

Notice of Agency Rulemaking Proposal

AGENCY: Maine Board of Counseling Professionals Licensing

CHAPTER NUMBER AND TITLE:

Chapter 1 Definitions
Chapter 2 Licensed Professional Counselors
Chapter 3 Licensed Clinical Professional Counselors
Chapter 4 Licensed Marriage and Family Therapists
Chapter 5 Licensed Pastoral Counselors
Chapter 7-A Continuing Education

TYPE OF RULE (*check one*): Routine Technical Major Substantive

PROPOSED RULE NUMBER (*leave blank; to be assigned by Secretary of State*):

BRIEF SUMMARY:

All above chapters are being amended to change “regionally accredited” to “accredited” in order to bring the rules into compliance with a United States Department of Education (DOE) ruling, as set forth in a letter titled Final Accreditation and State Authorization Regulations dated February 26th, 2020, which eliminated the differentiation between “regional” and “national” accreditation, transitioning instead to define “institutional” and “programmatic” accreditation. The letter further explained that the “Department holds all accrediting agencies to the same standards, distinctions between regional and national accrediting agencies are unfounded.”

Date, time and location of PUBLIC HEARING (*if any*): N/A. Pursuant to 5 M.R.S. § 8052(1) and §8053(3)(B), a hearing may be requested by five (5) interested persons by submitting a request in writing to contact person for this filing.

COMMENT DEADLINE: Friday, September 6, 2024 at 5:00 p.m. Comments may be submitted in writing to the contact person for this filing.

CONTACT PERSON FOR THIS FILING (*include name, mailing address, telephone, fax, TTY, email*): Kristina M. Halvorsen, 35 State House Station, Augusta, ME 04333, 207-624-8420, TTY: Maine relay 711, Kristina.m.halvorsen@maine.gov

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT (*if different*): N/A

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES (*if any*): N/A

STATUTORY AUTHORITY FOR THIS RULE: 32 M.R.S. §§ 13853(2) and 13858(8);

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED (*if different*): N/A

AGENCY WEBSITE: <https://www.maine.gov/pfr/professionallicensing/professions/board-of-counseling-professionals-licensure>

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: Anne L. Head, Director
Anne.L.Head@maine.gov

* Check one of the following two boxes.

The summary provided above is for publication in both the newspaper and website notices.

The summary provided above is for the newspaper notice only. Title 5 §8053, sub-§5 & sub-§7, ¶D. A more detailed summary is attached for inclusion in the rulemaking notice posted on the Secretary of State's website. Title 5 §8053, sub-§3, ¶D & sub-§6.

Please approve bottom portion of this form and assign appropriate AdvantageME number.

APPROVED FOR PAYMENT _____ DATE: _____

(authorized signature)

FUND	AGENCY	ORG	APP	OBJ	PROGRAM	FUNDING Profile JVC	FUND Pri JVC	FUND Line JVC
014	02A	4646	01	4946				

Notice of Agency Rulemaking Proposal

Additional Information for the Web *(if any)*

DETAILED SUMMARY:

Rulemaking Fact Sheet

(5 MRS §8057-A)

AGENCY: 02-514 Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Board of Counseling Professionals Licensure

NAME, ADDRESS, PHONE NUMBER, EMAIL OF AGENCY CONTACT PERSON: Kristina M. Halvorsen, 35 State House Station, Augusta, ME 04333, 207-624-8420, TTY: Maine relay 711, Kristina.m.halvorsen@maine.gov

CHAPTER NUMBER AND RULE TITLE:

Chapter 1 Definitions
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 Chapter 4 Licensed Marriage and Family Therapists
 Chapter 5 Licensed Pastoral Counselors
 Chapter 7-A Continuing Education

TYPE OF RULE (*check one*): Routine Technical Major Substantive

STATUTORY AUTHORITY: 32 M.R.S. §§ 13853(2),13858(8)

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PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE:

All above chapters are being amended to change “regionally accredited” to “accredited” in order to bring the rules into compliance with a United States Department of Education (DOE) ruling, as set forth in a letter titled Final Accreditation and State Authorization Regulations dated February 26th, 2020, which eliminated the differentiation between “regional” and “national” accreditation, transitioning instead to define “institutional” and “programmatic” accreditation. The letter further explained that the “Department holds all accrediting agencies to the same standards, distinctions between regional and national accrediting agencies are unfounded.”

IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE? ___YES XNO

ANALYSIS AND EXPECTED OPERATION OF THE RULE:

This rule will eliminate the differentiation between “regional” and “national” accreditation, transitioning instead to define “institutional” and “programmatic” accreditation and bring the board’s rules into compliance with The United States Department of Education. This will eliminate treatment of institutions and the students who attend them differently based solely on whether the institution is accredited by a “national” accrediting agency or a “regional” accrediting agency.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE (including up to 3 primary sources relied upon)

United States Department of Education Accreditation and State Authorization Regulations, expertise of board members and staff; research of other U.S. jurisdictions’ laws and rules.

ESTIMATED FISCAL IMPACT OF THE RULE: None anticipated.

FOR EXISTING RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:

ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:

[see §8057-A(2)(A)]

INDIVIDUALS, MAJOR INTEREST GROUPS AND TYPES OF BUSINESSES AFFECTED
AND HOW THEY WILL BE AFFECTED: [see §8057-A(2)(B)]

BENEFITS OF THE RULE: [see §8057-A(2)(C)]

Note: If necessary, additional pages may be used.

02-514
State of Maine
Department of Professional and Financial Regulation
Board of Counseling Professionals Licensure

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02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**514 BOARD OF COUNSELING PROFESSIONALS LICENSURE****Chapter 1 DEFINITIONS**

Summary: This chapter defines terms used in the board’s rules.

1. Definitions

As used in the rules of the Board of Counseling Professionals Licensure, unless the context otherwise indicates, the following terms have the following meanings:

1. 1-A. Accredited institution. Accredited institution means an institution that is accredited by a nationally recognized accrediting agency as that term is defined in 34 CFR part 600 (as amended July 1, 2023).

2. 1. ACPE. “ACPE” means Association for Clinical Pastoral Education.

3. Board. “Board” means the Board of Counseling Professionals Licensure.

4. AMFTRB. “AMFTRB” means Association of Marital and Family Therapy Regulatory Boards.

5. CACREP. “CACREP” means Council for Accreditation of Counseling and Related Educational Programs.

6. Client. “Client” means any person who is currently receiving counseling or has previously received counseling for any amount of time from a licensed or registered counselor. For purposes of the board’s rules, “counseling” includes marital and family therapy services.

7. Clinical counseling experience [applicable to LCPCs, LMFTs and Pastoral Counselors]. “Clinical counseling experience” means the diagnosis and treatment of mental health disorders through the application of procedures of counseling on a full- or part-time basis in an appropriate professional environment including, but not limited to a hospital, mental health center, counselor education program, university counseling center or private practice of professional counseling. Clinical counseling experience also includes supervision of counseling and related learning and professional activities.

8. COAMFTE. “COAMFTE” means Commission on Accreditation for Marriage and Family Therapy Education.

9. Contact hours. For purposes of continuing education, “contact hours” means the number of actual hours spent in direct participation between learner and instructor, supervisor or facilitator. Time devoted to preparation for activities, independent study, assignments and socializing is not included. For academic

class work, one 50 minute class meeting three times per week or one 2½ hour class meeting once per week for 15 weeks equals 45 contact hours.

- 10.** Continuing education. “Continuing education” means a planned educational experience directly related to the theory and practice of professional counseling that is designed to promote the development of knowledge and skills in the profession.
- 11.** CORE. “CORE” means Council on Rehabilitation Education.
- 12.** Counseling experience [applicable to licensed professional counselors].
“Counseling experience” means the application of procedures of counseling on a full- or part-time basis in an appropriate professional environment including, but not limited to a hospital, school, mental health center, counselor education program, university counseling center or private practice of professional counseling. Counseling experience also includes supervision of counseling and related learning and professional activities.
- 11-A.** Counselor. “Counselor” means a person who holds a license or registration issued by the board, or a person who engages in activities for which a license is required by 32 MRSA §13851(4-A).
- 13.** Direct clinical contact hours. “Direct clinical contact hours” means the specific amount of time spent in a clinical counseling capacity with clients doing individual, group, family or couples counseling.
- 12-A.** Direct counseling. “Direct counseling” means the specific amount of time spent in a counseling capacity with clients doing individual, group, family or couples counseling.
- 14.** Documented proof. “Documented proof” of an academic degree means an official college or university transcript documenting all coursework and training received by the applicant from the institution. If the transcript does not indicate the number of contact hours and hours of face-to-face supervision in an internship program, the institution must provide a letter documenting the number of hours earned by the applicant.
- 15.** Individual supervision. Except as otherwise permitted by the board’s rules, “individual supervision” means supervision in which the approved supervisor is physically present with the supervisee on a one-to-one basis and either discussing or observing the supervisee’s practice.
- 16.** NBCC. “NBCC” means National Board for Certified Counselors.
- 15-A.** Peer Consultation. “Peer consultation” means the voluntary relationship between professionals of relatively equal expertise or status, wherein the peer consultant offers his or her information or advice on an individual case or problem for use by the peer consultee as the consultee deems appropriate.

- 17.** Quarter-hour equivalent. “Quarter-hour equivalent” means $\frac{2}{3}$ of a semester hour.
- 18.** .
- 19.** Relevant professional and continuing education experience. “Relevant professional and continuing education experience” means a professional program, seminar, workshop or formal graduate course work in an accredited institution consisting of at least one contact clock hour which provides specific knowledge, skills and abilities in the professional field of counseling. These may be offered at a professional convention, conference, workshop or as an independent program for a fee or free.
- 20.** Sexual activity. “Sexual activity” means the conduct described in Section 1(19)(A) and (B) of this chapter, to wit:
- A. Level 1 sexual activity consists of any conduct by a counselor that is overtly sexual or may be reasonably interpreted as overtly sexual, even when initiated or consented to by the client or other person described in Chapter 8-A, Section 4 of the board’s rules, including but not limited to:
- (1) Sexual intercourse or genital to genital contact;
 - (2) Oral to genital contact;
 - (3) Oral to anal contact or genital to anal contact;
 - (4) Kissing in a sexual manner (e.g., kissing on the lips);
 - (5) Any touching of a body part for any purpose other than appropriate comfort, or where the client or other person has refused or has withdrawn consent; or
 - (6) Performing or offering to perform any service, or providing or offering to provide any consideration, of any kind in exchange for sexual favors.
- B. Level 2 sexual activity consists of words, gestures, expressions or behaviors by a counselor that are seductive, sexually suggestive, sexualized or sexually demeaning to a client or other person described in Chapter 8-A, Section 4 of the board’s rules, including but not limited to:
- (1) Kissing;

- (2) Inappropriate comments about or to a client or other person, including but not limited to sexual comments about the body or underclothing of the client or other person;
- (3) Criticism of sexual orientation;
- (4) Comments about sexual performance when not clinically indicated;
- (5) Requests for details of sexual likes or dislikes when not clinically indicated;
- (6) Use of the counselor-client or other counseling relationship to solicit a date or initiate a romantic relationship; or
- (7) Initiation or participation by a counselor of conversation regarding the sexual problems, preferences or fantasies of the counselor or client or other person when not clinically indicated.

21. Supervision. “Supervision” means a continuous process performed by a supervisor who monitors the professional practices of a licensee through regular, documented, face-to-face consultation and instruction for the purpose of evaluating and enhancing the function of the supervisee and monitoring the quality of professional services offered to clients.

21. Supervisor. “Supervisor” is a person who provides supervision and meets the qualifications set forth in the board’s rules.

STATUTORY AUTHORITY: 32 MRSA §§ 13853(2), 13853(11), 13858(8)

EFFECTIVE DATE:

November 30, 2009

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**514 BOARD OF COUNSELING PROFESSIONALS LICENSURE****Chapter 1-A ADVISORY RULINGS**

Summary: This chapter provides for the discretionary issuance of advisory rulings by the board.

1. Request and Consideration

Upon written request of any interested person, the board may issue an advisory ruling pursuant to 5 M.R.S.A. §9001 with respect to the applicability of any statute or rule it administers. Requests for advisory rulings must set forth in detail all facts pertinent to the question. The board may decline to issue an advisory ruling if the question is hypothetical, if there is insufficient information upon which to base a ruling, or for any other reason the board deems proper.

2. Response

The board shall acknowledge receipt of a request for an advisory ruling within 15 days after receipt. The board shall respond to every written request for an advisory ruling within 90 days of its receipt of the request, indicating whether or not a ruling will be issued by the board.

STATUTORY AUTHORITY: 5 MRSA §§ 8051, 9001(4)

EFFECTIVE DATE:

November 30, 2009

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**514 BOARD OF COUNSELING PROFESSIONALS LICENSURE****Chapter 2 LICENSED PROFESSIONAL COUNSELORS**

Summary: This chapter sets forth the educational qualifications, examination requirement and supervision hours necessary for licensure as a professional counselor.

1. Scope of Practice

A licensed professional counselor practices the principles and procedures of counseling, as defined in 32 MRSA §13851(8), to assist those served in achieving more effective personal, emotional, social, educational and vocational development and adjustment. A licensed professional counselor may not diagnose or treat mental health disorders.

2. Education**1. Qualifying Degree**

The applicant shall provide documented proof of a master's degree or a doctoral degree from an accredited institution that consists of a minimum of 48 semester hours or quarter-hour equivalent and meets the criteria of paragraph A, B, C or D below:

- A. A counseling degree from a program that was accredited by CACREP at the time the degree was awarded (subject to the 48 semester hour minimum);
- B. A degree in rehabilitation counseling from a program that was accredited by CORE at the time the degree was awarded (subject to the 48 semester hour minimum);
- C. A counseling degree that consisted of a minimum of 48 semester hours or quarter-hour equivalent as an organized sequence of study that includes curricular experiences and demonstrated knowledge that substantially satisfies each of the 10 core areas of study described in subparagraphs (1) through (10) below;

[NOTE: Nontraditional or specialized counseling programs such as art therapy and dance movement therapy must also satisfy the 10 core areas of study.]

Except for internship, full core area credit will be recognized for a three semester hour course in the designated area. Except for practicum and internship, partial core area credit will be recognized for a course that contains components or significant

aspects of a core area, and core area requirements other than practicum and internship may be satisfied by academic work completed in one or more separate courses. In determining whether a course pertains to a core area, the board will consider the content of the course as set forth in course descriptions, catalogs, syllabi, lesson plans, assignment lists, reading lists, or other contemporaneous documents; completed coursework produced by the applicant; any reliable information furnished by the applicant, the instructor who taught the course, a member of the academic department which offered the course, or a senior administrative official of the institution; and the title of the course. No one course will be recognized as satisfying more than one area of study.

In evaluating the applicant's academic credentials, the board shall consider the unavailability of the foregoing materials due to passage of time. In the event of a denial hearing, the board shall give due regard to the credibility of the applicant in evaluating any testimony of the applicant relating to course content, provided that the applicant has first demonstrated to the board a good faith effort to obtain the documentation described in the preceding paragraph.

- (1) Human Growth and Development. Studies that provide an understanding of the nature and needs of individuals at different developmental levels throughout the life span.
- (2) Social and Cultural Foundations. Studies that provide an understanding of societal changes and trends, human roles, social mores and interaction patterns, and differing life styles.
- (3) Helping Relationships. Studies that provide an understanding of philosophic bases of helping processes, counseling theories and their applications, basic and advanced counseling skills, consultation theories and skills, self-understanding and self-development, and facilitation of client or consultee change.
- (4) Groups. Studies that provide an understanding of group development, dynamics, group counseling theories, group leadership styles, and group counseling methods and skills.
- (5) Lifestyle and Career Development. Studies that provide an understanding of career development theories, occupational and educational information services, career counseling, and career decision-making.

- (6) Measurement. Studies that provide an understanding of group and individual educational and psychometric theories and approaches to measurement, data and information-gathering methods, validity, reliability, psychometric statistics, factors influencing measurements, and use of measurement results in the helping process.
- (7) Research and Evaluation. Studies that provide an understanding of the types of research, basic statistics, research report development, research implementation, program evaluation, needs assessment, and ethical and legal considerations associated with research and evaluation.
- (8) Professional Orientation. Studies that provide an understanding of professional roles and functions, professional organizations and associations, history and trends within the profession, ethical and legal standards, and professional preparation standards and professional credentialing.
- (9) Practicum. A course of instruction that provides practical experience in counseling for the purpose of developing individual and group counseling skills. These studies include some counseling activities that a regularly employed licensed professional counselor would be expected to perform.
- (10) Internship. A supervised counseling experience of at least 600 clock hours. The internship provides an opportunity for the student to perform all the activities that a regularly employed licensed professional counselor would be expected to perform.

Alternative Experience. In lieu of the practicum and internship described in subparagraphs (9) and (10) above, an applicant may provide documentation of 700 hours of lawfully obtained supervised counseling experience. At least 280 hours must consist of direct client contact hours. Documentation must include supervisor affidavits and a copy of the applicant's final evaluation.

- D. A psychology degree from a program that at the time the degree was awarded was accredited by the American Psychological Association or Canadian Psychological Association in clinical psychology or counseling psychology at the doctoral level.

2. Nonconforming Counseling Degree

An applicant without a qualifying degree as described in Section 2(1) of this chapter may meet the educational requirement for licensure by providing documented proof of:

- A. A master's degree in counseling from an accredited institution that was awarded on the basis of at least 36 but less than 48 semester hours of study; and
- B. Supplemental graduate level coursework in a counseling program at an accredited institution sufficient in amount to equal or exceed 48 semester hours overall, provided that the master's degree and supplemental coursework include curricular experiences and demonstrated knowledge that substantially satisfy each of the 10 core areas of study described in Section 2(1)(C)(1) through (10) of this chapter.

[NOTE: The board strongly recommends that prospective applicants review the educational requirements of this chapter with their academic advisor *before* taking supplemental graduate level coursework.]

An applicant applying under Section 2(1)(C) of this chapter who completed 48 semester hours or quarter-hour equivalent, but whose curricular experiences and demonstrated knowledge do not substantially satisfy the required areas of study, may meet the educational requirement for licensure by completing such supplemental graduate level coursework as the board deems necessary to satisfy the deficiencies found.

3. Examination

To qualify for either conditional or full licensure, the applicant shall achieve a passing score on the National Counselor Examination administered by the NBCC.

4. Supervised Experience

The applicant shall complete 2000 hours of supervised counseling experience over a period of not less than 2 years following attainment of the qualifying degree. The 2000 hours shall include a minimum of 1000 hours of direct counseling with individuals, couples, families or groups, and a minimum of 67 hours of supervision with the approved supervisor designated by the licensee. Supervision shall occur with substantial regularity throughout this period at the approximate rate of one hour of supervision per 30 hours of experience. Of the minimum 67 hours of supervision, at least 34 hours shall consist of individual supervision. The approved supervisor may participate by live audio conference or live videoconference in lieu of physical presence in up to 17 hours of individual

supervision. Unless waived pursuant to Section 5(4) of this chapter, supervised experience must be earned during the applicant's period of conditional licensure.

All supervision required by this chapter must be provided by a supervisor approved by the board who is not related to, living with, or having a personal relationship with the supervisee and who meets the qualifications set forth in subsection 1 or 2 below:

1. The supervisor is a licensed clinical professional counselor, licensed marriage and family therapist, licensed pastoral counselor, licensed clinical social worker, certified social worker-independent practice, licensed psychologist or licensed psychiatrist not under suspension or probation who meets one of the following additional criteria:
 - A. Licensed practice for a minimum period of five years, including not more than two years of practice as an entry-level conditional licensee;
 - B. Certification by a national professional organization in training or supervision; or

[NOTE: For example, certification as an approved clinical supervisor by NBCC.]
 - C. Thirty contact hours of training in supervision and a minimum of one year of licensed practice at a licensure level higher than entry-level conditional; or
2. A licensed professional counselor not under suspension or probation who meets one of the criteria set forth in Section 4(1)(A), (B) or (C) of this chapter.

[TRANSITION NOTE: A supervisor who does not meet the qualifications for supervisor set forth in this Section may continue to supervise only the specific individuals for whom the supervisor was responsible on the effective date of the rules adopted on [insert date of adoption].

5. Conditional Licensure

1. Application

The application shall include:

- A. Proof of the education required by Section 2 of this chapter;
- B. Proof of a passing score on the National Counselor Examination, or a request to take the examination;

- C. A plan for supervision by an approved supervisor . The plan must meet the requirements for supervised experience contained in Section 4 of this chapter and shall be submitted on a form provided by the board;
 - D. A proposed disclosure statement that meets the requirements of Chapter 8-B, Section 2(2) of the board’s rules;
 - E. The fee prescribed by Chapter 10, Section 5(13) of the rules of the Office of Licensing and Registration, entitled “Establishment of License Fees;”
 - F. Three letters of reference on a form provided by the board to be completed by professionals in the counseling field. The letters must be dated within one year prior to the date of the application;
 - G. License verifications from all jurisdictions in which the applicant was ever licensed as a mental health professional; and
 - H. Such other information as the board may require.
2. Administrative Responsibilities and Practice Limitations
- A. Both the conditional licensee and the supervisor shall maintain ongoing records of supervision and shall produce the records for inspection and copying upon request of the board.
 - B. A conditional licensee may not change supervisors without prior written approval from the board. The licensee must submit a written request explaining the reason for the proposed change. The request must be accompanied by the termination/evaluation report described in Section 5(2)(C) of this chapter and a substitute supervision plan submitted on a form supplied by the board.
 - C. The supervisor shall submit a termination/evaluation report to the board:
 - (1) Upon a change of supervisor;
 - (2) Upon termination of the supervisory relationship prior to completion of the supervised experience set forth in Section 4 of this chapter; and
 - (3) Upon completion of the supervised experience set forth in Section 4 of this chapter.
 - D. A conditional licensee may not practice except under supervision as set forth in this section. A conditional licensee shall use the

designation “conditional” in all documentation, correspondence and informational materials.

3. License Term

The conditional license is issued for a 2-year period. The license may be renewed for up to two additional 2-year periods (exclusive of any periods of inactive status) as necessary for the licensee to complete the supervised experience required by Section 4 of this chapter. The license will not be further renewed unless the licensee demonstrates to the satisfaction of the board that extenuating circumstances of genuine hardship prevented the licensee from completing the supervised experience within the 6-year period described in this subsection.

4. Waiver of Conditional Licensure

The board may waive conditional licensure in whole or in part and may recognize supervised experience lawfully obtained following attainment of the qualifying degree that is substantially equivalent to the supervised experience required by Section 4 of this chapter.

6. Full Licensure

A conditional licensee or other qualified applicant may apply to the board for full licensure as a licensed professional counselor upon completion of the supervised experience required by Section 4 of this chapter or substantially similar supervised experience. The applicant shall submit:

1. Proof of the education required by Section 2 of this chapter, if not previously provided to the board;
2. Proof of a passing score on the National Counselor Examination, or a request to take the examination;
3. Proof of successful completion of supervised experience on a form supplied by the board;
4. Certification of completion of 55 hours of continuing professional education during the term of the conditional license in accordance with Chapter 7-A of the board’s rules, unless conditional licensure was waived by the board pursuant to Section 5(4) of this chapter or is not required;
5. A proposed disclosure statement that meets the requirements of Chapter 8-B, Section 2(2) of the board’s rules;
6. The fee prescribed in Chapter 10, Section 5(13) of the rules of the Office of Licensing and Registration, entitled “Establishment of License Fees;” and

7. Such other information as the board may require.

[NOTE: To avoid a gap in licensure, the board encourages conditional licensees to promptly apply for full licensure upon completion of their supervised experience.]

STATUTORY AUTHORITY: 32 MRSA §§ 13853(2), 13853(11), 13858(8)

EFFECTIVE DATE:
November 30, 2009

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**514 BOARD OF COUNSELING PROFESSIONALS LICENSURE****Chapter 3 LICENSED CLINICAL PROFESSIONAL COUNSELORS**

Summary: This chapter sets forth the educational qualifications, examination requirement and supervision hours necessary for licensure as a clinical professional counselor.

1. Scope of Practice

A licensed clinical professional counselor practices the principles and procedures of counseling, as defined in 32 MRSA §13851(8), to assess and treat intrapersonal and interpersonal problems and other dysfunctional behaviors and to assist in the overall development and adjustment of those served. A licensed clinical professional counselor may both diagnose and treat mental health disorders.

2. Education**1. Qualifying Degree**

The applicant shall provide documented proof of a master's degree or a doctoral degree from an accredited institution that consists of a minimum of 60 graduate semester hours or quarter-hour equivalent and meets the criteria of paragraph A, B or C below:

- A. A counseling degree from a program that was accredited by CACREP as a mental health counseling program at the time the degree was awarded (subject to the 60 semester hour minimum);
- B. A counseling degree from a program that consisted of a minimum of 60 semester hours or quarter-hour equivalent as an organized sequence of study that includes curricular experiences and demonstrated knowledge that substantially satisfies each of the 10 core areas of study described in subparagraphs (1) through (10) below and 9 semester hours from at least two additional areas of study described in subparagraphs (11) through (18) below;

[NOTE: Nontraditional or specialized counseling programs such as art therapy and dance movement therapy must also satisfy the 10 core areas and two additional areas of study.]

Except for internship, full area credit will be recognized for a three semester hour course in the designated area or the number of semester hours specified, as the case may be. Except for practicum and internship, partial area credit will be recognized for a course that contains components or significant aspects of an area, and area requirements other than practicum and internship may be satisfied

by academic work completed in one or more separate courses. In determining whether a course pertains to an area, the board will consider the content of the course as set forth in course descriptions, catalogs, syllabi, lesson plans, assignment lists, reading lists, or other contemporaneous documents; completed coursework produced by the applicant; any reliable information furnished by the applicant, the instructor who taught the course, a member of the academic department which offered the course, or a senior administrative official of the institution; and the title of the course. No one course will be recognized as satisfying more than one area of study.

In evaluating the applicant's academic credentials, the board shall consider the unavailability of the foregoing materials due to passage of time. In the event of a denial hearing, the board shall give due regard to the credibility of the applicant in evaluating any testimony of the applicant relating to course content, provided that the applicant has first demonstrated to the board a good faith effort to obtain the documentation described in the preceding paragraph.

- (1) Human Growth and Development. Studies that provide an understanding of the nature and needs of individuals at different developmental levels throughout the life span.
- (2) Helping Relationships. Studies that provide an understanding of philosophic bases of helping processes, counseling theories and their applications, basic and advanced counseling skills, consultation theories and skills, self-understanding and self-development, and facilitation of client or consultee change.
- (3) Groups. Studies that provide an understanding of group development, dynamics, group counseling theories, group leadership styles, and group counseling methods and skills.
- (4) Measurement. Studies that provide an understanding of group and individual educational and psychometric theories and approaches to measurement, data and information-gathering methods, validity, reliability, psychometric statistics, factors influencing measurements, and use of measurement results in the helping process.
- (5) Research and Evaluation. Studies that provide an understanding of the types of research, basic statistics, research report development, research implementation, program evaluation, needs assessment, and ethical and

legal considerations associated with research and evaluation.

- (6) **Diagnosis and Treatment.** Studies that provide an understanding of psychopathology, the diagnosis and statistical manual and its use in counseling, psychopathology, the development of treatment plans and the use of related services, and the role of assessment, intake interviews, and reports.
- (7) **Professional Orientation.** Studies that provide an understanding of professional roles and functions, professional organizations and associations, history and trends within the profession, ethical and legal standards, and professional preparation standards and professional credentialing.
- (8) **Social and Cultural Foundations.** Studies that provide an understanding of the development of multicultural awareness, cultural foundations of human growth and development, and cultural values and traditions covering the life span.
- (9) **Practicum.** A course of clinical instruction that provides practical experience in counseling for the purpose of developing individual and group counseling skills. These experiences allow students to perform, on a limited basis, some of the counseling activities that a regularly employed licensed clinical professional counselor would be expected to perform.
- (10) **Internship.** A full academic year of supervised clinical counseling experience consisting of at least 900 clock hours, including a minimum of 360 clock hours of direct client contact. The internship provides an opportunity for the student to perform all the activities that a regularly employed licensed clinical professional counselor would be expected to perform.

Alternative Experience. In lieu of subparagraphs (9) and (10) above, an applicant may provide documentation of 1,000 hours of lawfully obtained supervised clinical counseling. At least 400 hours must consist of direct clinical contact hours. Documentation must include supervisor affidavits and a copy of the applicant's final evaluation.

Additional course work must include at least nine semester hours of study in the following:

- (11) Lifestyle and Career Development. Studies that provide an understanding of career development theories, occupational and educational information services, career counseling, and career decision-making.
- (12) Marriage and Family Counseling. Up to six semester hours of study that provide an understanding of the structure and dynamics of the family, and methods of marital and family intervention and counseling.
- (13) Human Sexuality for Counselors. Studies that provide an understanding of human sexual function and dysfunction, the relationship between sexuality, self-esteem, sex roles and life styles over the life cycle, and counseling treatment approaches and techniques.
- (14) Supervision. Studies that provide an understanding of approaches and conceptual models, individual and group supervision, clinical evaluation, and ethical and legal considerations.
- (15) Consultation. Studies that provide an understanding of consultation skills, evaluation of organizational structure and individual client management, and theoretical orientation.
- (16) Crisis Intervention. Studies that provide an understanding of the theory and practice of crisis intervention, short-term crisis counseling strategies, and the responsibilities of all those involved in the intervention.
- (17) Addictive Disorders. Up to six semester hours of study that provide an understanding of the stages, processes, and effects of addictions, social and psychological dynamics of chemical dependency, and the professional's role in prevention, intervention, and aftercare.
- (18) Treatment Modalities. Up to six semester hours of studies that provide an understanding of specific treatment approaches (for example, cognitive, client-centered, expressive therapy, feminist).

An applicant who has not completed an internship that meets the requirements of subparagraph (10) above, but has completed an internship consisting of at least 600 clock

hours of supervised clinical counseling experience and has fulfilled all other requirements of Section 2(1)(B) of this chapter, will be deemed to have a qualifying degree for purposes of Section 2(1)(B) of this chapter. Such an applicant must complete additional supervised experience as set forth in Section 4(2) of this chapter.

- C. A psychology degree from a program that at the time the degree was awarded was accredited by the American Psychological Association or Canadian Psychological Association in clinical psychology or counseling psychology at the doctoral level.

2. Nonconforming Counseling Degree Until January 1, 2009

Until January 1, 2009, an applicant without a qualifying degree as described in Section 2(1) of this chapter may meet the educational requirement for licensure by providing documented proof of:

- A. A master's degree from a mental health counseling program at an accredited institution that was awarded on the basis of at least 48 semester hours of study;

OR

- B. (1) A master's degree from a mental health counseling program at an accredited institution that was awarded on the basis of at least 36 but less than 48 semester hours of study; and
- (2) Supplemental graduate level coursework in a mental health counseling program at an accredited institution sufficient in amount to equal or exceed 48 semester hours overall, provided that the master's degree and supplemental coursework include curricular experiences and demonstrated knowledge that substantially satisfies each of the 10 core areas of study described in Section 2(1)(B)(1) through (10) of this chapter and 9 semester hours from at least two additional areas of study described in Section 2(1)(B)(11) through (18) of this chapter.

3. Nonconforming Counseling Degree After January 1, 2009

After January 1, 2009, an applicant without a qualifying degree as described in Section 2(1) of this chapter may meet the educational requirement for licensure by providing documented proof of:

- A. A master's degree from a mental health counseling program at an accredited institution that was awarded on the basis of at least 36 but less than 60 semester hours of study; and
- B. Supplemental graduate level coursework in a mental health counseling program at an accredited institution sufficient in amount to equal or exceed 60 semester hours overall, provided that the master's degree and supplemental coursework include curricular experiences and demonstrated knowledge that substantially satisfy each of the 10 core areas of study described in Section 2(1)(B)(1) through (10) of this chapter and 9 semester hours from at least two additional areas of study chosen from those described in Section 2(1)(B)(11) through (18) of this chapter.

[NOTE: The board strongly recommends that prospective applicants review the educational requirements of this chapter with their academic advisor *before* taking supplemental graduate level coursework.]

An applicant applying under Section 2(1)(B) of this chapter who completed 60 semester hours or quarter-hour equivalent, but whose curricular experiences and demonstrated knowledge do not substantially satisfy the required areas of study, may meet the educational requirement for licensure by completing such supplemental graduate level coursework as the board deems necessary to satisfy the deficiencies found.

3. Examinations

1. Nonclinical

To qualify for either conditional or full licensure, except as set forth in Chapter 6, Section 3(1) and (2) of the board's rules, the applicant shall achieve a passing score on the National Counselor Examination administered by the NBCC.

2. Clinical

To qualify for full licensure, the applicant shall achieve a passing score on the National Clinical Mental Health Counseling Examination administered by the NBCC.

4. Supervised Experience

1. Except as set forth in Section 4(2) of this chapter, the applicant shall complete 3000 hours of supervised clinical counseling experience over a period of not less than 2 years following attainment of the qualifying degree. The 3000 hours shall include a minimum of 1500 direct clinical contact hours with individuals and groups, and a minimum of 100 hours of

clinical supervision with the approved supervisor designated by the licensee. Supervision shall occur with substantial regularity throughout this period at the approximate rate of one hour of supervision per 30 hours of experience. Of the minimum 100 hours of clinical supervision, at least 50 hours shall consist of individual supervision. The approved supervisor may participate by live audio conference or live videoconference in lieu of physical presence in up to 25 hours of individual supervision. Unless waived pursuant to Section 5(4) of this chapter, supervised experience must be earned during the applicant's period of conditional licensure.

2. An applicant whose qualifying degree did not include the internship described in Section 2(1)(B)(10) of this chapter, but did include an internship consisting of at least 600 clock hours of supervised clinical counseling experience, must complete supervised experience as set forth in this subsection.

The applicant shall complete 4000 hours of supervised clinical counseling experience over a period of not less than 2 years following attainment of the qualifying degree. The 4000 hours shall include a minimum of 2000 direct clinical contact hours with individuals and groups, and a minimum of 150 hours of clinical supervision with the approved supervisor designated by the licensee. Supervision shall occur with substantial regularity throughout this period at the approximate rate of one hour of supervision per 27 hours of experience. Of the minimum 150 hours of clinical supervision, at least 75 hours shall consist of individual supervision. The approved supervisor may participate by live audio conference or live videoconference in lieu of physical presence in up to 38 hours of individual supervision. Unless waived pursuant to Section 5(4) of this chapter, supervised experience must be earned during the applicant's period of conditional licensure.

3. All supervision required by this chapter must be provided by a supervisor approved by the board who is not related to, living with, or having a personal relationship with the supervisee and who meets the qualifications set forth below:

The supervisor is a licensed clinical professional counselor, licensed marriage and family therapist, licensed pastoral counselor, licensed clinical social worker, certified social worker-independent practice, licensed psychologist or licensed psychiatrist not under suspension or probation who meets one of the following additional criteria:

- A. Licensed practice for a minimum period of five years, including not more than two years of practice as an entry-level conditional licensee;

- B. Certification by a national professional organization in training or supervision; or

[NOTE: For example, certification as an approved clinical supervisor by NBCC.]

- C. Thirty contact hours of training in supervision and a minimum of one year of licensed practice at a licensure level higher than entry-level conditional.

[TRANSITION NOTE: A supervisor who does not meet the qualifications for supervisor set forth in this subsection may continue to supervise only the specific individuals for whom the supervisor was responsible on the effective date of the rules adopted on [insert date of adoption].

5. Conditional Licensure

1. Application

The application shall include:

- A. Proof of the education required by Section 2 of this chapter;
- B. Proof of a passing score on the National Counselor Examination, or a request to take the examination;
- C. A plan for supervision by an approved supervisor. The plan must meet the requirements for supervised experience contained in Section 4 of this chapter and shall be submitted on a form provided by the board;
- D. A proposed disclosure statement that meets the requirements of Chapter 8-B, Section 2(1) of the board's rules ;
- E. The fee prescribed by Chapter 10, Section 5(13) of the rules of the Office of Licensing and Registration, entitled "Establishment of License Fees;"
- F. Three letters of reference on a form provided by the board to be completed by professionals in the counseling field. The letters must be dated within one year prior to the date of the application;
- G. License verifications from all jurisdictions in which the applicant was ever licensed as a mental health professional; and
- H. Such other information as the board may require.

2. Administrative Responsibilities and Practice Limitations
 - A. Both the conditional licensee and the supervisor shall maintain ongoing records of supervision and shall produce the records for inspection and copying upon request of the board.
 - B. A conditional licensee may not change supervisors without prior written approval from the board. The licensee must submit a written request explaining the reason for the proposed change. The request must be accompanied by the termination/evaluation report described in Section 5(2)(C) of this chapter and a substitute supervision plan submitted on a form supplied by the board.
 - C. The supervisor shall submit a termination/evaluation report to the board:
 - (1) Upon a change of supervisor;
 - (2) Upon termination of the supervisory relationship prior to completion of the supervised experience set forth in Section 4 of this chapter; and
 - (3) Upon completion of the supervised experience set forth in Section 4 of this chapter.
 - D. A conditional licensee may not practice except under supervision as set forth in this section. A conditional licensee shall use the designation “conditional” in all documentation, correspondence and informational materials.

3. License Term

The conditional license is issued for a 2-year period. The license may be renewed for up to two additional 2-year periods (exclusive of any periods of inactive status) as necessary for the licensee to complete the supervised experience required by Section 4 of this chapter. The license will not be further renewed unless the licensee demonstrates to the satisfaction of the board that extenuating circumstances of genuine hardship prevented the licensee from completing the supervised experience within the 6-year period described in this subsection.

4. Waiver of Conditional Licensure

The board may waive conditional licensure in whole or in part and may recognize supervised clinical experience lawfully obtained following attainment of the qualifying degree that is substantially equivalent to the supervised experience required by Section 4 of this chapter.

6. Full Licensure

A conditional licensee or other qualified applicant may apply to the board for full licensure as a licensed clinical professional counselor upon completion of the supervised experience required by Section 4 of this chapter or substantially similar supervised experience. The applicant shall submit:

1. Proof of a passing score on the National Clinical Mental Health Counseling Examination, or a request to take the examination;
2. Proof of a passing score on the National Counselor Examination, if not previously provided to the board, except as set forth in Chapter 6, Section 3(1) and (2) of the board's rules;
3. Proof of the education required by Section 2 of this chapter, if not previously provided to the board;
4. Proof of successful completion of supervised experience on a form supplied by the board;
5. Certification of completion of 55 hours of continuing professional education during the term of the conditional license in accordance with Chapter 7-A of the board's rules, unless conditional licensure was waived by the board pursuant to Section 5(4) of this chapter or is not required;
6. A proposed disclosure statement that meets the requirements of Chapter 8-B, Section 2(1) of the board's rules;
7. The fee prescribed in Chapter 10, Section 5(13) of the rules of the Office of Licensing and Registration, entitled "Establishment of License Fees;" and
8. Such other information as the board may require.

[NOTE: To avoid a gap in licensure, the board encourages conditional licensees to promptly apply for full licensure upon completion of their supervised experience.]

STATUTORY AUTHORITY: 32 MRSA §§ 13853(2), 13853(11), 13858(8)

EFFECTIVE DATE:

November 30, 2009

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**514 BOARD OF COUNSELING PROFESSIONALS LICENSURE****Chapter 4 LICENSED MARRIAGE AND FAMILY THERAPISTS**

Summary: This chapter sets forth the educational qualifications, examination requirement and supervision hours necessary for licensure as a marriage and family therapist.

1. Scope of Practice

A licensed marriage and family therapist assesses and treats intrapersonal and interpersonal problems through the application of principles, methods and therapeutic techniques for the purpose of resolving emotional conflicts, modifying perceptions and behavior, enhancing communication and understanding among all family members, and preventing family and individual crises. A licensed marriage and family therapist may both diagnose and treat mental health disorders.

2. Education**1. Qualifying Degree**

The applicant shall provide documented proof of a master's degree or a doctoral degree from an accredited institution that consists of a minimum of 60 semester hours or quarter-hour equivalent and meets the criteria of paragraph A, B or C below:

- A. A counseling degree from a program that was accredited by CACREP as a marital, couple, and family counseling/therapy program at the time the degree was awarded (subject to the 60 semester hour minimum);
- B. A counseling degree from a marital, couple, and family counseling/therapy program that was accredited by COAMFTE at the time the degree was awarded at the doctoral level only, provided that the applicant can demonstrate completion of a clinical practicum as described in Section 1(1)(C)(7) of this chapter, and subject to the 60 semester hour minimum;
- C. A counseling degree from a marital, couple and family counseling/therapy program that consisted of a minimum of 60 semester hours or quarter-hour equivalent as an organized sequence of study that includes curricular experiences and demonstrated knowledge that substantially satisfies each of the nine areas of study described in subparagraphs (1) through (9) below;

Except for internship, full area credit will be recognized for a three semester hour course in the designated area or the number or semester hours specified, as the case may be. Except for practicum and internship, partial area credit will be recognized for a course that contains components or significant aspects of an area, and area requirements other than practicum and internship may be satisfied by academic work completed in one or more separate courses. In determining whether a course pertains to an area, the board will consider the content of the course as set forth in course descriptions, catalogs, syllabi, lesson plans, assignment lists, reading lists, or other contemporaneous documents; completed coursework produced by the applicant; any reliable information furnished by the applicant, the instructor who taught the course, a member of the academic department which offered the course, or a senior administrative official of the institution; and the title of the course. No one course will be recognized as satisfying more than one area of study.

In evaluating the applicant's academic credentials, the board shall consider the unavailability of the foregoing materials due to passage of time. In the event of a denial hearing, the board shall give due regard to the credibility of the applicant in evaluating any testimony of the applicant relating to course content, provided that the applicant has first demonstrated to the board a good faith effort to obtain the documentation described in the preceding paragraph.

- (1) Marital and Family Studies. Nine semester hours or quarter-hour equivalent in theories of family development, general systems theory, theories of family functioning, the family life cycle, sociology of the family, families under stress, contemporary family forms, family subsystems, family of origin and external societal influences, family pathology such as addiction, child abuse and sexual abuse, and other related topics. Three of the nine semester hours must be in general systems theory.
- (2) Marital and Family Therapy. Nine semester hours or quarter-hour equivalent in the study of major marital and family therapy treatment approaches and techniques to provide a substantive understanding of systems change. The course work may include strategic, structural, object relations, integrative, experiential, systems, neoanalytic, communications and behavioral treatment modalities.
- (3) Human Development. Six semester hours or quarter-hour equivalent in the study of human development across the life cycle, personality theory and cognitive development.

- (4) Human Sexuality. Studies that provide an understanding of human sexuality over the life cycle, sex roles, sexual function and dysfunction.
- (5) Diagnosis and Treatment. Studies that provide an understanding of psychopathology, the diagnosis and statistical manual and its use in counseling, psychopathology, the development of treatment plans and the use of related services, and the role of assessment, intake interviews, and reports.
- (6) Professional Orientation. Studies that provide an understanding of professional roles and functions, professional organizations and associations, history and trends within the profession, ethical and legal standards, and professional preparation standards and professional credentialing.
- (7) Research and Evaluation. Studies that provide an understanding of the types of research, basic statistics, research report development, research implementation, program evaluation, needs assessment, and ethical and legal considerations associated with research and evaluation.
- (8) Practicum. A course of clinical instruction that provides practical experience in counseling for the purpose of developing marriage and family counseling skills. These experiences allow students to perform, on a limited basis, some counseling activities that a regularly employed licensed marriage and family therapist would be expected to perform.
- (9) Internship. A full academic year of supervised marriage and family counseling experience consisting of at least 900 clock hours, including a minimum of 360 clock hours of direct client contact. The internship provides an opportunity for the student to perform all the activities that a regularly employed marriage and family therapist would be expected to perform.

Alternative Experience. In lieu of subparagraphs (8) and (9) above, an applicant may provide documentation of 1,000 hours of lawfully obtained supervised marriage and family therapy counseling. At least 400 hours must consist of direct clinical contact hours. Documentation must include supervisor affidavits and a copy of the applicant's final evaluation.

An applicant who has not completed an internship that meets the requirements of subparagraph (9) above but has completed an internship consisting of at least 600 clock hours of supervised marriage and family counseling experience and has fulfilled all other requirements of Section 2(1)(C) of this chapter will be deemed to have a qualifying degree for purposes of Section 2(1)(C) of this chapter. Such an applicant must complete additional supervised experience as set forth in Section 4(2) of this chapter.

2. Nonconforming Counseling Degree Until January 1, 2009

Until January 1, 2009, an applicant without a qualifying degree as described in Section 2(1) of this chapter may meet the educational requirement for licensure by providing documented proof of:

- A. A master's degree from a marital, couple, and family counseling/therapy program at an accredited institution that was awarded on the basis of at least 48 semester hours of study;

OR

- B. (1) A master's degree from a marital, couple, and family counseling/therapy program at an accredited institution that was awarded on the basis of at least 36 but less than 48 semester hours of study; and
- (2) Supplemental graduate level coursework in a marital, couple, and family counseling/therapy program or mental health counseling program at an accredited institution sufficient in amount to equal or exceed 48 semester hours overall, provided that the master's degree and supplemental coursework include curricular experiences and demonstrated knowledge that substantially satisfy each of the nine areas of study described in Section 2(1)(C)(1) through (9) of this chapter.

3. Nonconforming Counseling Degree After January 1, 2009

After January 1, 2009, an applicant without a qualifying degree as described in Section 2(1) of this chapter may meet the educational requirement for licensure by providing documented proof of:

- A. A master's degree from a marital, couple, and family counseling/therapy program from an accredited institution that was awarded on the basis of at least 36 but less than 60 semester hours of study; and

- B. Supplemental graduate level coursework in a marital, couple, and family counseling/therapy program or mental health counseling program at an accredited institution sufficient in amount to equal or exceed 60 semester hours overall provided that the master's degree and supplemental coursework include curricular experiences and demonstrated knowledge that substantially satisfy each of the nine areas of study described in Section 2(1)(C)(1) through (9) of this chapter.

[NOTE: The board strongly recommends that prospective applicants review the educational requirements of this chapter with their academic advisor *before* taking supplemental graduate level coursework.]

An applicant applying under Section 2(1)(C) of this chapter who completed 60 semester hours or quarter-hour equivalent, but whose curricular experiences and demonstrated knowledge do not substantially satisfy the required areas of study, may meet the educational requirement for licensure by completing such supplemental graduate level coursework as the board deems necessary to satisfy the deficiencies found.

3. Examination

To qualify for either conditional or full licensure, the applicant shall achieve a passing score on the Marital and Family Therapy Examination administered by the AMFTRB.

4. Supervised Experience

1. Except as set forth in Section 4(2) of this chapter, the applicant shall complete 3000 hours of supervised clinical counseling experience in marriage and family counseling over a period of not less than 2 years following attainment of the qualifying degree. The 3000 hours shall include a minimum of 1000 hours of direct clinical contact hours with couples and families. The conditional licensee must receive a minimum of 200 hours of clinical supervision with the approved supervisor designated by the licensee. Supervision shall occur with substantial regularity throughout this period at the approximate rate of one hour of supervision per 15 hours of experience. Of the minimum 200 hours of clinical supervision, at least 100 hours shall consist of individual supervision. The approved supervisor may participate by live audio conference or live videoconference in lieu of physical presence in up to 50 hours of individual supervision. Unless waived pursuant to Section 4(4) of this chapter, supervised experience must be earned during the applicant's period of conditional licensure.

2. An applicant whose qualifying degree did not include the internship described in Section 2(1)(C)(9) of this chapter, but did include an internship consisting of at least 600 clock hours of supervised marriage and family counseling experience, must complete supervised experience as set forth in this subsection.

The applicant shall complete 4000 hours of supervised clinical counseling experience over a period of not less than 2 years following attainment of the qualifying degree. The 4000 hours shall include a minimum of 1500 hours of direct clinical contact hours with couples and families. The conditional licensee must receive a minimum of 300 hours of clinical supervision with the approved supervisor designated by the licensee. Supervision shall occur with substantial regularity throughout this period at the approximate rate of one hour of supervision per 13 hours of experience. Of the minimum 300 hours of clinical supervision, at least 150 hours shall consist of individual supervision. The approved supervisor may participate by live audio conference or live videoconference in lieu of physical presence in up to 75 hours of individual supervision. Unless waived pursuant to Section 5(4) of this chapter, supervised experience must be earned during the applicant's period of conditional licensure.

3. All supervision required by this chapter must be provided by a supervisor approved by the board who is not related to, living with, or having a personal relationship with the supervisee and who meets the qualifications set forth below:

The supervisor is a licensed clinical professional counselor, licensed marriage and family therapist, licensed pastoral counselor, licensed clinical social worker, certified social worker-independent practice, licensed psychologist or licensed psychiatrist not under suspension or probation who meets one of the following additional criteria:

- A. Licensed practice for a minimum period of five years, including not more than two years of practice as an entry-level conditional licensee;
- B. Certification by a national professional organization in training or supervision; or

[NOTE: For example, certification as an approved clinical supervisor by NBCC.]

- C. Thirty contact hours of training in supervision and a minimum of one year of licensed practice at a licensure level higher than entry-level conditional.

[TRANSITION NOTE: A supervisor who does not meet the qualifications for supervisor set forth in this subsection may

continue to supervise only the specific individuals for whom the supervisor was responsible on the effective date of the rules adopted on [insert date of adoption].

5. Conditional Licensure

1. Application

The application shall include:

- A. Proof of the education required by Section 2 of this chapter;
- B. Proof of a passing score on the Marital and Family Therapy Examination, or a request to take the examination;
- C. A plan for supervision by an approved supervisor . The plan must meet the requirements for supervised experience contained in Section 4 of this chapter and shall be submitted on a form provided by the board;
- D. A proposed disclosure statement that meets the requirements of Chapter 8-B, Section 2(1) of the board’s rules;
- E. The fee prescribed by Chapter 10, Section 5(13) of the rules of the Office of Licensing and Registration, entitled “Establishment of License Fees;”
- F. Three letters of reference on a form provided by the board to be completed by professionals in the counseling field. The letters must be dated within one year prior to the date of the application;
- G. License verifications from all jurisdictions in which the applicant was ever licensed as a mental health professional; and
- H. Such other information as the board may require.

2. Administrative Responsibilities and Practice Limitations

- A. Both the conditional licensee and the supervisor shall maintain ongoing records of supervision and shall produce the records for inspection and copying upon request of the board.
- B. A conditional licensee may not change supervisors without prior written approval from the board. The licensee must submit a written request explaining the reason for the proposed change. The request must be accompanied by the termination/evaluation report described in Section 5(2)(C) of this chapter and a substitute supervision plan submitted on a form supplied by the board.

- C. The supervisor shall submit a termination/evaluation report to the board:
- (1) Upon a change of supervisor;
 - (2) Upon termination of the supervisory relationship prior to completion of the supervised experience set forth in Section 4 of this chapter; and
 - (3) Upon completion of the supervised experience set forth in Section 4 of this chapter.
- D. A conditional licensee may not practice except under supervision as set forth in this section. A conditional licensee shall use the designation “conditional” in all documentation, correspondence and informational materials.

3. License Term

The conditional license is issued for a 2-year period. The license may be renewed for up to two additional 2-year periods (exclusive of any periods of inactive status) as necessary for the licensee to complete the supervised experience required by Section 4 of this chapter. The license will not be further renewed unless the licensee demonstrates to the satisfaction of the board that extenuating circumstances of genuine hardship prevented the licensee from completing the supervised experience within the 6-year period described in this subsection.

4. Waiver of Conditional Licensure

The board may waive conditional licensure in whole or in part and may recognize supervised clinical experience lawfully obtained following attainment of the qualifying degree that is substantially equivalent to the supervised experience required by Section 4 of this chapter.

6. Temporary Conditional Licensure

1. Application

The application shall include:

- A. Proof of the education required by Section 2 of this chapter;
- B. A plan for supervision by an approved supervisor at an agency that provides mental health services. The plan must meet the requirements for supervised experience contained in Section 4 of this chapter and must be submitted on a form provided by the board;

- C. A proposed disclosure statement that meets the requirements of Chapter 8-B, Section 2(1) of the board’s rules;
 - D. The fee for conditional licensure prescribed by Chapter 10, Section 5(13) of the rules of the Office of Licensing and Registration, entitled “Establishment of License Fees;”
 - E. Three letters of reference on a form provided by the board to be completed by professionals in the counseling field. The letters must be dated within one year prior to the date of the application;
 - F. License verifications from all jurisdictions in which the applicant was ever licensed as a mental health professional; and
 - G. Such other information as the board may require.
2. Administrative Responsibilities and Practice Limitations
- A. The temporary conditional licensee must apply for and successfully pass the Marital and Family Therapy Examination during the term of the license. If the temporary conditional licensee fails the examination, the licensee is prohibited from using any clinical experience gained during the term of the license to qualify for full licensure;
 - B. The temporary conditional licensee must be employed under clinical supervision at an agency that provides mental health services.
 - C. A temporary conditional licensee shall use the designation “temporary conditional” in all documentation, correspondence and informational materials;
 - D. Both the temporary conditional licensee and the supervisor shall maintain ongoing records of supervision and shall produce the records for inspection and copying upon request of the board.
 - E. A temporary conditional licensee may not change supervisors without prior written approval from the board. The licensee must submit a written request explaining the reason for the proposed change. The request must be accompanied by the termination/evaluation report described in Section 6(2)(F) of this chapter and a substitute supervision plan submitted on a form supplied by the board.
 - F. The supervisor shall submit a termination/evaluation report to the board upon a change of supervisor.

3. License Term

The temporary conditional license is issued for a term not to exceed 6 months and may not be renewed.

4. Transition to Conditional License

The temporary conditional licensee shall be issued a conditional license without further application or fee upon submitting proof of a passing score on the Marital and Family Therapy Examination obtained within the term of the temporary conditional license as described in Section 6(2)(A). The temporary conditional license shall thereupon terminate. Supervised experience commenced under the temporary conditional license must continue without interruption under the conditional license.

7. Full Licensure

A conditional licensee or other qualified applicant may apply to the board for full licensure as a licensed marriage and family therapist upon completion of the supervised experience required by Section 4 of this chapter or substantially similar supervised experience. The applicant shall submit:

1. Proof of the education required by Section 2 of this chapter, if not previously provided to the board;
2. Proof of a passing score on the Marital and Family Therapy Examination, or a request to take the examination;
3. Proof of successful completion of supervised experience on a form supplied by the board;
4. Certification of completion of 55 hours of continuing professional education during the term of the conditional license in accordance with Chapter 7-A of the board's rules, unless conditional licensure was waived by the board pursuant to Section 5(4) of this chapter or is not required;
5. A proposed disclosure statement that meets the requirements of Chapter 8-B, Section 2(1) of the board's rules;
6. The fee prescribed in Chapter 10, Section 5(13) of the rules of the Office of Licensing and Registration, entitled "Establishment of License Fees;" and
7. Such other information as the board may require.

[NOTE: To avoid a gap in licensure, the board encourages conditional licensees to promptly apply for full licensure upon completion of their supervised experience.]

STATUTORY AUTHORITY: 32 MRSA §§ 13853(2), 13853(11), 13858(8)

EFFECTIVE DATE:

November 30, 2009

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**514 BOARD OF COUNSELING PROFESSIONALS LICENSURE****Chapter 5 LICENSED PASTORAL COUNSELORS**

Summary: This chapter sets forth the educational qualifications, examination requirement and supervision hours necessary for licensure as a pastoral counselor.

1. Scope of Practice

A licensed pastoral counselor provides ministry involving the application of principles and procedures of counseling, as defined in 32 MRSA §13851(8), to assess and treat intrapersonal and interpersonal problems and other dysfunctional behavior of a social and spiritual nature, and to assist in the overall healing process of those served. A licensed pastoral counselor may both diagnose and treat mental health disorders.

2. Call to Ministry

The call to ministry required for licensure by 32 MRSA §1358(3-A)(E) is shown by:

1. The applicant's membership in a denomination or local faith group that recognizes the applicant's status as a rabbi, priest, minister or religious advisor;
2. Evidence that he or she has been ordained or otherwise affirmed in accordance with the tenets of the applicant's denomination or faith group; and
3. A letter or certificate from an individual or group in authority within the denomination or faith group of which the applicant is a member endorsing the applicant's application for licensure as a pastoral counselor.

3. Education**1. Qualifying Degree**

The applicant shall provide documented proof of a master's degree or a doctoral degree from an accredited institution that meets the core curriculum requirements of Section 3(2) of this chapter, and is a:

- Master of Divinity or Doctor of Divinity degree; or
- Master's or doctorate degree in pastoral counseling.

Alternatively, the applicant may provide documented proof of an equivalent degree from a program approved by the board that meets the core curriculum requirements of Section 3(2) of this chapter.

2. Core Curriculum Requirements

The degree program completed by the applicant pursuant to Section 3(1) of this chapter included a minimum of 20 semester hours or quarter-hour equivalent as an organized sequence of study that includes curricular experiences and demonstrated knowledge that substantially satisfies each of the areas of study described in paragraphs A through E below, plus the 400 hours of clinical pastoral education required by paragraph F.

Except for clinical pastoral education, full area credit will be recognized for a three semester hour course in the designated area. Except for clinical pastoral education, partial area credit will be recognized for a course that contains components or significant aspects of an area, and area requirements other than clinical pastoral education may be satisfied by academic work completed in one or more separate courses. In determining whether a course pertains to an area, the board will consider the content of the course as set forth in course descriptions, catalogs, syllabi, lesson plans, assignment lists, reading lists, or other contemporaneous documents; completed coursework produced by the applicant; any reliable information furnished by the applicant, the instructor who taught the course, a member of the academic department which offered the course, or a senior administrative official of the institution; and the title of the course. No one course will be recognized as satisfying more than one area of study.

In evaluating the applicant's academic credentials, the board shall consider the unavailability of the foregoing materials due to passage of time. In the event of a denial hearing, the board shall give due regard to the credibility of the applicant in evaluating any testimony of the applicant relating to course content, provided that the applicant has first demonstrated to the board a good faith effort to obtain the documentation described in the preceding paragraph.

- A. Pastoral Theology and Psychology.
- B. Testing and Measurement, or Research Methods.
- C. Studies in at least two of the following areas:
 - (1) Basic Pastoral Care.
 - (2) Crisis Intervention.
 - (3) Cross-cultural Issues.

- (4) Faith Development.
 - (5) Grief Counseling.
 - (6) Helping Relationships.
 - (7) History of Pastoral Care and Counseling.
 - (8) Hospital Ministry.
 - (9) Life Cycle Ritual.
 - (10) Psychology of Religion.
 - (11) Professional Orientation.
 - (12) Spiritual Direction.
 - (13) Human Growth and Development.
 - (14) Theories of Counseling.
- D. Studies in at least one of the following clinical areas:
- (1) Psychopathology.
 - (2) Clinical/pastoral assessment.
 - (3) Diagnosis and Treatment.
- E. Professional Ethics.
- F. Clinical Pastoral Education.

Four hundred hours of clinical pastoral education that meet the requirements of subparagraph (1) or (2) below. Clinical pastoral education is a supervised internship in ministry to persons in crisis. Development of a pastoral identity and the integration of the person of the student chaplain into the ministry are the central goals. A typical program of clinical pastoral education includes ministry to individuals and their families, written reports of visits reviewed in individual and/or group supervision, group dynamics sessions, and didactic seminars. The ministry is in the context of teamwork with other professionals.

- (1) A program accredited by ACPE or an equivalent organization; or

- (2) The program is not accredited but integrates religious or spiritual study, peer discussions, meditation and pastoral counseling through living in a religious or spiritual community or periodic retreats to a religious or spiritual community. The program has a curriculum and syllabus, including content descriptions for didactic instruction and seminars; clinical counseling, including group supervision and individual supervision; and clinical critique. The program requires program staff to prepare written evaluations of student performance in accordance with evaluation guidelines maintained by the program.

3. Nonconforming Curriculum

An applicant with a qualifying degree described in Section 3(1) of this chapter who completed a minimum of 20 semester hours or quarter-hour equivalent in counseling and human relations as part of the degree program that do not substantially satisfy the required areas of study described in Section 3(2) of this chapter may meet the educational requirement for licensure by completing such supplemental graduate level coursework as the board deems necessary to satisfy the deficiencies found.

4. Examinations

1. Nonclinical

To qualify for either conditional or full licensure, except as set forth in Chapter 6, Section 3(1) and (2) of the board's rules, the applicant shall achieve a passing score on the National Counselor Examination administered by the NBCC.

2. Clinical

To qualify for full licensure, the applicant shall achieve a passing score on the National Clinical Mental Health Counseling Examination administered by the NBCC.

5. Supervised experience

The applicant shall complete 3000 hours of supervised clinical counseling experience in pastoral counseling over a period of not less than 2 years following attainment of the qualifying degree. Supervision shall occur with substantial regularity throughout this period. The 3000 hours shall include a minimum of 1000 direct clinical client contact hours of pastoral counseling. The conditional licensee must receive 200 hours of supervision, including at least $\frac{1}{3}$ of those hours (i.e., 67 hours) with an approved certified pastoral counseling supervisor. The 200 hours of supervision must be allocated in accordance with 32 MRSA §13858(3-A)(D). The approved supervisor may participate by live audio

conference or live videoconference in lieu of physical presence in up to 50 hours of individual supervision. Supervised experience must be earned during the applicant's period of conditional licensure.

[NOTE: Title 32 MRSA §13858(3-A)(D) requires “two hundred hours of supervision...at least 30 hours of which must be interdisciplinary, 30 hours of which must be individual supervision by one supervisor of no more than 3 cases from intake to termination, and 70 hours of which must be individual supervision of multiple case material.”]

All supervision required by this chapter must be provided by a supervisor approved by the board who is not related to, living with, or having a personal relationship with the supervisee and who meets the qualifications set forth below:

The supervisor is a licensed clinical professional counselor, licensed marriage and family therapist, licensed pastoral counselor, licensed clinical social worker, certified social worker-independent practice, licensed psychologist or licensed psychiatrist not under suspension or probation who meets one of the following additional criteria:

1. Licensed practice for a minimum period of five years, including not more than two years of practice as an entry-level conditional licensee;
2. Certification by a national professional organization in training or supervision; or

[NOTE: For example, certification as an approved clinical supervisor by NBCC.]

3. Thirty contact hours of training in supervision and a minimum of one year of licensed practice at a licensure level higher than entry-level conditional.

[TRANSITION NOTE: A supervisor who does not meet the qualifications for supervisor set forth in this subsection may continue to supervise only the specific individuals for whom the supervisor was responsible on the effective date of the rules adopted on [insert date of adoption].

6. Conditional Licensure

1. Application

The application shall include:

- A. Proof of the education required by Section 3 of this chapter;
- B. Proof of a passing score on the National Counselor Examination, or a request to take the examination;

- C. A plan for supervision by an approved supervisor. The plan must meet the requirements for supervised experience contained in Section 5 of this chapter and shall be submitted on a form provided by the board;
 - D. A proposed disclosure statement that meets the requirement of Chapter 8-B, Section 2(1) of the board's rules;
 - E. The fee prescribed by Chapter 10, Section 5(13) of the rules of the Office of Licensing and Registration, entitled "Establishment of License Fees;"
 - F. Three letters of reference on a form provided by the board to be completed by professionals in the counseling field. The letters must be dated within one year prior to the date of the application;
 - G. License verifications from all jurisdictions in which the applicant was ever licensed as a mental health professional; and
 - H. Such other information as the board may require.
2. Administrative Responsibilities and Practice Limitations
- A. Both the conditional licensee and the supervisor shall maintain ongoing records of supervision and shall produce the records for inspection and copying upon request of the board.
 - B. A conditional licensee may not change supervisors without written approval from the board. The licensee must submit a written request explaining the reason for the proposed change. The request must be accompanied by the termination/evaluation report described in Section 6(2)(C) of this chapter and a substitute supervision plan submitted on a form supplied by the board.
 - C. The supervisor shall submit a termination/evaluation report to the board:
 - (1) Upon a change of supervisor;
 - (2) Upon termination of the supervisory relationship prior to completion of the supervised experience set forth in Section 5 of this chapter; and
 - (3) Upon completion of the supervised experience set forth in Section 5 of this chapter.
 - D. A conditional licensee may not practice except under supervision as set forth in this section. A conditional licensee shall use the

designation “conditional” in all documentation, correspondence and informational materials.

3. License Term

The conditional license is issued for a 2-year period. The license may be renewed for up to two additional 2-year periods (exclusive of any periods of inactive status) as necessary for the licensee to complete the supervised experience required by Section 5 of this chapter. The license will not be further renewed unless the licensee demonstrates to the satisfaction of the board that extenuating circumstances of genuine hardship prevented the licensee from completing the supervised experience within the 6-year period described in this subsection.

4. Waiver of Conditional Licensure

The board may waive conditional licensure in whole or in part and may recognize supervised clinical experience lawfully obtained following attainment of the qualifying degree that is substantially equivalent to the supervised experience required by Section 5 of this chapter.

7. Full Licensure

A conditional licensee or other qualified applicant may apply to the board for full licensure as a licensed pastoral counselor upon completion of the supervised experience required by Section 5 of this chapter or substantially similar supervised experience. The applicant shall submit:

1. Proof of a passing score on the National Clinical Mental Health Counseling Examination, or a request to take the examination;
- 1-A Proof of a passing score on the National Counselor Examination, if not previously provided to the board, except as set forth in Chapter 6, Section 3(1) and (2) of the board’s rules;
- 1-B Proof of the education required by Section 3 of this chapter, if not previously provided to the board;
2. Proof of successful completion of supervised experience on a form supplied by the board;
3. Certification of completion of 55 hours of continuing professional education during the term of the conditional license in accordance with Chapter 7-A of the board’s rules, unless conditional licensure was waived by the board pursuant to Section 6(4) of this chapter or is not required;
4. A proposed disclosure statement that meets the requirements of Chapter 8-B, Section 2(1) of the board’s rules;

5. The fee prescribed in Chapter 10, Section 5(13) of the rules of the Office of Licensing and Registration, entitled “Establishment of License Fees;” and
6. Such other information as the board may require.

[NOTE: To avoid a gap in licensure, the board encourages conditional licensees to promptly apply for full licensure upon completion of their supervised experience.]

STATUTORY AUTHORITY: 32 MRSA §§ 13853(2), 13853(11), 13858(8)

EFFECTIVE DATE:
November 30, 2009

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**514 BOARD OF COUNSELING PROFESSIONALS LICENSURE****Chapter 5-A REGISTERED COUNSELORS**

Summary: This chapter describes the practice obligations of registered counselors. Pursuant to 32 MRSA §13863(9), no new registrations are being issued. Persons who were validly registered as of August 1, 2008 may renew their registrations as set forth in Chapter 7 of the board's rules.

1. Scope of Practice

A registered counselor may only engage in the procedures of counseling as defined in 32 MRSA §13851(8). *A registered counselor may not diagnose or treat mental health disorders.*

2. Generally

No individual may engage in the procedures of counseling for a fee, monetary or otherwise, unless that individual is licensed or registered with the department. Each individual who registers shall fill out a form provided by the board.

3. Official Designation

The official designation of an individual who registers under this chapter shall be Registered Counselor.

4. Practice Obligations

A registered counselor shall:

1. Adhere to the Code of Ethics contained in Chapter 8-A of the board's rules;
2. Distribute a disclosure statement to clients as required by Chapter 8-B, Section 2(3) of the board's rules; and
3. Display and observe the client bill of rights described in Chapter 8-B, Section 1 of the board's rules.

A registered counselor is subject to disciplinary action for violation of the statutes governing the practice of counseling and the rules of the board to the same extent as a licensed counselor.

5. No Endorsement of Qualifications

Registration does not imply or certify in any way that the registered counselor has met any standards or criteria of education or training.

STATUTORY AUTHORITY: 32 MRSA §§ 13853(2), 13853(11), 13858(8)

EFFECTIVE DATE:

November 30, 2009

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**514 BOARD OF COUNSELING PROFESSIONALS LICENSURE****Chapter 6 APPLICATIONS / APPLICANTS LICENSED IN ANOTHER JURISDICTION**

Summary: This chapter sets forth general requirements relating to applications for licensure, applicants trained in foreign countries, and applicants licensed in other jurisdictions.

1. Completion of Application Process

An applicant shall complete the application process for licensure within a period of one year from the date the application is received by the board. Applications that remain incomplete after the one year period described in this section will be discarded.

2. Applicants Trained In A Foreign Country

An applicant who received counselor education or training outside of the United States shall submit his or her educational or training credentials for evaluation to World Education Services, Inc., Center for Educational Documentation, Inc., or other transcript analysis services that has been approved by the board. Upon receipt of the evaluation, the board will determine whether the applicant's qualifications for licensure are substantially similar to the requirements for licensure contained in Chapters 2–5 of the board's rules. Any cost related to this evaluation is the responsibility of the applicant.

3. Applicants Licensed in Another Jurisdiction**1. Substantially Equivalent License**

An applicant licensed in another jurisdiction who seeks licensure in Maine pursuant to 32 MRSA §13857(2)(B) shall procure license verifications from all jurisdictions in which the applicant was ever licensed as a mental health professional. The applicant shall also submit the following materials to the board:

- A. A completed application form;
- B. The application fee prescribed in Chapter 10, Section 5(13) of the rules of the Office of Licensing and Registration, entitled "Establishment of License Fees;"
- C. The applicant's current or proposed disclosure statement, as described in Chapter 8-B, Section 2 of the board's rules;

- D. All counseling licenses under which the licensee actively practiced during the 5 consecutive years immediately preceding application to the board;
- E. The counseling law and rules of all jurisdictions in which the licensee actively practiced during the 5 consecutive years immediately preceding application to the board; and
- F. A summary in the nature of a resume describing the applicant's practice of counseling during the five consecutive years immediately preceding application for licensure to the board. The summary must contain sufficient contact information to enable verification by mail and telephone.

The board will review the materials submitted by the applicant to determine if the applicant has actively practiced with a substantially equivalent license for at least 5 consecutive years immediately preceding application to the board at the level of licensure applied for in this State.

2. Substantially Similar Qualifications

An applicant licensed in another jurisdiction who seeks licensure in Maine pursuant to 32 MRSA §13857(2)(C) shall procure license verifications from all jurisdictions in which the applicant was ever licensed as a mental health professional. The applicant shall also submit the following materials to the board:

- A. A completed application form;
- B. The application fee prescribed in Chapter 10, Section 5(13) of the rules of the Office of Licensing and Registration, entitled "Establishment of License Fees;"
- C. The applicant's current or proposed disclosure statement, as described in Chapter 8-B, Section 2 of the board's rules;
- D. The applicant's current counseling license; and
- E. The application materials required for licensure as a professional counselor, licensed professional counselor, licensed marriage and family therapist or licensed pastoral counselor by Chapters 2 – 5 of the board's rules, respectively, provided that the board in its discretion may accept copies of references and supervisor statements that were originally submitted to another jurisdiction. An applicant who received counselor education or training outside the United States must comply with Section 2 of this chapter.

The board will review the materials submitted by the applicant to determine if the applicant's qualifications are substantially similar to the requirements contained in 32 MRSA §13858 and the board's rules. For purposes of this subsection, an applicant for licensure as a licensed clinical professional counselor or licensed pastoral counselor who has not taken the nonclinical examination required by Chapter 3, Section 3(1) or Chapter 5, Section 4(1), respectively, of the board's rules shall not for that reason alone be deemed to lack substantially similar qualifications.

STATUTORY AUTHORITY: 32 MRSA §§ 13853(2), 13853(11), 13858(8)

EFFECTIVE DATE:

November 30, 2009

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**514 BOARD OF COUNSELING PROFESSIONALS LICENSURE****Chapter 7 LICENSE RENEWAL; INACTIVE STATUS**

Summary: This chapter sets forth the processes for license renewal, application for inactive status and reinstatement to active status.

1. License Renewal

A counselor shall renew a license by:

1. Submitting a renewal application;
2. Attesting to completion of continuing education as required by Chapter 7-A of the board's rules. Timely completion of continuing education is a condition of renewal;

[NOTE: Chapter 7-A does not require registered counselors to complete any continuing education.]

3. Remitting the license fee required by Chapter 10, Section 5(13) of the Rules of the Office of Licensing and Registration, entitled Establishment of License Fees;
4. For licenses renewed up to 90 days after the date of expiration, remitting the late fee required by Chapter 11, Section 2(1) of the Rules of the Office of Licensing and Registration, entitled Late Renewals; and
5. Providing such other information as the board may require.

2. Inactive Status**1. Application and Renewal**

A counselor may apply for an inactive status license. A counselor who applies for inactive status during the 6 months prior to expiration of the counselor's license must demonstrate compliance with the continuing education requirement set forth in Chapter 7-A of the board's rules for the biennium during which application is made. The board may refuse to issue an inactive status license to a counselor who:

- A. Is ineligible for renewal of an active license; or
- B. Applies for an inactive status license during the 6 months prior to expiration and fails to demonstrate compliance with the continuing education requirement for the biennium during which application is made.

2. Prohibition Against Practice

A licensee may not engage in the practice of counseling while in inactive status.

3. Continuing Education

A licensee need not comply with the continuing education requirement contained in Chapter 7-A of the board's rules while in inactive status.

4. Renewal of Inactive Status License

A counselor shall renew an inactive status license by:

- A. Submitting a renewal application;
- B. Remitting the license fee required by Chapter 10, Section 5(13) of the Rules of the Office of Licensing and Registration, entitled Establishment of License Fees; and
- C. Providing such other information as the board may require.

5. Reinstatement to Active Status

A counselor in inactive status may apply to the board for reinstatement to active status. If the counselor held a conditional license at the time the counselor entered inactive status, the reinstatement application must include a proposed supervision plan for approval by the board. The board, giving due consideration to the length of time the licensee was in inactive status, shall determine:

- A. An appropriate amount of continuing education required for reinstatement of the counselor to active status. Continuing education ordered pursuant to this paragraph shall not exceed 40 hours in duration and shall not include peer supervision;
- B. The suitability of the proposed supervision plan submitted by a conditional licensee; and
- C. Such other requirements and conditions as may be necessary to ensure the competence of the licensee to resume the practice of counseling.

STATUTORY AUTHORITY: 10 MRSA §8003(5-A)(D)(5); 32 MRSA §§ 13853(2), 13853(11), 13858(8), 13864

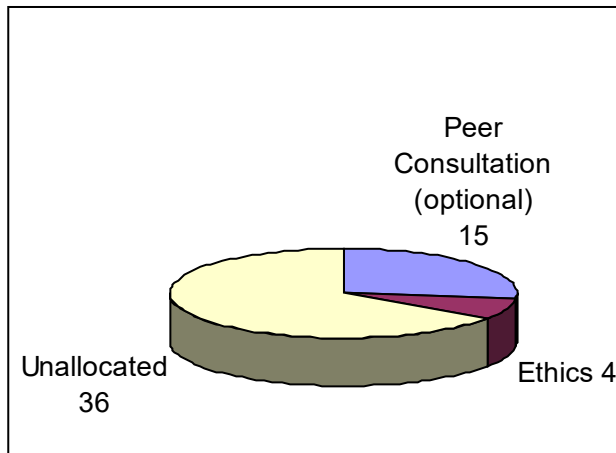
EFFECTIVE DATE:

November 30, 2009

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**514 BOARD OF COUNSELING LICENSURE PROFESSIONALS****Chapter 7-A CONTINUING EDUCATION**

Summary: This chapter requires licensees other than registered counselors to update and advance their skills through continuing education.

1. 55 Hours of Continuing Education Required for License Renewal



All licensees other than registered counselors shall attest at time of license renewal to completion of 55 contact hours of continuing education activities directly relating to the theory and practice of professional counseling during the preceding license biennium. The 55 hours must meet the subject matter distribution requirements contained in Section 2 of this chapter and the eligibility requirements contained in Section 3 of this chapter.

2. Subject Matter Distribution

1. Peer Consultation Component (optional)

Up to 15 hours of the 55 contact hours of continuing education required by this chapter may consist of peer consultation provided by a licensed mental health professional. Peer consultation may be individual or group. Peer consultation may take the following forms:

- A. Supervised experience required for licensure;
- B. Peer consultation as defined in Chapter 1, Section 1(15-A) of the board's rules; and
- C. Supervision voluntarily solicited by the licensee. For purposes of this chapter, supervision does not include supervision or consultation received pursuant to a board order or consent agreement.

2. Ethics Component

At least four hours of the 55 contact hours of continuing education required by this chapter shall relate to subjects addressed in the Code of Ethics contained in Chapter 8-A of the board's rules.

3. Unallocated Hours

The remaining hours of the 55 contact hours of continuing education required by this chapter shall relate to any aspect of the theory or practice of professional counseling, including any additional hours in ethics in excess of the 4-hour minimum.

3. Eligible Continuing Education Activities; Documentation

Continuing education activities directly relating to the theory and practice of professional counseling may be offered by departments of accredited institutions, by national, state or local professional organizations or associations, by public or private human services organizations, or by private consultants or individuals. All continuing education activities completed by a licensee, including informal home study, formal home study courses and on line, internet and other distance learning programs, must be documented by a signed certificate issued by the sponsor or peer consultant, an official academic transcript, or other reliable written proof of completion that is acceptable to the board. The documentation must include the date and time span of the activity, the name of the presenter, course or program, and the number of contact hours earned. The licensee's attestation of completion of continuing education is subject to audit pursuant to Chapter 13 of the rules of the Office of Licensing and Registration, entitled "Uniform Rule for the Substantiation of Continuing Education Requirements."

The following activities are eligible for continuing education credit for purposes of license renewal:

1. Peer consultation as authorized by Section 2(1) of this chapter;

15 hours maximum
2. Graduate academic courses from an accredited institution, including any such courses taught through established distance learning procedures;
3.

No maximum

 seminars, conferences, employer-sponsored in-service training, formal home study courses, and on line, internet and other distance learning programs;

No maximum
4. Up to five contact hours for informal home study or prerecorded programs, combined;

5 hours maximum
5. Professional writing published in book form or journal articles, provided that:
 - A. Professional writing may account for no more than 20 contact hours; and

- B. The date on which the book or journal article was accepted for publication must fall within the license biennium for which the contact hours are claimed;

20 hours maximum

6. Teaching graduate academic courses at an accredited institution, or presenting at institutes, workshops, seminars and conferences, provided that the total of such teaching or presentation activity may account for no more than five contact hours, exclusive of preparation time; and

5 hours maximum

7. Field supervision of interns enrolled in a counseling program that meets the criteria of Chapter 2, Section 2, Chapter 3, Section 2, Chapter 4, Section 2, or Chapter 5, Section 3 of the board's rules, for no more than five contact hours. Conditional licensees are not eligible to earn continuing education credit under this subsection.

5 hours maximum

4. Ineligible Continuing Education Activities

The following activities are ineligible for continuing education credit:

1. Repetition of Certain Activities

Continuing education credit may not be claimed more than once for completing the same prerecorded program, home study, or on line, internet or other distance learning program.

2. Service with Professional Associations or Regulatory Boards

Continuing education credit may not be claimed for elective office or service in professional associations or societies, or for membership on governmental regulatory boards.

3. Supervision Received Pursuant to a Board Order or Consent Agreement

Continuing education credit may not be claimed for supervision received pursuant to a board order or consent agreement.

4. Computer Training, Practice Management, Office Management

Continuing education credit may not be claimed for activities that substantially focus on computer training, practice management, billing or coding, office management or administration.

5. Personal Growth or Alternative Therapy Activities

Continuing education may not be claimed for: the study of yoga, energy healing or alternative therapy; exploration of personal growth; or any activity of any nature whatsoever that does not directly relate to the theory and practice of professional counseling.

[NOTE: Continuing education is waived for licensees during periods of inactive status pursuant to 32 MRSA §13864 and Chapter 7, Section 2(3) of the board's rules. Continuing education is required for reactivation of an inactive license pursuant to 10 MRSA §8003(5-A)(D)(5), 32 MRSA §13864 and Chapter 7, Section 2(5)(A) of the board's rules.]

5. Transition Period

Licensees renewing before January 1, 2011 may satisfy the continuing education obligation by (a) meeting the requirements of this chapter, or (b) meeting the requirements of former Chapter 8, Section 4 of the board's rules as that provision existed immediately prior to its repeal. Licensees renewing on or after January 1, 2011 shall satisfy the continuing education obligation by meeting the requirements of this chapter exclusively.

STATUTORY AUTHORITY: 32 MRSA §§ 13853(2), 13853(11), 13858(8), 13860(2)

EFFECTIVE DATE:

November 30, 2009

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

514 BOARD OF COUNSELING LICENSURE PROFESSIONALS

Chapter 8 STANDARDS OF PRACTICE

Summary: This chapter outlines the standards of practice which include: (1) Disclosure Statement; (2) Client Bill of Rights; (3) Code of Ethics; and (4) Continuing Education.

1. [Repealed]

This chapter is repealed in its entirety.

EFFECTIVE DATE:

November 30, 2009

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**514 BOARD OF COUNSELING PROFESSIONALS LICENSURE****Chapter 8-A CODE OF ETHICS**

Summary: This chapter contains the code of ethics to be followed by licensed and registered counselors.

1. Preamble

Licensed Clinical Professional Counselors, Licensed Professional Counselors, Licensed Marriage and Family Therapists, Licensed Pastoral Counselors (including conditional licensees) and Registered Counselors are dedicated to enhancing the worth, dignity, potential and uniqueness of each individual, and thus to the service of society. They are committed to increasing knowledge of human behavior through continuous efforts to improve their professional and personal growth and recognize the need for continued training and education to prepare themselves to serve persons of all ages and cultural backgrounds. They are accountable for their work, and recognize the boundaries of their competence and limitations of their techniques. Counselors' concerns are for the best interest of their clients, colleagues and society in general. In the pursuit of these ideals, individuals who are licensed as Clinical Professional Counselors, Professional Counselors, Marriage and Family Therapists, Pastoral Counselors or Registered Counselors shall abide by the following code of ethics.

2. Client Relationship

A counselor's primary responsibility is to the client. The counselor shall make every reasonable effort to protect the welfare and best interests of those who seek services or of any who may be the object of a study, including respecting the rights of those persons seeking assistance and making reasonable efforts to insure that the counselor's services are used appropriately. The counselor is responsible for maintaining professional standards and ethics in all relationship exchanges through face to face, electronic or any other means by which client information is transmitted or received and confidentially protected. In couples and family counseling, if it becomes apparent that the counselor may be called upon to perform potentially conflicting roles, the counselor must clarify, adjust or withdraw from roles appropriately.

[NOTE: See also Section 6, Confidentiality, with respect to the counselor's obligation to determine and document who the clients are when engaging in couples and family counseling.]

Misconduct includes, but is not limited to, the following:

1. Initiating or maintaining dual relationships with a client or the spouse or partner of a client which could reasonably be expected to:

- A. Impair or diminish the professional judgment, objectivity or effectiveness of the counselor; or
- B. Pose a risk of harm to or exploitation of the client.

Dual relationships occur when a counselor relates to a client in a personal, social, organizational, political, financial, business or employment capacity in addition to the professional relationship of counselor and client. Dual relationships also occur when a counselor relates to a spouse or partner of a client in a similar manner. Examples of impermissible dual relationships include counseling an employee or supervisor; counseling a close friend or family member; or engaging in close personal relationships with clients. Dual relationships that would not reasonably be expected to cause impairment or pose a risk of harm or exploitation are not unprofessional. If a counselor is concerned that conduct may constitute a dual relationship, the board encourages the counselor to seek peer consultation;

[NOTE: A consultation received by the counselor does not insulate the counselor from responsibility in the event that disciplinary action is brought against the counselor arising out of the relationship.]

- 2. Exploiting relationships with clients for personal gain or financial advantage;
- 3. Using any confidence of a client to the client's disadvantage;
- 4. In couples and family counseling, failing to clarify, adjust or withdraw from roles when conflict arises in the counseling relationship;
- 5. Failing to notify and assist the client in seeking alternative services consistent with the client's needs and preference when termination or interruption of service to the client is anticipated, including termination or interruption caused by the counselor's resignation from employment;
- 6. Failing to terminate a client relationship when it is reasonably clear that the treatment no longer serves the client's needs or interests;
- 7. Delegating professional responsibilities to another person when the licensee or registrant delegating the responsibilities knows or has reason to know that such person is not qualified by training, experience or licensure to perform them;
- 8. Failing to clarify to the client that all decisions are the right and responsibility of the client; and

9. Failing to recognize the need for a screening process for prospective group counseling participants, especially when the emphasis is on self-understanding and growth through self-disclosure, and failing to maintain awareness of each of the group members' welfare through the group process.

3. Competence

The counselor shall act in accordance with the highest standards of professional integrity and competence. Counselors will seek only those positions in the delivery of service to clients for which they are professionally qualified.

Misconduct includes, but is not limited to, the following:

1. Practicing in an area in which the licensee has not obtained professional training;
2. Failing to recognize potential or actual harm to the client when diagnosing, treating, or advising clients on problems outside the recognized boundaries of the licensee's or registrant's competence;
- 2-A. Failing to refer the client to an appropriate professional or resource when the necessary service cannot be satisfactorily provided by the counselor;
3. Engaging in dishonesty, fraud, deceit, or misrepresentation while performing professional activities;
4. Failing to recognize the need for continued training, knowledge, personal awareness and relevant techniques necessary to treat clients from a culture different from the licensee or registrant's culture;
5. Failing to seek appropriate professional assistance for the licensee's or registrant's own personal problems or conflicts when they are likely to lead to inadequate services to the client; and
6. Failing to seek peer consultation when necessary.

4. Moral and Legal Standards

The counselor is honest in dealing with clients, students, trainees, colleagues and the public. The counselor will avoid any action that would violate or diminish the legal and civil rights of clients.

Misconduct includes, but is not limited to, the following:

1. Practicing inhumane or discriminatory treatment toward any person or group of persons that would result in unjustifiable discrimination on the

basis of age, race, gender, religion, sexual preference, national origin or disability;

2. Engaging in sexual activity as defined in Chapter 1, Section 1(19) of the board's rules with a:

- Client;
- Spouse or partner of a client; or
- Child or stepchild of a client

during the counseling relationship or within five years following the last professional contact with the client. Counselors who engage in such activity after five years following the last professional contact must thoroughly document before commencing the activity that the activity is not of an exploitive nature and will not have an adverse impact on the client. The counselor shall base this determination on factors such as the—

- Nature, duration and intensity of counseling;
- Amount of time since counseling;
- Circumstances of termination; and
- Personal history and mental status of the client.

The counselor's determination of no exploitation and no adverse impact is reviewable by the board in the event that disciplinary action is brought against the counselor arising out of the activity.

3. Engaging in sexual activity as defined in Chapter 1, Section 1(19) of the board's rules with a person who is a—

- Supervisee,
- Student; or
- Research subject

of the counselor at the time the sexual activity takes place;

4. Counseling an individual with whom the counselor has had a prior sexual relationship;
5. Counseling a client in an inappropriate environment for professional services, in a location or setting that places the client at risk of harm or exploitation, or in a location or setting in which privacy cannot be assured, unless counseling in such circumstances is clinically indicated and documented in clinical notes;
6. Practicing while under the influence of alcohol or drugs not prescribed by a licensed physician;

7. Accepting or giving a fee or anything of value for making or receiving a referral;
8. Using an institutional affiliation to solicit clients for the licensee or registrant's private practice;
9. Failing to have sensitive regard for the moral, social, and religious beliefs of clients and communities, or imposing the licensee's or registrant's beliefs on clients;
10. Counselors ordinarily refrain from accepting goods, services or other noncash remuneration from clients in return for counseling services because such arrangements create potential for conflicts, exploitation, and distortion of counselor-client relationships. A counselor may participate in bartering only if: a) the client requests this method of payment; b) unusual circumstances make it the only feasible option; c) it is not clinically contraindicated; and d) the relationship is not exploitive. When the client is providing services as a barterer, the time required of him or her must be equitable. Counselors must avoid creating a dual relationship when bartering with clients; and
11. Counselors understand the challenges of accepting gifts from clients and recognize that in some cultures, small gifts are a token of respect and a showing of gratitude. When determining whether or not to accept a gift from clients, counselors take into account the therapeutic relationship, the monetary value of the gift, a client's motivation for giving the gift, and the counselor's motivation for receiving or declining the gift as documented in clinical notes.

5. Records

Counselors maintain records necessary for rendering professional services to their clients. Client records must completely and accurately document: (a) counseling provided by the counselor to the client; (b) client progress; (c) contacts and communications between counselor and client that relate to the provision of counseling to the client; and (d) communications between the counselor and persons other than the client that relate to the counselor's provision of counseling to the client. "Communications," as used in this section, specifically includes email. If errors are made in client records, counselors take steps to properly note the correction of such errors. The counselor retains client records for at least five years after the last counselor/client contact, including cases in which the client is deceased.

Misconduct includes, but is not limited to the following:

1. Failing to maintain complete and accurate client records;

2. Failing to provide a client access to the client's records in accordance with 22 MRSA §§1711-A, 1711-B and 1711-C(10)(C);
 3. Failing to retain client records as required by this Section; and
 4. Failing to store or dispose of client records in a way that maintains security and confidentiality, and when providing others with access to the client's records, failing to insure that the content of the information is accurate and unbiased.
6. Confidentiality

The counselor holds in confidence all information obtained, generated or documented in the course of providing counseling. Physical records created by the counselor are the property of the counselor or the counselor's employer. The information contained in the records belongs to the client and therefore may not be disclosed to others without the consent of the client, except in accordance with 32 MRSA §13862 or 22 MRSA §1711-C. The counselor safeguards client confidences and client records to the maximum extent permitted by law.

Except as described below for couples and family counseling, a counselor does not disclose client information to a person other than the client unless: (a) the client or an authorized representative of the client has executed a written release in conformity with 22 MRSA §1711-C and other applicable law; or (b) the disclosure is permitted by 32 MRSA §13862, 22 MRSA §1711-C or other applicable law.

In couples and family counseling, the counselor determines which person or persons are the client or clients. The counselor discusses this determination with the client or clients and documents the discussion and determination in clinical notes. If additional persons become clients in the counseling relationship, the counselor confirms this status with the existing client(s) and documents this discussion and determination in clinical notes.

In couples and family counseling, the counselor discusses and reaches agreement with multiple clients as to: (a) the expectations and limitations of confidentiality among them; and (b) the extent to which the counselor can share client information with family or household members consulted by the counselor in the course of providing professional services. The counselor documents this agreement and any revisions to it on an ongoing basis in clinical notes.

Misconduct includes, but is not limited to, the following:

1. Disclosing client information to a person other than the client without a written release authorizing the disclosure or as otherwise permitted by this Section;

2. In couples and family counseling, failing to follow the procedures described in this Section for the determination of multiple clients and the sharing of client information among clients or with family or household members;
 3. Failing to obtain written informed consent from each client before electronically recording sessions with that client or before permitting third party observation of their sessions;
 4. Failing to protect the confidences of the client from disclosure by employees, associates, and others whose services are utilized by the counselor;
 5. Failing to fully disguise the identity of the client when using material derived from a counseling relationship for purposes of training or research;
 6. Disclosing records of a client's diagnosis, prognosis or treatment relating to substance abuse in violation of 42 USC §290dd-2; and
 7. Disclosing a client's HIV infection status in violation of 5 MRSA Chapter 501.
7. Responsibility to Colleagues

The counselor respects the rights and responsibilities of professional colleagues and, as an employee of an organization, remains accountable as an individual for the ethical principles of the board. The counselor treats colleagues with respect and good faith. The counselor does not ignore unethical conduct by other counselors.

Misconduct includes, but is not limited to, the following:

1. Soliciting the clients of colleagues or assuming professional responsibility for clients of another agency or colleague without appropriate communication with that agency or colleague;
2. Failing to maintain the confidences shared by colleagues in the course of professional relationships and transactions with those colleagues;
3. Taking credit for work not personally performed, whether by giving inaccurate information or failing to give accurate information;
4. Failing to take action when it is apparent that another counselor violates this code of ethics. Such action consists of either or both of the following:
 - A. Discussing their concerns with the colleague when feasible and when such discussion is likely to be productive; and

- B. In the appropriate case, filing a complaint with the board; and
- 5. Disparaging and/or harassing another professional in the field.
- 8. Measurement and Evaluation

When using assessment instruments or techniques, the counselor shall make every effort to promote the welfare and best interests of the client. The counselor guards against the misuse of assessment results and respects the client's rights to know the results, the interpretations and the basis for any conclusions or recommendations.

Misconduct includes, but is not limited to, the following:

1. Failing to provide the client with specific orientation or information regarding the purpose of testing or the proposed use of the tests prior to administration of assessment instruments or techniques in language that the client can understand;
 2. Failing to evaluate carefully the specific theoretical bases, validity, reliability, and appropriateness of test measures for use in a given situation or with a particular client;
 3. Using unsupervised or inadequately supervised test-taking techniques with clients, such as testing through mail, unless the test is specifically self-administered or self-scored;
 4. Using test instruments beyond the licensee's or registrant's competence for administration, scoring and interpretation;
 5. Using client test results that have become obsolete;
 6. Failing to acquire the competence and knowledge required in the use of electronic data and computer-based systems, including familiarity with scoring as well as evidence of validity for specific interpretations;
 7. Failing to ensure that data maintained in electronic storage is secure, and that this data is destroyed when the information is no longer of value in providing services; and
 8. Failing to recognize cultural bias in the evaluation and interpretation of test results of minority group members.
9. Research

The counselor recognizes that research activities must be conducted with full respect for the rights and dignity of participants and with full concern for their welfare. Participation in research must be voluntary unless it can be demonstrated

that involuntary participation will have no harmful effects on the subjects and is essential to the investigation. The ultimate responsibility for ethical research lies with the principal researcher.

Misconduct includes, but is not limited to, the following:

1. Failing to consider carefully the possible consequences for human beings participating in the research;
2. Failing to protect each research participant from unwarranted physical, emotional and mental harm;
3. Failing to ascertain that the consent of the research participant is voluntary and informed;

Counselors who conduct research must abide by the following basic elements of informed consent:

- A. Providing the client with a fair explanation of the procedures to be followed;
 - B. Providing the client with a description of the risks;
 - C. Providing the client with a description of the benefits;
 - D. Informing the client that he or she is free to withdraw his or her consent at any time during the research;
4. Failing to treat information obtained through research as confidential;
 5. Knowingly reporting distorted, erroneous, or misleading information; and
 6. Failing to be familiar with and give recognition to previous work when conducting and reporting research.
10. Professional Representation

The counselor adheres to professional standards when making known his or her availability for professional services, including making counseling services available in private settings. The counselor must provide information that accurately informs the public of the professional services, expertise, and techniques available, and the highest degree earned from an accredited institution which is in the counseling field.

Misconduct includes, but is not limited to, the following:

1. Inaccurately representing the counselor's professional competence, education, training, experience or level of licensure, or knowingly failing to correct any misrepresentations made by others;

2. Providing information that contains false, inaccurate, misleading, partial, out-of-context, or otherwise deceptive statements about the licensee's or registrant's professional services, or knowingly failing to correct inaccurate information provided by others;
 3. Making claims or guarantees which promise more than the licensee or registrant can realistically provide; and
 4. Failing to assure that advertisements and publications, whether in directories, announcement cards, newspapers, or on radio or television, are formulated to convey information that is necessary for the public to make an appropriate selection.
11. Supervision

The licensed counselor, acting as a supervisor, provides professional assistance to individuals or groups to clarify and resolve issues or dilemmas related to clients and is responsible for monitoring client welfare, encouraging compliance with relevant legal and ethical standards, monitoring performance and professional development of supervisees, and evaluating and verifying current performance of supervisees. The supervisor must be well trained and experienced in providing supervision as well as aware of the limits of his or her skill, knowledge and competence.

Misconduct includes, but is not limited to, the following:

1. Failing to ensure that supervisees inform their clients that they are being supervised;
2. When supervisees are conditionally licensed, failing to ensure that supervisees inform their clients that they are conditionally licensed;
3. Engaging in supervision without adequate training in supervision and supervision methods;
4. Failing to maintain regular, substantive and ongoing professional development in supervision;
5. Failing to make supervisees aware of legal and ethical standards of the profession of counseling as well as those standards established by the board;
6. Failing to establish procedures with the supervisee for handling crisis situations;
7. Failing to provide the supervisee with ongoing review and feedback;

8. Engaging in a dual relationship with a supervisee that impairs the objectivity of the supervisor or in which the licensee is exploited by the supervisor;
 9. Establishing a psychotherapeutic relationship with the supervisee or establishing a supervisory relationship with a client;
 10. Failing to provide assistance to supervisees who are unable to provide competent services;
 11. Endorsing a supervisee for licensure when the supervisor is aware that the supervisee is impaired such that his or her performance may be adversely affected; and
 12. Providing supervision in areas beyond the current level of knowledge and skill of the supervisor.
12. Addendum for Pastoral Counselors

Pastoral counselors are committed to the traditions and values of their faith communities, maintain association with the faith group in which they have standing, and are accountable for their ministry and to their faith community, whatever its setting.

STATUTORY AUTHORITY: 32 MRSA §§13853(2), 13853(11), 13858(8)

EFFECTIVE DATE:

November 30, 2009

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**514 BOARD OF COUNSELING PROFESSIONALS LICENSURE****Chapter 8-B CLIENT BILL OF RIGHTS; DISCLOSURE STATEMENTS**

Summary: This chapter contains the client bill of rights and counselor disclosure statements adopted by the board, and requires counselors to distribute these documents to clients in hand at the commencement of the counseling relationship.

1. Client Bill of Rights**1. Text**

The client bill of rights reads as follows:

“Clients have the right—

- To expect that a counselor has met the licensure or registration requirements of state law and rule;
- To examine a counselor’s licensing credentials;
- To obtain a copy of the Code of Ethics of the Board of Counseling Professionals Licensure;
- To file a complaint against a counselor with the board;
- To be informed of the cost of professional services before receiving services;
- To expect complete confidentiality except as required by law; and
- To refuse any recommended services and to be advised of the consequences of this action.

The practice of counseling is regulated by the Board of Counseling Professionals Licensure. The board is authorized by law to discipline counselors who violate the board’s law or rules. To learn about the complaint process, or to file a complaint against a counselor, contact:

Complaint Coordinator
Office of Licensing and Registration
35 State House Station
Augusta, ME 04333
Tel: (207) 624-8660
Web: www.maine.gov/professionallicensing

2. Distribution by Licensed Professional Counselors, Licensed Clinical Professional Counselors, Licensed Marriage and Family Therapists and Licensed Pastoral Counselors

A licensed professional counselor, licensed clinical professional counselor, licensed marriage and family therapist and licensed pastoral counselor shall personally give a copy of the client bill of rights adopted in Section 1(1) of this chapter to each client in hand at the commencement of the counseling relationship.

3. Signature and Distribution by Registered Counselors

A registered counselor shall sign the client bill of rights adopted in Section 1(1) of this chapter and shall personally give a copy of the signed client bill of rights to each client in hand at the commencement of the counseling relationship.

2. Disclosure Statements

1. Licensed Clinical Professional Counselors, Licensed Marriage and Family Therapists and Licensed Pastoral Counselors

A licensed clinical professional counselor, licensed marriage and family therapist and licensed pastoral counselor, including a conditional licensee, shall personally give a copy of the disclosure statement to each client in hand at the commencement of the counseling relationship. The disclosure statement consists of the following items:

- A. The name, license number, business address, business telephone number and business hours of the counselor;
- B. The counselor's license category, date of initial licensure, and current license expiration date;
- C. For each postsecondary degree held by the counselor, the name of the degree, the date the degree was awarded, the area of study in which the degree was earned, and the name of the institution that conferred the degree;
- D. A statement indicating the limits and scope of confidentiality. The statement must note the following exceptions to confidentiality:
 - (1) Threat of serious harm to self or others;
 - (2) Reasonable suspicion of abuse or neglect of a child, or abuse, neglect or exploitation of an incapacitated or dependent adult;

- (3) Court order;
 - (4) Voluntary release signed by the client or guardian; and
 - (5) During supervisory consultations.
- E. If the counselor is conditionally licensed, a statement to that effect and the following explanation:
- “A conditional licensee has met the initial requirements for this license and is working under professional supervision to obtain the experience necessary for full licensure. The counselor may discuss your case with the supervisor. The counselor may ask you for permission to allow the supervisor to sit in on a session. You are free to refuse if this would make you uncomfortable.”
- F. The areas of competence in which the counselor is licensed;
- G. A general statement outlining a proposed course of treatment, including process of intake, assessment, goal-setting and treatment plan;
- H. The counselor’s fee schedule, method of billing and payment terms;
- I. The extent to which the counselor performs pro bono work or offers sliding scale modifications of the fee schedule; and
- J. Whether the counselor’s services can be paid for by insurance coverage, MaineCare and other third-party payment plans and if so, to what extent.
- K. The following statement:
- “The practice of counseling is regulated by the Board of Counseling Professionals Licensure. The board is authorized by law to discipline counselors who violate the board’s law or rules. To learn about the complaint process, or to file a complaint against a counselor, contact:

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Office of Licensing and Registration
35 State House Station
Augusta, ME 04333
Tel: (207) 624-8660
Web: www.maine.gov/professionallicensing

2. Licensed Professional Counselors

A licensed professional counselor, including a conditional licensee, shall personally give a copy of the disclosure statement to each client in hand at the commencement of the counseling relationship. The disclosure statement consists of the following items:

- A. The name, license number, business address, business telephone number and business hours of the counselor;
- B. The counselor's license category, date of initial licensure, and current license expiration date;
- C. For each postsecondary degree held by the counselor, the name of the degree, the date the degree was awarded, the area of study in which the degree was earned, and the name of the institution that conferred the degree;
- D. A statement indicating the limits and scope of confidentiality. The statement must note the following exceptions to confidentiality:
 - (1) Threat of serious harm to self or others;
 - (2) Reasonable suspicion of abuse or neglect of a child, or abuse, neglect or exploitation of an incapacitated or dependent adult;
 - (3) Court order;
 - (4) Voluntary release signed by the client or guardian; and
 - (5) During supervisory consultations.
- E. If the counselor is conditionally licensed, a statement to that effect and the following explanation:

“A conditional licensee has met the initial requirements for this license and is working under professional supervision to obtain the experience necessary for full licensure. The counselor may discuss your case with the supervisor. The counselor may ask you for permission to allow the supervisor to sit in on a session. You are free to refuse if this would make you uncomfortable.”
- F. The areas of competence in which the counselor is licensed;
- G. A general statement outlining a proposed course of counseling, including process of intake, assessment and goal-setting;

- H. The counselor’s fee schedule, method of billing and payment terms;
- I. The extent to which the counselor performs pro bono work or offers sliding scale modifications of the fee schedule; and
- J. Whether the counselor’s services can be paid for by insurance coverage, MaineCare and other third-party payment plans and if so, to what extent.
- K. The following statement:

“The practice of counseling is regulated by the Board of Counseling Professionals Licensure. The board is authorized by law to discipline counselors who violate the board’s law or rules. To learn about the complaint process, or to file a complaint against a counselor, contact:

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Office of Licensing and Registration
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Augusta, ME 04333
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Web: www.maine.gov/professionallicensing

3. Registered Counselors

A registered counselor shall personally give a copy of the disclosure statement to each client in hand at the commencement of the counseling relationship. The disclosure statement consists of the following items:

- A. The name, registration number, business address, business telephone number and business hours of the counselor;
- B. The date the counselor’s registration was initially issued and the current expiration date;
- C. That the licensee is a registered counselor and is not a licensed counselor;
- D. That unlike licensing, there are no educational or training requirements for registration;
- E. For each postsecondary degree held by the counselor, the name of the degree, the date the degree was awarded, the area of study in which the degree was earned, and the name of the institution that conferred the degree;

- F. Major fields of training and expertise not described immediately above;
- G. A statement indicating the limits and scope of confidentiality. The statement must note the following exceptions to confidentiality:
- (1) Threat of serious harm to self or others;
 - (2) Reasonable suspicion of abuse or neglect of a child, or abuse, neglect or exploitation of an incapacitated or dependent adult;
 - (3) Court order;
 - (4) Voluntary release signed by the client or guardian; and
 - (5) During supervisory consultations.
- H. A description of the counselor's practice;
- I. A general statement outlining a proposed course of counseling, including process of intake, assessment, goal-setting and treatment plan;
- J. The counselor's fee schedule, method of billing and payment terms;
- K. The extent to which the counselor performs pro bono work or offers sliding scale modifications of the fee schedule; and
- L. Whether the counselor's services can be paid for by insurance coverage, MaineCare and other third-party payment plans and if so, to what extent.
- M. The following statement:
- “The practice of counseling is regulated by the Board of Counseling Professionals Licensure. The board is authorized by law to discipline counselors who violate the board's law or rules. To learn about the complaint process, or to file a complaint against a counselor, contact:

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Tel: (207) 624-8660
Web: www.maine.gov/professionallicensing

3. Additional Obligations of Registered Counselors

A registered counselor shall:

1. Sign the code of ethics adopted as Chapter 8-A of the board's rules;
2. Personally give a copy of the signed code of ethics to each client in hand at the commencement of the counseling relationship; and
3. Post a copy of the signed client bill of rights adopted in Section 1(1) of this chapter and the signed code of ethics in a prominent location in the counselor's office.

STATUTORY AUTHORITY: 32 MRSA §§13853(2), 13853(11), 13858(8)

EFFECTIVE DATE:

November 30, 2009

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

514 BOARD OF COUNSELING LICENSURE PROFESSIONALS

Chapter 9 FEES

Summary: This chapter outlines the fees charged by the Board of Counseling Professionals Licensure.

1. [Repealed]

This chapter is repealed in its entirety.

[NOTE: Fees are set by the Director of the Office of Licensing and Registration and are found in Chapter 10 of the rules of the Office of Licensing and Registration, entitled Establishment of License Fees.]

EFFECTIVE DATE:

November 30, 2009

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

514 BOARD OF COUNSELING PROFESSIONALS LICENSURE

Chapter 10 ENFORCEMENT AND DISCIPLINARY PROCEDURES

Summary: This Chapter outlines enforcement and disciplinary procedures as follows:
(1) Denial of Licensure; (2) Complaints; (3) Disciplinary Procedures; and (4)
Reinstatement Following Disciplinary Action.

1. [Repealed]

This chapter is repealed in its entirety.

EFFECTIVE DATE:

November 30, 2009