

ALABAMA BOARD OF EXAMINERS IN COUNSELING
ADMINISTRATIVE CODECHAPTER 255-X-9
PRIVATE PRACTICE OF COUNSELING BY UNLICENSED PERSONS PROHIBITED

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255-X-9-.01 Notice and Prosecution.

(1) When the Board is made aware of a violation, or a possible violation, of Code of Ala. 1975, § 348A18, notice by registered letter with return receipt, or personal service, shall be sent to the last known address of the person in question. The letter will direct attention to pertinent aspects of the law and the rules and regulations of the law.

(2) The Board may issue an order assessing a civil penalty not less than five hundred dollars (\$500) and not more than five thousand dollars (\$5,000) against any person who holds himself or herself out to the public as a licensed professional counselor or associate licensed counselor or associated licensed counselor or who uses any title or description as prescribed in subdivisions (1) and (4) of Code of Ala. 1975, §348A2, or who shall engage in the private practice of counseling and does not then possess in full force and virtue a valid license to engage in private practice as a professional counselor or associate licensed counselor. In determining the amount of penalty, the Board shall consider the seriousness of the violation, including any threat to the health, safety, or welfare of the public, the unlawful gain or economic benefit gained by the violation, the person's history of previous violations, and the person's efforts to mitigate and comply with Code of Ala. 1975, §348A1 et seq. Each violation and conviction shall be deemed a separate offense.

(3) Civil penalties assessed in an order under this section and not paid within 60 days from the effective date of the order may be recovered in a civil action brought by the board in the Circuit Court of Montgomery County or the county in which the defendant does business.

Author: Alabama Board of Examiners in Counseling

Statutory Authority: Code of Ala. 1975, §§ 348A1, et seq.

History: Filed September 30, 1982. **Amended:** Filed November 9, 2006; effective December 14, 2006.

255-X-9-.02 Conviction (Repealed 12/14/06).**Author:** Alabama Board of Examiners in Counseling**Statutory Authority:** Code of Ala. 1975, §§348A1, et seq.**History:** Filed September 30, 1982. **Repealed:** Filed November 9, 2006; effective December 14, 2006.**255-X-9-.03 Judicial Review.**

A judicial review of an order entered by the Board shall be conducted in accordance with the pertinent provisions for the judicial review of contested cases as provided under the Alabama Administrative Procedure Act.

Author: Alabama Board of Examiners in Counseling**Statutory Authority:** Code of Ala. 1975, §348A18.**History: New Rule:** Filed November 9, 2006; effective December 14, 2006.