Department of Health
Notice of Rulemaking Hearing
Board for Professional Counselors, Marital and Family Therapists,
and Clinical Pastoral Therapists
Division of Health Related Boards

There will be a hearing before the Tennessee Board for Professional Counselors, Marital and Family Therapists, and Clinical Pastoral Therapists to consider the promulgation of amendments to rules pursuant to T.C.A. §§ 4-5-202, 4-5-204, 63-22-102, 63-22-203, and 63-22-205. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Cumberland Room of the Cordell Hull Building located at 425 Fifth Avenue North, Nashville, TN at 3:30 p.m. (CDT) on the 24th day of April, 2006.

Any individuals with disabilities who wish to participate in these proceedings (review these filings) should contact the Department of Health, Division of Health Related Boards to discuss any auxiliary aids or services needed to facilitate such participation or review. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date such party intends to review such filings), to allow time for the Division to determine how it may reasonably provide such aid or service. Initial contact may be made with the ADA Coordinator at the Division of Health Related Boards, First Floor, Cordell Hull Building, 425 Fifth Avenue North, Nashville, TN 37247-1010, (615) 532-4397.

For a copy of the entire text of this notice of rulemaking hearing contact:

Jerry Kosten, Regulations Manager, Division of Health Related Boards, 425 Fifth Avenue North, First Floor, Cordell Hull Building, Nashville, TN 37247-1010, (615) 532-4397.

Substance of Proposed Rules

Amendments

Rule 0450-1-.06, Fees, is amended by inserting the following language as new subparagraph (1) (h) and renumbering the current subparagraph (1) (h) as subparagraph (1) (i):

(1) (h) Temporary License Fee – A refundable fee to be paid by all applicants seeking temporary licensure as a professional counselor.

Authority: T.C.A. §§ 4-5-202, 45-5-204, 63-22-102, 63-2-104, and 63-22-121.

Rule 0450-1-.10, Supervision - Post-Masters, is amended by deleting paragraph (1) and subparagraph (5) (d) in their entirety and substituting instead the following language, so that as amended, the new paragraph (1) and the new subparagraph (5) (d) shall read:

(1) Professional Counselor's Supervision. Supervision required by this rule shall be a professional experience which is supervised by a currently Licensed Professional Counselor, Licensed Professional Counselor with Mental Health Service Provider designation, licensed marital and family therapist, licensed clinical social worker, licensed psychologist with health service provider designation, licensed senior psychological examiner, or licensed psychiatrist, pursuant to rule 0450-1-.01, who has been licensed at least three (3) years and who is providing ongoing, direct clinical review for the purpose of training or teaching and who monitors the performance of a person's supervised interaction with a client and provides regular, documented, face-to-face consultation, guidance, and instructions with respect to the clinical skills and competencies of the person supervised. Supervision may include, without being limited to, the review of case presentations, audio tapes, video tapes, and direct observation.

(5) (d) Supervisors for applicants pursuing designation as mental health service provider may be currently Licensed Professional Counselors with Mental Health Service Provider designation, licensed marital and family therapists, licensed clinical social workers, licensed psychiatrists, licensed senior psychological examiners, or licensed psychologists with health service provider designation, who have been licensed at least three (3) years and who are in good standing with their respective licensing boards and professional associations.

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

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

(1) (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.

   (ii) Tennessee Code Annotated, Title 63, Chapter 22.

   (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.

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

Rule 0450-1-.15, Disciplinary Actions and Civil Penalties, is amended by adding the following language as new paragraph (6):

(6) Reconsiderations and Stays - The Board authorizes the member who chaired the Board for a contested case to be the agency member to make the decisions authorized pursuant to rule 1360-4-1-.18 regarding petitions for reconsiderations and stays in that case.

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

Rule 0450-2-.06, Fees, is amended by inserting the following language as new subparagraph (1) (h) and renumbering the current subparagraph (1) (h) as subparagraph (1) (i):

(1) (h) Temporary License Fee – A refundable fee to be paid by all applicants seeking temporary licensure as a marital and family therapist.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-22-102, 63-22-106, and 63-22-121.

Rule 0450-2-.12, Continuing Education, is amended by deleting subparagraph (1) (c) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (1) (c) shall read:

(1) (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.

(ii) Tennessee Code Annotated, Title 63, Chapter 22.

(iii) Official Compilation, Rules and Regulations of the State of Tennessee, Chapter 0450-2.

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.

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

Rule 0450-2-.15, Disciplinary Actions and Civil Penalties, is amended by adding the following language as new paragraph (6):

(6) Reconsiderations and Stays - The Board authorizes the member who chaired the Board for a contested case to be the agency member to make the decisions authorized pursuant to rule 1360-4-1-.18 regarding petitions for reconsiderations and stays in that case.

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

Rule 0450-3-.12, Continuing Education, is amended by deleting subparagraph (1) (c) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (1) (c) shall read:

(1) (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.

(ii) Tennessee Code Annotated, Title 63, Chapter 22.

(iii) Official Compilation, Rules and Regulations of the State of Tennessee, Chapter 0450-3.

2. Those persons who hold two (2) certificates and/or licenses regulated by the Tennessee Board for Professional Counselors, Marital and Family Therapists and Clinical Pastoral Therapists shall have three (3) clock hours

of the fifteen (15) clock hour annual requirement pertain to ethics and jurisprudence every two (2) years.

3. A person who holds three (3) certificates and/or licenses shall have three (3) clock hours of the twenty (20) clock hour annual requirement pertain to ethics and jurisprudence every two (2) years.

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

Rule 0450-3-.15, Disciplinary Actions and Civil Penalties, is amended by adding the following language as new paragraph (6):

(6) Reconsiderations and Stays - The Board authorizes the member who chaired the Board for a contested case to be the agency member to make the decisions authorized pursuant to rule 1360-4-1-.18 regarding petitions for reconsiderations and stays in that case.

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

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Contact who can answer questions concerning this notice of rulemaking hearing, technical contact for disk acquisition, and person who will approve final copy for publication: Jerry Kosten, Regulations Manager, Division of Health Related Boards, First Floor, Cordell Hull Building, 425 Fifth Avenue North, Nashville, TN 37247-1010 615-532-4397.

I certify that this is an accurate and complete representation of the intent and scope of rulemaking proposed by the Tennessee Board for Professional Counselors, Marital and Family Therapists, and Clinical Pastoral Therapists.

Robbie H. Bell, Director
Health Related Boards

Subscribed and sworn to before me this the 17th day of February, 2006.

Notary Public

My commission expires on the 25th day of March, 2006.

The notice of rulemaking set out herein was properly filed in the Department of State on the 17 day of Feb, 2006.

Riley C. Darnell
Secretary of State

By:

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