

RULEMAKING HEARINGS

BOARD FOR PROFESSIONAL COUNSELORS, MARITAL AND FAMILY THERAPISTS, AND CLINICAL PASTORAL THERAPISTS - 0450

There will be a hearing before the Tennessee Board for Professional Counselors, Marital and Family Therapists, and Clinical Pastoral Therapists to consider the promulgation of amendments to rules pursuant to T.C.A. §§ 4-5-202, 4-5-204, and 63-22-102. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Division of Health Related Board's Conference Room on the Third Floor of the Heritage Place Building located at 227 French Landing, Nashville, TN at 2:30 p.m. (CDT) on the 18th day of July, 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, Third Floor, Heritage Place Building, 227 French Landing, Nashville, TN 37243-1010, (615) 532-4397.

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

Jerry Kosten, Regulations Manager, Division of Health Related Boards, Third Floor, Heritage Place Building, 227 French Landing, Nashville, TN 37243-1010, (615) 532-4397.

SUBSTANCE OF PROPOSED RULES

AMENDMENTS

Rule 0450-1-.19, Board Meetings, Officers, Consultants, Records, and Declaratory Orders, is amended by deleting subparagraph (5) (e) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (5) (e) shall read:

- (5) (e) Appoint designee(s), when appropriate, to assist in the performance of its duties; and

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

Rule 0450-2-.04, Qualifications for Licensure, is amended by deleting subparagraph (3) (c) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (3) (c) shall read:

- (3) (c) Pass the Tennessee jurisprudence exam pursuant to Rule 0450-2-.08

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-22-102, 63-22-103, 63-22-106, and 63-22-107.

RULEMAKING HEARINGS

Rule 0450-2-.05, Procedures for Licensure, is amended by deleting subparagraphs (1) (l), (4) (a), and (5) (g) in their entirety and substituting instead the following language, so that as amended, the new subparagraphs (1) (l), (4) (a), and (5) (g) shall read:

- (1) (l) An applicant, upon being deemed eligible by the board, shall be required to pass examinations, pursuant to rule 0450-2-.08.
- (4) (a) The board may issue a license to an individual who holds current clinical certification by the American Association for Marriage and Family Therapy, however, an applicant for licensure by endorsement will be required to take the Tennessee jurisprudence examination, pursuant to rule 0450-2-.08.
- (5) (g) To replace the temporary licensure 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. The board shall then grant or deny the regular license application, based on satisfactory completion of all requirements for licensure, including passing the Tennessee jurisprudence examination, pursuant to rule 0450-2-.08

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-22-102, 63-22-103, 63-22-106, 63-22-107, and 63-22-121.

Rule 0450-2-.06, Fees, is amended by deleting part (4) (b) 1. in its entirety and substituting instead the following language, so that as amended, the new part (4) (b) 1. shall read:

- (4) (b) 1. Application \$200.00

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-22-102, 63-22-103, 63-22-106, and 63-22-107.

Rule 0450-2-.07, Application Review, Approval, Denial, Interviews, is amended by deleting paragraph (6) and part (9) (a) 2. in their entirety and substituting instead the following language, so that as amended, the new paragraph (6) and the new part (9) (a) 2. shall read:

- (6) The board may at its discretion delay a decision on eligibility to take the written examination and/or the Tennessee jurisprudence examination for any applicant for whom the board wishes additional information for the purpose of clarifying information previously submitted. This request is to be in writing and shall be made within sixty (60) days from the date of the official review of the application by the board.
- (9) (a) 2. The applicant fails to sit for the written examination, if applicable, or the Tennessee jurisprudence examination within six (6) months after being notified of eligibility.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-22-102, 63-22-103, 63-22-106, and 63-22-107.

RULEMAKING HEARINGS

Rule 0450-2-.08 Examinations, is amended by deleting the language of the rule in its entirety and substituting instead the following language, so that as amended, the new introductory language and the new paragraphs (1), (2), (3), (4) and (5) shall read:

0450-2-.08 EXAMINATIONS. Except as provided in this rule, an individual seeking licensure shall be required to pass the Board-approved written examination and the Tennessee jurisprudence examination. Except as provided in this rule, passing the written examination is a prerequisite to taking the Tennessee jurisprudence examination.

- (1) Written Examination - The written examination shall be passed by all applicants except those who upgrade or are approved for licensure by reciprocity pursuant to rule 0450-2-.04.
 - (a) The Board adopts as its written examination for marital and family therapist licensure the Professional Examination Service (PES) published examination or their successor examination, as developed by the Association of Marital and Family Therapy Regulatory Boards.
 - (b) Upon being deemed eligible, the Board shall send an examination admissions form to approved applicants.
 - (c) The applicant shall complete the examination admissions form and return it to PES.
 - (d) PES shall provide the applicant information to schedule the examination at Prometric Testing Centers.
 - (e) PES shall notify the Board and the applicant of the written examination results.
 - (f) Passing scores on the examination are determined by PES. Such passing scores as certified to the Board by PES are adopted by the Board as constituting successful completion of the written examination. A passing score will qualify the applicant for the Tennessee jurisprudence examination, if all other requirements pursuant to rule 0450-2-.05 have been successfully completed.
- (2) Tennessee Jurisprudence Examination - The Tennessee jurisprudence examination is required for all applicants except those approved to upgrade from CMFT to LMFT. This examination is administered by a Board-approved testing agency.
 - (a) Application for, admission to, and the fee required to sit for the Tennessee jurisprudence examination is governed by and must be submitted directly to the Board-approved testing agency.
 - (b) The passing score for the Tennessee jurisprudence examination is determined by the testing agency. The passing score as certified to the Board by the testing agency is adopted by the Board as constituting successful completion of the Tennessee jurisprudence examination.
 - (c) The scope and content of the examination shall be determined by the Board but limited to:
 1. Tennessee Code Annotated, Title 63, Chapters 2 and 22; and
 2. Official Compilation, Rules and Regulations of the State of Tennessee, Chapter 0450-2.

RULEMAKING HEARINGS

- (d) If the applicant has met all other requirements, a passing score will qualify him/her for licensure.
- (3) If an applicant neglects, fails, or refuses to take or re-take either the written examination or the Tennessee jurisprudence examination, or fails to pass either examination within twelve (12) months after being deemed eligible by the Board, the application will be denied. However, such an applicant may thereafter make a new application accompanied by the required fee. The applicant shall meet the requirements in effect at the time of the new application.
- (4) Re-examination
 - (a) Applicants who fail to pass the written examination may apply for re-examination by submitting such a request to the Board's administrative office on or before the forty-fifth (45th) day after the letter notifying the applicant of the examination results is sent.
 - (b) Applicants who fail to pass the Tennessee jurisprudence examination may apply for re-examination to the Board-approved testing agency. The applicant must continue to retake the Tennessee jurisprudence examination until it has been successfully completed before licensure will be granted.
- (5) The Board may, at its discretion, delay a decision on eligibility to take the written examination, the Tennessee jurisprudence examination or re-examination of either for any applicant for whom the Board wishes additional information for the purpose of clarifying information previously submitted. This request for additional information is to be in writing and shall be made within sixty (60) days from the date of the official review of the application by the Board.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-22-102, 63-22-103, 63-22-106, and 63-22-107.

Rule 0450-2-.19, Board Meetings, Officers, Consultants, Records, and Declaratory Orders, is amended by deleting subparagraph (5) (e) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (5) (e) shall read:

- (5) (e) Appoint designee(s), when appropriate, to assist in the performance of its duties; and

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

Rule 0450-3-.04, Qualifications for Licensure, is amended by deleting subparagraph (1) (e), part (2) (a) 3. and part (2) (b) 4. in their entirety and substituting instead the following language, so that as amended, the new subparagraph (1) (e), part (2) (a) 3. and part (2) (b) 4. shall read:

- (1) (e) Pass the examination pursuant to Rule 0450-3-.08.
- (2) (a) 3. Pass the examination pursuant to Rule 0450-3-.08.
- (2) (b) 4. Pass the examination pursuant to Rule 0450-3-.08.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-22-102, 63-22-203, and 63-22-205.

RULEMAKING HEARINGS

Rule 0450-3-.05, Procedures for Licensure, is amended by deleting subparagraphs (1) (l), (1) (m), (2) (h) and (3) (g) in their entirety and substituting instead the following language, so that as amended, the new subparagraphs (1) (l), (1) (m), (2) (h) and (3) (g) shall read:

- (1) (l) An applicant shall direct the appropriate examination service to submit directly to the Board's Administrative Office evidence that he/she passed the professional section of the examination, pursuant to Rule 0450-3-.08.
- (1) (m) An applicant, who has met all other requirements upon being deemed eligible by the Board, shall be required to pass the Tennessee jurisprudence section of the examination, pursuant to Rule 0450-3-.08.
- (2) (h) An applicant, who has met all other requirements upon being deemed eligible by the Board, shall be required to pass the examination, pursuant to Rule 0450-3-.08.
- (3) (g) An applicant, who has met all other requirements upon being deemed eligible by the Board, shall be required to pass the examination, pursuant to Rule 0450-3-.08.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-22-102, 63-22-203, and 63-22-205.

Rule 0450-3-.06, Fees, is amended by deleting subparagraph (4) (g) in its entirety.

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

Rule 0450-3-.07, Application Review, Approval, and Denial, is amended by deleting paragraph (6) and part (9) (a) 2. in their entirety and substituting instead the following language, so that as amended, the new paragraph (6) and the new part (9) (a) 2. shall read:

- (6) The Board may at its discretion delay a decision on eligibility to take the professional and/or Tennessee jurisprudence sections of the examination for any applicant for whom the Board wishes additional information for the purpose of clarifying information previously submitted. This request is to be in writing and shall be made within sixty (60) days from the date of the official review of the application by the Board.
- (9) (a) 2. The applicant fails to sit for the written section of the examination, if applicable, or the Tennessee jurisprudence section of the examination within six (6) months after being notified of eligibility.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-22-102, 63-22-203, and 63-22-205.

Rule 0450-3-.08 Examinations, is amended by deleting the language of the rule in its entirety and substituting instead the following language, so that as amended, the new introductory sentence and the new paragraphs (1), (2), (3), (4), and (5) shall read:

0450-3-.08 EXAMINATIONS. In addition to having filed an application, individuals seeking licensure as a Clinical Pastoral Therapist are required to pass an examination consisting of professional and Tennessee jurisprudence sections.

- (1) Professional section - The professional section of the examination shall be passed by all applicants, except certain persons who are licensed by professional experience.

RULEMAKING HEARINGS

- (a) The Board adopts the following examinations or their successor examinations as the professional section of the examination:
 - 1. The Marital and Family Therapy Examination, published by the Professional Examination Service (PES), as developed by the Association of Marital and Family Therapy Regulatory Boards and with a passing score determined by PES.
 - 2. The National Counselor Examination and the National Clinical Mental Health Counseling Examination given by the National Board for Certified Counselors (NBCC) and with a passing score determined by NBCC.
 - 3. The Examination for Professional Practice in Psychology (EPPP) provided by PES and with a passing score as determined by the Association of State and Provincial Psychology Boards.
 - 4. The written examination adopted by the Association of Social Work Boards (ASWB) and with a passing score as determined by ASWB.
 - (b) Even though the Board adopts the above-listed examinations as its professional section, an applicant must successfully complete only one (1) of these examinations. The choice of which examination to successfully complete is entirely up to the applicant.
 - (c) The testing agencies govern the examination dates.
 - (d) A passing score on the professional section will qualify the applicant for the Tennessee jurisprudence section if the Board determines all other requirements pursuant to Rule 0450-3-.05 have been successfully completed.
- (2) Tennessee jurisprudence section - The Tennessee jurisprudence section of the examination is required for all applicants except applicants who are applying by certain professional experience or by certification in certain other professions pursuant to Rule 0450-3-.05. This section of the examination is administered by a Board-approved testing agency.
- (a) Application for, admission to, and the fee required to sit for the Tennessee jurisprudence section is governed by and must be submitted directly to the Board-approved testing agency.
 - (b) The passing score for the Tennessee jurisprudence section is determined by the testing agency. The passing score as certified to the Board by the testing agency is adopted by the Board as constituting successful completion of the Tennessee jurisprudence section.
 - (c) The scope and content of the Tennessee jurisprudence section shall be determined by the Board but limited to:
 - 1. Tennessee Code Annotated, Title 63, Chapters 2 and 22; and
 - 2. Official Compilation, Rules and Regulations of the State of Tennessee, Chapter 0450-2.
 - (d) If the applicant has met all other requirements, a passing score will qualify him/her for licensure.

RULEMAKING HEARINGS

- (3) If an applicant neglects, fails, or refuses to take or re-take either the professional section or the Tennessee jurisprudence section, or fails to pass either section within twelve (12) months after being deemed eligible by the Board, the application will be denied. However, such an applicant may thereafter make a new application accompanied by the required fee. The applicant shall meet the requirements in effect at the time of the new application.
- (4) Re-examination
 - (a) Applicants who fail to pass the professional section may apply for re-examination by submitting such a request to the Board's administrative office on or before the forty-fifth (45th) day after the letter notifying the applicant of the professional section results is sent.
 - (b) Applicants who fail to pass the Tennessee jurisprudence section may apply for re-examination to the Board-approved testing agency. The applicant must continue to retake the Tennessee jurisprudence section until it has been successfully completed before licensure will be granted.
- (5) The Board may, at its discretion, delay a decision on eligibility to take the written section, the Tennessee jurisprudence section or re-examination of either for any applicant for whom the Board wishes additional information for the purpose of clarifying information previously submitted. This request for additional information is to be in writing and shall be made within sixty (60) days from the date of the official review of the application by the Board.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-22-102, 63-22-203, and 63-22-205.

The notice of rulemaking set out herein was properly filed in the Department of State on the 23rd day of May, 2006. (05-16)