



Tennessee LPC Jurisprudence Exam Prep

Presented by: Johnathan Johnson, LPC/MHSP



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 - ▶ Website: www.NDCACgroup.com
- ▶ Serving clients age 13 and older as well as other professionals
 - ▶ Individual and family therapy
 - ▶ Clinical Supervision
 - ▶ Coaching and training
- ▶ Specialties
 - ▶ LGBT and alternative lifestyles
 - ▶ Adolescent Behavioral Issues
 - ▶ Adolescent sexual behaviors
 - ▶ Men's sexual issues
 - ▶ Adult general counseling needs



Exam Design and Composition

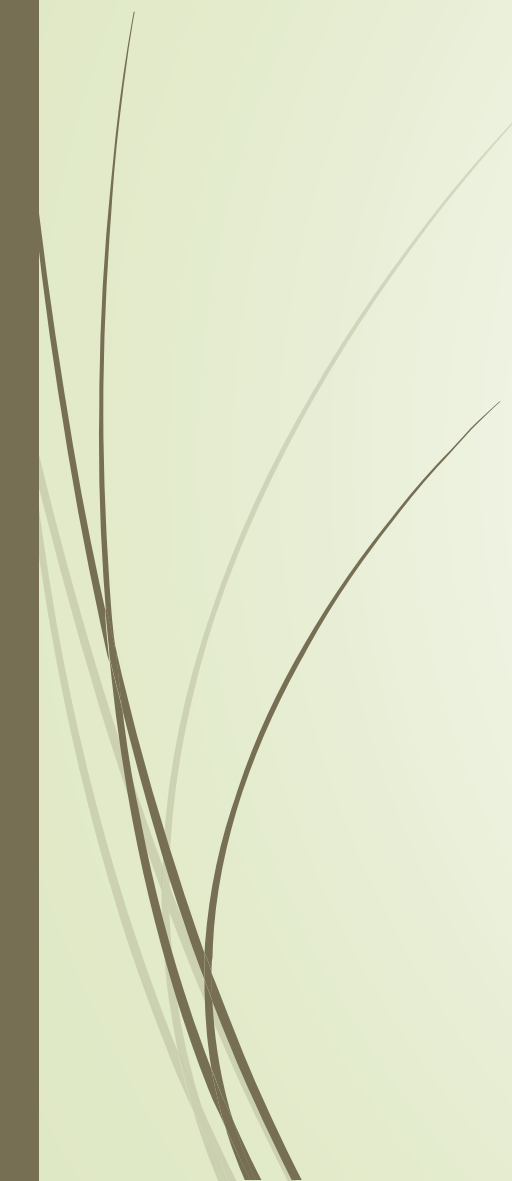
- ▶ Exam is 54 True/False questions
- ▶ Covers the LPC Rules, ACA Ethics and TN Laws
- ▶ You need 38 correct to pass
- ▶ Composition
 - ▶ Scope of Practice 10
 - ▶ Administration and other Ethical Issues 27
 - ▶ Confidentiality and Privilege 10
 - ▶ Dual Relationships 4
 - ▶ Sexual Relationships with Clients 3



Tennessee LPC Board Rules

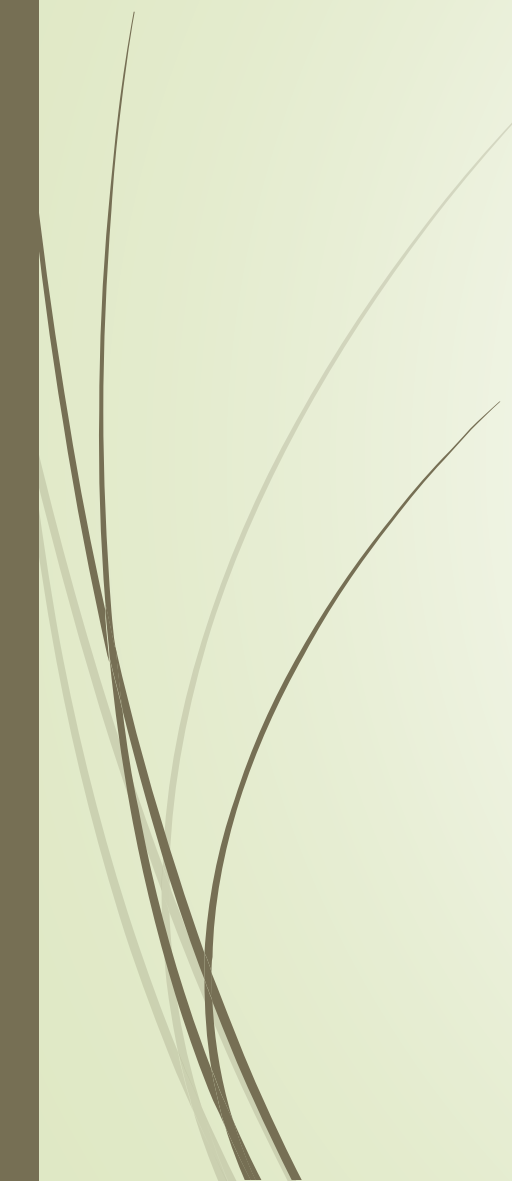


Definitions (pg 1)

- ▶ **Actively engaged** - Engaged in the practice of professional counseling 10 clock or more face to-face client contact hours per week.
 - ▶ **Approved Supervisor** - An approved supervisor for professional experience subsequent to the master's degree must be a currently Licensed Professional Counselor, Licensed Marital and Family Therapist, Licensed Clinical Pastoral Therapist, Licensed Clinical Social Worker, Licensed Psychologist with Health Service Provider designation, Licensed Senior Psychological Examiner, or Licensed Psychiatrist, who has been licensed at least five (5) years and who takes responsibility for the practice of the supervisee during a specific time to enable the supervisee to meet the requirements of licensing. If the supervisor is a Licensed Professional Counselor who is supervising a candidate for Licensed Professional Counselor with Mental Health Service Provider designation, the supervisor must have the Mental Health Service Provider designation.
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Definitions (Pg 2)

- ▶ **Certified Associate Counselor** - Any person who has met the qualifications for CAC and holds a current, unsuspended or unrevoked certificate which has lawfully been issued by the board. The board no longer grants this certificate but it can be upgraded.
 - ▶ **Certified Professional Counselor** - Any person who has met the qualifications for CPC and holds a current, unsuspended or unrevoked certificate which has lawfully been issued by the board. The board no longer grants this certificate but it can be upgraded.
 - ▶ **Clinically-related activities** - Clinically-related workshops, trainings and seminars, treatment teams, clinical supervision, and research and leadership preparation for individual and group counseling. Graduate coursework in pursuit of licensure and administrative supervision in the work setting are not clinically-related activities.
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Definitions (Page 2)

- ▶ **Clinical setting** - A place where the practice of professional counseling occurs. An appropriate setting for an applicant's pre and post master's professional experience must meet the following criteria:
 - ▶ The place or practice shall be a public, private, or community agency/mental health setting and must have integrated programs for the delivery of clinical mental health counseling in accordance with these rules and defined by definition (29) for non-Mental Health Service Provider designation and definition (30) for the Mental Health Service Provider designation.
 - ▶ The place or practice shall offer adequate physical resources, such as a private space that meets HIPAA requirements, necessary to allow for supervision and appropriate service delivery.
 - ▶ The place or practice shall have at least one licensed mental health professional on site for a cumulative minimum of 20 hours per week whose assigned job duties include being available to the applicant for supervision and/or consultation while the applicant is engaging in the practice of counseling or counseling related services. In addition, the place or practice shall have a written emergency plan in place to include method(s) of contacting supervisor(s) or other consultant(s), alternative contacts when supervisor(s) is(are) unavailable, information regarding crisis services, and crisis decision-making. The licensed mental health professional can serve as the applicant's supervisor if he or she meets the supervisor requirements pursuant to 0450-01-.10. If the licensed mental health professional on staff at the place or practice is unable or unwilling to serve as the applicant's supervisor, the applicant must secure a supervisor who meets the supervisor requirements pursuant to 0450-01-.10.



Definitions

▶ **Clinical Setting (continued)**

- ▶ For an applicant pursuing post-master's professional experience, the place or practice shall not be owned, or independently operated by the applicant. An applicant shall not seek a clinical setting or supervision that is in conflict with the multiple relationships addressed by the American Counseling Association's Code of Ethics. Prior to choosing a clinical setting, if an applicant is uncertain, he or she shall seek advice about what is considered acceptable from the Board.
- ▶ In the case of pre-master's professional experience, the place or practice shall have written provisions to provide supervision and training experience as defined by graduate counseling program expectations.
- ▶ The applicant shall be an employee of the place or practice, or shall be affiliated by agreement. All agreements shall include but not be limited to the following information: the name of the individual responsible for supervision, specific job duties/responsibilities, method for obtaining and scheduling clients, liability insurance information, payment arrangements, emergency plan, and facility and service logistics. Compensation for services provided by the applicant shall be paid directly to the place or practice unless the applicant has a temporary license, at which time the applicant may be paid on an agreed upon basis or may provide services on a pro bono basis.



Definitions (Page 3)

- ▶ **Client Contact Hour** - A 50 minute period a counselor or therapist spends working with an individual, family or group.
- ▶ **Clock hour** - Sixty minutes in a continuing education activity. Providers who measure continuing education activities in “continuing education units” shall define CEU in clock hours.
- ▶ **Fee** - Money, gift, services or anything of value offered or received as compensation in return for rendering services.
- ▶ **Fee Splitting** - The practice of paying commissions to colleagues out of fees received from clients who have been referred by the colleague for services.
- ▶ **Licensed Professional Counselor** - Any person who has met the qualifications for professional counselor and holds a current, unsuspended, or unrevoked license which has been lawfully issued by the board.

Definitions (Page 4)

- ▶ Practice of Professional Counseling (w/o MHSP)
 - ▶ Rendering or offering to render to individuals, groups, organizations, or the general public any service involving the application of principles, techniques, methods, or procedures of the counseling profession, including appraisal activities, as defined by the law, counseling, consulting and referral activities. Nothing in this section shall be construed to permit the treatment of any mental, emotional or adjustment disorder other than marital problems, parent-child problems, child, and adolescent antisocial behavior, adult antisocial behavior, other specified family circumstances, other interpersonal problems, phase of life problems, other life circumstance problems, occupational problems, and uncomplicated bereavement.
 - ▶ **Limited to specifics needs of clients related to Phase of Life, Marriage Counseling, Relationship Issues, Antisocial Behaviors, Family Dynamics and Educational/Career Development and Bereavement ONLY!**

Definitions (Page 4)

- ▶ Practicing of Professional Counseling **with MHSP**
 - ▶ facilitate human development and adjustment throughout the life span;
 - ▶ prevent, diagnose, and treat mental, emotional or behavioral disorders and associated disorders which interfere with mental health;
 - ▶ conduct assessments and diagnoses for the purpose of establishing treatment goals and objectives within the limitations prescribed in T.C.A. § 63-22-150(1); and
 - ▶ plan, implement, and evaluate treatment plans using counseling treatment interventions. Counseling treatment interventions shall mean the application of cognitive, affective, behavioral and systemic counseling strategies which include principles of development, wellness, and pathology that reflect a pluralistic society. Nothing in this definition shall be construed to permit the performance of any act which licensed professional counselors designated as mental health service providers are not educated and trained to perform, nor shall it be construed to permit the designation of testing reports as “psychological”.
- ▶ **Adds mental health diagnosis and treatment planning to services that can be rendered by the licensee.**



Definitions (Page 4)

- ▶ Professional Counseling - Assisting an individual, through the counseling relationship, in a manner intended to facilitate normal human growth and development, using a combination of mental health and human development principles, methods and techniques, to achieve mental, emotional, physical, social, moral, educational, spiritual, and/or career development and adjustment through the lifespan.
- ▶ Professional Experience - A minimum of 10 client contact hours per week engaged in activities as described in the definition of professional counseling, and practice of counseling excluding volunteer hours.
- ▶ Private Practice - Practice of counseling or therapy other than in a public or nonprofit agency or entity.
- ▶ Relative - Parent, spouse, former spouse, siblings, children, cousins, in-laws (present and former), aunts, uncles, grandparents, grandchildren, step-children, employees, or anyone sharing the same household.



Definitions (page 5)

- ▶ Supervisee - An individual who is engaged in post-graduate or graduate, supervised experience under the direction of a supervisor.
- ▶ 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.
 - ▶ Supervision shall be by an approved supervisor.
 - ▶ 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.
 - ▶ Individual supervision is supervision as defined by models developed by the Council for Accreditation of Counseling and Related Educational Programs (CACREP) for individual (one supervisor to supervisee) or triadic supervision (one supervisor to two supervisees).
 - ▶ Group supervision is supervision 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.

Scope of Practice (Pages 5-6)

- ▶ The following shall be considered necessary when addressing the scope of practice for professional counselors (without MHSP):
 - ▶ Assisting an individual, through the counseling relationship, in a manner intended to facilitate normal human growth and development, using a combination of mental health and human development principles, methods and techniques, to achieve mental, emotional, physical, social, moral, educational, spiritual and/or career development and adjustment through the lifespan.
 - ▶ Rendering or offering to render to individuals, groups, organizations, or the general public any service involving the application of principles, techniques, methods or procedures of the counseling profession, including appraisal activities, counseling, consulting and referral activities. Nothing in this section shall be construed to permit the treatment of any mental, emotional or adjustment disorder other than marital problems, parent-child problems, child and adolescent antisocial behavior, adult antisocial behavior, other specified family circumstances, other interpersonal problems, phase of life problems, other life circumstance problems, occupational problems, and uncomplicated bereavement.



Scope of Practice

- ▶ Selecting, administering, scoring, and interpreting instruments designed to assess an individual's aptitudes, achievements, or interests, which are used to understand, measure or facilitate such individual's normal human growth and development, but shall not include the use of projective techniques in the assessment of personality, nor the use of psychological or clinical tests designed to identify or classify abnormal or pathological human behavior, nor the use of individually administered intelligence tests. Consistent with each counselor's formal education and training, licensed or certified professional counselors may administer and utilize appropriate assessment instruments which measure and/or diagnose problems and/or dysfunctions within the context of human growth and development as part of the counseling process or in the development of a treatment plan.

Scope of Practice (Pages 5-6)

- ▶ In addition to the provisions of paragraph (1), the following shall be considered necessary when addressing the scope of practice for professional counselors **with MHSP**:
 - ▶ Facilitate human development and adjustment throughout the life span;
 - ▶ Prevent, diagnose, and treat mental, emotional or behavioral disorders and associated disorders which interfere with mental health;
 - ▶ Conduct assessments and diagnoses for the purpose of establishing treatment goals and objectives within the limitations prescribed in T.C.A. § 63-22-150(1); and
 - ▶ Plan, implement, and evaluate treatment plans using counseling treatment interventions. “Counseling treatment interventions” means the application of cognitive, affective, behavioral and systemic counseling strategies which include principles of development, wellness, and pathology that reflect a pluralistic society. **Nothing in this definition shall be construed to permit the performance of any act which licensed professional counselors designated as mental health service providers are not educated and trained to perform, nor shall it be construed to permit the designation of testing reports as “psychological.”**
 - ▶ Any person who engages in any unlawful act enumerated in these rules and T.C.A. §§ 63-22- 101, et seq., is guilty of a Class B misdemeanor.
 - ▶ Nothing in these rules shall be construed as permitting individuals registered with the board to administer or prescribe drugs or in any manner engage in the practice of medicine as defined by Tennessee law.

NECESSITY OF CERTIFICATION OR LICENSURE (Page 7)

- ▶ It is unlawful for any person who is not certified or licensed in the manner prescribed in T.C.A. §§63-22-101, et seq., to represent himself as a certified or licensed professional counselor or to hold himself out to the public as being licensed by means of using a title on signs, mailboxes, address plates, stationery, announcements, telephone listings, calling cards, or other instruments of professional identification.
- ▶ Professional counseling is one of the healing arts and as such the practice of which is restricted to those persons credentialed by the board. Persons engaging in the practice of professional counseling without being credentialed or expressly exempted by the law are in violation of division law T.C.A. §63-1-123.
- ▶ Nothing in these rules shall be construed to constrict or limit the Medical Practice Act, the Social Work Certification and Licensing Law, the Nursing Practice Act, or the Psychology Licensing Act (T.C.A. §63-22-113(a)).
- ▶ These rules shall not apply to any Christian Science practitioner or to any priest, rabbi, or minister of the gospel of any religious denomination when performing counseling services as part of his pastoral or professional duties, or to any person who is licensed to practice medicine, when providing counseling services as part of his professional practice.

NECESSITY OF CERTIFICATION OR LICENSURE

- ▶ No other person shall hold himself out to the public by a title or description of services incorporating the words “certified professional counselor” (CPC) or “licensed professional counselor” (LPC), and he shall not state or imply that he is certified or licensed. Nothing in this rule shall prohibit a person from stating or using the educational degrees which he has obtained.
- ▶ Use of Titles
 - ▶ Any person who possesses a valid, unsuspended and unrevoked certificate issued by the Board has the right to use the title “Certified Professional Counselor” and to practice professional counseling, as defined in Rule 0450-01-.01.
 - ▶ Any person who possesses a valid, unsuspended and unrevoked license issued by the Board has the right to use the title “Licensed Professional Counselor” and to practice professional counseling, as defined in T.C.A. § 63-22-150.
 - ▶ Any person licensed by the Board to whom this rule applies must use the titles authorized by this rule whenever he or she is “advertising” [as that term is defined in rule 0450-01-.01 (2)] or the failure to do so will constitute an omission of a material fact which makes the advertisement misleading and deceptive and subjects the professional counselor to disciplinary action pursuant to T.C.A. §§ 63-22-110 (b) (4) and 63-22-117 (a) (1).
- ▶ These provisions do not apply to counselors working in a community/human services agency nor to professional counselors whose work is directly being supervised by an approved supervisor while obtaining the required years of work experience.

Qualifications for Licensure - LPC w/o MHSP (Pages 8-9)

- ▶ Be at least 18 years of age.
- ▶ Must provide evidence that he is highly regarded in moral character and professional ethics (rule 0450-01-.05).
- ▶ Education. The educational requirements must be completed prior to the date of application.
 - ▶ 60 hours of coursework resulting in a Master's in Counseling
 - ▶ Specific courses in: Theories of human behavior, learning and personality; Abnormal behavior; Theories of counseling and psychotherapy; Evaluation and appraisal procedures; Group dynamics, theories and techniques; Counseling techniques; Multicultural counseling; Ethics; Research; Clinical practicum or internship
- ▶ Two years of supervised post-masters experience: 10 hrs/wk and 50 hours of supervision/year. This is a 10:1 ratio.
- ▶ Pass the NCE and Jurisprudence
- ▶ Stay in Supervision until licensed.

Qualifications for Licensure with MHSP (pages 9-10)

- ▶ Same as above but also require:
 - ▶ Coursework in treatment and treatment planning as well as DSM and diagnosis
 - ▶ 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).
 - ▶ 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.
 - ▶ One thousand and five hundred (1500) of the three thousand (3000) hours of supervised post-masters professional experience shall be clinically related activities.
- ▶ Must pass the NCMHCE.



Qualifications for Licensure with MHSP by Reciprocity (page 9)

- ▶ Kentucky Licenses ONLY
 - ▶ Be licensed and in good standing with the KY
 - ▶ 2 letters of being of Good Moral Character
 - ▶ Pass the Jurisprudence Exam
 - ▶ Licensed at least 5 years and demonstrate five years' experience working as an LPCC or and LPC/MHSP
- ▶ Other states (generally)
 - ▶ Be licensed and in good standing with the other state
 - ▶ 2 letters of being of Good Moral Character
 - ▶ Pass the Jurisprudence Exam, NCE and NCMHCE
 - ▶ Speak with Board Administrator for complete expectations – Vanessa.Hayes@TN.gov



Qualifications for Temporary Licensure (page 11)

- Completed the 60 hours of coursework with a Master's degree in counseling
- Pass the NCE
- Be under supervision by an approved clinical supervisor



Upgrading from CPC to LPC (page 13)

- Meet qualifications LPC or LPC/MHSP
- Complete the application
- Pay the upgrade fee



Procedures for Licensure (Short Version) (pages 11-20)

- Complete the requirements of licensure
- Complete the application
- Submit the application with payment
- Wait for the board to approve

About Temporary Licensure (pages 19-20)

- ▶ Requires completing the 60 hours of coursework and passing the NCE (ONLY).
- ▶ Full licensure is dependent on remaining under supervision until completing the qualifications for licensure within 3 years of receiving Temporary License.
- ▶ You must notify the Board if you change supervisors
- ▶ You can only have a Temporary License issue once. No renewals are possible.
- ▶ Upgrading from Temp to LPC/MHSP
 - ▶ Complete the Jurisprudence and NCMHCE
 - ▶ Complete Supervision (at least 75 hours of supervision by an LPC/MHSP)
 - ▶ Complete application for upgrade to LPC/MHSP
 - ▶ Temp License number and LPC/MHSP number remain the same
- ▶ **Does not qualify you to be credentialed on insurance panels. Must remain in a clinical setting until supervision is completed.**

Supervision (pages 25-27)

- ▶ Qualifications for being a Clinical Supervisor
 - ▶ 5 years of licensed clinical experience in any counseling field
 - ▶ Must have one of the following training
 - ▶ Passing grade in supervision practices from an accredited college
 - ▶ Certification from a national professional associations (AAPC, AAMFT, ACS, etc)
 - ▶ 12 hours of CE credit in supervision
 - ▶ Must maintain 3 hours of CE in Supervision every 2 years.
- ▶ Conflicts of Interest – Cannot be related to or share the house with the supervisee.
- ▶ Until licensed, the supervisee must remain in supervision even if they have completed the requirements. The intensity is up to the supervisor
- ▶ **In order to receive an MHSP designation, 75 of the 150 hours of supervision must be completed by an LPC/MHSP.**



Supervision Hours (page 27)

- ▶ 1500 Clinical Contact Hours – face to face with clients. Group sessions only count for 1 hour of contact and not 1 hour per client.
- ▶ 1500 hours of Clinically related activities.
- ▶ 150 hours of clinical supervision meetings
 - ▶ Individual Supervision is a Supervisor and Supervisee
 - ▶ Triadic Supervision is a Supervisor and 2 Supervisees
 - ▶ Group Supervision – Supervisor with no more than 8 others under supervision. **You can have no more than 50 hours of group supervision toward the 150 hours required.**
- ▶ It is the supervisee's responsibility to maintain proof of contact hours and clinically related activities throughout the supervision process. Supervisee's should maintain these records as proof after licensure as part of their professional records.
 - ▶ Recommend using Time2Track.com



Fees (pages 20-22)

- ▶ CPC – Upgrade fee of \$50 all else the same as below
- ▶ LPC with/out MHSP
 - ▶ Application \$200.00
 - ▶ Replacement License \$25.00
 - ▶ Late Renewal \$75.00
 - ▶ Renewal (Biennial) \$115.00
 - ▶ State Regulatory (Biennial) \$10.00
 - ▶ Temporary License \$150.00
- ▶ LPC to LPC with Mental Health Service Provider Upgrade
 - ▶ Application \$75.00



APPLICATION REVIEW, APPROVAL, DENIAL, INTERVIEWS (pages 22-23)

- ▶ The board needs a complete application 30 days prior to the board meetings
- ▶ Incomplete applications will result in notifications of how to complete the application
- ▶ If the application is denied, you can appeal in writing.
- ▶ If the requirements of the application are not met within 6 months of the initial filing of the application the application will be closed with notification in writing from the board.
- ▶ Abandonment of an application occurs after 6 months with board ratification



Renewal of Licensure (page 24-25)

- ▶ Timely Renewal (every 2 years except the first renewal)
 - ▶ Due before the last day of the month of your birth
 - ▶ Complete the application for renewal
 - ▶ Pay the renewal fee and state regulatory fee - \$125
- ▶ Renewal of an Expired License
 - ▶ Complete the application for renewal
 - ▶ Submit proof of continued education for the each of the 2 year periods since renewal last occurred
 - ▶ Pay the renewal fee, late renewal fee and state regulatory fee - \$200



RETIREMENT AND REACTIVATION OF CERTIFICATE OR LICENSE (pages 27-28)

➤ Process for Retiring License

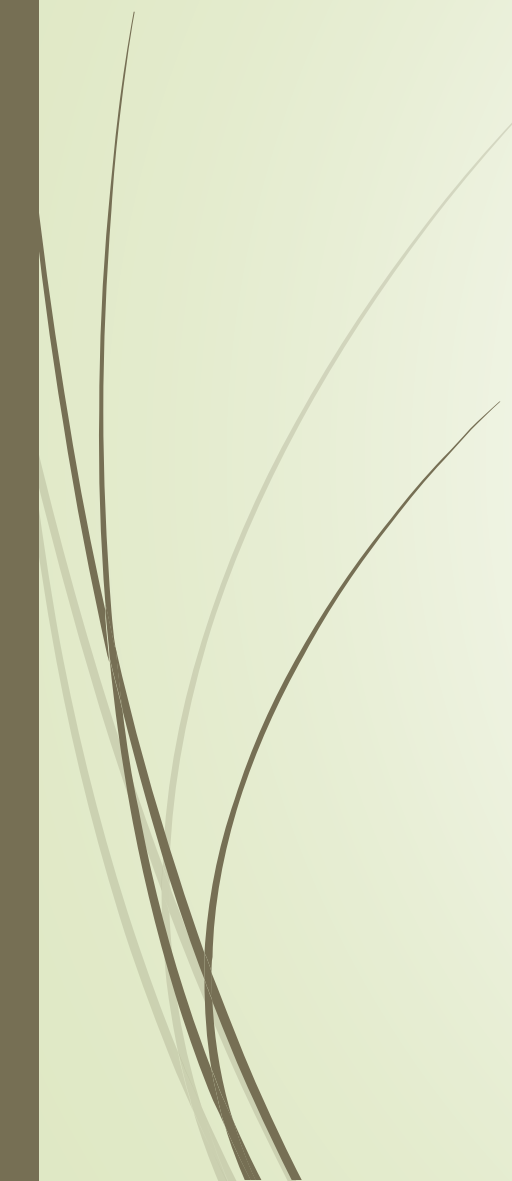
- Obtain from, complete and submit to the board's administrative office an affidavit of retirement form.
- Submit any documentation which may be required to the board's administrative office.

➤ Reactivation Process

- Submit a written request to the board's administrative office for certification or licensure reactivation
 - Pay the licensure or certificate renewal fee and state regulatory fee as provided in rule 0450-01-.06 and if retirement was pursuant to rule 0450-01-.09, and reactivation was requested prior to the expiration of one year from the date of retirement, the board may require payment of the late renewal fee, past due renewal fees, and state regulatory fees as provided in rule 0450-01-.06
 - Comply with the continuing education provisions of rule 0450-01-.12 applicable to reactivation of retired license or certificate.
- Failure to retire your license can be very costly to reactivate due to the cost of continuing education costs and late fees.




CONTINUING EDUCATION (Pages 28-34)

- ▶ 20 hours every 2 years. 30 hours if you have 2 licenses and 40 hours if you have 3 licenses. If you have all three LPC/MHSP, LMFT and CPT licenses, you must have 40 hours of CE.
 - ▶ 3 of the CE hours must focus on ethics for every 2 years
 - ▶ 3 of the CE hours must focus on supervision every 2 years if you are a clinical supervisor
 - ▶ 2 hours of CE on Suicide Prevention every 5 years beginning in January 2020
 - ▶ You do not need CEs in the first year after your initial license is issued
- 



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
- ▶ Multi-media – only half of your CEs can come from multi-media
- ▶ Documentation and Audits
 - ▶ You are required to maintain proof of CEs for at least 4 years past the last licensed renewal date.
 - ▶ The board conducts randomly selected audits
 - ▶ 15 days to respond to the written request
- ▶ Recommend
 - ▶ Securing proof in at least 2 locations
 - ▶ Adding all attended courses to your CV



CE Course Approval – Pre-Approved Providers

- ▶ Pre-approved providers that **DO NOT** need Board approval
 - ▶ All nationally recognized counseling associations including: AAMFT, AAPC, ACA, APA, APA, and NASW
 - ▶ Any state chapter of those entities above
 - ▶ NBCC
 - ▶ Nationally accredited high education centers
 - ▶ Any state regulatory agency (i.e. other state boards) in professional counseling



CE Course Approval Process

- ▶ Course providers must submit for course approval 30 days prior to the board meeting the following information:
 - ▶ Course description or outline
 - ▶ Names of all lecturers
 - ▶ Brief resume of all lecturers
 - ▶ Number of hours of educational credit requested
 - ▶ Date of course
 - ▶ Copies of materials to be utilized in the course
 - ▶ How verification of attendance is to be documented.
- ▶ Any local, state, regional or national meeting of counselors can apply for approval using the above method.
- ▶ Out of state CE providers who are professional counselor regulatory agency or association with any state that borders Tennessee using the above method.
- ▶ Any licensee can have CE credits approved by submitting the required information and turning in the board's course evaluation form.



CE for Reactivation of License

▶ **Retired Licenses**

- ▶ Require 10 CE hours within the last 12 months from the date of request to reactivate

▶ **Revoked Licenses**

- ▶ No license that has been revoked for failure to comply with CE requirements cannot be reinstated until all CE requirements are met
- ▶ Accrue at the normal rate and must be completed within 12 months preceding reinstatement.
- ▶ Subject to the late renewal fee

▶ **Expired Licenses**

- ▶ Must comply with the CE requirements for the time between expiration and reinstatement within the 12 months preceding reinstatement date. This can make reinstatement very costly.



CE Waivers, Extensions and Violations

- ▶ Waivers or extensions can be sought by requesting one through the board
 - ▶ 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 extended, and a written and signed explanation of the reason for the request
 - ▶ Any documentation which supports the reason(s) for the waiver or deadline extension requested or which is subsequently requested by the Board.
- ▶ Violations
 - ▶ Failure to show requested proof or falsifying CEs can result in disciplinary actions
 - ▶ You are notified in writing and have 30 days to show compliance
 - ▶ Any CEs required of disciplinary action does not count toward CEs for renewal process.



Professional Ethics (page 34)

- ▶ The board requires adherence to the American Counseling Association's Ethical Standards
- 



Disciplinary Actions (Pages 35-41)

- ▶ **Advisory Censure** – Written letter of warning
- ▶ **Formal Censure or Reprimand** – Written letter of reprimand and compliance
- ▶ **Probation** – Direct oversight by the board for a period of time and may include conditions that must be met prior to restrictions being lifted.
- ▶ **Licensure Suspension** – Prevented from practicing for a period and typically has conditions to be met.
- ▶ **Licensure Revocation** – Terminates your license
 - ▶ License can be reinstated at the board's discretion after meeting conditions.
 - ▶ You cannot petition for reinstatement prior to 1 year

Civil Penalties (Pages 40-41)

- ▶ **Civil penalty** - A monetary disciplinary action assessed by the Board
 - ▶ **Type A** - is, or is likely to be an imminent substantial threat to the health, safety and welfare of an individual patient or the public or a person who willfully and knowingly is or was practicing as a professional counselor without a certificate or license from the board – **Fee = \$500 - \$1000**
 - ▶ **Type B** - impact directly on the care of patients or the public – **Fee = \$100-\$500**
 - ▶ **Type C** - neither directly detrimental to the clients or public, nor directly impact their care, but have only an indirect relationship to client care or the public. **Fee = \$50-\$100**
- ▶ **Considerations** –
 - ▶ Whether the amount imposed will be a substantial economic deterrent to the violator
 - ▶ The circumstances leading to the violation
 - ▶ The severity of the violation and the risk of harm to the public
 - ▶ The economic benefits gained by the violator as a result of noncompliance
 - ▶ The interest of the public.



Informal Settlements (page 41)

- ▶ Informal Settlements - The board consultant is authorized to enter into informal settlement agreements pursuant to rule 0450-01-.19(7) under which a complaint against an individual may be closed without any disciplinary action. Such agreements may include any terms deemed appropriate by the board consultant including, but not limited to:
 - ▶ Mandatory education program or course attendance
 - ▶ Submission of reports, records or other appropriate documentation
 - ▶ Conditioning of the individual's activities in any manner which affects his practice in Tennessee.

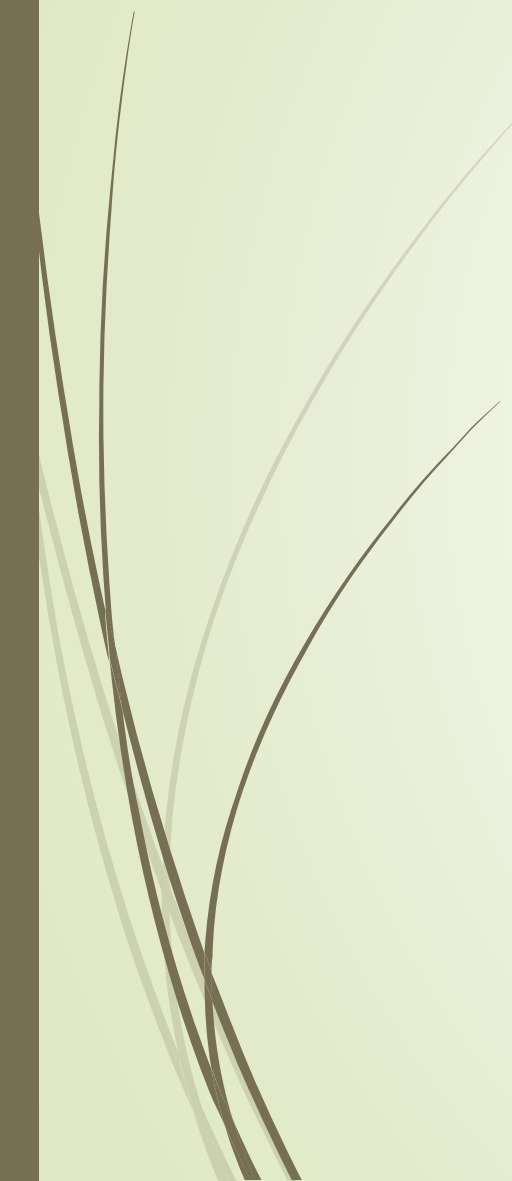


Orders of Compliance or Modifications (Pages 36-40)

- ▶ When complying with Board's disciplinary actions, licensees must provide proof in writing using the forms provided by the board.

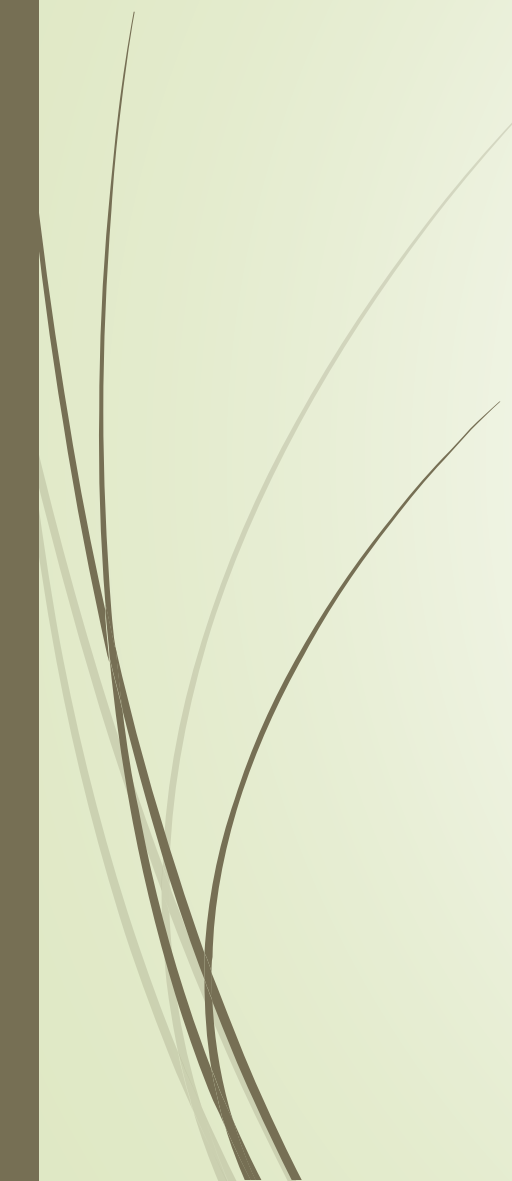


Change of Name or Address (page 42)

- ▶ **Change of Address** - Each person holding a certificate or license who has had a change of address shall file in writing with the board his current mailing address, giving both old and new addresses. Such requests should be received in the board's administrative office no later than 30 days after such change has occurred and must reference the individual's name, profession, and certificate or license number.
 - ▶ **Change of Name** - Individuals registered with the board shall notify the board in writing within 30 days of a name change. A certified copy of the official document evidencing the name change shall be included. A request for name change must reference the individual's profession and certificate or license number.
- 



Mandatory Release of Records (page 42)

- ▶ Upon **request from a client** or the client's authorized representative, an individual registered with this board shall provide a complete copy of the client's records or summary of such records which were maintained by the provider
 - ▶ It shall be the **provider's option** as to whether copies of the records or a summary will be given to the client
 - ▶ Requests for records shall be honored by the provider in a timely manner (generally 2 weeks)
 - ▶ The individual requesting the records shall be responsible for payment of a reasonable fee to the provider for copying and mailing of the records. Generally (\$20 for the first 10 pages and \$.25/page after)
- 



Board Composition and Meetings Page (Pages 42-44)

- ▶ The board composition is 2 LPCs, 1 MFT, 1 CPT, 1 consumer member all appointed by the governor.
- ▶ Board meetings are scheduled quarterly generally in the months of March, June, September and December.

Consumer Right to Know (pages 44-45)

- ▶ Malpractice Reporting Requirements – The threshold amount below which medical malpractice judgments, awards or settlements in which payments are awarded to complaining parties need not be reported pursuant to the “Health Care Consumer Right-To-Know Act of 1998” shall be ten thousand dollars (**\$10,000**)
- ▶ Criminal Conviction Reporting Requirements - For purposes of the “Health Care Consumer Right-To-Know Act of 1998,” the following criminal convictions must be reported:
 - ▶ **Conviction of any felony**
 - ▶ **Conviction or adjudication of guilt of any misdemeanor, regardless of its classification, in which any element of the misdemeanor involves any one or more of the following:**
 - ▶ Sex
 - ▶ Alcohol or drugs
 - ▶ Physical injury or threat of injury to any person
 - ▶ Abuse or neglect of any minor, spouse or the elderly
 - ▶ Fraud or theft
- ▶ If any misdemeanor conviction reported under this rule is ordered expunged, a copy of the order of expungement signed by the judge must be submitted to the Department before the conviction will be expunged from any profile.



Banned Advertising Content (pages 45-47)

- ▶ Claims that the services performed are professionally superior to others is considered unethical
- ▶ Misleading use of unearned degree – this includes honorary ones.
- ▶ Offering services beyond your ability
- ▶ Intimidating language
- ▶ Playing on someone's anxieties
- ▶ Unverifiable testimonies
- ▶ Use of past statistics leading to misleading predictions of performance.
- ▶ Disclosure of PHI without consent
- ▶ Misrepresentation of Material Facts – Facts that are commonly needed by the public to make decisions
- ▶ Use of deceptive language
- ▶ Misrepresenting your credentials, training, experience or ability.
- ▶ Failure to provide contact information and address
- ▶ Failure to report compensation for press



2014 ACA Code of Ethics

(Limited to Exam Prep)



The Counseling Relationship

- ▶ A.1. Client Welfare
 - ▶ A.1.a. Primary Responsibility The primary responsibility of counselors is to respect the dignity and promote the welfare of clients.
- ▶ A.2. Informed Consent in the Counseling Relationship
 - ▶ A.2.a. Informed Consent
- ▶ A.3. Clients Served by Others When counselors learn that their clients are in a professional relationship with other mental health professionals, they request release from clients to inform the other professionals and strive to establish positive and collaborative professional relationships
- ▶ A.4. Avoiding Harm and Imposing Values
 - ▶ A.4.a. Avoiding Harm Counselors act to avoid harming their clients, trainees, and research participants and to minimize or to remedy unavoidable or unanticipated harm.



The Counseling Relationship

- ▶ **A.5. Prohibited Noncounseling Roles and Relationships**
 - ▶ **A.5.a. Sexual and/or Romantic Relationships Prohibited** - Sexual and/or romantic counselor– client interactions or relationships with current clients, their romantic partners, or their family members are prohibited. This prohibition applies to both in person and electronic interactions or relationships.
 - ▶ **A.5.b. Previous Sexual and/or Romantic** - Relationships Counselors are prohibited from engaging in counseling relationships with persons with whom they have had a previous sexual and/or romantic relationship. *If you have had sexual or romantic relationships with someone you can never become their counselor.*
 - ▶ **A.5.c. Sexual and/or Romantic Relationships With Former Clients**
 - ▶ 5 year waiting period from last professional contact. Essentially 5 years of no contact.
 - ▶ Must be well documented and consulted
 - ▶ Must show no harm to the client
 - ▶ **A.5.d. Friends or Family Members** - Counselors are prohibited from engaging in counseling relationships with friends or family members with whom they have an inability to remain objective.
 - ▶ **A.5.e. Personal Virtual Relationships With Current Clients** - Counselors are prohibited from engaging in a personal virtual relationship with individuals with whom they have a current counseling relationship



The Counseling Relationship

- ▶ A.6. Managing and Maintaining Boundaries and Professional Relationships
 - ▶ Counselors consider the risks and benefits of accepting as clients those with whom they have had a previous relationship.
 - ▶ When counselors accept these clients, they take appropriate professional precautions such as informed consent, consultation, supervision, and documentation to ensure that judgment is not impaired and no exploitation occurs.
- ▶ A.6.b. Extending Counseling Boundaries
 - ▶ Counselors consider the risks and benefits of extending current counseling relationships beyond conventional parameters
 - ▶ In extending these boundaries, counselors take appropriate professional precautions such as informed consent, consultation, supervision, and documentation to ensure that judgment is not impaired and no harm occurs.
- ▶ A.6.c. Documenting Boundary Extensions If counselors extend
 - ▶ If counselors extend boundaries as described in A.6.a. and A.6.b., they must officially document, prior to the interaction (when feasible), the rationale for such an interaction, the potential benefit, and anticipated consequences for the client or former client and other individuals significantly involved with the client or former client.



The Counseling Relationship

- ▶ A.6.d. Role Changes in the Professional Relationship

- ▶ When counselors change a role from the original or most recent contracted relationship, they obtain informed consent from the client and explain the client's right to refuse services related to the change. Examples of role changes include, but are not limited to

- ▶ changing from individual to relationship or family counseling, or vice versa

- ▶ changing from an evaluative role to a therapeutic role, or vice versa

- ▶ changing from a counselor to a mediator role, or vice versa.

- ▶ A.6.e. Nonprofessional Interactions or Relationships

- ▶ Counselors avoid entering into nonprofessional relationships with former clients, their romantic partners, or their family members when the interaction is potentially harmful to the client. This applies to both in-person and electronic interactions or relationships.

- ▶ A.9. Group Work

- ▶ A.9.b. Protecting Clients In a group setting, counselors take reasonable precautions to protect clients from physical, emotional, or psychological trauma



The Counseling Relationship

- ▶ A.10. Fees and Business Practices
 - ▶ A.10.b. Unacceptable Business Practices Counselors do not participate in fee splitting, nor do they give or receive commissions, rebates, or any other form of remuneration when referring clients for professional services.
 - ▶ A.10.c. Establishing Fees In establishing fees for professional counseling services, counselors consider the financial status of clients and locality. If a counselor's usual fees create undue hardship for the client, the counselor may adjust fees, when legally permissible, or assist the client in locating comparable, affordable services.
 - ▶ A.10.e. Bartering Counselors may barter only if the bartering does not result in exploitation or harm, if the client requests it, and if such arrangements are an accepted practice among professionals in the community
 - ▶ A.10.f. Receiving Gifts Counselors understand the challenges of accepting gifts from clients and recognize that in some cultures, small gifts are a token of respect and gratitude.



Confidentiality and Privacy

- ▶ B.1.b. Respect for Privacy Counselors respect the privacy of prospective and current clients. Counselors request private information from clients only when it is beneficial to the counseling process.
- ▶ B.1.c. Respect for Confidentiality Counselors protect the confidential information of prospective and current clients. Counselors disclose information only with appropriate consent or with sound legal or ethical justification.
- ▶ B.1.d. Explanation of Limitations At initiation and throughout the counseling process, counselors inform clients of the limitations of confidentiality and seek to identify situations in which confidentiality must be breached.
- ▶ B.2. Exceptions B.2.a. Serious and Foreseeable Harm and Legal Requirements - The general requirement that counselors keep information confidential does not apply when disclosure is required to protect clients or identified others from serious and foreseeable harm or when legal requirements demand that confidential information must be revealed.
 - ▶ Subpoena/Court order, child abuse, suicidal, homicidal threat or harm to others, or life-threatening emergency.



Confidentiality and Privacy

- ▶ B.2.d. Court-Ordered Disclosure When ordered by a court to release confidential or privileged information without a client's permission, counselors seek to obtain written, informed consent from the client or take steps to prohibit the disclosure or have it limited as narrowly as possible because of potential harm to the client or counseling relationship.
- ▶ B.2.e. Minimal Disclosure To the extent possible, clients are informed before confidential information is disclosed and are involved in the disclosure decision-making process. When circumstances require the disclosure of confidential information, only essential information is revealed
- ▶ B.4. Groups and Families
 - ▶ B.4.a. Group Work In group work, counselors clearly explain the importance and parameters of confidentiality for the specific group.
 - ▶ B.4.b. Couples and Family Counseling In couples and family counseling, counselors clearly define who is considered "the client" and discuss expectations and limitations of confidentiality. Counselors seek agreement and document in writing such agreement among all involved parties regarding the confidentiality of information. In the absence of an agreement to the contrary, the couple or family is considered to be the client.



Confidentiality and Privacy

- ▶ B.5. Clients Lacking Capacity to Give Informed Consent

- ▶ B.5.a. Responsibility to Clients When counseling minor clients or adult clients who lack the capacity to give voluntary, informed consent, counselors protect the confidentiality of information received—in any medium—in the counseling relationship as specified by federal and state laws, written policies, and applicable ethical standards.

- ▶ Legal age of consent in TN for

- ▶ Medical Services is 16 years old in TN

- ▶ Substance Abuse services is 12

- ▶ Reproductive Services is 13. Legal age of sexual consent is 13 as long as the partner is no more than 4 years older. Sexual contact by someone 13 or older with someone less than 13 is a sexual crime and MUST be reported.

- ▶ B.5.b. Responsibility to Parents and Legal Guardians Counselors inform parents and legal guardians about the role of counselors and the confidential nature of the counseling relationship, consistent with current legal and custodial arrangements. Counselors are sensitive to the cultural diversity of families and respect the inherent rights and responsibilities of parents/guardians regarding the welfare of their children/charges according to law.



Confidentiality and Privacy


- ▶ B.6. Records and Documentation

- ▶ B.6.a. Creating and Maintaining Records and Documentation Counselors create and maintain records and documentation necessary for rendering professional services.
- ▶ B.6.b. Confidentiality of Records and Documentation Counselors ensure that records and documentation kept in any medium are secure and that only authorized persons have access to them.
- ▶ B.6.h. Storage and Disposal After Termination Counselors store records following termination of services to ensure reasonable future access, maintain records in accordance with federal and state laws and statutes such as licensure laws and policies governing records, and dispose of client records and other sensitive materials in a manner that protects client confidentiality.
 - ▶ Must maintain records for 10 years in TN



Professional Responsibility

- ▶ C.4. Professional Qualifications
 - ▶ C.4.b. Credentials Counselors claim only licenses or certifications that are current and in good standing.
 - ▶ C.4.c. Educational Degrees Counselors clearly differentiate between earned and honorary degrees.
 - ▶ C.4.d. Implying Doctoral-Level Competence Counselors clearly state their highest earned degree in counseling or a closely related field. Counselors do not imply doctoral-level competence when possessing a master's degree in counseling or a related field by referring to themselves as "Dr." in a counseling context when their doctorate is not in counseling or a related field. Counselors do not use "ABD" (all but dissertation) or other such terms to imply competency.
- ▶ C.6.e. Contributing to the Public Good (Pro Bono Publico) Counselors make a reasonable effort to provide services to the public for which there is little or no financial return (e.g., speaking to groups, sharing professional information, offering reduced fees).



Distance Counseling, Technology, and Social Media

- ▶ H.6. Social Media

- ▶ H.6.a. Virtual Professional Presence In cases where counselors wish to maintain a professional and personal presence for social media use, separate professional and personal web pages and profiles are created to clearly distinguish between the two kinds of virtual presence.
- ▶ H.6.b. Social Media as Part of Informed Consent Counselors clearly explain to their clients, as part of the informed consent procedure, the benefits, limitations, and boundaries of the use of social media.
- ▶ H.6.c. Client Virtual Presence Counselors respect the privacy of their clients' presence on social media unless given consent to view such information.
- ▶ H.6.d. Use of Public Social Media Counselors take precautions to avoid disclosing confidential information through public social media.



Resolving Ethical Issues

- ▶ I.2. Suspected Violations

- ▶ I.2.a. Informal Resolution When counselors have reason to believe that another counselor is violating or has violated an ethical standard and substantial harm has not occurred, they attempt to first resolve the issue informally with the other counselor if feasible, provided such action does not violate confidentiality rights that may be involved.
- ▶ I.2.b. Reporting Ethical Violations If an apparent violation has substantially harmed or is likely to substantially harm a person or organization and is not appropriate for informal resolution or is not resolved properly, counselors take further action depending on the situation. Such action may include referral to state or national committees on professional ethics, voluntary national certification bodies, state licensing boards, or appropriate institutional authorities. The confidentiality rights of clients should be considered in all actions.



TN Laws Governing Professional Counseling



Confidentiality

- ▶ 63.22.114. Confidentiality

- ▶ The confidential relations and communications between LPC and clients are placed upon the same basis as those provided by law between attorney and client, and nothing in this part shall be construed to require any such privileged communication to be disclosed.

- ▶ LPCs must maintain relations and communications just like a lawyer.

- ▶ Exceptions is child abuse

- ▶ Difference between Privilege and Confidential

- ▶ “Confidentiality refers to a general standard of professional conduct that obliges a professional not to discuss information about a client with anyone. Confidentiality may also be based in statutes (i.e. laws enacted by legislatures) or case law (i.e. interpretations of laws by courts). But when cited as an ethical principle, confidentiality implies an explicit contract or promise not to reveal anything about a client except under certain circumstances agreed to by both parties.”

- ▶ “Privilege (or privileged communication) is a legal term describing certain specific types of relationships that enjoy protection from disclosure in legal proceedings. Privilege is granted by law and belongs to the client in the relationship....A client is usually not permitted to waive a privilege selectively.”

- ▶ (2017) http://josephshaub.com/pdfs/sft_Confidentiality_or_Privilege.pdf



Conscientious Objection

- ▶ T.C.A 63-22-301 Conscientious Objections to Provision of Counseling or Therapy Services.
 - ▶ For purposes of this part, "counseling or therapy services" means assisting an individual, who is seeking or engaged in the counseling relationship in a private practice setting, in a manner intended to facilitate normal human growth and development, using a combination of mental health and human development principles, methods, and techniques, to achieve mental, emotional, physical, social, moral, educational, spiritual, or career development and adjustment throughout the individual's life span.
 - ▶ **(a)** No counselor or therapist providing counseling or therapy services shall be required to counsel or serve a client as to goals, outcomes, or behaviors that conflict with the sincerely held principles of the counselor or therapist; provided, that the counselor or therapist coordinates a referral of the client to another counselor or therapist who will provide the counseling or therapy.
 - ▶ **(b)** The refusal to provide counseling or therapy services as described in subsection (a) shall not be the basis for:
 - (1)** A civil cause of action; or
 - (2)** Criminal prosecution.
 - ▶ **(c)** Subsections (a) and (b) shall not apply to a counselor or therapist when an individual seeking or undergoing counseling is in imminent danger of harming themselves or others.