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Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing. T.C.A. § 4-5-205

Agency/Board/Commission:	Board for Professional Counselors, Marital and Family Therapists and Clinical Pastoral Therapists
Division:	Health Related Boards
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Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0450-01	General Rules Governing Professional Counselors
Rule Number	Rule Title
0450-01-.04	Qualifications for Licensure
0450-01-.05	Procedures for Licensure
0450-01-.12	Continuing Education

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Chapter 0450-01
General Rules Governing Professional Counselors
Amendments

Rule 0450-01-.04 Qualifications for Licensure is amended by deleting paragraph (3) and all its subparagraphs in their entirety and substituting instead the following language, so that as amended, the new paragraph (3) shall read:

- (3) Licensed Professional Counselor (LPC) by Reciprocity. Individuals seeking licensure by reciprocity must meet the following qualifications:
 - (a) Hold a current, undisciplined, professional counselor or equivalent license from another state of the United States which has entered into a mutual reciprocity agreement with the Tennessee Board for Professional Counselors, Marital and Family Therapists, and Clinical Pastoral Therapists.
 - (b) Provide evidence that he or she is highly regarded in moral character and professional ethics.
 - (c) Pass the Tennessee Jurisprudence Examination pursuant to rule 0450-01-.08.

Authority: T.C.A. §§ 63-22-102, 63-22-116.

Rule 0450-01-.04 Qualifications for Licensure is amended by deleting paragraph (4) and all its subparagraphs in their entirety and substituting instead the following language, so that as amended, the new paragraph (4) shall read:

- (4) Licensed Professional Counselor with Mental Health Services Provider designation (LPC/MHSP). To be eligible to submit an application, a candidate must show completion of the following qualifications:
 - (a) Be at least 18 years of age.
 - (b) Provide evidence that he or she is highly regarded in moral character and professional ethics.
 - (c) Education. The educational requirements must be completed prior to the date of application.
 - 1. Sixty (60) graduate semester hours, based upon a program of studies with a major in counseling, completed from an institution accredited by the Southern Association of Colleges and Schools, the Council for the Accreditation of Counseling and Related Educational Programs, or a comparable accrediting body;
 - 2. The graduate coursework should include, but is not limited to, the following core areas (one course may satisfy study in more than one of the study areas):
 - (i) Theories of human behavior, learning and personality;
 - (ii) Abnormal behavior;
 - (iii) Theories of counseling and psychotherapy;

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

Authority: T.C.A. §§ 63-22-102, 63-22-104, 63-22-107, 63-22-150.

Rule 0450-01-.04 Qualifications for Licensure is amended by deleting paragraph (5) and all its subparagraphs in their entirety and substituting instead the following language, so that as amended, the new paragraph (5) shall read:

- (5) Licensed Professional Counselor with Mental Health Service Provider designation (LPC/MHSP), by reciprocity. Individuals seeking licensure by reciprocity as LPC/MHSPs must meet the following qualifications.
 - (a) Hold a current, undisciplined, professional counselor license with a Mental Health Service Provider designation, or its equivalent, from another state of the United States which has entered into a mutual reciprocity agreement with the Tennessee Board for Professional

Counselors, Marital and Family Therapists, and Clinical Pastoral Therapists.

- (b) Provide evidence that he or she is highly regarded in moral character and professional ethics.
- (c) Pass the Tennessee Jurisprudence Examination pursuant to rule 0450-01-.08.

Authority: T.C.A. §§ 63-22-102, 63-22-116.

Rule 0450-01-.04 Qualifications for Licensure is amended by adding the following language as new paragraph (6) which shall read:

- (6) Temporarily Licensed Professional Counselor with Mental Health Service Provider designation.
 - (a) A temporary license may be issued by the Board for an applicant for licensed professional counselor designated as a mental health service provider who has:
 - 1. Completed the academic course work and training (except for the required supervised professional experience) required for the license; and
 - 2. Successfully passed the National Counselor Examination.
 - (b) A temporary license obtained pursuant to this section authorizes an applicant to perform the functions specified in T.C.A. § 63-22-150(5), while working under the supervision of an approved supervisor.

Authority: T.C.A. §§ 63-22-102, 63-22-121.

Rule 0450-01-.05 Procedures for Licensure is amended by deleting subparagraphs (1)(k), (1)(l), and (1)(m) in their entirety and substituting instead the following language, so that as amended, the new subparagraphs (1)(k), (1)(l), and (1)(m) shall read:

- (k) An applicant shall submit evidence of completing a minimum of two (2) years supervised post-master's experience under the direction of an approved supervisor, pursuant to rule 0450-01-.04(1)(d).
- (l) An applicant shall direct NBCC to submit directly to the Board's office evidence that he or she passed the National Counselor Examination pursuant to rule 0450-01-.08.
- (m) An applicant shall disclose the circumstances surrounding any of the following:
 - 1. Conviction of any criminal law violation of any country, state, or municipality, except minor traffic violations.
 - 2. The denial of certification or licensure application by any other state or the discipline of certification or licensure in any state.
 - 3. Loss or restriction of certification or licensure.
 - 4. Any civil suit judgment or civil suit settlement in which the applicant was a party defendant including, without limitation, actions involving malpractice, breach of contract, antitrust activity, or any other civil action remedy recognized under any country's or state's statutory, common, or case law.
 - 5. If the applicant discloses any of the above, the Board may require the applicant to appear before the Board to answer questions regarding the circumstances and regarding the applicant's fitness to practice in the State of Tennessee. The burden is on the applicant to prove by a preponderance of the evidence the

circumstances of any of the above.

6. Any of the above may be grounds for denial or conditioning of the license if the Board determines it to be unprofessional conduct or conduct that violates T.C.A. §§ 63-22-101, et seq. or Board rules and regulations.

Authority: T.C.A. §§ 63-22-102, 63-22-104.

Rule 0450-01-.05 Procedures for Licensure is amended by adding the following language as new parts (2)(f)5. and (2)(f)6., which shall read:

5. If the applicant discloses any of the above, the Board may require the applicant to appear before the Board to answer questions regarding the circumstances and regarding the applicant's fitness to practice in the State of Tennessee. The burden is on the applicant to prove by a preponderance of the evidence the circumstances of any of the above.
6. Any of the above may be grounds for denial or conditioning of the license if the Board determines it to be unprofessional conduct or conduct that violates T.C.A. §§ 63-22-101, et seq. or Board rules and regulations.

Authority: T.C.A. §§ 63-22-102, 63-22-104.

Rule 0450-01-.05 Procedures for Licensure is amended by deleting paragraph (3) in its entirety and substituting instead the following language, so that as amended, the new paragraph (3) shall read:

- (3) Licensed Professional Counselor (LPC) by Reciprocity
 - (a) The Board may issue a license to any individual who holds a current professional counselor license from another state of the United States which has entered into a mutual reciprocity agreement with the Tennessee Board for Professional Counselors, Marital and Family Therapists, and Clinical Pastoral Therapists, and who meets the qualifications stated in rule 0450-01-.04(3).
 - (b) An application shall be requested from the Board's administrative office or shall be downloaded from the Internet. An applicant shall pay, at the time of application, the nonrefundable application fee as provided in rule 0450-01-.06.
 - (c) Applications for licensure will be accepted throughout the year and files which are completed on or before the 30th day prior to the meeting will ordinarily be processed at the next Board meeting scheduled for the purpose of reviewing files. Supporting documents requested in these instructions must be received in the Board office within sixty (60) days of receipt of the application or the file will be closed.
 - (d) An applicant shall respond truthfully and completely to every question or request for information contained in the form and submit it along with all documentation and fees required by the form and this rule to the Board administrative office. It is the intent of this rule that all steps necessary to accomplish the filing of the required documentation be completed prior to filing an application and that all documentation be filed simultaneously.
 - (e) An applicant shall submit a clear and recognizable, recently taken, bust photograph which shows the full head face forward from at least the top of the shoulders up.
 - (f) An applicant shall submit a certified photocopy of his or her birth certificate.
 - (g) An applicant shall submit evidence of good moral character. Such evidence shall include two recent, within the preceding twelve (12) months, original letters from professionals attesting to the applicant's personal character and professional ethics and typed on the

signator's letterhead.

- (h) An applicant shall submit a copy of his original certificate or license from the other state along with an official statement or affidavit from the appropriate certification or licensing agency in the other state which indicates that the certificate or license is in effect and in good standing, as well as under what provision such certificate or license was issued (i.e. grandfathering, examination, reciprocity, endorsement, etc.).
- (i) An applicant must submit a copy of his renewal certificate with the number from the other state and expiration date.
- (j) The applicant shall provide the Board with a copy of his state's certification or licensing law and rules in effect at the time the applicant was credentialed.
- (k) An applicant shall disclose the circumstances surrounding any of the following:
 - 1. Conviction of any criminal law violation of any country, state, or municipality, except minor traffic violations.
 - 2. The denial of certification or licensure application by any other state or the discipline of certification or licensure in any state.
 - 3. Loss or restriction of certification or licensure.
 - 4. Any civil suit judgment or civil suit settlement in which the applicant was a party defendant including, without limitation, actions involving malpractice, breach of contract, antitrust activity or any other civil action remedy recognized under any country's or state's statutory, common, or case law.
 - 5. If the applicant discloses any of the above, the Board has the right to require the applicant to appear before the Board to answer questions regarding the circumstances and regarding the applicant's fitness to practice in the State of Tennessee. The burden is on the applicant to prove by a preponderance of the evidence the circumstances of any of the above.
 - 6. Regardless of the terms of a reciprocal agreement with another state, any of the above may be grounds for denial or conditioning of the license if the Board determines it to be unprofessional conduct or conduct that violates T.C.A. §§ 63-22-101, et seq. or Board rules and regulations.
- (l) An applicant shall cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's licensure application materials, the result of a criminal background check.
- (m) Where necessary, all documents required to be submitted shall be translated into English and such translation certified along with the original document as to authenticity by the issuing source.
- (n) Application review and licensure decisions shall be governed by rule 0450-01-.07.
- (o) Personal resumes are not acceptable and will not be reviewed.

Authority: T.C.A. §§ 63-22-102, 63-22-104, 63-22-116.

Rule 0450-01-.05 Procedures for Licensure is amended by deleting paragraph (4) in its entirety and substituting instead the following language, so that as amended, the new paragraph (4) shall read:

(4) Licensed Professional Counselor with Mental Health Service Provider designation (LPC/MHSP).

- (a) An application shall be requested from the Board's administrative office or shall be downloaded from the Internet.
- (b) An applicant shall respond truthfully and completely to every question or request for information contained in the form, and submit it along with all documentation and fees required by the form and this rule to the Board's administrative office. It is the intent of this rule that all steps necessary to accomplish the filing of the required documentation be completed prior to filing an application and that all documentation be filed simultaneously.
- (c) Applications for licensure will be accepted throughout the year and files which are completed on or before the 30th day prior to the meeting will ordinarily be processed at the next Board meeting scheduled for the purpose of reviewing files. Supporting documents requested in these instructions must be received in the Board's office within sixty (60) days of receipt of the application or the file will be closed.
- (d) An applicant shall pay, at the time of application, the nonrefundable application fee as provided in rule 0450-01-.06.
- (e) An applicant shall submit verification of having completed a supervised practicum or internship pursuant to T.C.A. § 63-22-104.
- (f) An applicant shall submit with his application, a certified copy of his birth certificate.
- (g) An applicant shall submit a clear and recognizable recently taken, bust photograph which shows the full head face forward from at least the top of the shoulders up.
- (h) It is the applicant's responsibility to request a graduate transcript from his degree granting institution, pursuant to T.C.A. § 63-22-104, be submitted directly from the school to the Board's administrative office. The institution granting the degree must be accredited, pursuant to rule 0450-01-.04(4), at the time the degree was granted. The transcript must show that the degree has been conferred and carry the official seal of the institution and reference the name under which the applicant has applied for licensure. The transcript must show, pursuant to rule 0450-01-.04(4)(c)(3), at least sixty (60) graduate semester hours, including nine (9) from courses entirely or substantially pertaining to diagnosis, treatment, appraisal and assessment of mental disorders. The educational requirements contained in this rule must be completed prior to the date of application for licensure.
- (i) An applicant shall complete and submit the worksheet form for reporting course work.
- (j) An applicant shall submit evidence of good moral character. Such evidence shall include at least two (2) recent, within the preceding twelve (12) months, original letters from professionals attesting to the applicant's personal character and professional ethics and typed on the signator's letterhead.
- (k) An applicant shall submit evidence of completing a minimum of two (2) years supervised post-master's experience under the direction of an approved supervisor, pursuant to rule 0450-01-.04(4)(d).
- (l) An applicant shall direct NBCC to submit directly to the Board's office evidence that he passed the National Counselor Examination and the National Clinical Mental Health Counseling Examination pursuant to rule 0450-01-.08.
- (m) An applicant shall disclose the circumstances surrounding any of the following:
 - 1. Conviction of any criminal law violation of any country, state, or municipality, except minor traffic violations.
 - 2. The denial of certification or licensure application by any other state or the discipline of certification or licensure in any state.

3. Loss or restriction of certification or licensure.
 4. Any civil suit judgment or civil suit settlement in which the applicant was a party defendant including, without limitation, actions involving malpractice, breach of contract, antitrust activity, or any other civil action remedy recognized under any country's or state's statutory, common, or case law.
 5. If the applicant discloses any of the above, the Board has the right to require the applicant to appear before the Board to answer questions regarding the circumstances and regarding the applicant's fitness to practice in the State of Tennessee. The burden is on the applicant to prove by a preponderance of the evidence the circumstances of any of the above.
 6. Any of the above may be grounds for denial or conditioning of the license if the Board determines it to be unprofessional conduct or conduct that violates T.C.A. §§ 63-22-101, et seq. or Board rules and regulations.
- (n) An applicant shall cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's licensure application materials, the result of a criminal background check.
 - (o) When necessary, all documents required to be submitted shall be translated into English and such translation certified along with the original document as to authenticity by the issuing source.
 - (p) Personal resumes are not acceptable and will not be reviewed.
 - (q) Application review and licensure decisions shall be governed by rule 0450-01-.07.
 - (r) The burden is on the applicant to prove by a preponderance of the evidence that his course work, supervision, and experience are equivalent to the Board's requirements.

Authority: T.C.A. §§ 63-22-102, 63-22-104, 63-22-120.

Rule 0450-01-.05 Procedures for Licensure is amended by deleting paragraph (5) in its entirety and substituting instead the following language, so that as amended, the new paragraph (5) shall read:

- (5) Licensed Professional Counselor with Mental Health Service Provider designation (LPC/MHSP) by reciprocity.
 - (a) The Board may issue a license to any individual who holds a current, undisciplined professional counselor license with a Mental Health Provider designation, or its equivalent, from another state of the United States which has entered into a mutual reciprocity agreement with the Tennessee Board for Professional Counselors, Marital and Family Therapists, and Clinical Pastoral Therapists, and who meets the qualifications stated in rule 0450-01-.04(5).
 - (b) An application shall be requested from the Board's administrative office or shall be downloaded from the Internet. An applicant shall pay, at the time of application, the nonrefundable application fee as provided in rule 0450-01-.06.
 - (c) Applications for licensure will be accepted throughout the year and files which are completed on or before the 30th day prior to the meeting will ordinarily be processed at the next Board meeting scheduled for the purpose of reviewing files. Supporting documents requested in these instructions must be received in the Board office within 60 days of receipt of the application or the file will be closed.
 - (d) An applicant shall respond truthfully and completely to every question or request for information contained in the form and submit it along with all documentation and fees

- required by the form and this rule to the Board administrative office. It is the intent of this rule that all steps necessary to accomplish the filing of the required documentation be completed prior to filing an application and that all documentation be filed simultaneously.
- (e) An applicant shall submit a clear and recognizable recently taken, bust photograph which shows the full head face forward from at least the top of the shoulders up.
 - (f) An applicant shall submit a certified photocopy of his birth certificate.
 - (g) An applicant shall submit evidence of good moral character. Such evidence shall include two recent, within the preceding 12 months, original letters from professionals attesting to the applicant's personal character and professional ethics and typed on the signator's letterhead.
 - (h) An applicant shall submit a copy of his original certificate or license from the other state along with an official statement or affidavit from the appropriate certification or licensing agency in the other state which indicates that the certificate or license is in effect and in good standing, as well as under what provision such certificate or license was issued (i.e. grandfathering, examination, reciprocity, endorsement, etc.).
 - (i) An applicant must submit a copy of his renewal certificate with the number from the other state and expiration date.
 - (j) The applicant shall provide the Board with a copy of his state's certification or licensing law and rules in effect at the time the applicant was credentialed.
 - (k) An applicant shall disclose the circumstances surrounding any of the following:
 - 1. Conviction of any criminal law violation of any country, state, or municipality, except minor traffic violations.
 - 2. The denial of certification or licensure application by any other state or the discipline of certification or licensure in any state.
 - 3. Loss or restriction of certification or licensure.
 - 4. Any civil suit judgment or civil suit settlement in which the applicant was a party defendant including, without limitation, actions involving malpractice, breach of contract, antitrust activity or any other civil action remedy recognized under any country's or state's statutory, common, or case law.
 - 5. If the applicant discloses any of the above, the Board has the right to require the applicant to appear before the Board to answer questions regarding the circumstances and regarding the applicant's fitness to practice in the State of Tennessee. The burden is on the applicant to prove by a preponderance of the evidence the circumstances of any of the above.
 - 6. Regardless of the terms of a reciprocal agreement with another state, any of the above may be grounds for denial or conditioning of the license if the Board determines it to be unprofessional conduct or conduct that violates T.C.A. §§ 63-22-101, et seq. or Board rules and regulations.
 - (l) An applicant shall cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's licensure application materials, the result of a criminal background check.
 - (m) Where necessary, all documents required to be submitted shall be translated into English and such translation certified along with the original document as to authenticity by the issuing source.

- (n) Application review and licensure decisions shall be governed by rule 0450-01-.07.
- (o) Personal resumes are not acceptable and will not be reviewed.

Authority: T.C.A. §§ 63-22-102, 63-22-104, 63-22-116, 63-22-120.

Rule 0450-01-.05 Procedures for Licensure is amended by adding the following language as new paragraph (6) which shall read:

- (6) Temporary licensure for Licensed Professional Counselor with Mental Health Service Provider designation (LPC/MHSP).
 - (a) An applicant for licensure as an LPC/MHSP may file an application for temporary licensure by submitting the non-refundable application fee required by Rule 0450-01-.06, and an application for licensure with all required documentation, pursuant to procedures outlined in paragraph (4) of this rule, except as follows:
 - 1. The applicant need not show proof of the post-master's supervisory hours required by 0450-01-.05(4)(k).
 - 2. The applicant need not show proof of having passed the National Clinical Mental Health Counseling Examination or the Tennessee Jurisprudence Examination.
 - 3. The applicant must submit information about the proposed supervisor or supervisors, including proof that the supervisor meets the qualifications of 0450-01-.10(1) and a copy of the proposed supervisory agreement or employment contract.
 - (b) No person may be issued more than one (1) temporary license, nor shall a temporary license be valid for more than three (3) years.
 - (c) If an applicant is granted a temporary license, the license shall remain valid until the Board grants or denies the regular license application or until it shall become invalid for any of the following reasons:
 - 1. Expiration of the three (3) year period.
 - 2. Failure to continue in supervision during the three year period the license may be valid.
 - 3. Change of supervisors without notifying the Board, submitting the credentials of the proposed supervisor, and obtaining the Board's approval.
 - (d) When a temporary license holder is notified by the Board that his temporary license is invalid for any reason, the applicant shall return the temporary license to the Board office within ten (10) days. The applicant is expected to cause his supervisor to notify the Board of any reason he is aware of that the license should become invalid. The Board will notify the supervisor when the temporary license becomes invalid.
 - (e) To replace the temporary license with a regular license for LPC/MSHP, the applicant shall:
 - 1. Notify the Board in writing of intention to seek licensure, using the form provided by the Board.
 - 2. Present proof of the following:
 - i. Completion of the required Post Master's supervised experience in a clinical setting which meets the requirement of 0450-01-.10; and

- ii. Passage of the National Clinical Mental Health Counseling Examination and the Tennessee Jurisprudence Examination.
3. Upon receipt of the materials specified in Parts 1 and 2 the Board shall consider the previously submitted licensure application appropriately supplemented and grant or deny the regular license application, based on satisfactory completion of all requirements for licensure.

Authority: T.C.A. §§ 63-22-102, 63-22-104, 63-22-121.

Rule 0450-01-.12 Continuing Education is amended by deleting subparagraphs (1)(a), (1)(b), and (1)(c) in their entirety and substituting instead the following language, so that as amended, the new subparagraphs (1)(a), (1)(b), and (1)(c) shall read:

- (a) Each person registered with the Board is required to complete twenty (20) clock hours of continuing education every two (2) calendar years.
- (b) Those persons who hold two (2) certificates and/or licenses regulated by the Tennessee Board for Professional Counselors, Marital and Family Therapists and Clinical Pastoral Therapists shall complete thirty (30) clock hours of continuing education every two (2) calendar years. A person who holds three certificates and/or licenses shall complete forty (40) clock hours of continuing education every two (2) calendar years. In each case, at least ten (10) clock hours shall be directly related to the practice of each profession for which the person is licensed or certified.
- (c) Ethics and Jurisprudence Course Requirement:
 1. Three (3) clock hours of the twenty (20) clock hour biennial requirement shall pertain to the following subjects:
 - (i) Professional ethics; and/or
 - (ii) Tennessee Code Annotated, Title 63, Chapter 22; and/or
 - (iii) Official Compilation, Rules and Regulations of the State of Tennessee, Chapter 0450-01.
 2. Those persons who hold two (2) certificates and/or licenses regulated by the Tennessee Board for Professional Counselors, Marital and Family Therapists and Clinical Pastoral Therapists shall have three (3) clock hours of the thirty (30) clock hour biennial requirement pertain to ethics and jurisprudence.
 3. Those persons who hold three (3) certificates and/or licenses shall have three (3) clock hours of the forty (40) clock hour biennial requirement pertain to ethics and jurisprudence.

Authority: T.C.A. § 63-22-102.

Rule 0450-01-.12 Continuing Education is amended by deleting subparagraph (1)(d) in its entirety and substituting instead the following language, and adding a new subparagraph (1)(e), so that as amended, the new subparagraphs (1)(d) and (1)(e) shall read:

- (d) Those persons supervising applicants for licensure under the provisions of 0450-01-.10 shall have three (3) clock hours of the twenty (20) clock hour biennial requirement pertain to counseling supervision or related supervision topics.
- (e) A person is not required to complete continuing education for a profession in the calendar

year that his or her license was initially approved.

Authority: T.C.A. § 63-22-102.

Rule 0450-01-.12 Continuing Education is amended by deleting subparagraph (3)(b) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (3)(b) shall read:

- (b) A maximum of ten (10) clock hours may be received for multi-media courses during the two (2) calendar year period. Those persons who hold two (2) certificates and/or licenses regulated by the Tennessee Board for Professional Counselors, Martial and Family Therapists and Clinical Pastoral Therapists may receive a maximum of fifteen (15) clock hours for multi-media courses during the two (2) calendar year period. Those persons who hold three (3) certificates and/or licenses may receive a maximum of twenty (20) clock hours for multi-media courses during the two (2) calendar year period.

Authority: T.C.A. § 63-22-102.

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Steven Caldwell	X				
James Philpott	X				
Susan Hammonds-White	X				
Bradley Bull	X				
Janet Scott				X	

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Board of Licensed Professional Counselors, Licensed Marital and Family Therapists, and Clinical Pastoral Therapists on 06/21/2013, and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 04/16/2013

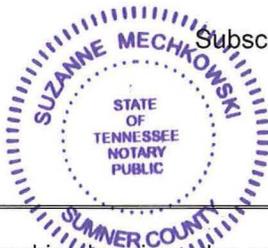
Rulemaking Hearing(s) Conducted on: (add more dates). 06/21/2013

Date: 7/10/13

Signature: Johanna L. Barde

Name of Officer: Johanna L. Barde

Title of Officer: Assistant General Counsel, Department of Health



Subscribed and sworn to before me on: 7-10-13

Notary Public Signature: Suzanne Mechkowski

My commission expires on: MY COMMISSION EXPIRES APRIL 19, 2017

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Robert E. Cooper, Jr.
 Robert E. Cooper, Jr.
 Attorney General and Reporter
1-2-14
 Date

Department of State Use Only

Filed with the Department of State on: 1/7/14

Effective on: 4/7/14

Tre Hargett
 Tre Hargett
 Secretary of State

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Public Hearing Comments

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. § 4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable.

Francis Martin, representing the Tennessee Mental Health Counselors Association commented:

Generally the Association thinks the rules make many things cleaner and clearer, which they have been wanting. They endorse the changes.

The Board responded: Thank you.

Kim Speakman, representing the Tennessee Licensed Professional Counselors Association commented:

Thank you for your work on the rule changes. They fully support all the changes because they believe it will make things much clearer and much better for all LPCs.

The Board responded: Thank you.

Board Member Bradley Bull commented: Could the term "foreign state" in the sections regarding reciprocity with other states be interpreted as foreign country too? Do we have any reciprocity with other nations? This should be clarified.

The Board responded: The rule will be changed to "state of the United States" to make it clear that we only have such agreements with other states.

Teddy Wilkins, Director for the Board commented: Under the requirements for education of LPC/MHSP, the requirement in (x) and (xiii) are the same so (xiii) should be deleted. It is a typo.

The Board responded: Good catch. That will be deleted.

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

Pursuant to the Regulatory Flexibility Act of 2007, T.C.A. §§ 4-5-401, *et seq.*, the Department of Health submits the following regulatory flexibility analysis:

(1) The extent to which the rule or rule may overlap, duplicate, or conflict with other federal, state, and local governmental rules.

The proposed rules do not overlap, duplicate, or conflict with other federal, state, or local government rules.

(2) Clarity, conciseness, and lack of ambiguity in the rule or rules.

The proposed rules exhibit clarity, conciseness, and lack of ambiguity.

(3) The establishment of flexible compliance and/or reporting requirements for small businesses.

The proposed rule amendments affect applicants seeking to become licensed professional counselors in Tennessee through initial licensure or through reciprocity. The proposed rules are not written with special consideration for the flexible compliance and/or reporting requirements because the licensing boards have, as their primary mission, the protection of the health, safety and welfare of Tennesseans. However, the proposed rules are written with a goal of avoiding unduly onerous regulations.

(4) The establishment of friendly schedules or deadlines for compliance and/or reporting requirements for small businesses.

The compliance requirements throughout the proposed rules are as "user-friendly" as possible while still allowing the Board to achieve its mandated mission in regulating the licensing professional counselors and ensuring only qualified practitioners are licensed.

(5) The consolidation or simplification of compliance or reporting requirements for small businesses.

Compliance requirements are not consolidated or simplified for small businesses in the proposed rules for the protection of the health, safety and welfare of Tennesseans.

(6) The establishment of performance standards for small businesses as opposed to design or operational standards required in the proposed rule.

The standards required in the amendments do not necessitate the establishment of performance, design, or operational standards.

(7) The unnecessary creation of entry barriers or other effects that stifle entrepreneurial activity, curb innovation, or increase costs.

There are no unnecessary entry barriers or other effects in the proposed rules that would stifle entrepreneurial activity or curb innovation. Any barriers to entering the profession of licensed counseling are enacted for the health, safety and welfare of Tennesseans and are necessary.

STATEMENT OF ECONOMIC IMPACT TO SMALL BUSINESSES

1. Name of Board, Committee or Council:

Board of Licensed Professional Counselors, Licensed Marital and Family Therapists and Licensed Pastoral Therapists

2. Rulemaking hearing date: No rulemaking hearing date has been set yet.

3. Type or types of small businesses that will be directly affected by the proposed rules:

This rule may make it easier for applicants to obtain licenses or temporary licenses which allow them to open their own practice or affiliate with an existing practice to provide counseling services. Other than a possible increase in people engaged in counseling through these practices, it would have little to no effect on small businesses.

4. Types of small businesses that will bear the cost of the proposed rules:

None.

5. Types of small businesses that will directly benefit from the proposed rules:

Existing counseling practices may be able to expand by hiring temporarily licensed applicants as contract or affiliated practitioners.

6. Description of how small business will be adversely impacted by the proposed rules:

There will be no adverse impacts to existing small businesses.

7. Alternatives to the proposed rule that will accomplish the same objectives but are less burdensome, and why they are not being proposed:

These rules are not burdensome, intrusive, or costly. In fact, they make it easier for people to understand the requirements to practice counseling in the State of Tennessee and easier to fulfill those requirements, thus making it easier to get a license.

8. Comparison of the proposed rule with any federal or state counterparts:

(a) **Federal:** The Commissioner is not aware of any federal counterparts. Counselors are not licensed by the federal government.

(b) **State:** The Commissioner's proposed rule amendments are consistent with the qualifications for licensure in the T.C.A. §63-22-101 *et seq.*

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 “any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

These rule amendments are not projected to impact local governments in any way.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

Rule 0450-01-.04 (3) Changes the qualification for LPC by reciprocity to allow licensees from states with which Tennessee has a reciprocal agreement to obtain a license without examination. This is consistent with the LPC statutes.

Rule 0450-01-.04 (4) Qualifications for LPC/MHSP is amended to make the numbering similar to the rest of the qualifications section.

Rule 0450-01-.04 (5) Changes the qualification for LPC/MHSP by reciprocity to allow licensees from states with which Tennessee has a reciprocal agreement to obtain a license without examination. This is consistent with the LPC statutes.

Rule 0450-01-.04 (6) Qualifications for Licensure is amended to add paragraph 6 on the qualifications for the Temporary LPC/MHSP, to reflect the statutory requirements and clarify that the required exam is the National Counselor Examination.

Rule 0450-01-.05 (1) Procedures for Licensure for LPC by examination is amended by changing the language in Subparagraphs 1(k), 1(l), and 1(m) to cross reference the supervision rule properly, to name the exam that must be taken for LPC, and to add a provision that after disclosure of certain information such as crimes, discipline in another state, etc. the applicant may be called before the Board to defend this information and may be denied or given a conditional license based on the information.

Rule 0450-01-.05 (2) Procedures for Licensure for LPC by upgrade is amended to make the same changes in 0450-01-.05 (1).

Rule 0450-01-.05 (3) Procedures for Licensure for LPC by reciprocity are created with the new qualifications in mind. Procedures are quite similar to regular licensure, including the fees, paperwork, evidence of moral quality, background check, etc. but instead of the examination it requires the information from the other state.

Rule 0450-01-.05 (4) Procedures for Licensure for LPC/MHSP by examination are amended to contain all the procedures needed, without cross-referencing to the LPC procedures.

Rule 0450-01-.05 (5) Creates procedures for Licensure for LPC/MHSP by reciprocity.

Rule 0450-01-.05 (6) Procedures for Licensure is amended by adding a new paragraph (6) which contains procedures for getting the temporary license for LPC/MHSP based on the statutory requirements and the qualifications for the temporary license.

Rule 0450-01.12 Continuing Education paragraphs 1 and 3 are amended to change the CEs to a two year cycle and double all the relevant CE number references.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

The Office of General Counsel is unaware of any federal law or regulation or any state law or regulation mandating promulgation of such rule. However, T.C.A. 63-22-101 *et seq.* enumerate the requirements for licensure as an LPC, and LPC/MHSP by examination, reciprocity, etc. These are the statutory guidelines the rule changes were based on.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

For the most part those affected will be persons seeking licensure under these rules as a Licensed Professional Counselor and a Licensed Professional Counselor with the designation of Mental Health Services Provider. The minor changes to the continuing education rules will affect all current LPCs and LPC/MHSPs. The two organizations representing licensees and students/applicants (the Tennessee Mental Health Counselors Association and the Tennessee License Professional Counselors Association) are in favor of these rules.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

The Office of General Counsel is not aware of any Attorney General opinions relative to the new rules.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

There will be neither a positive nor a negative fiscal impact because the new rules concern a program that is self-sufficient and funded by fees from the licensees.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Johanna L. Barde, Assistant General Counsel, Department of Health, the board administrator, Sherry Owens, and the Board Chairperson, Susan Hammonds-White, are the appropriate agency representatives possessing substantial knowledge of these new rules.

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Johanna L. Barde, Assistant General Counsel, Department of Health, the board administrator, Sherry Owens, and the Board Chairperson, Susan Hammonds-White, are the appropriate agency representatives who will explain the rule at a scheduled meeting of the committees.

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Johanna L. Barde, Assistant General Counsel, Tennessee Department of Health, 220 Athens Way, Suite 210, Nashville, TN 37243, (615) 741-1611, Johanna.Barde@tn.gov; Sherry Owens, Bureau of Health Licensure and Regulation, 227 French Landing Drive, Suite 300 Nashville, TN 37243, (615) 532-5088, Sherry.Owens@tn.gov; Ms. Hammonds-White is not an employee of the Department of Health, but she can be reached through Sherry Owens.

- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

(Rule 0450-01-.03, continued)

effective June 24, 2002. Amendment filed April 17, 2007; effective July 1, 2007. Amendment filed November 26, 2008; effective February 9, 2009.

0450-01-.04 QUALIFICATIONS FOR LICENSURE.

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

(Rule 0450-01-.04, continued)

- (a) Individuals certified on July 1, 1991, as professional counselors may upgrade from certification to licensure by any of the following methods:
 - 1. Providing a copy of his current CPC renewal certificate and verification to the board's satisfaction, that he has had five years work experience, pursuant to rule 0450-01-.14, as a certified professional counselor.
 - 2. Providing a copy of his current CPC renewal certificate and evidence that he has been certified by the NBCC.
 - 3. Providing a copy of his current CPC renewal certificate and complying with the requirements pursuant to rule 0450-01-.04(1).
- (b) Upgrading from Certified Associate Professional Counselor Status to Licensed Professional Counselor Status
 - 1. Any person certified as an Associate Counselor on July 1, 1991, shall be deemed to be a Certified Professional Counselor, but only for the purpose of upgrading to Licensed Professional Counselor.
 - 2. For the purpose of upgrading to Licensed Professional Counselor from Certified Associate Counselor, the board will accept a passing score on the PES examination, which was previously required for Associate Professional Counselors, as fulfilling the requirement of 0450-01-.08.

(3) Licensed Professional Counselor (LPC) by Reciprocity. Individuals seeking licensure by reciprocity must meet the following qualifications:

- (a) Hold a current, undisciplined, professional counselor or equivalent license from another state of the United States which has entered into a mutual reciprocity agreement with the Tennessee Board for Professional Counselors, Marital and Family Therapists, and Clinical Pastoral Therapists.
- (b) Provide evidence that he or she is highly regarded in moral character and professional ethics.
- (c) Pass the Tennessee Jurisprudence Examination pursuant to rule 0450-01-.08.

~~(3) Licensed Professional Counselor by Reciprocity. Individuals seeking licensure by reciprocity must meet the following qualifications:~~

- ~~(a) Hold a current professional counselor license from another state;~~
- ~~(b) Meet licensure requirements pursuant to Rule 0450-01-.04(1)(a) through (d); and~~
- ~~(c) Pass all the examinations required pursuant to Rule 0450-01-.08.~~

(4) Licensed Professional Counselor with Mental Health Services Provider designation (LPC/MHSP). To be eligible to submit an application, a candidate must show completion of the following qualifications:

- (a) Be at least 18 years of age.
- (b) Provide evidence that he or she is highly regarded in moral character and professional ethics.

(Rule 0450-01-.04, continued)

(c) Education. The educational requirements must be completed prior to the date of application.

1. Sixty (60) graduate semester hours, based upon a program of studies with a major in counseling, completed from an institution accredited by the Southern Association of Colleges and Schools, the Council for the Accreditation of Counseling and Related Educational Programs, or a comparable accrediting body;
2. The graduate coursework should include, but is not limited to, the following core areas (one course may satisfy study in more than one of the study areas):
 - (i) Theories of human behavior, learning and personality;
 - (ii) Abnormal behavior;
 - (iii) Theories of counseling and psychotherapy;
 - (iv) Evaluation and appraisal procedures;
 - (v) Group dynamics, theories and techniques;
 - (vi) Counseling techniques;
 - (vii) Multicultural counseling;
 - (viii) Ethics;
 - (ix) Research;
 - (x) Clinical practicum or internship (pursuant to T.C.A. § 63-22-104);
 - (xi) Use of the DSM;
 - (xii) Treatment and treatment planning
3. Pursuant to T.C.A. § 63-22-120, a minimum of nine (9) graduate semester hours of coursework must be "specifically related to diagnosis, treatment, appraisal and assessment of mental disorders." This will be interpreted to mean passing nine (9) semester hours, either during the course of a graduate degree or as post-graduate work, in courses in which diagnosis, treatment and treatment planning, appraisal and assessment of mental disorders, psychopathology, and the use of the DSM were the entire focus of the course or comprised a substantial portion of the course work.

(d) Meet the following requirements for post-masters professional experience:

1. Complete three thousand (3000) hours of supervised post-masters professional experience, including one hundred and fifty (150) contact hours of supervision obtained pursuant to Rule 0450-01-.10(6).
 - (i) One thousand and five hundred (1500) of the three thousand (3000) hours of supervised post-masters professional experience shall be face-to-face client contact hours.

(Rule 0450-01-.04, continued)

~~(i) Complete three thousand (3000) hours of supervised post-masters professional experience, including one hundred and fifty (150) contact hours of supervision obtained pursuant to Rule 0450-01-.10(6).~~

~~(i) One thousand and five hundred (1500) of the three thousand (3000) hours of supervised post-masters professional experience shall be face-to-face client contact hours.~~

~~(ii) One thousand and five hundred (1500) of the three thousand (3000) hours of supervised post-masters professional experience shall be clinically related activities;~~

~~5. Pass the examination pursuant to Rule 0450-01-.08.~~

~~(b) For the purpose of mental health service provider designation pursuant to T.C.A. § 63-22-150, "has completed a minimum of nine (9) graduate semester hours of coursework specifically related to diagnosis, treatment, appraisal and assessment of mental disorders" will be interpreted to mean passing nine (9) semester hours, either during the course of a graduate degree or as post-graduate work, in courses which include diagnosis, treatment and treatment planning, appraisal and assessment of mental disorders, psychopathology, and the use of the DSM, were the entire focus of the course or comprised a substantial portion of the course work.~~

(5) Licensed Professional Counselor with Mental Health Service Provider designation (LPC/MHSP), by reciprocity. Individuals seeking licensure by reciprocity as LPC/MHSPs must meet the following qualifications.

(a) Hold a current, undisciplined, professional counselor license with a Mental Health Service Provider designation, or its equivalent, from another state of the United States which has entered into a mutual reciprocity agreement with the Tennessee Board for Professional Counselors, Marital and Family Therapists, and Clinical Pastoral Therapists.

(b) Provide evidence that he or she is highly regarded in moral character and professional ethics.

(c) Pass the Tennessee Jurisprudence Examination pursuant to rule 0450-01-.08.

~~(5) Licensed Professional Counselor with Mental Health Service Provider designation, by reciprocity. Individuals seeking licensure by reciprocity as Licensed Professional Counselors with Mental Health Service Provider designation must meet the following qualifications.~~

~~(a) Hold a current professional counselor license with a Mental Health Provider designation, or its equivalent, from another state.~~

~~(b) Meet licensure requirements pursuant to Rules 0450-01-.04(4)(a)1. through 4. and 0450-01-.04(4)(b).~~

~~(c) Pass all the examinations required pursuant to Rule 0450-01-.08.~~

(6) Temporarily Licensed Professional Counselor with Mental Health Service Provider designation.

(a) A temporary license may be issued by the Board for an applicant for licensed professional counselor designated as a mental health service provider who has:

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(Rule 0450-01-.04, continued)

1. Completed the academic course work and training (except for the required supervised professional experience) required for the license; and
 2. Successfully passed the National Counselor Examination.
- (b) A temporary license obtained pursuant to this section authorizes an applicant to perform the functions specified in T.C.A. § 63-22-150(5), while working under the supervision of an approved supervisor.

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

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

- (1) Professional Counselor by Examination
 - (a) An application shall be requested from the Board's administrative office or shall be downloaded from the Internet.
 - (b) An applicant shall respond truthfully and completely to every question or request for information contained in the form, and submit it along with all documentation and fees required by the form and this rule to the board's administrative office. It is the intent of this rule that all steps necessary to accomplish the filing of the required documentation be completed prior to filing an application and that all documentation be filed simultaneously.
 - (c) Applications for licensure will be accepted throughout the year and files which are completed on or before the 30th day prior to the meeting will ordinarily be processed at the next board meeting scheduled for the purpose of reviewing files. Supporting documents requested in these instructions must be received in the board's office within 60 days of receipt of your application or the file will be closed.
 - (d) An applicant shall pay, at the time of application, the nonrefundable application fee as provided in rule 0450-01-.06.
 - (e) An applicant shall submit verification of having completed a supervised practicum or internship pursuant to T.C.A. § 63-22-104.
 - (f) An applicant shall submit with his application, a certified copy of his birth certificate.
 - (g) An applicant shall submit a clear and recognizable recently taken, bust photograph which shows the full head face forward from at least the top of the shoulders up.
 - (h) It is the applicant's responsibility to request a graduate transcript from his degree granting institution, pursuant to T.C.A. § 63-22-104, be submitted directly from the

(Rule 0450-01-.05, continued)

school to the board's administrative office. The institution granting the degree must be accredited, pursuant to rule 0450-01-.04(1), at the time the degree was granted. The transcript must show that the degree has been conferred and carry the official seal of the institution and reference the name under which the applicant has applied for licensure. The transcript must show at least 60 graduate semester hours, pursuant to rule 0450-01-.04(1). The educational requirements contained in this rule must be completed prior to the date of application for licensure.

- (i) An applicant shall complete and submit the worksheet form for reporting course work.
- (j) An applicant shall submit evidence of good moral character. Such evidence shall include at least two recent, within the preceding 12 months, original letters from professionals attesting to the applicant's personal character and professional ethics and typed on the signator's letterhead.
- ~~(k) An applicant shall submit evidence of completing a minimum of two (2) years supervised post-master's experience under the direction of an approved supervisor, pursuant to rule 0450-01-.04(1)(d).~~
- ~~(l) An applicant shall direct NBCC to submit directly to the Board's office evidence that he or she passed the National Counselor Examination pursuant to rule 0450-01-.08.~~
- ~~(m) An applicant shall disclose the circumstances surrounding any of the following:
 - 1. Conviction of any criminal law violation of any country, state, or municipality, except minor traffic violations.
 - 2. The denial of certification or licensure application by any other state or the discipline of certification or licensure in any state.
 - 3. Loss or restriction of certification or licensure.
 - 4. Any civil suit judgment or civil suit settlement in which the applicant was a party defendant including, without limitation, actions involving malpractice, breach of contract, antitrust activity, or any other civil action remedy recognized under any country's or state's statutory, common, or case law.
 - 5. If the applicant discloses any of the above, the Board may require the applicant to appear before the Board to answer questions regarding the circumstances and regarding the applicant's fitness to practice in the State of Tennessee. The burden is on the applicant to prove by a preponderance of the evidence the circumstances of any of the above.
 - 6. Any of the above may be grounds for denial or conditioning of the license if the Board determines it to be unprofessional conduct or conduct that violates T.C.A. §§ 63-22-101, et seq. or Board rules and regulations.~~
- ~~(k) An applicant shall submit evidence of a minimum of two (2) years supervised post-master's experience under the direction of an approved supervisor, pursuant to rule 0450-01-.10.~~
- ~~(l) An applicant shall direct NBCC to submit directly to the board's office evidence that he passed the NBCC examination, pursuant to rule 0450-01-.08.~~
- ~~(m) An applicant shall disclose the circumstances surrounding any of the following:~~

(Rule 0450-01-.05, continued)

- ~~1. Conviction of any criminal law violation of any country, state, or municipality, except minor traffic violations.~~
 - ~~2. The denial of certification or licensure application by any other state or the discipline of certification or licensure in any state.~~
 - ~~3. Loss or restriction of certification or licensure.~~
 - ~~4. Any civil suit judgment or civil suit settlement in which the applicant was a party defendant including, without limitation, actions involving malpractice, breach of contract, antitrust activity, or any other civil action remedy recognized under any country's or state's statutory, common, or case law.~~
- (n) An applicant shall cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's licensure application materials, the result of a criminal background check.
- (o) When necessary, all documents required to be submitted shall be translated into English and such translation certified along with the original document as to authenticity by the issuing source.
- (p) Personal resumes are not acceptable and will not be reviewed .
- (q) Application review and licensure decisions shall be governed by rule 0450-01-.07.
- (r) The burden is on the applicant to prove by a preponderance of the evidence that his course work, supervision, and experience are equivalent to the board's requirements.
- (2) Licensed Professional Counselor by Upgrade.
- (a) An application shall be requested from the Board's administrative office or shall be downloaded from the Internet.
 - (b) Requests for upgrade will be accepted throughout the year and files which are completed on or before the 30th day prior to the meeting will ordinarily be processed at the next board meeting scheduled for the purpose of reviewing files. Supporting documents requested in these instructions must be received in the board office within 60 days of receipt of your application or the file will be closed.
 - (c) An individual seeking to upgrade shall pay the nonrefundable upgrade review fee, pursuant to rule 0450-01-.06, upon submission of the upgrade application.
 - (d) An applicant shall respond truthfully and completely to every question or request for information contained in the form and submit it along with all documentation and fees required by the form and this rule to the board administrative office. It is the intent of this rule that steps necessary to accomplish the filing of the application and that all documentation be filed simultaneously.
 - (e) An individual currently registered with the board may upgrade his certification to licensure by providing a copy of his current CPC certificate and:
 1. Submitting evidence that he holds a current certification from NBCC, or
 2. Compliance with the requirements pursuant to rule 0450-01-.04(1), or

(Rule 0450-01-.05, continued)

3. Providing verification to the Board's satisfaction, that he has had five (5) years professional experience as a certified professional counselor.
- (f) An applicant shall disclose the circumstances surrounding any of the following:
1. Conviction of any criminal law violation of any country, state, or municipality, except minor traffic violations.
 2. The denial of certification or licensure application by any other state or the discipline of certification or licensure in any state.
 3. Loss or restriction of certification or licensure.
 4. Any civil suit judgment or civil suit settlement in which the applicant was a party defendant including, without limitation, actions involving malpractice, breach of contract, antitrust activity, or any other civil action remedy recognized under any country's or state's statutory, common, or case law.
 5. If the applicant discloses any of the above, the Board may require the applicant to appear before the Board to answer questions regarding the circumstances and regarding the applicant's fitness to practice in the State of Tennessee. The burden is on the applicant to prove by a preponderance of the evidence the circumstances of any of the above.
 6. Any of the above may be grounds for denial or conditioning of the license if the Board determines it to be unprofessional conduct or conduct that violates T.C.A. §§ 63-22-101, et seq. or Board rules and regulations.
- (g) An applicant shall cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's licensure application materials, the result of a criminal background check.
- (h) Where necessary, all documents required to be submitted shall be translated into English and such translation certified along with the original document as to authenticity by the issuing source.
- (i) Upgrade review and licensure decisions shall be governed by rule 0450-01-.07.
- (j) Personal resumes are not acceptable and will not be reviewed.
- (k) The burden is on the applicant to prove by a preponderance of the evidence that he possesses the qualifications to upgrade to licensure status.

(3) Licensed Professional Counselor (LPC) by Reciprocity

- (a) The Board may issue a license to any individual who holds a current professional counselor license from another state of the United States which has entered into a mutual reciprocity agreement with the Tennessee Board for Professional Counselors, Marital and Family Therapists, and Clinical Pastoral Therapists, and who meets the qualifications stated in rule 0450-01-.04(3).
- (b) An application shall be requested from the Board's administrative office or shall be downloaded from the Internet. An applicant shall pay, at the time of application, the nonrefundable application fee as provided in rule 0450-01-.06.
- (c) Applications for licensure will be accepted throughout the year and files which are

(Rule 0450-01-.05, continued)

completed on or before the 30th day prior to the meeting will ordinarily be processed at the next Board meeting scheduled for the purpose of reviewing files. Supporting documents requested in these instructions must be received in the Board office within sixty (60) days of receipt of the application or the file will be closed.

- (d) An applicant shall respond truthfully and completely to every question or request for information contained in the form and submit it along with all documentation and fees required by the form and this rule to the Board administrative office. It is the intent of this rule that all steps necessary to accomplish the filing of the required documentation be completed prior to filing an application and that all documentation be filed simultaneously.
- (e) An applicant shall submit a clear and recognizable, recently taken, bust photograph which shows the full head face forward from at least the top of the shoulders up.
- (f) An applicant shall submit a certified photocopy of his or her birth certificate.
- (g) An applicant shall submit evidence of good moral character. Such evidence shall include two recent, within the preceding twelve (12) months, original letters from professionals attesting to the applicant's personal character and professional ethics and typed on the signator's letterhead.
- (h) An applicant shall submit a copy of his original certificate or license from the other state along with an official statement or affidavit from the appropriate certification or licensing agency in the other state which indicates that the certificate or license is in effect and in good standing, as well as under what provision such certificate or license was issued (i.e. grandfathering, examination, reciprocity, endorsement, etc.).
- (i) An applicant must submit a copy of his renewal certificate with the number from the other state and expiration date.
- (j) The applicant shall provide the Board with a copy of his state's certification or licensing law and rules in effect at the time the applicant was credentialed.
- (k) An applicant shall disclose the circumstances surrounding any of the following:

 - 1. Conviction of any criminal law violation of any country, state, or municipality, except minor traffic violations.
 - 2. The denial of certification or licensure application by any other state or the discipline of certification or licensure in any state.
 - 3. Loss or restriction of certification or licensure.
 - 4. Any civil suit judgment or civil suit settlement in which the applicant was a party defendant including, without limitation, actions involving malpractice, breach of contract, antitrust activity or any other civil action remedy recognized under any country's or state's statutory, common, or case law.
 - 5. If the applicant discloses any of the above, the Board has the right to require the applicant to appear before the Board to answer questions regarding the circumstances and regarding the applicant's fitness to practice in the State of Tennessee. The burden is on the applicant to prove by a preponderance of the evidence the circumstances of any of the above.
 - 6. Regardless of the terms of a reciprocal agreement with another state, any of the

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above may be grounds for denial or conditioning of the license if the Board determines it to be unprofessional conduct or conduct that violates T.C.A. §§ 63-22-101, et seq. or Board rules and regulations.

- (l) An applicant shall cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's licensure application materials, the result of a criminal background check.
- (m) Where necessary, all documents required to be submitted shall be translated into English and such translation certified along with the original document as to authenticity by the issuing source.
- (n) Application review and licensure decisions shall be governed by rule 0450-01-.07.
- (o) Personal resumes are not acceptable and will not be reviewed.

(3) Professional Counselor by Reciprocity

- (a) The Board may issue a license to any individual who holds a current professional counselor license from another state if the applicant meets the qualifications stated in Rule 0450-01-.04(3).
- (b) An application shall be requested from the Board's administrative office or shall be downloaded from the Internet. An applicant shall pay, at the time of application, the nonrefundable application fee as provided in rule 0450-01-.06.
- (c) Applications for licensure will be accepted throughout the year and files which are completed on or before the 30th day prior to the meeting will ordinarily be processed at the next board meeting scheduled for the purpose of reviewing files. Supporting documents requested in these instructions must be received in the board office within 60 days of receipt of your application or the file will be closed.
- (d) An applicant shall respond truthfully and completely to every question or request for information contained in the form and submit it along with all documentation and fees required by the form and this rule to the board administrative office. It is the intent of this rule that all steps necessary to accomplish the filing of the required documentation be completed prior to filing an application and that all documentation be filed simultaneously.
- (e) An individual seeking to upgrade shall pay the nonrefundable upgrade review fee, pursuant to rule 0450-01-.06, upon submission of the upgrade application.
- (f) An applicant shall submit a clear and recognizable recently taken, bust photograph which shows the full head face forward from at least the top of the shoulders up.
- (g) An applicant shall submit a certified photocopy of his birth certificate.
- (h) An applicant shall submit evidence of good moral character. Such evidence shall include two recent, within the preceding 12 months, original letters from professionals attesting to the applicant's personal character and professional ethics and typed on the signator's letterhead.
- (i) An applicant shall submit a copy of his original certificate or license with number from other state in effect at the time the original license was issued.

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- ~~(j) An applicant must submit a copy of his renewal certificate with the number from the other state and expiration date.~~
- ~~(k) The applicant shall provide the board with a copy of his state's certification or licensing law and rules in effect at the time the applicant was credentialed.~~
- ~~(l) The applicant shall direct the appropriate certification or licensing agency in his state to send an official statement which indicates that such certificate or license is in effect and in good standing and under what provision such certificate or license was issued (i.e., grandfathering, examination, reciprocity, endorsement, etc.)~~
- ~~(m) An applicant shall disclose the circumstances surrounding any of the following:
 - ~~1. Conviction of any criminal law violation of any country, state, or municipality, except minor traffic violations.~~
 - ~~2. The denial of certification or licensure application by any other state or the discipline of certification or licensure in any state.~~
 - ~~3. Loss or restriction of certification or licensure.~~
 - ~~4. Any civil suit judgment or civil suit settlement in which the applicant was a party defendant including, without limitation, actions involving malpractice, breach of contract, antitrust activity or any other civil action remedy recognized under any country's or state's statutory, common, or case law.~~~~
- ~~(n) An applicant shall cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's licensure application materials, the result of a criminal background check.~~
- ~~(o) Where necessary, all documents required to be submitted shall be translated into English and such translation certified along with the original document as to authenticity by the issuing source.~~
- ~~(p) Application review and licensure decisions shall be governed by rule 0450-01-.07.~~
- ~~(q) Personal resumes are not acceptable and will not be reviewed.~~
- ~~(r) The burden is on the applicant to prove by a preponderance of the evidence that his certificate/license at the time of issuance was based on requirements that were at least equivalent to or exceeded Tennessee's current requirements.~~

(4) Licensed Professional Counselor with Mental Health Service Provider designation (LPC/MHSP).

- (a) An application shall be requested from the Board's administrative office or shall be downloaded from the Internet.
- (b) An applicant shall respond truthfully and completely to every question or request for information contained in the form, and submit it along with all documentation and fees required by the form and this rule to the Board's administrative office. It is the intent of this rule that all steps necessary to accomplish the filing of the required documentation be completed prior to filing an application and that all documentation be filed simultaneously.
- (c) Applications for licensure will be accepted throughout the year and files which are completed on or before the 30th day prior to the meeting will ordinarily be processed at

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the next Board meeting scheduled for the purpose of reviewing files. Supporting documents requested in these instructions must be received in the Board's office within sixty (60) days of receipt of the application or the file will be closed.

- (d) An applicant shall pay, at the time of application, the nonrefundable application fee as provided in rule 0450-01-.06.
- (e) An applicant shall submit verification of having completed a supervised practicum or internship pursuant to T.C.A. § 63-22-104.
- (f) An applicant shall submit with his application, a certified copy of his birth certificate.
- (g) An applicant shall submit a clear and recognizable recently taken, bust photograph which shows the full head face forward from at least the top of the shoulders up.
- (h) It is the applicant's responsibility to request a graduate transcript from his degree granting institution, pursuant to T.C.A. § 63-22-104, be submitted directly from the school to the Board's administrative office. The institution granting the degree must be accredited, pursuant to rule 0450-01-.04(4), at the time the degree was granted. The transcript must show that the degree has been conferred and carry the official seal of the institution and reference the name under which the applicant has applied for licensure. The transcript must show, pursuant to rule 0450-01-.04(4)(c)(3), at least sixty (60) graduate semester hours, including nine (9) from courses entirely or substantially pertaining to diagnosis, treatment, appraisal and assessment of mental disorders. The educational requirements contained in this rule must be completed prior to the date of application for licensure.
- (i) An applicant shall complete and submit the worksheet form for reporting course work.
- (j) An applicant shall submit evidence of good moral character. Such evidence shall include at least two (2) recent, within the preceding twelve (12) months, original letters from professionals attesting to the applicant's personal character and professional ethics and typed on the signator's letterhead.
- (k) An applicant shall submit evidence of completing a minimum of two (2) years supervised post-master's experience under the direction of an approved supervisor, pursuant to rule 0450-01-.04(4)(d).
- (l) An applicant shall direct NBCC to submit directly to the Board's office evidence that he passed the National Counselor Examination and the National Clinical Mental Health Counseling Examination pursuant to rule 0450-01-.08.
- (m) An applicant shall disclose the circumstances surrounding any of the following:

 - 1. Conviction of any criminal law violation of any country, state, or municipality, except minor traffic violations.
 - 2. The denial of certification or licensure application by any other state or the discipline of certification or licensure in any state.
 - 3. Loss or restriction of certification or licensure.
 - 4. Any civil suit judgment or civil suit settlement in which the applicant was a party defendant including, without limitation, actions involving malpractice, breach of contract, antitrust activity, or any other civil action remedy recognized under any country's or state's statutory, common, or case law.

(Rule 0450-01-.05, continued)

5. If the applicant discloses any of the above, the Board has the right to require the applicant to appear before the Board to answer questions regarding the circumstances and regarding the applicant's fitness to practice in the State of Tennessee. The burden is on the applicant to prove by a preponderance of the evidence the circumstances of any of the above.
6. Any of the above may be grounds for denial or conditioning of the license if the Board determines it to be unprofessional conduct or conduct that violates T.C.A. §§ 63-22-101, et seq. or Board rules and regulations.
- (n) An applicant shall cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's licensure application materials, the result of a criminal background check.
- (o) When necessary, all documents required to be submitted shall be translated into English and such translation certified along with the original document as to authenticity by the issuing source.
- (p) Personal resumes are not acceptable and will not be reviewed.
- (q) Application review and licensure decisions shall be governed by rule 0450-01-.07.
- (r) The burden is on the applicant to prove by a preponderance of the evidence that his course work, supervision, and experience are equivalent to the Board's requirements.
- ~~(4) Professional Counselor with Mental Health Service Provider designation.~~
- ~~(a) An application shall be requested from the Board's administrative office or shall be downloaded from the Internet.~~
- ~~(b) An applicant for professional counselor with mental health service provider designation may file one (1) application and all required documentation, along with the non-refundable application fee required by Rule 0450-01-.06, pursuant to procedures outlined in paragraph (1) of this rule.~~
- (5) Licensed Professional Counselor with Mental Health Service Provider designation (LPC/MHSP) by reciprocity.
- (a) The Board may issue a license to any individual who holds a current, undisciplined professional counselor license with a Mental Health Provider designation, or its equivalent, from another state of the United States which has entered into a mutual reciprocity agreement with the Tennessee Board for Professional Counselors, Marital and Family Therapists, and Clinical Pastoral Therapists, and who meets the qualifications stated in rule 0450-01-.04(5).
- (b) An application shall be requested from the Board's administrative office or shall be downloaded from the Internet. An applicant shall pay, at the time of application, the nonrefundable application fee as provided in rule 0450-01-.06.
- (c) Applications for licensure will be accepted throughout the year and files which are completed on or before the 30th day prior to the meeting will ordinarily be processed at the next Board meeting scheduled for the purpose of reviewing files. Supporting documents requested in these instructions must be received in the Board office within 60 days of receipt of the application or the file will be closed.

(Rule 0450-01-.05, continued)

- (d) An applicant shall respond truthfully and completely to every question or request for information contained in the form and submit it along with all documentation and fees required by the form and this rule to the Board administrative office. It is the intent of this rule that all steps necessary to accomplish the filing of the required documentation be completed prior to filing an application and that all documentation be filed simultaneously.
- (e) An applicant shall submit a clear and recognizable recently taken, bust photograph which shows the full head face forward from at least the top of the shoulders up.
- (f) An applicant shall submit a certified photocopy of his birth certificate.
- (g) An applicant shall submit evidence of good moral character. Such evidence shall include two recent, within the preceding 12 months, original letters from professionals attesting to the applicant's personal character and professional ethics and typed on the signator's letterhead.
- (h) An applicant shall submit a copy of his original certificate or license from the other state along with an official statement or affidavit from the appropriate certification or licensing agency in the other state which indicates that the certificate or license is in effect and in good standing, as well as under what provision such certificate or license was issued (i.e. grandfathering, examination, reciprocity, endorsement, etc.).
- (i) An applicant must submit a copy of his renewal certificate with the number from the other state and expiration date.
- (j) The applicant shall provide the Board with a copy of his state's certification or licensing law and rules in effect at the time the applicant was credentialed.
- (k) An applicant shall disclose the circumstances surrounding any of the following:
 1. Conviction of any criminal law violation of any country, state, or municipality, except minor traffic violations.
 2. The denial of certification or licensure application by any other state or the discipline of certification or licensure in any state.
 3. Loss or restriction of certification or licensure.
 4. Any civil suit judgment or civil suit settlement in which the applicant was a party defendant including, without limitation, actions involving malpractice, breach of contract, antitrust activity or any other civil action remedy recognized under any country's or state's statutory, common, or case law.
 5. If the applicant discloses any of the above, the Board has the right to require the applicant to appear before the Board to answer questions regarding the circumstances and regarding the applicant's fitness to practice in the State of Tennessee. The burden is on the applicant to prove by a preponderance of the evidence the circumstances of any of the above.
 6. Regardless of the terms of a reciprocal agreement with another state, any of the above may be grounds for denial or conditioning of the license if the Board determines it to be unprofessional conduct or conduct that violates T.C.A. §§ 63-22-101, et seq. or Board rules and regulations.
- (l) An applicant shall cause to be submitted to the Board's administrative office directly

(Rule 0450-01-.05, continued)

- ~~from the vendor identified in the Board's licensure application materials, the result of a criminal background check.~~
- ~~(m) Where necessary, all documents required to be submitted shall be translated into English and such translation certified along with the original document as to authenticity by the issuing source.~~
- ~~(n) Application review and licensure decisions shall be governed by rule 0450-01-.07.~~
- ~~(o) Personal resumes are not acceptable and will not be reviewed.~~
- ~~(5) Temporary licensure for Professional Counselor with Mental Health Service Provider designation:~~
- ~~(a) A temporary license may be issued by the board for an applicant for licensed professional counselor designated as a mental health service provider who has:~~
- ~~1. Completed the academic course work and training (except for the required supervised professional experience) required for the license; and~~
 - ~~2. Who has successfully passed all the required examinations, as provided in rule 0450-01-.08.~~
- ~~(b) A temporary license obtained pursuant to this section authorizes an applicant to perform the functions specified in T.C.A. § 63-22-150(5), while working under the supervision of a qualified supervisor:~~
- ~~1. A qualified supervisor is defined as one who is a Licensed Professional Counselor with Mental Health Service Provider designation, licensed marital and family therapist, licensed clinical social worker, licensed psychiatrist, licensed senior psychological examiner, or a licensed psychologist with health service provider designation, who has been licensed or certified at least five (5) years and who is in good standing with their respective licensing boards and professional associations.~~
 - ~~2. As part of the application process for temporary licensure, the applicant must submit, on a form provided by the board, information about the proposed supervisor or supervisors. Should the proposed supervisor(s) meet the licensure requirements indicated in (b)(1) above, the board will approve that person(s) to do the supervision.~~
- ~~(c) In order to receive a temporary license, an applicant must submit to the board a completed application for temporary licensure as a LPC/MHSP, and meet all the requirements of 0450-01-.05(1) or (3), except as noted in this paragraph, including paying all the appropriate fees.~~
- ~~(d) No person may be issued more than one (1) temporary license, nor shall a temporary license be valid for more than three (3) years.~~
- ~~(e) If an applicant is granted a temporary license, the license shall remain valid until the board grants or denies the regular license application or until it shall become invalid for any of the following reasons:~~
- ~~1. Expiration of the three year period.~~
 - ~~2. Failure to continue in supervision during the three year period the license may be valid.~~

(Rule 0450-01-.05, continued)

~~3. Change of supervisors without notifying the board, submitting the credentials of the proposed supervisor, and obtaining the board's approval.~~

~~(f) When a temporary license holder is notified by the board that his temporary license is invalid for any reason, the applicant shall return the temporary license to the board office within ten (10) days. The applicant is expected to cause his supervisor to notify the board of any reason he is aware of that the license should become invalid. The board will notify the supervisor when the temporary license becomes invalid.~~

~~(g) To replace the temporary license with a regular license, the applicant shall notify the board in writing, using a form provided by the board, and present supporting documentation demonstrating the satisfactory completion of the required Post Master's supervised experience in a clinical setting which meets the requirement of 0450-01-.10 (5). The board shall then grant or deny the regular license application, based on satisfactory completion of all requirements for licensure.~~

(6) Temporary licensure for Licensed Professional Counselor with Mental Health Service Provider designation (LPC/MHSP).

(a) An applicant for licensure as an LPC/MHSP may file an application for temporary licensure by submitting the non-refundable application fee required by Rule 0450-01-.06, and an application for licensure with all required documentation, pursuant to procedures outlined in paragraph (4) of this rule, except as follows:

1. The applicant need not show proof of the post-master's supervisory hours required by 0450-01-.05(4)(k).

2. The applicant need not show proof of having passed the National Clinical Mental Health Counseling Examination or the Tennessee Jurisprudence Examination.

3. The applicant must submit information about the proposed supervisor or supervisors, including proof that the supervisor meets the qualifications of 0450-01-.10(1) and a copy of the proposed supervisory agreement or employment contract.

(b) No person may be issued more than one (1) temporary license, nor shall a temporary license be valid for more than three (3) years.

(c) If an applicant is granted a temporary license, the license shall remain valid until the Board grants or denies the regular license application or until it shall become invalid for any of the following reasons:

1. Expiration of the three (3) year period.

2. Failure to continue in supervision during the three year period the license may be valid.

3. Change of supervisors without notifying the Board, submitting the credentials of the proposed supervisor, and obtaining the Board's approval.

(d) When a temporary license holder is notified by the Board that his temporary license is invalid for any reason, the applicant shall return the temporary license to the Board office within ten (10) days. The applicant is expected to cause his supervisor to notify the Board of any reason he is aware of that the license should become invalid. The Board will notify the supervisor when the temporary license becomes invalid.

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(Rule 0450-01-.05, continued)

- (e) To replace the temporary license with a regular license for LPC/MSHP, the applicant shall:
1. Notify the Board in writing of intention to seek licensure, using the form provided by the Board.
 2. Present proof of the following:
 - i. Completion of the required Post Master's supervised experience in a clinical setting which meets the requirement of 0450-01-.10; and
 - ii. Passage of the National Clinical Mental Health Counseling Examination and the Tennessee Jurisprudence Examination.
 3. Upon receipt of the materials specified in Parts 1 and 2 the Board shall consider the previously submitted licensure application appropriately supplemented and grant or deny the regular license application, based on satisfactory completion of all requirements for licensure.

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

0450-01-.06 FEES.

- (1) The fees authorized by statutes are established as follows:
- (a) Application fee - A nonrefundable fee to be paid by all applicants including those seeking licensure by reciprocity. It must be paid each time an application for licensure is filed.
 - (b) Duplicate Certificate or License Fee - A nonrefundable fee to be paid when an individual requests a replacement for a lost or destroyed "artistically designed" license.
 - (c) Endorsement/Verification Fee - A nonrefundable fee paid for each certification, verification, endorsement of an individual's record for any purpose.
 - (d) Late Renewal Fee - A nonrefundable fee to be paid when an individual fails to timely renew his certificate or license.
 - (e) License Fee - A nonrefundable fee to be paid prior to the issuance of the "artistically designed" license.
 - (f) Renewal fee - A nonrefundable fee to be paid by all license and certificate holders. This fee also applies to individuals who reactivate a retired or lapsed certificate or license.

(Rule 0450-01-.11, continued)

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

0450-01-.12 CONTINUING EDUCATION.

(1) Basic Requirements.

(a) Each person registered with the Board is required to complete twenty (20) clock hours of continuing education every two (2) calendar years.

(b) Those persons who hold two (2) certificates and/or licenses regulated by the Tennessee Board for Professional Counselors, Marital and Family Therapists and Clinical Pastoral Therapists shall complete thirty (30) clock hours of continuing education every two (2) calendar years. A person who holds three certificates and/or licenses shall complete forty (40) clock hours of continuing education every two (2) calendar years. In each case, at least ten (10) clock hours shall be directly related to the practice of each profession for which the person is licensed or certified.

(c) Ethics and Jurisprudence Course Requirement:

1. Three (3) clock hours of the twenty (20) clock hour biennial requirement shall pertain to the following subjects:

(i) Professional ethics; and/or

(ii) Tennessee Code Annotated, Title 63, Chapter 22; and/or

(iii) Official Compilation, Rules and Regulations of the State of Tennessee, Chapter 0450-01.

2. Those persons who hold two (2) certificates and/or licenses regulated by the Tennessee Board for Professional Counselors, Marital and Family Therapists and Clinical Pastoral Therapists shall have three (3) clock hours of the thirty (30) clock hour biennial requirement pertain to ethics and jurisprudence.

3. Those persons who hold three (3) certificates and/or licenses shall have three (3) clock hours of the forty (40) clock hour biennial requirement pertain to ethics and jurisprudence.

~~(a) Each person registered with the board is required to complete 10 clock hours of continuing education during each calendar year.~~

~~(b) Those persons who hold two (2) certificates and/or licenses regulated by the Tennessee Board for Professional Counselors, Marital and Family Therapists and Clinical Pastoral Therapists shall complete fifteen (15) clock hours of continuing education each calendar year. A person who holds three (3) certificates and/or licenses shall complete twenty (20) clock hours of continuing education each calendar year. In each case, at least five (5) clock hours shall be directly related to the practice of each profession for which the person is licensed or certified.~~

~~(c) Ethics and Jurisprudence Course Requirement~~

~~1. Three (3) clock hours of the ten (10) clock hour annual requirement shall, every two (2) years, pertain to the following subjects:~~

~~(i) Professional ethics; and/or~~

(Rule 0450-01-.12, continued)

~~(ii) — Tennessee Code Annotated, Title 63, Chapter 22; and/or~~~~(iii) — Official Compilation, Rules and Regulations of the State of Tennessee, Chapter 0450-1.~~~~2. — Those persons who hold two (2) certificates and/or licenses regulated by the Tennessee Board for Professional Counselors, Marital and Family Therapists and Clinical Pastoral Therapists shall have three (3) clock hours of the fifteen (15) clock hour annual requirement pertain to ethics and jurisprudence every two (2) years.~~~~3. — A person who holds three (3) certificates and/or licenses shall have three (3) clock hours of the twenty (20) clock hour annual requirement pertain to ethics and jurisprudence every two (2) years.~~~~(d) — Those persons supervising applicants for licensure under the provisions of 0450-01-.10 shall have three (3) clock hours of the twenty (20) clock hour biennial requirement pertain to counseling supervision or related supervision topics.~~~~(e) — A person is not required to complete continuing education for a profession in the calendar year that his or her license was initially approved.~~~~(d) — A person is not required to complete continuing for a profession in the calendar year that his/her license and/or certificate was initially approved.~~

(2) Acceptable Continuing Education - Acceptable continuing education shall consist of master or doctoral level course work from a nationally or regionally accredited institution of higher education; attendance at educational events sponsored or approved by national, state, regional, or local professional associations in the field; or events related to the practice of the profession for which a nationally or regionally accredited institution of higher education grants CEUs.

(3) Multi-Media - Notwithstanding the provisions of paragraph (2) and part (5) (b) 3., continuing education courses may be presented in the traditional lecture and classroom formats or, with successful completion of a written post experience examination to evaluate material retention, in Multi-Media formats.

(a) Multi-Media courses may include courses utilizing:

1. The Internet
2. Closed circuit television
3. Satellite broadcasts
4. Correspondence courses
5. Videotapes
6. CD-ROM
7. DVD
8. Teleconferencing

(Rule 0450-01-.12, continued)

9. Videoconferencing
10. Distance learning

(b) A maximum of ten (10) clock hours may be received for multi-media courses during the two (2) calendar year period. Those persons who hold two (2) certificates and/or licenses regulated by the Tennessee Board for Professional Counselors, Marital and Family Therapists and Pastoral Therapists may receive a maximum of fifteen (15) clock hours for multi-media courses during the two (2) calendar year period. Those persons who hold three (3) certificates and/or licenses may receive a maximum of twenty (20) clock hours for multi-media courses during the two (2) calendar year period.

~~(b) A maximum of five (5) clock hours may be received for multi-media courses during each calendar year. Those persons who hold two (2) certificates and/or licenses regulated by the Tennessee Board for Professional Counselors, Marital and Family Therapists and Clinical Pastoral Therapists may receive a maximum of seven and one-half (7½) clock hours for multi-media courses during each calendar year. Those persons who hold three (3) certificates and/or licenses may receive a maximum of ten (10) clock hours for multi-media courses during each calendar year.~~

(4) Documentation

- (a) Each person registered with the board must retain proof of attendance and completion of all continuing education requirements. This documentation must be retained for a period of four years from the end of the calendar year in which the continuing education was acquired. This documentation must be produced for inspection and verification, if requested in writing by the board during its verification process. The board will not maintain continuing education files.
- (b) The board will conduct a randomly selected audit of individual records to assure that the continuing education requirements have been met. An individual's records may be audited during consecutive renewal periods.
- (c) If audited, the individual must, within 15 working days of a request from the board, provide evidence of continuing education activities. Such evidence must be by submission of one or more of the following:
 1. Certificates verifying the individual's attendance at the continuing education programs described above.
 2. An individual submitting a program as evidence of attendance at a continuing education event will also be required to submit two or more of the following for each program submitted: registration receipt, signed program, cancelled check, hotel bill, name badge, or an original letter on official stationery signed by a professional associate who attended.
 3. An original letter on official institution stationery from the instructor of the graduate level course verifying that the course was completed and listing the number of credit hours of attendance completed by the individual.
 4. Official transcript verifying credit hours earned. One semester credit hour is equivalent to 10 clock hours for the purpose of certification renewal. Credit for auditing will be for the actual clock hours in attendance, not to exceed the academic credit.

(Rule 0450-01-.12, continued)

- (5) Continuing Education Course Approval - Courses to be offered for credit toward the continuing education requirement must, unless otherwise provided, receive prior approval from the Board. Unless otherwise provided, all courses shall be offered within Tennessee.

(a) Course approval procedures

1. Pre-approved course providers - Continuing education courses which pertain to the practice of counseling shall be considered approved if provided or sanctioned by the following entities:
 - (i) American Association for Marriage and Family Therapy;
 - (ii) American Association of Pastoral Counselors;
 - (iii) American Association of Sex Educators, Counselors, and Therapists;
 - (iv) American Counseling Association;
 - (v) American Psychiatric Association;
 - (vi) American Psychological Association;
 - (vii) National Association of Social Workers;
 - (viii) Any state professional association affiliated with the national associations listed in subparts (i) through (vii);
 - (ix) National Board for Certified Counselors;
 - (x) Nationally or regionally accredited institutions of higher education, including graduate courses and continuing education courses; and
 - (xi) Any state regulatory agency for professional counseling in the United States.
2. Course approval procedure for other course providers
 - (i) Unless pre-approved as provided in part (5) (a) 1, the course provider must have delivered to the Board's Administrative Office at least thirty (30) days prior to a regularly scheduled meeting of the Board that precedes the course, documentation which includes all of the following items which must be resubmitted if substantive changes are made after receipt of approval from the Board:
 - (I) course description or outline;
 - (II) names of all lecturers;
 - (III) brief resume of all lecturers;
 - (IV) number of hours of educational credit requested;
 - (V) date of course;
 - (VI) copies of materials to be utilized in the course; and

(Rule 0450-01-.12, continued)

- (VII) how verification of attendance is to be documented.
 - (ii) Notwithstanding the provisions of the introductory language of this paragraph, any clinic, workshop, seminar or lecture at national, regional, state and local meetings of counselors will be recognized for continuing education credit by the Board if
 - (I) the course provider has complied with the provisions of subpart (5) (a) 2 (i); or
 - (II) the course provider is exempt from needing prior approval as provided in part (5) (a) 1.
 - (iii) Notwithstanding the provisions of subparagraph (3) (a), out-of-state continuing education providers may seek course approval if they are a professional counseling regulatory agency or association from a state that borders Tennessee; and
 - (I) the course provider has complied with the provisions of subpart (5) (a) 2 (i); or
 - (II) the course provider is exempt from needing prior approval as provided in part (5) (a) 1.
3. Course approval procedure for individual licensees and certificate holders
- (i) Any licensee or certificate holder may seek approval to receive credit for successfully completing continuing education courses by delivering to the Board's Administrative Office at least thirty (30) days prior to a regularly scheduled meeting of the Board that precedes the course, everything required in items (5) (a) 2 (i) (I) through (VII) which must be resubmitted if substantive changes are made after receipt of approval from the Board; and
 - (ii) To retain course approval, the licensee or certificate holder must submit a course evaluation form, supplied by the Board, to the Board's Administrative Office within thirty (30) days after successfully completing the course.
- (b) Continuing education credit will not be allowed for the following:
1. Regular work activities, administrative staff meetings, case staffing/reporting, etc.
 2. Membership in, holding office in, or participation on boards or committees, business meetings of professional organizations, or banquet speeches.
 3. Independent unstructured or self-structured learning.
 4. Training specifically related to policies and procedures of an agency may not be counted.
 5. Non-counseling content courses - examples: finance or business management.
- (6) Continuing Education for Reactivation of Certificate or License
- (a) Reactivation of retired certificate or license

(Rule 0450-01-.12, continued)

1. An individual whose certificate or licensure has been retired for one year or less will be required to fulfill continuing education requirements as outlined in this rule as a prerequisite to reinstatement. Those hours will be considered replacement hours and can not be counted during the next certification or licensure renewal period.
 2. Any individual requesting reactivation of a certificate or license which has been retired must submit, along with the reactivation request, verification which indicates the attendance and completion of 10 hours of continuing education which must have been begun and successfully completed within 12 months immediately preceding the date of requested reinstatement. The continuing education hours completed to reinstate a retired certificate or license shall not be credited toward the continuing education hours required to be completed by the end of the calendar year following reinstatement.
 3. The board, upon receipt of a written request and explanation, may waive or condition any or all of the continuing education for reactivation of a retired certificate or license in emergency situations.
- (b) Reactivation of revoked licensure or certification - No person whose license or certificate has been revoked for failure to comply with continuing education may be reinstated without complying with these requirements. Continuing education will accumulate at the same rate as that for those licenses and certificate holders which are active. The required clock hours of continuing education must have been begun and successfully completed within twelve (12) months immediately preceding the date of reinstatement. A license or certificate which has been revoked for noncompliance with the continuing education requirement shall also be subject to the late renewal fee pursuant to rule 0450-01-.06.
- (c) Reactivation of expired licensure - No person whose license or certificate has expired may be reinstated without submitting evidence of continuing education. The continuing education hours documented at the time of reinstatement must equal the hours required, had the license or certificate remained in an active status, and must have been successfully completed within twelve (12) months immediately preceding the date of reinstatement.
- (d) Continuing education hours obtained as a prerequisite for reactivating a license or certificate may not be counted toward the calendar year requirement.
- (7) Waiver or Extension of Continuing Education Requirements.
- (a) The Board may grant a waiver of the need to attend and complete the required clock hours of continuing education or the Board may grant an extension of the deadline to complete the required clock hours of continuing education if it can be shown that compliance is beyond the physical or mental capabilities of the person seeking the waiver.
 - (b) Waivers or extension of the deadline will be considered only on an individual basis and may be requested by submitting the following items to the Board's Administrative Office prior to the expiration of the calendar year (December 31) in which the continuing education is due:
 1. A written request for a waiver or deadline extension which specifies which requirements are sought to be waived or which deadline is sought to be

(Rule 0450-01-.12, continued)

- extended, and a written and signed explanation of the reason for the request; and
- 2. Any documentation which supports the reason(s) for the waiver or deadline extension requested or which is subsequently requested by the Board.
- (c) A waiver or deadline extension approved by the Board is effective only for the calendar year for which either is sought.
- (8) Violations
 - (a) Any licensee or certificate holder who falsely certifies attendance and completion of the required hours of continuing education requirements, or who does not or can not adequately substantiate completed continuing education hours with the required documentation, may be subject to disciplinary action.
 - (b) Prior to the institution of any disciplinary proceedings, a letter shall be issued to the last known address of the individual stating the facts or conduct which warrant the intended action.
 - (c) The licensee or certificate holder has thirty (30) days from the date of notification to show compliance with all lawful requirements for the retention of the license or certificate.
 - (d) Any licensee or certificate holder who fails to show compliance with the required continuing education hours in response to the notice contemplated by subparagraph (b) above may be subject to disciplinary action.
 - (e) Continuing education hours obtained as a result of compliance with the terms of a Board Order in any disciplinary action shall not be credited toward the continuing education hours required to be obtained in any renewal period.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-22-102, and 63-22-108. **Administrative History:** Original rule filed April 29, 1992; effective June 13, 1992. Amendment filed June 18, 1996; effective September 4, 1996. Amendment filed July 31, 2000; effective October 14, 2000. Amendment filed April 30, 2002; effective July 14, 2002. Amendment filed July 16, 2003; effective September 29, 2003. Amendment filed July 30, 2003; effective October 13, 2003. Amendment filed July 21, 2004; effective October 4, 2004. Amendment filed October 18, 2004; effective January 1, 2005. Amendment filed March 23, 2007; effective June 6, 2007. Amendment filed November 26, 2008; effective February 9, 2009.

0450-01-.13 PROFESSIONAL ETHICS. All licensees and certificate holders shall comply with the current code of ethics adopted by the American Counseling Association, except to the extent that it conflicts with the laws of the state of Tennessee or the rules of the Board. If the code of ethics conflicts with state law or rules, the state law or rules govern the matter. Violation of the code of ethics or state law or rules may subject a licensee or certificate holder to disciplinary action.

- (1) The certified professional counselor and licensed professional counselor and anyone under his supervision shall conduct their professional practice in conformity with the legal, ethical and professional standards promulgated by the Board under its current statutes and rules and regulations.
- (2) Each applicant and certificate holder or licensee is responsible for being familiar with and following this code of ethics.
- (3) A copy of the code of ethics may be obtained by writing the American Counseling Association, 5999 Stevenson Avenue, Alexandria, VA 22304.