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**TITLE 839 SOCIAL WORKER, MARRIAGE
AND FAMILY THERAPIST, AND MENTAL
HEALTH COUNSELOR BOARD**

LSA Document #01-158(F)

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of the Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

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|------------------------|----------------------|
| 839 IAC 1-1-3.5 | 839 IAC 1-4-6 |
| 839 IAC 1-1-4 | 839 IAC 1-5-1 |
| 839 IAC 1-2-1 | 839 IAC 1-5-2 |
| 839 IAC 1-2-2 | 839 IAC 1-5-3 |
| 839 IAC 1-3-1 | 839 IAC 1-6-1 |
| 839 IAC 1-3-2.5 | 839 IAC 1-6-2 |
| 839 IAC 1-3-3.5 | 839 IAC 1-6-3 |
| 839 IAC 1-3-4 | 839 IAC 1-6-5 |
| 839 IAC 1-3-4.5 | |

SECTION 1. UNDER IC 4-22-2.5-3, 839 IAC 1-1-3.5 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

839 IAC 1-1-3.5 "LCSW" defined

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6

Sec. 3.5. "LCSW" means a licensed clinical **social** worker licensed under IC 25-23.6. (*Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; 839 IAC 1-1-3.5; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1503; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1308*)

SECTION 2. UNDER IC 4-22-2.5-3, 839 IAC 1-1-4 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

839 IAC 1-1-4 "Practitioner" defined

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6

Sec. 4. "Practitioner" means a social worker, ~~licensed under IC 25-23.6~~; a clinical social worker, ~~licensed under IC 25-23.6~~; a marriage and family therapist, ~~licensed under IC 25-23.6~~; or a mental health counselor licensed under IC 25-23.6. (*Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; 839 IAC 1-1-4; filed Jul 1, 1992, 12:00 p.m.: 15 IR 2456; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1504; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1308*)

SECTION 3. UNDER IC 4-22-2.5-3, 839 IAC 1-2-1 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

839 IAC 1-2-1 Application by examination

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

Sec. 1. (a) An applicant for licensure as a social worker, clinical social worker, marriage and family therapist, or mental health counselor shall make application ~~therefore~~ in writing on forms provided by the board and shall furnish ~~evidence~~ satisfactory **evidence** to the board that the qualifying requirements have been met as provided for in the state licensing statutes, 839 IAC 1-3, 839 IAC 1-4, and 839 IAC 1-5.

(b) Applicants for ~~licensure as a social worker clinical social worker, or marriage and family therapist license~~ shall be required to pass the **intermediate level of the national** examination for such license with a converted score of ~~seventy-five (75) or higher~~ as provided by the Association of Social Work Boards.

(c) Applicants for licensure as a clinical social worker shall be required to pass the clinical level of the national examination as provided by the Association of Social Work Boards.

(d) Applicants for licensure as a marriage and family therapist shall be required to pass the national examination as provided by the American Marriage and Family Therapist Regulatory Board.

(e) Applicants for licensure as a mental health counselor shall be required to pass the National Clinical Mental Health Counselor Examination as provided by the National Board for Certified Counselors.

~~(f)~~ **(f)** All applications for the **Licensed Social Worker and Licensed Clinical Social Worker** examination must be complete in every respect, including accompanying data and the required fee, and filed with the board at least forty-five ~~(45)~~ days prior to the examination for which application is being made.

(g) All applications for the Licensed Mental Health Counselor and Licensed Marriage and Family Therapist examination must be complete in every respect, including accompanying data and the required fee, and filed with the board at least ninety (90) days prior to the examination for which application is being made. (Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; 839 IAC 1-2-1; filed Jul 1, 1992, 12:00 p.m.: 15 IR 2456; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1504; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1308)

SECTION 4. UNDER IC 4-22-2.5-3, 839 IAC 1-2-2 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

839 IAC 1-2-2 License renewal

Authority: IC 25-23.6-2-8
Affected: IC 25-23.6-5

Sec. 2. (a) A license to practice social work, clinical social work, marriage and family therapy, or mental health counseling will expire on April 1 of even-numbered years. ~~beginning in 1994.~~

(b) Applicants for renewal of licensure shall pay a renewal fee.

(c) Applications for renewal shall be mailed to the last known address of the practitioner. Failure to receive the application for renewal shall not relieve the practitioner of the responsibility for renewing the license by the renewal date.

(d) It is the responsibility of the practitioner to notify the health professions bureau of an address change.

~~(e)~~ **(e)** If a license has been expired for longer than three (3) years, the practitioner may renew the license by ~~filing an application provided by the board, paying all current and past due renewal fees plus a penalty fee for late renewal, and passing an examination as required under section 1 of this rule.~~ **meeting the following requirements:**

- (1) File a renewal application provided by the board.**
- (2) Pay current renewal fees.**
- (3) Pay penalty fee for late renewal.**

- (4) Submit a detailed letter of explanation to the board as to why the license has lapsed.**
- (5) Submit proof of having met the continuing education requirements for one (1) renewal cycle within the previous twenty-four (24) months.**
- (6) Make a personal appearance before the board, as the board in its discretion may require.**
- (7) Pass the national examination, as the board in its discretion may require.**

(Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; 839 IAC 1-2-2; filed Jul 1, 1992, 12:00 p.m.: 15 IR 2456; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1504; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1308)

SECTION 5. UNDER IC 4-22-2.5-3, 839 IAC 1-3-1 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

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

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6-5-1

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

SECTION 6. UNDER IC 4-22-2.5-3, 839 IAC 1-3-2.5 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

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

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6-5-11

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

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

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

(c) An applicant for licensure as a social worker or as a clinical social worker ~~that who~~ fails the ~~required~~ initial examination ~~shall not be issued a second~~ **may renew the temporary permit, a maximum of two (2) times, if the applicant retakes the repeat examination within six (6) months of the date of the previously failed examination; failure to take within the six (6) months will automatically invalidate the temporary permit.**

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

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

(Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; 839 IAC 1-3-2.5; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1506, eff Jul 1, 1999; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1309)

SECTION 7. UNDER IC 4-22-2.5-3, 839 IAC 1-3-3.5 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

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

Authority: IC 25-23.6-2-8

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

Sec. 3.5. (a) An examination shall be considered to be substantially equivalent, as used in IC 25-23.6-5-11 and IC 25-23.6-5-14, if the examination is the same examination used by the board and is equal to or higher than the level for which licensure is being requested. The board will review all examinations other than the one used by the board to determine equivalency.

(b) A year in the practice of social work or clinical social work, as used in IC 25-23.6-5-14, means full-time, paid experience of at least one thousand five hundred (1,500) hours per year. Part-time experience will be considered if the applicant can verify a total of four thousand five hundred (4,500) hours. Applicants for licensure as a clinical social worker under this section must verify that two (2) of the years in the full-time practice of clinical social work or three thousand (3,000) hours of part-time practice took place after receiving the graduate degree. (*Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; 839 IAC 1-3-3.5; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1506, eff Jul 1, 1999; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1309*)

SECTION 8. UNDER IC 4-22-2.5-3, 839 IAC 1-3-4 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

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

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6

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

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

- (1) A social worker **or clinical social worker** shall provide a clear description of what the client may expect in the way of services, reports, fees, billing, and schedules.
- (2) A social worker **or clinical social worker** shall not misrepresent the ~~social workers's practitioner's~~ qualifications, training, or experience. If a social worker **or a clinical social worker** engages in advertising, the ~~social worker's practitioner's~~ credentials shall be presented factually.
- (3) A social worker **or clinical social worker** may not practice beyond the ~~social worker's practitioner's~~ competence. A social worker **or clinical social worker** shall make appropriate referrals when the client's needs exceed the ~~social worker's practitioner's~~ competency level. Such referrals should be timely.
- (4) A social worker **or clinical social worker** shall assure that referrals are always based solely on the best interest of the client and not for personal gain.
- (5) A social worker **or clinical social worker** shall not provide social work **or clinical social work** services while under the influence of alcohol or other mind-altering or mood-altering drugs, which impair delivery of such services.
- (6) Relationships with clients shall not be exploited by the social worker **or clinical social worker** for personal gain. A social worker **or clinical social worker** shall not violate such positions of trust and dependency by committing any act detrimental to a client.
- (7) A social worker **or clinical social worker** shall not abandon or neglect a client in need of immediate professional services without making reasonable arrangements for the provision or the continuation of services.
- (8) ~~The practitioner should~~ **social worker or clinical social worker shall** under no circumstances engage in sexual activities with clients.

(*Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; 839 IAC 1-3-4; filed Jul 1, 1992, 12:00 p.m.: 15 IR 2458; filed Nov 4, 1992, 5:00 p.m.: 16 IR 872; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1310*)

SECTION 9. UNDER IC 4-22-2.5-3, 839 IAC 1-3-4.5 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

839 IAC 1-3-4.5 Enrollment

Authority: IC 25-23.6-2-8

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

Sec. 4.5. As used in P.L.147-1997, SECTION 80, “enrolled” means **the point at which** a student ~~is considered to have enrolled in a program when they have~~ **has** begun to take classes to complete a either a master’s or doctoral degree program in social work from an institution of higher education accredited or approved for candidacy by the Council on Social Work Education. (*Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; 839 IAC 1-3-4.5; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1506; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1310*)

SECTION 10. UNDER IC 4-22-2.5-3, 839 IAC 1-4-6 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

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

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6-8-10

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

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

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

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

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

- (1) Clinical membership in the American Association for Marriage and Family Therapy.
 - (2) Clinical membership in any national marriage and family therapy association with educational and clinical experience requirements substantially equivalent to the American Association for Marriage and Family Therapy.
- (*Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; 839 IAC 1-4-6; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1507, eff Jul 1, 1999; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1310*)

SECTION 11. UNDER IC 4-22-2.5-3, 839 IAC 1-5-1 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

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

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6-8.5

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

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

(b) An applicant for licensure as a mental health counselor with a graduate degree not listed in subsection (a), or an

applicant asserting that his or her program is equivalent to a program in counseling whose content areas are listed in IC 25-23.6-8.5-3, must provide the board with the following information:

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

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

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

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

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

- (1) The program, wherever it may be housed, shall be clearly identified as a counseling program in pertinent catalogs and brochures and shall specify the program’s intent to educate and train counselors.
- (2) There shall be a clear authority and primary responsibility for the core and specialty areas, whether or not the program cuts across administrative lines.
- (3) The program shall have an identifiable mental health professional responsible for the program.
- (4) The program shall have an integrated, organized sequence of study that follows the CACREP standards.
- (5) The program shall have an identifiable body of students who are matriculated in that program for a degree.
- (6) The program shall include a supervised practicum and internship.
- (7) The degree program may or may not include an advanced internship. However, the advanced internship must be conducted in a setting focused on mental health counseling and/or mental health services, under the auspices of an approved graduate counseling program.

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

- (1) A minimum of forty (40) hours of direct service with clients so that experience can be gained in individual and group interactions; at least one-fourth ($\frac{1}{4}$) of these hours should be in group work.
- (2) A minimum of one (1) hour per week of individual supervision, over a minimum of one (1) academic term by a program faculty member or a supervisor working under the supervision of a program faculty member, using audiotape, videotape, and/or direct observation.
- (3) A minimum of one and one-half ($1\frac{1}{2}$) hours per week of group supervision with other students in similar practica over a minimum of one (1) academic term by a program faculty member or a supervisor working under the supervision of a program faculty member.
- (4) An evaluation of the student’s performance throughout the practicum, including a formal evaluation at the

completion of the practicum.

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

- (1) A minimum of two hundred forty (240) hours of direct service with clients appropriate to the program of study.
- (2) A minimum of one (1) hour per week of individual supervision, throughout the internship, usually performed by the on-site supervisor.
- (3) A minimum of one and one-half (1½) hours per week of group supervision, throughout the internship, usually performed by a program faculty member supervisor.
- (4) The opportunity for the student to become familiar with a variety of professional activities other than direct service.
- (5) The opportunity for the student to develop audiotapes and/or videotapes of the student’s interactions with clients appropriate for use in supervision.
- (6) The opportunity for the student to gain supervised experience in the use of a variety of professional resources, such as:
 - (A) assessment instruments;
 - (B) computers;
 - (C) print and nonprint media;
 - (D) professional literature;
 - (E) research; and
 - (F) information and referral to appropriate providers.
- (7) A formal evaluation of the student’s performance during the internship, by a program faculty supervisor, in consultation with the site supervisor.

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

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

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

(k) As used in IC 25-23.6-8.5-3, “one hundred (100) hours of face-to-face supervision” refers to the entire clinical experience requirement of one thousand (1,000) hours. This includes individual and group supervision. The applicant must document that at least one hundred (100) hours were spent face-to-face with a supervisor during the practicum, internship, and advanced internship. The graduate counseling student may work away from the premises of the educational institution but must be enrolled in a counseling practicum, internship, or advanced internship and must conduct counseling under the auspices of that graduate program.

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

- (1) a counselor educator;
- (2) a licensed and/or certified master’s level or doctoral level:
 - (A) mental health counselor;
 - (B) clinical social worker;

- (C) marriage and family therapist;
 - (D) ~~psychiatrist;~~ **a physician who has training in psychiatric medicine;**
 - (E) psychologist; or
 - (F) clinical nurse specialist in psychiatric or mental health nursing; or
- (3) another state-regulated mental health professional, or, if the experience was gained in a state where no regulation exists, by a mental health professional of equivalent status.

(m) As used in IC 25-23.6-8.5-4, “three thousand (3,000) hours of post-graduate clinical 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 degree have been completed. The doctoral student may continue to accrue hours for this clinical experience requirement once the doctoral internship has been completed.

(n) As used in ~~IC 25-23-6-8.5-4;~~ **IC 25-23.6-8.5-4**, “equivalent supervisor” shall be supervision provided by:

(1) a licensed and/or certified master’s level or doctoral level:

- (A) clinical social worker;
- (B) marriage and family therapist;
- (C) ~~psychiatrist;~~ **a physician who has training in psychiatric medicine;**
- (D) psychologist; or
- (E) clinical nurse specialist in psychiatric or mental health nursing; or

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

(Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; 839 IAC 1-5-1; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1507; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1311)

SECTION 12. UNDER IC 4-22-2.5-3, 839 IAC 1-5-2 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

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

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6-8.5-5

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

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

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

(d) Applicants who fail the initial examination and fail two (2) subsequent examinations are disqualified from retaking the examination until satisfactory documentation of additional education and experience has been received from the applicant and approved by the board. This documentation may consist of additional course work, internship experiences, supervision, or any combination of these. **three (3) times shall personally appear before the board prior to retaking the examination.**

(e) As used in ~~IC 25-23-6-8.5-5;~~ **IC 25-23.6-8.5-5**, “an individual who satisfies the requirements of sections 1 and 2 of this chapter” means an applicant for licensure as a mental health counselor who has completed all the graduate educational, clinical instruction, and postgraduate supervised clinical experience requirements listed in ~~IC 25-23-6-8.5-~~ **IC 25-23.6-8.5-5.** *(Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; 839 IAC 1-5-2; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1509; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1313)*

SECTION 13. UNDER IC 4-22-2.5-3, 839 IAC 1-5-3 IS READOPTED AND AMENDED TO READ AS

FOLLOWS:

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

Authority: IC 25-23.6-2-8

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

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

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

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

(c) An applicant for licensure as a mental health counselor who fails the required examination shall not be issued a second temporary permit. (*Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; 839 IAC 1-5-3; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1510; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1313*)

SECTION 14. UNDER IC 4-22-2.5-3, 839 IAC 1-6-1 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

839 IAC 1-6-1 Continuing education

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6

Sec. 1. (a) As used in IC 25-23.6, “continuing education” means ~~board-approved~~ education **provided by board-approved providers** which is obtained by a licensee in order to maintain, improve, or expand the licensee’s skills and knowledge. As used in this rule, “CEU” means **one (1) continuing education unit: hour**.

(b) Continuing education shall be comprised of two (2) categories, Category I and Category II. The licensee shall obtain a minimum of fifty percent (50%) of the required amount of CEUs for renewal from Category I and **may obtain** a maximum of fifty percent (50%) of the required amount of CEUs for renewal from Category II.

(c) Category I is defined as continuing education that is formal programming, which includes the following:

- (1) Formally organized courses.
- (2) Workshops.
- (3) Seminars.
- (4) Symposia.
- (5) Institutes.
- (6) Home study programs, including:
 - (A) computer;
 - (B) audio; **and**
 - (C) video; **and**
 - (D) instructional programs, accredited by board-approved organizations.
- (7) Courses that are relevant to the license holder’s professional skills, which are part of the curriculum of an accredited university, college, or educational institution, shall earn fifteen (15) CEUs for each academic semester hour completed, or ten (10) CEUs for each academic quarter hour completed. ~~CEUs obtained from Category I sponsors shall earn the amount of continuing education hours granted by the program sponsor. If the sponsor does not grant continuing education hours, then one (1) CEU will be granted for each clock hour of attendance.~~
- (8) **Faculty teaching a course for the first time at an accredited university, college, or educational institution shall earn one and one-half (1½) CEUs for every hour taught.**

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

granted for each clock hour of attendance.

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

- (1) Journal clubs, earns one (1) CEU for each hour attended.
- (2) Office in-services, earns one (1) CEU for each hour attended.
- (3) Case conferences that are specifically designed for training or teaching, earns one (1) CEU for each hour attended.
- (4) Services as an instructor, presenter, or supervisor in a relevant professional seminar, workshop, or training conference earns one (1) CEU for each hour of service, but only for the initial instruction, presentation, or supervision given.
- (5) Research and publication of research results in a recognized professional journal or book form, earns ~~five (5)~~ **ten (10)** CEUs, but may only be claimed for the initial publication of the information.
- (6) Providing peer review of another licensee's therapy and skills, which includes consultation, conference, and critique, earns one (1) CEU for each hour spent with the peer for this purpose.
- (7) Services on boards and commissions and holding office in professional organizations, specifically related to the licensee's profession, earns one (1) CEU for each hour of service.

(Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; 839 IAC 1-6-1; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1512; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1313)

SECTION 15. UNDER IC 4-22-2.5-3, 839 IAC 1-6-2 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

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

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6

Sec. 2. (a) The following criteria shall be used for **the approval of providers** of continuing education programs for licensed social workers, licensed clinical social workers, licensed marriage and family therapists, and licensed mental health counselors:

- (1) The continuing education program shall have a statement of objectives, which the program should achieve for its participants relating to and enhancing the licensee's practice.
- (2) The sponsor of a continuing education program shall provide:
 - (A) adequate administration, including a responsible person to coordinate and administer the program; and
 - (B) maintenance of proper records.
- (3) Sponsors of a continuing education program shall provide adequate funding for the educational program undertaken.
- (4) The curriculum of a continuing education program shall be thoughtfully planned and designed to explore in considerable depth one (1) subject or a closely related group of subjects related to the licensee's practice.
- (5) The continuing education program shall have qualified faculty members with demonstrated competence in the subject areas.
- (6) The continuing education program shall be held in adequate facilities that allow for an effective program.
- (7) Continuing education programs may employ a variety of educational methods and teaching aids that enhance the learning opportunities.
- (8) Appropriate methods of evaluation shall be devised and used to measure the continuing education program's effectiveness.
- (9) The sponsor of the continuing education program shall provide to the participants a meaningful record of attendance stating the continuing education hours involved.

(b) Organizations applying for board approval to be a sponsor of continuing education programming must submit an application to the board for approval at least ninety (90) days prior to the presentation of any program. The board shall act upon the application within ninety (90) days of receipt. The approval, if granted, ~~shall remain in effect for two (2) years:~~ **is effective until April 1st of every even-numbered year.**

(c) An approval to provide continuing education units for licensed social workers, licensed clinical social workers, licensed marriage and family therapists, and licensed mental health counselors will expire on April 1

of the even-numbered years.

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

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

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

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

- (1) Academy for Cerebral Palsy and Developmental Medicine.
- (2) Academy of Family Mediators.
- (3) Accreditation Council on Continuing Medical Education (programs or seminars related to mental health).
- (4) American Association for Continuity of Care.
- (5) American Association for Diabetes.
- (6) American Association for Social Work with Groups/Spinal Cord Injury.
- (7) American Association of Marriage and Family Therapy.
- (8) American Association of Sex Educators, Counselors, and Therapists.**
- ~~(8)~~ **(9)** American Cancer Society.
- ~~(9)~~ **(10)** American Counseling Association.
- ~~(10)~~ **(11)** American Health Care Institute (programs or seminars related to mental health).
- ~~(11)~~ **(12)** American Hospital Association (programs or seminars related to mental health).
- ~~(12)~~ **(13)** American Medical Association (programs or seminars related to mental health).
- ~~(13)~~ **(14)** American Mental Health Counselors Association.
- ~~(14)~~ **(15)** American Psychiatric Association.
- ~~(15)~~ **(16)** American Psychological Association.
- ~~(16)~~ **(17)** American Red Cross (programs or seminars related to mental health).
- ~~(17)~~ **American Society of Sex Educators and Therapists:**
- (18) Arthritis Association.
- (19) Association of Oncology Social Work.
- (20) Association of Pediatric Oncology Social Work.
- (21) Association for Treatment of Sexual Abusers.
- (22) Association of Social Work Boards.**
- ~~(22)~~ **(23)** Chicago Center for Family Health.
- ~~(23)~~ **(24)** Commission on Rehabilitation Counselor Certification.
- ~~(24)~~ **(25)** Employee Assistance Professional Association.
- ~~(25)~~ **(26)** Employee Assistance Society of North America.
- ~~(26)~~ **(27)** Federation of Societies for Clinical Social Work.
- ~~(27)~~ **(28)** Federation of Society of Sex Educators and Therapists.
- ~~(28)~~ **(29)** First Steps.
- ~~(29)~~ **(30)** Healthy Families.
- ~~(30)~~ **(31)** Hoosier Oncology Group.
- ~~(31)~~ **(32)** Hospice Foundation of America.
- ~~(32)~~ **(33)** Indiana Association of Home and Hospice Care.
- ~~(33)~~ **(34)** Indiana Commission on Continuing Legal Education (programs or seminars related to mental health).
- ~~(34)~~ **(35)** Indiana Council of Nephrology Social Workers.
- ~~(35)~~ **(36)** Indiana Council on Adolescent Pregnancy.
- ~~(36)~~ **(37)** Indiana Counselors Association for Alcohol and Drug Abuse.

- (37) **(38)** Indiana Healthcare Ethics Network.
- (38) **(39)** Indiana Hospice Association.
- (39) **(40)** Indiana Hospital and Health Association (programs or seminars related to mental health).
- (40) **(41)** Indiana Organ Procurement Organization.
- (41) **(42)** Indiana Perinatal Association.
- (42) **(43)** International Critical Incident Stress Foundation.
- (43) **(44)** Leukemia Society of America.
- (44) **(45)** Mediation Matters.
- (45) **(46)** Mental Health Association.
- (46) **(47)** Midwest Regional Network for Intervention with Sex Offenders.
- (47) **(48)** National Association for Family-Based Services.
- (48) **(49)** National Association of Alcoholism and Drug Abuse Counselors.
- (49) **(50)** National Association of Liver Transplant Social Workers.
- (50) **(51)** National Association of Perinatal Social Work.
- (51) **(52)** National Association of Social Workers.
- (52) **(53)** National Board for Certified Counselors.
- (53) **(54)** National Board of Addiction Examiners.
- (54) **(55)** National Brain Tumor Foundation.
- (55) **(56)** National Committee to Prevent Child Abuse.
- (56) **(57)** National Council of Community Mental Health Centers.
- (58) National Council of Sexual Addiction and Compulsivity.**
- (57) **(59)** National Hospice Association.
- (58) **(60)** National Kidney Foundation.
- (59) **(61)** National Organization for Victim Assistance.
- (60) **(62)** National Resource Center for Family Centered Practice.
- (61) **(63)** National Spina Bifida Association.
- (62) **(64)** Society of Heart and Lung Transplant Social Workers.
- (63) **(65)** Solutions Training Institute.
- (64) **(66)** The Alfred Adler Institute of Chicago.
- (65) **(67)** The American Professional Society on the Abuse of Children.
- (66) **(68)** The Center for Family Studies, Chicago, ~~IL~~ **Illinois**.
- (67) **(69)** The Cincinnati Psychoanalytic Institute.
- (68) **(70)** The Family Institute of Chicago.
- (69) **(71)** The Family Institute/Center for Family Studies.
- (70) **(72)** The Gestalt Institute of Cleveland.
- (71) **(73)** The Indianapolis Gestalt Institute.
- (72) **(74)** The Institute for Clinical Social Work, Chicago, ~~IL~~ **Illinois**.
- (73) **(75)** The Institute for Psychoanalysis, Chicago, ~~IL~~ **Illinois**.
- (74) **(76)** The International Institute of Object Relations Therapy.
- (75) **(77)** The Jungian Institute of Chicago.
- (76) **(78)** The National Association of Family Mediators.
- (77) **(79)** The National Center for Child Abuse and Neglect.
- (78) **(80)** The National Children's Advocacy Center.
- (79) **(81)** The Society of Social Work Leadership in Health Care.
- (80) **(82)** A national, regional, state, district, or local organization that operates as an affiliated entity under the approval of any organization listed in subdivisions (1) through (79): **(81)**.
- (81) **(83)** Any institute or program focused on self-psychology.
- (82) **(84)** A university, college, or other teaching institution accredited by the United States Department of Education or the Council on Postsecondary Education.
- (83) **(85)** A federal, state, or local government agency that coordinates and presents continuing education courses and programs in conjunction with this rule.

(Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; 839 IAC 1-6-2; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1512; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1314)

SECTION 16. UNDER IC 4-22-2.5-3, 839 IAC 1-6-3 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

839 IAC 1-6-3 Continuing education requirements

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6

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

(b) A licensee who renews a license as

~~(1) a social worker, shall complete not less than twenty (20) CEUs;~~

~~(2) a clinical social worker, shall complete not less than twenty (20) CEUs;~~

~~(3) a mental health counselor shall complete not less than twenty (20) CEUs; and~~

~~(4) a marriage and family therapist, or mental health counselor shall complete not less than fifteen (15) CEUs in each of the two (2) licensure years of the renewal period.~~ **twenty (20)**

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

(1) clinical social worker;

(2) marriage and family therapist; or

(3) mental health counselor;

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

(d) CEUs ~~must~~ **shall** be obtained within the biennial renewal period in which the licensee is applying and ~~may~~ **shall** not be carried over from one (1) biennial renewal period to another.

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

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

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

(1) A licensee who has been ~~fully~~ licensed for at least twelve (12) months, **but less than twenty-four (24) months**, shall complete at least one-half (½) of the CEUs required for renewal of that license. At least fifty percent (50%) of these CEUs shall be obtained from Category I, and no more than fifty percent (50%) shall be obtained from Category II.

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

(Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; 839 IAC 1-6-3; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1514; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1316)

SECTION 17. UNDER IC 4-22-2.5-3, 839 IAC 1-6-5 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

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

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6

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

(1) a statement explaining the reasons for noncompliance;
(2) a request for a waiver of the CEUs required for renewal; and
(3) the renewal application and all required fees;
at least forty-five (45) days prior to the license expiration date.

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

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

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

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

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

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

(A) The nature and extent of the disability.

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

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

(Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; 839 IAC 1-6-5; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1515; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1316)

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