

APA-1

TRANSMITTAL SHEET FOR NOTICE
OF INTENDED ACTION

Control: 255

Department or Agency: Alabama Board of Examiners in Counseling

Rule No.: 255-X-3-.02

Rule Title: Associate Licensed Counselor (ALC)

Intended Action Amend

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

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? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? NA

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

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

.....

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 Services Agency.

Signature of certifying officer

Keith E. Warren
Keith E. Warren

Date

Tuesday, December 19, 2023

REC'D & FILED

DEC 19, 2023

LEGISLATIVE SVC AGENCY

ALABAMA BOARD OF EXAMINERS IN COUNSELING

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Examiners in Counseling

RULE NO. & TITLE: 255-X-3-.02 Associate Licensed Counselor (ALC)

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

The Board intends to clarify ALC supervision requirements and the LPC-S duties regarding the supervision of ALCs.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Written comments will be received by the Board until 4:00 p.m. on Friday, February 2, 2024. Comments are to be directed to Keith Warren, Executive Director,
2777 Zelda Road, Montgomery, AL 36106 or by email at keith@alstateboard.com.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Friday, February 2, 2024

CONTACT PERSON AT AGENCY:

Keith Warren, Executive Director
2777 Zelda Road
Montgomery, AL 36106
keith@alstateboard.com

Keith E. Warren

Keith E. Warren

(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

255-X-3-.02 Associate Licensed Counselor (ALC).

(1) General. All applicants must meet the qualifications set out in Code of Ala. 1975, §34-8A-7(1) through (4).

(2) Education.

(a) All applicants must meet the educational requirements set out in Code of Ala. 1975, §34-8A-7(4).

(b) All applicants must meet the educational requirements set forth in Rule 255-X-3-.01(2).

(3) Character and Professional Integrity. All applicants must supply references and endorsement as required by the application forms adopted by the Board pursuant to Code of Ala. 1975, §34-8A-7.

(4) Plan of Supervision.

(a) Applicants for associate licensed counselor must furnish to the Board, on a form approved by the Board, a Proposed Plan of Supervision (PPoS) completed by the LPC-S who performs the supervision. All references to LPC-S in this rule refer to the Supervising Counselor to the ALC. The hours of supervision listed in the plan for supervision are to be provided by the LPC-S whose signature appears on the document. The term "LPC-S" throughout this rule specifically refers to the supervising counselor in contract with the ALC. Supervision provided by the LPC-S to the ALC must be a minimum of 100 (one hundred) hours annually, of which twenty-five percent (25%) must be direct supervision. The remaining seventy-five percent (75%) of supervision hours may be direct, other, or virtual. Supervision must be provided in accordance with the Alabama Board of Examiners in Counseling's ("ABEC") laws and rules~~by a Supervising Counselor. The hours of supervision listed in the plan for supervision are to be provided by the Supervising Counselor whose signature appears on the document. The Supervising Counselor must personally provide to the ALC a minimum of two (2) total hours of supervision averaged weekly over the course of the time of supervision with that supervisor to include a minimum of one (1) hour of one-to-one, face-to-face, personal individual supervision weekly. Supervision provided must be a minimum weekly average of two (2) hours which must include at least fifty percent (50%) of Direct one-to-one, face-to-face in-person individual supervision. Supervision must be provided in accordance with Alabama Law and Code ABEC Codes and Rules.~~

ALC's must provide these direct and indirect ALCs must provide these direct, other, or virtual counseling service hours to residents of Alabama.

All supervision of an ALC is to be provided by the ~~Supervising Counselor identified on the license of the ALC. Concurrent supervision is supervision of the direct service provided by an ALC by more than one supervisor for the same~~

~~clients in order to meet licensure or certification requirements of an entity other than the Alabama Board of Examiners in Counseling.~~ LPC-S identified on the ALC's license. Concurrent supervision of an ALC's service to the same clients by more than one supervisor is prohibited by ~~the Alabama Board of Examiners in Counseling.~~ Any LPC-S who has received two (2) hours of continuing education training in providing virtual supervision as required by 255-X-3-.03 may provide up to 75% of supervision for licensure as "Other Supervision" and may use real-time, synchronous technology and/or virtual formats. Of the total supervision time, at least twenty-five percent (25%) of supervision must be direct, individual, in person, one-to-one, face-to-face, synchronous, and physically present (not utilizing distance/virtual formats or methods of interaction). Supervision must be provided in accordance with Alabama Law and Code, and ABEC Codes and Rules.

(b) Applicants must comply with the following regulations:

- ~~1. The supervising ALC must submit the proposed plan of supervision to the Alabama Board of Examiners in Counseling.~~ ALC applicant must submit the proposed plan of supervision to the ABEC.
- ~~2. A supervision progress report, on a form provided by the Board, must be submitted at the end of the supervision, by the Supervising Counselor whose name appears on the plan for supervision required in 255-X-3-.02(4) (a). Final supervision reports must verify a minimum of (an average of) two (2) total hours of supervision each week for the duration of the supervision. At least fifty percent (50%) of those hours must be one-to-one, face-to-face, in-person individual supervision. Any supervision reports representing less than a minimum of the required two (2) hours of total supervision each week~~ The LPC-S is required to submit a supervision progress report at the end of the supervision on a form provided by ABEC, as required in 255-X-3-.02(4) (a). Final supervision reports must verify a minimum of 100 (one hundred) hours of supervision annually for the duration of the supervision. At least twenty-five percent (25%) of those hours must be direct supervision. Any final supervision reports representing less than a minimum required 100 (one hundred) hours annually for the duration of the supervision shall have the ALC's total client service hours for the supervised time period with that supervisor prorated to match the percentage of the supervision when compared to the required supervision hours. Only counseling experience supervised by the Supervising Counselor with that supervisor prorated to match the percentage of the

supervision when compared to the required supervision hours. Only counseling experience supervised by the LPC-S whose name appears on the ALC's license may accrue toward meeting the supervised experience requirements in 255-X-3-.01(3)(b).

~~Final supervision reports shall be submitted to the board no later than thirty (30) days after the termination of supervision. A Supervising Counselor~~An LPC-S must submit a final supervision progress report to the board no later than thirty (30) days after the termination of supervision of the ALC for any reason. An LPC-S must submit a final supervision progress report to the board upon the termination of supervision of the ALC for any reason. Any disputes concerning the content of supervision progress reports must be resolved by the ALC and~~Supervising Counselor~~LPC-S before the submission of the report.

3. Both the ~~Supervising Counselor~~LPC-S and the ALC have responsibility for maintaining ongoing records of supervision sessions and records of direct, other, and virtual counseling services~~and indirect counseling service~~. The records are to be available for review by both parties to verify data contained in supervision progress reports. These records must also be available for examination by ~~the Alabama Board of Examiners in Counseling~~ABEC for a period of three years following termination of the ALC's supervision.

4. The ~~Supervising Counselor has clinical authority concerning the functioning of the ALC in order~~LPC-S has clinical authority concerning the functioning of the ALC to maintain ultimate responsibility for the welfare of every client.

5. All ~~Supervising Counselor~~LPC-Ss must establish and exercise oversight of client care with all clients of ALCs whom they supervise to plan effective service delivery procedures. The ~~progress of the practice shall be monitored to ensure that full professional responsibility and liability will be accepted by the supervising LPC for all services rendered. The supervising LPC~~LPC-S shall monitor the ALC's practice. The LPC-S accepts full responsibility and liability for all services rendered by the ALC of which the LPC-S knows or should have known. The LPC-S shall be available for emergency consultation and intervention.

6. The ~~Supervising Counselor shall establish and maintain a level of supervisory contact consistent with the Code of Ethics and Standards of Practice approved by the Alabama Board of Examiners in Counseling~~LPC-S shall establish and maintain a level of supervisory contact

consistent with the ABEC Code of Ethics and Standards of Practice and be fully accountable in the event that professional, ethical, or legal issues are raised. The ALC shall ~~have read and shall be bound by the~~ be bound by the ABEC Code of Ethics and Standards of Practice.

7. ~~Associate Licensed Counselors performing counseling services must be under the exclusive supervision of the Supervising Counselor~~ ALCs performing counseling services must be under the exclusive supervision of the LPC-S

required in 255-X-3-.02(4)(a).

8. The practices of the ALC shall be commensurate with the skills of the ALC and all practice procedures shall be planned in consultation with the ~~Supervising Counselor~~ LPC-S.

9. ~~Associate Licensed Counselors~~ ALCs performing counseling services or announcing such services to the public or professional community shall clarify that they are under the supervision of the ~~Supervising Counselor~~ LPC-S. In performing, advertising, or announcing counseling services in which the term, or any derivative of the term, "Associate Licensed Counselor" is employed, such descriptions must be offered in the following manner: "John Doe, M.A., Associate Licensed Counselor under the supervision of Jane Smith, Ph.D., ~~Supervising Counselor~~ LPC-S." Activities that are not performance or announcement of counseling services (e.g., presentations, etc.) shall not require such a description.

10. The ~~Supervising Counselor~~ LPC-S is to notify the Board immediately in writing of any change in the status of the ALC's supervision or in the event supervision cannot begin upon the issue of the ALC's license. ~~The Supervising Counselor must submit to the Board a final supervision report, on a form approved by the Board, when the ALC has accrued the required number of supervised experience hours or if the approved plan of supervision is terminated for any reason.~~

11. After meeting the requirements specified in ~~subdivisions (5) and (6) of Section 34-8A-7 of the Code of Ala. 1975, § 34-8A-7(5) and (6), the ALC~~ the Associate Licensed Counselor must petition the Board in writing to be reviewed for licensure as a licensed professional counselor.

12. Licensees must continue supervision to maintain their ALC license. If a licensee is no longer under LPC-S supervision their ALC license is invalid, and they cannot provide clinical services. They must return their license certificate to the ABEC until ~~that time that they acquire a Supervising Counselor approved as an LPC-~~

~~S by ABEC, submit a new PPOS, and are issued a new ALC license certificate. This will include~~such time that they acquire a new supervisor approved as an LPC-S by ABEC, submit a new PPOS, and obtain a new ALC license certificate. The ALC must remain under supervision during the time that the licensee has applied for, and is awaiting the Board review of, their LPC or other applications.

(5) ~~Examination Option. Applicants for associate licensed counselor~~Applicants for ALC may opt for examination at the completion of their educational requirement as set out in Code of Ala. 1975, §34-8A-7(4), or they may defer examination until completion of the experience requirement set out in Code of Ala. 1975, §34-8A-7(5).

(6) ~~ALC's Applying for LPC Licensure. ALC's who have applied~~ALCs who apply for LPC licensure will be required to provide, at the time of their LPC application, documentation of continuing education for their time as an ALC since their last renewal.

(a) The standard Continuing Education (CE) hourly requirement for ALC's shall be prorated to account for the time since the ALC's last renewal. ALC's must submit documentation to show that they have accrued ~~0.83~~0.83 continuing education contact hours for each month, or part thereof, of their ALC since their last renewal. This number will be rounded up to the nearest whole number.

(b) The hours of continuing education required for LPC application must contain a minimum of two (2) CE clock hours of continuing education devoted to ethical concerns for practice, assessment, supervision, or research in counseling. In the event the applicant only needs one (1) or two (2) CE hours, then those hours must be in ethics.

Author: Alabama Board of Examiners in Counseling

Statutory Authority: Code of Ala. 1975, §§34-8A-1, et seq.

History: Filed September 30, 1982. **Amended:** Filed February 5, 1988; Filed March 30, 1993. **Amended:** Filed March 21, 1995; effective April 25, 1995. **Amended:** Filed January 16, 1996; effective February 20, 1996. **Amended:** Filed November 26, 1996; effective December 31, 1996. **Amended:** Filed September 22, 1997; effective October 27, 1997. **Amended:** Filed March 1, 2000; effective April 5, 2000. **Amended:** Filed September 25, 2000; effective October 30, 2000. **Amended:** Filed March 22, 2002; effective April 26, 2002. **Amended:** Filed May 30, 2003; effective July 4, 2003. **Amended:** Filed November 9, 2006; effective December 14, 2006. **Amended:** Filed July 14, 2016; effective August 28, 2016. **Amended:** Published February 28, 2022; effective April 14, 2022. **Amended (2 certifications filed for this rule in August):** Published August 31, 2022; effective October 15, 2022. **Amended:** Filed December 19, 2023;

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