

APA-1
07/04

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control No. 255 Department or Agency: AL Board of Examiners in Counseling
Rule No. 255-X-7-.01
Rule Title: Licensed Professional Counselor (LPC) Renewal

New Amended Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

.....
Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

.....
Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer Walter H. Cox
Walter H. Cox

Date 7-11-12

DATE FILED
STAMP

APA-2
07/04

ALABAMA BOARD OF EXAMINERS IN COUNSELING

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Examiners in Counseling

RULE NO. & TITLE: 255-X-7-.01 Licensed Professional Counselor (LPC) Renewal

INTENDED ACTION:

The Alabama Board of Examiners in Counseling proposes to amend sections 255-X-7-.01 to add requirements for reinstatement of an LPC license lapsed less than 15 years if the person has been in a profession for 8 years where counseling is a part of the daily routine. Amendments also made to clarify process for random audit of continuing education for renewal purposes.

SUBSTANCE OF PROPOSED ACTION:

Any person licensed as a licensed professional counselor whose license has lapsed 15 years or less and who has been in a profession for at least 8 years where counseling is part of the daily routine must have 40 hours of continuing education credit earned in the 24-month period prior to requesting the reinstatement. The 40 hours must contain 6 hours devoted to ethical content and meet the requirement for 75% of real-time participation.

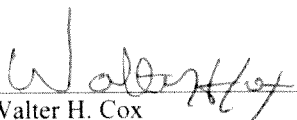
Any licensee who is non-compliant with continuing education requirements may be subject to disciplinary action by the board.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may present their views in writing to the Executive Officer of the Alabama Board of Examiners in Counseling at any time during the 52-day period following the 31st day of July, 2012, or if requested in advance, by personally appearing at Room 765, Medical Forum Building, 950 22nd Street North, Birmingham, AL at 10:00 a.m., Friday, September 21, 2012.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

September 21, 2012

CONTACT PERSON AT AGENCY: Dr. Walter Cox
Executive Officer
Alabama Board of Examiners in Counseling
950 22nd Street, North, Suite 765
Birmingham, AL 35203
Telephone 205 458-8716


Walter H. Cox

**Alabama Board of Examiners in Counseling
Administrative Code**

**Chapter 255-X-7
License Renewal**

Table of Contents

- 255-X-7-.01 Licensed Professional Counselor (LPC) Renewal**
- 255-X-7-.02 Associate Licensed Counselor (ALC) Renewal**

255-X-7-.01 Licensed Professional Counselor (LPC) Renewal.

(1) General. All Licensed Professional Counselor licenses expire biennially and on July 31 of the renewal year. For all expired LPC licenses renewed after July 31 of a renewal year, the date of issuance shall correspond to the date of the approved renewal and the renewed licensure term shall not exceed twenty-four (24) months from the expiration date of the previous licensure term.

(2) Renewal Notice and Application. As a courtesy, LPC renewal notices are mailed to the licensee. Failure to receive a renewal notice from the Board will not relieve the licensee from the renewal requirement. Renewal applications will be mailed by the Board or made available through the Board's website. The LPC must submit the renewal application and renewal fee to the Board office by August 1 of the renewal year.

(3) Renewal Fee. A renewal fee, approved by the Board, is required for any LPC license renewal. Checks should be payable to the Alabama Board of Examiners in Counseling. Failure to pay the biennial renewal fee by August 1 of the renewal year shall automatically suspend the right of any LPC to practice while delinquent. Such lapsed license may be renewed within a period of two (2) years after payment of all fees in arrears, or thereafter, upon payment of a renewal fee to be determined by the Board. Any LPC who does not meet the requirements specified in 255-X-7-.01(3)(a) and whose license has lapsed beyond six (6) years must reapply under the current regulations for initial licensure

(a) The license of any person licensed as a professional counselor who has allowed their license to lapse for fifteen (15) years or less, and who has been in a profession for at least eight (8) years where counseling is a part of the daily routine of the profession including, but not limited to, service as a school principal, school vice principal, school psychometrist, or school psychologist, shall be reinstated upon the payment of a fee of five hundred dollars (\$500) and evidence satisfactory to the board of the completion of forty (40) hours of relevant professional and continuing education earned in the twenty-four (24) month period prior to requesting the reinstatement. Of the forty (40) hours of continuing education required, six (6) hours must be devoted to ethical concerns for practice, assessment, supervision, or research in counseling. The forty (40) hours of continuing education must also meet the requirement for real-time participation as specified in 255-X-7-.01(4)(e). The applicant for reinstatement must also provide written documentation verifying that he/she has been in a profession for at least eight (8) years where counseling as defined in 255-X-2-.(2)(a) is a part of the daily routine. The initial term of the reinstated license may be less than or greater than two (2) years depending on the date of issuance of the license and will expire July 31 of the renewal year.

(4) Continuing Education. No license will be renewed unless the renewal request is accompanied by evidence satisfactory to the Board of the completion of relevant professional and continued education experience during the term of the current license.

(a) A minimum of forty (40) formal contact clock hours of relevant professional and continued education experience shall be required for renewal of LPC license. The forty (40) hours of continuing education required for licensure renewal must contain a minimum of six (6) clock hours of continuing education devoted to ethical concerns for practice, assessment, supervision, or research in counseling.

(b) All formal contact clock hours of relevant professional and continued educational experience shall be approved in advance by the Board, or shall be formal graduate academic course work, excluding thesis or dissertation credit. Academic courses taken as "audits" must be verified with an official transcript and letter from instructor confirming attendance.

(c) The LPC is responsible for maintaining documentation to verify completion of all continuing activities listed on the renewal application. This documentation must be available for review by the Board upon request for a period of three (3) years following the renewal period in which the continuing education activities were used for licensure renewal.

(d) Of the forty (40) formal contact clock hours required for renewal of LPC, ten (10) hours may be obtained by supplying documentation of two (2) of the activities listed below:

1. Services as a presenter for a seminar, workshop, or training conference that is primarily counseling in nature
2. Publication of Peer reviewed material that is primarily counseling in nature.
3. Therapy received (counseling, psychotherapy, analysis) leading to certification or utilized as a learning modality that is preapproved by the Board and yields a certificate or similar document for inclusion in the licensure file.
4. Services on boards, commissions, and holding office in professional organizations, specifically related to counseling, and in which at least thirty (30) hours annually are devoted to such service.

(e) Real-Time Participation in Continuing Education Activities. Effective August 1, 2011, a minimum of seventy-five percent (75%) of the continuing education activities required for any licensure renewal period must consist of real-time participation in seminars, classes, workshops, presentations, training programs, or similar activities. Such real-time participation must involve licensee presence in the location of the activity as it occurs or use of interactive technology by the licensee for the activity as it occurs. Self-contained activities (e.g., recorded presentations, reading, online study) that do not feature opportunities for dialogue and interaction for the licensee as the activity occurs do not qualify as real-time participation in continuing education.

(f) Documentation of Continuing Education Activities. All certificates of completion/verification of attendance must contain: licensee's name, name of workshop/seminar/training, name of sponsoring entity, dates of the activity, and number of contact hours granted.

(5) Audit of LPC Renewals. Beginning August 1, 2012, the Board will conduct a mandatory random audit of 10 percent (10%) of LPC renewal applications for the most recent renewal period. The audit is to ensure that the continuing education requirement is being met.

(a) An LPC whose renewal is selected for audit is required to send verification of his/her continuing education to the Board office within thirty (30) days of the date of receipt of the audit notice. Failure to submit verification of continuing education within the thirty (30) day period automatically results in a formal disciplinary action by the Board. The Board will review the records and respond to the individuals with a statement of compliance or non-compliance.

(b) ~~LPCs who submit documentation that is unclear or questionable for renewal purposes may be required to submit additional documentation. LPCs who are unable to submit satisfactory verification of the required approved continuing education listed in the renewal application are subject to formal disciplinary action by the Board.~~ Non-Compliance. In the case of non-compliance with continuing education requirements, the audited LPC will have a three (3) month compliance period to meet continuing education requirements. During the three (3) month compliance period, the Board may initiate a complaint citing the licensee with failure to meet continuing education requirements for renewal. During the three (3) month compliance period, the licensee may request an immediate hearing before the board concerning the continuing education requirements in question. Failure to meet continuing education requirements within the three (3) month compliance period may result in formal disciplinary action by the board.

(c) LPCs audited for licensure renewal will be subject to random audit selections in subsequent renewal periods. Successful selection for audit review will not remove an LPC from audit review in any subsequent renewal period.

(6) Expired License. Applicants who seek to renew an LPC license more than twenty-four (24) months from the expiration date of their last active license must pay the published renewal fee. The period of licensure renewal shall not extend beyond the next July 31. The renewal application must be accompanied by documentation acceptable to the Board of continuing education activities of no less than forty (40) contact clock hours accrued within the twenty (24) months immediately preceding the request for renewal. The forty (40) hours of continuing education must contain a minimum of six (6) clock hours of continuing education devoted to ethical concerns for practice, assessment, supervision, or research in counseling. Continuing education documentation associated with the renewal of an expired license must be submitted to the Board for review but will not be subject to the audit procedure.

Author: Alabama Board of Examiners in Counseling

Statutory Authority: Code of Ala. 1975, §34-8A-5

History: New Rule: September 7, 2010