

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 255
Department or Agency: Alabama Board of Examiners in Counseling
Rule No.: Chapter 255-X-7
Rule Title: License Renewal
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

Monday, November 18, 2024

REC'D & FILED
NOV 18, 2024
LEGISLATIVE SVC AGENCY

ALABAMA BOARD OF EXAMINERS IN COUNSELING

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Examiners in Counseling

RULE NO. & TITLE: Chapter 255-X-7 License Renewal

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

The Board proposes to update and correct language pertaining to license renewal requirements.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Comments are to be submitted to Keith E. Warren, Executive Director, 2777 Zelda Road, Montgomery, Alabama, 36106 or by email at keith@alstateboard.com.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Wednesday, January 1, 2025

CONTACT PERSON AT AGENCY:

Keith E. Warren
Executive Director
Alabama Board of Examiners in
Counseling
2777 Zelda Road
Montgomery, Alabama 36106
334-420-72229

Keith E. Warren

Keith E. Warren

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

**ALABAMA BOARD OF EXAMINERS IN COUNSELING
ADMINISTRATIVE CODE**

**CHAPTER 255-X-7
LICENSE RENEWAL**

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255-X-7-.01	<u>Licensed Professional Counselor (LPC) Renewal.</u>

(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. Renewal applications will be made available through the Board's website. The LPC must submit the renewal application and renewal fee to the Board office by ~~August~~the close of business on July 31st 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 (ABEC). Failure to pay the biennial renewal fee by ~~August~~July 31st of the renewal year shall automatically suspend the right of any LPC to practice ~~while delinquent~~. Such lapsed license may be renewed upon payment of a renewal fee and lapsed license fee to be determined by the Board. Any LPC whose license has lapsed beyond six (6) years must reapply under the current regulations for Initial ALC licensure with forfeiture of all accrued supervision, and all client experience hours.

(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-.01(2)(a) is a part of the daily routine.~~ continuing education as outlined in 255-X-7-.01(4).

(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 meeting the definition in section 255-X-2-.18 completed 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 meet the ABEC Continuing Education Guidelines; 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 the 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. 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. A minimum of seventy-five percent (75%) of the continuing education activities required for any licensure renewal period must consist of real-time interactive participation in seminars, classes, workshops, presentations, training programs, or similar activities. Such real-time interactive 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 or asynchronous 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 interactive 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, CE provider number or documentation of the provider, ~~and number of contact hours granted~~number of contact hours granted, and state whether synchronous or asynchronous.

(5) Audit of LPC Renewals. 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 the audit

notice. The Board will review the records and respond to the individuals with a statement of compliance or non-compliance.

(b) Non-compliance. In the case of non-compliance with continuing education requirements, the audited LPC will have a one- (1) month compliance period to meet continuing education requirements. During the one (1) month compliance period, the ~~Board~~ Board may initiate a complaint citing the licensee with failure to meet continuing education requirements for renewal. During the one (1) 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 one (1) month compliance period may result in formal disciplinary action by the Board.

(c) ~~LPCs~~ An LPC 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) Lapsed License. A lapsed LPC license cannot be used as the basis for applications for advanced licensure or LPC-S certification. Applicants who seek to renew a lapsed LPC license must pay the published renewal fee and lapsed license 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-~~four~~ (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 a lapsed license must be submitted to the Board for review but will not be subject to the audit procedure. Any LPC license that has lapsed beyond six years is considered to be expired and the applicant must reapply under the current regulations for ALC licensure with forfeiture of all accrued supervision and all client experience hours.~~

Author: Alabama Board of Examiners in Counseling

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

History: Filed September 30, 1982. **Amended:** Filed November 26, 1996; effective December 31, 1996. **Amended:** Filed March 1, 2000; effective April 5, 2000. **Amended:** Filed May 16, 2001; effective June 20, 2001. **Amended:** Filed September 28, 2009; effective November 2, 2009. **New Rule:** Filed August 4, 2010; effective September 8, 2010. **Repealed:** Filed August 27, 2010;

effective October 1, 2010. **Amended:** Filed September 25, 2012; effective October 30, 2012. **Amended:** Filed July 14, 2016; effective August 28, 2016. **Amended:** Published February 28, 2022; effective April 14, 2022. **Amended: Published ; effective** .

255-X-7-.02 Associate Licensed Counselor (ALC) Renewal.

(1) General. An Associate Licensed Counselor is required to pay annually to the board by the anniversary of their license issuance date a renewal fee as set out in section 255-X-1-.08. A lapsed license may be renewed within a period of six (6) years after lapse upon payment of fees in arrears or thereafter upon payment of a renewal fee and lapsed license fee as determined by the board.

(2) Renewal Notice and Application. Renewal applications will be made available through the Board's website. The ALC must submit the renewal application and renewal fee to the Board office by their renewal date.

(3) 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 educational experience meeting the definition in section 255-X-2-.18 completed during the term of the current license.

(a) A minimum of ten (10) formal contact clock hours of relevant professional and continued education experience shall be required for renewal of an ALC license. The ten (10) hours of continuing education required for ALC licensure renewal must contain a minimum of two (2) 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 education 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. Formal graduate course work utilized as continuing education for licensure renewal cannot also be utilized as a substitute for supervised experience required to become a Licensed Professional Counselor. Formal graduate course work used as a substitution for supervised experience to become a Licensed Professional Counselor cannot also be utilized as continuing education for licensure renewal.

(c) The ALC 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 twenty (20) formal contact clock hours required for renewal of ALC initially issued prior to January 1, 2010 and expiring July 31, 2011, five (5) hours may be obtained by supplying documentation of one (1) of the following activities.

(d) Of the ten (10) formal contact clock hours required for renewal of ALC, three (3) hours may be obtained by supplying documentation of one (1) of the following activities:

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. 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. A minimum of seventy-five (75) percent of the continuing education activities required for any licensure renewal period must consist of real-time interactive participation in seminars, classes, workshops, presentations, training programs, or similar activities. Such real-time inactive 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 or asynchronous 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 or completion/verification of attendance must contain: licensee's name, name of workshop/seminar/training, name of sponsoring entity, dates of the activity, CE provider number or documentation of the provider, and number of contact hours granted.

(4) Lapsed License. A lapsed ALC license cannot be authorized for licensure examinations, used as the basis for applications for advanced licensure, or used as the basis for applications for reduction of supervised experience. Applicants who seek to renew a lapsed ALC license must pay the published renewal fee and lapsed license fee. The renewed license shall bear an issuance date corresponding to the approval date of the renewal and shall expire twelve (12) months from the date of issue. The renewal application must be accompanied by documentation acceptable to the Board of continuing education activities of no less than ten (10) clock hours accrued within the twelve (12) months immediately preceding the request for renewal. The ten (10) hours of continuing education must contain a minimum of two (2) clock hours of continuing education devoted to ethical concerns for practice, assessment, supervision, or research in counseling. An ALC must also submit a proposed plan of supervision for approval by the Board. Any ALC license that has lapsed beyond six (6) years is considered to be expired and the applicant must reapply under the current regulations for initial ALC licensure with forfeiture of all accrued supervision, and all client experience hours.

Author: The Alabama Board of Examiners in Counseling

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

History: Filed September 30, 1982; July 30, 1992. **Amended:**

Filed May 16, 2001; effective June 20, 2001. **New Rule:** Filed

August 4, 2010; effective September 8, 2010. **Repealed:** Filed

August 27, 2010; effective October 1, 2010. **Amended:** Filed

September 25, 2012; effective October 30, 2012. **Amended:** Filed

July 14, 2016; effective August 28, 2016. **Amended:** Published

February 28, 2022; effective April 14, 2022.

255-X-7-.03

Licensed Professional Counselor - Supervisor (LPC-S) Renewal.

(1) General. All Licensed Professional Counselor-Supervisor certifications expire biennially and on July 31st of the renewal year with the LPC license they are attached to.

(2) Recertification/renewal of the LPC-S certification will be a part of the LPC license the LPC-S is based upon. A separate renewal of the LPC-S is not necessary.

(3) Continuing Education. Maintenance of the Supervisor status shall require that the LPC-S accrue a minimum of five (5) formal contact hours of relevant professional and continued education devoted to supervision, and meeting the definition in Section 255-X-2-.18, during each two-year renewal cycle of the accompanying LPC license.

(a) A minimum of five (5) formal contact hours of relevant professional and continued education devoted to supervision during each two-year renewal cycle of the accompanying LPC license. These five (5) hours cannot be from the Continuing Education Credit for LPC-Supervisor. These five (5) hours can count as part of the required forty (40) hours of continuing education for LPC licensure renewal.

~~(b) All formal contact hours of relevant professional and continued educational experience shall meet the ABEC Continuing Education Guidelines, 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-S 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) Real-Time Participation in Continuing Education Activities. A minimum of seventy-five percent (75%) of the continuing education activities required for any licensure renewal period must consist of real-time interactive participation in seminars, classes, workshops, presentations, training programs, or similar activities. Such real-time interactive 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 or asynchronous 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.

(e) 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, CE privier number or documentation of the provider, ~~and number of contact hours granted~~ number of contact hours granted and statement of synchronous or asynchronous.

(f) Review of LPC-S's compliance for continuing education in supervision will be a part of the LPC audit process.

(g) Non-Compliance. In the case of non-compliance with continuing education requirements, the audited LPC-S 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 month compliance period may result in formal disciplinary action by the board.

(4) Lapsed License. A lapsed LPC license will invalidate any attached LPC-S certification and will require the LPC to reapply for LPC-S certification.

Author: Alabama Board of Examiners in Counseling

Statutory Authority: Code of Ala. 1975, §34-8A-14.

History: Filed September 30, 1982. **Amended:** Filed February 5, 1988. **Amended:** Filed March 30, 1993. **Amended:** Filed March 21, 1995; effective April 25, 1995. **Amended:** Filed November 26, 1996; effective December 31, 1996. **Amended:** Filed March 1, 2000; effective April 5, 2000. **Amended:** Filed September 25, 2000; effective October 30, 2000. **Amended:** Filed May 16, 2001; effective June 20, 2001. **Amended:** Filed November 9, 2006; effective December 14, 2006. **Amended:** Filed September 28, 2009; effective November 2, 2009. **Repealed:** Filed August 27, 2010; effective October 1, 2010. **New Rule:** Published February 28, 2022; effective April 14, 2022. [Amended: Published ; effective](#).

255-X-7-.04 **Renewal Applications (Repealed 10/1/10).**

Author: Alabama Board of Examiners in Counseling

Statutory Authority: Code of Ala. 1975, §34-8A-14.

History: Filed September 30, 1982. **Amended:** Filed May 30, 2003; effective July 4, 2003. **Repealed:** Filed August 27, 2010; effective October 1, 2010.

255-X-7-.05 Renewal Application Deadline (Repealed 10/1/10).

Author: Alabama Board of Examiners in Counseling

Statutory Authority: Code of Ala. 1975, §34-8A-14.

History: Filed September 30, 1982. **Amended:** Filed December 1, 1997; effective January 5, 1998. **Amended:** Filed November 9, 2006; effective December 14, 2006. **Amended:** Filed September 28, 2009; effective November 2, 2009. **Repealed:** Filed August 27, 2010; effective October 1, 2010.

255-X-7-.06 Failure To Pay Renewal Fee (Repealed 10/1/10).

Author: Alabama Board of Examiners in Counseling

Statutory Authority: Code of Ala. 1975, §34-8A-6.

History: Filed September 30, 1982. **Amended:** Filed November 26, 1996; effective December 31, 1996. **Amended:** Filed November 9, 2006; effective December 14, 2006. **Amended:** Filed September 28, 2009; effective November 2, 2009. **Repealed:** Filed August 27, 2010; effective October 1, 2010.

255-X-7-.07 Expired License (Repealed 10/1/10).

Author: Alabama Board of Examiners in Counseling

Statutory Authority: Code of Ala. 1975, §34-8A-6.

History: New Rule: Filed May 16, 2001; effective June 20, 2001.

Amended: Filed May 30, 2003; effective July 4, 2003. **Amended:** Filed September 28, 2009; effective November 2, 2009. **Repealed:** Filed August 27, 2010; effective October 1, 2010.