Board's Administrative Office that shall contain all of the following:
 - (i) A copy of the previously issued order; and
 - (ii) A statement of which provision of subparagraph (a) the petitioner is relying upon as a basis for the requested order; and
 - (iii) A copy of all documents that prove compliance with all the terms or conditions of the previously issued order. If proof of compliance requires testimony of an individual(s), including that of the petitioner, the petitioner must submit signed statements from every individual the petitioner intends to rely upon attesting, under oath, to the compliance. The Board's consultant and administrative staff, in their discretion, may require such signed statements to be notarized. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, the petition.
2. The Board authorizes its consultant and administrative staff to make an initial determination on the petition and take one of the following actions:
 - (i) Certify compliance and have the matter scheduled for presentation to the Board as an uncontested matter; or
 - (ii) Deny the petition, after consultation with legal staff, if compliance with all of the provisions of the previous order is not proven and notify the petitioner

(Rule 0450-03-.15, continued)

of what provisions remain to be fulfilled and/or what proof of compliance was either not sufficient or not submitted.

3. If the petition is presented to the Board the petitioner may not submit any additional documentation or testimony other than that contained in the petition as originally submitted.
4. If the Board finds that the petitioner has complied with all the terms of the previous order an Order of Compliance shall be issued.
5. If the petition is denied either initially by staff or after presentation to the Board and the petitioner believes compliance with the order has been sufficiently proven the petitioner may, as authorized by law, file a petition for a declaratory order pursuant to the provisions of T.C.A. § 4-5-223 and rule 1200-10-1-.11.

(c) Form Petition

Petition for Order of Compliance
Board for Professional Counselors, Marital and Family Therapists,
and Clinical Pastoral Therapists

Petitioner's Name: _____
Petitioner's Mailing Address: _____

Petitioner's E-Mail Address: _____
Telephone Number: _____

Attorney for Petitioner: _____
Attorney's Mailing Address: _____

Attorney's E-Mail Address: _____
Telephone Number: _____

The petitioner respectfully represents, as substantiated by the attached documentation, that all provisions of the attached disciplinary order have been complied with and I am respectfully requesting: (circle one)

1. An order issued reflecting that compliance; or
2. An order issued reflecting that compliance and lifting a previously ordered suspension or probation; or
3. An order issued reflecting that compliance and reinstating a license previously revoked.

Note – You must enclose all documents necessary to prove your request including a copy of the original order. If any of the proof you are relying upon to show compliance is the testimony of any individual, including yourself, you must enclose signed statements from every individual you intend to rely upon attesting, under oath, to the compliance. The Board's consultant and administrative staff, in their discretion, may require such signed statements to be notarized. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, this petition.

(Rule 0450-03-.15, continued)

Respectfully submitted this the _____ day of _____, 20_____.

Petitioner's Signature

- (3) Order Modifications - This procedure is not intended to allow anyone under a previously issued disciplinary order, including an unlicensed practice civil penalty order, to modify any findings of fact, conclusions of law, or the reasons for the decision contained in the order. It is also not intended to allow a petition for a lesser disciplinary action, or civil penalty other than the one(s) previously ordered. All such provisions of Board orders were subject to reconsideration and appeal under the provisions of the Uniform Administrative Procedures Act (T.C.A. §§ 4-5-301, et seq.). This procedure is not available as a substitute for reconsideration and/or appeal and is only available after all reconsideration and appeal rights have been either exhausted or not timely pursued. It is also not available for those who have accepted and been issued a reprimand.
- (a) The Board will entertain petitions for modification of the disciplinary portion of previously issued orders upon strict compliance with the procedures set forth in subparagraph (b) only when the petitioner can prove that compliance with any one or more of the conditions or terms of the discipline previously ordered is impossible. For purposes of this rule the term "impossible" does not mean that compliance is inconvenient or impractical for personal, financial, scheduling or other reasons.
- (b) Procedures
1. The petitioner shall submit a written and signed Petition for Order Modification on the form contained in subparagraph (c) to the Board's Administrative Office that shall contain all of the following:
 - (i) A copy of the previously issued order; and
 - (ii) A statement of why the petitioner believes it is impossible to comply with the order as issued; and
 - (iii) A copy of all documents that proves that compliance is impossible. If proof of impossibility of compliance requires testimony of an individual(s), including that of the petitioner, the petitioner must submit signed and notarized statements from every individual the petitioner intends to rely upon attesting, under oath, to the reasons why compliance is impossible. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, the petition.
 2. The Board authorizes its consultant and administrative staff to make an initial determination on the petition and take one of the following actions:
 - (i) Certify impossibility of compliance and forward the petition to the Office of General Counsel for presentation to the Board as an uncontested matter; or
 - (ii) Deny the petition, after consultation with legal staff, if impossibility of compliance with the provisions of the previous order is not proven and notify the petitioner of what proof of impossibility of compliance was either not sufficient or not submitted.

(Rule 0450-03-.15, continued)

- 3. If the petition is presented to the Board the petitioner may not submit any additional documentation or testimony other than that contained in the petition as originally submitted.
- 4. If the petition is granted a new order shall be issued reflecting the modifications authorized by the Board that it deemed appropriate and necessary in relation to the violations found in the previous order.
- 5. If the petition is denied either initially by staff or after presentation to the Board and the petitioner believes impossibility of compliance with the order has been sufficiently proven the petitioner may, as authorized by law, file a petition for a declaratory order pursuant to the provisions of T.C.A. § 4-5-223 and rule 1200-10-1-.11.

(c) Form Petition

Petition for Order Modification
 Board for Professional Counselors, Marital and Family Therapists,
 and Clinical Pastoral Therapists

Petitioner's Name: _____
 Petitioner's Mailing Address: _____

Petitioner's E-Mail Address: _____
 Telephone Number: _____

Attorney for Petitioner: _____
 Attorney's Mailing Address: _____

Attorney's E-Mail Address: _____
 Telephone Number: _____

The petitioner respectfully represents that for the following reasons, as substantiated by the attached documentation, the identified provisions of the attached disciplinary order are impossible for me to comply with:

Note – You must enclose all documents necessary to prove your request including a copy of the original order. If any of the proof you are relying upon to show impossibility is the testimony of any individual, including yourself, you must enclose signed and notarized statements from every individual you intend to rely upon attesting, under oath, to the reasons why compliance is impossible. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, this petition.

Respectfully submitted this the _____ day of _____, 20_____.

(Rule 0450-03-.15, continued)

Petitioner's Signature

(4) Civil Penalties

(a) Purpose

The purpose of this rule is to set out a schedule designating the minimum and maximum civil penalties which may be assessed pursuant to Public Chapter 389, Acts of 1989.

(b) Schedule of Civil Penalties

1. A Type A civil penalty may be imposed whenever the Board finds the person who is required to be licensed by the Board is guilty of a willful and knowing violation of the practice act, or regulations pursuant thereto, to such an extent that there is, or is likely to be an imminent substantial threat to the health, safety and welfare of an individual client or the public. For purposes of this section, a type A penalty shall include, but not be limited to, a person who is or was willfully and knowingly practicing as a clinical pastoral therapist without a license from the Board.
2. A Type B civil penalty may be imposed whenever the Board finds the person required to be licensed by the Board is guilty of a violation of the professional counselors, marital and family therapists, and clinical pastoral therapists act, or regulations pursuant thereto in such manner as to impact directly on the care of clients or the public.
3. A Type C civil penalty may be imposed whenever the Board finds the person required to be licensed, permitted, or authorized by the Board is guilty of a violation of the professional counselors, marital and family therapists, and clinical pastoral therapists act, or regulations promulgated thereto, which are neither directly detrimental to the clients or public, nor directly impact their care, but have only an indirect relationship to client care or the public.

(c) Amount of Civil Penalties

1. Type A civil penalties shall be assessed in the amount of not less than \$500 and not more than \$1,000.
2. Type B civil penalties shall be assessed in the amount of not less than \$100 and not more than \$500.
3. Type C civil penalties shall be assessed in the amount of not less than \$50 and not more than \$100.

(d) Procedures for Assessing Civil Penalties

1. The division of health related boards may initiate a civil penalty assessment by filing a memorandum of assessment of civil penalty. The division shall state in the memorandum the facts and law upon which it relies in alleging a violation, the proposed amount of the civil penalty and the basis for such penalty. The division may incorporate the memorandum of assessment of civil penalty with a notice of charges which may be issued attendant thereto.

(Rule 0450-03-.15, continued)

2. Civil Penalties may also be initiated and assessed by the Board during consideration of any notice of charges. In addition, the Board may, upon good cause shown, assess a type and amount of civil penalty which was not recommended by the division.
 3. In assessing the civil penalties pursuant to these rules the Board may consider the following factors:
 - (i) Whether the amount imposed will be a substantial economic deterrent to the violator;
 - (ii) The circumstances leading to the violation;
 - (iii) The severity of the violation and the risk of harm to the public;
 - (iv) The economic benefits gained by the violator as a result of non-compliance; and
 - (v) The interest of the public.
 4. All proceedings for the assessment of civil penalties shall be governed by the contested case provisions of T.C.A. Title 4, Chapter 5.
- (5) Informal Settlements - The Board consultant is authorized to enter into informal settlement agreements pursuant to Rule 0450-03-.19(7) under which a complaint against an individual may be closed without any formal disciplinary action. Such agreement may include any terms deemed appropriate by the Board consultant including, but not limited to:
- (a) Mandatory education program or course attendance;
 - (b) Submission of reports, records or other appropriate documentation;
 - (c) Conditioning of the individual's activities in any manner which affects his practice in Tennessee.
- (6) Reconsiderations and Stays - The Board authorizes the member who chaired the Board for a contested case to be the agency member to make the decisions authorized pursuant to rule 1360-4-1-.18 regarding petitions for reconsiderations and stays in that case.

Authority: T.C.A. §§4-5-105, 4-5-202, 4-5-204, 4-5-217, 4-5-223, 63-1-122, 63-1-134, 63-22-102, 63-22-110, 63-22-111, 63-22-203, 63-22-205, 63-22-206, and 63-22-207. **Administrative History:** Original rule filed December 30, 1998; effective March 15, 1999. Amendment filed July 21, 2004; effective October 4, 2004. Amendment filed August 25, 2004; effective November 8, 2004. Amendment filed November 26, 2008; effective February 9, 2009.

0450-03-.16 DUPLICATE LICENSE. A licensee whose “artistically designed” license has been lost or destroyed may be issued a duplicate document upon receipt of a written request in the Board’s Administrative Office. Such request shall be accompanied by an affidavit (signed and notarized) stating the facts concerning the loss or destruction of the original document and the required fee pursuant to rule 0450-03-.06.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-22-102, and 63-22-110. **Administrative History:** Original rule filed December 30, 1998; effective March 15, 1999. Amendment filed July 21, 2004; effective October 4, 2004. Amendment filed March 23, 2007; effective June 6, 2007. Amendment filed March 23, 2007; effective June 6, 2007.

0450-03-.17 CHANGE OF ADDRESS AND/OR NAME.

- (1) Change of Address. Each person holding a license who has had a change of address shall file in writing with the Board his current mailing address, giving both old and new addresses. Such requests should be received in the Board's Administrative Office no later than thirty (30) days after such change has occurred and must reference the individual's name, profession, and license number.
- (2) Change of Name. Individuals registered with the Board shall notify the Board in writing within thirty (30) days of a name change. A certified copy of the official document evidencing the name change shall be included. A request for name change must reference the individual's profession and license number.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-106, 63-1-109, 63-22-102, 63-22-203, 63-22-205, 63-22-206, and 63-22-207. **Administrative History:** Original rule filed December 30, 1998; effective March 15, 1999. Amendment filed July 21, 2004; effective October 4, 2004.

0450-03-.18 MANDATORY RELEASE OF CLIENT RECORDS.

- (1) Upon request from a client, or the client's authorized representative, an individual registered with this Board shall provide a complete copy of their client's records or summary of such records which were maintained by the provider.
- (2) It shall be the provider's option as to whether copies of the records or a summary will be given to the client.
- (3) Requests for records shall be honored by the provider within (10) working days.
- (4) The individual requesting the records shall be responsible for payment of a reasonable fee to the provider for copying and mailing the records.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-2-101, and 63-2-102. **Administrative History:** Original rule filed December 30, 1998; effective March 15, 1999.

0450-03-.19 BOARD OFFICERS, CONSULTANTS, RECORDS, COMPLAINTS, DECLARATORY ORDERS, AND SCREENING PANELS.

- (1) The board shall each July elect from its members the following officers:
 - (a) President - Who shall preside at all board meetings.
 - (b) Vice President - Who shall preside in the absence of the president.
 - (c) Secretary - Who along with the board administrator shall be responsible for correspondence from the board.
- (2) The Board consultant is appointed by the Board and vested with the authority to do the following acts:
 - (a) Recommend whether and what type disciplinary actions should be instituted as the result of complaints received or investigations conducted by the division.
 - (b) Recommend whether and on what terms a complaint, case, or disciplinary action might be informally settled. Any matter proposed for informal settlement must be subsequently ratified by the full Board before it will become effective.

(Rule 0450-03-.19, continued)

- (c) Undertake any other matters authorized by a majority vote of the Board.
- (3) Records and Complaints
- (a) All requests, applications, notices, other communications and correspondence shall be directed to the Board's Administrative Office. Any request or inquiries requiring a Board decision or official Board action, except documents relating to disciplinary actions or hearing requests, must be received fourteen (14) days prior to a scheduled Board meeting and will be retained in the Administrative Office, and presented to the Board at the Board meeting. Such documentation not timely received shall be set over to the next Board meeting.
 - (b) All records of the Board, except those made confidential by law, are open for inspection and examination, under the supervision of an employee of the division at the Board's Administrative Office.
 - (c) Copies of public records shall be provided to any person upon payment of the cost of copying.
 - (d) Complaints made against a licensee become public information only upon the filing of a notice of charges by the Department of Health.
- (4) Declaratory Orders - The Board adopts, as if fully set out herein, rule 1200-10-1-.11, of the Division of Health Related Boards and as it may from time to time be amended, as its rule governing the declaratory order process. All declaratory order petitions involving statutes, rules or orders within the jurisdiction of the Board shall be addressed by the Board pursuant to that rule and not by the Division. Declaratory Order Petition forms can be obtained from the Board's administrative office.
- (5) Screening Panels - The Board adopts, as if fully set out herein, rule 1200-10-1-.13, of the Division of Health Related Boards and as it may from time to time be amended, as its rule governing the screening panel process.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-1-138, 63-22-102, and 63-22-110. **Administrative History:** Original rule filed December 30, 1998; effective March 15, 1999. Amendment filed August 13, 1999; effective October 27, 1999. Amendment filed July 21, 2004; effective October 4, 2004. Amendment filed April 17, 2007; effective July 1, 2007.

0450-03-.20 CONSUMER RIGHT-TO-KNOW REQUIREMENTS.

- (1) Malpractice Reporting Requirements - The threshold amount below which medical malpractice judgments, awards or settlements in which payments are awarded to complaining parties need not be reported pursuant to the "Health Care Consumer Right-To-Know Act of 1998" shall be ten thousand dollars (\$10,000)
- (2) Criminal Conviction Reporting Requirements - For purposes of the "Health Care Consumer Right-To-Know Act of 1998," the following criminal convictions must be reported:
 - (a) Conviction of any felony; and
 - (b) Conviction or adjudication of guilt of any misdemeanor, regardless of its classification, in which any element of the misdemeanor involves any one or more of the following:
 - 1. Sex.
 - 2. Alcohol or drugs.

(Rule 0450-03-.20, continued)

3. Physical injury or threat of injury to any person.
 4. Abuse or neglect of any minor, spouse or the elderly.
 5. Fraud or theft.
- (c) If any misdemeanor conviction reported under this rule is ordered expunged, a copy of the order of expungement signed by the judge must be submitted to the Department before the conviction will be expunged from any profile.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-22-102, 63-51-101, et seq., and Public Chapter 373 of the Public Acts of 1999. **Administrative History:** Original rule filed February 10, 2000; effective April 25, 2000.

0450-03-.21 ADVERTISING.

- (1) Policy Statement. The lack of sophistication on the part of many of the public concerning clinical pastoral therapy services, the importance of the interests affected by the choice of a clinical pastoral therapist and the foreseeable consequences of unrestricted advertising by clinical pastoral therapists which is recognized to pose special possibilities for deception, require that special care be taken by clinical pastoral therapists to avoid misleading the public. The clinical pastoral therapist must be mindful that the benefits of advertising depend upon its reliability and accuracy. Since advertising by clinical pastoral therapists is calculated and not spontaneous, reasonable regulation designed to foster compliance with appropriate standards serves the public interest without impeding the flow of useful, meaningful, and relevant information to the public.
- (2) Definitions
 - (a) Advertise - Means, but is not limited to, the issuing or causing to be distributed any card, sign, or device to any person, or the causing, permitting or allowing any sign or marking on or in any building or structure, or in any newspaper, or magazine or in any directory, or on radio or television, or by advertising by any other means designed to secure public attention;
 - (b) Licensee - Any person holding a license to practice as a Licensed Clinical Pastoral Therapist. Where applicable this shall include partnerships and/or corporations.
 - (c) Material Fact - Any fact which an ordinary reasonable and prudent person would need to know or rely upon in order to make an informed decision concerning the choice of practitioners to serve his or her particular needs.
- (3) Advertising Content. The following acts or omissions in the context of advertisement by any licensee shall constitute unethical conduct, and subject the licensee to disciplinary action pursuant to T.C.A. § 63-22-110:
 - (a) Claims that the services performed, personnel employed, or materials or office equipment used are professionally superior to that which is ordinarily performed, employed, or used, or that convey the message that one licensee is better than another when superiority of services, personnel, materials or equipment cannot be substantiated.
 - (b) The misleading use of an unearned degree.

(Rule 0450-03-.21, continued)

- (c) Promotion of professional services which the licensee knows or should know is beyond the licensee's ability to perform.
- (d) Techniques of communication which intimidate, exert undue pressure or undue influence over a prospective client.
- (e) Any appeals to an individual's anxiety in an excessive or unfair manner.
- (f) The use of any personal testimonial attesting to a quality or competency of a service or treatment offered by a licensee that is not reasonably verifiable.
- (g) Utilization of any statistical data or other information based on past performances for prediction of future services, which creates an unjustified expectation about results that the licensee can achieve.
- (h) The communication of personal identifiable facts, data, or information about a client without first obtaining client consent.
- (i) Any misrepresentation of a material fact.
- (j) The knowing suppression, omission or concealment of any material fact or law without which the advertisement would be deceptive or misleading.
- (k) Misrepresentation of credentials, training, experience, or ability.
- (l) Failure to include the corporation, partnership or individual name, address, and telephone number of licensees in any advertisement. Any corporation, partnership or association which advertises by use of a trade name or otherwise fails to list all licensees practicing at a particular location shall:
 - 1. Upon request provide a list of all licensees practicing at that location; and
 - 2. Maintain and conspicuously display a directory listing all licensees practicing at that location.
- (m) Failure to disclose the fact of giving compensation or anything of value to representatives of the press, radio, television or other communicative medium in anticipation of or in return for any advertisement (for example, newspaper article) unless the nature, format or medium of such advertisement make the fact of compensation apparent.
- (n) After thirty (30) days of the licensee's departure, the use of the name of any licensee formerly practicing at or associated with any advertised location or on office signs or buildings. This rule shall not apply in the case of a retired or deceased former associate who practiced in association with one or more of the present occupants if the status of the former associate is disclosed in any advertisement or sign.
- (o) Stating or implying that a certain licensee provides all services when any such services are performed by another licensee.
- (p) Directly or indirectly offering, giving, receiving, or agreeing to receive any fee or other consideration to or from a third party for the referral of a client in connection with the performance of professional services.
- (q) Making false, deceptive, misleading or fraudulent statements regarding fees.

(Rule 0450-03-.21, continued)

(4) Advertising Records and Responsibility

- (a) Each licensee who is a principal partner, or officer of a firm or entity identified in any advertisement, is jointly and severally responsible for the form and content of any advertisement. This provision shall also include any licensed professional employees acting as an agent of such firm or entity.
- (b) Any and all advertisements are presumed to have been approved by the licensee named therein.
- (c) A recording of every advertisement communicated by electronic media, and a copy of every advertisement communicated by print media, and a copy of any other form of advertisement shall be retained by the licensee for a period of two (2) years from the last date of broadcast or publication and be made available for review upon request by the Board or its designee.
- (d) At the time any type of advertisement is placed, the licensee must possess and rely upon information which, when produced, would substantiate the truthfulness of any assertion, omission or representation of material fact set forth in the advertisement or public information.

(5) Advertising Conduct

- (a) Licensees who engage others to create or place public statements that promote their professional practice, products, or activities retain professional responsibility for such statements.
 - (b) If licensees learn of deceptive statements about their work made by others, licensees or certificate holders must make reasonable efforts to correct such statements.
 - (c) Licensees shall not compensate employees of press, radio, television or other communication media in return for publicity in a news item.
 - (d) A paid advertisement relating to the licensee's activities must be identified as such, unless it is already apparent from the context.
- (6) Severability. It is hereby declared that the sections, clauses, sentences and parts of these rules are severable, are not matters of mutual essential inducement, and any of them shall be rescinded if these rules would otherwise be unconstitutional or ineffective. If any one or more sections, clauses, sentences or parts shall for any reason be questioned in court, and shall be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provision or provisions so held unconstitutional or invalid, and the inapplicability or invalidity of any section, clause, sentence or part in any one or more instances shall not be taken to affect or prejudice in any way its applicability or validity in any other instance.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-1-145, 63-1-146, 63-22-102, 63-22-201, and 63-22-202.

Administrative History: Original rule filed April 17, 2007; effective July 1, 2007.