

Notice of Rulemaking Hearing

Board for Professional Counselors, Marital and Family Therapists, and Clinical Pastoral Therapists

There will be a hearing before the Tennessee Board for Professional Counselors, Marital and Family Therapists, and Clinical Pastoral Therapists to consider the promulgation of amendments to rules pursuant to T.C.A. §§ 4-5-202, 4-5-204, and 63-22-102. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Department of Health Conference Center's Mockingbird Room on the First Floor of the Heritage Place Building located at 227 French Landing, Nashville, TN at 2:30 p.m. (CDT) on the 25th day of July, 2007.

Any individuals with disabilities who wish to participate in these proceedings (review these filings) should contact the Department of Health, Division of Health Related Boards to discuss any auxiliary aids or services needed to facilitate such participation or review. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date such party intends to review such filings), to allow time for the Division to determine how it may reasonably provide such aid or service. Initial contact may be made with the ADA Coordinator at the Division of Health Related Boards, Third Floor, Heritage Place Building, 227 French Landing, Nashville, TN 37243-1010, (615) 532-4397.

For a copy of the entire text of this notice of rulemaking hearing contact: Jerry Kosten, Regulations Manager, Division of Health Related Boards, Third Floor, Heritage Place Building, 227 French Landing, Nashville, TN 37243-1010, (615) 532-4397.

Substance of Proposed Rules

Amendments

Chapter 0450-001

General Rules Governing Professional Counselors

Rule 0450-01-.01, Definitions, is amended by inserting the following language as new paragraph (10) and renumbering the existing paragraphs accordingly, and is further amended by deleting newly renumbered paragraph (11) in its entirety and substituting instead the following language, so that as amended, the new paragraph (10) and the newly renumbered paragraph (11) shall read:

- (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 setting that applies the principles, methods, and therapeutic techniques practiced by professional counselors including diagnosis, appraisal, assessment, treatment and treatment planning of a broad spectrum of client problems including, but not limited to, developmental, mental, emotional, family, and DSM disorders. A clinical setting is that which ensures adequate supervision by no fewer than two (2) licensed mental health professionals, as listed in Rule 0450-01-.05 (5) (b) 1, and shall provide adequate supervision and training experiences with the physical resources necessary to allow for supervision and appropriate service delivery. A clinical setting shall include, but not be limited to, mental health or community agency settings pursuant to T.C.A. §§ 63-22-104 (3) (B). Clinical settings which are exclusively in a private practice and/or clinical settings which focus exclusively on only one (1) aspect of professional counseling (i.e. counseling of children) are not acceptable for meeting the supervision requirements of Rule 0450-01-.10.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-22-102, 63-22-104, and 63-22-120.

Rule 0450-01-.03, Necessity of Licensure or Certification, is amended by adding the following language as paragraph (6) and renumbering the present paragraph (6) as paragraph (7):

(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).

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.

Rule 0450-01-.04, Qualifications for Licensure, is amended by subparagraph (1) (d) and part (4) (a) 4. in their entirety and substituting instead the following language, so that as amended, the new subparagraph (1) (d) and the new part (4) (a) 4. shall read:

- (1) (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).
- (4) (a) 4. 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 (5).
 - (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;

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-22-102, 63-22-104, and 63-22-120.

Rule 0450-01-.05, Procedures for Licensure, is amended by subparagraph (1) (k) and part (2) (e) 3. in their entirety and substituting instead the following language, so that as amended, the new subparagraph (1) (k) shall read:

- (1) (k) An applicant shall submit evidence of a minimum of two (2) years supervised post-master's experience under the direction of an approved supervisor, pursuant to rule 0450-01-.10.
- (2) (e) 3. Providing verification to the Board's satisfaction, that he has had five (5) years professional experience as a certified professional counselor.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-22-102, and 63-22-104.

Rule 0450-01-.10, Supervision – Post Masters, is amended by deleting paragraph (5) but not its subparagraphs and substituting instead the following language, and is further amended by deleting subparagraph (5) (a) in its entirety and substituting instead the following language, so that as amended, the new paragraph (5) but not its subparagraphs and the new subparagraph (5) (a) shall read:

- (5) 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.
- (5) (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. A clinical setting for the post-masters supervised experience which is exclusively in a private practice and/or which focuses exclusively on only one (1) aspect of professional counseling (i.e. counseling of children) is not acceptable for meeting the requirements of this rule.
 - 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.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-22-102, 63-22-104, and 63-22-120.

Rule 0450-01-.12, Continuing Education, is amended by inserting the following language as new paragraph (7) and renumbering the existing paragraph (7) as paragraph (8):

- (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.

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

Rule 0450-01-.15, Disciplinary Actions and Civil Penalties, is amended by deleting subparagraph (1) (f) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (1) (f) shall read:

(1) (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.

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

Chapter 0450-02 General Rules Governing Marital and Family Therapists

Rule 0450-02-.03, Necessity of Licensure or Certification, is amended by adding the following language as paragraph (6):

(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 Marital and Family Therapist" and to practice marital and family therapy, as defined in Rule 0450-02-.01.
- (b) Any person who possesses a valid, unsuspended and unrevoked license issued by the Board has the right to use the title "Licensed Marital and Family Therapist" and to practice marital and family therapy, as defined in T.C.A. § 63-22-115.
- (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 0450-02-.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 marital and family therapist to disciplinary action pursuant to T.C.A. §§ 63-22-110 (b) (4) and 63-22-115 (b).

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-1-145, 63-1-146, 63-22-102, 63-22-110, and 63-22-115.

Rule 0450-02-.12, Continuing Education, is amended by inserting the following language as new paragraph (7) and renumbering the existing paragraph (7) as paragraph (8):

(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.

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

Rule 0450-02-.15, Disciplinary Actions and Civil Penalties, is amended by deleting subparagraph (1) (f) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (1) (f) shall read:

- (1) (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.

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

Rule 0450-03-.03, Necessity of Licensure, is amended by adding the following language as paragraph (4):

(4) Use of Titles

- (a) Any person who possesses a valid, unsuspended and unrevoked license issued by the Board has the right to use the title "Licensed Clinical Pastoral Therapists" and to practice clinical pastoral therapy, as defined in T.C.A. § 63-22-201.
- (b) Violation of this rule or T.C.A. §§ 63-22-201 regarding use of titles shall constitute unprofessional and/or unethical conduct and subject the licensee to disciplinary action.
- (c) Any person licensed by the Board to whom this rule applies must use the title authorized by this rule whenever he or she is "advertising" [as that term is defined in rule 0450-03-.21 (1)] or the failure to do so will constitute an omission of a material fact which makes the advertisement misleading and deceptive and subjects the clinical pastoral therapist to disciplinary action pursuant to T.C.A. §§ 63-22-110 (b) (4), 63-22-115 (b), and 63-22-117 (a) (1).

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-1-145, 63-1-146, 63-22-102, 63-22-110, 63-22-115, 63-22-117, 63-22-119, 63-22-201, and 63-22-202.

0450-03
General Rules Governing Clinical Pastoral Therapists

Rule 0450-03-.12, Continuing Education, is amended by inserting the following language as new paragraph (7) and renumbering the existing paragraph (7) as paragraph (8):

(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.

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

Rule 0450-03-.15, Disciplinary Actions and Civil Penalties, is amended by deleting subparagraph (1) (f) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (1) (f) shall read:

(1) (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.

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

The notice of rulemaking set out herein was properly filed in the Department of State on the 18th day of May, 2007. (FS 05-13-07, DBID's 634, 635, and 636)