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Sequence Number: 12-10-10
 Notice ID(s): 1568
 File Date: 12/09/2010

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Board for Professional Counselors, Marital and Family Therapists, and Clinical Pastoral Therapists
Division:	
Contact Person:	Rachel Appelt, Assistant General Counsel
Address:	Office of General Counsel 220 Athens Way, Suite 210 Nashville, Tennessee 37243
Phone:	(615) 741-1611
Email:	Rachel.Appelt@tn.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	ADA Coordinator, Division of Health Related Boards
Address:	Heritage Place – Metro Center 227 French Landing, Suite 300 Nashville, Tennessee 37243
Phone:	615-532-3202 or (Toll Free) 1-800-778-4123
Email:	

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	Poplar Conference Room, Suite 150 Heritage Place – Metro Center		
Address 2:	227 French Landing		
City:	Nashville, Tennessee		
Zip:	37243		
Hearing Date :	January 28, 2011		
Hearing Time:	9:00 a.m.	<input checked="" type="checkbox"/> X CST	<input type="checkbox"/> EST

Additional Hearing Information:

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Revision Type (check all that apply):

- Amendment
- New
- Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. 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-.01	Definitions
0450-01-.04	Qualifications for Licensure
0450-01-.07	Application Review, Approval, Denial, Interviews
0450-01-.08	Examinations
0450-01-.10	Supervision – Post-Masters

Chapter 0450-01
General Rules Governing Professional Counselors
Amendments

Rule 0450-01-.01 Definitions is amended by deleting paragraphs (11) and (39) in their entirety and substituting instead the following language, so that as amended, the new paragraphs shall read:

- (11) Clinical setting - A place where the practice of professional counseling occurs.
- (a) The practice of professional counseling includes counseling as defined in definitions (29) and (30) of these rules for the non Mental Health Services Provider designation and the Mental Health Services Provider designation respectively.
 - (b) The place or practice shall have written provisions to provide appropriate supervision and training experiences as defined by graduate counseling program expectations pursuant to Rule 0450-01-.10 or both.
 - (c) The place or practice shall offer adequate physical resources necessary to allow for supervision and appropriate service delivery.
 - (d) Neither the place nor practice may be owned, operated, or controlled, in whole or in part, by the applicant, either directly or indirectly.
 - (e) The clinical setting for pre- and post-master's professional experience shall include public and private health and mental health institutions that have integrated programs for the delivery of professional counseling.
- (39) Supervision - Ongoing, direct clinical oversight for the purpose of training or teaching. Supervision may include, without being limited to, the review of case presentations, audio tapes, video tapes, and direct observation.
- (a) Supervision shall be by an approved supervisor.
 - (b) An approved supervisor shall monitor the performance of an applicant's interaction with a client and provide regular documented face-to-face or live video conferencing (with prior board approval based on hardship), consultation, guidance, and instructions with respect to the clinical skills and competencies of the applicant.
 - (c) Individual supervision is supervision as defined by models developed by the Council for Accreditation for Counseling and Related Educational Programs (CACREP) for individual (one supervisor to supervisee) or triadic supervision (one supervisor to two supervisees).
 - (d) Group supervision is supervision of by one supervisor of a minimum of three (3) and a maximum of eight (8) supervisees. Of the 150 hours collected, no more than fifty (50) hours may be group supervision.

Authority: T.C.A. § 63-22-102.

Rule 0450-01-.04 Qualifications for Licensure is amended by deleting paragraph (1) but not its subparagraphs and substituting instead the following language, so that as amended, the new paragraph shall read:

- (1) Professional Counselor by Examination. To be eligible to submit an application, a candidate must show completion of the following qualifications:

Authority: T.C.A. §§ 63-22-102, 63-22-104, 63-22-107, 63-22-120.

Rule 0450-01-.04 Qualifications for Licensure is amended by deleting part (1)(c) 2. in its entirety and substituting instead the following language, so that as amended, the new part shall read:

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)

Authority: T.C.A. §§ 63-22-102, 63-22-104, 63-22-107, 63-22-120.

Rule 0450-01-.04 Qualifications for Licensure is amended by adding the following language as new item (4)(a)3.(ii)(VII) and renumbering the remaining items, so that as amended, the new item shall read:

- (VII) Multicultural counseling

Authority: T.C.A. §§ 63-22-102, 63-22-104, 63-22-107, 63-22-120.

Rule 0450-01-.04 Qualifications for Licensure is amended by deleting subparagraph (4)(c) in its entirety.

Authority: T.C.A. §§ 63-22-102, 63-22-104, 63-22-107, 63-22-120.

Rule 0450-01-.07 Application Review, Approval, Denial, Interviews 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) If a completed application has been denied and ratified as such by the board, the action shall become final and a notification of the denial shall be sent by the board's administrative office by certified mail return receipt requested. Specific reasons for denial will be stated, such as incomplete information, unofficial records, examination failure, or other matters judged insufficient for licensure and such notification shall contain all the specific statutory or rule authorities for the denial.

Authority: T.C.A. §§ 63-22-102, 63-22-104, 63-22-107, 63-22-110, 63-22-116, 63-22-120.

Rule 0450-01-.08 Examinations is amended by deleting Subparagraph (1)(b) in its entirety and substituting instead the following language, so that as amended, the new Subparagraph shall read:

- (b) The Tennessee jurisprudence examination concerning Tennessee's professional counselor statutes and regulations and professional ethics based on the ACA Code of Ethics, which is administered by the NBCC.

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

Rule 0450-01-.10 Supervision - Post-Masters is amended by deleting Paragraphs (1) and (2) in their entirety and substituting instead the following language, and adding a new paragraph (3) and renumbering the remaining paragraphs accordingly, so that as amended, the new paragraphs shall read:

- (1) Professional Counselor's Supervision. A supervisor providing supervision after July 1, 2012 must comply with the following:
 - (a) Experience - supervisors must have been licensed at least five (5) years as a LPC, LPC/MHSP, LMFT, licensed psychologist, psychiatrist, or LCSW.
 - (b) For the purpose of mental health service provider designation, of the hundred and fifty (150) contact hours of supervision required, seventy-five (75) shall be conducted by a supervisor with at least LPC/MHSP designation.
 - (c) Ethics – Supervisors shall comply with Section F of 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, then 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. Supervisors may also reference the Association for Counselor Education and Supervision (ACES) *Guidelines for Counseling Supervisors*.
 - (d) Training – Supervisors must provide documentation of the successful completion of one or more of the following:
 - 1. A passing grade at an accredited college or university in an academic course specific to supervision of counselors
 - 2. Supervision certification by one, or more, of the following professional associations:
 - (i) AAMFT – Approved Supervisor
 - (ii) AAPIC – Approved Supervisor
 - (iii) NBCC - Approved Clinical Supervisor
 - (iv) Any other organization designated by the Board to provide supervisor qualification verification
 - 3. Documentation of twelve (12) contact hours related to counseling supervision and other related supervision topics. Contact hours must be provided by an approved professional association or approved by a counseling related credentialing organization (e.g., NBCC).
 - (e) Continuing Education Units - Three (3) clock hours of the ten (10) clock hour requirement shall, every two (2) years, pertain to counseling supervision or related supervision topics.
- (2) Supervisors holding the designation of LPC or LPC/MHSP and providing supervision prior to July 1, 2012 will be approved to continue providing supervision for both LPC or LPC/MHSP candidates. After July 1, 2012, supervisors must comply with new rules established.

Authority: T.C.A. §§63-22-102 63-22-104, 63-22-107, 63-22-117, 63-22-120.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: 12/8/10

Signature: Rachel Appelt

Name of Officer: Rachel Appelt

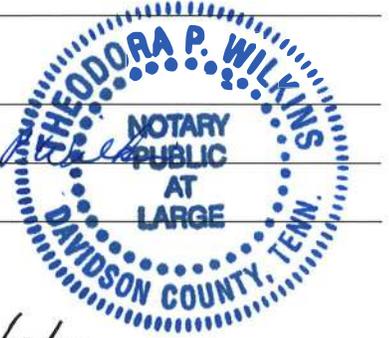
Assistant General Counsel

Title of Officer: Department of Health

Subscribed and sworn to before me on: 12/8/10

Notary Public Signature: Theodora P. Wilkins

My commission expires on: 11/7/11



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Filed with the Department of State on: 12/9/10

Tre Hargett

Tre Hargett
Secretary of State

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