

Agency Name: Board of Examiners for Licensure of Professional Counselors, Marital and Family Therapists - Labor, Licensing and Regulation

Statutory Authority: 40-75-60

Document Number: 4795

Proposed in State Register Volume and Issue: 41/10

House Committee: Regulations and Administrative Procedures Committee

Senate Committee: Labor, Commerce and Industry Committee

120 Day Review Expiration Date for Automatic Approval: 05/09/2018

Final in State Register Volume and Issue: 42/5

Status: Final

Subject: Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists and Psycho-Educational Specialists

History: 4795

<u>By</u>	<u>Date</u>	<u>Action Description</u>	<u>Jt. Res. No.</u>	<u>Expiration Date</u>
-	10/27/2017	Proposed Reg Published in SR		
-	01/09/2018	Received by Lt. Gov & Speaker		05/09/2018
H	01/09/2018	Referred to Committee		
S	01/09/2018	Referred to Committee		
H	04/19/2018	Resolution Introduced to Approve	5281	
-	05/09/2018	Approved by: Expiration Date		
-	05/25/2018	Effective Date unless otherwise provided for in the Regulation		

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF EXAMINERS FOR LICENSURE OF PROFESSIONAL COUNSELORS,
MARRIAGE AND FAMILY THERAPISTS AND PSYCHO-EDUCATIONAL SPECIALISTS
CHAPTER 36**

Statutory Authority: 1976 Code Section 40-75-60

36-01 through 36-23. Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists and Psycho-Educational Specialists.

Synopsis:

The South Carolina Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, and Psycho-Educational Specialists proposes to amend its regulations to revise and update licensing requirements, decrease the number of intern practicum hours, revise the allocation of supervised clinical experience hours, allow a portion of the required supervision to be obtained online, and revise the continuing education requirements.

A Notice of Drafting was published in the *State Register* on July 28, 2017.

Instructions:

Replace regulation as shown below. All other items and sections remain unchanged.

Text:

ARTICLE 1

DEFINITIONS

36-01. Definitions.

Definitions found in Section 40-75-20 apply to this chapter.

(1) "Supervision" means direct contact between a supervisor and an intern or other person requiring supervision under this chapter. Seventy-five (75%) percent of the supervision must be face-to-face, and the remaining twenty-five (25%) percent may be conducted via a HIPAA-compliant technological medium. During this time, the person supervised apprises the supervisor of the diagnosis and treatment of each client seen during the supervisory process. The supervisor provides the supervised person with oversight and guidance in diagnosing, treating, and dealing with clients, and the supervisor evaluates the supervised person's performance. The focus of a supervision session is on raw data from clinical work which is made directly available to the supervisor through such means as written clinical materials, direct (live) observation, co-therapy, audio and video recordings, and live supervision. Supervision is a process clearly distinguishable from personal psychotherapy and is contrasted in order to serve professional goals. The major focus in supervision of supervisors is on the development of supervisory abilities as opposed to an exclusive focus on clinical skills.

(2) "Group supervision" means a regularly scheduled meeting of not more than six (6) supervisees, and an approved supervisor, for a minimum of two (2) hours.

(3) "Individual/triadic supervision" means a meeting of one (1) or two (2) supervisees with a supervisor for a period of at least a one (1) hour session.

(4) "Intern licensure" means an authorization to engage in a distinctly defined, post-degree, supervised experience intended to enable and to refine and enhance basic skills, develop more advanced therapy skills,

and integrate professional knowledge and skills appropriate to the individual's initial professional placement. Intern licensure status provides an opportunity, under supervision, for the individual to perform all the activities that a regularly employed staff member in the setting would be expected to perform.

(5) "Continuing education" means an organized educational program designed to expand a licensee's knowledge base beyond the basic entry level educational requirements for professional counselors, marriage and family therapists, and psycho-educational specialists.

(6) "Contact hour" means a minimum of fifty (50) minutes of instruction.

(7) "Impairment" means impairment of mental and/or physical ability to practice according to acceptable and prevailing standards of care including, but not limited to, habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice. Impairment includes inability to practice in accordance with such standards, and treatment, monitoring, and supervision.

(8) "Relapse" means any use of alcohol or of a drug or substance that may impair ability to practice during or after any approved treatment program, except pursuant to the directions of a treating physician who has knowledge of the patient's history and the disease of addiction, or pursuant to the direction of a physician in a medical emergency.

(9) "Approved treatment provider" means a treatment provider approved by the Board.

(10) "Sobriety" means abstinence from alcohol, and from drugs or substances that may impair ability to practice, except pursuant to the directions of a treating physician who has knowledge of the patient's history and the disease of addiction, or pursuant to the direction of a physician in a medical emergency.

(11) "Qualified licensed mental health practitioner" means a person licensed as a Professional Counselor Supervisor, Marriage and Family Therapy Supervisor, Psychologist, or Medical Doctor, and approved by the Board, who possesses the knowledge and expertise necessary to provide a supervised person with guidance and direction, in a structured program, to gain knowledge and skills associated with the diagnosis and treatment of serious problems as categorized in standard diagnostic nomenclature.

(12) "DSM" means the current edition of the Diagnostic and Statistical Manual of Mental Disorders.

(13) "Serious Problems" are those disorders as categorized in standard diagnostic nomenclature such as the DSM with the exception of codes assigned to normal lifecycle transitional conflicts.

(14) "Specific training to diagnose, assess and treat serious problems" – Any Licensed Professional Counselor-Intern, Licensed Professional Counselor, or Licensed Marriage and Family Therapist-Intern, Licensed Marriage and Family Therapist, or Psycho-Educational Specialist, who has met the applicable licensing provisions for Licensed Professional Counselor-Intern and/or Licensed Professional Counselor, or for Licensed Marriage and Family Therapist-Intern and/or Licensed Marriage and Family Therapist, or Psycho-Educational Specialist set forth in Sections 36-04 and 36-05, and Section 36-07 and 36-08, respectively, is deemed to have the requisite training to diagnose, assess and treat serious problems. If a client presents with a problem which is beyond the licensee's training and competence, the licensee must refer the problem to a licensed professional who has been specifically trained to diagnose, assess and treat the presenting problem.

ARTICLE 2

OFFICERS OF BOARD; MEETINGS

36-02. Officers of Board.

At the first meeting of each calendar year, the Board shall elect from among its professional members a president, vice-president, and other officers as the Board determines necessary.

36-03. Meetings.

(1) The Board shall meet at least two (2) times a year and at other times upon the call of the president or a majority of the Board members.

(2) A majority of the members of the Board constitutes a quorum; however, if there is a vacancy on the Board, a majority of the members serving constitutes a quorum.

(3) Board members are required to attend meetings or to provide proper notice and justification of inability to attend. Unexcused absences from meetings may result in removal from the Board as provided in Section 1-3-240. Affirmative action by the Board is required to approve an excused absence, and the status of an absence as excused or unexcused is entirely within the Board's discretion.

ARTICLE 3

LICENSING PROVISIONS

36-04. Licensing Provisions for Professional Counselor Interns.

An applicant for initial licensure as a professional counselor intern must:

- (1) submit an application on forms approved by the Board, along with the required fee; and
- (2) show evidence of completion from a counseling program accredited by the Council for Accreditation of Counseling and Related Educational Programs (CACREP) at the time of graduation; or
- (3) submit evidence of successful completion of a graduate degree with a minimum of forty-eight (48) graduate semester hours primarily in counseling or related discipline from a college or university accredited by the Commission on the Colleges of the Southern Association of Colleges and Schools, one of its transferring regional associations, the Association of Theological Schools in the United States and Canada, or a regionally-accredited institution of higher learning subsequent to receiving the graduate degree, along with evidence of an earned master's degree, specialist's degree or doctoral degree. On one's graduate transcript the applicant must demonstrate successful completion of one (1) three-hour graduate level course in each of the following areas:

(a) Human growth and development: coursework content providing an understanding of the nature and needs of individuals at all developmental levels, normal and abnormal human behavior, personality theory, and learning theory (all) within cultural contexts; and

(b) Social and cultural foundations: coursework content providing an understanding of societal changes and trends, human roles, societal subgroups, social mores and interaction patterns, and differing lifestyles; and

(c) Helping relationships: coursework content providing an understanding of philosophic bases of helping processes, counseling theories and their applications, helping skills, consultation theories and applications, helper self-understanding and self-development, and facilitation of client or consultee change; and

(d) Groups: coursework content providing an understanding of group development, dynamics, and counseling theories; group leadership styles, group counseling methods and skills, and other group approaches; and

(e) Lifestyle and career development: coursework content providing an understanding of career development theories, occupational and educational information sources and systems, career and leisure counseling, guidance, and education; lifestyle and career decision-making; and career development program planning, resources, and evaluation; and

(f) Appraisal: coursework content providing an understanding of group and individual education and psychometric theories and approaches to appraisal, data, and information gathering methods, validity and reliability, psychometric statistics, factors influencing appraisals, and use of appraisal results in helping processes; and

(g) Research and evaluation: coursework content providing an understanding of types of research, basic statistics, research report development, research implementation, program evaluation, needs assessment, and ethical and legal considerations; and

(h) Professional orientation: coursework content providing an understanding of professional roles and functions, professional goals and objectives, professional organizations and associations, professional history and trends, ethical and legal standards, professional preparation standards, and professional credentialing; and

(i) Psychopathology and/or diagnostics: coursework content providing an understanding of psychopathology, abnormal psychology, abnormal behavior, etiology dynamics, treatment of abnormal behavior and an understanding of the diagnostics of Psychopathology; and

(j) Practicum: a minimum of one (1) supervised one hundred (100) hour counseling practicum; and

(k) Internship: completed an internship, as part of a degree program, of at least six hundred (600) hours under the supervision of a qualified licensed mental health practitioner that included experience assessing and treating clients with more serious problems as categorized in standard diagnostic nomenclature; and

(4) submit evidence of a passing score on examinations approved by the Board; and

(5) submit a supervision plan, satisfactory to the Board, designed to take effect after notice of licensure as a Licensed Professional Counselor Intern.

36-05. Licensing Provisions for Licensed Professional Counselors.

An applicant for licensure as a professional counselor must:

(1) submit an application on forms approved by the Board, along with the required fee; and

(2) hold a current, active, and unrestricted professional counselor intern license; and

(3) submit, on forms approved by the Board, documentation of completion of a minimum of one thousand five hundred (1500) hours of post-master's clinical experience and post master's clinical supervision in the practice of professional counseling performed over a period of not fewer than two (2) years. Of the one thousand five hundred (1500) hours, there must be a minimum of one thousand three hundred eighty (1,380) hours of documented direct client contact and a minimum of one hundred twenty (120) hours of documented supervision by a licensed professional counselor supervisor or other qualified licensed mental health practitioner approved by the Board that included experience assessing and treating clients with the more serious problems as categorized in standard diagnostic nomenclature. At least one hundred (100) hours of the supervision hours must be individual, and the remaining twenty (20) hours may be individual/triadic or group.

36-06. Licensing Provisions for Licensed Professional Counselor Supervisors.

An applicant for licensure as a professional counselor supervisor must:

(1) submit an application on forms approved by the Board, along with the required fee; and

(2) hold a current, active, and unrestricted South Carolina Professional Counselor License; and

(3) submit evidence acceptable to the Board of at least five (5) years of continuous clinical experience immediately preceding the application. Continuous clinical experience is any counseling experience gained as in certification by the National Board for Certified Counselors (NBCC), National Association of Alcoholism and Drug Abuse Counselors (NAADAC), or South Carolina Association of Alcoholism and Drug Abuse Counselors (SCAADAC) or a licensed professional counselor. At least two years of the five years must be experience supervising the clinical casework of other NBCC, NAADAC, or SCAADAC certified counselors or licensed counselors; and

(4) submit evidence of a minimum of thirty-six (36) hours of individual/triadic supervision, by a Board licensed professional counselor supervisor, of the applicant's supervision of at least two (2) licensed professional counselor interns; and

(5) submit evidence of a minimum of three (3) semester hours of graduate study in supervision oriented to their discipline or training approved by the Board.

36-07. Licensing Provisions for Marriage and Family Therapy Interns.

An applicant for initial licensure as a marriage and family therapy intern must:

(1) submit an application on forms approved by the Board, along with the required fee; and

(2) submit proof of graduating from a program accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE); or

(3) submit evidence of successful completion of a minimum of forty-eight (48) graduate semester hours in marriage and family therapy from a college or university accredited by the Commission on the

Colleges of the Southern Association of Colleges and Schools, one (1) of its transferring regional associations, the Association of Theological Schools in the United States and Canada, a post-degree program accredited by the Commission on Accreditation for Marriage and Family Therapy Education, or a regionally accredited institution of higher learning subsequent to receiving the graduate degree, along with evidence of an earned master's degree, specialist's degree, or doctoral degree. The applicant must demonstrate successful completion of:

(a) a minimum of six (6) graduate semester hours in foundations of relational/systemic practice, theories and models. This area facilitates students developing competencies in the foundations and critical epistemological issues of Marriage and Family Therapists. It includes the historical development of the relational/systemic perspective and contemporary conceptual foundations of Marriage and Family Therapists, and early and contemporary models of the Marriage and Family Therapist, including evidence-based practice and the biopsychosocial perspective; and

(b) a minimum of six (6) graduate semester hours in clinical treatment with individuals, couples and families. This area facilitates students developing competencies in treatment approaches specifically designed for use with a wide range of diverse individuals, couples, and families, including sex therapy, same-sex couples, working with young children, adolescents and elderly, interfaith couples, and includes a focus on evidence-based practice. Coursework must include crisis intervention; and

(c) a minimum of three (3) graduate semester hours in diverse, multicultural and/or underserved communities. This area facilitates students developing competencies in understanding and applying knowledge of diversity, power, privilege, and oppression as these relate to race, age, gender, ethnicity, sexual orientation, gender identity, socioeconomic status, disability, health status, religious, spiritual and/or beliefs, nation of origin or other relevant social categories throughout the curriculum. It includes practice with diverse, international, multicultural, marginalized, and/or underserved communities, including developing competencies in working with sexual and gender minorities and their families as well as anti-racist practices; and

(d) a minimum of three (3) graduate semester hours in research and evaluation. This area facilitates students developing competencies in Marriage and Family Therapy research and evaluation methods, and in evidence-based practice, including becoming an informed consumer of couple, marriage, and family therapy research. If the program's mission, goals and outcomes include preparing students for doctoral degree programs, the program must include an increased emphasis on research; and

(e) a minimum of three (3) graduate semester hours in professional identity, law, ethics and social responsibility. This area addresses the development of a Marriage and Family Therapy identity and socialization, and facilitates students developing competencies in ethics and Marriage and Family Therapy practice, including understanding and applying the AAMFT Code of Ethics and understanding legal responsibilities; and

(f) a minimum of three (3) graduate semester hours in biopsychosocial health and development across the life span. This area addresses individual and family development, human sexuality, and biopsychosocial health across the lifespan; and

(g) a minimum of three (3) graduate semester hours in systemic/relational assessment and psychopathology, diagnosis and treatment. This area facilitates students developing competencies in traditional psychodiagnostic categories, psychopharmacology, the assessment, diagnosis, and treatment of major mental health issues as well as a wide variety of common presenting problems including addiction, suicide, trauma, abuse, intra-familial violence, and therapy for individuals, couples, and families managing acute chronic medical conditions, utilizing a relational/systemic philosophy; and

(h) a minimum of five hundred (500) clinical contact hours with individuals, couples, families, and other systems physically present, at least forty (40%) percent of which must be relational. The five hundred (500) hours must occur over a minimum of twelve (12) months of clinical practice. A minimum of one hundred (100) hours of clinical supervision must be provided by a marriage and family therapy supervisor, that included experience assessing and treating clients with the more serious problems as categorized in standard diagnostic nomenclature; and

(4) submit evidence of a passing score on examinations approved by the Board; and

(5) submit a supervision plan, satisfactory to the Board, designed to take effect after notice of licensure as a Licensed Marriage and Family Therapy Intern.

(6) submit a professional disclosure statement as found in S.C. Code Section 40-75-270.

36-08. Licensing Provisions for Marriage and Family Therapists.

An applicant for licensure as a Marriage and Family Therapist must:

(1) submit an application on forms approved by the Board, along with the required fee; and

(2) hold a current, active, and unrestricted Marriage and Family Therapy Intern license unless applying under the provisions of Section 36-11; and

(3) submit, on forms approved by the Board documentation of completion of a minimum of one thousand five hundred (1500) hours of post-master's clinical experience and post-master's clinical supervision in marriage and family therapy performed over a period of no fewer than two (2) years. Of the one thousand five hundred (1500) hours, there must be a minimum of one thousand three hundred eighty (1,380) documented direct client contact hours and a minimum of one hundred twenty (120) documented hours of supervision by a licensed marriage and family therapy supervisor or other qualified licensed mental health practitioner approved by the Board, that includes experience assessing and treating clients with the more serious problems as categorized in standard diagnostic nomenclature. At least one hundred (100) hours of the supervision hours must be individual, and the remaining twenty (20) hours can be individual/triadic or group.

36-09. Licensing Provisions for Licensed Marriage and Family Therapy Supervisors.

An applicant for licensure as a marriage and family therapy supervisor must:

(1) submit an application on forms approved by the Board, along with the required fee; and

(2) hold a current, active, and unrestricted South Carolina Marriage and Family Therapy License; and

(3) submit evidence acceptable to the Board of at least five (5) years of continuous clinical experience immediately preceding the application. Two years of the five years must be clinical supervision under a licensed Marriage and Family Therapy Supervisor; and

(4) submit evidence of a minimum of thirty-six (36) hours of individual/triadic supervision by a Board licensed marriage and family therapy supervisor of the applicant's supervision of at least two (2) marriage and family therapy interns; and

(5) submit evidence of a minimum of three (3) semester hours of graduate study in supervision or training approved by the Board.

36-10. Licensing Provisions for Psycho-educational Specialists.

An applicant for initial licensure as a psycho-educational specialist must:

(1) submit an application on forms approved by the Board, along with the required fee; and

(2) submit evidence of successful completion of an earned master's degree plus thirty (30) graduate semester hours, or an earned sixty (60) graduate semester hour master's degree, or a sixty (60) graduate semester hour specialist's degree, or a doctoral degree in school psychology from an institution of higher education whose program is approved by the National Association of School Psychologists or the American Psychological Association or a program which the Board finds to be substantially equivalent. A substantially equivalent program must include an earned master's, specialist's, or doctoral degree in an applied area of psychology, education, or behavioral sciences from a regionally accredited institution, completion of at least sixty (60) graduate semester hours, and substantial preparation, including coursework, in the following areas:

(a) psychological foundations, including biological bases of behavior; human learning; child and adolescent development; social/cultural bases of behavior; and individual differences (exceptionalities/psychopathology of children and youth); and

(b) educational foundations, including organization and operation of schools; and instructional/remedial design; and

(c) assessment and intervention, including diverse methods of individual assessment that can be linked to intervention; direct intervention including counseling and behavior analysis/intervention; and indirect intervention including a consultation with school personnel and families; and

(d) statistics and research methodologies; and

(e) professional school psychology, including history and foundations of school psychology; legal and ethical issues; professional issues and standards; alternative models of service delivery; emergent technologies; and roles and functions of school psychologists; and

(f) a one-year twelve hundred (1200) hour internship, at least one-half (1/2) of which must be in an approved school setting. The internship shall include a full range of psycho-educational services supervised by a licensed psycho-educational specialist or certified or licensed school psychologist. If a portion of the internship is completed in a non-school setting, supervision may be provided by a psychologist appropriately credentialed for that setting as approved by the Board. The possession of a National Certified School Psychologist (NCSP) credential issued after January 1, 1988 shall be evidence of completion of a satisfactory program as provided above; and

(g) has completed, within three (3) years after the effective date of these regulations, a minimum of three (3) graduate semester hours in Psychopathology in academic training from a college or university approved by the Board. This course must provide the practitioner with an understanding of psychopathology, abnormal psychology, abnormal behavior, etiology dynamics, and treatment of abnormal behavior; and

(h) has completed, within three (3) years after the effective date of these regulations, a minimum of three (3) graduate semester hours in Diagnostics in academic training from a college or university approved by the Board. This course must provide the practitioner with an understanding of the diagnostics of psychopathology; and

(3) provide evidence satisfactory to the Board of certification by the South Carolina Department of Education in school psychology level II or III; and

(4) provide evidence satisfactory to the Board that the applicant has successfully served as a certified school psychologist for at least two (2) years in a school or comparable setting. After January 1, 2000, one (1) year must have been under the supervision of a licensed psycho-educational specialist that included experience assessing and treating clients with the more serious problems as categorized in standard diagnostic nomenclature. One (1) year of experience is defined as full-time employment for one (1) contract year of at least one hundred ninety (190) work days. Two (2) consecutive years of half-time work may, at the discretion of the Board, be deemed to be equivalent to one (1) full year of experience. The experience must include provision of a full range of services to children, youth, and families. Experience acquired under a provisional or temporary certificate in school psychology, or in a pre-degree practicum or internship, may not count toward this experience requirement; and

(5) submit evidence of a passing score on examinations approved by the Board.

36-11. Licensure by Endorsement.

An applicant for licensure as a professional counselor, marriage and family therapist, or psycho-educational specialist by endorsement must:

(1) hold a current, active, and unrestricted license in good standing under the laws of another state or territory that had requirements that were, at the date of initial licensure, substantially equivalent to or higher than the requirements in effect in South Carolina at the date of initial licensure; and

(2) submit an application on a form approved by the Board, along with the required fee; and

(3) provide other documentation, as required by the Board.

36-12. Reactivation of Expired Licenses.

(1) A licensed professional counselor, marriage and family therapist, psycho-educational specialist, professional counselor supervisor, or marriage and family therapist supervisor whose license has been expired for at least three (3) months, but fewer than two (2) years, may reactivate the license upon application, along with the required fee, and demonstration of evidence satisfactory to the Board on a form

approved by the Board of the requisite continuing education hours for each year during which the license was expired. The Board for good cause may waive any part of this continuing education requirement upon appropriate conditions.

(2) A licensed professional counselor, marriage and family therapist, psycho-educational specialist, professional counselor supervisor, or marriage and family therapist supervisor whose license has been expired for more than two (2) years must re-apply and meet all of the requirements, at the time of application, for licensure.

(3) Any applicant for reactivation shall submit a notarized affidavit certifying that they have not been engaged in the practice of counseling, marriage and family therapy, psycho-education specialty outside of the school setting, professional counselor supervising or marriage and family therapy supervising during the period their license was not in an active status.

ARTICLE 4

CONTINUING EDUCATION

36-13. Continuing Education Requirements for Professional Counselors and Marriage and Family Therapists.

(1) Persons licensed as professional counselors or marriage and family therapists shall complete forty (40) hours of continuing education, of which thirty-four (34) hours must be related to their respective professional license and six (6) hours must be specific to ethical standards related to their respective professional license during every two-year licensure period. Persons licensed both as professional counselors and marriage and family therapists must complete fifty (50) hours of formal continuing education during every two-year licensure period as a condition of renewal of their licenses. Of the fifty (50) hours, six (6) hours must be specific to ethical standards related to their respective professional license, and at least twenty-two (22) hours must be related to each discipline. Persons licensed as professional counselor supervisors or marriage and family therapy supervisors must complete ten (10) hours of formal continuing education in supervision of their discipline during every two-year licensure period as a condition of renewal of their license. Persons licensed both as professional counselor supervisors and marriage and family therapy supervisors must complete ten (10) hours of formal continuing education in supervision, at least five (5) hours of which must be in supervision of each discipline. A maximum of fifteen (15) hours may be obtained through informal continuing education.

(2) Any formal continuing education activity sponsored by a professional counselor certifying body, marriage and family therapy certifying body, NAADAC, or SCAADAC approved by the Board as a continuing education sponsoring body, or one of its regional or state divisions, is automatically approved for the formal continuing education requirement.

(3) Unapproved sponsoring organizations must request advance approval on Board-approved forms ninety (90) days prior to each continuing education event. In order to request approval, the sponsoring organization must submit an agenda of the session, the curriculum vitae of all presenters and a copy of the evaluation documents.

(4) The Board accepts informal continuing education using the following guidelines:

(a) a first time presentation of a paper, workshop, or seminar for a national, regional, statewide, or other professional meeting may be approved for a maximum of five (5) continuing education hours; and

(b) a published paper in a referred journal may be approved for a maximum of five (5) continuing education hours and may be used only once; and

(c) preparation of a new or related course for an educational institution or organization may be approved for a maximum of five (5) continuing education hours; and

(d) individual self-study to include use of on-line studies, audio-visual materials, reading of professional journals and books, and participation in professional study and discussion groups may be approved based on the number of hours recommended by the sponsoring organization or the number of hours engaged in the activity for a total of fifteen (15) hours during each two-year licensure period.

- (5) No hours may be carried forward from the renewal period in which they were earned.
- (6) No more than fifty (50%) percent of continuing education credit may be taken online.

36-14. Continuing Education Requirements for Psycho-educational Specialists.

(1) Persons licensed as psycho-educational specialists shall complete forty (40) hours of continuing education of which thirty-four (34) hours must be related to their respective professional license and six (6) hours must be specific to ethical standards related to their respective professional license during every two-year licensure period. Persons licensed as both a psycho-educational specialist and a professional counselor and/or marriage and family therapist must complete at least fifty (50) hours of formal continuing education during every two-year licensure period as a condition of renewal of their licenses. Of the fifty (50) hours, six (6) hours must be specific to ethical standards related to their respective professional license and at least twenty-two (22) must be related to each discipline.

(2) No more than fifty (50%) percent of continuing education credit may be taken online.

(3) Continuing education credit for psycho-educational specialists may be awarded for documented completion of the following activities:

(a) a minimum of twenty (20) continuing education hours in workshops, conferences, formal in-service training, college or university courses, and teaching and training activities. A maximum of ten (10) hours may be awarded for attendance at workshops, conferences, or in-service training. For teaching and training activities, credit may be awarded only for the first time the content is taught and limited to a maximum of ten (10) hours; or

(b) a maximum of twenty (20) continuing education hours in research and publications, supervision of interns, post-graduate supervised experiences, program planning/evaluation, self-study, and professional organizational leadership. A maximum of ten (10) hours may be awarded for unpublished research. A maximum of twenty (20) hours may be awarded for research and publication or presentation. A maximum of ten (10) hours may be awarded for articles published or posters presented. Each project may be claimed only once. A maximum of twenty (20) hours may be awarded for supervision of interns. No more than one (1) post-graduate supervised experience may be claimed in any renewal period. A maximum of fifteen (15) hours may be awarded for program planning/evaluation. A maximum of twenty (20) hours may be awarded for self-study. No more than one (1) activity may be counted per organization per year and a maximum of ten (10) hours may be awarded in professional organization leadership.

ARTICLE 5

FEES

36-15. Fees.

(A) The Board may charge fees as shown in South Carolina Code of Regulations Chapter 10-33 and on the South Carolina Board of Examiners for the Licensure of Professional Counselors, Marriage and Family Therapists, and Psycho-Educational Specialists at <http://llr.sc.gov/POL/Counselors/>.

(B) All fees are nonrefundable.

ARTICLE 6

TREATMENT FOR IMPAIRED PRACTITIONERS

36-16. Identification of Impaired Practitioners.

(A) Any person licensed under Title 40, Chapter 75 of the Code of Laws of South Carolina shall report to the Board any belief that a practitioner suffers from an impairment that does presently or in the future may affect the ability of the practitioner to competently practice, unless:

(1) the individual, or the organization of which the individual is a part, is a treatment provider approved by the Board; and

- (a) the practitioner maintains participation in treatment or aftercare; and
- (b) the practitioner, if currently undergoing an inpatient treatment program, is not practicing and is following the guidelines set forth by the treatment program. If the practitioner is an out-patient, is maintaining sobriety and is enrolled in an approved aftercare program; or
- (2) the individual is a member of an impaired practitioner committee, or the equivalent, established by a hospital or similar institution or its staff, or is a representative or agent of a committee or program sponsored by a professional association of individuals licensed under Title 40, Chapter 75 of the Code of Laws to provide peer assistance to practitioners with substance abuse problems; and
 - (a) the practitioner has been referred for examination to an approved treatment program; and
 - (b) the practitioner cooperates with the referral for examination and any determination that he should enter treatment; and
 - (c) the practitioner's ability to practice competently has not been affected; or
- (3) the individual maintains a good faith belief that:
 - (a) the practitioner has been referred for examination to an approved treatment program; and
 - (b) the practitioner cooperates with the referral for examination and any determination that he should enter treatment; and
 - (c) the practitioner's ability to practice competently has not been affected; or
- (4) the individual is otherwise prohibited from reporting to the Board by state or federal law.
- (B) For purposes of this section, a reason to believe or a belief does not require absolute certainty or complete unquestioning acceptance; but only an opinion that an impairment exists based upon firsthand knowledge, or reliable information.
- (C) Any report required by this section shall be made to the Board within forty-eight (48) hours.

36-17. Treatment of Complaints Pertaining to Impaired Practitioners.

- (A) An individual who accepts the privilege of practicing under Title 40, Chapter 75 of the South Carolina Code of Laws in this State is subject to oversight by the Board. By filing an application or being licensed by the Board, the individual shall be deemed to give consent to submit to a mental or physical examination when ordered to do so by the Board in writing, and to have waived all objections to the admissibility of testimony or examination of reports that constitute privileged communications. Failure of the individual to submit to a mental or physical examination order by the Board constitutes an admission of the allegations against the individual licensee unless the failure is due to circumstances beyond the individual's control.
- (B) When the Board receives information by the filing of a complaint, or upon its own information, that a licensee's ability to practice has fallen below the acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances and other physical or mental impairments that affect the ability to practice, the Board may order the licensee to submit to a mental or physical examination conducted by a designee of the Board for the purpose of determining if there is an impairment that poses a threat to the licensee's well-being or the treatment of a client whom the licensee serves.
- (C) If the Board determines that the individual's ability to practice is impaired, the Board shall suspend or place restrictions on the individual's license to practice, or deny the individual's application, and require the individual to submit to treatment, as a condition for initial, continued, reinstated, or renewed licensure to practice.
- (D) In cases where the Board has not initiated disciplinary action, the following general pattern of action shall be followed:
 - (1) upon identification by the Board of reason to believe that a licensee or applicant is impaired it may compel an examination or examinations; and
 - (2) if the examination or examinations fail to disclose impairment, no action shall be initiated unless other investigation produces reliable, substantial, and probative evidence demonstrating impairment; and
 - (3) if the examination discloses impairment, or if the Board has other reliable, substantial, and probative evidence demonstrating impairment, including, but not limited to, evidence of relapse after the

completion of inpatient or outpatient treatment, the Board shall initiate proceedings to suspend the license or deny licensure of the applicant; and

(4) before being eligible to apply for reinstatement of a license suspended under this section, the practitioner must demonstrate to the Board that a resumption of practice may be made in compliance with acceptable and prevailing standards of care under the provisions of an unrestricted license. Such demonstrations shall include, but shall not be limited to, the following:

(a) certification from a treatment provider approved by the Board that the practitioner has successfully completed any required inpatient treatment; and

(b) evidence of continuing full compliance with an aftercare contract or consent agreement; and

(c) two (2) written reports indicating that the individual's ability to practice has been assessed and that he has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the Board for making such assessments and shall describe the basis for this determination; and

(5) when the impaired practitioner resumes practice after reinstatement of his license, the Board shall require continued monitoring of the practitioner. This monitoring shall include, but not be limited to, compliance with any written consent agreement entered into before reinstatement or compliance with conditions imposed by the Board order after a hearing, and, upon termination of the consent agreement, submission by the practitioner to the Board, for at least two (2) years, of annual written progress reports made under penalty of perjury stating whether the license holder has maintained sobriety.

(E) In cases where the Board has initiated a disciplinary action, the general pattern of action described above shall be followed, except that:

(1) if the Board imposes a period of ineligibility for licensure, the individual shall not be eligible for a license reinstatement until the period has lapsed; or

(2) if the Board imposes an indefinite period of ineligibility, licensure, or license reinstatement shall depend upon successful completion of the requirements and determination by the Board that the period of suspension or ineligibility served is commensurate with the violations found.

36-18. Impaired Practitioner Treatment Programs.

(A) The Board may contract with providers of impaired treatment programs, or refer practitioners to Board-approved programs, receive and evaluate reports of suspected impairment from any source, intervene in cases of verified impairment, monitor treatment and rehabilitation of the impairment, provide post-treatment monitoring, and support and provide other functions as necessary to carry out the provisions of this regulation.

(B) The Board-approved treatment programs shall be provided with all relevant information from the Board and other sources regarding a practitioner referred to the program, including but not limited to, the potential impairment. The program shall report in a timely fashion any impaired professional counselor, marriage and family therapist, or psycho-educational specialist who refuses to cooperate with an evaluation or investigation, or who refuses to submit to treatment or rehabilitation, or whose impairment is not substantially alleviated through treatment or who, in the opinion of the evaluators, is unable to practice professional counseling, marriage and family therapy, or psycho-education with reasonable skill and safety.

(C) All Board-approved programs must:

(1) report to the Board the name of any impaired practitioner who fails to enter treatment within forty-eight (48) hours following the provider's determination that the practitioner needs treatment; and

(2) require every practitioner who enters treatment to agree to a treatment contract establishing the terms of treatment and aftercare, including any required supervision or restrictions of practice during treatment or aftercare; and

(3) require a practitioner to suspend practice upon entry into any required inpatient treatment; and

(4) report to the Board any failure by an impaired practitioner to comply with the terms of the treatment contract during inpatient or outpatient treatment or aftercare; and

(5) report to the Board the resumption of practice of any impaired practitioner before the treatment provider has made a clear determination that the practitioner is capable of practicing according to acceptable and prevailing standards of care; and

(6) require a practitioner who resumes practice after completion of treatment to comply with an aftercare contract that meets the requirements of rules adopted by the Board for approval of treatment providers.

ARTICLE 7

CODES OF ETHICS

36-19. Code of Ethics for Professional Counselors.

(A) General.

(1) Professional Counselors shall engage in continuous efforts to improve professional practices, services, and research and shall be guided in their work by evidence of the best professional practices.

(2) Professional Counselors shall recognize their responsibility to the clients they serve and the institutions in which the services are performed and shall strive to assist the respective agency, organization, or institution in providing competent and ethical professional services. The acceptance of employment in an institution shall mean that the Professional Counselor is in agreement with the general policies and principles of the institution and that the professional activities of the Professional Counselor are in accord with the objectives of the institution. If the Professional Counselor and the employer do not agree and cannot reach agreement on policies that are consistent with appropriate counselor ethical practice that is conducive to client growth and development, the Professional Counselor shall terminate his employment and strive to change the unethical practice through appropriate professional organizations.

(3) Professional Counselors shall engage in ethical behavior at all times and shall take immediate action to report unethical behavior by professional interns to the Board or other appropriate authority.

(4) Professional Counselors must refuse remuneration for consultation or counseling with persons who are entitled to these services through the counselor's employing institution or agency and shall not divert to their private practices, without the mutual consent of the institution and the client, legitimate clients in their primary agencies, or the institutions with which they are affiliated.

(5) In establishing fees, Professional Counselors shall consider the financial status of clients, and if the established fee is inappropriate, must provide assistance to the client in finding comparable services at an acceptable cost. Professional Counselors shall not enter into any agreement wherein counseling services are exchanged as barter.

(6) Professional Counselors shall offer only professional services for which they are trained or have supervised experience. No diagnosis, assessment, or treatment shall be performed without prior training or supervision. Professional Counselors shall correct any misrepresentation of their qualifications by others.

(7) Professional Counselors shall recognize their limitations and provide services or use techniques for which they are qualified by training and/or supervision. Professional Counselors shall recognize the need for and seek continuing education to assure competent services.

(8) Professional Counselors must be aware of the intimacy in the counseling relationship and maintain respect for the client and must not engage in activities that seek to meet their personal or professional needs at the expense of the client.

(9) Professional Counselors shall not engage in personal, social, organizational, financial, or political activities which might lead to a misuse of their influence.

(10) Professional Counselors shall not engage in sexual intimacy with clients and shall not be sexually, physically, or romantically intimate with clients, nor engage in sexual, physical, or romantic intimacy with clients within two (2) years after terminating the counseling relationship.

(11) Professional Counselors shall not engage in sexual harassment or other unwelcome comments, gestures, or physical contact of a sexual nature, nor shall they condone such conduct in others.

(12) Professional Counselors shall guard the individual rights and personal dignity of their clients in the counseling relationship through an awareness of the impact of stereotyping and unwarranted discrimination.

(13) Professional Counselors shall be accountable at all times for their behavior and must be aware that all actions and behaviors reflect on professional integrity and, when inappropriate, can damage the public trust in the counseling profession. To protect public confidence in the counseling profession, Professional Counselors shall avoid behavior that is clearly in violation of accepted moral and legal standards.

(14) Professional Counselors shall observe this Code of Ethics in all products and services offered, including but not limited to classroom instruction, public lectures, demonstrations, written articles, radio, and television programs.

(15) Professional Counselors must withdraw from the practice of counseling if the mental or physical condition of the Counselor renders it unlikely that a professional relationship can be maintained.

(B) Counseling Relationship.

(1) Professional Counselors shall respect the integrity and promote the welfare of clients, whether they are assisted individually, in family units, or in group counseling. In group settings, the Professional Counselor shall be responsible for taking reasonable precautions to protect individuals from physical and/or psychological trauma resulting from interaction within the group.

(2) Professional Counselors shall take into account the traditions and practices of other professional disciplines with whom they work and cooperate fully with them. If a person is receiving similar services from another professional, Professional Counselors shall not offer their own services directly to such a person. If a Professional Counselor is contacted by a person who is already receiving similar services from another professional, the Professional Counselor must carefully consider that professional relationship and the client's welfare and proceed with caution and sensitivity to the therapeutic needs of the client. When Professional Counselors learn that their clients are in a professional relationship with another mental health professional, the Professional Counselor must request release from the client to inform the other mental health professional of their relationship with the client and strive to establish positive and collaborative professional relationships that are in the best interest of the client. Professional Counselors shall discuss these issues with the client and the mental health professional so as to minimize the risk of confusion and conflict and encourage clients to inform other professionals of the new professional relationship.

(3) Professional Counselors may consult with any other professionally competent person about a client and shall inform the client of this possibility. Professional Counselors must avoid placing a consultant in a conflict-of-interest situation that would preclude the consultant serving as a proper party to the efforts to assist the client.

(4) Professional Counselors may share confidential information when there is a clear and imminent danger to the client and others, as provided by law.

(5) Professional Counselors shall maintain records of the counseling relationship which may include interview notes, test data, correspondence, audio or visual tape recordings, electronic data storage, and other documents. Records shall contain accurate factual data, and the physical records are the property of the Professional Counselor or their employers. Professional Counselors shall maintain records in accordance with the policy of the Board.

(6) Professional Counselors shall ensure that all data maintained in electronic storage are secure. Stored data shall be limited to information that is appropriate and necessary for the services provided and accessible only to appropriate staff members involved in the provision of services. Professional Counselors shall ensure that the electronically stored data are destroyed when the information is no longer of value in providing services or required as part of the client's record.

(7) Professional Counselors shall disguise identifying information derived from a client relationship when that information is used in training or research. Any data which cannot be disguised may be used only as expressly authorized by the client's informed consent.

(8) Professional Counselors shall inform clients of the purposes, goals, techniques, procedures, limitations, potential risks, and benefits of services to be performed, and clearly indicate limitations that

may affect the relationship as well as any other pertinent information. Professional Counselors must take reasonable steps to ensure that clients understand the implications of any diagnosis, the intended use of tests and reports, methods of treatment, and safety precautions that must be taken in their use, fees, and billing arrangements.

(9) Professional Counselors who have an administrative, supervisory, and/or evaluative relationship with individuals seeking counseling services shall not serve as the counselor and shall refer the individual to other professionals. Exceptions may be made only in instances where an individual's situation warrants counseling intervention and another alternative is not available. Dual relationships that might impair the counselor's objectivity and professional judgment must be avoided and/or the counseling relationship terminated through referral to a competent professional.

(10) When a Professional Counselor determines an inability to be of professional assistance to a potential or existing client, the counselor must, respectively, not initiate the counseling relationship or immediately terminate the relationship. In either event, the counselor must suggest appropriate alternatives and be knowledgeable about referral resources so that a satisfactory referral can be initiated. If the client declines the referral, the counselor shall not be obligated to continue the relationship.

(11) When engaging in intensive, short-term counseling, a Professional Counselor shall ensure that professional assistance is available at normal costs to clients during and following the short-term counseling.

(12) Professional Counselors who employ electronic means in which the counselor and client are not in immediate proximity must present clients with local sources of care before establishing a continued short or long-term relationship.

(13) Professional Counselors shall obtain legal authorization to practice in any jurisdiction in which they maintain an electronic presence via the internet or other electronic means.

(14) Professional Counselors shall ensure that clients are intellectually, emotionally, and physically compatible with computer applications used by the counselor and understand their purpose and operation.

(15) Professional Counselors shall maintain client confidentiality as provided by law.

(16) Professional Counselors shall screen prospective group counseling participants to ensure compatibility with group objectives.

(C) Measurement and Evaluation.

(1) Professional Counselors shall recognize the limits of their competence and perform only those assessment functions for which they have received appropriate training or supervision.

(2) Professional Counselors who utilize assessment instruments to assist them with diagnoses must have appropriate training and skills in educational and mental measurement, validation criteria, test research, and guidelines for test development and use.

(3) Professional Counselors shall provide instrument specific orientation or information to an examinee prior to and following the administration of assessment instruments or techniques so that the results may be placed in proper perspective with other relevant factors. The purpose of testing and the explicit use of the results must be disclosed to an examinee prior to testing.

(4) Professional Counselors shall carefully evaluate the specific theoretical bases and characteristics, validity, reliability, and appropriateness of an instrument in selecting the instrument or techniques for use in a given situation or with a particular client.

(5) Professional Counselors must provide accurate information and avoid false claims or misconceptions concerning the meaning of an instrument's reliability and validity terms when making statements to the public about assessment instruments or techniques.

(6) Professional Counselors shall follow the directions and researched procedures for selection, administration, and interpretation of all evaluation instruments and use them only within proper contexts.

(7) Professional Counselors shall be cautious when interpreting the results of instruments that possess insufficient technical data, and must explicitly state to examinees the specific limitations and purposes for the use of such instruments.

(8) Professional Counselors shall proceed cautiously when attempting to evaluate and interpret performance of any person who cannot be appropriately compared to the norms for the instruments.

(9) Professional Counselors shall maintain test security.

(10) Professional Counselors shall consider psychometric limitations when selecting and using an instrument, and must be cognizant of the limitations when interpreting the results.

(11) Professional Counselors shall ensure that appropriate interpretation accompanies any release of individual or group test data and shall obtain explicit prior understanding and consent when releasing results.

(12) Professional Counselors shall ensure that computer-generated test administration and scoring programs function properly thereby providing clients with accurate test results.

(13) Professional Counselors who develop computer-based test interpretations to support the assessment process shall ensure that the validity of the interpretations is established prior to the commercial distribution of the computer application.

(14) Professional Counselors shall recognize that test results may become obsolete and avoid the misuse of obsolete data.

(D) Research and Publication.

(1) Professional Counselors shall adhere to applicable legal and professional guidelines on research with human subjects.

(2) In planning research activities involving human subjects, Professional Counselors shall be aware of and responsive to all pertinent ethical principles and ensure that the research problem, design, and execution are in full compliance with any pertinent institutional or governmental regulations.

(3) The ultimate responsibility for ethical research lies with the principal researcher, although others involved in the research activities are ethically obligated and responsible for their own actions.

(4) Professional Counselors who conduct research with human subjects are responsible for the welfare of the subjects throughout the experiment and must take all reasonable precautions to avoid causing injurious psychological, physical, or social effects on their subjects.

(5) Professional Counselors who conduct research shall abide by the basic elements of informed consent:

(a) a fair explanation of the procedures to be followed, including an identification of those which are experimental; and

(b) a description of the attendant discomforts and risks; and

(c) a description of the benefits to be expected; and

(d) disclosure of appropriate alternative procedures that would be advantageous for subjects with an offer to answer any inquiries concerning the procedures; and

(e) an instruction that subjects are free to withdraw their consent and to discontinue participation in the project or activity at any time.

(6) When reporting research results, explicit mention shall be made of all the variables and conditions known to the investigator that may have affected the outcome of the study or the interpretation of the data.

(7) Professional Counselors who conduct and report research investigations shall do so in a manner that minimizes the possibility that the results will be misleading.

(8) Professional Counselors shall give credit through joint authorship, acknowledgment, footnote statements, or other appropriate means to those who have contributed to the research and/or publication, in accordance with such contributions.

(9) Professional Counselors shall communicate to other counselors the results of any research judged to be of professional value.

(E) Consulting.

(1) Professional Counselors, acting as consultants, must have a high degree of self awareness of their own values, knowledge, skills, limitations, and needs in entering a helping relationship that involves human and/or organizational change. The focus of the consulting relationship must be on the issues to be resolved and not on the persons presenting the problem.

(2) In the consulting relationship, the Professional Counselor and the client must understand and agree upon the problem definition, subsequent goals, and predicted consequences of interventions selected.

(3) Professional Counselors acting as consultants must be reasonably certain that they, or the organization represented, have the necessary competencies and resources for giving the kind of help that is needed or that may develop later, and that appropriate referral resources are available.

(4) Professional Counselors in a consulting relationship must encourage and cultivate client adaptability and growth toward self-direction. Professional Counselors must maintain this role consistently and not become a decision maker for clients or create a future dependency on the consultant.

(F) Private Practice.

(1) In advertising services as a private practitioner, Professional Counselors must advertise in a manner that accurately informs the public of the professional services, expertise, and techniques of counseling available.

(2) Professional Counselors who assume an executive leadership role in a private practice organization shall not permit their names to be used in professional notices during periods of time when they are not actively engaged in the private practice of counseling unless their executive roles are clearly stated.

(3) Professional Counselors shall make available their highest degree (described by discipline), type and level of certification, and/or license, address, telephone number, office hours, type and/or description of services, and other relevant information. Listed information must not contain false, inaccurate, misleading, partial, out-of-context, or otherwise deceptive material or statements.

(4) Professional Counselors who are involved in a partnership/corporation with other certified counselors and/or other professionals, must clearly specify all relevant specialties of each member of the partnership or corporation.

36-20. Code of Ethics for Marriage and Family Therapists.

(A) Responsibility to Clients.

(1) Marriage and Family Therapists shall not discriminate against or refuse professional service to anyone on the basis of race, gender, religion, national origin, or sexual orientation.

(2) Marriage and Family Therapists shall not exploit the trust and dependency of clients and shall avoid dual relationships with clients that could impair professional judgment or increase the risk of exploitation. When a dual relationship cannot be avoided, therapists shall take appropriate professional precautions to ensure judgment is not impaired and no exploitation occurs. Marriage and Family Therapists shall not engage in sexual relationships with clients and shall not engage in sexual relationships with former clients for at least two (2) years following the termination of therapy.

(3) Marriage and Family Therapists shall not use their professional relationships with clients to further their own interests.

(4) Marriage and Family Therapists shall respect the right of clients to make decisions and help them to understand the consequences of their decisions. Therapists shall clearly advise clients that a decision as to marital status is the responsibility of the client.

(5) Marriage and Family Therapists shall continue therapeutic relationships so long as is reasonably clear that clients are benefitting from the relationship.

(6) Marriage and Family Therapists shall assist persons in obtaining other therapeutic services if the therapist is unable or unwilling, for appropriate reasons, to provide professional help.

(7) Marriage and Family Therapists shall not abandon or neglect clients in treatment without making reasonable arrangements for the continuation of such treatment.

(8) Marriage and Family Therapists shall obtain written informed consent from clients before videotaping, audio recording, or permitting third party observation.

(B) Confidentiality.

(1) Marriage and Family Therapists shall not disclose client confidences except as mandated by law or described in this chapter.

(2) Marriage and Family Therapists may use client and/or clinical materials in teaching, writing, and public presentations only if the client has executed a written waiver or when appropriate steps have been taken to protect the identity of the client.

(3) Marriage and Family Therapists shall store or dispose of all client records in a manner that will protect confidentiality.

(C) Professional Competence and Integrity.

(1) Marriage and Family Therapists shall immediately notify all appropriate agencies, including, but not limited to the Board, of any criminal conviction; of any conduct which may lead to a conviction; any actions disciplining or expelling them from any professional organization; suspension, revocation, or other discipline by any regulatory body; of incompetency due to physical or mental causes or the abuse of alcohol or other substances.

(2) Marriage and Family Therapists shall seek appropriate professional assistance for their personal problems or conflicts that may impair work performance or clinical judgment.

(3) Marriage and Family Therapists who function as teachers, supervisors, or researchers shall maintain the highest standards of scholarship and present accurate information.

(4) Marriage and Family Therapists shall remain abreast of new developments in knowledge and practice through educational activities.

(5) Marriage and Family Therapists shall not engage in sexual or other harassment or exploitation of clients, students, trainees, supervisees, employees, colleagues, research subjects, or actual or potential witnesses or complainants in investigations and ethical proceedings.

(6) Marriage and Family Therapists shall not diagnose, treat, or advise on problems outside the recognized boundaries of their competence, as established by the Board.

(7) Marriage and Family Therapists shall make every effort to prevent the distortion or misuse of their clinical and research findings.

(8) Marriage and Family Therapists shall exercise special care when making public their professional recommendations and opinions through testimony or other public statements.

(D) Responsibility to Students, Employees, and Supervisees.

(1) Marriage and Family Therapists shall not exploit the trust and dependency of students, employees, and supervisees and shall avoid dual relationships that could impair professional judgment or increase the risk of exploitation. When a dual relationship cannot be avoided, therapists shall take appropriate professional precautions to ensure judgment is not impaired and no exploitation occurs. A Marriage and Family Therapist shall not provide therapy to an employee, student or supervisee. Sexual intimacy with students, or supervisees is prohibited.

(2) Marriage and Family Therapists shall not permit students, employees, or supervisees to perform or hold themselves out as competent to perform professional services beyond their training, level of experience, and competence.

(3) Marriage and Family Therapists shall not disclose supervisee confidences except as mandated by law and described in this chapter.

(E) Responsibility to Research Participants.

(1) Marriage and Family Therapists functioning as investigators shall make careful examinations of ethical acceptability in planning studies. To the extent that services to research participants may be compromised by participation in research, Marriage and Family Therapists shall seek the ethical advice of qualified professionals not directly involved in the investigation and observe safeguards to protect the rights of the research participants.

(2) Marriage and Family Therapists functioning as investigators shall inform research participants of all aspects of the research that might reasonably be expected to influence willingness to participate. Marriage and Family Therapists shall be sensitive to the possibility of diminished consent when participants are receiving clinical services, have impairments which limit understanding and/or communication, or when participants are children.

(3) Marriage and Family Therapists functioning as investigators shall respect participants' freedom to decline participation in or to withdraw from a research study at any time. This obligation requires special thought and consideration when Marriage and Family Therapists or other members of the research team are in positions of authority or influence over participants. Therapists shall make every effort to avoid dual

relationships with research participants that could impair professional judgment or increase the risk of exploitation.

(4) Marriage and Family Therapists shall maintain confidentiality during any investigation unless there is a waiver obtained in writing. When the possibility exists that others, including family members, may obtain access to such information, this possibility, together with the plan for protecting confidentiality, is explained as part of the procedure for obtaining informed consent.

(F) Responsibility to the Profession.

(1) Marriage and Family Therapists shall maintain the standards of the profession when acting as members or employees of organizations.

(2) Marriage and Family Therapists shall assign publication credit to those who have contributed to a publication in proportion to their contributions and in accordance with customary professional publication practices.

(3) Marriage and Family Therapists who are the authors of books shall cite persons to whom credit for original ideas is due.

(4) Marriage and Family Therapists who are the authors of books or other materials published or distributed by an organization shall take reasonable precautions to ensure that the organization promotes and advertises the materials accurately and factually.

(5) Marriage and Family Therapists should participate in activities that contribute to a better community and society, including devoting a portion of their professional activity to services for which there is little or no financial return.

(6) Marriage and Family Therapists should be concerned with developing laws and regulations pertaining to the practice of marriage and family therapy that serve the public interest, and with altering such laws and regulations that are not in the public interest.

(7) Marriage and Family Therapists should encourage public participation in the design and delivery of professional services and in the regulation of practitioners.

(G) Financial Arrangements.

(1) Marriage and Family Therapists shall not offer or accept payment for referrals.

(2) Marriage and Family Therapists shall not charge excessive fees for services and shall not barter therapy services.

(3) Marriage and Family Therapists shall disclose their fees to clients and supervisees at the initiation of services.

(4) Marriage and Family Therapists shall represent facts truthfully to clients, third party payors, and supervisees regarding the services rendered.

(H) Advertising.

(1) Marriage and Family Therapists shall accurately represent their competence, education, training, and experience relevant to their practice of marriage and family therapy.

(2) Marriage and Family Therapists shall assure that advertisements and publications in any media conveys information that is necessary for the public to make an appropriate selection of professional services.

(3) Marriage and Family Therapists shall not use a name which could mislead the public concerning the identity, responsibility, source, and status of those practicing under that name and shall not hold themselves out as being partners or interns of a firm when they are not.

(4) Marriage and Family Therapists shall not use any professional identification if it includes any statement or claim that is false, fraudulent, misleading, or deceptive. A statement is false, fraudulent, misleading, or deceptive if it:

(a) contains any material misrepresentation of fact; or

(b) fails to state any material fact necessary to make the statement, in light of all circumstances, not misleading; or

(c) is intended to or is likely to create an unjustified expectation.

(5) Marriage and Family Therapists shall correct, wherever possible, false, misleading, or inaccurate information and representations made by others concerning the therapist's qualifications, services, or products.

(6) Marriage and Family Therapists shall insure that the qualifications of persons in their employ are represented in a manner that is not false, misleading, or deceptive.

(7) Marriage and Family Therapists may represent themselves as specializing within a limited area of marriage and family therapy, but shall not advertise specialization in any area unless they have the education and supervised experience in settings which meet recognized professional standards to practice in that specialty area.

36-21. Code of Ethics for Psycho-educational Specialists.

(A) Professional Competency.

(1) Psycho-educational Specialists shall recognize the strengths and limitations of their training and experience and engage only in practices for which they are qualified.

(2) Psycho-educational Specialists shall represent competence levels, education, training, and experience accurately and in a professional manner.

(3) Psycho-educational Specialists shall not use affiliations with persons, associations, or institutions to imply a level of professional competence exceeding that actually achieved.

(4) Psycho-educational Specialists shall enlist the assistance of other specialists in supervisory, consultative, or referral roles as appropriate in providing services.

(5) Psycho-educational Specialists shall refrain from any activity in which their personal problems or conflicts may interfere with professional effectiveness. Competent assistance is sought to alleviate conflicts in professional relationships.

(B) Professional Relationships and Responsibilities.

(1) Psycho-educational Specialists shall apply their professional expertise for the purpose of promoting improvement in the quality of life for students, their families, and the school community.

(2) Psycho-educational Specialists shall respect all persons and must be sensitive to physical, mental, emotional, political, economic, social, cultural, ethnic, and racial characteristics, gender and sexual orientation, and religion.

(3) Psycho-educational Specialists shall be responsible for the direction and nature of their personal loyalties or objectives. When these commitments may influence a professional relationship, the Psycho-educational Specialist shall inform all concerned persons of relevant issues in advance.

(4) Psycho-educational Specialists shall maintain professional relationships with students, parents, the school, and community. Parents and students must be fully informed about all relevant aspects of services in advance, taking into account language and cultural differences, cognitive capabilities, developmental level, and age so that the explanation may be understood by the student, parent, or guardian.

(5) Psycho-educational Specialists shall attempt to resolve situations in which there are divided or conflicting interests in a manner which is mutually beneficial and protective of the rights of all parties involved.

(6) Psycho-educational Specialists shall not exploit clients through professional relationships nor condone these actions in their colleagues. All individuals, including students, clients, employees, colleagues, and research participants, shall not be exposed to deliberate comments, gestures, or physical contacts of a sexual nature. Psycho-educational Specialists shall not harass or demean others based on personal characteristics nor engage in sexual relationships with their students, supervisees, trainees, or past or present clients.

(7) Psycho-educational Specialists shall not enter into personal or business relationships with students/clients or their students'/clients' parents.

(8) Psycho-educational Specialists shall notify the Board if aware of a suspected detrimental or unethical practice of another professional.

(9) Psycho-educational Specialists shall respect the confidentiality of information obtained during their professional work and reveal this information only with the informed consent of the client, or the client's parent or legal guardian, except as provided by law.

(C) Students.

(1) Psycho-educational Specialists shall engage only in professional practices which maintain the dignity and integrity of students and other clients.

(2) Psycho-educational Specialists shall explain important aspects of their professional relationships with students and clients in a clear, understandable manner, including the reason why services were requested, who will receive information about the services provided, and the possible outcomes.

(3) When a child initiates services, Psycho-educational Specialists shall respect the right of the student or client to initiate, participate in, or discontinue services voluntarily. When another party initiates services, the Psycho-educational Specialists shall make every effort to secure voluntary participation of the child/student.

(4) Psycho-educational Specialists shall discuss recommendations, including all alternatives available.

(D) Parents, Legal Guardians, and Appointed Surrogates.

(1) Psycho-educational Specialists shall explain all services to parents in a clear, understandable manner, and explain options taking into account the values and capabilities of each parent. Provision of services by interns, practicum students, and other unlicensed personnel must be explained and agreed to in advance.

(2) Psycho-educational Specialists shall assure that there is direct parent contact prior to seeing the student/client on an on-going basis. Frank and prompt reporting to the parent of findings and progress shall be made so long as it conforms to the limits of confidentiality.

(3) Psycho-educational Specialists shall encourage and promote parental participation in designing services provided to their children, including when appropriate, linking interventions between the school and the home, tailoring parental involvement to the skills of the family, and helping parents to gain the skills needed to help their children.

(4) Psycho-educational Specialists shall respect the wishes of parents who object to services and attempt to guide parents to alternative community resources.

(5) Psycho-educational Specialists shall discuss recommendations and plans for assisting the student/client with the parent. The discussion must include alternatives associated with each set of plans, showing respect for the ethnic/cultural values of the family. The parents must be advised as to sources of help available at school and in the community.

(6) Psycho-educational Specialists shall discuss the rights of parents and students regarding creation, modification, storage, and disposal of confidential materials.

(E) Service Delivery.

(1) Psycho-educational Specialists shall be knowledgeable of the organization, philosophy, goals, objections, and methodologies of the setting in which they are employed.

(2) Psycho-educational Specialists shall recognize that an understanding of the goals, processes, and legal requirements of their particular workplace is essential for effective functioning within that setting.

(3) Psycho-educational Specialists shall become integral members of the client systems to which they are assigned.

(4) Psycho-educational Specialists providing services to several different groups must disclose potential conflicts of interest to all parties.

(F) Community.

(1) Psycho-educational Specialists shall not engage in or condone practices that discriminate against clients based on race, handicap, age, gender, sexual orientation, religion, national origin, economic status, or native language.

(2) Psycho-educational Specialists shall avoid any action that could violate or diminish the civil or legal rights of clients.

(3) Psycho-educational Specialists shall adhere to federal, state, and local laws and ordinances governing their practice.

(G) Related Professional.

(1) Psycho-educational Specialists shall cooperate with other professional disciplines in relationships based on mutual respect.

(2) Psycho-educational Specialists shall encourage and support the use of all resources to best serve the interests of students and clients.

(3) Psycho-educational Specialists shall explain their field and their professional competencies, including roles, assignments, and working relationships to other professionals.

(4) Psycho-educational Specialists shall cooperate and coordinate with other professionals and agencies with the rights and needs of their clients in mind and must promote coordination of services.

(5) Psycho-educational Specialists shall refer a student or client to another professional for services whenever a condition is identified which is outside the professional's competencies or scope of practice.

(6) Psycho-educational Specialists shall ensure that all relevant and appropriate individuals, including the student/client when appropriate, are notified when transferring the intervention responsibility.

(H) Other Psycho-educational Specialists.

(1) Psycho-educational Specialists who employ, supervise, or train other professionals shall provide continuing professional development and must provide appropriate working conditions, fair and timely evaluations, and constructive consultation.

(2) Psycho-educational Specialists who supervise interns shall be responsible for all professional practices of the supervisee and assure the students/clients and the profession that the intern is adequately supervised.

(I) Advocacy.

(1) Psycho-educational Specialists shall be responsible to students/clients when acting as advocates for their rights and welfare.

(2) Psycho-educational Specialists shall communicate to the school administration and staff service options, taking into consideration the primary concern for protecting the rights and welfare of students.

(J) Assessment and Intervention.

(1) Psycho-educational Specialists shall maintain the highest standards for educational and psycho-educational assessment.

(2) In conducting psycho-educational, educational, or behavioral evaluations, or in providing therapy, counseling, or consultation services, Psycho-educational Specialists must give consideration to individual integrity and individual differences.

(3) Psycho-educational Specialists shall respect the differences in age, gender, sexual orientation, and socioeconomic, cultural and ethnic backgrounds and must select and use appropriate assessment or treatment procedures, techniques, and strategies.

(4) Psycho-educational Specialists must maintain knowledge about the validity and reliability of their instruments and techniques so as to choose those that have up-to-date standardization data and are applicable and appropriate for the benefit of the student/client.

(5) Psycho-educational Specialists shall not condone the use of psycho-educational assessment techniques, or the mis-use of the information these techniques provide, by unqualified persons in any way, including teaching, sponsorship, or supervision.

(6) Psycho-educational Specialists shall develop interventions which are appropriate to the presenting problems and are consistent with data collected and must modify or terminate the treatment plan when the data indicate the plan is not achieving the desired goals.

(K) Use of Materials and Technology.

(1) Psycho-educational Specialists shall maintain test security, preventing the release of underlying principles and specific content that would undermine the use of the device, and shall be responsible for the security requirements specific to each instrument used.

(2) Psycho-educational Specialists shall abide by all copyright laws and obtain permission from the authors before reproducing un-copyrighted published instruments.

(3) Psycho-educational Specialists shall obtain written prior consent or remove identifying data presented in public lectures or publications.

(4) When producing materials for consultation, intervention, teaching, public lectures, or publication, Psycho-educational Specialists shall acknowledge sources and assign credit to those whose ideas are reflected in the product.

(5) Psycho-educational Specialists shall not promote or encourage inappropriate use of computer generated test analyses or reports and must select scoring and interpretation services on the basis of accuracy and professional alignment with the underlying decision rules.

(6) Psycho-educational Specialists shall bear responsibility for any technological services used. All ethical and legal principles regarding confidentiality, privacy, and responsibility for decisions apply to the Psycho-educational Specialist and cannot be transferred to equipment, software companies, or data processing departments.

(7) Technological devices shall be used to improve the quality of client services.

(L) Research, Publication, and Presentation.

(1) Psycho-educational Specialists shall, when designing and implementing research in schools, employ research methodology, subject selection techniques, data gathering methods, and analysis and reporting techniques which are grounded in sound research practice.

(2) Psycho-educational Specialists working in agencies without review committees shall have peer review prior to initiating research.

(3) In publishing reports of their research, Psycho-educational Specialists shall provide discussion of limitations of their data and acknowledge existence of disconfirming data, as well as alternate hypotheses and explanations of their findings.

(M) Relationships with School Districts.

(1) Psycho-educational Specialists employed in both the public and private sector shall separate their roles and protect and completely inform the consumer of all potential conflicts of interest or concerns.

(2) Psycho-educational Specialists shall not accept any form of remuneration from clients who are entitled to the same service provided by the same Psycho-educational Specialists while working in the public sector. This prohibition includes students who attend the non-public schools within the public school assignment area.

(3) Psycho-educational Specialists in private practice shall inform parents of any free school psycho-educational services available from the public or private schools prior to delivering such services for remuneration.

(4) Psycho-educational Specialists shall conduct all private practice outside of the hours of contracted public employment.

(5) Psycho-educational Specialists engaged in private practice shall not use tests, materials, equipment, facilities, secretarial assistance, or other services belonging to the public sector employer, unless approved in advance through a written agreement.

(6) Psycho-educational Specialists shall not barter psycho-educational services.

(N) Service Delivery.

(1) Psycho-educational Specialists shall conclude a financial agreement in advance of service delivery.

(2) Psycho-educational Specialists shall ensure to the best of their ability that the client clearly understands the financial agreement.

(3) Psycho-educational Specialists shall not give or receive any remuneration for referring clients for professional services.

(4) Psycho-educational Specialists in private practice shall adhere to the conditions of a contract until service thereunder has been performed, the contract has been terminated by mutual consent, or has otherwise been legally terminated.

(5) Psycho-educational Specialists shall not engage in personal diagnosis and therapy by means of public lectures, newspaper columns, magazine articles, radio or television programs, or mail.

(O) Announcements/Advertising.

(1) Psycho-educational Specialists shall present accurate representations of training, experience, services provided, and affiliations, and shall advertise these in a restrained manner.

(2) Listings in telephone directories shall be limited to name, highest relevant degree, state certification/licensure status as provided for by statute, address, telephone number, brief identification of major areas of practice, office hours, appropriate fee information, foreign languages spoken, policy regarding third party payments, and license number.

(3) Announcements of services by Psycho-educational Specialists in private practice shall be made in a formal, professional manner, using the guidelines for advertising in the telephone directory. In addition, clear statements of purposes with unequivocal descriptions of the experiences to be provided shall be given, along with education, training, and experience of all staff members appropriately specified.

(4) Psycho-educational Specialists in private practice shall not directly solicit clients for individual diagnosis or therapy.

(5) Psycho-educational Specialists shall not compensate in any manner a representative of the press, radio, or television in return for professional publicity in a news item.

36-22. Code of Ethics for All Supervisors.

In addition to following the profession's Code of Ethics, supervisors and candidates for supervisor's license shall:

1. Ensure that supervisees inform clients of their professional status and of all conditions of supervision. Supervisors need to ensure that supervisees inform their clients of any status other than being fully qualified for independent practice or licensed. For example, supervisees need to inform their clients if they are a student, intern, and trainee or, if licensed with restrictions, the nature of those restrictions. In addition, clients must be informed of the requirements of supervision (e.g., the audio taping of counseling sessions for purposes of supervision).

2. Ensure that clients have been informed of their rights to confidentiality and privileged communication when applicable. Clients also should be informed of the limits of confidentiality and privileged communication. The general limits of confidentiality are when harm to self or others is threatened; when the abuse of children, elders or disabled persons is suspected and in cases when the court compels the counselor to testify and break confidentiality. These are generally accepted limits to confidentiality and privileged communication, but they may be modified by state or federal statute.

3. Inform supervisees about the process of supervision, including supervision goals, case management procedures, and the supervisor's preferred supervision model(s).

4. Keep and secure supervision records and consider all information gained in supervision as confidential.

5. Avoid all dual relationships with supervisees that may interfere with the supervisor's professional judgment or exploit the supervisee. Refrain from supervision of current or former clients.

Although all dual relationships are not in of themselves inappropriate, any sexual relationship is considered to be a violation. Sexual relationship means sexual contact, sexual harassment, or sexual bias toward a supervisee by a supervisor.

6. Establish procedures with their supervisees for handling crisis situations.

7. Provide supervisees with adequate and timely feedback as part of an established evaluation plan, including completion of all Board required forms regarding supervision of supervisees.

8. Render assistance to any supervisee who is unable to provide adequate counseling services to clients.

9. Intervene in any situation where the supervisee is impaired and the client is at risk.

10. Refrain from endorsing an impaired supervisee when it is unlikely that the supervisee can provide adequate counseling services.

11. Refrain from offering supervision outside of the supervisor's area(s) of competence.

12. Ensure that supervisees are aware of the current ethical standards related to their professional practice, as approved by the Board, as well as legal standards that regulate their professional practice.

13. Engage supervisees in an examination of cultural issues that might affect supervision and/or counseling.

14. Ensure that both supervisees and clients are aware of their rights and of due process procedures.

ARTICLE 8

STANDARDS FOR SUPERVISION

36-23. Standards for Supervision.

A. Supervision of Clinical Contact

The process of supervision shall encompass multiple strategies of supervision, including regularly scheduled live observation of counseling sessions or review of audiotapes and/or videotapes of counseling sessions. The process may also include discussion of the supervisee's self-reports, micro-training, interpersonal process recall, modeling, role-playing, and other supervisory techniques.

B. Acceptable Supervisor

1. Supervisees beginning their period of supervision shall be supervised by a supervisor authorized by this Board or a qualified licensed mental health practitioner approved by this Board.

2. A supervisor shall not be related to the supervisee in any of the following relationships: spouse, parent, child, sibling of the whole- or half-blood, grandparent, grandchild, aunt, uncle, present stepparent, or present stepchild.

C. Role of the Supervisor

1. The supervisor shall provide nurturance and support to the supervisee, explaining the relationship of theory to practice, suggesting specific actions, assisting the supervisee in exploring various models for practice, and challenging discrepancies in the supervisee's practice.

2. The supervisor shall ensure that the counseling clinical contact is completed in appropriate professional settings and with adequate administrative and clerical controls.

3. The supervisor shall ensure the supervisee's familiarity with important literature in the appropriate field of practice.

4. The supervisor shall model effective practice.

5. The supervisor shall supervise no more than eight supervisees for direct client contact hours in immediate supervision of individual or group supervision.

6. The supervisor shall provide written reports as required by the Board and shall be available for consultation with the Board or its committees regarding the supervisee's competence for licensure.

D. Supervision must occur in accordance with the following guidelines:

1. The Plan for Supervision shall be completed by each supervisor and submitted to the Board. Following the completion of supervision the Confirmation of Clinical Supervision form supported by a log of hours and any written confirmation that the Board may require to support the hours noted shall be completed and mailed to the Board.

2. The process of supervision shall be outlined in a contract for supervision written between the supervisor and supervisee. This contract must address supervision issues including, but not limited to, the following:

- a. clarification of whether supervision will be individual, group or both; and
- b. clarification of where, when and for what length of time supervision will occur and the consistency required; and
- c. any fee for the supervision including cancellation policy for supervisor and supervisee; and
- d. the availability of the supervisor in therapeutic emergencies and a clearly stated process for addressing suicidal or homicidal ideation or other high-risk situations; and
- e. confidentiality issues and record keeping including the process for responding to subpoenas, requests for records or other client information and a clearly stated process for protecting client's confidentiality; and
- f. knowledge of and commitment to abide by the code of ethics and applicable federal and state laws; and
- g. boundary issues including but not limited to personal issues (i.e. dual relationships, gifts, self disclosure); and
- h. release of information form for supervisor and the supervisee to exchange information with other supervisors of person supervised; and

i. clarification of the duties of the supervisor and the supervisee such as: caseload report; preparation for supervision; documentation of diagnosis, treatment plan and session notes; time of supervisory sessions to be spent listening or watching tapes and/or observing; homework assignments including familiarity with important literature in the field; appropriate professional settings with adequate administrative and clerical controls; and

j. the development of a learning plan addressing widely accepted treatment models and methodology; and

k. procedure and schedule to review performance including self-evaluation, client satisfaction surveys and feedback to the Supervisor and supervisee; and

l. procedure to review or amend contract and/or Plan for Supervision.

3. Acceptable modes for supervision of direct clinical contact are the following:

a. Individual/triadic supervision: an acceptable supervisor conducts the supervisory session with no more than two supervisees present for a period of at least one-hour. It is suggested that contracts for individual/triadic supervision occur in specified blocks of time.

b. Group supervision: an acceptable supervisor with no more than four supervisees present for a period of at least one and one half-hours conducts the supervisory session. It is suggested that contracts for group supervision occur in specified blocks of time.

4. The Board generally considers none of the following as appropriate for supervision:

a. any supervision conducted by a current or former family member or other person connected to the supervisee in such a way that would prevent or make difficult the establishment of a professional relationship.

b. peer supervision, consultation, or professional or staff development

c. administrative supervision

d. any process that is primarily didactic or involves teaching or training in a workshop, seminar or classroom format, including continuing education

e. supervision of more than eight supervisees at any given time.

Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

Statement of Rationale:

The updated regulations will revise and update licensing requirements, decrease the number of intern practicum hours, revise the allocation of supervised clinical experience hours, allow a portion of the required supervision to be obtained online, revise the continuing education requirements, and update the Code of Ethics.