

102-7-1. 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 credit hour," when used in K.A.R. 102-7-3, means the prorated proportionate credit for formal academic coursework if that coursework is completed on the basis of trimester or quarter hours rather than semester hours.

(b) "Addiction counseling supervision" means a formal professional relationship between the supervisor and supervisee that promotes the development of responsibility, skills, knowledge, values, and ethical standards in the practice of addiction counseling.

(c) "Board" means the Kansas behavioral sciences regulatory board.

(d) "Client" means a person who is a direct recipient of addiction counseling services.

~~(e) "Client contact," for purposes of K.A.R. 102-7-6, means a service to a client or clients that utilizes individual, family, or group interventions through face-to-face interaction or the use of electronic mediums of face-to-face interaction in which confidentiality is protected.~~

(f) "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.

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

(g) "Direct client contact" means the provision of addiction 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 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.

(h) "Extenuating circumstances" means 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.

~~(h)~~ (i) "Fraudulent representation" shall include the following:

(1) Deceit;

(2) misrepresentation; and

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(3) concealing a material fact.

~~(j)~~ (j) "Harmful dual relationship" means a professional relationship between a licensee and a client, student, supervisee, or any person who has had a significant relationship with either a current client or a person who has been a client within the past 24 months if that relationship is known to the licensee, in which the objectivity or competency of the licensee is impaired or compromised because of any of the following types of present or previous relationships:

- (1) Familial;
- (2) social;
- (3) emotional;
- (4) financial;
- (5) supervisory; or
- (6) administrative.

~~(j)~~ (k) "LAC" means licensed addiction counselor.

~~(k)~~ (l) "LCAC" means licensed clinical addiction counselor.

(m) "LMAC" means licensed master's addiction counselor.

~~(l)~~ (n) "Malfeasance" means the performance of an act by a licensee that is prohibited or that constitutes wrongdoing or misconduct.

~~(m)~~ (o) "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 addiction counseling as demonstrated by the following personal qualities:

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- (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 addiction counseling profession and its values and ethics.

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

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

(r) "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.

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~~(p)~~ (s) "Practice setting" means the public or private addiction counseling agency or delivery system within which addiction counseling is practiced or addiction counseling services are delivered.

~~(q)~~ (t) "Practicum or its equivalent" means a formal component of the academic curriculum in the addiction counseling or in the related field educational program that engages the student in supervised addiction counseling practice and provides opportunities to apply classroom learning to actual practice situations in a field setting.

~~(r)~~ (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.

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

- (1) Criminal justice;
- (2) counseling;
- (3) healing arts;
- (4) human development and family studies;
- (5) human services;

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- (6) marriage and family therapy;
- (7) nursing;
- (8) psychology;
- (9) social work; or
- (10) theology.

(~~t~~) (w) "Semester credit hour," when used in K.A.R. 102-7-3, means at least 13 clock-hours of formal, didactic classroom instruction that occurred over the course of an academic semester and for which the applicant received formal academic credit.

(x) "Under direction" means the formal relationship between the individual providing direction and the licensed master's addiction 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 master's level addiction 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 each license renewal, with the following:

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

(B) a description of the work setting and the master's level addiction 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.

(u) (y) "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 any of the following purposes:

(1) To improperly influence or change a client's or supervisee's actions or decisions;

(2) to exploit a client or supervisee for the counselor's or a third party's financial gain, personal gratification, or advantage; or

(3) to impose one's personal values, spiritual beliefs, or lifestyle on a client, student, or supervisee. (Authorized by and implementing K.S.A. 2010 Supp. 74-7507, as amended by L. 2010, ch. 45, §15; effective, T-102-7-1-11, July 1, 2011; effective, T-102-10-27-11, Oct. 27, 2011; effective Jan. 20, 2012; amended P-_____.)

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