

TITLE 839 BEHAVIORAL HEALTH AND HUMAN SERVICES LICENSING BOARD

NOTE: Under P.L.147-1997, SECTION 13, the name of the Social Work Certification and Marriage and Family Therapists Credentialing Board is changed to the Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board, effective July 1, 1997.

NOTE: Under P.L.122-2009, SECTION 22, the name of the Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board is changed to the Behavioral Health and Human Services Licensing Board, effective July 1, 2009.

ARTICLE 1. GENERAL PROVISIONS

Rule 1. Definitions

839 IAC 1-1-1 Applicability

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6

Sec. 1. The definitions in this rule apply throughout this article. (*Behavioral Health and Human Services Licensing Board; 839 IAC 1-1-1; filed Jul 1, 1992, 12:00 p.m.: 15 IR 2456; readopted filed Oct 25, 2001, 4:20 p.m.: 25 IR 939; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-839070049RFA*)

839 IAC 1-1-2 "CMFT" defined (Repealed)

Sec. 2. (*Repealed by Behavioral Health and Human Services Licensing Board; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1516*)

839 IAC 1-1-3 "CCSW" defined (Repealed)

Sec. 3. (*Repealed by Behavioral Health and Human Services Licensing Board; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1516*)

839 IAC 1-1-3.2 "Graduate" defined

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6-4-2; IC 25-23.6-5-2; IC 25-23.6-6-2

Sec. 3.2. "Graduate" means an applicant who has obtained the required degree for social worker, clinical social worker, marriage and family therapist, or mental health counselor licensure. (*Behavioral Health and Human Services Licensing Board; 839 IAC 1-1-3.2; filed Dec 18, 2001, 9:11 a.m.: 25 IR 1633; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-839070049RFA*)

839 IAC 1-1-3.3 "Graduate accumulating experience" defined

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6-4-2; IC 25-23.6-5-2; IC 25-23.6-6-2

Sec. 3.3. A "graduate accumulating experience" required for licensure includes applicants who have failed the required examination. (*Behavioral Health and Human Services Licensing Board; 839 IAC 1-1-3.3; filed Dec 18, 2001, 9:11 a.m.: 25 IR 1633; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-839070049RFA*)

839 IAC 1-1-3.5 "LCSW" defined

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6

Sec. 3.5. "LCSW" means a licensed clinical social worker licensed under IC 25-23.6. (*Behavioral Health and Human Services Licensing Board; 839 IAC 1-1-3.5; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1503; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1308; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-839070049RFA*)

839 IAC 1-1-3.6 "LMFT" defined

Authority: IC 25-23.6-2-8
Affected: IC 25-23.6

Sec. 3.6. "LMFT" means a licensed marriage and family therapist licensed under IC 25-23.6. (*Behavioral Health and Human Services Licensing Board; 839 IAC 1-1-3.6; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1503; readopted filed Oct 25, 2001, 4:20 p.m.: 25 IR 939; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-839070049RFA*)

839 IAC 1-1-3.7 "LMHC" defined

Authority: IC 25-23.6-2-8
Affected: IC 25-23.6

Sec. 3.7. "LMHC" means a licensed mental health counselor licensed under IC 25-23.6. (*Behavioral Health and Human Services Licensing Board; 839 IAC 1-1-3.7; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1503; readopted filed Oct 25, 2001, 4:20 p.m.: 25 IR 939; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-839070049RFA*)

839 IAC 1-1-3.8 "LSW" defined

Authority: IC 25-23.6-2-8
Affected: IC 25-23.6

Sec. 3.8. "LSW" means a licensed social worker licensed under IC 25-23.6. (*Behavioral Health and Human Services Licensing Board; 839 IAC 1-1-3.8; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1504; readopted filed Oct 25, 2001, 4:20 p.m.: 25 IR 939; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-839070049RFA*)

839 IAC 1-1-3.9 "LMFTA" defined

Authority: IC 25-23.6-2-8
Affected: IC 25-23.6

Sec. 3.9. "LMFTA" means a licensed marriage and family therapist associate under IC 25-23.6. (*Behavioral Health and Human Services Licensing Board; 839 IAC 1-1-3.9; filed Jun 29, 2011, 9:12 a.m.: 20110727-IR-839090811FRA*)

839 IAC 1-1-4 "Practitioner" defined

Authority: IC 25-23.6-2-8
Affected: IC 25-23.6

Sec. 4. "Practitioner" means a social worker, a clinical social worker, a marriage and family therapist, or a mental health counselor licensed under IC 25-23.6. (*Behavioral Health and Human Services Licensing Board; 839 IAC 1-1-4; filed Jul 1, 1992, 12:00 p.m.: 15 IR 2456; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1504; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1308; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-839070049RFA*)

839 IAC 1-1-5 "CSW" defined (Repealed)

Sec. 5. (*Repealed by Behavioral Health and Human Services Licensing Board; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1516*)

Rule 2. Licensure and Fees

839 IAC 1-2-1 Application by examination

Authority: IC 25-23.6-2-8
Affected: IC 25-23.6

Sec. 1. (a) An applicant for licensure as a social worker, clinical social worker, marriage and family therapist, or mental health

counselor shall:

- (1) make application in writing on forms provided by the board; and shall
- (2) furnish satisfactory evidence to the board that the qualifying requirements have been met as provided for in the state licensing statutes, 839 IAC 1-3, 839 IAC 1-4, and 839 IAC 1-5.
- (b) Applicants for licensure as a social worker shall be required to pass the intermediate level of the national examination as provided by the Association of Social Work Boards.
- (c) Applicants for licensure as a clinical social worker shall be required to pass the clinical level of the national examination as provided by the Association of Social Work Boards.
- (d) Applicants for licensure as a marriage and family therapist or marriage and family therapist associate shall be required to pass the national examination as provided by the Association of Marital and Family Therapy Regulatory Boards.
- (e) Applicants for licensure as a mental health counselor shall be required to pass the National Clinical Mental Health Counselor Examination as provided by the National Board for Certified Counselors.
- (f) All applications for the licensed social worker and licensed clinical social worker examination must be complete in every respect, including accompanying data and the required fee.
- (g) All applications for the licensed mental health counselor and licensed marriage and family therapist examination must be complete in every respect, including accompanying data and the required fee, and filed with the board at least ninety (90) days prior to the examination for which application is being made. (*Behavioral Health and Human Services Licensing Board; 839 IAC 1-2-1; filed Jul 1, 1992, 12:00 p.m.: 15 IR 2456; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1504; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1308; readopted filed Sep 26, 2008, 10:50 a.m.: 20081015-IR-839080337RFA; filed Jun 29, 2011, 9:12 a.m.: 20110727-IR-839090811FRA*)

839 IAC 1-2-2 License renewal

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6-5

Sec. 2. (a) A license to practice as a:

- (1) social worker;
- (2) clinical social worker;
- (3) marriage and family therapist;
- (4) marriage and family therapist associate; or
- (5) mental health counselor;

will expire on April 1 of even-numbered years.

- (b) Applicants for renewal of licensure shall pay a renewal fee.
- (c) Applications for renewal shall be mailed to the last known address of the practitioner. Failure to receive the application for renewal shall not relieve the practitioner of the responsibility for renewing the license by the renewal date.
- (d) It is the responsibility of the practitioner to notify the Indiana professional licensing agency of an address change.
- (e) A marriage and family therapist associate license can be renewed two (2) times. Additional renewals may be granted at the discretion of the board.
- (f) If a license to practice social work, clinical social work, marriage and family therapy, or mental health counseling has been expired for longer than three (3) years, the practitioner may renew the license by meeting the following requirements:
 - (1) File a renewal application provided by the board.
 - (2) Pay current renewal fees.
 - (3) Pay a penalty fee for late renewal.
 - (4) Submit a detailed letter of explanation to the board as to why the license has lapsed.
 - (5) Submit proof of having met the continuing education requirements for one (1) renewal cycle within the previous twenty-four (24) months.
 - (6) Make a personal appearance before the board, as the board in its discretion may require.
 - (7) Pass the national examination, as the board in its discretion may require.
- (g) If a marriage and family therapist associate license has been expired for longer than one (1) year, the practitioner may not renew the license and will have to reapply as a new applicant. (*Behavioral Health and Human Services Licensing Board; 839 IAC 1-2-2; filed Jul 1, 1992, 12:00 p.m.: 15 IR 2456; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1504; readopted filed Dec 2, 2001, 12:30*

p.m.: 25 IR 1308; readopted filed Sep 26, 2008, 10:50 a.m.: 20081015-IR-839080337RFA; filed Jun 29, 2011, 9:12 a.m.: 20110727-IR-839090811FRA)

839 IAC 1-2-2.1 Licensure retirement

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6-8-9

Sec. 2.1. (a) An individual who is licensed to practice social work, clinical social work, marriage and family therapy, or mental health counseling, and who would like to retire the license, shall notify the board in writing, when the individual retires from practice.

(b) An individual who has placed their license in retirement may not practice as a social worker, clinical social worker, marriage and family therapist, or mental health counselor until the license has been reinstated by the board.

(c) In order to reinstate a retired license, an individual shall do the following:

(1) Complete a retirement reinstatement application, provided by the board, which must be approved by the board.

(2) Pay a reinstatement fee established by the board.

(3) Submit proof of continuing education requirements, as outlined by the board, depending on the number of years the license has been in retirement as follows:

(A) Zero (0) to three (3) years, twenty (20) hours of continuing education shall be required and must be completed within twelve (12) months prior to the petition for reinstatement.

(B) Three (3) to six (6) years, forty (40) hours of continuing education shall be required and must be completed within twenty-four (24) months prior to the petition for reinstatement.

(C) Six (6) to ten (10) years, sixty (60) hours of continuing education shall be required and must be completed within thirty-six (36) months prior to the petition for reinstatement.

(D) Ten (10) years or more shall require board determination of the continuing education needed and may require a personal appearance before the board, prior to reinstatement.

(E) Retirement years shall be calculated from the receipt of request to retire the license until reinstatement of the license.

(Behavioral Health and Human Services Licensing Board; 839 IAC 1-2-2.1; filed Dec 18, 2001, 9:11 a.m.: 25 IR 1633; filed Apr 9, 2003, 3:00 p.m.: 26 IR 2622; readopted filed Dec 1, 2009, 9:12 a.m.: 20091223-IR-839090777RFA)

839 IAC 1-2-3 Verification; board authority

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6-5; IC 25-23.6-8

Sec. 3. An applicant, by submitting an application, authorizes the board to investigate or contact persons to verify information in the application. The board may request that the applicant provide additional verification or documentation to aid in the board's decision making. *(Behavioral Health and Human Services Licensing Board; 839 IAC 1-2-3; filed Jul 1, 1992, 12:00 p.m.: 15 IR 2456; readopted filed Oct 25, 2001, 4:20 p.m.: 25 IR 939; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-839070049RFA)*

839 IAC 1-2-4 Disclosure of credentials (Repealed)

Sec. 4. *(Repealed by Behavioral Health and Human Services Licensing Board; filed Dec 18, 2001, 9:11 a.m.: 25 IR 1634)*

839 IAC 1-2-5 Fees

Authority: IC 25-1-8-2; IC 25-23.6-2-8

Affected: IC 25-23.6

Sec. 5. (a) Candidates for examination shall pay the examination fee directly to the examination service.

(b) The application/issuance fee for licensure to practice as:

(1) a social worker;

(2) a clinical social worker;

(3) a marriage and family therapist;

- (4) a marriage and family therapist associate;
- (5) a mental health counselor;
- (6) an addiction counselor; or
- (7) a clinical addiction counselor;

shall be fifty dollars (\$50).

(c) The fee for issuance of a temporary permit shall be twenty-five dollars (\$25).

(d) The fee for verification of licensure to another state or jurisdiction shall be ten dollars (\$10).

(e) The fee for renewal of a license to practice as:

- (1) a social worker;
- (2) a clinical social worker;
- (3) a marriage and family therapist;
- (4) a marriage and family therapist associate;
- (5) a mental health counselor;
- (6) an addiction counselor; or
- (7) a clinical addiction counselor;

shall be fifty dollars (\$50) biennially.

(f) The fee for reinstatement of a retired license to practice as:

- (1) a social worker;
- (2) a clinical social worker;
- (3) a marriage and family therapist;
- (4) a mental health counselor;
- (5) an addiction counselor; or
- (6) a clinical addiction counselor;

shall be fifty dollars (\$50).

(g) The application fee for approval as a sponsor of continuing education shall be fifty dollars (\$50).

(h) The renewal fee for approval to sponsor continuing education shall be fifty dollars (\$50) biennially.

(i) The fee for a duplicate wall certificate shall be ten dollars (\$10).

(j) The penalty fee for late renewal, and any additional Indiana professional licensing agency administrative fees, shall be set in accordance with the Indiana professional licensing agency fee schedule.

(k) All application fees are nonrefundable. (*Behavioral Health and Human Services Licensing Board; 839 IAC 1-2-5; filed Nov 4, 1992, 5:00 p.m.: 16 IR 870; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1505; readopted filed Dec 2, 2001, 12:35 p.m.: 25 IR 1307; filed Apr 9, 2003, 3:00 p.m.: 26 IR 2623; readopted filed Dec 1, 2009, 9:12 a.m.: 20091223-IR-839090777RFA; filed Jun 3, 2010, 3:17 p.m.: 20100630-IR-839090796FRA*) NOTE: 839 IAC 1-2-6 was renumbered by Legislative Services Agency as 839 IAC 1-2-5.

Rule 3. Social Workers; Clinical Social Workers

839 IAC 1-3-1 Educational institution requirements for social worker's licensure

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6-5-1

Sec. 1. "Institution of higher education approved by the board", as used in IC 25-23.6-5-1, means an institution of higher education that has a program that is accredited or approved for candidacy by the Council on Social Work Education at the time the applicant was granted the degree. For an applicant whose degree was granted prior to June 30, 1995, the term also includes a nonaccredited program in social work or clinical social work from an institution of higher education. (*Behavioral Health and Human Services Licensing Board; 839 IAC 1-3-1; filed Jul 1, 1992, 12:00 p.m.: 15 IR 2457; filed Nov 4, 1992, 5:00 p.m.: 16 IR 871; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1505, eff Jul 1, 1999; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1309; readopted filed Sep 26, 2008, 10:50 a.m.: 20081015-IR-839080337RFA*)

839 IAC 1-3-2 Licensure by examination for social workers and clinical social workers

Authority: IC 25-23.6-2-8

Affected: IC 25-22.5; IC 25-23.6-5-1; IC 25-23.6-5-3.5; IC 25-33

Sec. 2. (a) An applicant for licensure as a social worker or clinical social worker shall pass an examination required by the board.

(b) As used in IC 25-23.6-5-1 and IC 25-23.6-5-3.5, "experience" means full-time paid experience of at least one thousand five hundred (1,500) hours per year. Part-time experience will be considered if the applicant can verify a total of four thousand five hundred (4,500) hours, three thousand (3,000) hours of which must take place after receiving the graduate degree.

(c) As used in IC 25-23.6-5-1 and IC 25-23.6-5-3.5, supervision must be face-to-face contact between the supervisor and supervisee for the purpose of assisting the supervisee in the process of learning the skills of social work or clinical social work practice for a minimum of four (4) hours per month.

(d) Experience, as that term is used in IC 25-23.6-5-1 and IC 25-23.6-5-3.5, shall be earned as an employee in one (1) of the following settings:

- (1) Social service agencies.
- (2) Schools.
- (3) Institutions of higher education.
- (4) Hospitals.
- (5) Private practice.
- (6) Mental health centers.
- (7) Correctional institutions.
- (8) Home health agencies.
- (9) Long term health care facilities.
- (10) Employee assistance programs.
- (11) Occupational social services.
- (12) Military facilities.

(Behavioral Health and Human Services Licensing Board; 839 IAC 1-3-2; filed Jul 1, 1992, 12:00 p.m.: 15 IR 2457; filed Nov 4, 1992, 5:00 p.m.: 16 IR 871; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1505, eff Jul 1, 1999; filed Oct 1, 2003, 9:28 a.m.: 27 IR 517; readopted filed Dec 1, 2009, 9:12 a.m.: 20091223-IR-839090777RFA)

839 IAC 1-3-2.5 Temporary permits for social workers and clinical social workers

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6-5-11

Sec. 2.5. (a) As used in IC 25-23.6-5-11, "the date the board disapproves the individual's license application" means the date an applicant for licensure receives notice from the board of:

- (1) failure of the required examination; or
- (2) denial of the individual's license application.

(b) As used in IC 25-23.6-5-11, "good cause" means any reason approved by the board following written notice to the board from the applicant within thirty (30) days of the date the applicant was scheduled to take the examination.

(c) An applicant for licensure as a social worker or as a clinical social worker who fails the initial examination may renew the temporary permit, a maximum of two (2) times, if the applicant retakes the repeat examination within six (6) months of the date of the previously failed examination; failure to take within the six (6) months will automatically invalidate the temporary permit.

(d) As used in IC 25-23.6-5-11, "national association approved by the board" means either of the following:

- (1) National Association of Social Workers.
- (2) Any national social work association with educational and clinical experience requirements substantially equivalent to National Association of Social Workers.

(Behavioral Health and Human Services Licensing Board; 839 IAC 1-3-2.5; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1506, eff Jul 1, 1999; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1309; readopted filed Sep 26, 2008, 10:50 a.m.: 20081015-IR-839080337RFA)

839 IAC 1-3-3 Examination exemption (Repealed)

Sec. 3. *(Repealed by Behavioral Health and Human Services Licensing Board; filed Dec 19, 1996, 11:00 a.m.: 20 IR 1121)*

839 IAC 1-3-3.5 Exemption from examination for social workers and clinical social workers

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6-5-11; IC 25-23.6-5-14

Sec. 3.5. An examination shall be considered to be substantially equivalent, as used in IC 25-23.6-5-11 and IC 25-23.6-5-14, if the examination is the same examination used by the board and is equal to or higher than the level for which licensure is being requested. The board will review all examinations other than the one used by the board to determine equivalency. (*Behavioral Health and Human Services Licensing Board; 839 IAC 1-3-3.5; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1506, eff Jul 1, 1999; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1309; readopted filed Sep 26, 2008, 10:50 a.m.: 20081015-IR-839080337RFA*)

839 IAC 1-3-4 Standards for the competent practice of social work and clinical social work

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6

Sec. 4. (a) The competent practice of social work and clinical social work requires remaining current with generally accepted developments within the area of specialization and the development and exercise of judgment as to when to apply specific procedures in a reasonable, effective, efficient, and economical manner.

(b) The competent practice of social work and clinical social work includes acting within generally accepted ethical principles and guidelines of the profession and maintaining an awareness of personal and professional limitations. These ethical principles include, but are not limited to, the following:

(1) A social worker or clinical social worker shall provide a clear description of what the client may expect in the way of services, reports, fees, billing, and schedules.

(2) A social worker or clinical social worker shall not misrepresent the practitioner's qualifications, training, or experience. If a social worker or a clinical social worker engages in advertising, the practitioner's credentials shall be presented factually.

(3) A social worker or clinical social worker may not practice beyond the practitioner's competence. A social worker or clinical social worker shall make appropriate referrals when the client's needs exceed the practitioner's competency level. Such referrals should be timely.

(4) A social worker or clinical social worker shall assure that referrals are always based solely on the best interest of the client and not for personal gain.

(5) A social worker or clinical social worker shall not provide social work or clinical social work services while under the influence of alcohol or other mind-altering or mood-altering drugs, which impair delivery of such services.

(6) Relationships with clients shall not be exploited by the social worker or clinical social worker for personal gain. A social worker or clinical social worker shall not violate such positions of trust and dependency by committing any act detrimental to a client.

(7) A social worker or clinical social worker shall not abandon or neglect a client in need of immediate professional services without making reasonable arrangements for the provision or the continuation of services.

(8) The social worker or clinical social worker shall under no circumstances engage in sexual activities with clients.

(*Behavioral Health and Human Services Licensing Board; 839 IAC 1-3-4; filed Jul 1, 1992, 12:00 p.m.: 15 IR 2458; filed Nov 4, 1992, 5:00 p.m.: 16 IR 872; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1310; readopted filed Sep 26, 2008, 10:50 a.m.: 20081015-IR-839080337RFA*)

839 IAC 1-3-4.5 Enrollment

Authority: IC 25-23.6-2-8

Affected: P.L.147-1997, SEC. 80

Sec. 4.5. As used in P.L.147-1997, SECTION 80, "enrolled" means the point at which a student has begun to take classes to complete either a master's or doctoral degree program in social work from an institution of higher education accredited or approved for candidacy by the Council on Social Work Education. (*Behavioral Health and Human Services Licensing Board; 839 IAC 1-3-4.5; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1506; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1310; readopted filed Sep 26, 2008, 10:50 a.m.: 20081015-IR-839080337RFA*)

839 IAC 1-3-5 Examination requirements

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6-5-1

Sec. 5. (a) An applicant applying for licensure by examination as a clinical social worker or a social worker, approved by the board to sit for the examination, shall sit for that examination within one (1) year from the date of the initial board approval. If the exam applicant has not taken the examination within one (1) year from the date of the initial board approval, the initial board approval will be invalid and the applicant must file a new application.

(b) The board will notify the applicant in writing of examination results.

(c) Applicants determined by the board to have failed the examination, who wish to retake the examination, shall submit a repeat examination application, fees, and other requirements as stated in 839 IAC 1-2-1.

(d) Applicants who fail the examination three (3) times may be required to personally appear before the board prior to retaking the examination. (*Behavioral Health and Human Services Licensing Board; 839 IAC 1-3-5; filed Dec 18, 2001, 9:11 a.m.: 25 IR 1634; readopted filed Sep 26, 2008, 10:50 a.m.: 20081015-IR-839080337RFA*)

Rule 4. Marriage and Family Therapists

839 IAC 1-4-1 Approved course work (Repealed)

Sec. 1. (*Repealed by Behavioral Health and Human Services Licensing Board; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1516*)

839 IAC 1-4-2 Certification by examination (Repealed)

Sec. 2. (*Repealed by Behavioral Health and Human Services Licensing Board; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1516*)

839 IAC 1-4-3 Exemption from examination (Repealed)

Sec. 3. (*Repealed by Behavioral Health and Human Services Licensing Board; filed Dec 19, 1996, 11:00 a.m.: 20 IR 1121*)

839 IAC 1-4-3.1 Educational requirements for marriage and family therapists and marriage and family therapist associates

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6-8

Sec. 3.1. (a) As used in IC 25-23.6-8-1, "master's degree in an area related to marriage and family therapy" means a degree earned in one (1) of the following areas of study:

(1) Clinical social work.

(2) Psychology.

(3) Counseling.

(4) Pastoral counseling.

(5) Programs accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE).

(6) Another degree area as determined by the board.

(b) An applicant for licensure as a marriage and family therapist with a graduate degree not listed in subsection (a), or an applicant asserting that his or her program is equivalent to a program in marriage and family therapy whose content areas are listed in IC 25-23.6-8-2.5, must provide the board with the following information:

(1) Evidence that their degree program and any additional course work are equivalent to the criteria for a graduate degree in marriage and family therapy as set forth in this section.

(2) An official college transcript.

(3) Appropriate certifications or affidavits from university officials.

(4) Any additional supporting documentation as requested by the board.

(c) As used in IC 25-23.6-8-2.1(a)(1), "regional accrediting body" means a college or university that was accredited prior to

or within two (2) years of the time of the applicant's graduation by one (1) of the following:

- (1) New England Association of Schools and Colleges.
- (2) Middle States Association of Colleges and Schools.
- (3) North Central Association of Colleges and Schools.
- (4) Northwest Association of Schools and Colleges.
- (5) Southern Association of Schools and Colleges.
- (6) Western Association of Schools and Colleges.

(d) An applicant for licensure as a marriage and family therapist under IC 25-23.6-8 must show successful completion of a degree curriculum that shall encompass a minimum of twenty-seven (27) semester hours or forty-one (41) quarter hours of graduate course work. If the course titles as stated on the transcript do not clearly reflect the course work content areas as listed in IC 25-23.6-8-2.5, the applicant must document the course or combination of courses in which the material was covered. Only graduate level courses are acceptable for establishing equivalency. The board will not accept course work counted or credited toward an undergraduate degree.

(e) The following criteria shall be used to identify a master's or doctoral program in marriage and family therapy or an area related to marriage and family therapy:

- (1) The program, wherever it may be housed, shall:

- (A) be clearly identified as a marriage and family therapy program in pertinent catalogs and brochures; and
- (B) specify the program's intent to educate and train marriage and family therapists.

- (2) There shall be a clear authority and primary responsibility for the core and specialty areas, whether or not the program cuts across administrative lines.

- (3) The program shall have an identifiable marriage and family therapy professional responsible for the program.

- (4) The program shall have an identifiable body of students who are matriculated in that program for a degree.

- (5) The program shall include a supervised clinical practicum, internship, or field experience in marriage and family therapy.

(f) As used in IC 25-23.6-8-2.5(a)(3), "practicum" means a distinctly defined supervised curricular experience intended to enable the student to develop basic therapy skills and to integrate professional knowledge and skills appropriate to the student's program emphasis. The practicum shall be a minimum of five hundred (500) face-to-face client contact hours and include a minimum of one hundred (100) hours of supervision from an LMFT who has at least five (5) years of experience.

(g) The supervision of the clinical practicum, internship, or field experience in marriage and family therapy experiences listed in this section are tutorial forms of instruction. Individual supervision is supervision rendered to not more than two (2) individuals at a time and group supervision is supervision rendered to at least two (2) and not more than ten (10) individuals at one (1) time.

(h) As used in IC 25-23.6-8-2.5(a)(3)(B), "one hundred (100) hours of supervision" refers to the entire clinical experience requirement of five hundred (500) hours. This includes individual and group supervision. The applicant must document that at least one hundred (100) hours were spent with an LMFT supervisor who has at least five (5) years of experience or a qualified supervisor approved by the board. The graduate marriage and family therapy student may work away from the premises of the educational institution but must:

- (1) be enrolled in a clinical practicum, internship, or field experience in marriage and family therapy; and
- (2) conduct therapy under the auspices of that graduate program.

(Behavioral Health and Human Services Licensing Board; 839 IAC 1-4-3.1; filed Jun 29, 2011, 9:12 a.m.: 20110727-IR-839090811FRA)

839 IAC 1-4-3.2 Experience requirements for marriage and family therapists

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6-8-2.7

Sec. 3.2. (a) As used in IC 25-23.6-8-2.7, "one thousand (1,000) hours of postgraduate clinical experience" means experience under approved supervision, acquired over not less than twenty-four (24) months, any time subsequent to the date:

- (1) the individual is licensed as a marriage and family therapist associate; or
- (2) certified by the degree-granting institution showing completion of all requirements for the master's degree issued prior to July 1, 2008.

The doctoral student may use hours accrued during a doctoral practicum or internship toward the postgraduate clinical experience.

- (b) As used in IC 25-23.6-8-2.7(a), "individual supervision" means face-to-face supervision with an equivalent supervisor and

not more than two (2) individuals. (*Behavioral Health and Human Services Licensing Board; 839 IAC 1-4-3.2; filed Jun 29, 2011, 9:12 a.m.: 20110727-IR-839090811FRA*)

839 IAC 1-4-3.3 Examination requirements for marriage and family therapist and marriage and family therapist associate

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6-8-3

Sec. 3.3. (a) An applicant for licensure by examination as a marriage and family therapist or marriage and family therapist associate, approved by the board to sit for the examination, shall sit for that examination within one (1) year from the date of the initial board approval. If the examination applicant has not taken the examination within one (1) year from the date of the initial board approval, the initial board approval will be invalid and the applicant must file a new application.

(b) The board will notify the applicant in writing of examination results.

(c) Applicants determined by the board to have failed the examination, who wish to retake the examination, shall submit a repeat examination application, fees, and other requirements as stated in 839 IAC 1-2-1.

(d) Applicants who fail the examination three (3) times may be required to personally appear before the board prior to retaking the examination. (*Behavioral Health and Human Services Licensing Board; 839 IAC 1-4-3.3; filed Jun 29, 2011, 9:12 a.m.: 20110727-IR-839090811FRA*)

839 IAC 1-4-4 Standards for the competent practice of marriage and family therapy

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6

Sec. 4. (a) Marriage and family therapists shall not exploit the trust and dependency of clients. Marriage and family therapists shall avoid dual relationships with clients that could impair their professional judgment or increase the risk of exploitation. Examples of such dual relationships include, but are not limited to, business or close personal relationships with clients.

(b) Marriage and family therapists shall respect the right of clients to make decisions and help them to understand the consequences of these decisions. Marriage and family therapists shall clearly advise a client that a decision on marital status is the responsibility of the client.

(c) Marriage and family therapists shall continue therapeutic relationships only so long as it is reasonably clear that clients are benefiting from the relationship.

(d) Marriage and family therapists shall not abandon or neglect clients in treatment without making reasonable arrangements for the continuation of such treatment.

(e) Marriage and family therapists may use client and/or clinical materials in teaching, writing, and public presentations only if a written waiver has been received from the client or when appropriate steps have been taken to protect client identity.

(f) Marriage and family therapists shall store or dispose of client records in ways that maintain confidentiality.

(g) Marriage and family therapists shall seek to remain abreast of new developments in family therapy knowledge and practices through both educational activities and clinical experiences.

(h) Marriage and family therapists shall not attempt to diagnose, treat, or advise on problems outside their competence.

(i) Marriage and family therapists shall not offer or accept payment for referrals.

(j) Marriage and family therapists shall disclose the marriage and family therapist's fee structure to clients at the onset of treatment. (*Behavioral Health and Human Services Licensing Board; 839 IAC 1-4-4; filed Jul 1, 1992, 12:00 p.m.: 15 IR 2459; readopted filed Oct 25, 2001, 4:20 p.m.: 25 IR 939; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-839070049RFA*)

839 IAC 1-4-5 Supervision for marriage and family therapist licensure applicants

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6-8-2.5; IC 25-23.6-8-2.7

Sec. 5. (a) As used in IC 25-23.6-8-2.5, "qualified supervisor" means any of the following:

(1) An American Association for Marriage and Family Therapy approved supervisor.

(2) An American Association for Marriage and Family Therapy supervisor candidate.

(3) A supervisor who has demonstrated to the marriage and family therapy section of the board possession of a master's degree or higher in the mental health field, training and supervision in marriage and family therapy that focused on family systems, and completion of at least thirty (30) clock hours in marriage and family therapy supervision training.

(b) As used in IC 25-23.6-8-2.7, "equivalent supervisor" means an individual who is licensed in a mental health field or, if the supervision was provided in a state where no regulation exists, by a mental health professional of equivalent status, and is any of the following:

(1) An American Association for Marriage and Family Therapy approved supervisor.

(2) An American Association for Marriage and Family Therapy supervisor candidate.

(3) A supervisor who:

(A) demonstrates to the board training, education, and experience in marriage and family therapy by providing to the board:

(i) a state marriage and family therapy credential;

(ii) American Association for Marriage and Family Therapy clinical membership; or

(iii) other documentation of training, education, and experience in individual, couple, and family therapy; and

(B) provides documentation of training, education, and experience in individual, couple, and family therapy supervision by providing to the board:

(i) a state marriage and family therapy credential to provide marriage and family therapy supervision;

(ii) completed course work or continuing education in marriage and family therapy supervision;

(iii) significant marriage and family therapy supervised supervision experience; or

(iv) more than five (5) years experience supervising marriage and family therapy.

(Behavioral Health and Human Services Licensing Board; 839 IAC 1-4-5; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1507, eff Jul 1, 1999; filed Oct 1, 2003, 9:28 a.m.: 27 IR 518; readopted filed Dec 1, 2009, 9:12 a.m.: 20091223-IR-839090777RFA; filed Jun 29, 2011, 9:12 a.m.: 20110727-IR-839090811FRA)

839 IAC 1-4-6 Temporary permits for marriage and family therapists

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6-8-10

Sec. 6. (a) As used in IC 25-23.6-8-10, "the date the board disapproves the individual's license application" means the date an applicant for licensure receives notice of:

(1) failure of the required examination; or

(2) denial of the individual's license application.

(b) As used in IC 25-23.6-8-10, "good cause" means any reason approved by the board following written notice to the board from the applicant within thirty (30) days of the date the applicant was scheduled to take the examination.

(c) An applicant for licensure as a marriage and family therapist who fails the required examination shall not be issued a second temporary permit.

(d) As used in IC 25-23.6-8-10, "national association approved by the board" means either of the following:

(1) Clinical membership in the American Association for Marriage and Family Therapy.

(2) Clinical membership in any national marriage and family therapy association with educational and clinical experience requirements substantially equivalent to the American Association for Marriage and Family Therapy.

(Behavioral Health and Human Services Licensing Board; 839 IAC 1-4-6; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1507, eff Jul 1, 1999; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1310; readopted filed Sep 26, 2008, 10:50 a.m.: 20081015-IR-839080337RFA)

839 IAC 1-4-7 Examination exemption for marriage and family therapists

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6-8-13

Sec. 7. An examination shall be considered to be substantially equivalent, as used in IC 25-23.6-8-13, if:

(1) the examination is the same examination used by the board; or

(2) the board, after reviewing the examination, finds it comparable to the examination used by the board.

(Behavioral Health and Human Services Licensing Board; 839 IAC 1-4-7; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1507, eff Jul 1,

1999; readopted filed Oct 25, 2001, 4:20 p.m.: 25 IR 939; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-839070049RFA)

Rule 5. Mental Health Counselors

839 IAC 1-5-1 Educational requirements for mental health counselors

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6-8.5

Sec. 1. (a) As used in IC 25-23.6-8.5-1, "master's degree in an area related to mental health counseling" means a degree earned in one (1) of the following programs:

- (1) Clinical social work.
- (2) Psychology.
- (3) Human services.
- (4) Human development.
- (5) Family relations.
- (6) Counseling.
- (7) Programs accredited by the Council for Accreditation of Counseling and Related Education Programs (CACREP) or the Council on Rehabilitation Education (CORE).

(b) An applicant for licensure as a mental health counselor with a graduate degree not listed in subsection (a), or an applicant asserting that his or her program is equivalent to a program in counseling whose content areas are listed in IC 25-23.6-8.5-3, must provide the board with the following information:

- (1) Evidence that their degree program and any additional course work are equivalent to the criteria for a graduate degree in counseling as set forth in this section.
- (2) An official college transcript.
- (3) Appropriate certifications or affidavits from university officials.
- (4) Any additional supporting documentation as requested by the board.

(c) As used in IC 25-23.6-8.5-2, "regional accrediting body" means a college or university that was accredited prior to or within two (2) years of the time of the applicant's graduation by one (1) of the following:

- (1) New England Association of Schools and Colleges.
- (2) Middle States Association of Colleges and Schools.
- (3) North Central Association of Colleges and Schools.
- (4) Northwest Association of Schools and Colleges.
- (5) Southern Association of Schools and Colleges.
- (6) Western Association of Schools and Colleges.

(d) An applicant for licensure as a mental health counselor under IC 25-23.6-8.5 must show successful completion of a degree curriculum that shall encompass a minimum of forty-eight (48) semester hours or seventy-two (72) quarter hours of graduate study for the master's degree or a minimum of ninety-six (96) semester hours or one hundred forty-four (144) quarter hours of graduate study for the doctoral degree. If the course titles as stated on the transcript do not clearly reflect the course work content areas as listed in IC 25-23.6-8.5-3, the applicant must document the course or combination of courses in which the material was covered. Further, the applicant for licensure shall document a minimum of sixty (60) semester hours or ninety (90) quarter hours of graduate credit in mental health counseling or a related field. Only graduate level courses are acceptable for establishing equivalency. The board will not accept course work counted or credited toward an undergraduate degree.

(e) The following criteria shall be used to identify a master's or doctoral program in counseling or an area related to mental health counseling:

- (1) The program, wherever it may be housed, shall be clearly identified as a counseling program in pertinent catalogs and brochures and shall specify the program's intent to educate and train counselors.
- (2) There shall be a clear authority and primary responsibility for the core and specialty areas, whether or not the program cuts across administrative lines.
- (3) The program shall have an identifiable mental health professional responsible for the program.
- (4) The program shall have an integrated, organized sequence of study that follows the CACREP standards.
- (5) The program shall have an identifiable body of students who are matriculated in that program for a degree.

(6) The program shall include a supervised practicum and internship.

(7) The degree program may or may not include an advanced internship. However, the advanced internship must be conducted in a setting focused on mental health counseling and/or mental health services under the auspices of an approved graduate counseling program.

(f) As used in IC 25-23.6-8.5-3, "practicum" means a distinctly defined supervised curricular experience intended to enable the student to develop basic counseling skills and to integrate professional knowledge and skills appropriate to the student's program emphasis. The practicum shall be a minimum of one hundred (100) clock hours and include the following:

(1) A minimum of forty (40) hours of direct service with clients so that experience can be gained in individual and group interactions; at least one-fourth ($\frac{1}{4}$) of these hours should be in group work.

(2) A minimum of one (1) hour per week of individual supervision, over a minimum of one (1) academic term by a program faculty member or a supervisor working under the supervision of a program faculty member, using audiotape, videotape, and/or direct observation.

(3) A minimum of one and one-half ($1\frac{1}{2}$) hours per week of group supervision with other students in similar practica over a minimum of one (1) academic term by a program faculty member or a supervisor working under the supervision of a program faculty member.

(4) An evaluation of the student's performance throughout the practicum, including a formal evaluation at the completion of the practicum.

(g) As used in IC 25-23.6-8.5-3, "internship" means a distinctly defined, supervised curricular experience intended to enable the student to refine and to enhance basic counseling skills, to develop more advanced counseling skills, and to integrate professional knowledge and skills appropriate to the student's initial postgraduation professional placement. A supervised internship of six hundred (600) clock hours, that is begun after successful completion of the student's practicum, includes the following:

(1) A minimum of two hundred forty (240) hours of direct service with clients appropriate to the program of study.

(2) A minimum of one (1) hour per week of individual supervision, throughout the internship, usually performed by the on-site supervisor.

(3) A minimum of one and one-half ($1\frac{1}{2}$) hours per week of group supervision, throughout the internship, usually performed by a program faculty member supervisor.

(4) The opportunity for the student to become familiar with a variety of professional activities other than direct service.

(5) The opportunity for the student to develop audiotapes and/or videotapes of the student's interactions with clients appropriate for use in supervision.

(6) The opportunity for the student to gain supervised experience in the use of a variety of professional resources, such as:

(A) assessment instruments;

(B) computers;

(C) print and nonprint media;

(D) professional literature;

(E) research; and

(F) information and referral to appropriate providers.

(7) A formal evaluation of the student's performance during the internship, by a program faculty supervisor, in consultation with the site supervisor.

(h) The practicum and internship experiences listed in this section are tutorial forms of instruction. Individual supervision is supervision rendered to one (1) person at a time, and group supervision is supervision rendered to at least two (2) and not more than twelve (12) individuals at one (1) time.

(i) As used in IC 25-23.6-8.5-3, "advanced internship" means a minimum of three hundred (300) clock hours of supervised experience that must be completed in a setting in which the individual is providing mental health services under the direct supervision of a professional as defined in subsection (m).

(j) The required practicum, internship, and advanced internship experiences listed in this section must have been primarily in the provision of direct counseling services. This includes knowledge, skill, or experience derived from direct observations of, and participation in, the practice of counseling. No course intended primarily for practice in the administration and grading of appraisal or assessment instruments shall count toward these clinical semester hour requirements.

(k) The required experiences gained through the practicum, internship, and advanced internship may not be taken concurrently, and the academic credit must appear on the applicant's official graduate transcript.

(l) As used in IC 25-23.6-8.5-3, "one hundred (100) hours of face-to-face supervision" refers to the entire clinical experience

requirement of one thousand (1,000) hours. This includes individual and group supervision. The applicant must document that at least one hundred (100) hours were spent face-to-face with a supervisor during the practicum, internship, and advanced internship. The graduate counseling student may work away from the premises of the educational institution but must be enrolled in a counseling practicum, internship, or advanced internship and must conduct counseling under the auspices of that graduate program.

(m) As used in IC 25-23.6-8.5-3, "supervised practice experience" means experience gained under supervision provided by:

(1) a counselor educator;

(2) a licensed master's level or doctoral level:

(A) mental health counselor;

(B) clinical social worker;

(C) marriage and family therapist;

(D) physician who has training in psychiatric medicine;

(E) psychologist; or

(F) clinical nurse specialist in psychiatric or mental health nursing; or

(3) another state-regulated mental health professional or, if the experience was gained in a state where no regulation exists, by a mental health professional of equivalent status.

(Behavioral Health and Human Services Licensing Board; 839 IAC 1-5-1; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1507; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1311; filed Oct 1, 2003, 9:28 a.m.: 27 IR 518; readopted filed Dec 1, 2009, 9:12 a.m.: 20091223-IR-839090777RFA)

839 IAC 1-5-1.5 Experience requirements for mental health counselors

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6-8.5-4

Sec. 1.5. (a) As used in IC 25-23.6-8.5-4, "three thousand (3,000) hours of postgraduate clinical experience over a two (2) year period" means experience under approved supervision, acquired over no less than twenty-one (21) months and over no more than forty-eight (48) months, any time subsequent to the date certified by the degree-granting institution as that on which all requirements for the master's degree have been completed. The doctoral student may continue to accrue hours for this clinical experience requirement once the doctoral internship has been completed.

(b) As used in IC 25-23.6-8.5-4, "equivalent supervisor" means an individual who is supervising within their scope of experience and training and is any of the following:

(1) Licensed as a clinical social worker.

(2) Licensed as a marriage and family therapist.

(3) Licensed as a physician who has training in psychiatric medicine.

(4) Licensed as a psychologist.

(5) Licensed as a clinical nurse specialist in psychiatric or mental health nursing.

(6) A mental health professional of equivalent status if the supervision was provided in a state where no regulation exists.

(Behavioral Health and Human Services Licensing Board; 839 IAC 1-5-1.5; filed Oct 1, 2003, 9:28 a.m.: 27 IR 520; readopted filed Dec 1, 2009, 9:12 a.m.: 20091223-IR-839090777RFA)

839 IAC 1-5-2 Examination requirements for mental health counselors

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6-8.5-5

Sec. 2. (a) An applicant for licensure by examination as a mental health counselor, approved by the board to sit for the examination, shall sit for that examination within one (1) year from the date of the initial board approval. If the exam applicant has not taken the examination within one (1) year from the date of the initial board approval, the initial board approval will be invalid and the applicant must file a new application.

(b) The board will notify the applicant in writing of examination results.

(c) Applicants determined by the board to have failed the examination, who wish to retake the examination, shall submit a repeat examination application, fees, and other requirements as stated in 839 IAC 1-2-1.

(d) Applicants who fail the examination three (3) times shall personally appear before the board prior to retaking the

examination.

(e) As used in IC 25-23.6-8.5-5, "an individual who satisfies the requirements of sections 1 and 2 of this chapter" means an applicant for licensure as a mental health counselor who has completed all the graduate educational, clinical instruction, and postgraduate supervised clinical experience requirements listed in IC 25-23.6-8.5-5. (*Behavioral Health and Human Services Licensing Board; 839 IAC 1-5-2; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1509; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1313; readopted filed Sep 26, 2008, 10:50 a.m.: 20081015-IR-839080337RFA*)

839 IAC 1-5-3 Temporary permits for mental health counselors

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6-8-10; IC 25-23.6-8.5-10

Sec. 3. (a) As used in IC 25-23.6-8.5-10, "the date the board disapproves the individual's license application" means the date an applicant for licensure receives notice of:

- (1) failure of the required examination; or
- (2) denial of the individual's license application.

(b) As used in IC 25-23.6-8-10, "good cause" means any reason approved by the board following written notice to the board from the applicant within thirty (30) days of the date the applicant was scheduled to take the examination.

(c) An applicant for licensure as a mental health counselor who fails the required examination shall not be issued a second temporary permit. (*Behavioral Health and Human Services Licensing Board; 839 IAC 1-5-3; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1510; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1313; readopted filed Sep 26, 2008, 10:50 a.m.: 20081015-IR-839080337RFA*)

839 IAC 1-5-4 Exemption from examination for mental health counselors

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6-8.5-12

Sec. 4. (a) As used in IC 25-23.6-8.5-12, "exempted by the board from the examination requirement" means the board will not grant blanket reciprocity to applicants for licensure as a mental health counselor under this section. Minimum standards for licensure set by the other state at the time the applicant's mental health counselor licensure was granted in that state will be compared for equivalency with the minimum standards for Indiana licensure. The board will review each applicant for licensure as a mental health counselor by examination exemption on an individual basis.

(b) As used in IC 25-23.6-8.5-12, "engaged in the practice of mental health counseling" means the applicant has worked at least five (5) hours per week, averaged over the entire time the applicant has been in practice, with no more than a one (1) year's absence from the practice of mental health counseling, except the following:

- (1) If the applicant has more than one (1) year's absence from practice of mental health counseling, the board will review the reason for such absence on an individual basis.
- (2) If the applicant has taught mental health counseling, the applicant may count the hours spent teaching as hours of active practice of mental health counseling, provided such teaching was in courses in the same or similar field of mental health counseling as the competency area claimed by the applicant. Teaching shall include time spent in preparation, in meeting with students, and in related activities. Teaching of mental health counseling shall not count for more than seventy percent (70%) of the number of active practice hours claimed by the applicant.

(c) An examination shall be considered to be substantially equivalent, as used in IC 25-23.6-8.5-12, if the examination is either the same examination used by the board or an examination that tested the clinical skills and knowledge of the applicant. The board will review all examinations other than the one used by the board to determine equivalency. (*Behavioral Health and Human Services Licensing Board; 839 IAC 1-5-4; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1510; readopted filed Oct 25, 2001, 4:20 p.m.: 25 IR 939; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-839070049RFA*)

839 IAC 1-5-5 Standards for the competent practice of mental health counseling

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6

Sec. 5. The licensed mental health counselor must comply with IC 25-23.6 governing the practice of mental health counseling

and shall abide by the following standards:

- (1) A mental health counselor's primary professional responsibility is to the client. The mental health counselor shall make every reasonable effort to advance the welfare and best interests of the client, including respecting the rights of those persons seeking assistance and making reasonable efforts to ensure that the mental health counselor's services are used appropriately.
- (2) The mental health counselor shall act in accordance with the highest standards of professional integrity and competence. The mental health counselor is honest in dealing with clients, students, trainees, colleagues, and the public. The mental health counselor seeks to eliminate incompetence or dishonesty from the profession.
- (3) The mental health counselor holds in confidence information obtained in the course of professional service; the mental health counselor safeguards client confidences as permitted by law.
- (4) The mental health counselor respects the rights and responsibilities of professional colleagues and, as the employee of an organization, remains accountable as an individual to the ethical principles of the profession. The mental health counselor treats colleagues with respect and good faith and relates to the clients of colleagues with full professional consideration.
- (5) When using assessment instruments or techniques, the mental health counselor shall make every effort to promote the welfare and best interests of the client. The mental health counselor guards against the misuse of assessment results, and respects the client's right to know the results, the interpretations, and the basis for any conclusions or recommendations.
- (6) The mental health counselor recognizes that research activities must be conducted with full respect for the rights and dignity of participants and with full concern for their welfare. Participation in research must be voluntary unless it can be demonstrated that involuntary participation will have no harmful effects on the subjects and is essential to the investigation.
- (7) The mental health counselor adheres to professional rather than commercial standards when making known his or her availability for professional services. The mental health counselor shall provide information that accurately informs the public of the professional services, expertise, and techniques available.
- (8) The mental health counselor shall not abandon or neglect clients in treatment without making reasonable arrangements for the continuation of such treatment.
- (9) The mental health counselor is aware of anything that might interfere with the counselor's effectiveness and shall refrain from any activity that might lead to inadequate performance or harm to anyone, including himself or herself and the client.

(Behavioral Health and Human Services Licensing Board; 839 IAC 1-5-5; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1510; readopted filed Oct 25, 2001, 4:20 p.m.: 25 IR 939; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-839070049RFA)

839 IAC 1-5-6 Examination exemption for mental health counselors (Repealed)

Sec. 6. (Repealed by Behavioral Health and Human Services Licensing Board; filed Dec 18, 2001, 9:11 a.m.: 25 IR 1634)

Rule 6. Continuing Education

839 IAC 1-6-1 Continuing education

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6

Sec. 1. (a) As used in IC 25-23.6, "continuing education" means education provided by board-approved providers that is obtained by a licensee in order to maintain, improve, or expand the licensee's skills and knowledge. As used in this rule, "CEU" means one (1) continuing education hour.

- (b) Continuing education shall be comprised of two (2) categories, Category I and Category II. The licensee:
 - (1) shall obtain a minimum of fifty percent (50%) of the required amount of CEUs for renewal from Category I; and
 - (2) may obtain a maximum of fifty percent (50%) of the required amount of CEUs for renewal from Category II.
- (c) Category I is defined as continuing education that is formal programming, which includes the following:
 - (1) Formally organized courses.
 - (2) Workshops.
 - (3) Seminars.
 - (4) Symposia.
 - (5) Institutes.
 - (6) Home study programs, including:

- (A) computer;
- (B) audio; and
- (C) video;

instructional programs accredited by board-approved organizations.

(7) Courses that are relevant to the license holder's professional skills, which are part of the curriculum of an accredited university, college, or educational institution, shall earn:

- (A) fifteen (15) CEUs for each academic semester hour completed; or
- (B) ten (10) CEUs for each academic quarter hour completed.

(8) Faculty teaching a course for the first time at an accredited university, college, or educational institution shall earn one and one-half (1½) CEUs for every credit hour taught. Continuing education credit will be granted only the first time faculty teaches the course within the same semester.

(d) CEUs obtained from Category I sponsors shall earn the amount of continuing education hours granted by the program sponsor. If the sponsor does not grant continuing education hours, then one (1) CEU will be granted for each clock hour of attendance.

(e) Category II is defined as continuing education that is self-directed, which includes the following:

- (1) Journal clubs, earns one (1) CEU for each hour attended.
- (2) Office inservices, earns one (1) CEU for each hour attended.
- (3) Case conferences that are specifically designed for training or teaching, earns one (1) CEU for each hour attended.
- (4) Services as an instructor, presenter, or supervisor in a relevant professional seminar, workshop, or training conference earns one (1) CEU for each hour of service, but only for the initial instruction, presentation, or supervision given.
- (5) Research and publication of research results in a recognized professional journal or book form, earns ten (10) CEUs, but may only be claimed for the initial publication of the information.
- (6) Providing consultation, critique, or peer review of therapy and skills for an individual:

(A) pursuing a:

- (i) bachelor's degree;
- (ii) master's degree; or
- (iii) doctoral degree; or

(B) working:

- (i) to meet the experience requirement for licensure; or
- (ii) for another licensee;

earns one (1) CEU for each hour spent with the individual for this purpose.

(7) Services on boards and commissions and holding office in professional organizations, specifically related to the licensee's profession, earns one (1) CEU for each hour of service.

(8) Faculty teaching a course at an accredited university, college, or educational institution, earns one (1) CEU for every credit hour taught. Continuing education credit will be granted only the first time faculty teaches the course within the same semester.

(Behavioral Health and Human Services Licensing Board; 839 IAC 1-6-1; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1512; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1313; filed Jun 1, 2006, 9:45 a.m.: 29 IR 3373)

839 IAC 1-6-2 Approval of continuing education programs

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6

Sec. 2. (a) The following criteria shall be used for the approval of providers of continuing education programs for LSWs, LCSWs, LMFTs, LMFTAs, and licensed mental health counselors (LMHCs):

- (1) The continuing education program shall have a statement of objectives, which the program should achieve for its participants relating to and enhancing the licensee's practice.
- (2) The sponsor of a continuing education program shall provide the following:
 - (A) Adequate administration, including a responsible person to coordinate and administer the program.
 - (B) Maintenance of proper records.
- (3) Sponsors of a continuing education program shall provide adequate funding for the educational program undertaken.
- (4) The curriculum of a continuing education program shall be thoughtfully planned and designed to explore in considerable

depth:

- (A) one (1) subject; or
- (B) a closely related group of subjects related to the licensee's practice.

(5) The continuing education program shall:

- (A) have qualified faculty members with demonstrated competence in the subject areas; and
- (B) be held in adequate facilities that allow for an effective program.

(6) Continuing education programs may employ a variety of educational methods and teaching aids that enhance the learning opportunities.

(7) Appropriate methods of evaluation shall be devised and used to measure the continuing education program's effectiveness.

(8) The sponsor of the continuing education program shall provide to the participants a meaningful record of attendance stating the continuing education hours involved.

(b) Organizations applying for board approval to be a sponsor of continuing education programming must submit an application to the board for approval at least ninety (90) days before the presentation of any program. The board shall act upon the application within ninety (90) days of receipt. The approval, if granted, is effective until April 1 of every even-numbered year.

(c) An approval to provide continuing education units for:

- (1) LSWs;
- (2) LCSWs;
- (3) LMFTs;
- (4) LMFTAs; and
- (5) LMHCs;

will expire on April 1 of the even-numbered years.

(d) The sponsor of the program is responsible for monitoring attendance in such a manner that verification of attendance throughout the entire program can be reliably assured.

(e) The sponsor shall maintain attendance records for a minimum of four (4) years from the date of the program. These records must include the following:

- (1) The date of the program.
- (2) The program title.
- (3) The presenter's name.
- (4) The names of all participants.
- (5) The number of continuing education hours granted each participant.

(f) Continuing education programs that are sponsored, accredited, or approved by the following organizations shall be deemed approved, and no prior approval by the board shall be required:

- (1) Academy for Cerebral Palsy and Developmental Medicine.
- (2) Academy of Family Mediators.
- (3) Accreditation Council on Continuing Medical Education (programs or seminars related to mental health).
- (4) American Association for Continuity of Care.
- (5) American Association for Diabetes.
- (6) American Association for Social Work with Groups/Spinal Cord Injury.
- (7) American Association of Marriage and Family Therapy.
- (8) American Association of Sex Educators, Counselors, and Therapists.
- (9) American Cancer Society.
- (10) American Counseling Association.
- (11) American Health Care Institute (programs or seminars related to mental health).
- (12) American Hospital Association (programs or seminars related to mental health).
- (13) American Medical Association (programs or seminars related to mental health).
- (14) American Mental Health Counselors Association.
- (15) American Psychiatric Association.
- (16) American Psychological Association.
- (17) American Red Cross (programs or seminars related to mental health).
- (18) Arthritis Association.
- (19) Association of Oncology Social Work.

- (20) Association of Pediatric Oncology Social Work.
- (21) Association for Treatment of Sexual Abusers.
- (22) Association of Social Work Boards.
- (23) Chicago Center for Family Health.
- (24) Commission on Rehabilitation Counselor Certification.
- (25) Employee Assistance Professional Association.
- (26) Employee Assistance Society of North America.
- (27) Federation of Societies for Clinical Social Work.
- (28) Federation of Society of Sex Educators and Therapists.
- (29) First Steps.
- (30) Healthy Families.
- (31) Hoosier Oncology Group.
- (32) Hospice Foundation of America.
- (33) Indiana Association of Home and Hospice Care.
- (34) Indiana Commission on Continuing Legal Education (programs or seminars related to mental health).
- (35) Indiana Council of Nephrology Social Workers.
- (36) Indiana Council on Adolescent Pregnancy.
- (37) Indiana Counselors Association for Alcohol and Drug Abuse.
- (38) Indiana Healthcare Ethics Network.
- (39) Indiana Hospice Association.
- (40) Indiana Hospital and Health Association (programs or seminars related to mental health).
- (41) Indiana Organ Procurement Organization.
- (42) Indiana Perinatal Association.
- (43) International Critical Incident Stress Foundation.
- (44) Leukemia and Lymphoma Society.
- (45) Mediation Matters.
- (46) Mental Health Association.
- (47) Midwest Regional Network for Intervention with Sex Offenders.
- (48) National Association for Family-Based Services.
- (49) National Association of Alcoholism and Drug Abuse Counselors.
- (50) National Association of Liver Transplant Social Workers.
- (51) National Association of Perinatal Social Work.
- (52) National Association of Social Workers.
- (53) National Board for Certified Counselors.
- (54) National Board of Addiction Examiners.
- (55) National Brain Tumor Foundation.
- (56) National Committee to Prevent Child Abuse.
- (57) National Council of Community Mental Health Centers.
- (58) National Council of Sexual Addiction and Compulsivity.
- (59) National Hospice Association.
- (60) National Kidney Foundation.
- (61) National Organization for Victim Assistance.
- (62) National Resource Center for Family Centered Practice.
- (63) National Spina Bifida Association.
- (64) Society of Heart and Lung Transplant Social Workers.
- (65) Solutions Training Institute.
- (66) The Alfred Adler Institute of Chicago.
- (67) The American Professional Society on the Abuse of Children.
- (68) The Center for Family Studies, Chicago, Illinois.
- (69) The Cincinnati Psychoanalytic Institute.
- (70) The Family Institute of Chicago.

- (71) The Family Institute/Center for Family Studies.
- (72) The Gestalt Institute of Cleveland.
- (73) The Indianapolis Gestalt Institute.
- (74) The Institute for Clinical Social Work, Chicago, Illinois.
- (75) The Institute for Psychoanalysis, Chicago, Illinois.
- (76) The International Institute of Object Relations Therapy.
- (77) The Jungian Institute of Chicago.
- (78) The National Association of Family Mediators.
- (79) The National Center for Child Abuse and Neglect.
- (80) The National Children's Advocacy Center.
- (81) The Society of Social Work Leadership in Health Care.
- (82) A national, regional, state, district, or local organization that operates as an affiliated entity under the approval of any organization listed in subdivisions (1) through (81).
- (83) Any institute or program focused on self-psychology.
- (84) Any institute or program approved by the social worker, marriage and family therapist, and mental health counselor board of another state.
- (85) A university, college, or other teaching institution accredited by the United States Department of Education or the Council on Postsecondary Education.
- (86) A federal, state, or local government agency that coordinates and presents continuing education courses and programs in conjunction with this rule.

(Behavioral Health and Human Services Licensing Board; 839 IAC 1-6-2; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1512; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1314; filed Jun 1, 2006, 9:45 a.m.: 29 IR 3373; filed Jun 29, 2011, 9:12 a.m.: 20110727-IR-839090811FRA)

839 IAC 1-6-3 Continuing education requirements

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6

Sec. 3. (a) A renewal period is defined as the two (2) year period beginning with April 1 of even-numbered years. A licensure year is defined as April 1 through March 31 of the following year.

(b) A licensee who renews a license as a social worker, clinical social worker, marriage and family therapist, marriage and family therapist associate, or mental health counselor shall complete not less than twenty (20) CEUs per year, in compliance with section 1(b) of this rule, for a total of forty (40) CEUs for the two (2) year renewal period.

(c) A minimum of one (1) CEU of the required ten (10) Category I CEUs per year shall have a content area focusing on ethics and professional conduct, including boundary issues, from a Category I provider.

(d) If a licensee holds more than one (1):

- (1) clinical social worker;
- (2) marriage and family therapist; or
- (3) mental health counselor;

license issued under IC 25-23.6, then CEUs obtained to meet the CEUs required for renewal of one (1) license may be applied towards the CEUs required for renewal of each license held.

(e) CEUs shall:

- (1) be obtained within the biennial renewal period in which the licensee is applying; and
- (2) not be carried over from one (1) biennial renewal period to another.

(f) A holder of a license issued under IC 25-23.6 must retain a record of the continuing education required by section 2(a) of this rule for four (4) years following the end of the biennial renewal period in which it was obtained.

(g) Continuing education used to satisfy the continuing education requirements of another state, in which the licensee also holds a license to practice as a mental health professional, may be applied towards the CEUs required for renewal of a license issued under IC 25-23.6.

(h) A holder of a license issued under IC 25-23.6 who has been licensed for less than two (2) full years before the first renewal date for that license shall meet the following continuing education requirements for the licensee's first renewal period:

(1) A licensee who has been licensed for at least twelve (12) months, but less than twenty-four (24) months, shall complete at least one-half (1/2) of the CEUs required for renewal of that license. At least fifty percent (50%) of these CEUs shall be obtained from Category I, and not more than fifty percent (50%) shall be obtained from Category II.

(2) A licensee who has been licensed for less than twelve (12) months shall be exempt from the CEUs required for renewal of that initial license.

(Behavioral Health and Human Services Licensing Board; 839 IAC 1-6-3; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1514; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1316; filed Jun 1, 2006, 9:45 a.m.: 29 IR 3375; filed Jun 29, 2011, 9:12 a.m.: 20110727-IR-839090811FRA)

839 IAC 1-6-4 Continuing education audit

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6

Sec. 4. The board may require additional evidence demonstrating the license holder's compliance with the continuing education requirements of this rule. This additional evidence shall be required in the context of a random audit. It is the responsibility of the license holder to verify that the CEUs obtained to meet the continuing education required for the renewal of their license have been approved by the board. It is the responsibility of the license holder to retain or otherwise produce evidence of compliance.

(Behavioral Health and Human Services Licensing Board; 839 IAC 1-6-4; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1515; readopted filed Oct 25, 2001, 4:20 p.m.: 25 IR 939; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-839070049RFA)

839 IAC 1-6-5 Request for a waiver of the continuing education requirement

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6

Sec. 5. (a) A holder of a license issued under IC 25-23.6, seeking renewal of that license without having completed the CEUs required for renewal under this rule, must submit:

- (1) a statement explaining the reasons for noncompliance;
- (2) a request for a waiver of the CEUs required for renewal; and
- (3) the renewal application and all required fees;

at least forty-five (45) days prior to the license expiration date.

(b) The license holder must submit evidence that an extreme hardship exists, to the satisfaction of the board, to be granted a waiver.

(c) If the request is granted, the waiver will be effective for the length of the current renewal period only.

(d) If the request is denied, the license holder is responsible for completing the full amount of continuing education required for license renewal.

(e) Waivers may be granted if an extreme hardship exists. The board will determine whether an extreme hardship exists that would have prevented the licensee from obtaining his or her CEUs, including, but not limited to, the following:

(1) For at least one (1) year during the current renewal period, the licensee was absent from Indiana due to full-time service in the Armed Services of the United States.

(2) During the licensee's current renewal period, the licensee or an immediate family member, where the licensee has primary responsibility for the care of that family member, was suffering from or suffered a disability. A disability is a physical or mental impairment that substantially limits one (1) or more of the major life activities of an individual. The existence of the disability must be verified by a licensed physician or psychologist, with special expertise in the area of the disability.

Verification of the disability must include the following:

(A) The nature and extent of the disability.

(B) An explanation of how the disability would hinder the licensee from completing the continuing education requirement.

(C) The name, title, address, telephone number, professional license number, and original signature of the licensed physician or psychologist verifying the disability.

(Behavioral Health and Human Services Licensing Board; 839 IAC 1-6-5; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1515; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1316; readopted filed Sep 26, 2008, 10:50 a.m.: 20081015-IR-839080337RFA)

839 IAC 1-6-6 Continuing education required for renewal on April 1, 2000 (Repealed)

Sec. 6. *(Repealed by Behavioral Health and Human Services Licensing Board; filed Dec 18, 2001, 9:11 a.m.: 25 IR 1634)*

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