

102-3-1a. Definitions. Each of the following terms, as used in this article of the board's regulations, shall have the meaning specified in this regulation:

(a) ~~"Academic equivalent of a semester hour," as used in K.A.R. 102-3-3a, means the prorated, proportionate credit for formal academic coursework when the coursework is completed on the basis of trimester or quarter hours rather than semester hours.~~

(b) ~~"Board" means the behavioral sciences regulatory board.~~

(c) ~~(b) "Client" means a person who is a direct recipient of professional counseling services.~~

(d) ~~"Client contact" means face-to-face interaction between the counselor and client or clients.~~

(e) ~~(c) "Clinical professional counselor practice" means the professional application of professional counseling theory and methods to the treatment and prevention of psychosocial dysfunction, disability, or impairment, including behavioral, emotional, and mental disorders. Clinical professional counseling shall include the following:~~

~~(1) Assessment;~~

~~(2) diagnosis of mental disorders;~~

~~(3) planning and treatment, which may include psychotherapy and counseling;~~

~~(4) treatment intervention directed to interpersonal interactions,~~

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intrapyschic dynamics, and life management issues;

(5) consultation; and

(6) evaluation, referral, and collaboration.

(f) (d) "Clinical supervision training plan" means a formal, written agreement that establishes the supervisory framework for postgraduate clinical experience and describes the expectations and responsibilities of the supervisor and the supervisee.

(g) (e) "Consultation" means a voluntary, professional relationship in which the consultant offers the consultant's best advice and expertise that the consultee can either accept or reject and in which the objectives and requirements of supervision as established in K.A.R. 102-3-7a are lacking. Professional counseling Consultation shall not be substituted for professional counseling supervision.

(h) (f) "Continuing education" means formally organized programs or activities that are designed to and have content intended to enhance the professional counselor's or clinical professional counselor's knowledge, skill, values, ethics, and ability to practice as a professional counselor or as a clinical professional counselor.

(g) "Direct client contact" means the provision of professional counseling services to a client or clients in an individual, family, or group format with interaction being conducted in person or remotely with real-time, two-way interactive audio, visual, or audiovisual communications, including the

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application of videoconferencing, in which confidentiality is protected. Interaction that includes electronic mail, instant messaging, texting, or facsimile shall not be considered direct client contact.

(i) ~~(h)~~ "Dual relationship" means a professional relationship in which the objectivity or competency of the licensee is impaired or compromised because of any of the following present or previous relationships with the client or supervisee:

- (1) Familial;
- (2) sexual;
- (3) emotional; or
- (4) financial.

~~(j) (i)~~ "Extenuating circumstances" means ~~any condition that is caused by any unexpected event that is beyond the individual's control.~~ any condition or situation caused by events beyond a person's control that is sufficiently extreme in nature to result in either of the following:

(1) The person's inability to comply with the requirements of this regulation; or

(2) the inadvisability of requiring the person to comply with the requirements of this regulation.

~~(k) (j)~~ "Job orientation"-~~or~~ and "on-the-job training" means mean a training program or presentation of information that is so specific to a particular job or employment position that it bears no generalization to any other work setting.

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~~(t)~~ (k) "Malfeasance" means doing an act that a licensee should not do.

~~(m)~~ (l) "Merits the public trust" means that an applicant or licensee possesses the high standard of good moral character and fitness that is required to practice professional counseling as demonstrated by the following personal qualities:

- (1) Good judgment;
- (2) integrity;
- (3) honesty;
- (4) fairness;
- (5) credibility;
- (6) reliability;
- (7) respect for others;
- (8) respect for the laws of the state and nation;
- (9) self-discipline;
- (10) self-evaluation;
- (11) initiative; and
- (12) commitment to the professional counseling profession and its values and ethics.

~~(n)~~ (m) "Misfeasance" means the improper performance of a lawful act by a licensee.

~~(o)~~ (n) "Nonfeasance" means the omission of an act that a licensee should do.

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(o) "One hour" means either of the following:

(1) One period of 50-60 continuous minutes; or

(2) two periods of 25-30 continuous minutes each.

(p) "One year of professional experience" means a total of ~~2,000~~ 1,500 ~~clock hours~~ clock-hours of postgraduate supervised experience in professional counseling.

(q) "Practice setting" means any public or private counseling service agency or delivery system within which professional counseling is practiced or professional counseling services are delivered.

(r) "Practicum" ~~or~~ and "internship" ~~means~~ mean a formal component of an academic curriculum in the professional counseling program that engages the student in supervised, professional counseling practice and provides opportunities to apply classroom learning to actual practice situations in a field setting.

(s) "Professional counseling supervision" means a formal relationship between the supervisor and supervisee that promotes the development of responsibility, skill, knowledge, attitudes, and ethical standards in the practice of professional counseling.

(t) "Prior-approved continuing education" means any of the following forms of continuing education:

(1) Any single-program material that has been submitted by a provider to the board, approved by the board, and assigned a continuing education number;

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- (2) any program offered by a provider with approved-provider status; or
- (3) academic counseling courses audited or taken for credit.

(u) "Quarter credit hour" means two-thirds of a semester hour. Quarter credit hours shall be rounded as follows:

- (1) One quarter credit hour equals .7 semester hours.
- (2) Two quarter credit hours equal 1.3 semester hours.
- (3) Three quarter credit hours equal 2.0 semester hours.
- (4) Four quarter credit hours equal 2.7 semester hours.
- (5) Five quarter credit hours equal 3.3 semester hours.

(v) "Related field" means a degree program in the helping professions and may include any of the following:

- (1) Education;
- (2) human development and family studies;
- (3) marriage and family therapy;
- (4) psychology;
- (5) social work; or
- (6) theology.

~~(u)~~ (w) "Semester hour," as used in K.A.R. 102-3-3a, means ~~a minimum of~~ at least 13 clock hours ~~clock-hours~~ of formal didactic classroom instruction that occurred over the course of an academic semester and for which the applicant received formal graduate academic credit.

~~(v)~~ (x) "Termination of the professional counseling relationship" means the

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end of the professional relationship resulting from any of the following:

- (1) The mutual consent of the counselor and the client;
- (2) the completion of counseling services;
- (3) dismissal of the counselor by the client;
- (4) dismissal of the client by the counselor; or
- (5) the transfer of the client to another professional for active treatment or therapy with the belief that treatment will continue.

~~(w)~~ (y) "Under the direction" means the formal relationship between the individual providing direction and the licensed professional counselor in which both of the following conditions are met:

(1) The directing individual provides the licensee, commensurate with the welfare of the client and the education, training, and experience of the licensee, with the following:

(A) Professional monitoring and oversight of the professional counseling services provided by the licensee;

(B) regular and periodic evaluation of treatment provided to clients by the licensee; and

(C) verification that direction was provided to the licensee.

(2) The licensee receiving direction provides the board with the following for each license renewal:

(A) The name, identifying information, and type of license of the directing individual;

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(B) a description of the work setting and the professional counseling services conducted under direction; and

(C) documentation that direction was given, including dates, location, and length of time as verified by the directing individual.

(x) (z) "Undue influence" means misusing the misuse of one's professional position of confidence, trust, or authority over a client or supervisee; or the taking advantage of a client's vulnerability, weakness, infirmity, or distress for either of the following reasons:

(1) To improperly influence or change the actions or decisions of a client or supervisee; or

(2) to exploit a client or supervisee for the counselor's or a third party's financial gain, personal gratification, or advantage. (Authorized by and implementing K.S.A. ~~1999 Supp.~~ 74-7507; effective Dec. 19, 1997; amended Aug. 4, 2000; amended P-_____.)

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