

## **AUTHORITY**

These rules are promulgated pursuant to CRS 12-43-203(3)(a), CRS 12-43-221(2), CRS 24-4-103, CRS 24-4-105(11).

## **PURPOSE AND SCOPE**

These rules inform the public in general and those desiring Colorado licensure as licensed professional counselors in particular of the following, among other things: The operations of the Board of Licensed Professional Counselor Examiners; The Procedures Public Participation at Board Meetings; Confidentiality of Board Proceedings and Records of the Board; Procedures for Investigations and Disposition of Inquiries; Declaratory Orders; Mandatory Disclosure Statement; Information Required to be Reported to the Board; Supervision of Psychotherapists; The information needed, the qualifications required, and the type and amount of supervised experience necessary for licensure; the general content of the licensure examination. These rules include licensure by endorsement (i.e., admission from another jurisdiction) and by examination and cover initial, reinstatement of, and renewal of licensure.

These rules affect every person seeking Colorado licensure as a licensed professional counselor and every person who practices professional counseling/psychotherapy, as defined in CRS 12-43-201(5), CRS 12-43-201(9), and CRS 12-43-601(5).

## **EFFECTIVE DATE**

These rules are effective on May 1, 1999.

## **RULE 1 DEFINITIONS**

In addition to the definitions set out in CRS 12-43-201, unless the context requires otherwise, as used in these Rules:

- (a) "Administrator" means the Board's Program Administrator and staff.
- (b) "Employment counseling" means professional activities that are provided on a short-term basis and that are intended to assist individuals with locating, applying for, interviewing, or otherwise successfully securing paid employment.
- (c) "Rehabilitation counseling" means professional activities that are intended to assist a person with a physical handicap, defect, or injury as defined in CRS 26-8-105(2)(a), (b), or (c) to learn or to relearn to perform routine daily functions including, but not limited to, eating, dressing, transportation, or employment.
- (d) Whenever an exemption from the Board's jurisdiction is claimed based on an assertion of practice of religious ministry as stated in CRS 12-43-215(1), the Board shall consider factors, including but not limited to those listed below, which, taken together and placed within the context of the incident in question, would tend to reasonably indicate that the person seeking the exemption was engaged in the practice of religious ministry. In weighing these factors, the Board shall consider the factors and other information which indicate the person claiming exemption was not engaged in the practice of religious ministry at the time of the alleged violation of the statute before taking further action on the inquiry.

In determining whether or not the practice of psychotherapy has occurred, the Board analyzes activities and the basic nature of the interaction among the persons involved. The analysis focuses on what occurred, on how it occurred, and on why it occurred.

## **FACTORS**

1. Whether the client or guardian had received notice and understood that the therapy in question was a part of religious practice/ministry.
2. Whether the client or guardian was seeking therapy from a religious organization to which the complainant belonged at any time.
3. Whether a written agreement or disclosure existed which stated that the therapy in question was part of religious practice/belief.
- (4) Whether the therapy sessions were conducted in a house of worship or on property belonging to a religious organization.
5. Whether the person conducting the therapy normally represented him or herself as a religious official who is counseling as part of a religious ministry.
6. Whether psychotherapeutic services were part of an on-going relationship, formed because the provider is spiritual counselor to the client.
7. Does the provider of psychotherapy services hold a position of trust within a religious organization?
8. Does the provider advertise psychotherapy services to the general public for a fee?
9. Does the provider collect fees for psychotherapy or religious donations, offerings, tithes, etc.?
10. Is the psychotherapy service provided based on any religious orientation or viewpoint?
11. Is the provider engaged in the practice of psychotherapy accountable or subject to any religious organization or person for misdeeds or acts of misconduct?
12. Is the provider providing psychotherapy a member of a religious organization recognized by the Internal Revenue Service? Does the organization hold 501(C)(3) tax exempt status?
13. Is the provider trained in theology or any other field, area, or specialty related to the study of a religious or spiritual orientation?
14. Is the service provided within a private practice setting?
15. If the provider is not accountable to a recognized religious organization or person, does s/he hold a declaration of religious mission or a statement identifying the religious views or beliefs of the organization or person?
16. Is the provider of psychotherapy services recognized by consumers as a religious minister or spiritual healer?

## **RULE 2 BOARD OPERATIONS (CRS 12-43-203, 12-43-221, 24-72-203(1))**

- (a) Purpose. This Rule sets out the organization, administration, and general procedures and policies governing the operation of the Board.
- (b) Office. The office of the Board is located within the Department of Regulatory Agencies in Denver, Colorado.
- (c) Meetings.

- (1) The Board shall hold regular meetings and additional meetings as necessary during each year ending on 30 June.
  - (2) The Chairperson may call meetings after consultation with the Board and shall call meetings if requested to do so by a majority of Board members.
  - (3) The Board may conduct meetings by telephone if an emergency situation so requires.
  - (4) The Board will announce and conduct its meetings in accordance with the Colorado Open Meetings Law, CRS 24-6-401 et seq.
- (d) Quorum. A quorum of the Board necessary to conduct business is four members.
- (e) Rules of order. The Board shall conduct its meetings in an orderly fashion, with due regard for the rights of each Board member. The Board may refer to Robert's Rules of Order Revised when necessary.
- (f) Agendas. Except in emergency situations, the administrator shall prepare and submit an agenda and pertinent documents and/or materials to each Board member.
- (g) Transaction of official business.
- (1) The Board may transact official business only when in a legally-constituted meeting with a quorum present.
  - (2) The Board is not bound in any way by any action on the part of any Board member and/or the administrator except when the action is pursuant to a specific instruction or direction of the Board.
  - (3) Informal opinions given or statements made by a Board member and/or the administrator are not official opinions or statements of the Board and do not bind the Board. Only those opinions, decisions, or policies documented in the written minutes of Board meetings, Board rules, or official publications of the Board are binding as action of the Board.
- (h) Minutes. The minutes of any Board meeting are official only when approved by the Board and signed by the Chairperson or Vice-Chairperson.
- (i) Elections.
- (1) At the meeting held in July of each year, or as soon thereafter as possible, the Board shall elect, by a simple majority vote of those members present, a Chairperson and Vice-Chairperson.
  - (2) A vacancy that occurs in the office of the chairperson or vice-chairperson may be filled at any regular meeting.
- (j) Officers.
- (1) The Chairperson presides at all meetings that s/he attends and performs all duties prescribed by law, Board rules, or Board policies. The Board hereby authorizes the Chairperson to make day-to-day minor decisions regarding Board activities in order to facilitate the responsiveness and effectiveness of the Board. At all times the Chairperson exercises her/his authority subject to the general policies, rules, orders, decisions, findings, and determinations of the Board.

- (2) The Vice-Chairperson performs the duties of the Chairperson in case of the absence or disability of the Chairperson. If the office of the Chair becomes vacant, the Vice-Chairperson serves as Chairperson until a successor is elected.
- (k) Committees. The Board or the Chairperson with the approval of the Board may establish committees or appoint consultants as deemed necessary to assist the Board in carrying out its responsibilities. As necessary or as requested committee Chairpersons and consultants shall make reports to the Board. Committees and consultants shall provide all written reports or other materials to the administrator for distribution to the Board.
- (l) Impartiality. Any Board member who cannot be impartial in the determination of or who has an immediate personal, private, or financial interest in a matter before the Board shall inform the Board and shall not participate in any Board deliberation or vote on the matter. No Board member who previously supervised or directed a licensed professional counselor who is the subject of a Board investigation or disciplinary proceeding shall participate in Board deliberations or votes with respect to that licensed professional counselor.

### **RULE 3 PUBLIC PARTICIPATION AT BOARD MEETINGS (CRS 12-43-203; 12-43-221)**

(a) Public participation at Board meetings.

- (1) The Board may provide a person a reasonable opportunity to address the Board at an open meeting if the request is made in accordance with this Rule and, in the Board's sole discretion, the granting of the request will not result in delay or disruption of the Board's meeting.
- (2) The Board may provide a reasonable opportunity for a person to address the Board on an agenda item if a request to speak is given to the Chairperson or Administrator prior to Board consideration of the item.
- (3) The Board may provide a reasonable opportunity for a person to address the Board on a subject that is not an agenda item if the request to speak is given to the Chair or Administrator prior to the conclusion of the meeting.
- (4) In accordance with procedural due process of law, the Board will not permit members of the public to address the Board on pending disciplinary proceedings or cases.
- (5) Except in unusual circumstances and in the Board's sole discretion, the Board will rely exclusively on written materials during its initial consideration of inquiries. Therefore except in unusual circumstances, the Board will not permit any member of the public (including a person filing the inquiry or a respondent licensed professional counselor) to address the Board during the course of the Board's initial consideration of an inquiry.
- (6) The Chairperson may impose reasonable limitations on the time allotted for comments made pursuant to this Rule.

### **RULE 4 CONFIDENTIALITY OF PROCEEDINGS AND RECORDS OF THE BOARD; (CRS 12-43-218, 12-43-221, 12-43-224(2)(b), 12-43-224(4))**

- (a) General. Any information relating to a possible violation of the mental health statute, complaints, inquiries, investigations, hearings, meetings, or any other proceedings of the Board relating to disciplinary proceedings shall not be open to public inspection until the Board meets for its initial consideration of the inquiry that gave rise to the proceedings. The initial consideration of the inquiry and all further proceedings shall be open and the records available for inspection unless subsection (b) or (c) of this Rule, an exception to the Public Records Act or the Open Meetings

Act.

- (b) Subpoenaed Information. Information subpoenaed by the Board shall remain confidential and not be open to public inspection until the Board has reviewed the information and made a determination whether the information should remain confidential. Information which is not determined to be confidential shall be open to public inspection unless an exception to subsection (b), an exception to the Public Records Act or the Open Meetings Act. This exception shall not apply to review of information by a respondent in a Board investigation.

**RULE 5 PROCEDURES FOR INVESTIGATIONS AND DISPOSITION OF INQUIRIES (CRS 12-43-221, 12-43-223, 12-43-224, 24-34-103)**

- (a) General. This Rule sets out the procedures for making and processing Inquiries against licensed professional counselors where the inquiries are within the jurisdiction of the Board.
- (b) Initial Inquiries.
  - (1) Generally, inquiries against licensed professional counselors must be submitted in writing and should state in as much detail as possible the facts upon which the inquiry is based. If the person making the allegations would like to have her/his name or the name(s) of other persons who are the recipients of psychotherapy services withheld from the public, the person making the allegation(s) should include this request in the inquiry.
  - (2) At the discretion of the Board, anonymous inquiries may be reviewed.
- (c) Voluntary surrender of license. If a licensee who is the subject of a Board investigation or a disciplinary proceeding voluntarily surrenders her/his license, absent unusual circumstances, the Board will not discontinue the investigation or disciplinary proceeding unless the licensee consents to entry of a permanent injunction limiting or prohibiting her/his practice of psychotherapy in Colorado.
- (d) Notice to licensed professional counselor. If the allegations in an inquiry against a licensed professional counselor, if proved, would constitute grounds for action pursuant to CRS 12-43-223, 12-43-224, 12-43-226, or 12-43-227 the Administrator shall:
  - (1) Inform the licensed professional counselor in writing that an inquiry has been made against her/him, enclose a copy of the inquiry, indicate the provisions of the Act/Statute that may have been violated, and request the licensed professional counselor's cooperation in ascertaining the facts and circumstances that led to the inquiry.
  - (2) Request the licensed professional counselor to provide a written statement setting out her/his response to the inquiry and whatever facts s/he may consider relevant for the Board to understand the circumstances. The licensed professional counselor shall have 20 days, or such time as the Board may determine in its discretion, to respond to the inquiry.
  - (3) At the discretion of the Administrator, the person filing the inquiry may be given an opportunity to review and to comment upon the licensed professional counselor's response.
- (e) Requests for extension of time. The Administrator may grant a reasonable request for extension of time within which a licensed professional counselor may respond to the inquiry and/or within which the person filing the inquiry may comment upon a licensed professional counselor's response.
- (f) Initial Board Consideration of Inquiries.

When the licensed professional counselor has responded and the person filing the inquiry has commented (if the person filing the inquiry is asked to comment) or at the expiration of the response time (if the licensed professional counselor or person filing the inquiry submits no response), the Administrator shall forward the inquiry, any response, and other available information to the Board for its review. The Board will not delay its initial consideration of an inquiry because the licensed professional counselor or the person filing the inquiry has not responded.

#### **RULE 6 DECLARATORY ORDERS (CRS 24-4-105(11))**

- (a) Any person may petition the Board for a declaratory order to terminate a controversy or to remove uncertainty as to the applicability to the petitioner of any statutory provision or of any rule or order of the Board.
- (b) A petition filed pursuant to this Rule shall set forth the following:
  - (1) The name and address of the petitioner and whether the petitioner is a licensee and, if so, the type of license held.
  - (2) The statute, rule or order to which the petition relates.
  - (3) A concise statement of all facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule, or order in question applies or potentially applies to the petitioner.
- (c) The Board will determine, in its discretion and without notice to petitioner, whether to rule upon a petition. In determining whether to rule upon a petition, the Board will consider the following matters, among others:
  - (1) Whether a ruling on the petition will terminate a controversy or remove uncertainty as to the applicability to petitioner of any statutory provision or Board rule or order.
  - (2) Whether the petition involves any subject, question, or issue that is the subject of a formal or informal matter, proceeding, or investigation involving the petitioner and currently pending before the Board, any other board, or a court.
  - (3) Whether the petition involves any subject, question, or issue that is the subject of a formal or informal matter, proceeding, or investigation currently pending before the Board, any other board, or a court, but not involving the petitioner.
  - (4) Whether the petition seeks a ruling on a moot or hypothetical question or will result in an advisory ruling or opinion.
  - (5) Whether the petitioner has some other adequate legal remedy, other than an action for declaratory relief pursuant to [Rule 57](#), Colo.R.Civ.P., that will terminate the controversy or remove any uncertainty as to the applicability to the petitioner of the statute, rule, or order in question.
- (d) If the Board determines, in its discretion, that it will not rule upon the petition pursuant to this Rule, the Board shall promptly notify the petitioner of its action and state the reasons for such action.
- (e) If the Board determines, in its discretion, that it will rule on the petition, any ruling of the Board will apply only to the facts presented in the petition and any amendment to the petition. If the Board rules upon the petition without a hearing or an oral presentation by petitioner, it shall promptly notify the petitioner of its decision.

In ruling on the petition, the Board may take one or more of the following actions, in its discretion:

- (1) The Board may dispose of the petition on the basis of the matters set out in the petition.
  - (2) The Board may request the petitioner to submit additional facts, in writing. In this event, the additional facts amend the petition.
  - (3) The Board may order the petitioner to file a written brief, memorandum, or statement of position.
  - (4) The Board may set the petition for hearing, upon due notice to petitioner, to obtain additional facts or information; to determine the truth of any facts set forth in the petition; or to hear oral argument on the petition. The notice to the petitioner setting the hearing shall state, to the extent known, the factual or other matters into which the Board intends to inquire. For the purpose of the hearing, to the extent necessary, the petitioner shall have the burden of proving all facts stated in the petition; all facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule, or order in question applies or potentially applies to the petitioner; and any other facts the petitioner desires the Board to consider.
- (f) If the Board determines that the petition addresses a matter within the purview of any other board, the Board shall refer the petition to that other agency for consideration. If the Board refers a petition to another board, the Board shall promptly inform the petitioner of the referral. The referral ends the matter before the Board.
- (g) The parties to any proceeding pursuant to this Rule shall be the Board and the petitioner. Any other person may seek leave of the Board to intervene in such a proceeding. A petition to intervene shall set forth the matters required by subsection (b) of this Rule. Based on the information presented and in its discretion, the Board may grant leave to intervene. Any reference to "petitioner" in this Rule includes any person who has been granted leave to intervene by the Board.
- (h) Any declaratory order or other order disposing of a petition pursuant to this Rule shall constitute final agency action subject to judicial review pursuant to CRS 24-4-106.

#### **RULE 7 MANDATORY DISCLOSURE STATEMENT (CRS 12-43-214, 12-43-222(1)(p))**

(a) As used in CRS 12-43-214 and this Rule,

- (1) "Administered pursuant to court order" means contact between the licensed professional counselor and the client for the purpose of psychotherapy where the contact is at the express written direction of a court of competent jurisdiction, for a particular purpose, in the context of a specific judicial proceeding or case, and with respect to an individual or individuals identified in the court's order by name or by readily-identifiable and limited classification (e.g., assessment of residents of nursing home to determine impact of relocation). This term does not include client contact subsequent to the termination of the psychotherapy ordered by the court. (For example, a court-ordered assessment of an accused to determine her/his competence to stand trial is completed when the report and/or testimony is provided to the court. If the accused thereafter approached the licensed professional counselor, the contact would come within the general scope of CRS 12-43-214(1).) Similarly, unless ordered by a court of competent jurisdiction, reassessments, reevaluations, "updates," and similar activities are not within this definition. There must be a specific court order.
- (2) "Client" means the recipient of the psychotherapy or mental health services, except as noted

here. If the client is a child who is consenting to psychotherapy under CRS 27-10-103(2), the mandatory disclosure is made to the child. However, if the client is a child whose parent or legal guardian is consenting to the psychotherapy, mandatory disclosure is given to the parent or legal guardian. If the recipient of psychotherapy services is an adult for whom a guardian or legal representative has been appointed by a court of competent jurisdiction (irrespective of an appeal of the order) because the adult is an “incapacitated person” within the meaning of CRS 15-14-101(1), the mandatory disclosure is made to the guardian or legal representative.

- (3) “Emergency” means those situations in which, on presentation, the client's condition requires immediate intervention and/or stabilization. Emergency situations include any actions taken pursuant to CRS Title 19, Article 3, Parts 3 and 4 (the Colorado Children's Code).
  - (4) “Forensic evaluation” means a structured, organized gathering of objective information that leads to an independent, professional opinion in reference to a matter that is directly at issue in the court system. Examples are (a) diagnosis, assessment, and/or evaluations done as part of the criminal justice system, at any stage of the criminal justice process; (b) diagnosing and/or making recommendations regarding the following: mental status, children's best interests, test validity litigation, testamentary capacity, and incapacities related to tort liability; and (c) work done while preparing to be an expert witness in civil, criminal, and/or administrative law cases. The licensed professional counselor conducting the evaluation is retained by the patient or the patient's family, counsel for a party, or counsel for two or more parties or is appointed by the court. Forensic evaluations are not performed by persons providing treatment to the subject of the forensic evaluation except in unusual circumstances.
  - (5) “Guardian” means a person who has accepted a testamentary appointment, has accepted an appointment by written instrument, or has been appointed by a court of competent jurisdiction (whichever is applicable) and is responsible for a minor and unemancipated person or for an incapacitated person.
  - (6) “Incapable of understanding” means that, at the initial client contact, the client is either an “incapacitated person” within the meaning of CRS 15-14-101(1) or physically unable to perceive and to comprehend the nature and significance of the mandatory disclosure statement. (For example, the mandatory disclosure statement is not required if, at the initial client contact, the client is drunk; is in a coma; is unconscious; is in delirium tremens; or is in delirium as a result of withdrawal from the use of any habit-forming drug, as defined by CRS 12-22-102(13), or any controlled substance, as defined in CRS 12-22-303(7).)
  - (7) “Initial client contact” means the first contact between the licensed professional counselor and the client. This term does not include client contact that both occurs by telephone and is preliminary to beginning the licensed professional counselor-client relationship (e.g., contact to determine office hours, methods used, availability). In those instances in which the client is incapable of understanding, disclosure shall be given at the first opportunity such impairment is removed.
  - (8) “Physical custody” means the client is incarcerated in a correctional facility or is committed by court order to and resides in a facility operated by the Department of Corrections or the Department of Institutions. Physical custody does not include parole, probation, or release to the custody of any third party.
- (b) General. Every licensed professional counselor (practicing outside the school setting) is required to provide to her/his client the information specified in CRS 12-43-214(1) during the initial client contact except as provided in CRS 12-43-214(4).



(c) Institutions.

- (1) An institution must provide an institutional mandatory disclosure statement to the client during the initial client contact if professional counseling/psychotherapy occurs in a residential, institutional, or other setting where professional counseling/psychotherapy services may be provided by multiple providers. The institutional form must provide the information listed in CRS 12-43-214(1)(c) and (d). When a licensed professional counselor in an institution's employ provides professional counseling/psychotherapy services to a client the licensed professional counselor shall provide the information listed in CRS 12-43-214(a) and (b).
- (2) Where the primary therapist either is not readily ascertainable or is not subject to the jurisdiction of the Board, the institutional disclosure shall be sufficient.
- (3) The institutional and primary therapist's disclosures may be combined provided all required elements are included.

**RULE 8 INFORMATION REQUIRED TO BE REPORTED TO THE BOARD (CRS 12-43-221, CRS 12-43-224(8), CRS 12-43-224(9))**

- (a) General. Licensees are required to report violations of CRS 12-43-222 to the Board once they have direct knowledge that a licensed professional counselor or any other individual regulated under the Colorado mental health statute has violated a provision of CRS 12-43-222. Licensees are not required to report when such reporting would violate client/therapist confidentiality without first obtaining client consent (refer to CRS 12-43-218).

(b) Terms.

- (1) Direct knowledge means:

- (a) Having seen, heard, or participated in the alleged violation.
- (b) Having been informed by the client/victim and obtained informed consent to release information as to the event or the client's name.
- (c) Having been informed of a violation by the violator.
- (d) Having been informed by a guardian of a minor or adult and obtained informed consent from the guardian to release information.

- (2) Has violated means a reasonable belief that a licensed professional counselor or any other individual regulated under the Colorado mental health statute has engaged in a prohibited activity under section CRS 12-43-222.

(c) Procedures

- (1) Once direct knowledge is established, the licensee must report the alleged violation as soon as practicable, and within 60 days.
- (2) When direct knowledge of a violation of CRS 12-43-222 is obtained from her/his client, the licensed professional counselor shall:
  - (a) Inform the client a violation may have occurred.
  - (b) Encourage the client to report the violation.

- (c) Provide the client the packet entitled "Your Options as a Psychotherapy Client."
  - (d) Obtain the client's informed consent before reporting the alleged violation of CRS 12-43-222.
- (3) The report shall be in writing and shall include the specifics of the violation, to the degree known, and any and all relevant information and supporting documentation.

**RULE 9 SUPERVISION OF PSYCHOTHERAPISTS (CRS 12-43-221, CRS 12-43-222(1)(g), CRS 12-43-222(1)(h), CRS 12-43-222(1)(i), CRS 12-43-222(n))**

(a) General. Supervision provides a source of knowledge, expertise, and more advanced skills to the person being supervised. The nature of this relationship depends on the respective skills of the two professionals involved, the client population and/or the specific client being served. It is usually ongoing, required, and hierarchical in nature. (Required refers to rules for licensing and/or certification, insurance reimbursement, and/or assistance necessary to assure the supervisee's level of competency meets the generally-accepted standards of practice.)

(b) Terms.

- (1) Clinical supervision occurs when there is close, ongoing review and direction of a supervisee's clinical practice.
- (2) Consultation describes a voluntary relationship between professionals of relative equal expertise or status wherein the consultant offers her/his best advice or information on an individual case or problem for use by the consultee as she/he deems appropriate in her/his professional judgment.
- (3) Administrative supervisor is the person who bears responsibility for the non-clinical functioning of an employee, such as performance appraisals, personnel decisions, etc. The administrative supervisor may be held accountable for misconduct by a professional counselor when she/he knew or should have known of a violation of generally-accepted standards of practice or any prohibited activity and when she/he had responsibility for corrective administrative action and failed to act.
- (4) Modes of Supervision. Includes but not be limited to individual, group, telephone, audio-visual, process recording, direct observation, telecommunication (teleconferencing, fax, videotapes), and hospital rounds. The appropriate modality of supervision shall be determined by the training, education, and experience of the supervisee, and the treatment setting (i.e. urban/rural, or the availability of resources and at all times based on community standards and client needs). The level of supervision provided, including whether every case is directly supervised and whether the supervisor meets with the client, is determined by the education, training, and experience of the supervisee, the specific needs of the clients being served, and the professional judgment of the supervisor. Nothing in this rule should be assumed to abridge the rights of the client to a reasonable standard of care.
- (5) Conflictual Dual Relationship.
  - (a) Conflictual dual relationship includes but is not limited to:
    - (1) blood relatives;
    - (2) spousal relationships or significant others, either current or former;

(3) current or former therapist and/or client;

(4)

(a) Any other relationship which might command therapist/client, supervisor and supervisee and supervisor/client, akin to the term fiduciary relationship, whether or not money changed hands.

(b) An administrative supervisor shall not be prohibited from a conflictual dual relationship so long as she/he conforms to the specific personnel policies and procedures of the agency and is not engaged in clinical supervision involving the conflicted relationship.

(c) Any supervisor or supervisee claiming an exception to the above due to practice in a rural location or accredited training institution of formal learning, or special needs to the clinical population being served shall have the following burden:

(1) She/he shall show by a preponderance of the evidence:

(i) The client was fully informed of the dual relationship and the possibilities for conflicts of interest;

(ii) The client's access to quality care has not been compromised;

(iii) The supervisor and supervisee have not benefited from the relationship over and above a reasonable fee for service (i.e., that the power in the therapeutic relationship has not been used to influence the therapeutic relationship for personal gain);

(iv) The therapeutic and supervisory relationships have not been compromised and the best interests of the client are served by the relationship.

(c) Supervision Shall Include But is Not Limited To The Following:

(1) Monitor the supervisee's clinical activities to assure she/he is providing psychotherapy that meets minimal standards.

(2) Have experience, training and competence adequate to perform and direct the services provided by the supervisee as well as appropriate knowledge, skills and expertise in supervision.

(3) Assure that it is the practice of any supervisee to provide the mandatory disclosure form at the initial client contact, is signed by the client, parent, or guardian not later than the second visit unless the client, parent, or guardian is unable to write, or refuses to or objects to sign the disclosure statement, and insures the form contains at least the following:

(a) the minimum information required under the statutory requirements (refer to section 12-43-214);

(b) information regarding the broadened limits of confidentiality inherent in supervision.

(4) Assure that clients are informed as to any changes in the supervisory relationship, and that

an adequate process of termination of supervision with both the supervisee and her/his clients is undertaken.

- (5) Keep records that document supervision that meet the generally-accepted standards of practice.
- (6) Assure the documentation of the supervisory relationship, spelling out terms and conditions and financial agreements, unless already covered by formal personnel policies and procedures. This agreement shall not abridge the rights of the client to appropriate care.
- (7) Assist the supervisee in becoming aware of and adhering to all legal, ethical, and professional responsibilities.
- (8) Assure that all insurance forms and other official documents are filled out accurately and express who provided the service and who provided the supervision.
- (9) Have sufficient knowledge of legal, ethical, and professional standards relevant to the clients being served.
- (10) Shall assure that no conflictual dual relationships exist between the client and therapist, supervisor and supervisee, and supervisor and client.

(d) Limitations

Nothing in this rule or the supervisory responsibilities shall be interpreted as superceding the authority of a duly constituted public agency to make employment decisions.

**RULE 10 DISPLAY OF LICENSE (CRS 12-43-207)**

At her/his principal place(s) of business, a licensee must prominently display the license issued by the Board. A license cannot be altered or transferred.

**RULE 11 REPORTING CHANGE OF ADDRESS, TELEPHONE NUMBER, OR NAME (CRS 12-43-203, CRS 12-43-205)**

- (a) Change of address or telephone number. Each licensee must file with the Board her/his current home and professional mailing addresses and telephone numbers and, within 60 days of the change, must report to the Board any change of address or telephone number, giving both old and new addresses and telephone numbers.
- (b) Change of name. A licensee must register with the Board any change in her/his legal name within 60 days of the change, must submit documentation demonstrating the change of name, and must surrender the old license issued by the Board. (See Rule 12.)

**RULE 12 DUPLICATE OR REPLACEMENT LICENSE (CRS 12-43-205, CRS 12-43-207)**

In case of loss, destruction, mutilation, or change of name, a licensee must apply to the Board for a duplicate or replacement license within 60 days of the loss, destruction, mutilation, or change of name. In the case of mutilation or change of name, the licensee must surrender the old license when s/he applies for a duplicate or replacement license. Upon approval of the Board and payment of the fee established by the Board, the Board will furnish the licensee a duplicate or replacement license.

**RULE 13 RENEWAL OF LICENSE (CRS 12-43-212)**

- (a) General. Each licensed professional counselor must renew her/his license by submitting a license

renewal application and a renewal fee on or before the date on which the license expires. The Board will assess a late payment fee after the date of expiration.

- (b) Failure to Receive Renewal Notice. Failure to receive notice and application for renewal of license from the Board does not excuse a licensed professional counselor from the requirement for renewal under the Act and this Rule.

- (c) Deleted, effective February 1, 2003.

#### **RULE 14 AUTHORITY TO INVESTIGATE (CRS 12-43-203)**

An application for initial license, for renewal of a license, or for reinstatement of a license is an express grant to the Board of full authority to make any investigation or personal contact necessary to verify the authenticity of the matters and information stated in the application. If the Board so requests, the applicant must supply verification, documentation and/or complete information on any disciplinary action taken against the applicant in any jurisdiction.

#### **RULE 15 LICENSURE BY ENDORSEMENT (CRS 12-43-206)**

- (a) General. To be considered for licensure by endorsement under CRS 12-43-206, an applicant must submit a completed application form, all supporting documentation, and the appropriate fee.
- (b) Disciplinary Actions and Unresolved Allegations of Professional Misconduct. The Board will issue no license to an applicant for licensure by endorsement against whom a disciplinary action has been taken or is pending, against whom an investigation is being conducted in connection with her/his practice, or who is subject of an unresolved allegation(s) of professional misconduct.
- (c) Criteria. The Board has established the following criteria for determining whether an applicant possesses credentials and qualifications that are substantially equivalent to CRS 12-43-603. To establish that her/his credentials and qualifications meet the statutory requirements, an applicant must submit proof satisfactory to the Board and has the burden of proof. The Board may request additional information from the applicant.

All of the following factors must be shown in order for the applicant to establish that her/his credentials and qualifications are substantially equivalent to the requirements of CRS 12-43-603

- (1) At the time of application for a Colorado license by endorsement, applicant is at least 21 years of age;
- (2) At the time of application for a Colorado license by endorsement, applicant verifies that:
  - (A) Every license certificate, or registration to practice professional counseling held by applicant is in good standing;
  - (B) Applicant knows of no injunction entered against her/him and knows of no injunctive action pending against her/him or her/his license, certificate or registration to practice professional counseling where the injunction or injunctive action relates to her/his practice of professional counseling;
  - (C) Applicant knows of no malpractice judgment against her/him, and knows of no settlement of a malpractice action or claim against her/him, and knows of no malpractice action or claim pending against her/him where the malpractice alleged relates to her/his practice of professional counseling;
  - (D) Applicant knows of no complaint pending before, investigation being conducted by, or

disciplinary proceeding pending before the licensing, grievance, or disciplinary board of any jurisdiction in which s/he is licensed, registered, or certified to practice professional counseling where the complaint, investigation, or proceeding concerns or arises out of her/his practice as a licensed professional counselor.

If an applicant cannot provide the required verifications, that applicant must submit complete information concerning her/his inability to verify as required.

- (3) At the time of application for a Colorado license by endorsement, the applicant holds a master's or doctoral degree in professional counseling from an accredited program (see Rule 18(a)(1)) or holds a master's or doctoral degree from a program that was determined by the licensing, certifying, or registering jurisdiction to be equivalent to an accredited program in professional counseling.
- (4) At the time of application for a Colorado license by endorsement, the applicant demonstrates that the jurisdiction by which applicant is licensed, certified or registered required an examination, the content of which tested competence to practice professional counseling, including special knowledge and skills in applied psychotherapy
- (5) At the time of application for a Colorado license by endorsement, the applicant demonstrates that s/he had at least two years of post-master's or one year of postdoctoral practice in applied psychotherapy under supervision prior to licensure, certification, or registration in the jurisdiction through which the applicant seeks licensure in Colorado; or the applicant provides information satisfactory to the Board demonstrating her/his active practice of professional counseling, as defined in subsection (6) below.
- (6) As used in subsection (5), "active practice of professional counseling" means the applicant has engaged in the practice of professional counseling at least 20 hours per week, averaged over the entire time s/he has been in practice, with no more than a six month absence from the practice of professional counseling. If the applicant has taught professional counseling, the applicant may count the hours spent teaching professional counseling (including time spent in preparation, in meeting with students, and in related activities) as hours of active practice of professional counseling provided such teaching was in courses in the same or similar field of professional counseling as the competence area claimed by the applicant; teaching of professional counseling shall not count more than one-third (1/3) of the number of active practice hours claimed by applicant. Applicants with a master's degree must demonstrate an active practice for at least two years Applicants with a doctoral degree must demonstrate an active practice for a least one year.
- (7) As used in subsection (5) "information satisfactory to the Board" includes, but is not limited to letters from three licensed health care providers who have observed the applicant's active practice of professional counseling and who attest to the applicant's professional competence.
- (d) Licenses certifications or registrations from outside the United States. Applicants who are licensed, certified, or registered professional counselors in a jurisdiction outside the United States must both submit their educational credentials for evaluation (see Rule 18(a)(4)) and satisfy the requirements of this Rule.
- (e) Jurisprudence Workshop. Each applicant shall attend a Board-approved jurisprudence workshop designed to increase an applicant's knowledge of the statutes relevant to the practice of psychotherapy in Colorado including the code of ethics for professional counselors. This is to be completed in addition to all other licensing requirements.

## **RULE 16 REINSTATEMENT OF LICENSE (CRS 12-43-204)**

- (a) General. To reinstate a license to practice professional counseling which license has not been renewed for a period of time greater than two years, an applicant must demonstrate to the Board her/his continued professional competence. To demonstrate continued professional competence, a reinstatement applicant must produce evidence, satisfactory to the Board, that s/he meets the requirements of this Rule.
- (b) Burden. The applicant for reinstatement bears the burden of demonstrating her/his continued professional competence and must furnish to the Board evidence in support of the asserted continued professional competence. The Board may request additional information from an applicant for reinstatement.
- (c) Application requirements. To be considered for license reinstatement, an applicant must submit a completed application form, a written statement detailing what s/he has done during the time since the license expired, a current curriculum vitae, and the appropriate fee.
- (d) Required statements

(1) Each applicant for reinstatement shall provide:

- (A) Verification that every license, certificate, or registration to practice professional counseling held by the applicant is in good standing;
- (B) Verification that the applicant knows of no injunction entered against her/him or her/his license, certificate, or registration to practice professional counseling and knows of no injunction action pending against her/him or her/his license, certificate, or registration to practice professional counseling, where that injunction or injunctive action relates to her/his practice of professional counseling.
- (C) Verification that the applicant knows of no malpractice judgment against her/him, knows of no settlement of a malpractice action or claim against her/him, and knows of no malpractice action or claim pending against her/him, where the malpractice alleged relates to her/his practice of professional counseling.
- (D) Verification that the applicant knows of no complaint pending before, investigation being conducted by, or disciplinary proceeding pending before the licensing, grievance, or disciplinary board of any jurisdiction in which s/he is licensed, certified, or registered to practice professional counseling where the complaint, investigation, or proceeding concerns her/his practice of professional counseling.

If the applicant cannot provide the required verifications, the applicant must submit complete information concerning her/his inability to verify as required.

- (2) The Board shall not issue a license to an applicant for reinstatement if disciplinary action is pending or has been taken, if an investigation concerning her/his practice is being conducted, or if there is an unresolved complaint
- (e) The Board has established the following criteria for determining whether an applicant for reinstatement has demonstrated her/his continued professional competence as required by CRS 12-43-204(4). An applicant must meet all applicable criteria to establish her/his continued professional competence.
  - (1) License expired two to five years. An applicant whose license has been expired two to five

years must attend a Board-approved jurisprudence workshop and must demonstrate her/his continued professional competence by either:

- (A) Documenting a current and active license, registration, or certificate to practice professional counseling in another jurisdiction provided that license, certificate, or registration has been in effect and current since at least one year from the date the Colorado license expired; documenting an active practice of professional counseling in the jurisdiction that issued the documented current license, registration, or certificate; documenting the applicant engaged in the active practice of professional counseling during the time since the Colorado license expired; and submitting letters of endorsement from three licensed health care providers who have observed the applicant's practice and who attest to the applicant's professional competence; or
  - (B) Documenting that the applicant is certified by the National Board for Certified Counselors and that the certification is current and in good standing; or
  - (C) Documenting 20 hours of Board-approved continuing education related to counseling or related courses; or
  - (D) Documenting 1,000 hours of counseling related work by submitting letters of endorsement from three licensed health care providers who have observed the applicant's practice and who attest to the applicant's professional competence, the 1,000 hours of experience must have occurred during the time the licensed lapsed and immediately proceeding two (2) years prior to reinstatement of the license.
- (2) License expired more than five years. An applicant whose license has been expired more than five years must attend a Board-approved jurisprudence workshop and must demonstrate her/his continued professional competence by either:
- (A) Passing the examination demonstrating professional competence in professional counseling, including special knowledge and skill in applied psychotherapy, required in Rule 18(c); or
  - (B) Documenting a current license, registration, or certificate to practice professional counseling in another jurisdiction provided that license, registration, or certificate has been in effect and current since at least one year from the date the Colorado license expired; documenting an active practice in professional counseling in the jurisdiction that issued the documented current license, registration, or certificate; documenting the applicant engaged in the active practice of professional counseling during the time since the Colorado license expired; and submitting letters of endorsement by three licensed health care providers who have observed the applicant's practice and who attest to the applicant's professional competence.
- (3) As used in this subsection, "active practice of professional counseling" means the applicant has engaged in the practice of professional counseling at least 20 hours per week, averaged over the entire time since the Colorado license expired, with no more than a six month absence from the practice of professional counseling. If the applicant has taught professional counseling in the years since her/his Colorado license expired, the applicant may count the hours spent teaching professional counseling (including time spent in preparation, in meeting with students, and in related activities) as hours of active practice of professional counseling provided such teaching was in courses in the same or similar field of professional counseling as the competence area claimed by the applicant; teaching of professional counseling shall not count more than one-third (1/3) of the



number of active practice hours claimed by applicant.

#### **RULE 17 QUALIFIED INDIVIDUALS WITH DISABILITIES (CRS 12-43-212 and 12-43-603)**

- (a) General. The Board recognizes that qualified individuals with disabilities applying for licensure may encounter unusual problems and will make efforts to provide reasonable accommodations for these applicants. The Board, on a case-by-case basis, will consider requests for accommodations by qualified individuals with disabilities
- (b) Written request for special accommodation. A qualified individual with disabilities who requests reasonable accommodations must make the request in writing no later than 90 days prior to the examination date; must support the request with a medical statement and/or other professional reports, that includes a specific diagnosis, confirming the need for the reasonable accommodation and the basis of the need; history of disability and any accommodations previously provided; and must state with specificity the nature and rationale of the requested accommodation, including a professional recommendation and justification for the special accommodation needed. In its sole discretion, the Board will either grant or deny the request

#### **RULE 18 LICENSURE BY EXAMINATION (CRS 12-43-603)**

- (a) Master's or doctoral education and training in professional counseling. If the applicant is certified by and is in good standing with the National Academy of Certified Clinical Mental Health Counselors, the applicant has met the education requirement of CRS 12-43-603(1)(c).

Many graduate programs in professional counseling go under other names. Some programs labeled as counseling programs are not primarily focused on professional counseling. The Board has therefore established the following factors to determine whether or not a particular program from which an applicant for licensure received the master's or doctoral degree qualifies as a master's or doctoral program with a major in professional counseling or its equivalent in compliance with CRS 12-43-603(1)(c) and 12-43-601(6). To meet the statutory requirements, the master's or doctoral program must meet either (1) or (2), below:

- (1) Accredited program. The applicant obtained a master's or doctoral degree from a program that was approved by the Council for Accreditation of Counseling and Related Educational Programs (CACREP) either at the time s/he graduated from the program or within one calendar year after the date s/he was awarded her/his graduate degree; or
- (2) Equivalent program. The applicant received a master's or doctoral degree from a graduate training program that, at the time s/he was enrolled and received her/his degree fulfilled the equivalency degree requirements used to define a professional counseling graduate training program. An applicant asserting that her/his program is equivalent to a program in professional counseling under Rule 18(a)(1) must furnish to the Board evidence in support of the asserted equivalency and has the burden of establishing equivalency. Evidence may include institutional documents published contemporaneously with the applicant's enrollment, appropriate certifications or affidavits from university officials, dissertation abstracts, and any other evidence the applicant deems useful. The Board may request additional information from the applicant.

All of the following requirements shall be considered in order to establish equivalency:

- (A) The required master's or doctoral level study and master's or doctoral degree were obtained from a regionally-accredited institution of higher learning (see Rule 18(a)(3));
- (B) The program stood as a coherent and recognizable entity within the institution, offering an integrated and organized sequence of study planned to provide appropriate training for the practice of professional counseling;

- (C) There was an identifiable full-time faculty, with an individual responsible for the program who was a full-time faculty member and who met the requirements for approval as a supervisor (see Rule 18(b)(2)(B)(i) - (viii)), or a person who presents proof satisfactory to the Board, that at the time of serving as the faculty member, s/he possessed essentially the same education, experience, and training as that necessary to qualify for licensure under the Act.
- (D) The program had an identifiable body of students who were matriculated in that program for a degree;
- (E) The master's or doctoral program included examination and grading procedures designed to evaluate the degree of mastery of the subject matter by the students;
- (F) If the master's or doctoral degree was awarded on or after September 1, 1992, the curriculum encompassed a minimum of 48 semester hours or 72 quarter hours of graduate study (for the master's degree) or a minimum of 96 semester hours or 144 quarter hours of graduate study (for the doctoral degree). The core program required each student to demonstrate knowledge and skill competence in each of the following substantive content areas. Competence was demonstrated by passing suitable comprehensive examinations in each of the eight areas, successful completion of two or more graduate semester hours (three or more graduate quarter hours) in each of the eight areas, or by other suitable means:
  - (i) Human growth and development - includes studies that provide a broad understanding of the nature and needs of individuals at all developmental levels, normal and abnormal human behavior, personality theory, and learning theory within cultural contexts.
  - (ii) Social and cultural foundations - includes studies that provide a broad understanding of societal changes and trends, human roles, societal subgroups, social mores and interaction patterns, and differing lifestyles.
  - (iii) Helping relationships - includes studies that provide a broad understanding of philosophic bases of helping processes, counseling theories and their applications, basic and advanced helping skills, consultation theories and their applications, client and helper self-understanding and self-development, and facilitation of client or consultee change.
  - (iv) Groups - includes studies that provide a broad understanding of group development, dynamics, and counseling theories; group leadership styles; basic and advanced group counseling methods and skills; and other group approaches.
  - (v) Lifestyles and career development - includes studies that provide a broad understanding of career development theories; occupational and educational information sources and systems; career and leisure counseling, guidance, and education; lifestyle and career decision-making; career development program planning and resources; and effectiveness evaluation.
  - (vi) Appraisal - includes studies that provide a broad understanding of group and individual educational and psychometric theories and approaches to appraisal, data and information-gathering methods, validity and reliability, psychometric statistics, factors influencing appraisals, and use of appraisal results in helping processes.
  - (vii) Research and evaluation - includes studies that provide a broad understanding of

types of research, basic statistics, research-report development, research implementation, program evaluation, needs assessment, and ethical and legal considerations.

- (viii) Professional orientation - includes studies that provide a broad understanding of professional roles and functions, professional goals and objectives, professional organizations and associations, professional history and trends, ethical and legal standards, professional preparation standards, and professional credentialing.

If the course titles as stated on the transcript do not clearly reflect the subject matters listed above, the applicant must document the course or combination of courses in which the material was covered.

- (G) If the master's or doctoral degree was awarded prior to September 1, 1992, the Board will accept the degree irrespective of the number of semester hours or quarter hours of graduate study required to obtain the degree, provided the core program required each student to demonstrate knowledge and skill competence in seven of the eight substantive content areas listed in Rule 18(a)(2)(F), above. Competence was demonstrated by passing suitable comprehensive examinations in each of the seven areas, successful completion of two or more graduate semester hours (three or more graduate quarter hours) in each of the seven areas, or by other suitable means. If the course titles as stated in the transcript do not clearly reflect the subject matters listed in Rule 18(a)(2)(F), the applicant must document the course or combination of courses in which the material was covered.

- (H) The program included supervised practicum or internship, or both, appropriate to the practice of professional counseling. If the master's or doctoral degree was awarded on or after September 1, 1992, the applicant must prove that s/he completed a minimum of 700 hours of supervised practicum or internship, or a combination of the two. If the master's or doctoral degree was awarded prior to September 1, 1992, the applicant must prove that s/he completed a supervised practicum or internship.

- (i) Practicum is a distinctly defined supervised curricular experience intended to enable the student to develop basic counseling/student affairs skills and to integrate professional knowledge and skills appropriate to the student's program emphasis.

- (ii) Internship is a distinctly defined supervised curricular experience intended to enable the student to refine and to enhance basic counseling/student affairs skills, to develop more advanced counseling/student affairs skills, and to integrate professional knowledge and skills appropriate to the student's initial post-graduation professional placement.

- (I) Only graduate level courses are acceptable as establishing equivalency. The Board will not accept coursework counted or credited toward an undergraduate degree.

- (3) Regional accreditation. For the purposes of determining regional accreditation of an institution of higher learning, the following accrediting bodies will be accepted: the Commission on Institutions of Higher Education of the New England Association of Colleges and Schools, the Commission on Institutions of Higher Education of the North Central Association of Colleges and Schools, the Commission on Higher Education of the Middle States Association of Colleges and Schools, the Accrediting Commission for Senior Colleges and Universities of the Western Association of Colleges and Schools, the Commission on Colleges of the Northwest Association of Colleges and Schools, and the Commission on Colleges of the Southern Association of Colleges and Schools. In addition, upon proof satisfactory to the Board, the Board will approve other accrediting bodies on a case-by-

case basis.

- (4) Foreign-trained applicants. Foreign-trained applicants must submit educational credentials to a credentialing agency utilized by the Board for evaluation of equivalency. After course equivalency is established, the Board will evaluate the educational credentials to determine whether or not the program is equivalent to a program of professional counseling (see Rule 18(a)(1) and (a)(2)).

The foreign-trained applicant has the responsibility of presenting evidence to the Board with respect to Rule 18(a)(2)(B), (C), (D), (E), (H), and (I).

- (b) Approved post-master's or postdoctoral supervised practice in applied psychotherapy. If the applicant is certified by and is in good standing with the National Academy of Certified Clinical Mental Health Counselors, the applicant has met the postdoctoral or post-master's practice in applied psychotherapy under the supervision requirement of CRS 12-43-603(1)(d).

An applicant who received her/his certification with the National Board for Certified Counselors cannot rely on her/his certification and must meet the requirement of Rule 18(b)(1)-(9).

The Board will approve post-master's or postdoctoral supervised practice as meeting the requirements for licensure set out in CRS 12-43-603(1)(d) when that practice satisfies the requirements of this subsection.

- (1) Definitions. As used in CRS 12-43-603(1)(d) and Rule 18(b), unless the context indicates otherwise:

- (A) "Practice" means knowledge, skill, or experience derived from direct observations of, and participation in, the practice of psychotherapy, as defined in CRS 12-43-201(9), and especially professional counseling, as defined in CRS 12-43-601(5).
- (B) "Individual supervision" means supervision rendered to one individual at a time.
- (C) "Group supervision" means supervision rendered to not more than four individuals at one time.
- (D) "Post-master's experience" or "postdoctoral experience" means experience under approved supervision acquired subsequent to the date certified by the degree-granting institution as that on which all requirements for the master's or doctoral degree (whichever is applicable) have been completed.
- (E) "Practice in applied psychotherapy" means all services included within the definition of psychotherapy in CRS 12-43-201(9) and particularly those services and practices included within the definition of professional counseling in CRS 12-43-601(5).
- (F) "Supervision" means personal direction and responsible direction provided by a supervisor approved by the Board. This term is further defined in Rule 18(b)(6)(B).

- (2) Supervision.

- (A) Upon request and payment of required fees, the Board will approve supervisors prior to the commencement of the supervision. The person seeking Board approval of her/his proposed supervisor(s) has the responsibility of providing all information needed by the Board to determine that each proposed supervisor meets the requirements of Rule 18(b)(2)(B). Board approval of supervisors prior to

commencement of the supervision does not mean that the supervised practice, when completed, will automatically be acceptable to the Board. To be approved and acceptable, the completed supervised practice must meet the requirements of Rule 18(b) in its entirety.

(B) The Board will approve any of the following as a supervisor, provided s/he possesses experience, training, and competence in the same area as that in which the applicant did her/his post-master's or postdoctoral supervised practice in applied psychotherapy:

(i) A licensed professional counselor who, at the time of the supervision, was licensed by the Board in the jurisdiction in which the applicant's services were performed.

(ii) A licensed clinical social worker who, at the time of the supervision, was licensed by the Board in the jurisdiction in which the applicant's services were performed.

(iii) A marriage and family therapist who, at the time of the supervision, was licensed by the Board in the jurisdiction in which the applicant's services were performed.

(iv) A psychologist who, at the time of the supervision, was licensed by the Board in the jurisdiction in which the applicant's services were performed.

(v) A medical doctor or a doctor of osteopathy who, at the time of the supervision, was licensed by the board in the jurisdiction in which the applicant's services were performed and who had completed a residency in psychiatry at the time of the supervision

(vi) A person who presents proof satisfactory to the Board that, at the time of the supervision, s/he possessed essentially the same education, experience, and training as that necessary to qualify for licensure under the Act. All supervision beginning on or after July 1, 1992, must be provided by a person who meets the requirements of Rule 18(b)(2)(B)(i) - (vi), above.

(C) A Board member cannot participate in deliberations or votes on any applicant who was previously supervised or directed by that Board member.

(3) Number of hours of postdoctoral practice in applied psychotherapy under supervision

(A) The postdoctoral practice in applied psychotherapy under supervision cannot be completed in fewer than 12 months and may involve supervision by more than one approved supervisor.

(B) The one year of postdoctoral practice in applied psychotherapy under supervision required by CRS 12-43-603(1)(d) must have at least 1,000 hours of applied psychotherapy obtained in such a manner that they are reasonably uniformly distributed over a minimum of 12 months and must be documented as being completed not fewer than 60 days prior to the administration of the examination.

(C) The teaching of the practice of applied psychotherapy may count up to 300 hours of postdoctoral practice in applied psychotherapy under supervision and up to 15 hours of supervision, provided this teaching experience was supervised by an approved supervisor.

(4) Number of hours of post-master's practice in applied psychotherapy under supervision.

- (A) The post-master's practice in applied psychotherapy under supervision cannot be completed in fewer than 24 months and may involve supervision by more than one approved supervisor.
- (B) The two years of post-master's practice in applied psychotherapy under supervision required by CRS 12-43-603(1)(d) must include at least 2,000 hours of applied psychotherapy obtained in such a manner that they are reasonably uniformly distributed over a minimum of 24 months.
- (C) The teaching of the practice of applied psychotherapy may count up to 600 hours of post-master's practice in applied psychotherapy under supervision and up to 30 hours of supervision, provided this teaching experience was supervised by an approved supervisor.

(5) Number of hours of post-master's or postdoctoral supervision.

- (A) For each 1,000 hours of supervised practice in applied psychotherapy, applicants must receive a minimum of 50 hours of supervision, at least 35 hours of which must be face-to-face individual supervision.
- (B) The post-master's or postdoctoral supervision hours must be reasonably distributed over each 1,000 hours of supervised practice in applied psychotherapy in a manner consistent with the accrual of the hours of supervised post-master's or postdoctoral practice.
- (C) With respect to supervision of the teaching of applied psychotherapy (see Rule 18(b)(3)(C) [governing postdoctoral] and Rule 18(b)(4)(C) [governing post-master's]), the supervision hours must be reasonably distributed over the teaching experience in a manner consistent with the accrual of the hours of teaching experience.

(6) Elements of supervision of the post-master's or postdoctoral practice of psychotherapy under supervision.

- (A) General. To assure uniformity and consistency in the post-master's or postdoctoral practice of psychotherapy under supervision, the Board has determined that the supervision must meet the criteria of this subsection in order to be approved by the Board under CRS 12-43-603(1)(d).
- (B) Definitions. As used in this subsection,
  - (i) "Personal direction" means direction actually rendered by the approved supervisor.
  - (ii) "Responsible direction" or "direction" means the approved supervisor has sufficient knowledge of all clients for whom supervision is provided, including face-to-face contact with the client when necessary, to develop and to monitor effective service delivery procedures and the supervisee's treatment plan. Further, all decisions requiring the special skill, knowledge, and/or training of a licensed professional counselor are made in collaboration with, and with the approval of, the approved supervisor. Such decisions include, but are not limited to: type, duration, effectiveness, and method of psychotherapy services provided; fees and

billing procedures; approval of cases; and personal observation, evaluation, oversight, review, and correction of services provided by the supervisee.

- (C) The approved supervisor must possess adequate training, knowledge, and skill to render competently any psychotherapy services the supervisee undertakes. The approved supervisor shall allow the supervisee to perform only those functions for which the supervisee has the training and experience.
- (D) "Consultation" describes a voluntary relationship between professionals of relative equal expertise or status wherein the consultant offers her/his best advice or information on an individual case or problem for use by the consultee as she/he deems appropriate in her/his professional judgment. Consultation is not supervision. Experience under contract for consultation will not be credited toward fulfillment of supervision requirements for admission to the examination for licensure.

The applicant must meet all of the following requirements to document completion of the required post-master's or postdoctoral supervised practice in applied psychotherapy in accordance with the alternative method established in this subsection:

- (A) The applicant must attest that s/he completed her/his post-master's or postdoctoral supervised practice in applied psychotherapy in 1980 or before.
- (B) The applicant must attest that s/he has made a reasonable and diligent effort to locate and to contact her/his supervisor(s) and has been unable to do so and must state the reason(s) s/he has been unable to locate and to contact her/his supervisor(s) Where the applicant can locate and contact some, but not all of her/his supervisors, the applicant can use the alternative method only for those portions of the supervised practice in applied psychotherapy supervised by supervisors who cannot be located and contacted.
- (C) The applicant must supply documentation (e.g., job descriptions, personnel records, old resumes that detail job experience, letters of reference, copies of old letters submitted by supervisor(s) to prospective employers or others) satisfactory to the Board that establishes completion of two years of post-master's or one year of postdoctoral practice in applied psychotherapy under supervision.

(c) Examination. In accordance with CRS 12-43-203(3)(b), 12-43-603(1)(e), and 12-43-603(4), the Board establishes these requirements for the licensing examination to demonstrate professional competence in professional counseling, including special knowledge and skill in applied psychotherapy.

- (1) Contents of the examination. The examination in professional counseling shall be the counselor certification examination administered under contract with the National Board for Certified Counselors Inc. Applicant's shall also be required to attend a Board-approved jurisprudence workshop designed to increase an applicant's knowledge of the statutes relevant to the practice of psychotherapy in Colorado including the code of ethics for professional counselors. This is to be completed in addition to all other licensing requirements.
- (2) Grading. The Board shall determine the criterion-referenced passing score for each administration of the examination based on a level of minimum competency to engage in the practice of licensed professional counseling

- (3) Previously-taken examination. If an applicant has previously taken the counselor certification examination administered under the auspices of or under contract with the National Board of Certified Counselors, Inc., and received a criterion-referenced passing score that demonstrates minimum competence to practice professional counseling, the applicant may have her/his passing score applied to satisfy the examination requirement of CRS 12-43-603(1)(e).
  - (4) Fees for reexamination. In the event an applicant fails to receive a passing grade on the examination, s/he may apply for reexamination and may take a subsequent examination upon payment of the established fee, subject to the restriction set out in Rule 18(d) and subject to any limitation(s) imposed by the contract between the Board and the National Board for Certified Counselors, Inc.
- (d) Examination application deadline: application lapse: admission to examination lapse.
- (1) The Board must receive the completed application for licensure by examination, all fees, official transcript(s) sent directly from the educational institution(s), and all supporting documentation required by the Board not fewer than 60 days before the date of the examination. The Board will not consider an application that is not completed (including fees, transcripts, and all supporting documentation) by this deadline
  - (2) An applicant must complete all requirements for licensure within five years of the date of initial application. If the applicant plans to become licensed within this time period, s/he must submit a new application and fee and must meet the educational, experience and examination requirements in effect at the time of the new application. Licensure applicants have a continuing obligation to update their application with information of changes from the original application at any time prior to licensure.
- (e) Examination application prior to meeting educational and experience requirements
- (1) An applicant for licensure may apply to the Colorado Board of Licensed Professional Counselor Examiners to sit for the professional counselor examination during their last semester or last quarter of either a CACREP approved or non CACREP approved equivalent graduate degree program and/or after meeting the degree requirements and prior to meeting the post-degree supervised experience requirements for licensure.
  - (2) At the time the applicant wishes to sit for the examination, the applicant must submit a completed application, all fees, official transcript(s), the education equivalency worksheet, and all supporting documentation required by the Board by the pre-determined application deadlines.
  - (3) Exam Score Lapse. Passing scores on the NCE/NBCC examination will be valid for up to five (5) years after the date of the examination. If all requirements for licensure were not met within the five (5) year time frame, the applicant must submit a new application, retake and pass the examination, and complete requirements for licensure under the rules in effect at that time.

**RULE 19 RECORDS REQUIRED TO BE KEPT AND RECORD RETENTION (CRS 12-43-203(3)), CRS 12-43-222(1)(U)**

- (a) General. Every licensed professional counselor shall create and shall maintain a record as defined in subsection (b) of this rule for each client, this record shall be retained for a period of five (5) years, commencing upon either the termination of professional counseling services or the date of last contact with the client, whichever is later. Exception. When the client is a child, the record shall be retained for a period of five (5) years commencing either upon the last day of treatment



or when the child reaches eighteen (18) years of age, whichever comes later, but in no event shall records be kept for more than twelve (12) years.

(b) Record A record shall contain at least the following information:

- (1) Identifying data, to include but not be limited to the clients(s)'s name(s), sex, telephone number, date of birth, client's address and the name, address and telephone number of the legal and/or custodial guardian. If the client is an organization, the name of the organization, telephone number and name of the principal authorizing the licensed professional counselor services or treatment.
- (2) All contracts, release of information forms and disclosure statements.
- (3) Records of counseling, including dates of service, interview notes, test data, correspondence, audio or visual recordings, electronic data storage, and other documents considered professional information for use in counseling.
- (4) Information on each report made pursuant to legal requirement, (e.g., report of suspected child abuse, duty to warn, etc.).
- (5) A final closing statement

(c) Record Storage. Every professional counselor shall keep and store client records in a secure place And in a manner that both assures that only authorized persons have access to the records and protects the confidentiality of the records and of the information contained in the records.

(d) Transfer Of Records. If the professional counselor is not available to handle the disposition of her/his own records, the professional counselor and/or his estate shall designate an appropriate person to handle the disposition of records. A plan for the disposition of records shall be in place for all professional counselors for the following conditions:

- (1) Disability, illness or death of the professional counselor.
- (2) Termination of the professional counselor's practice.
- (3) Sale or transfer of a practice.

(e) Record Disposal. Every professional counselor shall dispose of client records in a manner or by a process that destroys or obliterates all client identifying data.

(f) Exemptions: A professional counselor need not create and maintain client records if the professional counselor practices in an agency or institution and:

- 1) Sees the client in the usual course of that practice;
- 2) Keeps client records as required by the agency or institution, and;
- 3) The agency or institution maintains client records.