

**63-22-101. Creation of board -- Composition -- Members -- Terms -- Compensation -- Meetings -- Administrative functions.**

(a) There is hereby created the board for professional counselors, marital and family therapists and clinical pastoral therapists, referred to as the board in this chapter.

(b) The board shall consist of five (5) members who shall be appointed by the governor.

(1) The Tennessee Counseling Association, the Tennessee Association for Marriage and Family Therapy and the Tennessee Association of Pastoral Therapists each may provide the governor with a list of four (4) candidates. The governor may appoint members from each list.

(2) The fifth member shall be a citizen-at-large appointed by the governor.

(3) All board members shall be resident citizens of Tennessee.

(4) Board candidates shall be licensed or certified prior to nomination except for the fifth member who shall be a citizen-at-large.

(c) Each member of the board shall serve for a term of five (5) years.

(1) With the exception of the citizen-at-large member, a board member who vacates the member's seat may be replaced by a person from a list provided by the association that provided the list from which the resigning member was chosen.

(2) With the exception of the citizen-at-large member, at least three (3) months before expiration of any board member's term, the Tennessee Counseling Association, the Tennessee Association for Marriage and Family Therapy and the Tennessee Association of Pastoral Therapists may submit to the governor a list of persons eligible for appointment, in number not less than twice the number of appointments to be made.

(3) A vacancy of the citizen-at-large board position shall be replaced by a person appointed by the governor.

(4) Members whose terms of office have expired shall continue to serve until their replacements are named.

(5) In making appointments to the board, the governor shall strive to ensure that at least one (1) person serving on the board is sixty (60) years of age or older and that at least one (1) person serving on the board is a member of a racial minority.

(d) A majority of the members to which the board is entitled constitutes a quorum.

**(e)** Each member of the board shall receive fifty dollars (\$50.00) per diem expenses when actually engaged in the discharge of the member's official duties and all legitimate and necessary expenses incurred in attending the meetings of the board. Each member shall be reimbursed for travel expenses in accordance with the provisions of the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter.

**(f)** The board shall choose one (1) of its members president, one (1) vice president and one (1) secretary-treasurer thereof, at each annual meeting, held in July, at such place as may be selected or designated by the board. The board may meet more often if necessary, in the discretion of the board, at such times and places as it may deem proper, for the examination of applicants and for the transaction of any business that may come before it.

**(g) (1)** The administrative functions and duties of the board are vested in the division of health related boards, referred to as "division" in this chapter. The division shall employ such persons as may be necessary for the effective and efficient discharge of the duties of the board.

**(2)** Such administrative assistants and other employees shall be reimbursed for travel expenses in accordance with the provisions of the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter.

**(h)** In making appointments to the board, the governor should consider the importance of geographical diversity to this board. Whenever practicable, the governor shall strive to ensure that members on the board are from each of the three (3) grand divisions of the state.

### **63-22-102. Powers and duties of board.**

The board shall:

**(1)** Adopt rules and regulations in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, as are necessary to carry out and make effective the provisions of this part;

**(2)** Review the credentials of licensure of applicants to determine if they are eligible for licensure, upon payment of a nonrefundable fee as set by the board;

**(3)** Prepare or select and administer examinations to applicants for licensure;

**(4)** License as professional counselors applicants who satisfy the requirements of §§ 63-22-104, 63-22-107 and 63-22-110 and establish by rule any additional qualifications of the applicants necessary for the practice of professional counseling as provided in this part;

**(5)** Review the credentials for licensure of marital and family therapy applicants to

determine if they are eligible for licensure upon payment of a nonrefundable review fee as set by the board;

**(6)** Prepare or select and administer examinations to marital and family therapist applicants for licensure;

**(7)** License as marital and family therapists applicants who satisfy the requirements of §§ 63-22-106, 63-22-107 and 63-22-108 or § 63-22-103;

**(8)** Set continuing education requirements for renewal of licenses and certificates;

**(9)** Renew, revoke and reinstate licenses and certificates as described in §§ 63-22-108 and 63-22-110;

**(10)** Review the credentials of clinical pastoral therapist applicants to determine if they are eligible for certification upon payment of a nonrefundable review fee as set by the board;

**(11)** Prepare or select and administer examinations to clinical pastoral therapy applicants for certification; and

**(12)** Certify clinical pastoral therapists who satisfy the requirements of § 63-22-203.

**63-22-103. Reciprocity -- Licensure without examination -- Licensure by endorsement.**

**(a)** The board may license without examination a marital and family therapist applicant who is licensed in another state if the applicant's qualifications meet the licensure requirements under this part. The board may license by endorsement an applicant who is a clinical member of the American Association for Marriage and Family Therapy if that person otherwise meets the requirements of this part.

**(b)** The board may enter into a reciprocal agreement with any other state that licenses, certifies or registers marital and family therapists, if the board finds that such state has substantially the same or higher licensure requirements than Tennessee.

**63-22-104. Professional counselors -- Fees -- Qualifications.**

An applicant for licensure as a professional counselor shall pay the board a nonrefundable fee as set by the board and shall satisfy the board that the applicant:

**(1)** Is at least eighteen (18) years of age;

**(2)** Is of good moral character;

**(3) (A)** Has obtained a minimum of sixty (60) graduate hours in counseling or a closely related field and which includes a master's degree in counseling; and

**(B)** Has completed a supervised field experience as either a practicum or internship that includes a minimum of five hundred (500) clock hours of training, at least three hundred (300) of which must be completed in a mental health or community agency setting. This field experience must be supervised by an individual with at least a master's degree in counseling, social work, psychology or psychiatry;

**(4)** Has had at least two (2) years of professional experience of a type judged to be acceptable by the board subsequent to being granted a master's degree and has not violated § 63-22-110;

**(5)** Has passed the examination offered by the National Board for Certified Counselors (NBCC) or such other examination approved by the board; and

**(6)** Has met any additional criteria of the board established by rule.

**63-22-106. Marital and family therapists -- Fees -- Qualifications.**

An applicant for licensure as a marital and family therapist shall pay the board a nonrefundable fee as set by the board and shall satisfy the board that the applicant:

**(1)** Is at least eighteen (18) years of age;

**(2)** Is of good moral character;

**(3)** Has met standards set by the board no less stringent than the American Association for Marriage and Family Therapy's standards for a clinical member so long as such standards specify a minimum of a master's level degree; and

**(4)** Shall pass such examination as may be administered by the board. Applicants shall bear the fee for testing in addition to the review fee and application fee.

**63-22-107. Educational requirements and examinations.**

**(a)** On and after July 1, 1991, an applicant for licensure as a professional counselor shall meet the requirements of §§ 63-22-104 and 63-22-110 and, in addition, shall pass an examination as adopted and administered by the board.

**(b)** Effective July 1, 1991, no additional certificates for professional counselors shall be issued by the board. Those persons so certified as professional counselors on or before June 30, 1991, may retain their certification indefinitely by meeting current renewal requirements and may upgrade from certification to licensure by any of the following methods:

**(1)** Complying with the provisions of this part;

**(2)** Becoming certified by the National Board for Certified Counselors (NBCC); or

(3) Verifying, to the board's satisfaction, that such person has had five (5) prior years' work experience as a certified professional counselor in this state or another state with certification standards that are at least the equivalent of those of this state.

(c) An applicant for licensure on or after July 1, 1991, as a licensed marital and family therapist, shall meet the requirements of § 63-22-103(a) or § 63-22-106, and, in addition, shall pass such examinations as may be administered by the board. After July 1, 1991, no additional marital and family therapist certifications will be issued. Those persons so certified as of July 1, 1991, as marital and family therapists may maintain certification or may upgrade from certification to licensure by any of the following methods:

(1) By acquiring the minimum standards provided in § 63-22-106(3);

(2) By receiving two hundred (200) hours clinical supervision from not more than two (2) supervisors deemed qualified by the board; or

(3) By validating fifteen (15) years of clinical practice while maintaining certification by continuing a practice of marital and family therapy.

(d) On or after July 1, 1995, an applicant for licensure as a professional counselor designated as a mental health service provider shall meet the requirements of §§ 63-22-104, 63-22-110 and 63-22-120.

(e) Until June 30, 1997, a currently licensed professional counselor who wishes to obtain designation as a mental health service provider may do so by documenting both training and experience relative to the diagnosis, treatment, appraisal and assessment of mental disorders or by documenting training and experience in teaching these courses for a minimum of three (3) years as a university professor. The training and experience documented must be substantially equivalent to that required for new licensed professional counselors designated as mental health service providers.

(f) Any licensed professional counselor who does not wish to secure designation as a mental health service provider may maintain a professional counselor license, but is ineligible to appraise, assess, diagnose or treat conditions attributable to a mental disorder.

**63-22-108. Renewal, revocation and reinstatement of licenses or certificates -- Fees -- Disposition of funds -- Operating expenses -- Retirement.**

(a) Each and every license or certificate holder shall pay to the secretary-treasurer of the board a renewal fee to be fixed by the board and shall submit verification of compliance of continuing education requirements as may be set by the board. The secretary of the board shall notify the holder of each license or certificate that the renewal fee is due, and the failure to pay such renewal fee by any license or certificate holder at the expiration of sixty (60) days after the renewal fee is due constitutes a violation of this part. Any license or certificate not renewed within sixty (60) days of the renewal date shall be revoked without further notice, but may be reinstated, if continuing education requirements have been met,

upon payment of all past due renewal fees and a penalty per license or certificate.

**(b)** All fees coming into the possession of the board shall be paid by the board to the state treasurer and become a part of the general fund.

**(c)** The commissioner of finance and administration shall make allotments out of the general fund for the proper expenditures of the board and no expenditure shall be made by the board until allotment for the expenditure has been made by the commissioner. Such allotments for the operation of the board shall be disbursed under the general budgetary laws of the state.

**(d)** Any person licensed to practice by the provisions of this chapter who has retired or may hereafter retire from such practice in this state shall not be made to register as required by this part if such person shall file with this board an affidavit on a form to be furnished by the board, which affidavit shall state the date on which such person retired from such practice and such other facts as shall tend to verify such retirement as the board shall deem necessary. If such person thereafter reengages in such practice in this state, such person shall apply for registration with the board as provided by this part and shall meet other requirements as may be set by the board.

**(e) (1)** Notwithstanding any provision of this part to the contrary, the division, with the approval of the commissioner, shall establish a system of license renewals at alternative intervals that will allow for the distribution of the license workload as uniformly as is practicable throughout the calendar year. Licenses issued under the alternative method are valid for twenty-four (24) months and expire on the last day of the last month of the license period. However, during a transition period, or at any time thereafter when the board determines that the volume of work for any given interval is unduly burdensome or costly, either the licenses or renewals, or both of them, may be issued for terms of not less than six (6) months nor more than eighteen (18) months. The fee imposed for any license under the alternative interval method for a period of other than twenty-four (24) months shall be proportionate to the annual fee and modified in no other manner, except that the proportional fee shall be rounded off to the nearest quarter of a dollar (25cent(s)).

**(2)** No renewal application will be accepted after the last day of the month following the license expiration date under the alternative method authorized in subdivision (e)(1).

**63-22-110. Denial, withholding, restricting or revoking licensure or certification -- Disciplinary actions -- Unprofessional conduct.**

**(a)** The board has the power to:

**(1)** Deny an application for a license to any applicant who applies for the same through reciprocity or otherwise;

**(2)** Permanently or temporarily withhold issuance of a license or certificate;

(3) Suspend, limit or restrict a previously issued license or certificate for such time and in such manner as the board may determine;

(4) Reprimand or take such action in relation to disciplining an applicant or license or certificate holder as the board in its discretion may deem proper; or

(5) Permanently revoke a license or certificate.

(b) The grounds upon which the board shall exercise such power includes, but is not limited to, the following:

(1) Conviction of a felony;

(2) Using fraud or deception in applying for a license or certificate or in taking an examination required by this part;

(3) Violating the rules and regulations adopted by the board; or

(4) Engaging in professional misconduct, unethical or unprofessional conduct, including, but not limited to, willful acts, negligence and conduct likely to deceive, defraud or harm the public or engaged in such conduct.

(c) The board has the power to:

(1) Deny an application for a license to any marital and family therapist applicant who applies for the same through reciprocity or otherwise where the applicant does not meet the standards in this part;

(2) Permanently or temporarily withhold issuance of a marital and family therapist license where the applicant does not meet the standards in this part;

(3) Suspend, limit or restrict a previously issued license or certificate for such time and in such manner as the board may determine;

(4) Reprimand or take such action in relation to disciplining an applicant or license holder or certificate holder as the board in its discretion may deem proper; or

(5) Permanently revoke a license or certificate.

#### **63-22-111. Reinstatement of revoked license or certificate.**

A person whose license or certificate has been revoked by the board is not eligible to apply for reinstatement earlier than one (1) year from the date of revocation.

#### **63-22-113. Exemptions.**

(a) The provisions of this part do not apply to a person if the person is preparing for the

practice of marital and family therapy under qualified supervision in a training institution or facility or supervisory arrangement recognized and approved by the board; provided, that such person is designated by such titles as "marital therapy intern," "family therapy trainee" or others clearly indicating such training status.

**(b)** Nothing in this part shall be construed to prevent qualified members of other professional groups as defined by the board, including, but not limited to, licensed clinical social workers, licensed psychologists, licensed psychological examiners, licensed senior psychological examiners, certified psychological assistants, psychiatric nurses, physicians, attorneys at law or members of the clergy from doing or advertising that they perform the work of a marital and family therapy nature consistent with the accepted standards of their respective professions, nor to prevent alcohol and drug abuse counselors licensed under § 68-24-605 or operating under qualified supervision while seeking such certification from doing counseling consistent with the accepted standards of that profession.

#### **63-22-114. Confidentiality.**

The confidential relations and communications between licensed marital and family therapists, licensed professional counselors or certified clinical pastoral therapists and clients are placed upon the same basis as those provided by law between attorney and client, and nothing in this part shall be construed to require any such privileged communication to be disclosed. However, nothing contained within this section shall be construed to prevent disclosures of confidential communications in proceedings arising under title 37, chapter 1, part 4 concerning mandatory child abuse reports

#### **63-22-115. Marital therapy and counseling services -- Definitions -- Prohibited conduct -- Penalty.**

**(a)** As used in this section, unless the context clearly requires a different meaning:

**(1)** "Advertise" means, but is not limited to, the issuing or causing to be distributed any card, sign or device to any person, or the causing, permitting or allowing any sign or marking on or in any building or structure, or in any newspaper or magazine or, in any directory, or on radio or television or by advertising by any other means designed to secure public attention;

**(2)** "Approved supervisor" means a licensed marital and family therapist, psychologist or psychiatrist who is either an American Association for Marriage and Family Therapy-approved supervisor or a board-approved marriage and family supervisor;

**(3)** "Board-approved marriage and family supervisor" means a person who gives to the board evidence of:

**(A)** Five (5) years full-time experience in marriage and family therapy practice and supervision;

**(B)** Thirty-six (36) hours of supervision specifically in the skill of providing marriage

and family therapy supervision; and

**(C)** A recommendation for board-approved supervisor status from a supervisor who provided supervision of the supervision referred to in subdivision (a)(3)(B);

**(4)** "Licensed marital and family therapist" means a person to whom a license has been issued pursuant to the provisions of this part, which license is in force and not suspended or revoked as of the particular time in question;

**(5)** "Marital and family therapy" means the diagnosis and treatment of cognitive, affective and behavioral problems and dysfunctions within the context of marital and family systems. Marital and family therapy involves the professional application of psychotherapeutic family systems theories and techniques in the delivery of services to individuals in the context of family systems theory and practice, couples and families;

**(6)** "Person" means any individual, firm, corporation, partnership, organization or body politic;

**(7)** "Practice of marital and family therapy" means the rendering of professional marital and family therapy to individuals, couples and family groups, singly or in groups, whether such services are offered directly to the general public or through organizations, either public or private, for a fee;

**(8)** "Recognized educational institution" means any educational institution that is recognized by the board and by a nationally or regionally recognized educational or professional accrediting body;

**(9)** "Supervision" means the direct clinical review, for the purpose of training or teaching, by an approved supervisor of a marriage and family therapist's interaction with clients. The purpose of supervision shall be to promote the development of the practitioner's clinical skills. Supervision may include, without being limited to, the review of case presentations, audiotapes, videotapes and direct observation; and

**(10)** "Use a title or description of" means to hold oneself out to the public as having a particular status by means of stating on signs, mailboxes, address plates, stationery, announcements, business cards or other instruments of professional identification.

**(b)** Except as specifically provided in § 63-22-113, commencing July 1, 1991, no person who is not licensed or certified as a marital and family therapist under this part shall:

**(1)** Advertise the performance of marital and family therapy or counseling service by such person; or

**(2)** Use a title or description such as "licensed or certified marital or marriage therapist, counselor, advisor, or consultant," or any other name, style or description denoting that the person is a marital and family therapist or practices marital and family therapy.

**(c)** Any person who engages in any unlawful act enumerated in this section commits a Class B misdemeanor.

**(d)** In addition to the foregoing, the department of health may institute appropriate proceedings, in law or equity, to enjoin any person from engaging in any unlawful act enumerated in this section, such action or proceeding to be brought in the circuit or chancery court of the county in which the unlawful act occurs or in which the defendant resides.

**(e)** Nothing in this section shall be construed as permitting any person licensed or certified as a marital and family therapist to engage in the practice of "licensed psychological examiner," "licensed senior psychological examiner," "certified psychological assistant," "licensed psychologist" or "licensed social worker," as defined in the laws of this state.

**(f)** Nothing in this section, except subsection (b), applies to any person regulated by the board of nursing.

**(g)** Nothing in this section permits any person certified or licensed as a marital and family therapist to perform psychological testing intended to measure and/or diagnose mental illness. Consistent with each therapist's formal education and training, licensed marital and family therapists may administer and utilize appropriate assessment instruments that measure and/or diagnose, cognitive, affective and behavioral problems and dysfunctions of individuals in the context of marital and family systems, couples and families as part of the therapy process or in the development of a treatment plan.

#### **63-22-116. Reciprocal agreements.**

**(a)** The board may license, without examination, a professional counselor applicant who is currently licensed in another state if the applicant's qualifications meet the licensure requirements under this part.

**(b)** The board may enter into a reciprocal agreement with any other state that licenses, certifies or registers professional counselors, if the board finds that such state has substantially the same or higher licensure requirements than Tennessee. This agreement shall provide that the board shall license any resident of another state who is currently licensed, certified or registered by that state, if such resident has met the same or higher requirements as provided for in this part.

#### **63-22-117. Prohibited activities -- Penalties -- Exceptions to limitations.**

**(a) (1)** Except as specifically provided elsewhere in this part, commencing July 1, 1991, it is an offense for any person to engage in any of the following acts:

**(A)** Representing or advertising such person as, or using a title or description such as, "licensed professional counselor" without being duly licensed according to the provisions of this part;

**(B)** Making use of any title, words, letters or abbreviations, or any combination thereof, that may reasonably be confused with licensure provided by this part to denote a standard of professional or occupational competence, without being duly licensed under this part; and

**(C)** Performing activities that may reasonably be construed to fall within the defined scope of practice of persons licensed under this part who are designated as mental health service providers as defined in § 63-22-150 without being duly licensed hereunder.

**(2)** Any person who engages in any unlawful act enumerated in this section commits a Class B misdemeanor.

**(3)** In addition to the foregoing, the department of health may institute appropriate proceedings, in law or equity, to enjoin any person from engaging in any unlawful act enumerated in this section, such action or proceeding to be brought in the circuit or chancery court of the county in which the unlawful act occurs or in which the defendant resides.

**(b)** Nothing in this part shall be construed as permitting any person licensed or certified as a professional counselor or designated as a mental health service provider under this chapter to engage in the practice of licensed psychological examiner, licensed senior psychological examiner, certified psychological assistant, licensed psychologist, licensed social worker, psychiatric nurse, law or medicine.

**(c)** The provisions of this part do not apply to the person if the person is preparing for the practice of professional counseling or the practice permitted to a person designated as a mental health service provider pursuant to this chapter under qualified supervision.

**(d)** Nothing in this chapter shall be construed as limiting the ministry, activities or services of a rabbi, priest, minister of the gospel or others authorized by a regularly organized and functioning religious body in performing the ordinary duties or functions of the clergy; nor shall anything in this chapter apply to or be construed as limiting the activities or services of Christian Science practitioners. Nor shall any rabbi, priest, or minister who offers counseling services, even if fees are charged, be subject to the limitations of this chapter, as long as they do not hold themselves out as certified or licensed professional counselors.

**63-22-118. Applicability of part.**

**(a)** The provisions of this part, except those contained in § 63-22-150, shall not apply to any persons regulated by the board of nursing or the state board of education, nor to professional counselors employed in community/human service agencies and working directly under the supervision of a licensed professional counselor nor to nurses licensed under chapter 7 of this title.

**(b)** Nothing in this part shall be construed to prevent members of other professional groups, including, without limitation, licensed social workers, psychologists, psychiatrists

and other physicians, attorneys or members of the clergy, from performing or advertising that they provide or offer counseling services consistent with the accepted standards of their respective professions; provided, that none of such persons shall violate the provisions of § 63-22-117.

**63-22-119. Applicability of chapter 11 of this title.**

Notwithstanding any provision of this part to the contrary, any person licensed pursuant to this part and chapter 11 of this title shall be subject to the limitations of chapter 11 of this title.

**63-22-120. Requirements for licensure.**

A professional counselor licensed under this part and designated as a mental health service provider must have:

(1) Met all qualifications for licensure as a professional counselor as stated in §§ 63-22-104 and 63-22-110;

(2) Completed a minimum of nine (9) graduate semester hours of coursework specifically related to diagnosis, treatment, appraisal and assessment of mental disorders; and

(3) Completed the two (2) years of post-master's supervised experience required for licensure in a clinical setting that provides substantial opportunities to diagnose, treat, appraise and assess mental disorders.

**63-22-121. Temporary licenses.**

(a) (1) A temporary license may be issued by the board for a licensed professional counselor designated as a mental health service provider applicant who has completed the academic coursework and training required for the license sought and who has successfully passed the examination required by the board.

(2) A temporary license obtained pursuant to this section authorizes an applicant to perform the functions specified in § 63-22-150(5), for which the applicant is seeking licensure under qualified supervision.

(3) In order to receive a temporary license, an applicant must submit to the board a completed application for a temporary license with the applicant's completed application for the desired license and all appropriate fees.

(4) If an applicant is granted a temporary license, the license shall remain valid until the board grants or denies the license application.

(5) No person shall be issued more than one (1) temporary license, nor shall any temporary license be valid for more than three (3) years.

**(6)** The applicant shall notify the board and present supporting documentation demonstrating the satisfactory completion of the required post-master's supervised experience in a clinical setting. The board shall then grant or deny the license application based on satisfactory completion of all requirements for licensure, including an oral examination.

**(b) (1)** A temporary license may be issued by the board to a marital and family therapist applicant who has completed the academic course work and training required for the license sought; provided, that in order to retain such temporary license, the applicant must take the written examination required by the board the first time it is scheduled following issuance of the temporary license. The applicant must successfully pass the exam within two (2) years following issuance of the temporary license.

**(2)** A temporary license obtained pursuant to this section authorizes the applicant to engage in the practice of marital and family therapy, as defined by § 63-22-115(a)(7), under the supervision of an approved supervisor, as defined by § 63-22-115(a)(2) and (a)(9).

**(3)** In order to receive a temporary license, the applicant must submit to the board the following:

**(A)** A completed application for a temporary license;

**(B)** Satisfactory evidence of an agreement with an approved supervisor under whose supervision the applicant intends to practice; and

**(C)** All appropriate fees.

**(4)** A temporary license shall be nonrenewable and shall be valid for a period of not more than three (3) years. Within such three-year period, the applicant must submit to the board an application for the regular license and must present supporting documentation demonstrating the satisfactory completion of the required amount of post-master's degree supervised experience in a clinical setting under an approved supervisor. The board shall then grant or deny the application for the regular license, based on satisfactory completion of all requirements for licensure, including the oral examination. If the board approves or denies the application for the regular license or if the board revokes the temporary license for any reason, then the temporary license shall cease to be valid and must be returned to the board.

**(5)** The holder of a temporary license as a marital and family therapist shall not represent such temporary licensee to be a licensed marital and family therapist. The holder of such a license may only represent such temporary licensee to be a "marital therapy intern," a "family therapy trainee" or such other title designation that clearly reflects trainee status and temporary licensure.

### **63-22-150. Part definitions.**

As used in this part, unless the context otherwise requires:

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

**(2)** "Counseling" means assisting an individual, through the counseling relationship, in a manner intended to facilitate normal human growth and development, using a combination of mental health and human development principles, methods and techniques, to achieve mental, emotional, physical, social, moral, educational, spiritual and/or career development and adjustment throughout the life span;

**(3)** "Licensed professional counselor" means a person licensed under the provisions of this part who is professionally trained in counseling and guidance services designed to facilitate normal human growth and development through individual, family or group counseling, educational procedures, assessment, consultation and research and who assists individuals by the practice of counseling with their personal, social, career or educational development as they pass through life stages;

**(4)** "Practice of counseling" means rendering or offering to render to individuals, groups, organizations or the general public any service involving the application of principles, techniques, methods or procedures of the counseling profession, including appraisal activities, counseling, consulting and referral activities. Nothing in this section shall be construed to permit the treatment of any mental, emotional or adjustment disorder other than marital problems, parent-child problems, child and adolescent antisocial behavior, adult antisocial behavior, other specified family circumstances, other interpersonal problems, phase of life problems, other life circumstance problems, occupational problems and uncomplicated bereavement, except as provided in subdivision (5); and

**(5)** "Practice of counseling as a mental health service provider" means the application of mental health and human development principles in order to:

**(A)** Facilitate human development and adjustment throughout the life span;

**(B)** Prevent, diagnose, and treat mental, emotional or behavioral disorders and associated disorders that interfere with mental health;

**(C)** Conduct assessments and diagnoses for the purpose of establishing treatment goals and objectives within the limitations prescribed in subdivision (1); and

**(D)** Plan, implement and evaluate treatment plans using counseling treatment interventions. "Counseling treatment interventions" means the application of cognitive, affective, behavioral and systemic counseling strategies that include principles of development, wellness and pathology that reflect a pluralistic society. Nothing in this definition shall be construed to permit the performance of any act that licensed professional counselors designated as mental health service providers are not educated and trained to perform, nor shall it be construed to permit the designation of testing reports as "psychological."

### **63-22-201. Part definitions.**

The following definitions shall apply in this part, unless the context clearly requires a different meaning:

**(1)** "Advertise" means, but is not limited to, business solicitations, with or without limiting qualifications, in a card, sign or device issued to a person, in a sign or marking in or on any building or in any newspaper, magazine, directory or other printed matter. Advertising also includes business solicitations communicated by individual, radio, video or television broadcasting or other means designed to secure public attention;

**(2)** "Approved supervisor" means a person who is a licensed clinical pastoral therapist and either a diplomate of the American Association of Pastoral Counselors, a fellow of the American Association of Pastoral Counselors who is under supervision of a supervisor or a board-approved clinical pastoral therapy supervisor;

**(3)** "Approved training program" means a clinical training program accredited by the American Association of Pastoral Counselors;

**(4)** "Board-approved clinical pastoral therapy supervisor" means a person who gives the board evidence of:

**(A)** Five (5) years' full-time experience in clinical pastoral therapy practice and supervision;

**(B)** One hundred twenty-five (125) hours of supervision specifically in the skill of providing supervision to clinical pastoral therapists; and

**(C)** A recommendation for board-approved supervisor status from a supervisor who had provided the supervision referred to in subdivision (4)(B);

**(5)** "Certified clinical pastoral therapist" means a person who has met the qualifications for certified clinical pastoral therapist and holds a current, unsuspended or unrevoked

certificate that has been lawfully issued by the board;

**(6)** "Clinical pastoral education" means program of training designed to acquaint students of theology and practicing clergy with the clinical method of learning, increase skills in the arts of pastoral care and facilitate integration of a professional pastoral identity. Programs typically occur in general medical, psychiatric or penal institutions;

**(7)** "Clinical pastoral therapy" means the diagnosis and treatment, from a clinical pastoral perspective, of the psychodynamics, interpersonal dynamics and spiritual dynamics of persons experiencing emotional behavioral or relational distress or dysfunction. Clinical pastoral therapy involves the integration and professional application of resources and techniques from the religious community's traditions of pastoral care and counsel along with recognized principles, methods and procedures of the contemporary psychotherapy community in the delivery of counseling and psychotherapeutic services to individuals, couples, families and groups;

**(8)** "Licensed clinical pastoral therapist" means a person who has met the qualifications for a licensed clinical pastoral therapist and who holds a current, unsuspended or unrevoked license that has been issued lawfully by the board;

**(9)** "Practice of clinical pastoral therapy" means the rendering of professional clinical pastoral therapy to individuals, couples, families or groups, either offered directly to the general public by an individual operating independently of any institution, organization or agency, through mental health clinics or agencies, whether public or private or through hospitals, whether public or private, for a fee, excluding volunteer hours;

**(10)** "Recognized educational institution" means any educational institution that is accredited by a nationally or regionally recognized educational accrediting body;

**(11)** "Supervision" means the direct clinical review, for the purpose of training or teaching, by an approved supervisor, of a clinical pastoral therapist's interaction with clients. The purpose of supervision shall be to promote the development of the practitioner's clinical skills. Supervision may include, without being limited to, the review of case presentations, audiotapes, videotapes and direct observation; and

**(12)** "Use a title or description of" means to hold oneself out to the public as having a particular status by means of stating on signs, mailboxes, address plates, stationery, announcements, business cards or other instruments of professional identification.

### **63-22-202. Prohibited acts by nonlicensed therapists -- Penalties.**

**(a)** Except as specifically provided in § 63-22-204, beginning January 1, 2004, no person who is not licensed as a clinical pastoral therapist under this part shall:

**(1)** Advertise that the performance of clinical pastoral therapy services is by a licensed clinical pastoral therapist; or

**(2)** Use the title "licensed clinical pastoral therapist" to denote that the person is a licensed clinical pastoral therapist.

**(b)** Any person who engages in any unlawful act enumerated in this section commits a Class B misdemeanor.

**(c)** The department of health may institute appropriate proceedings, in law or equity, to enjoin any person from engaging in any unlawful act enumerated in this section, such action or proceeding to be brought in the circuit or chancery court of the county in which the unlawful act occurs or in which the defendant resides.

**(d)** Nothing in this section shall be construed as permitting any person certified as a clinical pastoral therapist to engage in the practice of licensed psychological examiner, licensed senior psychological examiner, certified psychological assistant, licensed psychologist, or licensed social worker, as defined in the laws of this state.

**(e)** Nothing in this section, except in subsection (b), applies to any person regulated by the board of nursing.

**(f)** Nothing in this section shall be construed as permitting a certified clinical pastoral therapist to prescribe medications or to interpret psychological tests intended to measure and/or diagnose mental illness.

**(g)** Certified clinical pastoral therapists shall establish and maintain effective working relationships with an interdisciplinary network of professionals, including at least one (1) psychologically oriented physician, usually a psychiatrist, with an unlimited license to practice the healing arts in Tennessee, in order to make provision for referral for the diagnosis and treatment of medical or mental conditions falling outside the scope of clinical pastoral therapy as defined in § 63-22-201.

**63-22-203. Application for license -- Fees -- Qualifications.**

An applicant for licensure as a licensed clinical pastoral therapist shall pay the board a nonrefundable fee as set by the board and shall satisfy the board that the applicant:

**(1)** Is at least eighteen (18) years of age;

**(2)** Is of good moral character;

**(3)** Has met the educational standards set by the board, which shall include:

**(A)** Completion of a minimum of one hundred twenty (120) graduate semester hours from a recognized educational institution of which sixty (60) graduate semester hours shall be in a course of studies in clinical pastoral therapy as designated by the board, of which nine (9) graduate semester hours must relate specifically to the diagnosis and treatment of

mental disorders;

**(B)** The awarding of the Master of Divinity (M.Div.) degree or its equivalent;

**(C)** The awarding of an advanced degree, either a master's or doctoral degree, in pastoral therapy or a closely related field;

**(D)** Completion of a practicum consisting of at least one (1) unit of full-time clinical pastoral education in a program accredited by the Association for Clinical Pastoral Education; and

**(E)** Completion of an internship consisting of at least two (2) years of clinical pastoral therapy training in an approved training program;

**(4)** Has provided a minimum of one thousand four hundred (1,400) hours of pastoral therapy with individuals, couples, families and/or groups while receiving a minimum of two hundred seventy (270) hours of supervision of such therapy with an approved supervisor; and

**(5)** Has passed the examination published by the national Pastoral Counselor Examination Board or other such examination as approved by the board.

**63-22-204. Exclusions from part.**

**(a)** Nothing in this chapter shall be construed as limiting the ministry, activities or services of a rabbi, priest, minister of the gospel or others authorized by a regularly organized and functioning religious body in performing the ordinary duties or functions of the clergy, nor shall anything in this chapter apply to or be construed as limiting the activities or services of Christian Science practitioners. Nor shall any rabbi, priest or minister who offers counseling services, even if fees are charged, shall be subject to the limitations of this part, as long as they do not hold themselves out as licensed pastoral therapists or licensed pastoral counselors and as long as they do not purport to provide the integration and professional application of resources and techniques from the religious community's traditions of pastoral care and counsel along with recognized principles, methods and procedures of clinical psychotherapy.

**(b)** The provisions of this part do not apply to a person if the person is preparing for the practice of clinical pastoral therapy under qualified supervision in a training institution or facility or supervisory arrangement recognized and approved by the board; provided, that such person is designated by such titles as "pastoral therapy intern," "pastoral therapy trainee" or others clearly indicating such training status.

**(c)** Nothing in this part shall be construed to prevent qualified members of other professional groups as defined by the board, including, but not limited to, licensed clinical social workers, licensed psychologists, licensed psychological examiners, licensed senior psychological examiners, certified psychological assistants, psychiatric nurses, physicians or

attorneys at law, from performing or advertising that they provide or offer counseling services consistent with the accepted standards of their respective professions nor to prevent alcohol and drug abuse counselors licensed under § 68-24-605 or operating under qualified supervision while seeking such licensure from doing counseling consistent with the accepted standards of such profession.

**63-22-205. Reciprocal agreements -- License by endorsement.**

(a) The board may enter into a reciprocal agreement with any other state that licenses, certifies or registers clinical pastoral therapists, if the board finds that such state has substantially the same or higher licensure requirements than Tennessee. This agreement shall provide that the board may license without examination any resident of another state who is currently licensed, certified or registered by the state, if that resident has met the same or higher requirements as provided in this part.

(b) The board may license by endorsement a clinical pastoral therapist applicant who is a fellow or diplomate of the American Association of Pastoral Counselors if that person otherwise meets the requirements of this chapter.

(c) The board may also license by endorsement a clinical pastoral therapist applicant who is:

(1) Certified as a clinical member of the American Association of Pastoral Counselors;

(2) Can document five (5) years of full-time practice in pastoral therapy subsequent to AAPC certification; and

(3) Otherwise meets the requirements of this chapter

**63-22-206. License of certain applicants prior to January 1, 2006 -- Documentation.**

(a) Until January 1, 2006, applicants who fulfill at least one (1) of the following conditions shall be entitled to receive a license as a licensed clinical pastoral therapist:

(1) Hold current certification as a clinical pastoral therapist. Such certification must be lawfully issued by the board and not be suspended or revoked;

(2) Document satisfaction of the requirements of § 63-22-203(1)-(4) only;

(3) Document current active status as a fellow or diplomate of AAPC and being actively engaged in the practice of pastoral psychotherapy for at least five (5) years prior to January 1, 2003; or

(4) Document having received a graduate theological degree from a recognized educational institution and being currently licensed in Tennessee as a psychologist designated as a health service provider, a professional counselor designated as a mental

health service provider, a marital and family therapist, a clinical social worker or an alcohol and drug abuse counselor and, in addition, document being actively engaged in the practice of clinical pastoral therapy for at least five (5) years prior to January 1, 2003.

**(b)** Persons who qualify for licensure as a clinical pastoral therapist pursuant to this section shall provide satisfactory proof to the board of such qualification. The board shall issue a license as a licensed clinical pastoral therapist to those persons who meet the qualifications of subsection (a) and who submit required proof of such qualifications.

**63-22-207. Issuance of license.**

A person who is certified as a certified clinical pastoral therapist on June 3, 2003, shall be issued a license as a licensed clinical pastoral therapist when such person's certification is renewed or upon request of such person before the expiration of such person's current certification