

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

**CHAPTER 0450-01
GENERAL RULES GOVERNING PROFESSIONAL COUNSELORS**

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

- (1) Actively engaged - Engaged in the practice of professional counseling 10 clock or more face-to-face client contact hours per week.
- (2) 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;
- (3) Applicant - Any individual seeking licensure by the board who has submitted an official application and paid the application fee.
- (4) Approved Supervisor - An approved supervisor for professional experience subsequent to the master's degree must be a currently Licensed Professional Counselor, Licensed Marital and Family Therapist, Licensed Clinical Pastoral Therapist, Licensed Clinical Social Worker, Licensed Psychologist with Health Service Provider designation, Licensed Senior Psychological Examiner, or Licensed Psychiatrist, who has been licensed at least five (5) years and who takes responsibility for the practice of the supervisee during a specific time to enable the supervisee to meet the requirements of licensing. If the supervisor is a Licensed Professional Counselor who is supervising a candidate for Licensed Professional Counselor with Mental Health Service Provider designation, the supervisor must have the Mental Health Service Provider designation.
- (5) Board - The Board for Professional Counselors, Marital and Family Therapists, Clinical Pastoral Therapists.
- (6) Board administrative office - The office of the administrator assigned to the board located at 665 Mainstream Drive, Nashville, TN 37243.
- (7) Board Designee - Any person who has received a written delegation of authority from the board to perform board functions subject to review and ratification by the full board where provided by these rules.

(Rule 0450-01-.01, continued)

- (8) Certified Associate Counselor - Any person who has met the qualifications for CAC and holds a current, unsuspended or unrevoked certificate which has lawfully been issued by the board.
- (9) Certified Professional Counselor - Any person who has met the qualifications for CPC and holds a current, unsuspended or unrevoked certificate which has lawfully been issued by the board.
- (10) Clinically-related activities - Clinically-related workshops, trainings and seminars, treatment teams, clinical supervision, and research and leadership preparation for individual and group counseling. Graduate coursework in pursuit of licensure and administrative supervision in the work setting are not clinically-related activities.
- (11) Clinical setting - A place where the practice of professional counseling occurs. An appropriate setting for an applicant's pre and post master's professional experience must meet the following criteria:
 - (a) The place or practice shall be a public, private, or community agency/mental health setting and must have integrated programs for the delivery of clinical mental health counseling in accordance with these rules and defined by definition (29) for non-Mental Health Service Provider designation and definition (30) for the Mental Health Service Provider designation.
 - (b) The place or practice shall offer adequate physical resources, such as a private space that meets HIPAA requirements, necessary to allow for supervision and appropriate service delivery.
 - (c) The place or practice shall have at least one licensed mental health professional on site for a cumulative minimum of 20 hours per week whose assigned job duties include being available to the applicant for supervision and/or consultation while the applicant is engaging in the practice of counseling or counseling related services. In addition, the place or practice shall have a written emergency plan in place to include method(s) of contacting supervisor(s) or other consultant(s), alternative contacts when supervisor(s) is(are) unavailable, information regarding crisis services, and crisis decision-making. The licensed mental health professional can serve as the applicant's supervisor if he or she meets the supervisor requirements pursuant to 0450-01-.10. If the licensed mental health professional on staff at the place or practice is unable or unwilling to serve as the applicant's supervisor, the applicant must secure a supervisor who meets the supervisor requirements pursuant to 0450-01-.10.
 - (d) For an applicant pursuing post-master's professional experience, the place or practice shall not be owned, or independently operated by the applicant. An applicant shall not seek a clinical setting or supervision that is in conflict with the multiple relationships addressed by the American Counseling Association's Code of Ethics. Prior to choosing a clinical setting, if an applicant is uncertain, he or she shall seek advice about what is considered acceptable from the Board.
 - (e) In the case of pre-master's professional experience, the place or practice shall have written provisions to provide supervision and training experience as defined by graduate counseling program expectations.
 - (f) The applicant shall be an employee of the place or practice, or shall be affiliated by agreement. All agreements shall include but not be limited to the following information: the name of the individual responsible for supervision, specific job duties/responsibilities, method for obtaining and scheduling clients, liability insurance information, payment arrangements, emergency plan, and facility and service logistics. Compensation for services provided by the applicant shall be paid directly to the place

(Rule 0450-01-.01, continued)

or practice unless the applicant has a temporary license, at which time the applicant may be paid on an agreed upon basis or may provide services on a pro bono basis.

- (12) Client Contact Hour - A 50 minute period a counselor or therapist spends working with an individual, family or group.
- (13) Closed Files - An administrative action which renders an incomplete or denied file inactive.
- (14) 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.
- (15) Continuing education - Education beyond the basic licensing educational requirement which is related to the practice of professional counseling.
- (16) Department - Tennessee Department of Health.
- (17) Division - The Division of Health Related Boards, Tennessee Department of Health, from which the board receives administrative support.
- (18) Fee - Money, gift, services or anything of value offered or received as compensation in return for rendering services.
- (19) Fee Splitting - The practice of paying commissions to colleagues out of fees received from clients who have been referred by the colleague for services.
- (20) Good Moral Character - Any individual being highly regarded in personal behavior and professional ethics.
- (21) He/she His/her - When he or his appears in the text of these rules the word represents both the feminine and masculine genders.
- (22) HRB - When the acronym HRB appears in this rule, it is intended to mean Health Related Boards.
- (23) 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.
- (24) 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.
- (25) Licensed Professional Counselor - Any person who has met the qualifications for professional counselor and holds a current, unsuspended, or unrevoked license which has been lawfully issued by the board.
- (26) Mental health/community agency setting - For purposes of the supervision requirements of this chapter, a clinical setting as defined in paragraph (11).
- (27) NBCC - When the acronym NBCC appears in this rule, it is intended to mean National Board for Certified Counselors and may be referred to in these rules as the "testing agency".
- (28) Person - Any individual, firm, corporation, partnership, organization, or body politic.

(Rule 0450-01-.01, continued)

- (29) Practice of Professional Counseling (without the designation as a mental health service provider) - Rendering or offering to render to individuals, groups, organizations, or the general public any service involving the application of principles, techniques, methods, or procedures of the counseling profession, including appraisal activities, as defined by the law, counseling, consulting and referral activities. Nothing in this section shall be construed to permit the treatment of any mental, emotional or adjustment disorder other than marital problems, parent-child problems, child, and adolescent antisocial behavior, adult antisocial behavior, other specified family circumstances, other interpersonal problems, phase of life problems, other life circumstance problems, occupational problems, and uncomplicated bereavement.
- (30) Practice of counseling as a mental health services provider - the application of mental health and human development principles in order to:
- (a) Facilitate human development and adjustment throughout the life span;
 - (b) Prevent, diagnose, and treat mental, emotional or behavioral disorders and associated disorders which interfere with mental health;
 - (c) Conduct assessments and diagnoses for the purpose of establishing treatment goals and objectives within the limitations prescribed in T.C.A. § 63-22-150(1); and
 - (d) Plan, implement, and evaluate treatment plans using counseling treatment interventions. Counseling treatment interventions shall mean the application of cognitive, affective, behavioral and systemic counseling strategies which include principles of development, wellness, and pathology that reflect a pluralistic society. Nothing in this definition shall be construed to permit the performance of any act which licensed professional counselors designated as mental health service providers are not educated and trained to perform, nor shall it be construed to permit the designation of testing reports as "psychological".
- (31) 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.
- (32) Professional Counseling - Assisting an individual, through the counseling relationship, in a manner intended to facilitate normal human growth and development, using a combination of mental health and human development principles, methods and techniques, to achieve mental, emotional, physical, social, moral, educational, spiritual, and/or career development and adjustment through the lifespan.
- (33) Professional Experience - A minimum of 10 client contact hours per week engaged in activities as described in the definition of professional counseling, and practice of counseling excluding volunteer hours.
- (34) Private Practice - Practice of counseling or therapy other than in a public or nonprofit agency or entity.
- (35) Recognized educational institution - Any educational institution that is accredited by a nationally or regionally recognized educational body.
- (36) Registrant - Any person who has been lawfully issued a certificate or license.

(Rule 0450-01-.01, continued)

- (37) 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.
- (38) Supervisee - An individual who is engaged in post graduate or graduate, supervised experience under the direction of a supervisor.
- (39) Supervision - Ongoing, direct clinical oversight for the purpose of training or teaching. Supervision may include, without being limited to, the review of case presentations, audio tapes, video tapes, and direct observation.
 - (a) Supervision shall be by an approved supervisor.
 - (b) An approved supervisor shall monitor the performance of an applicant's interaction with a client and provide regular documented face-to-face or live video conferencing (with prior board approval based on hardship), consultation, guidance, and instructions with respect to the clinical skills and competencies of the applicant.
 - (c) Individual supervision is supervision as defined by models developed by the Council for Accreditation of Counseling and Related Educational Programs (CACREP) for individual (one supervisor to supervisee) or triadic supervision (one supervisor to two supervisees).
 - (d) Group supervision is supervision by one supervisor of a minimum of three (3) and a maximum of eight (8) supervisees. Of the 150 hours collected, no more than fifty (50) hours may be group supervision.
- (40) Use a title or description of - To hold oneself out to the public as having a particular status by means of stating on signs, mailboxes, address plates, stationery, announcements, business cards or other instruments of professional identification.
- (41) 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, 63-1-145, 63-22-102, 63-22-104, 63-22-117, and 63-22-120.
Administrative History: Original rule filed October 9, 1986; effective November 23, 1986. Repeal and new rule filed April 29, 1992; effective June 13, 1992. Amendment filed April 16, 1996; effective June 30, 1996. Amendment filed June 18, 1996; effective September 4, 1996. Amendment filed December 13, 2000; effective February 26, 2001. Amendment filed November 21, 2001; effective February 4, 2002. Amendment filed April 30, 2002; effective July 14, 2002. Amendment filed August 16, 2002; effective October 30, 2002. Amendment filed October 30, 2002; effective January 13, 2003. 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. Amendment filed October 25, 2012; effective January 23, 2013.

0450-01-.02 SCOPE OF PRACTICE.

- (1) The following shall be considered necessary when addressing the scope of practice for professional counselors:
 - (a) Assisting an individual, through the counseling relationship, in a manner intended to facilitate normal human growth and development, using a combination of mental health and human development principles, methods and techniques, to achieve mental, emotional, physical, social, moral, educational, spiritual and/or career development and adjustment through the lifespan.

(Rule 0450-01-.02, continued)

- (b) Rendering or offering to render to individuals, groups, organizations, or the general public any service involving the application of principles, techniques, methods or procedures of the counseling profession, including appraisal activities, counseling, consulting and referral activities. Nothing in this section shall be construed to permit the treatment of any mental, emotional or adjustment disorder other than marital problems, parent-child problems, child and adolescent antisocial behavior, adult antisocial behavior, other specified family circumstances, other interpersonal problems, phase of life problems, other life circumstance problems, occupational problems, and uncomplicated bereavement.
 - (c) Selecting, administering, scoring, and interpreting instruments designed to assess an individual's aptitudes, achievements, or interests, which are used to understand, measure or facilitate such individual's normal human growth and development, but shall not include the use of projective techniques in the assessment of personality, nor the use of psychological or clinical tests designed to identify or classify abnormal or pathological human behavior, nor the use of individually administered intelligence tests. Consistent with each counselor's formal education and training, licensed or certified professional counselors may administer and utilize appropriate assessment instruments which measure and/or diagnose problems and/or dysfunctions within the context of human growth and development as part of the counseling process or in the development of a treatment plan.
- (2) In addition to the provisions of paragraph (1), the following shall be considered necessary when addressing the scope of practice for professional counselors as a mental health service provider:
- (a) Facilitate human development and adjustment throughout the life span;
 - (b) Prevent, diagnose, and treat mental, emotional or behavioral disorders and associated disorders which interfere with mental health;
 - (c) Conduct assessments and diagnoses for the purpose of establishing treatment goals and objectives within the limitations prescribed in T.C.A. § 63-22-150(1); and
 - (d) Plan, implement, and evaluate treatment plans using counseling treatment interventions. "Counseling treatment interventions" means the application of cognitive, affective, behavioral and systemic counseling strategies which include principles of development, wellness, and pathology that reflect a pluralistic society. Nothing in this definition shall be construed to permit the performance of any act which licensed professional counselors designated as mental health service providers are not educated and trained to perform, nor shall it be construed to permit the designation of testing reports as "psychological."
- (3) Any person who engages in any unlawful act enumerated in these rules and T.C.A. §§ 63-22-101, et seq., is guilty of a Class B misdemeanor.
- (4) Nothing in these rules shall be construed as permitting individuals registered with the board to administer or prescribe drugs or in any manner engage in the practice of medicine as defined by Tennessee law.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-1-120, 63-10-101, 63-22-102, 63-22-106, 63-22-113, 63-22-115, and 63-22-150. **Administrative History:** Original rule filed October 9, 1986; effective November 23, 1986. Repeal and new rule filed April 29, 1992; effective June 13, 1992. Amendment filed July 21, 2004; effective October 4, 2004.

0450-01-.03 NECESSITY OF CERTIFICATION OR LICENSURE.

- (1) It is unlawful for any person who is not certified or licensed in the manner prescribed in T.C.A. §§ 63-22-101, et seq., to represent himself as a certified or licensed professional counselor 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) Professional counseling is one of the healing arts and as such the practice of which is restricted to those persons credentialed by the board. Persons engaging in the practice of professional counseling without being credentialed or expressly exempted by the law are in violation of division law T.C.A. § 63-1-123.
- (3) Nothing in these rules shall be construed to constrict or limit the Medical Practice Act, the Social Work Certification and Licensing Law, the Nursing Practice Act, or the Psychology Licensing Act (T.C.A. § 63-22-113(a)).
- (4) These rules shall not apply to any Christian Science practitioner or to any priest, rabbi, or minister of the gospel of any religious denomination when performing counseling services as part of his pastoral or professional duties, or to any person who is licensed to practice medicine, when providing counseling services as part of his professional practice.
- (5) No other person shall hold himself out to the public by a title or description of services incorporating the words “certified professional counselor” (CPC) or “licensed professional counselor” (LPC), and he shall not state or imply that he is certified or licensed. Nothing in this rule shall prohibit a person from stating or using the educational degrees which he has obtained.
- (6) Use of Titles -
 - (a) Any person who possesses a valid, unsuspended and unrevoked certificate issued by the Board has the right to use the title “Certified Professional Counselor” and to practice professional counseling, as defined in Rule 0450-01-.01.
 - (b) Any person who possesses a valid, unsuspended and unrevoked license issued by the Board has the right to use the title “Licensed Professional Counselor” and to practice professional counseling, as defined in T.C.A. § 63-22-150.
 - (c) Any person licensed by the Board to whom this rule applies must use the titles authorized by this rule whenever he or she is “advertising” [as that term is defined in rule 0450-01-.01(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 professional counselor to disciplinary action pursuant to T.C.A. §§ 63-22-110(b)(4) and 63-22-117(a)(1).
- (7) These provisions do not apply to counselors working in a community/human services agency nor to professional counselors whose work is directly being supervised by an approved supervisor while obtaining the required years of work experience.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-1-145, 63-1-146, 63-22-102, 63-22-110, 63-22-117, and 63-22-150. **Administrative History:** Original rule filed October 9, 1986; effective November 23, 1986. Repeal and new rule filed April 29, 1992; effective June 13, 1992. Amendment filed April 10, 2002; effective June 24, 2002. Amendment filed April 17, 2007; effective July 1, 2007. Amendment filed November 26, 2008; effective February 9, 2009.

0450-01-.04 QUALIFICATIONS FOR LICENSURE.

- (1) Professional Counselor by Examination. To be eligible to submit an application, a candidate must show completion of the following qualifications:
 - (a) Be at least 18 years of age.
 - (b) Must provide evidence that he is highly regarded in moral character and professional ethics (rule 0450-01-.05).
 - (c) Education. The educational requirements must be completed prior to the date of application.
 1. Sixty (60) graduate semester hours, based upon a program of studies with a major in counseling, completed from an institution accredited by the Southern Association of Colleges and Schools, the Counsel for Accreditation of Counseling and Related Educational Programs, or a comparable accrediting body.
 2. The graduate coursework should include, but is not limited to, core areas of (one course may satisfy study in more than one of the study areas):
 - (i) Theories of human behavior, learning and personality;
 - (ii) Abnormal behavior;
 - (iii) Theories of counseling and psychotherapy;
 - (iv) Evaluation and appraisal procedures;
 - (v) Group dynamics, theories and techniques;
 - (vi) Counseling techniques;
 - (vii) Multicultural counseling;
 - (viii) Ethics;
 - (ix) Research;
 - (x) Clinical practicum or internship (pursuant to T.C.A. § 63-22-104)
 - (d) A minimum of two (2) years of supervised post master professional experience consisting of not less than ten (10) hours per week and fifty (50) contact hours of supervision per year as defined by Rule 0450-01-.10(1).
 - (e) Pass the examination pursuant to rule 0450-01-.08.
 - (f) Until receipt of a license to practice as a Professional Counselor, an applicant will be required to practice under supervision, pursuant to Rule 0450-01-.10.
- (2) Upgrading from Certified Professional Counselor Status to Licensed Professional Counselor Status
 - (a) Individuals certified on July 1, 1991, as professional counselors may upgrade from certification to licensure by any of the following methods:

(Rule 0450-01-.04, continued)

1. Providing a copy of his current CPC renewal certificate and verification to the board's satisfaction, that he has had five years work experience, pursuant to rule 0450-01-.14, as a certified professional counselor.
 2. Providing a copy of his current CPC renewal certificate and evidence that he has been certified by the NBCC.
 3. Providing a copy of his current CPC renewal certificate and complying with the requirements pursuant to rule 0450-01-.04(1).
- (b) Upgrading from Certified Associate Professional Counselor Status to Licensed Professional Counselor Status
1. Any person certified as an Associate Counselor on July 1, 1991, shall be deemed to be a Certified Professional Counselor, but only for the purpose of upgrading to Licensed Professional Counselor.
 2. For the purpose of upgrading to Licensed Professional Counselor from Certified Associate Counselor, the board will accept a passing score on the PES examination, which was previously required for Associate Professional Counselors, as fulfilling the requirement of 0450-01-.08.
- (3) Licensed Professional Counselor (LPC) by Reciprocity. Individuals seeking licensure by reciprocity must meet the following qualifications:
- (a) Hold a current, undisciplined, professional counselor or equivalent license from another state of the United States which has entered into a mutual reciprocity agreement with the Tennessee Board for Professional Counselors, Marital and Family Therapists, and Clinical Pastoral Therapists.
 - (b) Provide evidence that he or she is highly regarded in moral character and professional ethics.
 - (c) Pass the Tennessee Jurisprudence Examination pursuant to rule 0450-01-.08.
- (4) Licensed Professional Counselor with Mental Health Services Provider designation (LPC/MHSP). To be eligible to submit an application, a candidate must show completion of the following qualifications:
- (a) Be at least 18 years of age.
 - (b) Provide evidence that he or she is highly regarded in moral character and professional ethics.
 - (c) Education. The educational requirements must be completed prior to the date of application.
 1. Sixty (60) graduate semester hours, based upon a program of studies with a major in counseling, completed from an institution accredited by the Southern Association of Colleges and Schools, the Council for the Accreditation of Counseling and Related Educational Programs, or a comparable accrediting body;
 2. The graduate coursework should include, but is not limited to, the following core areas (one course may satisfy study in more than one of the study areas):

(Rule 0450-01-.04, continued)

- (i) Theories of human behavior, learning and personality;
 - (ii) Abnormal behavior;
 - (iii) Theories of counseling and psychotherapy;
 - (iv) Evaluation and appraisal procedures;
 - (v) Group dynamics, theories and techniques;
 - (vi) Counseling techniques;
 - (vii) Multicultural counseling;
 - (viii) Ethics;
 - (ix) Research;
 - (x) Clinical practicum or internship (pursuant to T.C.A. § 63-22-104);
 - (xi) Use of the DSM;
 - (xii) Treatment and treatment planning
3. Pursuant to T.C.A. § 63-22-120, a minimum of nine (9) graduate semester hours of coursework must be “specifically related to diagnosis, treatment, appraisal and assessment of mental disorders.” This will be interpreted to mean passing nine (9) semester hours, either during the course of a graduate degree or as post-graduate work, in courses in which diagnosis, treatment and treatment planning, appraisal and assessment of mental disorders, psychopathology, and the use of the DSM were the entire focus of the course or comprised a substantial portion of the course work.
- (d) Meet the following requirements for post-masters professional experience:
- 1. Complete three thousand (3000) hours of supervised post-masters professional experience, including one hundred and fifty (150) contact hours of supervision obtained pursuant to Rule 0450-01-.10(6).
 - (i) One thousand and five hundred (1500) of the three thousand (3000) hours of supervised post-masters professional experience shall be face-to-face client contact hours.
 - (ii) One thousand and five hundred (1500) of the three thousand (3000) hours of supervised post-masters professional experience shall be clinically-related activities;
- (e) Pass the National Counselors Examination, the National Clinical Mental Health Counseling Examination, and the Tennessee Jurisprudence Exam pursuant to Rule 0450-01-.08.
- (5) Licensed Professional Counselor with Mental Health Service Provider designation (LPC/MHSP), by reciprocity. Individuals seeking licensure by reciprocity as LPC/MHSPs must meet the following qualifications.

(Rule 0450-01-.04, continued)

- (a) Hold a current, undisciplined, professional counselor license with a Mental Health Service Provider designation, or its equivalent, from another state of the United States which has entered into a mutual reciprocity agreement with the Tennessee Board for Professional Counselors, Marital and Family Therapists, and Clinical Pastoral Therapists.
 - (b) Provide evidence that he or she is highly regarded in moral character and professional ethics.
 - (c) Pass the Tennessee Jurisprudence Examination pursuant to rule 0450-01-.08.
- (6) Temporarily Licensed Professional Counselor with Mental Health Service Provider designation.
- (a) A temporary license may be issued by the Board for an applicant for licensed professional counselor designated as a mental health service provider who has:
 - 1. Completed the academic course work and training (except for the required supervised professional experience) required for the license; and
 - 2. Successfully passed the National Counselor Examination.
 - (b) A temporary license obtained pursuant to this section authorizes an applicant to perform the functions specified in T.C.A. § 63-22-150(5), while working under the supervision of an approved supervisor.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-22-102, 63-22-104, 63-22-107, 63-22-116, 63-22-120, 63-22-121, 63-22-150, and Public Chapter 318, Acts of 1995. **Administrative History:** Original rule filed October 9, 1986; effective November 23, 1986. Repeal and new rule filed April 29, 1992; effective June 13, 1992. Amendment filed October 18, 1995; effective January 1, 1996. Amendment filed April 16, 1996; effective June 30, 1996. Amendment filed June 18, 1996; effective September 4, 1996. Amendment filed January 31, 2000; effective April 15, 2000. Amendment filed September 4, 2003; to have become effective November 18, 2003. However, stay of effective date filed by the Board for Professional Counselors, Marital and Family Therapists, and Clinical Pastoral Therapists on November 7, 2003; new effective date January 17, 2004. Amendment filed November 26, 2008; effective February 9, 2009. Amendments filed October 25, 2012; effective January 23, 2013. Amendments filed January 7, 2014; effective April 7, 2014.

0450-01-.05 PROCEDURES FOR LICENSURE. To become licensed as a professional counselor in Tennessee a person must comply with the following procedures and requirements.

- (1) Professional Counselor by Examination
 - (a) An application shall be requested from the Board's administrative office or shall be downloaded from the Internet.
 - (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 0450-01-.05, continued)

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

- (d) An applicant shall pay, at the time of application, the nonrefundable application fee as provided in rule 0450-01-.06.
- (e) An applicant shall submit verification of having completed a supervised practicum or internship pursuant to T.C.A. § 63-22-104.
- (f) An applicant shall submit with his application, a certified copy of his birth certificate.
- (g) An applicant shall submit a clear and recognizable recently taken, bust photograph which shows the full head face forward from at least the top of the shoulders up.
- (h) It is the applicant's responsibility to request a graduate transcript from his degree granting institution, pursuant to T.C.A. § 63-22-104, be submitted directly from the school to the board's administrative office. The institution granting the degree must be accredited, pursuant to rule 0450-01-.04(1), 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 60 graduate semester hours, pursuant to rule 0450-01-.04(1). The educational requirements contained in this rule must be completed prior to the date of application for licensure.
- (i) An applicant shall complete and submit the worksheet form for reporting course work.
- (j) An applicant shall submit evidence of good moral character. Such evidence shall include at least two recent, within the preceding 12 months, original letters from professionals attesting to the applicant's personal character and professional ethics and typed on the signator's letterhead.
- (k) An applicant shall submit evidence of completing a minimum of two (2) years supervised post-master's experience under the direction of an approved supervisor, pursuant to rule 0450-01-.04(1)(d).
- (l) An applicant shall direct NBCC to submit directly to the Board's office evidence that he or she passed the National Counselor Examination pursuant to rule 0450-01-.08.
- (m) 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 or licensure application by any other state or the discipline of certification or licensure in any state.
 - 3. Loss or restriction of certification or licensure.
 - 4. Any civil suit judgment or civil suit 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.
 - 5. If the applicant discloses any of the above, the Board may require the applicant to appear before the Board to answer questions regarding the circumstances and regarding the applicant's fitness to practice in the State of Tennessee. The

(Rule 0450-01-.05, continued)

burden is on the applicant to prove by a preponderance of the evidence the circumstances of any of the above.

6. Any of the above may be grounds for denial or conditioning of the license if the Board determines it to be unprofessional conduct or conduct that violates T.C.A. §§ 63-22-101, et seq. or Board rules and regulations.
- (n) 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.
 - (o) 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.
 - (p) Personal resumes are not acceptable and will not be reviewed.
 - (q) Application review and licensure decisions shall be governed by rule 0450-01-.07.
 - (r) The burden is on the applicant to prove by a preponderance of the evidence that his course work, supervision, and experience are equivalent to the board's requirements.
- (2) Licensed Professional Counselor by Upgrade.
 - (a) An application shall be requested from the Board's administrative office or shall be downloaded from the Internet.
 - (b) Requests for upgrade 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 office within 60 days of receipt of your application or the file will be closed.
 - (c) An individual seeking to upgrade shall pay the nonrefundable upgrade review fee, pursuant to rule 0450-01-.06, upon submission of the upgrade application.
 - (d) 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 administrative office. It is the intent of this rule that steps necessary to accomplish the filing of the application and that all documentation be filed simultaneously.
 - (e) An individual currently registered with the board may upgrade his certification to licensure by providing a copy of his current CPC certificate and:
 1. Submitting evidence that he holds a current certification from NBCC, or
 2. Compliance with the requirements pursuant to rule 0450-01-.04(1), or
 3. Providing verification to the Board's satisfaction, that he has had five (5) years professional experience as a certified professional counselor.
 - (f) 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.

(Rule 0450-01-.05, continued)

2. The denial of certification or licensure application by any other state or the discipline of certification or licensure in any state.
 3. Loss or restriction of certification or licensure.
 4. Any civil suit judgment or civil suit 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.
 5. If the applicant discloses any of the above, the Board may require the applicant to appear before the Board to answer questions regarding the circumstances and regarding the applicant's fitness to practice in the State of Tennessee. The burden is on the applicant to prove by a preponderance of the evidence the circumstances of any of the above.
 6. Any of the above may be grounds for denial or conditioning of the license if the Board determines it to be unprofessional conduct or conduct that violates T.C.A. §§ 63-22-101, et seq. or Board rules and regulations.
- (g) 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.
- (h) Where 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.
- (i) Upgrade review and licensure decisions shall be governed by rule 0450-01-.07.
- (j) Personal resumes are not acceptable and will not be reviewed.
- (k) The burden is on the applicant to prove by a preponderance of the evidence that he possesses the qualifications to upgrade to licensure status.
- (3) Licensed Professional Counselor (LPC) by Reciprocity
- (a) The Board may issue a license to any individual who holds a current professional counselor license from another state of the United States which has entered into a mutual reciprocity agreement with the Tennessee Board for Professional Counselors, Marital and Family Therapists, and Clinical Pastoral Therapists, and who meets the qualifications stated in rule 0450-01-.04(3).
 - (b) An application shall be requested from the Board's administrative office or shall be downloaded from the Internet. An applicant shall pay, at the time of application, the nonrefundable application fee as provided in rule 0450-01-.06.
 - (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 office within sixty (60) days of receipt of the application or the file will be closed.
 - (d) 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

(Rule 0450-01-.05, continued)

required by the form and this rule to the Board 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.

- (e) An applicant shall submit a clear and recognizable, recently taken, bust photograph which shows the full head face forward from at least the top of the shoulders up.
- (f) An applicant shall submit a certified photocopy of his or her birth certificate.
- (g) An applicant shall submit evidence of good moral character. Such evidence shall include two recent, within the preceding twelve (12) months, original letters from professionals attesting to the applicant's personal character and professional ethics and typed on the signator's letterhead.
- (h) An applicant shall submit a copy of his original certificate or license from the other state along with an official statement or affidavit from the appropriate certification or licensing agency in the other state which indicates that the certificate or license is in effect and in good standing, as well as under what provision such certificate or license was issued (i.e. grandfathering, examination, reciprocity, endorsement, etc.).
- (i) An applicant must submit a copy of his renewal certificate with the number from the other state and expiration date.
- (j) The applicant shall provide the Board with a copy of his state's certification or licensing law and rules in effect at the time the applicant was credentialed.
- (k) 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 or licensure application by any other state or the discipline of certification or licensure in any state.
 - 3. Loss or restriction of certification or licensure.
 - 4. Any civil suit judgment or civil suit 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.
 - 5. If the applicant discloses any of the above, the Board has the right to require the applicant to appear before the Board to answer questions regarding the circumstances and regarding the applicant's fitness to practice in the State of Tennessee. The burden is on the applicant to prove by a preponderance of the evidence the circumstances of any of the above.
 - 6. Regardless of the terms of a reciprocal agreement with another state, any of the above may be grounds for denial or conditioning of the license if the Board determines it to be unprofessional conduct or conduct that violates T.C.A. §§ 63-22-101, et seq. or Board rules and regulations.
- (l) 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.

(Rule 0450-01-.05, continued)

- (m) Where 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.
 - (n) Application review and licensure decisions shall be governed by rule 0450-01-.07.
 - (o) Personal resumes are not acceptable and will not be reviewed.
- (4) Licensed Professional Counselor with Mental Health Service Provider designation (LPC/MHSP).
- (a) An application shall be requested from the Board's administrative office or shall be downloaded from the Internet.
 - (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 sixty (60) days of receipt of the application or the file will be closed.
 - (d) An applicant shall pay, at the time of application, the nonrefundable application fee as provided in rule 0450-01-.06.
 - (e) An applicant shall submit verification of having completed a supervised practicum or internship pursuant to T.C.A. § 63-22-104.
 - (f) An applicant shall submit with his application, a certified copy of his birth certificate.
 - (g) An applicant shall submit a clear and recognizable recently taken, bust photograph which shows the full head face forward from at least the top of the shoulders up.
 - (h) It is the applicant's responsibility to request a graduate transcript from his degree granting institution, pursuant to T.C.A. § 63-22-104, be submitted directly from the school to the Board's administrative office. The institution granting the degree must be accredited, pursuant to rule 0450-01-.04(4), 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, pursuant to rule 0450-01-.04(4)(c)3., at least sixty (60) graduate semester hours, including nine (9) from courses entirely or substantially pertaining to diagnosis, treatment, appraisal and assessment of mental disorders. The educational requirements contained in this rule must be completed prior to the date of application for licensure.
 - (i) An applicant shall complete and submit the worksheet form for reporting course work.
 - (j) An applicant shall submit evidence of good moral character. Such evidence shall include at least two (2) recent, within the preceding twelve (12) months, original letters

(Rule 0450-01-.05, continued)

from professionals attesting to the applicant's personal character and professional ethics and typed on the signator's letterhead.

- (k) An applicant shall submit evidence of completing a minimum of two (2) years supervised post-master's experience under the direction of an approved supervisor, pursuant to rule 0450-01-.04(4)(d).
 - (l) An applicant shall direct NBCC to submit directly to the Board's office evidence that he passed the National Counselor Examination and the National Clinical Mental Health Counseling Examination pursuant to rule 0450-01-.08.
 - (m) 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 or licensure application by any other state or the discipline of certification or licensure in any state.
 - 3. Loss or restriction of certification or licensure.
 - 4. Any civil suit judgment or civil suit 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.
 - 5. If the applicant discloses any of the above, the Board has the right to require the applicant to appear before the Board to answer questions regarding the circumstances and regarding the applicant's fitness to practice in the State of Tennessee. The burden is on the applicant to prove by a preponderance of the evidence the circumstances of any of the above.
 - 6. Any of the above may be grounds for denial or conditioning of the license if the Board determines it to be unprofessional conduct or conduct that violates T.C.A. §§ 63-22-101, et seq. or Board rules and regulations.
 - (n) 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.
 - (o) 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.
 - (p) Personal resumes are not acceptable and will not be reviewed.
 - (q) Application review and licensure decisions shall be governed by rule 0450-01-.07.
 - (r) The burden is on the applicant to prove by a preponderance of the evidence that his course work, supervision, and experience are equivalent to the Board's requirements.
- (5) Licensed Professional Counselor with Mental Health Service Provider designation (LPC/MHSP) by reciprocity.
- (a) The Board may issue a license to any individual who holds a current, undisciplined professional counselor license with a Mental Health Provider designation, or its

(Rule 0450-01-.05, continued)

equivalent, from another state of the United States which has entered into a mutual reciprocity agreement with the Tennessee Board for Professional Counselors, Marital and Family Therapists, and Clinical Pastoral Therapists, and who meets the qualifications stated in rule 0450-01-.04(5).

- (b) An application shall be requested from the Board's administrative office or shall be downloaded from the Internet. An applicant shall pay, at the time of application, the nonrefundable application fee as provided in rule 0450-01-.06.
- (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 office within 60 days of receipt of the application or the file will be closed.
- (d) 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 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.
- (e) An applicant shall submit a clear and recognizable recently taken, bust photograph which shows the full head face forward from at least the top of the shoulders up.
- (f) An applicant shall submit a certified photocopy of his birth certificate.
- (g) An applicant shall submit evidence of good moral character. Such evidence shall include two recent, within the preceding 12 months, original letters from professionals attesting to the applicant's personal character and professional ethics and typed on the signator's letterhead.
- (h) An applicant shall submit a copy of his original certificate or license from the other state along with an official statement or affidavit from the appropriate certification or licensing agency in the other state which indicates that the certificate or license is in effect and in good standing, as well as under what provision such certificate or license was issued (i.e. grandfathering, examination, reciprocity, endorsement, etc.).
- (i) An applicant must submit a copy of his renewal certificate with the number from the other state and expiration date.
- (j) The applicant shall provide the Board with a copy of his state's certification or licensing law and rules in effect at the time the applicant was credentialed.
- (k) 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 or licensure application by any other state or the discipline of certification or licensure in any state.
 - 3. Loss or restriction of certification or licensure.
 - 4. Any civil suit judgment or civil suit settlement in which the applicant was a party defendant including, without limitation, actions involving malpractice, breach of

(Rule 0450-01-.05, continued)

contract, antitrust activity or any other civil action remedy recognized under any country's or state's statutory, common, or case law.

5. If the applicant discloses any of the above, the Board has the right to require the applicant to appear before the Board to answer questions regarding the circumstances and regarding the applicant's fitness to practice in the State of Tennessee. The burden is on the applicant to prove by a preponderance of the evidence the circumstances of any of the above.
 6. Regardless of the terms of a reciprocal agreement with another state, any of the above may be grounds for denial or conditioning of the license if the Board determines it to be unprofessional conduct or conduct that violates T.C.A. §§ 63-22-101, et seq. or Board rules and regulations.
 - (l) 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.
 - (m) Where 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.
 - (n) Application review and licensure decisions shall be governed by rule 0450-01-.07.
 - (o) Personal resumes are not acceptable and will not be reviewed.
- (6) Temporary licensure for Licensed Professional Counselor with Mental Health Service Provider designation (LPC/MHSP).
- (a) An applicant for licensure as an LPC/MHSP may file an application for temporary licensure by submitting the non-refundable application fee required by Rule 0450-01-.06, and an application for licensure with all required documentation, pursuant to procedures outlined in paragraph (4) of this rule, except as follows:
 1. The applicant need not show proof of the post-master's supervisory hours required by 0450-01-.05(4)(k).
 2. The applicant need not show proof of having passed the National Clinical Mental Health Counseling Examination or the Tennessee Jurisprudence Examination.
 3. The applicant must submit information about the proposed supervisor or supervisors, including proof that the supervisor meets the qualifications of 0450-01-.10(1) and a copy of the proposed supervisory agreement or employment contract.
 - (b) No person may be issued more than one (1) temporary license, nor shall a temporary license be valid for more than three (3) years.
 - (c) If an applicant is granted a temporary license, the license shall remain valid until the Board grants or denies the regular license application or until it shall become invalid for any of the following reasons:
 1. Expiration of the three (3) year period.
 2. Failure to continue in supervision during the three year period the license may be valid.

(Rule 0450-01-.05, continued)

3. Change of supervisors without notifying the Board, submitting the credentials of the proposed supervisor, and obtaining the Board's approval.
- (d) When a temporary license holder is notified by the Board that his temporary license is invalid for any reason, the applicant shall return the temporary license to the Board office within ten (10) days. The applicant is expected to cause his supervisor to notify the Board of any reason he is aware of that the license should become invalid. The Board will notify the supervisor when the temporary license becomes invalid.
 - (e) To replace the temporary license with a regular license for LPC/MSHP, the applicant shall:
 1. Notify the Board in writing of intention to seek licensure, using the form provided by the Board.
 2. Present proof of the following:
 - i. Completion of the required Post Master's supervised experience in a clinical setting which meets the requirement of 0450-01-.10; and
 - ii. Passage of the National Clinical Mental Health Counseling Examination and the Tennessee Jurisprudence Examination.
 3. Upon receipt of the materials specified in Parts 1 and 2 the Board shall consider the previously submitted licensure application appropriately supplemented and grant or deny the regular license application, based on satisfactory completion of all requirements for licensure.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-22-102, 63-22-104, 63-22-107, 63-22-110, 63-22-116, 63-22-117, 63-22-120, 63-22-121, and 63-22-150. **Administrative History:** Original rule filed October 9, 1986; effective November 23, 1986. Repeal and new rule filed April 29, 1992; effective June 13, 1992. Amendment filed April 16, 1996; effective June 30, 1996. Amendment filed June 18, 1996; effective September 4, 1996. Amendment filed January 29, 1998; effective April 14, 1998. Amendment filed August 16, 2002; effective October 30, 2002. Amendment filed October 30, 2002; effective January 13, 2003. Amendment filed July 16, 2003; effective September 29, 2003. Amendment filed September 4, 2003; to have become effective November 18, 2003. However, stay of effective date filed by the Board for Professional Counselors, Marital and Family Therapists, and Clinical Pastoral Therapists on November 7, 2003; new effective date January 17, 2004. Amendment filed March 17, 2006; effective May 31, 2006. Amendment filed November 26, 2008; effective February 9, 2009. Amendments filed January 7, 2014; effective April 7, 2014.

0450-01-.06 FEES.

- (1) The fees authorized by statutes are established as follows:
 - (a) Application fee - A nonrefundable 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.
 - (b) Duplicate Certificate or License Fee - A nonrefundable fee to be paid when an individual requests a replacement for a lost or destroyed "artistically designed" license.
 - (c) Endorsement/Verification Fee - A nonrefundable fee paid for each certification, verification, endorsement of an individual's record for any purpose.

(Rule 0450-01-.06, continued)

- (d) Late Renewal Fee - A nonrefundable fee to be paid when an individual fails to timely renew his certificate or license.
- (e) License Fee - A nonrefundable fee to be paid prior to the issuance of the “artistically designed” license.
- (f) Renewal fee - A nonrefundable fee to be paid by all license and certificate holders. This fee also applies to individuals who reactivate a retired or lapsed certificate or license.
- (g) State Regulatory Fee - To be paid by all individuals at the time of application and with each renewal application.
- (h) Temporary License Fee - A refundable fee to be paid by all applicants seeking temporary licensure as a professional counselor.
- (i) Upgrade Review Fee - A nonrefundable fee to be paid by an individual seeking to upgrade from certification to licensure status. It must be paid each time a request for upgrade is filed.
- (2) All fees shall be established by the board. Fees may be reviewed and changed at the discretion of the board.
- (3) All fees must be submitted to the board 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) Certified Professional Counselor | |
| 1. Replacement Certificate | \$ 25.00 |
| 2. Late Renewal | 75.00 |
| 3. Renewal (Biennial) | 115.00 |
| 4. State Regulatory (Biennial) | 10.00 |
| 5. Upgrade Review | 50.00 |
| (b) Certified Associate Counselor | |
| 1. Upgrade Review | \$50.00 |
| (c) Licensed Professional Counselor
(with or without Mental Health Service Provider) | |
| 1. Application | \$200.00 |
| 2. Replacement License | 25.00 |
| 3. Late Renewal | 75.00 |
| 4. Renewal (Biennial) | 115.00 |
| 5. State Regulatory (Biennial) | 10.00 |

(Rule 0450-01-.06, continued)

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|--|---------|
| 6. Temporary License | 150.00 |
| | |
| (d) Mental Health Service Provider Upgrade | |
| 1. Application | \$75.00 |

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-22-102, 63-22-104, 63-22-108, and 63-22-121. **Administrative History:** Original rule filed October 9, 1986; effective November 23, 1986. Repeal and new rule filed April 29, 1992; effective June 13, 1992. Amendment filed April 16, 1996; effective June 30, 1996. Amendment filed January 29, 1998; effective April 14, 1998. Amendment filed July 31, 2000; effective October 14, 2000. Amendment filed August 16, 2002; effective October 30, 2002. Amendment filed July 16, 2003; effective September 29, 2003. Amendment filed March 23, 2007, effective June 6, 2007. Amendment filed September 11, 2015; effective December 10, 2015.

0450-01-.07 APPLICATION REVIEW, APPROVAL, DENIAL, INTERVIEWS.

- (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 0450-01-.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. Initial approval or denial must then be made by at least one member of the board or its designated consultant after review by that person. Any such initial approval or denial must be ratified or reversed by the board.
- (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 a notification of the denial shall be sent by the board's administrative office 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.
- (6) If an applicant believes that a denial was in error, they may request in writing to appear before the Board not less than thirty (30) days before the next regularly scheduled meeting of 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 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 0450-01-.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

(Rule 0450-01-.07, continued)

subsequently be considered for licensure only upon the filing of a new application and payment of all appropriate fees.

- (9) Abandonment of Application - An application shall be deemed abandoned and closed if the application has not been completed by the applicant within six (6) months after it was initially reviewed.
 - (a) The above action must be ratified by the Board.
 - (b) An application submitted subsequent to the abandonment of a prior application shall be treated as a new application.
- (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., reciprocity to examination.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-22-102, 63-22-104, 63-22-107, 63-22-110, 63-22-116, and 63-22-120. **Administrative History:** Original rule filed October 9, 1986; effective November 23, 1986. Repeal and new rule filed April 29, 1992; effective June 13, 1992. Amendment filed January 31, 2000; effective April 15, 2000. Amendment filed July 31, 2000; effective October 14, 2000. Amendment filed July 16, 2003; effective September 29, 2003. Amendment filed September 4, 2003; to have become effective November 18, 2003. However, stay of effective date by the Board for Professional Counselors, Marital and Family Therapists, and Clinical Pastoral Therapists filed on November 7, 2003; new effective date January 17, 2004. Amendment filed October 6, 2004; effective December 20, 2004. Amendment filed October 25, 2012; effective January 23, 2013.

0450-01-.08 EXAMINATIONS. Prior to submitting an application to the Board for consideration for licensure, individuals shall pass the examinations required by this rule.

- (1) The Board adopts as its licensure examination for professional counselors the following examinations or their successor examinations given by the National Board for Certified Counselors (NBCC):
 - (a) The National Counselor Examination; and
 - (b) The Tennessee jurisprudence examination concerning Tennessee's professional counselor statutes and regulations and professional ethics based on the ACA Code of Ethics, which is administered by the NBCC.
 - (c) If applying for licensure as a professional counselor with Mental Health Service Provider designation, the National Clinical Mental Health Counseling Examination.
- (2) Admission to, application for, and fees to sit for the examinations are governed by and must be submitted directly to NBCC.
- (3) The applicant may receive additional information concerning NBCC examinations and NBCC administered examinations by writing to NBCC, 3 Terrace Way, Suite D, Greensboro, NC 27403-3660.
- (4) Passing scores on NBCC examinations and NBCC administered examinations are determined by NBCC. Such passing scores as certified by the Board are adopted by the Board as constituting successful completion of the examinations.
- (5) Certification of passing the examinations must be submitted directly to the Board from NBCC in conjunction with the applicant's filing an application for licensure with this Board. It is the applicant's responsibility to initiate the submission of the exam scores to the Board.

(Rule 0450-01-.08, continued)

- (6) If an applicant neglects, fails, or refuses to take an examination or fails to pass the examination for a license under these rules within twelve (12) months after being deemed eligible to sit by the Board, the application for licensure will be denied. However, such an applicant may thereafter make a new application accompanied by the required fee. The applicant shall meet any requirements in effect at the time of the new application.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-22-102, 63-22-104, and 63-22-107. **Administrative History:** Original rule filed October 9, 1986; effective November 23, 1986. Repeal and new rule filed April 29, 1992; effective June 13, 1992. Amendment filed June 18, 1996; effective September 4, 1996. Amendment filed September 4, 2003; to have become effective November 18, 2003. However, stay of effective date filed by the Board for Professional Counselors, Marital and Family Therapists, and Clinical Pastoral Therapists on November 7, 2003; new effective date January 17, 2004. Amendment filed October 25, 2012; effective January 23, 2013.

0450-01-.09 RENEWAL OF CERTIFICATE OR LICENSE.

(1) Renewal Application

- (a) The due date for certificate and 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 certificates.

(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:

<https://apps.tn.gov/hlrs/>

2. Paper Renewals - For licensees or certificate holders who have not renewed their license or certificate online via the Internet, a renewal application form will be mailed to each licensee and certificate holder 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 certificate or license issued pursuant to these rules is renewable by the expiration date indicated on the certificate or license. To be eligible for renewal, 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 provided in rule 0450-01-.06.

- (d) Licensees or certificate holders who fail to comply with the renewal rules or notification received by them concerning failure to timely renew shall have their licenses or certificates processed pursuant to rule 1200-10-01-.10.

(2) Reinstatement of an Expired Certificate or License

- (a) Certificates or licenses that have expired may be reinstated upon meeting the following conditions:

1. Payment of all past due renewal fees;

(Rule 0450-01-.09, continued)

2. Payment of the late renewal fee provided in Rule 0450-01-.06; and
 3. Submission of evidence of completion of continuing education requirements pursuant to Rule 0450-01-.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 0450-01-.15.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-1-107, 63-22-102, 63-22-108, 63-22-110, and 63-22-111.

Administrative History: Original rule filed October 9, 1986; effective November 23, 1986. Repeal and new rule filed April 29, 1992; effective June 13, 1992. Amendment filed June 18, 1996; effective September 4, 1996. Amendment filed April 30, 2002; effective July 14, 2002.

0450-01-.10 SUPERVISION - POST-MASTERS.

- (1) Professional Counselor's Supervision. A supervisor providing supervision on or after January 31, 2013 must comply with the following requirements:
- (a) Experience – Supervisors must have been licensed at least five (5) years as a Licensed Professional Counselor, Licensed Professional Counselor with Mental Health Service Provider designation, Licensed Marital and Family Therapist, Licensed Clinical Pastoral Therapist, Licensed Psychologist with Health Service Provider designation, Licensed Senior Psychological Examiner, Licensed Psychiatrist, or Licensed Clinical Social Worker.
 - (b) Supervisors for applicants pursuing designation as Mental Health Service Provider shall be currently Licensed Professional Counselors with Mental Health Service Provider designation or equivalent, Licensed Marital and Family Therapists, Licensed Clinical Pastoral Therapists, Licensed Clinical Social Workers, Licensed Psychiatrists, Licensed Senior Psychological Examiners, or Licensed Psychologists with Health Service Provider designation, who have been licensed at least five (5) years and who are in good standing with their respective licensing boards and professional associations. A Licensed Professional Counselor without Mental Health Service Provider designation shall not supervise an applicant working toward the Mental Health Service Provider designation.
 - (c) For the purpose of mental health service provider designation, of the hundred and fifty (150) contact hours of supervision required, seventy-five (75) shall be conducted by a supervisor with Licensed Professional Counselor with Mental Health Service Provider designation.
 - (d) Ethics – Supervisors shall comply with Section F of the current code of ethics adopted by the American Counseling Association, 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 code of ethics or state law or rules may subject a licensee or certificate holder to disciplinary action. Supervisors may also reference the Association for Counselor Education and Supervision (ACES) *Ethical Guidelines for Counseling Supervisors*.
 - (e) Training – Supervisors shall provide documentation of the successful completion of one or more of the following:

(Rule 0450-01-.10, continued)

1. A passing grade at an accredited college or university in an academic course specific to supervision of counselors
 2. Supervision certification by one, or more, of the following professional associations:
 - (i) AAMFT – Approved Supervisor;
 - (ii) AAPC – Approved Supervisor;
 - (iii) NBCC – Approved Clinical Supervisor; or
 - (iv) Any other organization designated by the Board to provide supervisor qualification verification
 3. Documentation of twelve (12) contact hours related to counseling supervision and other related supervision topics. Contact hours must be provided by an approved professional association or approved by a counseling related credentialing organization (e.g., NBCC).
- (f) Continuing Education Units – Three (3) clock hours of the ten (10) clock hour requirement shall, every two (2) years, pertain to counseling supervision or related supervision topics.
- (2) All supervisors providing supervision starting before January 31, 2013 for LPC or LPC/MHSP candidates will be approved to continue providing supervision to those individuals according to the requirements of the former Rule 0450-01-.10. Supervisors providing supervision starting on or after January 31, 2013 must comply with the above requirements. All supervisors shall comply with subparagraphs (1)(d) and (1)(f) regardless of the date they start providing supervision.
 - (3) Approved supervisors - The applicant shall be responsible for submitting evidence at the time the application is submitted that the supervisor meets the rules of the board for eligibility.
 - (4) Conflict of Interest Supervision - Supervision provided by the applicant's parent, spouse, former spouse, siblings, children, cousins, in-laws, (present or former), aunts, uncles, grandparents, grandchildren, step-children, employees, or anyone sharing the same household shall not be acceptable toward fulfillment of licensure requirements. For the purposes of this rule, a supervisor shall not be considered an employee of the applicant, if the only compensation received by the supervisor consists of payment for actual supervisory hours.
 - (5) Upon completion of the post-masters supervision requirement, pursuant to 0450-01-.04, the applicant must continue in supervision until a receipt of a license to practice as a Professional Counselor. Such post-supervision may be less intense and/or less frequent than the post-masters supervision experience, depending on the supervisor's judgment.
 - (6) For the purpose of mental health service provider designation pursuant to T.C.A. § 63-22-150, one hundred and fifty (150) contact hours of supervision, of which no more than fifty (50) hours may be in a group setting, is required for licensure as a professional counselor with mental health service provider designation.
 - (a) The post-masters supervised experience must consist of a minimum of three thousand (3000) hours of direct clinical experience which is completed under supervision and which is completed no sooner than two (2) years nor more than four (4) years following the beginning of supervised clinical practice.

(Rule 0450-01-.10, continued)

1. One thousand and five hundred (1500) of the three thousand (3000) hours of supervised post-masters professional experience shall be face-to-face client contact hours.
 2. One thousand and five hundred (1500) of the three thousand (3000) hours of supervised post-masters professional experience shall be clinically-related activities.
- (b) The ratio of supervision time to direct client contact should be sufficient to ensure adequate learning. The minimum requirements are one hour per week of direct, individual, formal contact with a qualified individual who is responsible for the clinical education, development and guidance of the supervisee. Excluded are classwork, practicum experience, or other course-related experiences taken in pursuit of the required 60 semester hour master's degree.
- (c) The supervision must be for the direct provision of mental health services by the applicant to individuals or groups of clients. An applicant's own personal growth experience, i.e., personal therapy or encounter-type groups, is not acceptable. Supervision of others is not acceptable.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-22-102 63-22-104, 63-22-107, 63-22-117, 63-22-120, and Public Chapter 318, Acts of 1995. **Administrative History:** Original rule filed April 29, 1992; effective June 13, 1992. Amendment filed June 10, 1994; effective October 28, 1994. Amendment filed October 18, 1995; effective January 1, 1996. Amendment filed April 16, 1996; effective June 30, 1996. Amendment filed August 16, 2002; effective October 30, 2002. Amendment filed October 30, 2002; effective January 13, 2003. Amendment filed July 21, 2004; effective October 4, 2004. Amendment filed November 26, 2008; effective February 9, 2009. Amendment filed October 25, 2012; effective January 23, 2013.

0450-01-.11 RETIREMENT AND REACTIVATION OF CERTIFICATE OR LICENSE.

- (1) Once a certified professional counselor or associate counselor obtains the status of licensed professional counselor, his certification will be automatically administratively retired by the board office.
- (2) A person who holds a current certificate or license and does not plan to practice in Tennessee and who does not intend to use the title "certified professional counselor" or "licensed professional counselor" may apply to convert an active certificate or license to inactive ("retired") status. An individual who holds a retired certificate or license will not be required to pay the renewal fee.
- (3) A person who holds an active certificate or license may apply for retired status in the following manner:
 - (a) Obtain from, complete and submit to the board's administrative office an affidavit of retirement form.
 - (b) Submit any documentation which may be required to the board's administrative office.
- (4) Certification or licensure holders whose certificate or license has been retired may reenter active status by doing the following:
 - (a) Submit a written request to the board's administrative office for certification or licensure reactivation;

(Rule 0450-01-.11, continued)

- (b) Pay the licensure or certificate renewal fee and state regulatory fee as provided in rule 0450-01-.06 and if retirement was pursuant to rule 0450-01-.09, and reactivation was requested prior to the expiration of one year from the date of retirement, the board may require payment of the late renewal fee, past due renewal fees, and state regulatory fees as provided in rule 0450-01-.06; and
 - (c) Comply with the continuing education provisions of rule 0450-01-.12 applicable to reactivation of retired license or certificate.
- (5) Certification or licensure reactivation applications shall be treated as certification or licensure applications and review and decisions shall be governed by rule 0450-01-.05.

Authority: T.C.A. §§ 4-5-202 and 63-22-108. **Administrative History:** Original rule filed April 29, 1992; effective June 13, 1992.

0450-01-.12 CONTINUING EDUCATION.

- (1) Basic Requirements.
 - (a) Each person registered with the Board is required to complete twenty (20) clock hours of continuing education every two (2) calendar years.
 - (b) 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 complete thirty (30) clock hours of continuing education every two (2) calendar years. A person who holds three certificates and/or licenses shall complete forty (40) clock hours of continuing education every two (2) calendar years. In each case, at least ten (10) clock hours shall be directly related to the practice of each profession for which the person is licensed or certified.
 - (c) Ethics and Jurisprudence Course Requirement:
 - 1. Three (3) clock hours of the twenty (20) clock hour biennial requirement shall, 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 0450-01.
 - 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 thirty (30) clock hour biennial requirement pertain to ethics and jurisprudence.
 - 3. Those persons who hold three (3) certificates and/or licenses shall have three (3) clock hours of the forty (40) clock hour biennial requirement pertain to ethics and jurisprudence.
 - (d) Suicide Prevention Training required under the "Kenneth and Madge Tullis, MD, Suicide Prevention Training Act."
 - 1. Current Licensees – Beginning January 1, 2020, all persons who hold an active license or registration under this part must complete a Board approved training

(Rule 0450-01-.12, continued)

- program of not less than two (2) hours relative to suicide prevention at least once every five (5) years.
2. New Licensees – An applicant applying for initial licensure on or after January 1, 2020 is not required to complete a training program on suicide prevention for two (2) years after the date of initial licensure if the applicant can demonstrate successful completion of a two (2) hour academic training program that meets criteria established by the Board and that was completed no more than two (2) years prior to the application for initial licensure.
 3. Hours Earned – The continuing education hours earned through the training program under Part 1 and Part 2 of this subparagraph count toward meeting the continuing education requirements listed in subparagraph (1)(a) of this rule.
- (e) Those persons supervising applicants for licensure under the provisions of 0450-01-.10 shall have three (3) clock hours of the twenty (20) clock hour biennial requirement pertain to counseling supervision or related supervision topics.
 - (f) A person is not required to complete continuing education for a profession in the calendar year that his or 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
 10. Distance learning

(Rule 0450-01-.12, continued)

- (b) A maximum of ten (10) clock hours may be received for multi-media courses during the two (2) calendar year period. Those persons who hold two (2) certificates and/or licenses regulated by the Tennessee Board for Professional Counselors, Martial and Family Therapists and Clinical Pastoral Therapists may receive a maximum of fifteen (15) clock hours for multi-media courses during the two (2) calendar year period. Those persons who hold three (3) certificates and/or licenses may receive a maximum of twenty (20) clock hours for multi-media courses during the two (2) calendar year period
- (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 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, cancelled 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 certification 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 counseling shall be considered approved if provided or sanctioned by the following entities:
 - (i) American Association for Marriage and Family Therapy;
 - (ii) American Association of Pastoral Counselors;

(Rule 0450-01-.12, continued)

- (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 professional counseling 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 counselors 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
 - (II) The course provider is exempt from needing prior approval as provided in part (5)(a)1.

(Rule 0450-01-.12, continued)

- (iii) Notwithstanding the provisions of subparagraph (3)(a), out-of-state continuing education providers may seek course approval if they are a professional counseling 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 or certificate holder 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 or certificate holder 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 Certificate or License
 - (a) Reactivation of retired certificate or license
 - 1. An individual whose certificate or licensure 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 can not be counted during the next certification or licensure renewal period.
 - 2. Any individual requesting reactivation of a certificate or license which has been retired must submit, along with the reactivation request, verification which indicates the attendance and completion of 10 hours of continuing education which must have been begun and successfully completed within 12 months immediately preceding the date of requested reinstatement. The continuing education hours completed to reinstate a retired certificate or license shall not be

(Rule 0450-01-.12, continued)

credited toward the continuing education hours required to be completed by the end of the calendar year following reinstatement.

3. The board, upon receipt of a written request and explanation, may waive or condition any or all of the continuing education for reactivation of a retired certificate or license in emergency situations.
- (b) Reactivation of revoked licensure or certification - No person whose license or certificate 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 licenses and certificate holders 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 or certificate which has been revoked for noncompliance with the continuing education requirement shall also be subject to the late renewal fee pursuant to rule 0450-01-.06.
 - (c) Reactivation of expired licensure - No person whose license or certificate 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 or certificate 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 or certificate 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 or certificate holder who falsely certifies attendance and completion of the required hours of continuing education requirements, or who does not or can not

(Rule 0450-01-.12, continued)

adequately substantiate completed continuing education hours with the required documentation, may be subject to disciplinary action.

- (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 or certificate holder has thirty (30) days from the date of notification to show compliance with all lawful requirements for the retention of the license or certificate.
- (d) Any licensee or certificate holder 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, 63-1-125, 63-22-102, 63-22-108, and 63-22-121. **Administrative History:** Original rule filed April 29, 1992; effective June 13, 1992. Amendment filed June 18, 1996; effective September 4, 1996. 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. Amendments filed January 7, 2014; effective April 7, 2014. Amendments filed May 14, 2019; effective August 12, 2019.

0450-01-.13 PROFESSIONAL ETHICS. All licensees and certificate holders shall comply with the 2014 American Counseling Association Code of Ethics, 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 code of ethics or state law or rules may subject a licensee or certificate holder to disciplinary action.

- (1) The certified professional counselor and licensed professional counselor and anyone under his supervision shall conduct their professional practice in conformity with the legal, ethical and professional standards promulgated by the Board under its current statutes and rules and regulations.
- (2) Each applicant and certificate holder or licensee is responsible for being familiar with and following this code of ethics.
- (3) A copy of the code of ethics may be obtained by writing the Board Administrator, 665 Mainstream Drive, 2nd Floor, Nashville, Tennessee 37243, or by visiting <https://www.tn.gov/health/health-program-areas/health-professional-boards/pcmft-board/pcmft-board/statutes-and-rules.html>.
- (4) In the event an applicant, certificate holder, licensee, or other individual has a question regarding legal, ethical, and professional standards neither the Board nor its administrative personnel shall consider such questions unless presented with a proper petition for a declaratory order, subject to the requirements set forth in T.C.A. § 4-5-223.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 4-5-210, 4-5-223, 63-22-102, 63-22-110, and 63-22-150. **Administrative History:** Original rule filed April 29, 1992; effective June 13, 1992. Amendment filed

(Rule 0450-01-.13, continued)

August 16, 2002; effective October 30, 2002. Amendment filed July 30, 2003; effective October 13, 2003. Amendments filed May 14, 2019; effective August 12, 2019.

0450-01-.14 EVIDENCE OF PROFESSIONAL EXPERIENCE.

- (1) Pursuant to rule 0450-01-.04, applicants seeking to be licensed shall submit written evidence of having been actively engaged in the practice of professional counseling (the term “written evidence” shall include, but not be limited to, original, on official letterhead, verification from supervisors or other professional colleagues familiar with the applicant’s work). The verifications must specify number of actual client-therapist hours per week, methodology utilized, type of clients and problems.
- (2) “Actively engaged” shall be defined as:
 - (a) Teaching, supervision, and/or research in counseling for a minimum of 10 clock hours per week; or
 - (b) Having been engaged in the practice of professional counseling for 10 or more client contact hours per week; or
 - (c) A combination of teaching, supervision, research and practice equal to a minimum of 10 clock hours per week.

Authority: T.C.A. §§ 4-5-202 and 63-22-113. **Administrative History:** Original rule filed April 29, 1992; effective June 13, 1992.

0450-01-.15 DISCIPLINARY ACTIONS AND CIVIL PENALTIES.

- (1) Upon a finding by the Board that an associate counselor or professional counselor has violated any provision of the T.C.A. §§ 63-22-101, 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 professional counselor 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 professional counselor for one time and less severe violations. It is a formal disciplinary action.
 - (c) Probation - This is a formal disciplinary action which places a professional counselor on close scrutiny for a fixed period of time. This action may be combined with conditions which must be met before probation will be lifted and/or which restrict the individual’s activities during the probationary period.
 - (d) Certification or 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 certification/licensure previously issued.
 - (e) Certification or Licensure Revocation - This is the most severe form of disciplinary action which removes an individual from the practice of the profession and terminates the certification or licensure previously issued. If revoked, it relegates the violator to the status he possessed prior to application for certification/licensure. However, the board may in its discretion allow the reinstatement of a revoked certificate or license upon conditions and after a period of time it deems appropriate. No petition for reinstatement

(Rule 0450-01-.15, continued)

and no new application for certification or licensure from a person whose certificate/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 licensee or certificate holder 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 or uncertified 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 or certificate 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

(Rule 0450-01-.15, continued)

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 or certificate 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.

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 or uncertified 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

(Rule 0450-01-.15, continued)

- (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.

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.
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 1200-10-01-.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: _____

(Rule 0450-01-.15, continued)

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__.

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 or certified 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 patient or the public. For purposes of this section, a type A penalty shall include, but not be limited to, a person who willfully and knowingly is or was practicing as a professional counselor without a certificate or license from the board.
2. A Type B civil penalty may be imposed whenever the board finds the person required to be certified or licensed by the board is guilty of a violation of the Professional Counselors and Marital and Family Therapists Practice Act or regulations pursuant thereto in such manner as to impact directly on the care of patients or the public.
3. A Type C civil penalty may be imposed whenever the board finds the person required to be certified or licensed by the board is guilty of a violation of the Professional Counselors and Martial and Family Therapists Practice 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.

(Rule 0450-01-.15, continued)

- (c) Amount of Civil Penalties.
 - 1. Type A civil penalties shall be assessed in the amount of not less than \$500 nor more than \$1,000.
 - 2. Type B civil penalties may be assessed in the amount of not less than \$100 and not more than \$500.
 - 3. Type C civil penalties may 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.
 - 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 Title 4, Chapter 5, T.C.A.
- (5) Informal Settlements - The board consultant is authorized to enter into informal settlement agreements pursuant to rule 0450-01-.19(7) under which a complaint against an individual may be closed without any disciplinary action. Such agreements 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.

(Rule 0450-01-.15, continued)

- (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 1360-04-01-.18 regarding petitions for reconsiderations and stays in that case.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-22-102, 63-22-110, and 63-22-111. **Administrative History:** Original rule filed April 29, 1992; effective June 13, 1992. Amendment filed August 25, 2004; effective November 8, 2004. Amendment filed March 23, 2007; effective June 6, 2007. Amendment filed November 26, 2008; effective February 9, 2009.

0450-01-.16 DUPLICATE CERTIFICATE OR LICENSE. A license or certificate holder whose “artistically designed” certificate or 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 0450-01-.06.

Authority: T.C.A. §§ 4-5-202 and 63-1-106. **Administrative History:** Original rule filed April 29, 1992; effective June 13, 1992.

0450-01-.17 CHANGE OF ADDRESS AND/OR NAME.

- (1) Change of Address - Each person holding a certificate or 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 30 days after such change has occurred and must reference the individual’s name, profession, and certificate or license number.
- (2) Change of Name - Individuals registered with the board shall notify the board in writing within 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 certificate or license number.

Authority: T.C.A. §§ 4-5-202, 63-1-106, and 63-1-108. **Administrative History:** Original rule filed April 29, 1992; effective June 13, 1992.

0450-01-.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 the 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 in a timely manner.
- (4) The individual requesting the records shall be responsible for payment of a reasonable fee to the provider for copying and mailing of the records.

Authority: T.C.A. §§ 4-5-202, 63-2-101 and 63-2-102. **Administrative History:** Original rule filed April 29, 1992; effective June 13, 1992.

0450-01-.19 BOARD MEETINGS, OFFICERS, CONSULTANTS, RECORDS, DECLARATORY ORDERS, AND SCREENING PANELS.

- (1) Description of Organization

(Rule 0450-01-.19, continued)

- (a) The Board of Professional Counselors and Marital and Family Therapists is composed by law of five members appointed by the governor to staggered terms of five years.
 - (b) The composition of the board shall include two licensed or certified professional counselors, two licensed or certified marital and family therapists, and one citizen
 - (c) Appointments are made from lists of qualified candidates submitted to the governor.
- (2) Purpose of Board - The board is charged by law with the responsibility of regulating the practice of professional counseling and marital and family therapy.
- (3) Board Meetings.
- (a) The time, place, and frequency of board meetings shall be at the discretion of the board except at least one meeting shall be held annually.
 - (b) Special meetings are called at the discretion of the President or at the request of two members of the board.
 - (c) Three members of the board shall at all times constitute a quorum.
 - (d) All meetings of the board shall be open to the public.
- (4) 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.
- (5) Responsibilities of the board include, but are not limited to:
- (a) Adopt and revise rules and regulations as may be necessary to carry out its powers and duties;
 - (b) Adopt and/or administer examinations;
 - (c) Examine for, deny, withhold, or approve the license of an applicant and renew licenses or certificates;
 - (d) Establish continuing education requirements;
 - (e) Appoint designee to assist in the performance of its duties, i.e., oral examination committee; and
 - (f) Conduct hearings.
- (6) Board Conflict of Interest - Any board member having an immediate personal, private, or financial interest in any matter pending before the board shall disclose the fact in writing, and shall not vote upon such matter.
- (7) The board has the authority to select a board consultant who shall serve as a consultant to the Division and who is vested with the authority to do the following acts:

(Rule 0450-01-.19, continued)

- (a) Recommend whether and under what type disciplinary actions should be instituted as the result of complaints received or investigations conducted by the Division.
 - (b) Recommend whether and 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.
 - (c) Undertake any other matter authorized by a majority vote.
- (8) Records and Complaints
- (a) All requests, applications, notices, other communications and correspondence shall be directed to the board's administrative office. Any requests or inquiries requiring a board decision or official board action, except documents relating to disciplinary actions or hearing requests, must be received 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 licensed or certified practitioner become public information only upon the filing of a notice of charges by the Department of Health.
 - (e) All complaints should be directed to the Investigations Section of Health Related Boards.
- (9) Declaratory Orders - The Board adopts, as if fully set out herein, rule 1200-10-01-.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.
- (10) Screening Panels - The Board adopts, as if fully set out herein, rule 1200-10-01-.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 April 29, 1992; effective June 13, 1992. Amendment filed August 13, 1999; effective October 27, 1999. Amendment filed April 17, 2007; effective July 1, 2007.

0450-01-.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:

(Rule 0450-01-.20, continued)

- (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.
 - 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.

0450-01-.21 ADVERTISING.

- (1) Policy Statement. The lack of sophistication on the part of many of the public concerning professional counseling services, the importance of the interests affected by the choice of a professional counselor and the foreseeable consequences of unrestricted advertising by professional counselors which is recognized to pose special possibilities for deception, require that special care be taken by professional counselors to avoid misleading the public. The professional counselor must be mindful that the benefits of advertising depend upon its reliability and accuracy. Since advertising by professional counselors 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 - See Rule 0450-01-.01(2).
 - (b) Certificate Holder - Any person holding a certificate to practice as a Certified Professional Counselor. Where applicable this shall include partnerships and/or corporations.
 - (c) Licensee - Any person holding a license to practice as a Licensed Professional Counselor. Where applicable this shall include partnerships and/or corporations.
 - (d) 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 or certificate holder shall constitute unethical conduct, and subject the licensee or certificate holder to disciplinary action pursuant to T.C.A. § 63-22-110:

(Rule 0450-01-.21, continued)

- (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 or certificate holder is better than another when superiority of services, personnel, materials or equipment cannot be substantiated.
- (b) The misleading use of an unearned degree.
- (c) Promotion of professional services which the licensee or certificate holder knows or should know are beyond the licensee's or certificate holder'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 or certificate holder 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 or certificate holder 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 and certificate holders in any advertisement. Any corporation, partnership or association which advertises by use of a trade name or otherwise fails to list all licensees and certificate holders practicing at a particular location shall:
 - 1. Upon request provide a list of all licensees and certificate holders practicing at that location; and
 - 2. Maintain and conspicuously display a directory listing all licensees and certificate holders 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 or certificate holder's departure, the use of the name of any licensee or certificate holder 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

(Rule 0450-01-.21, continued)

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 or certificate holder 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.
- (4) Advertising Records and Responsibility
- (a) Each licensee or certificate holder 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 or certified 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 or certificate holder 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 or certificate holder 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 or certificate holder 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 or certificate holders 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 or certificate holders learn of deceptive statements about their work made by others, licensees or certificate holders must make reasonable efforts to correct such statements.
 - (c) Licensees or certificate holders 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 or certificate holders' 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

(Rule 0450-01-.21, continued)

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, 63-22-110, 63-22-117, and 63-22-150. **Administrative History:** Original rule filed April 18, 2007; effective July 1, 2007.