



**Rules of
Department of Commerce and
Insurance**

**Division 2095—Committee for Professional Counselors
Chapter 3—Professional Responsibility**

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**Title 20—DEPARTMENT OF
COMMERCE AND INSURANCE
Division 2095—Committee for
Professional Counselors
Chapter 3—Professional Responsibility**

20 CSR 2095-3.010 Scope of Coverage

PURPOSE: This rule describes the scope of coverage and organization of the ethical standards for counselors, authorized in section 337.520(12), RSMo.

(1) The ethical standards for counselors (hereinafter standards) shall apply to a licensed professional counselor, registered supervisor that is a licensed professional counselor, provisional licensed professional counselor, counselor-in-training, and an applicant for licensure and/or supervision (hereinafter referred to as counselor or counselors). A violation of these standards constitutes unprofessional conduct and is sufficient reason for disciplinary action pursuant to section 337.525, RSMo.

(2) A counselor shall practice within the boundaries of his/her competence, based upon education, training, and experience.

(3) A counselor shall not accept any form of remuneration that exploits the therapeutic relationship and a counselor shall not allow the pursuit of financial gain or other personal benefit to interfere with the exercise of sound, professional judgment and skills.

(4) A counselor shall not misrepresent his/her licensure status or educational credentials.

(5) A counselor shall display his/her license or provisional license in a conspicuous place that is readily accessible to a client or patient.

(6) When administering, scoring, or interpreting any tests or appraisal instruments, a counselor shall be adequately educated and trained. For the purpose of this rule, adequate training shall be defined as formal, graduate course work that involves the administration and interpretation of the instrument or advance training, such as seminars sponsored by the test publisher. A licensed professional counselor shall have training in diagnostic and assessment tools commonly used in the assessment process.

(7) A client or patient (hereinafter referred to as client) is an individual for whom professional counseling, as defined in section 337.500(7), RSMo, is provided. A corporate

entity or other organization can be a client when the therapeutic relationship is between the counselor and individuals within the entity or organization.

(A) When a corporation or other organization is the client, rules of confidentiality apply to information pertaining to the organization; include personal information about an individual when obtained in the proper course of a contract. The information about an individual subject to confidential control of the organization, not of the individual, can be made available to the organization, unless specifically stated in the contract to that individual that there is a reasonable expectation by that individual that the information was obtained in a separate therapeutic relationship with the individual and is subject to therapist/client confidentiality.

(8) For the purpose of the ethical standards for counselors, a therapeutic relationship shall encompass any of the following:

(A) A mutual understanding of the counseling process as evidenced by a signed informed consent agreement as defined in 20 CSR 2095-3.015(1)(A)–(H);

(B) Utilization of professional counseling skills as defined in section 337.500(7), RSMo;

(C) Utilization of the therapeutic relationship to assist the client in learning to relate to themselves and others;

(D) A relationship between a counselor and client seeking professional counseling service as defined in 337.500(7), RSMo; and

(E) Within the limitations of the law, a relationship in which the counselor shall not interfere with the client's right to make life decisions.

(9) For the purpose of these ethical standards for counselors, an exploitive relationship shall be defined as any relationship between the registered supervisor and counselor-in-training or provisional licensed professional counselor, or counselor and client that may exploit or cause harm to the counselor-in-training, provisional licensed professional counselor or client.

(A) For the purpose of these standards, to exploit means to take unfair advantage of the client, counselor-in-training, or provisional licensed professional counselor.

(10) The counselor shall not undertake or continue a therapeutic relationship with a client when the objectivity or competency of the counselor is or is reasonably expected to be impaired because of emotional, mental, psychological, or substance abuse disorder. If a counselor's objectivity or competency

becomes impaired due to an emotional, mental, psychological or substance abuse disorder after a therapeutic relationship has been initiated, the counselor shall terminate the therapeutic relationship by notifying the client in writing of the termination and provide written documentation that the client was informed concerning the termination of the therapeutic relationship.

(A) Documentation shall be in writing and include information that a referral(s) was made.

(11) A counselor shall not delegate therapeutic or supervisory responsibilities to a person that is not qualified or does not possess the appropriate credentials for the therapy or services to be provided.

(12) While providing psychotherapy or professional counseling or within the twenty-four (24) months following completion or termination of psychotherapy or professional counseling a counselor shall not engage in the following:

(A) Sexual intercourse, defined as any genital contact with the client including, but not limited to, vaginal intercourse, sodomy, oral and/or anal copulation, or any penetration of the anal or vaginal opening by any body part or object;

(B) Kissing with the mouth, lips, or tongue;

(C) Touching or caressing of the client's breasts, genitals, or buttocks;

(D) Touching or caressing the other body parts of a client in an exploitive manner;

(E) Exposing one's breast, genitals or buttocks in an exploitive manner or encouraging another to expose him/herself for the purpose of the counselor's sexual gratification; and

(F) Deliberate or repeated comments or gestures of an exploitive nature.

AUTHORITY: sections 337.520 and 337.525, RSMo 2000.* This rule originally filed as 4 CSR 95-3.010. Original rule filed Oct. 16, 1986, effective Jan. 30, 1987. Rescinded and readopted: Filed July 3, 1990, effective Dec. 31, 1990. Rescinded and readopted: Filed Dec. 1, 2004, effective June 30, 2005. Moved to 20 CSR 2095-3.010, effective Aug. 28, 2006. Amended: Filed Nov. 21, 2008, effective May 30, 2009.

*Original authority: 337.520, RSMo 1985, amended 1989, 1993, 1995 and 337.525, RSMo 1985, amended 1989.



20 CSR 2095-3.015 Client Welfare

PURPOSE: This rule provides the ethical principles governing the practice of counseling a client and supervision.

(1) Before beginning a therapeutic relationship, a counselor shall explain and document the following elements of informed consent:

- (A) Goals of the therapeutic relationship;
- (B) Services the counselor will provide;
- (C) Behavior expected of the client;
- (D) Risks and benefits of therapeutic procedures;
- (E) Qualifications and credentials;
- (F) Financial considerations and arrangements;
- (G) Limits to confidentiality regarding individual, couple, family, and group therapy; and
- (H) If utilized, taping or recording of sessions, and how the tapes will be used and stored.

(2) The counselor shall inform clients of the voluntary or mandatory nature of the therapy, assessment, treatment, research, education or training procedure. When the therapy, assessment, treatment, research, education or training procedure is voluntary, the counselor shall inform the client, student, research participant, counselor-in-training, or provisional licensed professional counselor of the freedom of choice and any alternatives to participation.

(3) If an individual, other than the counselor, is able to obtain access to confidential information, the counselor shall disclose this possibility. The counselor shall explain how records are stored to insure confidentiality of the client, counselor-in-training, provisional licensed professional counselor, or research participant. This information shall be part of the informed consent.

(A) The counselor shall safeguard the confidential information obtained in the course of practice, research, supervision, or other duties relating to a therapeutic relationship.

1. A counselor shall maintain confidentiality in creating, storing, accessing, transferring, and disposing the records of a client or counselor-in-training which are under the counselor's control regardless of whether the records are written, automated, or in any other medium.

(B) Information obtained within the context of the therapeutic relationship or during supervised counseling shall be considered confidential after the therapeutic relationship or supervised experience has ended.

(4) A counselor shall not allow the pursuit of financial gain or other personal benefit to interfere with the exercise of sound professional judgment and skills.

(A) In determining whether to offer therapeutic services to a person already receiving similar services elsewhere, the counselor shall consider the treatment issues and the welfare of the client. The counselor shall discuss these issues with the client to minimize the probable risks of confusion and conflict.

(5) Within the limits of the law, a counselor shall report to the committee all knowledge pertaining to known or suspected violations of the laws and regulations governing the practice of counseling as defined in section 337.500(6) and (7), RSMo and any other applicable laws or rules.

(6) Within the limits of the law, and after receiving any necessary written client consent, a counselor shall respond to all requests for information and correspondence from the committee.

(7) A counselor providing therapeutic services to a client shall maintain records that include the following:

- (A) Informed consent as defined in subsections (1)(A)–(1)(H);
- (B) The reason(s) for seeking therapeutic services, clinical impression(s), treatment plan and documentation of termination;
- (C) Date, fee, and therapeutic service provided by the counselor;
- (D) Assessment results or the evaluative results relevant to the therapeutic relationship; and
- (E) Evidence of receiving the client's consent concerning the counselor's consultation with others.

(8) To meet the requirements of these ethical standards for counselors, but not necessarily for other legal purposes, the counselor shall assure that all data entries to treatment records are maintained for a period of five (5) years after the last date of service. The counselor shall comply with all other applicable state and federal laws and rules regarding record retention.

(9) A counselor planning or conducting research shall comply with federal, state, and local laws or rules and applicable standards of ethical procedures regarding research with human subjects.

(10) When conducting research, the counselor shall clearly communicate to research participants, in writing or verbally, the following:

(A) The experience the participant is likely to have during and after the research;

(B) The voluntary, mandatory, and/or remunerative nature of the research;

(C) The research participant's right to decline participation or withdraw from the research at any time without penalty;

(D) The obligations and responsibilities of the research participant and counselor;

(E) The procedures for how the data derived from the research will be used;

(F) The procedures for post research follow-up; and

(G) The procedures for obtaining information regarding general results and conclusions of the research.

AUTHORITY: sections 337.520 and 337.525, RSMo 2000. This rule originally filed as 4 CSR 95-3.015. Original rule filed Dec. 1, 2004, effective June 30, 2005. Moved to 20 CSR 2095-3.015, effective Aug. 28, 2006.*

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