

**COLORADO STATE BOARD OF LICENSED PROFESSIONAL
COUNSELOR EXAMINERS**

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DEPARTMENT OF REGULATORY AGENCIES

Colorado State Board of Licensed Professional Counselor Examiners

4 CCR 737-1

AUTHORITY

The authority for the development of these rules is found in CRS 12-43-203(3)(a) and CRS 24-4-103.

PURPOSE AND SCOPE

These rules affect individuals who apply for professional counseling licensure and who are licensed as professional counselors and practice professional counseling/psychotherapy in Colorado, as defined in CRS 12-43-201(5), CRS 12-43-201(9), and CRS 12-43-601(5)(a).

RULE 1

DEFINITIONS

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

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

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

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FACTORS

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

RULE 2

BOARD OPERATIONS (CRS 12-43-203)

- (a) Purpose. This Rule sets out the organization, administration, and general procedures and policies governing the operation of the Board.
- (b) Office. The office of the Board is located within the Department of Regulatory Agencies in Denver, Colorado.
- (c) Meetings.
 - (1) The Board shall hold regular meetings and additional meetings as necessary during each year ending on 30 June.
 - (2) The Chair may call meetings after consultation with the Board and shall call meetings if requested to do so by a majority of Board members.
 - (3) The Board may conduct meetings by telephone or electronic means as necessary.
 - (4) The Board will announce and conduct its meetings in accordance with the Colorado Open Meetings Law, CRS 24-6-401 et seq.
- (d) Quorum. A quorum of the Board necessary to conduct business is four members.
- (e) Rules of order. The Board shall conduct its meetings in an orderly fashion, with due regard for the rights of each Board member. The Board may refer to Robert's Rules of Order Revised when necessary.
- (f) Transaction of official business.
 - (1) The Board may transact official business only when in a legally-constituted meeting with a quorum present.
 - (2) The Board is not bound in any way by any action on the part of any Board member and/or the Director except when the action is pursuant to a specific instruction or direction of the Board.
 - (3) Informal opinions given or statements made by a Board member and/or the Director are not official opinions or statements of the Board and do not bind the Board. Only those opinions, decisions, or policies documented in the written minutes of Board meetings, Board rules, or official publications of the Board are binding as action of the Board.
- (g) Minutes. The minutes of any Board meeting are official only when approved by the Board and signed by the Chair or Vice-Chair.
- (h) Elections.
 - (1) At the meeting held in July of each year, or as soon thereafter as possible, the Board shall elect, by a simple majority vote of those members present, a Chair and Vice-Chair.

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- (2) A vacancy that occurs in the office of the chair or vice-chair may be filled at any regular meeting.
- (i) Officers.
 - (1) The Chair presides at all meetings that s/he attends and performs all duties prescribed by law, Board rules, or Board policies. The Board hereby authorizes the Chair to make day-to-day minor decisions regarding Board activities in order to facilitate the responsiveness and effectiveness of the Board. At all times the Chair exercises her/his authority subject to the general policies, rules, orders, decisions, findings, and determinations of the Board.
 - (2) The Vice-Chair performs the duties of the Chair in case of the absence or disability of the Chair. If the office of the Chair becomes vacant, the Vice-Chair serves as Chair until a successor is elected.
- (j) Committees. The Board or the Chairperson with the approval of the Board may establish committees or appoint consultants as deemed necessary to assist the Board in carrying out its responsibilities. As necessary or as requested committee Chairpersons and consultants shall make reports to the Board. Committees and consultants shall provide all written reports or other materials to the Director for distribution to the Board.
- (k) Impartiality. Any Board member who cannot be impartial in the determination of or who has an immediate personal, private, or financial interest in a matter before the Board shall inform the Board and shall not participate in any Board deliberation or vote on the matter. No Board member who previously supervised or directed a licensed professional counselor who is the subject of a Board investigation or disciplinary proceeding shall participate in Board deliberations or votes with respect to that licensed professional counselor.

RULE 3

PUBLIC PARTICIPATION AT BOARD MEETINGS (CRS 12-43-203, 12-43-221)

- (a) Public participation at Board meetings.
 - (1) The Board may provide a person a reasonable opportunity to address the Board at an open meeting if the request is made in accordance with this Rule and, in the Board's sole discretion, the granting of the request will not result in delay or disruption of the Board's meeting.
 - (2) The Board may provide a reasonable opportunity for a person to address the Board on an agenda item if a request to speak is given to the Chair or Director prior to Board consideration of the item.
 - (3) The Board may provide a reasonable opportunity for a person to address the Board on a subject that is not an agenda item if the request to speak is given to the Chair or Director prior to the conclusion of the meeting.
 - (4) In accordance with procedural due process of law, the Board shall not permit members of the public to address the Board on pending disciplinary proceedings or cases.

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- (5) Except in unusual circumstances and in the Board's sole discretion, the Board will rely exclusively on written materials during its initial consideration of inquiries.
- (6) The Chair may impose reasonable limitations on the time allotted for comments made pursuant to this Rule.

RULE 4

CONFIDENTIALITY OF PROCEEDINGS AND RECORDS OF THE BOARD (CRS 12-43-218, 12-43-221, 12-43-224(4))

- (a) General. Inquiries, complaints, investigations, hearings, meetings, or any other proceedings of the Board relating to disciplinary proceedings shall not be open to public inspection until the Board meets for its initial consideration of the inquiry that gave rise to the proceedings. The initial consideration of the inquiry and all further proceedings shall be open and the records available for inspection unless subsection (b) of this Rule, or an exception to the Public Records Act or an exception to the Open Meetings Act applies.
- (b) Subpoenaed Information. Information subpoenaed by the Board shall remain confidential and not be open to public inspection until the Board has reviewed the information and made a determination whether the information should remain confidential. Information which is not determined to be confidential shall be open to public inspection unless an exception to subsection (a) an exception to the Public Records Act or the Open Meetings Act applies. This exception shall not apply to review of information by a respondent in a Board investigation.

RULE 5

PROCEDURES FOR INVESTIGATIONS AND DISPOSITION OF INQUIRIES (CRS 12-43-221, 12-43-223, 12-43-224)

- (a) General. This Rule sets out the procedures for making and processing inquiries against licensed professional counselors where the inquiries are within the jurisdiction of the Board.
- (b) Initial Inquiries.
 - (1) Generally, inquiries against licensed professional counselors must be submitted in writing and should state in as much detail as possible the facts upon which the inquiry is based. If the complainant or recipient of psychotherapy services would like to have her/his name withheld from the public, this request should be included in the inquiry.
 - (2) At the discretion of the Board, an oral inquiry may be informally handled. The Board may request that oral inquiries be reduced to writing.
 - (3) At the discretion of the Board, anonymous inquiries may be reviewed.
- (c) Voluntary surrender of license. If a licensee is the subject of a Board investigation or a disciplinary proceeding, voluntarily surrenders her/his license, absent unusual circumstances, the Board will not discontinue the investigation or disciplinary proceeding unless the licensee consents to entry of a permanent injunction limiting or prohibiting her/his practice of professional counseling and psychotherapy in Colorado.

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- (d) Notice to licensed professional counselor. If the allegations in an inquiry against a licensed professional counselor, if proved, would constitute grounds for action pursuant to CRS 12-43-222, 12-43-223, 12-43-224, 12-43-226, or 12-43-227 the Director shall:
- (1) Inform the licensed professional counselor in writing that an inquiry has been made against her/him, enclose a copy of the inquiry, indicate the provisions of the Act that may have been violated, and request the licensed professional counselor's cooperation in ascertaining the facts and circumstances that led to the inquiry.
 - (2) Request the licensed professional counselor to provide a written statement setting out her/his response to the inquiry and whatever facts s/he may consider relevant for the Board to understand the circumstances. The licensed professional counselor shall have 20 days, or such time as the Board may determine in its discretion, to respond to the inquiry.
 - (3) At the discretion of the Director, the complainant may be given an opportunity to review and to comment upon the licensed professional counselor's response.
- (e) Requests for extension of time. The Director may grant a reasonable request for extension of time within which a licensed professional counselor may respond to the inquiry and/or within which a complainant may comment upon a licensed professional counselor's response.
- (f) Initial Board Consideration of Inquiries. When the licensed professional counselor has responded and the complainant has commented (if the complainant is asked to comment) or at the expiration of the response time (if the licensed professional counselor or complainant submits no response), the Director shall forward the inquiry, any response, and other available information to the Board for its review. The Board shall not delay its initial consideration of an inquiry because the licensed professional counselor or complainant has not responded.

RULE 6

DECLARATORY ORDERS (CRS 24-4-105(11))

- (a) Any person may petition the Board for a declaratory order to terminate a controversy or to remove uncertainty as to the applicability to the petitioner of any statutory provision or of any Board rule or order.
- (b) A petition filed pursuant to this Rule shall set forth the following:
- (1) The name and address of the petitioner and whether the petitioner is a licensee.
 - (2) The statute, rule, or order to which the petition relates.
 - (3) A concise statement of all facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule, or order in question applies or potentially applies to the petitioner.
- (c) The Board will determine, in its discretion and without notice to petitioner, whether to rule upon a petition. In determining whether to rule upon a petition, the Board will consider the following matters, among others:

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- (1) Whether a ruling on the petition will terminate a controversy or remove uncertainty as to the applicability to petitioner of any statutory provision or Board rule or order.
 - (2) Whether the petition involves any subject, question, or issue that is the subject of a formal or informal matter, proceeding, or investigation involving the petitioner and currently pending before the Board, any other agency, or a court.
 - (3) Whether the petition involves any subject, question, or issue that is the subject of a formal or informal matter, proceeding, or investigation currently pending before the Board, any other agency, or a court, but not involving the petitioner.
 - (4) Whether the petition seeks a ruling on a moot or hypothetical question or will result in an advisory ruling or opinion.
 - (5) Whether the petitioner has some other adequate legal remedy, other than an action for declaratory relief pursuant to Rule 57, Colorado Rules of Civil Procedures, that will terminate the controversy or remove any uncertainty as to the applicability to the petitioner of the statute, rule, or order in question.
- (d) If the Board determines, in its discretion, that it will not rule upon the petition pursuant to this Rule, the Board shall promptly notify the petitioner of its action and state the reasons for such action.
- (e) If the Board determines, in its discretion, that it will rule on the petition, any ruling of the Board will apply only to the facts presented in the petition and any amendment to the petition. If the Board rules upon the petition without a hearing, it shall notify the petitioner of its decision within 120 days.

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

- (1) The Board may dispose of the petition on the basis of the matters set out in the petition.
 - (2) The Board may request the petitioner to submit additional facts, in writing. In this event, the additional facts amend the petition.
 - (3) The Board may order the petitioner to file a written brief, memorandum, or statement of position.
 - (4) The Board may set the petition for hearing, upon due notice to petitioner, to obtain additional facts or information; to determine the truth of any facts set forth in the petition; or to hear oral argument on the petition. The notice to the petitioner setting the hearing shall state, to the extent known, the factual or other matters into which the Board intends to inquire. For the purpose of the hearing, to the extent necessary, the petitioner shall have the burden of proving all facts stated in the petition; all facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule, or order in question applies or potentially applies to the petitioner; and any other facts the petitioner desires the Board to consider.
- (f) If the Board determines that the petition addresses a matter within the purview of any other agency, the Board shall refer the petition to the other agency for consideration. If

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the Board refers a petition to another agency, the Board shall promptly inform the petitioner of the referral. The referral ends the matter before the Board.

- (g) The parties to any proceeding pursuant to this Rule shall be the Board and the petitioner. Any other person may seek leave of the Board to intervene in such a proceeding. A petition to intervene shall set forth the matters required by subsection (b) of this Rule. Based on the information presented and in its discretion, the Board may grant leave to intervene. Any reference to "petitioner" in this Rule includes any person who has been granted leave to intervene by the Board.
- (h) Any declaratory order or other order disposing of a petition pursuant to this Rule shall constitute final agency action subject to judicial review pursuant to CRS 24-4-106.

RULE 7

MANDATORY DISCLOSURE STATEMENT (CRS 12-43-214, 12-43-222(1)(p))

- (a) As used in CRS 12-43-214 and this Rule,
 - (1) "Administered pursuant to court order" means contact between the licensed professional counselor and the client for the purpose of psychotherapy where the contact is at the express written direction of a court of competent jurisdiction, for a particular purpose, in the context of a specific judicial proceeding or case, and with respect to an individual or individuals identified in the court's order by name or by readily-identifiable and limited classification (e.g. assessment, evaluation, or treatment of court-ordered cases). This term does not include client contact subsequent to the termination of the psychotherapy ordered by the court. (For example, a court-ordered assessment of an accused to determine her/his competence to stand trial is completed when the report and/or testimony is provided to the court. If the accused thereafter approached the licensed professional counselor, the contact would come within the general scope of CRS 12-43-214(1).) Similarly, unless ordered by a court of competent jurisdiction, reassessments, reevaluations, "updates," and similar activities are not within this definition. There must be a specific court order.
 - (2) "Client" means the recipient of the psychotherapy or mental health services, except as noted here. If the client is a child who is consenting to psychotherapy under CRS 27-10-103(2), the mandatory disclosure is made to the child. However, if the client is a child whose parent or legal guardian is consenting to the psychotherapy, mandatory disclosure is given to the parent or legal guardian. If the recipient of psychotherapy services is an adult for whom a guardian or legal representative has been appointed by a court of competent jurisdiction (irrespective of an appeal of the order) because the adult is an "incapacitated person" within the meaning of CRS 15-14-101(1), the mandatory disclosure is made to the guardian or legal representative.
 - (3) "Emergency" means those situations in which, on presentation, the client's condition requires immediate intervention and/or stabilization. Emergency situations include any actions taken pursuant to CRS Title 19, Article 3, Parts 3 and 4 (the Colorado Children's Code).
 - (4) "Forensic evaluation" means a structured, organized gathering of objective information that leads to an independent, professional opinion in reference to a matter that is directly at issue in the court system. Examples are (a) diagnosis,

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assessment, and/or evaluations done as part of the criminal justice system, at any stage of the criminal justice process; (b) diagnosing and/or making recommendations regarding the following: mental status, children's best interests, test validity litigation, testamentary capacity, and incapacities related to tort liability; and (c) work done while preparing to be an expert witness in civil, criminal, and/or administrative law cases. The licensed professional counselor conducting the evaluation is retained by the patient or the patient's family, counsel for a party, or counsel for two or more parties or is appointed by the court. Forensic evaluations are not performed by persons providing treatment to the subject of the forensic evaluation except in unusual circumstances.

- (5) "Guardian" means a person who has accepted a testamentary appointment, has accepted an appointment by written instrument, or has been appointed by a court of competent jurisdiction (whichever is applicable) and is responsible for a minor and unemancipated person or for an incapacitated person.
 - (6) "Incapable of understanding" means that, at the initial client contact, the client is either an "incapacitated person" within the meaning of CRS 15-14-101(1) or physically unable to perceive and to comprehend the nature and significance of the mandatory disclosure statement. (For example, the mandatory disclosure statement is not required if, at the initial client contact, the client is drunk; is in a coma; is unconscious; is in delirium tremens; or is in delirium as a result of withdrawal from the use of any habit-forming drug, as defined by CRS 12-22-102(13), or any controlled substance, as defined in CRS 12-22-303(7).)
 - (7) "Initial client contact" means the first contact between the licensed professional counselor and the client. This term does not include client contact that both occurs by telephone and is preliminary to beginning the licensed professional counselor-client relationship (e.g., contact to determine office hours, methods used, availability). In those instances in which the client is incapable of understanding, disclosure shall be given at the first opportunity such impairment is removed.
 - (8) "Physical custody" means the client is incarcerated in a correctional facility or is committed by court order to and resides in a facility operated by the Department of Corrections or the Department of Institutions. Physical custody does not include parole, probation, or release to the custody of any third party.
- (b) General. Every licensed professional counselor (practicing outside the school setting) is required to provide to her/his client the information specified in CRS 12-43-214(1) during the initial client contact except as provided in CRS 12-43-214(4).
- (c) Institutions.
- (1) An institution must provide an institutional mandatory disclosure statement to the client during the initial client contact if professional counseling/psychotherapy occurs in a residential, institutional, or other setting where professional counseling/psychotherapy services may be provided by multiple providers. The institutional form must provide the information listed in CRS 12-43-214(1)(c) and (d). If an institutional mandatory disclosure statement is not provided to the client the licensed professional counselor shall provide the required information listed in CRS 12-43-214(1).

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- (2) Where the primary therapist either is not readily ascertainable or is not subject to the jurisdiction of the Board, the institutional disclosure shall be sufficient.
- (3) The institutional and primary therapist's disclosures may be combined provided all required elements are included.

RULE 8

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

- (a) General. Licensed professional counselors are required to report violations of CRS 12-43-222 to the appropriate Board once they have direct knowledge that a licensee, certified addiction counselor, or unlicensed psychotherapist has violated a provision of CRS 12-43-222. Licensed professional counselors are not required to report when reporting would violate client/therapist confidentiality (refer to CRS 12-43-218).
- (b) Terms.
 - (1) "Direct knowledge" means:
 - (A) Having seen, heard, or participated in the alleged violation.
 - (B) Having been informed by the client/victim and obtained informed consent to release information as to the event or the client's name.
 - (C) Having been informed of a violation by the violator.
 - (D) Having been informed by a guardian of a minor or adult and obtained informed consent from the guardian to release information.
 - (E) Having been informed by a professional organization, agency, or any other entity, that an alleged violation occurred.
 - (2) "Has violated" means a reasonable belief that a licensee, certified addiction counselor, or unlicensed psychotherapist has engaged in a prohibited activity under section CRS 12-43-222.
- (c) Procedures.
 - (1) Once direct knowledge is established, the licensed professional counselor must report the alleged violation as soon as possible or, absent unusual circumstances, no later than 60 days.
 - (2) When direct knowledge of a violation of CRS 12-43-222 is obtained from her/his client, the licensed professional counselor shall:
 - (A) Inform the client a violation may have occurred.
 - (B) Encourage the client to report the violation.
 - (C) Provide the client the packet entitled "Your Options as a Psychotherapy Client."

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- (D) Obtain the client's informed consent before reporting the alleged violation of CRS 12-43-222.
- (3) The report shall be in writing and shall include the specifics of the violation, to the degree known, and any and all relevant information and supporting documentation.

RULE 9

SUPERVISION OF MENTAL HEALTH PRACTITIONERS (CRS 12-43-221(2), 12-43-222(1)(n))

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

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- (2) spousal relationships or significant others, either current or former;
- (3) current or former therapist and/or client;
- (4) any other relationship which might compromise therapist/client, supervisor/supervisee or supervisor/client relationship.

(B) The Board may grant an exception to the above upon a showing that:

- (1) The client was fully informed of the dual relationship and the possibilities for conflicts of interest;
- (2) The client's access to quality care has not been compromised;
- (3) The supervisor and licensed professional counselor have not benefited from the relationship over and above a reasonable fee for service (i.e., that the power in the relationship has not been used to influence the relationship for personal gain);
- (4) The client and supervisory relationships have not been compromised and the best interests of the client are served by the relationship.

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

- (1) Monitoring the supervisee's activities to verify s/he is providing services that meet minimal standards.
- (2) Verifying that it is the practice of any supervisee to provide the mandatory disclosure form as required pursuant to CRS 12-43-214.
- (3) If appropriate, verifying that clients are informed as to any changes in the supervisory relationship.
- (4) An adequate termination of supervision.
- (5) Keeping records that document supervision that meet the generally accepted standards of practice.
- (6) Assisting the supervisee in becoming aware of and adhering to all legal, ethical, and professional responsibilities.
- (7) Assuring that no conflictual dual relationships exist between the supervisor and supervisee, and supervisor and client.

(d) Supervisor Qualifications.

- (1) The supervisor shall have sufficient knowledge of legal, ethical, and professional standards relevant to the clients being served.
- (2) The supervisor shall have clinical experience and competence adequate to perform and direct the services provided by the supervisee.

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(e) Exceptions.

- (1) An administrative supervisor may engage in a conflictual dual relationship so long as s/he conforms to the specific personnel policies and procedures of the agency and is not engaged in clinical supervision involving the conflicted relationship.
- (2) Any supervisor or licensed professional counselor claiming an exception to the above due to practice in a rural location or accredited training institution of formal learning, or special needs to the clinical population being served shall have the following burden:
 - (A) S/he shall show by a preponderance of the evidence:
 - (1) The client was fully informed of the dual relationship and the possibilities for conflicts of interest;
 - (2) The client's access to quality care has not been compromised;
 - (3) The supervisor and licensed professional counselor have not benefited from the relationship over and above a reasonable fee for service (i.e., that the power in the therapeutic relationship has not been used to influence the therapeutic relationship for personal gain);
 - (4) The therapeutic and supervisory relationships have not been compromised and the best interests of the client are served by the relationship.

RULE 10

REPORTING CHANGE OF ADDRESS, SOCIAL SECURITY NUMBER, TELEPHONE NUMBER, OR NAME (CRS 12-43-203, 12-43-205)

Change of address, social security number, telephone number, or name. Licensees shall inform the Division of any name or address change within 30 days of such change. Staff shall not change licensees' information without written notification from the licensee. Notification must be in writing pursuant to directions on the Board's website. Verbal notification is not acceptable.

Any of the following documentation is required to change a licensee's name or correct a social security number: marriage license, divorce decree, or court order. A driver's license or social security card with a second form of identification may be acceptable at the discretion of the Director of Support Services.

RULE 11

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

Upon licensure and at renewal, the Division will issue only one license to a licensee. The Division may issue a duplicate license if the licensee submits a written request along with the required fee.

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Justification for issuance of a duplicate license may include if the original was lost, stolen, damaged, never received, printed with the incorrect information, or the address or name has changed.

A duplicate license may also be issued for those licensees that require multiple licenses.

RULE 12

RENEWAL OF LICENSE (CRS 12-43-204(3))

- (a) Failure to Receive Renewal Notice. Failure to receive notice for renewal of license from the Board does not excuse a licensee from the requirement for renewal under the Act and this Rule.
- (b) Grace period. Licensees shall have a sixty-day grace period after the expiration of her or his license to renew such license without the imposition of a disciplinary sanction for practicing on an expired license. During this grace period a delinquency fee will be charged for late renewals. A licensee who does not renew her or his license within the sixty-day grace period shall be treated as having an expired license shall be ineligible to practice until such license is reinstated.
- (c) Continuing Professional Competence. Pursuant to §12-43-605, C.R.S., and Board Rule 19, effective January 1, 2011, Licensed Professional Counselors and shall demonstrate continuing professional competence in order to renew.

RULE 13

AUTHORITY TO INVESTIGATE (CRS 12-43-203)

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

RULE 14

LICENSURE BY ENDORSEMENT (CRS 12-43-206)

- (a) General. To be considered for licensure by endorsement under CRS 12-43-206, an applicant must submit a completed application form, all supporting documentation, and the appropriate fee.
- (b) Complaints/inquiries, investigations, disciplinary actions. The Board may decline to issue a license to an applicant for licensure by endorsement against whom disciplinary action has been taken or is pending, against whom an investigation is being conducted in connection with her/his practice, or who is the subject of an unresolved complaint.
- (c) Criteria. The Board has established the following criteria for determining whether an applicant possesses credentials and qualifications that are substantially equivalent to CRS 12-43-603. To establish that her/his credentials and qualifications meet the statutory requirements, an applicant must submit proof satisfactory to the Board and has the burden of proof. The Board may request additional information from the applicant.

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

- (1) At the time of application for a Colorado license by endorsement, applicant is at least 21 years of age;
- (2) At the time of application for a Colorado license by endorsement, applicant must certify that:
 - (A) Applicant knows of no injunction entered against her/him and knows of no injunctive action pending against her/him or her/his license, certificate, or registration to practice professional counseling where the injunction or injunctive action relates to her/his practice of professional counseling;
 - (B) Applicant knows of no malpractice judgment against her/him, and knows of no settlement of a malpractice action or claim against her/him, and knows of no malpractice action or claim pending against her/him where the malpractice alleged relates to her/his practice of professional counseling;
 - (C) Applicant knows of no complaint pending before, investigation being conducted by, or disciplinary proceeding pending before the licensing, grievance, or disciplinary board of any jurisdiction in which s/he is licensed, registered, or certified to practice professional counseling where the complaint, investigation, or proceeding concerns as a licensed professional counselor.
 - (D) Applicant has reported any misdemeanor or felony conviction(s).
- (3) Submit verification of licensure from each jurisdiction(s) in which applicant has ever been licensed.
- (4) At the time of application for a Colorado license by endorsement, the applicant holds a master's or doctoral degree in professional counseling from an accredited program or holds a master's or doctoral degree from a program that was equivalent to an accredited program in professional counseling.
- (5) At the time of application for a Colorado license by endorsement, the applicant demonstrates having passed an examination, the content of which tested competence to practice professional counseling, including special knowledge and skills in applied psychotherapy.
- (6) At the time of application for a Colorado license by endorsement, the applicant demonstrates that s/he had at least two years of post-master's or one year of post-doctoral practice in applied psychotherapy or professional counseling under supervision prior to licensure, certification, or registration in the jurisdiction through which the applicant seeks licensure in Colorado; or the applicant provides information satisfactory to the Board demonstrating her/his active practice of professional counseling for two years (as defined below).
 - (A) "Active practice of professional counseling" means the applicant has engaged in the practice of professional counseling at least 20 hours per

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week, averaged over the entire time s/he has been in practice, with no more than a six month absence from the practice of professional counseling. If the applicant has taught professional counseling, the applicant may count the hours spent teaching professional counseling (including time spent in preparation, in meeting with students, and in related activities) as hours of active practice of professional counseling provided such teaching was in courses in the same or similar field of professional counseling as the competence area claimed by the applicant; teaching of professional counseling shall not count more than one-third (1/3) of the number of active practice hours claimed by applicant.

- (d) Licenses, certifications, or registrations from outside the United States. Applicants who are licensed, certified, or registered professional counselors in a jurisdiction outside the United States must submit their educational credentials for evaluation and satisfy the requirements of this Rule.
- (e) Jurisprudence Examination. Each applicant shall pass a Board developed jurisprudence examination.

RULE 15

REINSTATEMENT OF LICENSE (CRS 12-43-204)

- (a) General. A license that has expired is subject to the following reinstatement provisions.
- (b) Application requirements. To be considered for license reinstatement, an applicant must submit a completed reinstatement application form, and the reinstatement fee.
- (c) Required statements.
 - (1) Each applicant for reinstatement shall certify the following:
 - (A) Every license, certificate, or registration to practice professional counseling held by the applicant is in good standing;
 - (B) Applicant has no knowledge of any injunction or disciplinary action completed or pending against her/his license, certificate, registration, or listing to practice psychotherapy or professional counseling;
 - (C) Applicant has no knowledge of any malpractice judgment against her/him, has no knowledge of any settlement of a malpractice action or claim against her/him, and has no knowledge of any malpractice action or claim pending against her/him, where the malpractice alleged relates to her/his practice of psychotherapy or professional counseling;
 - (D) Applicant has no knowledge of any complaint pending before, investigation being conducted by, or disciplinary proceeding pending before the licensing, grievance, or disciplinary board of any jurisdiction in which she/he is licensed, certified, or registered to practice psychotherapy or professional counseling where the complaint, investigation, or proceeding concerns her/his practice of psychotherapy or professional counseling.

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- (2) The Board may decline to issue a license to an applicant for reinstatement if disciplinary action is pending or if there is an unresolved complaint.
- (d) Continuing Professional Competence. Pursuant to §12-43-605, C.R.S., effective January 1, 2011, Licensed Professional Counselors shall demonstrate continuing professional competence in order to reinstate.
 - (1) An applicant for reinstatement must comply with all Continuing Professional Development requirements pursuant to Board Rule 19 within the two (2) years immediately preceding the application receipt date.
- (e) Licenses expired more than two (2) years criteria. The Board has established the following criteria for determining whether an applicant for reinstatement has demonstrated their competency to practice as required by §24-34-102(8)(d)(II), C.R.S.
 - (1) In addition to the requirements set forth in Rule 15(d)(1), an applicant whose license has been expired more than two years shall pass a Board approved jurisprudence examination and demonstrate her/his competency to practice by either:
 - (A) A written statement detailing work experience related to the practice of professional counseling or psychotherapy during the time the license has been expired. If work experience was in another jurisdiction(s), verification of licensure from each jurisdiction(s) is required; or
 - (B) Retaking and passing the National Board for Certified Counselors, Inc. Examination (NBCC); or
 - (C) Completion of an additional ten (10) Professional Development Hours as defined in Board Rule 19 for each year or portion thereof the license has been expired; or
 - (D) Other means determined by the Board.

RULE 16

QUALIFIED INDIVIDUALS WITH DISABILITIES (CRS 12-43-212, 12-43-603)

- (a) General. The Board recognizes that qualified individuals with disabilities applying for licensure may encounter certain requirements and will make efforts to provide reasonable accommodations for these applicants. The Board, on a case-by-case basis, will consider requests for accommodations by qualified individuals with disabilities.
- (b) Written request for special accommodation. A qualified individual with disabilities who requests reasonable accommodations must complete the exam accommodation form approved by the Board; must support the request with a medical statement and/or other professional reports, confirming the need for the reasonable accommodation and the basis of the need; history of disability and any accommodations previously provided; and must state with specificity the nature and rationale of the requested accommodation. In accordance with the Americans with Disabilities Act, the Board will either grant or deny the request. The burden of demonstrating a qualified disability rests with the applicant.

RULE 17

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LICENSURE BY EXAMINATION (CRS 12-43-603)

(a) Criteria for application.

- (1) The applicant must submit to the Board a completed application for licensure, all fees, official transcript(s), and all supporting documentation required by the Board in order for the Board to review the application for licensure.
- (2) An applicant for licensure must pass the required examination, meet the experience requirements, and become licensed within five years of the date of initial application for licensure. If the applicant fails to become licensed within this time period, s/he must submit a new application and fee and must meet the educational, experience and examination requirements in effect at the time of the new application. Licensure applicants have a continuing obligation to update their application with information of changes from the original application at any time prior to licensure.

(b) Education and Training Requirements.

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

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

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

- (A) The required master's or doctoral level study and master's or doctoral degree were obtained from a regionally-accredited institution of higher learning;
- (B) The program stood as a coherent and recognizable entity within the institution, offering an integrated and organized sequence of study

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planned to provide appropriate training for the practice of professional counseling;

- (C) There was an identifiable full-time faculty, with an individual responsible for the program who was a full-time faculty member and who met the requirements for approval as a supervisor or a person who presents proof satisfactory to the Board, that at the time of serving as the faculty member, s/he possessed essentially the same education, experience, and training as that necessary to qualify for licensure under the Act.
- (D) The program had an identifiable body of students who were matriculated in that program for a degree;
- (E) The master's or doctoral program included examination and grading procedures designed to evaluate the degree of mastery of the subject matter by the students;
- (F) For a master's or doctoral degree, the curriculum encompassed a minimum of 48 semester hours or 72 quarter hours of graduate study (for the master's degree) or a minimum of 96 semester hours or 144 quarter hours of graduate study (for the doctoral degree) and supervised field experience of not fewer than 700 hours that was counseling in nature.

An individual whose degree upon which licensure is to be based included less than 48 semester hours or 72 quarter hours for a masters degree or 96 semester hours or 144 quarter hours for a doctoral degree, who did not complete 700 hours of supervised professional practice as a part of the degree program, or who did not complete course work in all of the content areas required by Rule 17(b)(2)(G) may complete these requirements post-degree in order to obtain licensure, if:

- (1) All course work and field experiences are completed through an institution of higher education that is accredited by a regional accrediting organization accepted by the Board through Rule 17(b)(3) or through a counseling program recognized by the Council for Accreditation of Counseling and Related Education Programs (CACREP);
 - (2) All course work and field experiences are taken and passed for credit; and
 - (3) No more than 6 semester credits or 9 quarter credits are completed post-degree for purposes of licensure.
- (G) The core program required each student to demonstrate knowledge and skill competence in each of the following substantive content areas. Competence was demonstrated by passing suitable comprehensive examinations in each of the eight areas, successful completion of two or more graduate semester hours (three or more graduate quarter hours) in each of the eight areas, or by other suitable means:
- (1) Human growth and development - includes studies that provide a broad understanding of the nature and needs of individuals at

any developmental level, normal and abnormal human behavior, personality theory, and learning theory within cultural contexts.

- (2) Social and cultural foundations - includes studies that provide a broad understanding of societal changes and trends, human roles, societal subgroups, social mores and interaction patterns, and differing lifestyles.
- (3) Helping relationships - includes studies that provide a broad understanding of philosophic bases of helping processes, counseling theories and their applications, basic and advanced helping skills, consultation theories and their applications, client and helper self-understanding and self-development, and facilitation of client or consultee change.
- (4) Groups - includes studies that provide a broad understanding of group development, dynamics, and counseling theories; group leadership styles; basic and advanced group counseling methods and skills; and other group approaches.
- (5) Lifestyles and career development - includes studies that provide a broad understanding of career development theories; occupational and educational information sources and systems; career and leisure counseling, guidance, and education; lifestyle and career decision-making; career development program planning and resources; and effectiveness evaluation.
- (6) Appraisal - includes studies that provide a broad understanding of group and individual educational and psychometric theories and approaches to appraisal, data and information-gathering methods, validity and reliability, psychometric statistics, factors influencing appraisals, and use of appraisal results in helping processes.
- (7) Research and evaluation - includes studies that provide a broad understanding of types of research, basic statistics, research-report development, research implementation, program evaluation, needs assessment, and ethical and legal considerations.
- (8) Professional orientation - includes studies that provide a broad understanding of professional roles and functions, professional goals and objectives, professional organizations and associations, professional history and trends, ethical and legal standards, professional preparation standards, and professional credentialing.

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

- (H) If the master's or doctoral degree was awarded prior to September 1, 1992, the Board will accept the degree irrespective of the number of semester hours or quarter hours of graduate study required to obtain the

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degree, provided the core program required each student to demonstrate knowledge and skill competence in seven of the eight substantive content areas listed above.

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

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

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

(c) Post-Graduate Experience Requirements.

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

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

(A) "Individual supervision" means supervision rendered to one individual at a time.

(B) "Group supervision" means supervision rendered to not more than four individuals at one time.

(C) "Post-master's experience" or "post-doctoral experience" means experience under approved supervision acquired subsequent to the date certified by the degree-granting institution as that on which all requirements for the master's or doctoral degree (whichever is applicable) have been completed.

(D) "Practice in professional counseling" means all services included within the definition of psychotherapy in CRS 12-43-201(9) and particularly those services and practices included within the definition of professional counseling in CRS 12-43-601(5).

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- (E) "Supervision" means personal direction and responsible direction provided by a supervisor approved by the Board.
 - (1) "Personal direction" means direction actually rendered by the approved supervisor.
 - (2) "Responsible direction" or "direction" means the approved supervisor has sufficient knowledge of all clients for whom supervision is provided, including face-to-face contact with the client when necessary, to develop and to monitor effective service delivery procedures and the supervisee's treatment plan. Further, all decisions requiring the special skill, knowledge, and/or training of a licensed professional counselor are made in collaboration with, and with the approval of, the approved supervisor. Such decisions include, but are not limited to: type, duration, effectiveness, and method of psychotherapy services provided; fees and billing procedures; approval of cases; and personal observation, evaluation, oversight, review, and correction of services provided by the supervisee.
 - (F) "Consultation" describes a voluntary relationship between professionals of relative equal expertise or status wherein the consultant offers her/his best advise or information on an individual case or problem for use by the consultee as s/he deems appropriate in her/his professional judgment. Consultation is not supervision. Experience under contract for consultation will not be credited toward fulfillment of supervision requirements.
- (2) Certification of Completion. Each applicant shall file with the Board, upon forms supplied by the Board, a verified statement signed under penalty of law by their approved supervisor(s) attesting to the applicant's satisfactory completion of the required post-master's or post-doctoral practice of psychotherapy under supervision and attesting to the applicant's having met the generally accepted standards of practice during the supervised practice.
- (3) Supervision.
- (A) The Board will accept any of the following as a supervisor:
 - (1) A licensed professional counselor who, at the time of the supervision, was licensed by the Board in the jurisdiction in which the applicant's services were performed.
 - (2) A licensed clinical social worker who, at the time of the supervision, was licensed by the Board in the jurisdiction in which the applicant's services were performed.
 - (3) A marriage and family therapist who, at the time of the supervision, was licensed by the Board in the jurisdiction in which the applicant's services were performed.
 - (4) A psychologist who, at the time of the supervision, was licensed by the Board in the jurisdiction in which the applicant's services were performed.

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- (5) A medical doctor or a doctor of osteopathy who, at the time of the supervision, was licensed by the board in the jurisdiction in which the applicant's services were performed and who had completed a residency in psychiatry at the time of the supervision.
 - (6) A person who presents proof satisfactory to the Board that, at the time of the supervision, s/he possessed essentially the same education, experience, and training as that necessary to adequately supervise a professional counselor under the Act.
- (B) The approved supervisor shall keep records that will enable her/him effectively to train, to evaluate, and to credit the applicant for licensure with the exact number of hours of acceptable post-master's or post-doctoral practice of psychotherapy and the exact number of hours of supervision completed in compliance with this Rule.
- (C) The Board will not approve a conflictual dual relationship, as defined below:
- (1) Conflictual Dual Relationship.
 - (i) Conflictual dual relationship includes but is not limited to:
 - (1) blood relatives;
 - (2) spousal relationships or significant others, either current or former;
 - (3) current or former therapist and/or client;
 - (4) any other relationship which might compromise therapist/client, supervisor/supervisee or supervisor/client relationship.
 - (2) The Board may grant an exception to the above upon a showing that:
 - (i) The client was fully informed of the dual relationship and the possibilities for conflicts of interest;
 - (ii) The client's access to quality care has not been compromised;
 - (iii) The supervisor and licensed professional counselor have not benefited from the relationship over and above a reasonable fee for service (i.e., that the power in the relationship has not been used to influence the relationship for personal gain);
 - (iv) The client and supervisory relationships have not been compromised and the best interests of the client are served by the relationship.

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- (D) A Board member cannot participate in deliberations or vote on any applicant who was previously supervised or directed by that Board member.
- (4) Number of hours of post-master's practice in applied psychotherapy under supervision.
- (A) The post-master's practice in applied psychotherapy under supervision cannot be completed in fewer than 24 months and may involve supervision by more than one supervisor as defined in these rules.
 - (B) The two years of post-master's practice in applied psychotherapy under supervision required by CRS 12-43-603(1)(d) must include at least 2,000 hours of applied psychotherapy obtained in such a manner that they are reasonably uniformly distributed over a minimum of 24 months.
 - (C) The teaching of the practice of applied psychotherapy may count up to 600 hours of post-master's practice in applied psychotherapy under supervision and up to 30 hours of supervision, provided this teaching experience was supervised by a supervisor as defined in these rules.
- (5) Number of hours of post-doctoral practice in applied psychotherapy under supervision.
- (A) The post-doctoral practice in applied psychotherapy under supervision cannot be completed in fewer than 12 months and may involve supervision by more than one supervisor as defined in these rules.
 - (B) The one year of post-doctoral practice in applied psychotherapy under supervision required by CRS 12-43-603(1)(d) must include at least 1,000 hours of applied psychotherapy obtained in such a manner that they are reasonably uniformly distributed over a minimum of 12 months and must be documented as being completed not fewer than 60 days prior to the administration of the examination.
 - (C) The teaching of the practice of applied psychotherapy may count up to 300 hours of post-doctoral practice in applied psychotherapy under supervision and up to 15 hours of supervision, provided this teaching experience was supervised by a supervisor as defined in these rules.
- (6) Number of hours of post-master's or post-doctoral supervision.
- (A) For each 1,000 hours of supervised practice in applied psychotherapy, applicants must receive a minimum of 50 hours of supervision. A minimum of the 35 of the 50 hours must be face-to-face supervision. The remaining hours up to the 50 hours may only be by group supervision. No other modes of supervision will be accepted.
 - (B) The post-master's or post-doctoral supervision hours must be reasonably distributed over each 1,000 hours of supervised practice in applied psychotherapy in a manner consistent with the accrual of the hours of supervised post-master's or post-doctoral practice.

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(C) With respect to supervision of the teaching of applied psychotherapy, the supervision hours must be reasonably distributed over the teaching experience in a manner consistent with the accrual of the hours of teaching experience.

(7) Applicants who completed their post-master's or post-doctoral supervised practice in applied psychotherapy in 1980 or before. The Board recognizes that it may prove difficult for applicants who completed their post-master's or post-doctoral supervised practice in applied psychotherapy in 1980 or before to prove that they meet the requirements of this rule and/or to submit the certification of completion required by this rule. Therefore, this subsection provides an alternative method for establishing completion of the post-master's or post-doctoral supervised practice in applied psychotherapy. An applicant may use this alternative method to establish completion of all or part of the required post-master's or post-doctoral supervised practice in applied psychotherapy. An applicant who seeks to demonstrate completion of the required post-master's or post-doctoral supervised practice in applied psychotherapy under the provisions of this subsection must furnish to the Board evidence in support her/his assertion. The Board may request additional information from the applicant. The decision as to whether or not an applicant has met the requirements of this subsection rests in the sound discretion of the Board.

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

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

(d) Examination. In accordance with CRS 12-43-203(3)(b), 12-43-603(1)(e), and 12-43-603(4), the Board establishes these requirements for the licensing examination to demonstrate professional competence in professional counseling, including special knowledge and skill in applied psychotherapy. The Board shall admit applicants to the examination once the educational requirements have been met.

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- (1) Jurisprudence Examination. Applicants shall also be required to pass a Board developed jurisprudence examination.
- (2) National Examination. The examination in professional counseling shall be the counselor certification examination administered under contract with the National Board for Certified Counselors, Inc. (NBCC).
 - (A) Reexamination. In the event an applicant fails to receive a passing grade on the examination, s/he may apply to the NBCC for reexamination and is subject to the requirements of NBCC.
- (3) Application. An applicant for licensure shall apply directly to the NBCC, or any other testing service the Colorado State Board of Licensed Professional Counselor Examiners may contract with at the time, to sit for the appropriate examination.
 - (A) A student in their last semester or quarter of either a CACREP approved or non-CACREP approved graduate degree program may apply directly to the NBCC to sit for the professional counselor examination.
- (4) Exam Scores. Passing scores on the NBCC examination will be valid for up to five (5) years after the date of the examination.

RULE 18

RECORDS REQUIRED TO BE KEPT AND RECORD RETENTION (CRS 12-43-203(3), 12-43-222(1)(u))

- (a) General. Every licensed professional counselor shall create and shall maintain a full record as defined in subsection (b) of this rule for each client, this full record shall be retained for a period of five (5) years, commencing upon either the termination of professional counseling services or the date of last contact with the client, whichever is later. Exception. When the client is a child, the full record shall be retained for a period of five (5) years commencing either upon the last day of treatment or when the child reaches eighteen (18) years of age, whichever comes later, but in no event shall full records be kept for more than twelve (12) years.
- (b) Full Record. A record shall contain at least the following information:
 - (1) Identifying data, to include but not be limited to the clients(s)'s name(s), sex, telephone number, date of birth, client's address and the name, address and telephone number of the legal and/or custodial guardian. If the client is an organization, the name of the organization, telephone number and name of the principal authorizing the licensed professional counselor services or treatment.
 - (2) All contracts, release of information forms and disclosure statements.
 - (3) Records of counseling, including dates of service, interview notes, test data, correspondence, audio or visual recordings, electronic data storage, and other documents considered professional information for use in counseling.
 - (4) Information on each report made pursuant to legal requirement, (e.g., report of suspected child abuse, duty to warn, etc.).

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- (5) A final closing statement
- (c) Record Storage. Every professional counselor shall keep and store client records in a secure place.

And in a manner that both assures that only authorized persons have access to the records and protects the confidentiality of the records and of the information contained in the records.
- (d) Transfer Of Records. If the professional counselor is not available to handle the disposition of her/his own records, the professional counselor and /or his estate shall designate an appropriate person to handle the disposition of records. A plan for the disposition of records shall be in place for all professional counselors for the following conditions:
 - (1) Disability, illness or death of the professional counselor.
 - (2) Termination of the professional counselor's practice.
 - (3) Sale or transfer of a practice.
- (e) Record Disposal. Every professional counselor shall dispose of client records in a manner or by a process that destroys or obliterates all client identifying data.
- (f) Exemptions. A professional counselor need not create and maintain client records if the professional counselor practices in an agency or institution and:
 - (1) Sees the client in the usual course of that practice;
 - (2) Keeps client records as required by the agency or institution, and;
 - (3) The agency or institution maintains client records.
- (g) Summary Record. In the event of a request for Mental Health records, a Summary record is defined as, and shall minimally contain the following information:
 - (1) Identifying data, to minimally include, the client(s)'s name, address, telephone number, gender, date of birth, and, if applicable, the name of the parent or guardian.
 - (2) Mandatory disclosure statement(s).
 - (3) A summary of the treatment, including the status of the client at the close of treatment and the dates of first and last contacts.

RULE 19

CONTINUING PROFESSIONAL COMPETENCE (CRS 12-43-605)

Pursuant to §12-43-605, C.R.S., effective January 1, 2011, Licensed Professional Counselors shall demonstrate continuing professional competence through participation and compliance with the Continuing Professional Development program in order to renew, reinstate or reactivate a license to practice professional counseling in the State of Colorado.

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(a) Definitions.

Continuing Professional Competence: Continuing Professional Competence (CPC) means the ongoing ability of a Licensed Professional Counselor to learn, integrate and apply the knowledge, skill, and judgment to practice according to generally accepted industry standards and professional ethical standards in a designated role and setting.

Continuing Professional Development: Continuing Professional Development (CPD) is the program through which a licensee satisfies the Continuing Professional Competence requirements set forth in §12-43-605, C.R.S. to renew, reinstate or reactivate a license.

Continuing Professional Development Portfolio: The Continuing Professional Development Portfolio (CPD Portfolio) is an instructional guide and workbook for the CPD program.

Professional Development Hours: Professional Development Hours (PDH) are the units of measurement of active learning used to accrue credit in the CPD program. PDH are equivalent to clock hours.

Professional Development Activities: Professional Development Activities (PDA) are Board approved learning activities undertaken for the purpose of continuing professional development.

Professional Practice Survey: The Professional Practice Survey ("Survey") is a reflective practice tool that identifies the foundational knowledge areas of the profession by one's professional role.

Personal Learning Plan: The Personal Learning Plan ("Learning Plan") is a document used to plan and record learning for each renewal cycle in the CPD program.

(b) Requirements.

(1) Licensed Professional Counselors shall demonstrate continuing professional competence through participation and compliance with the Continuing Professional Development program in order to renew, reinstate or reactivate a license to practice professional counseling in the State of Colorado.

(2) Licensees must complete the following requirements in accordance with the current CPD Portfolio:

(A) Professional Practice Survey

(B) Learning Plan

(C) Documentation of their PDA and PDH.

(c) Professional Practice Survey. The Professional Practice Survey should be completed prior to renewing, reinstating or reactivating a license.

(d) Learning Plan. Licensees shall draft a Personal Learning Plan based upon the Professional Practice Survey. The Learning Plan shall consist of PDA as set forth in Director Rule 19(f). Licensees shall execute their Learning Plan by completing all PDAs and PDHs before the date upon which they renew their license. Changes to the Learning Plan shall not be allowed after renewing, reinstating or reactivating a license.

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- (e) Professional Development Hours. Licensees shall complete forty (40) PDH each renewal cycle in order to renew their license.
- (1) Licensees shall document their completion of their PDA and PDH according to the guidelines set forth in the current CPD Portfolio. Licensees should be prepared to submit documentation of their CPD compliance upon request by the Board.
 - (2) No more than twenty (20) PDH in a single Professional Development Activity shall be credited and recognized each renewal cycle.
 - (3) Licensees receiving an original, reinstated or reactivated license during the renewal cycle must accrue one point sixty six (1.66) PDH for each month or portion thereof they are licensed during the current renewal cycle.
 - (4) A maximum of five (5) PDH may be carried from the last renewal cycle to the next renewal cycle if the PDH were earned within six (6) months of license expiration and are in excess of the forty (40) PDH required for the current renewal cycle.
 - (5) Licensees shall retain documentation of their CPD compliance for a minimum of five (5) years from the license expiration date for the renewal cycle during which PDH were accrued.
- (f) Professional Development Activities. To qualify for PDH credit, Licensees must select PDA that are allowed by the Board.
- (1) The Board allows the following PDA:
 - (A) Volunteer Service
 - (B) Mentor/Supervision
 - (C) Presenting
 - (D) Coursework
 - (E) Independent Learning
 - (F) Group Learning
 - (2) Professional Development Activities must enhance, improve or develop the licensee's competence as a licensee. The licensee should be able to show or describe how the activity either provided new knowledge or skills, or how they were able to sharpen or hone existing skills by synthesizing new knowledge.
 - (3) It is within the discretion of the Board to deny credit for any PDH that does not meet the criteria set forth in the current CPD Portfolio or the definition of Continuing Professional Competence contained in §12-43-605(3), C.R.S.
 - (4) Unacceptable Professional Development Activities. The following types of activities are ineligible for credit: serving on a federal, state or municipal board or commission.
- (g) Deem Status.

- (1) To be eligible for Deem Status pursuant to §12-43-605(1)(c), C.R.S., a State Department CPC program must satisfy the definition of Continuing Professional Competence pursuant to §12-43-605(3), C.R.S. Employees and contractors of qualifying programs in State Departments shall be deemed to have met the CPC requirements.
- (2) Licensees deemed to have met the CPC requirements are subject to an audit. The audit shall review the program for which the licensee has justified their Deem Status to ensure that it meets the definition of CPC outlined in §12-43-605(3), C.R.S. and shall verify the licensee's successful completion of the program.
- (3) Licensees found to have falsified their Deem Status or who attested their fulfillment of CPC requirements for an unqualified State Department program, are subject to discipline by the Board.

(h) Exemptions.

- (1) **Military Service.** The Board may grant exemptions from the CPD program requirements for reasons of military service. A licensee shall not be eligible for an exemption under this section for two (2) consecutive renewal periods. In the event a licensee cannot complete the CPD requirements following an exemption, the licensee's license will remain expired until she/he is able to meet all CPD requirements. Request for exemptions must be submitted in writing and provide evidence that the licensee was absent from Colorado because of military service for a period of one (1) year or longer during the renewal period, preventing completion of the CPD requirements.
- (2) **Dual Licensure.** The Board may grant an exemption from the CPD requirement if the licensee has fulfilled the CPD requirements set forth in: §12-43-411, C.R.S.; §12-43-506, C.R.S.; or §12-43-805, C.R.S.

RULE 20

INACTIVE LICENSE STATUS AND REACTIVATION OF LICENSE (CRS 12-70-101)

Inactive status. Pursuant to §12-70-101, C.R.S., any licensee may apply to the Board to be transferred to an inactive status. Such application shall be in the form and manner designated by the Board. The holder of an inactive license shall not be required to comply with the continuing competency requirements for renewal so long as they remain inactive.

- (1) During such time as a licensee remains in an inactive status, they shall not perform those acts restricted to active Licensed Professional Counselors pursuant to §12-43-601(5), C.R.S. The Board shall retain jurisdiction over inactive licensees for the purposes of disciplinary action pursuant to §12-43-221(1)(d), C.R.S.
 - (2) Practicing with an inactive license shall constitute unlicensed practice and, therefore, may be grounds for disciplinary or injunctive action, up to and including revocation.
- (b) Reactivation requirements. To be considered for license reactivation, an applicant must submit a completed reactivation application and the reactivation fee.

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(c) Required statements.

- (1) Each applicant for reactivation shall certify the following:
 - (A) Every license, certificate, or registration to practice professional counseling held by the applicant is in good standing;
 - (B) Applicant has no knowledge of any injunction or disciplinary action completed or pending against her/his license, certificate, registration, or listing to practice psychotherapy or professional counseling;
 - (C) Applicant has no knowledge of any malpractice judgment against her/him, has no knowledge of any settlement of a malpractice action or claim against them, and has no knowledge of any malpractice action or claim pending against her/him, where the malpractice alleged relates to her/his practice of psychotherapy or professional counseling;
 - (D) Applicant has no knowledge of any complaint pending, investigation being conducted by, or disciplinary proceeding pending before the licensing, grievance, or disciplinary board of any jurisdiction in which she/he is licensed, certified, registered, or listed to practice psychotherapy or professional counseling where the complaint, investigation, or proceeding concerns her/his practice of psychotherapy or professional counseling.
- (2) The Board may decline to issue a license to an applicant for reactivation if disciplinary action is pending or if there is an unresolved complaint.

(d) Continuing Professional Competence. Pursuant to §12-43-605, C.R.S., effective January 1, 2011, licensees shall demonstrate continuing professional competence in order to reactivate.

- (1) An applicant for reactivation must comply with all Continuing Professional Development reactivation requirements pursuant to Board Rule 19 within the two (2) years immediately preceding the application receipt date.

(e) Licenses inactive more than two (2) years. The Board has established the following criteria for determining whether an applicant for reactivation has demonstrated competency to practice as required by §12-43-204(3), C.R.S.

- (1) In addition to the requirements set forth in Rule 20(d)(1), an applicant whose license has been inactive more than two (2) years shall pass a Board approved jurisprudence examination and demonstrate her/his competency to practice by either:
 - (A) A written statement detailing work experience related to the practice of professional counseling or psychotherapy during the time the license has been inactive. If work experience was in another jurisdiction(s), verification of licensure from each jurisdiction(s) is required; or
 - (B) Retaking and passing the National Board for Certified Counselors, Inc. Examination (NBCC); or

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- (C) Completion of an additional ten (10) Professional Development Hours as defined in Board Rule 19 for each year or portion thereof the license has been inactive; or
- (D) Other means determined by the Board.