

## CHAPTER 79

## (HB 57)

AN ACT relating to licensed professional clinical counselors.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 335.500 is amended to read as follows:

As used in KRS 335.500 to 335.599, unless the context requires otherwise:

- (1) "Board" means the Kentucky Board of *Licensed*~~[Certification for]~~ Professional Counselors;
- (2) "*Credential holder*" means any person who is regulated by the board;
- (3) "*Licensed professional clinical counselor*" means a credential holder who has been determined by the board to have met all qualifications set forth in subsection (1) of Section 5 of this Act to engage in the independent practice of professional counseling;
- (4) "*Licensed professional counselor associate*" means a credential holder who has been determined by the board to have met all qualifications set forth in subsection (2) of Section 5 of this Act to engage in the practice of professional counseling under an approved clinical supervisor as authorized by the board; and
- (5) "*Practice of professional counseling*" means professional counseling services that involve the application of mental health counseling and developmental principles, methods, and procedures, including assessment, evaluation, treatment planning, amelioration, and remediation of adjustment problems and emotional disorders, to assist individuals or groups to achieve more effective personal, social, educational, or career development and adjustment~~["Certified professional counselor" means a person who has completed a master's or doctoral degree in counseling from an accredited educational institution, and is certified by the board;~~
- ~~(3) "Certified professional counselor associate" means an individual who has a minimum of four hundred (400) hours of experience under the supervision of an approved supervisor and has met the requirements for certification under KRS 335.525(1)(a) to (d);~~
- ~~(4) "Certificate holder" means a professional counselor who is certified under the provisions of KRS 335.500 to 335.599;~~
- ~~(5) "Approved supervisor" means a person who has been approved by the board to supervise and is qualified under Kentucky law as a licensed psychiatrist, licensed or certified psychologist, licensed clinical social worker, certified professional counselor, nurse with a master's degree and psychiatric certification, certified marriage and family therapist, or certified professional art therapist. The board may approve as supervisor a person from another state with a substantially equivalent certificate or license who is in good standing with the certifying or licensing state and meets, at a minimum, the requirements set out in KRS 335.525]; and~~
- (6) "Relative" means a person's father, mother, brother, sister, husband, wife, son, daughter, aunt, uncle, son-in-law, daughter-in-law, grandparent, grandchild, stepparent, or stepchild.

Section 2. KRS 335.505 is amended to read as follows:

- (1) No person shall *engage in the practice of professional counseling or present in a way as to imply or would reasonably be deemed to imply licensure to practice professional*

*counseling unless the person has first been issued a valid license*~~{use the title "certified professional counselor" or hold himself out to the public using any terms, titles, or abbreviations which express or imply that he is a certified professional counselor unless the person is certified}~~ by the board.

- (2) Subsection (1) of this section shall not apply to any person who is licensed, certified, or registered under *any* other provisions of the Kentucky Revised Statutes, including, but not limited to, physicians, social workers, psychologists, nurses, professional art therapists,~~{ certified}~~ marriage and family therapists, or students in accredited programs in those professions, and shall not restrict their practice, descriptions of services, or the manner in which they hold themselves out to the public.
- (3) Subsection (1) of this section shall not be construed to alter, amend, or interfere with the practice of those who *engage in*~~{render counseling services, including but not limited to,}~~ employment counseling, job placement counseling, vocational rehabilitation counseling, *victim counseling or advocacy*, pastoral counseling based on any tenet of one's religious beliefs, or school counseling.
- (4) Subsection (1) of this section shall not apply to the activities and services of a student intern or trainee in professional counseling who is pursuing a program of studies in counseling at an accredited institution of higher education, if these activities are performed under the supervision or direction of an approved supervisor and the activities are a part of the supervised program of study *as reflected in an official transcript*, and if the person is designated a professional counselor intern or student in training.
- (5) *Nothing in this section shall be construed to limit the activities of a sexual assault counselor, victim advocate, or crisis response team as provided in KRE 506, or a person certified under KRS Chapter 403 to provide court-ordered domestic violence offender treatment services or a person providing services to sexual offenders under KRS 197.400 to 197.440.*

Section 3. KRS 335.510 is amended to read as follows:

- (1) ~~{There is hereby created}~~ The Kentucky Board of *Licensed*~~{Certification for}~~ Professional Counselors *is created and shall consist*~~{consisting}~~ of seven (7) members who shall *reside in the Commonwealth and* be appointed by the Governor. One (1) of the members shall be a citizen at large and the remaining six (6) members shall be *licensed*~~{certified}~~ professional *clinical* counselors. The *licensed professional clinical*~~{certified}~~ counselor members on the board shall have been *licensed*~~{certified}~~ as professional *clinical* counselors in the Commonwealth for at least two (2) years preceding their appointments. The citizen at large member shall not be associated with or have a relative who is associated with the practice or business of professional counseling. Neither the citizen at large nor his relatives shall have a financial interest in the practice or business of professional counseling.
- (2)~~{For the initial appointment, the six (6) counselor members shall be appointed by the Governor from a list of eighteen (18) names submitted by the board of directors of the Kentucky Counseling Association. The counselor appointees shall possess the qualifications for certification, as set out in KRS 335.525, but shall not be required to have taken the examination. The counselor appointees shall be deemed certified under the provisions of KRS 335.500 to 335.599, immediately upon their appointment to the board. The Governor shall stagger the initial terms as follows: one (1) member shall be appointed to a one (1) year~~

~~term, two (2) members to a two (2) year term, two (2) members for a three (3) year term, and two (2) members for a four (4) year term.~~

- ~~(3) After December 31, 1997, each counselor member appointed to the board shall be a certified professional counselor and shall be actively engaged in the practice or teaching of counseling.~~
- (4) All ~~subsequent~~ appointments and vacancies to the board shall be filled by the Governor. Appointments and vacancies of counselor members shall be filled by the Governor from a list of three (3) names for each position to be filled that is submitted by the Kentucky *Mental Health* Counseling Association. Vacancies shall be filled for the remainder of the unexpired terms and in the same manner as set out in this subsection.
- ~~(3)(5)~~ **The length of a term of board appointment shall be four (4) years.** A board member shall serve no more than two (2) consecutive terms.
- ~~(4)(6)~~ ~~[At its first meeting after July 15, 1996,]~~ The board shall elect a chair from its membership, and a chair shall be elected annually **but shall serve no more than two (2) consecutive one (1) year terms** ~~[thereafter]~~. Four (4) members of the board shall constitute a quorum.
- ~~(5)(7)~~ The board shall hold two (2) meetings annually to give examinations pursuant to KRS 335.515 and may hold additional meetings as the board deems necessary. The additional meetings may be held upon call of the **chair** ~~[chairman]~~ or upon the written request of three (3) or more board members.
- ~~(6)(8)~~ The Governor shall remove a member from the board, for cause, only.
- ~~(7)(9)~~ A member of the board who is a citizen at large shall be disqualified from his **or her** seat on the board if:
- (a) He **or she**, a member of his **or her** household, or a relative becomes associated with or financially interested in the business of professional counseling;
  - (b) He **or she**, a member of his **or her** household, or ~~a~~ ~~his~~ relative becomes, or is in training to become, a **licensed** ~~[certified]~~ professional **clinical** counselor; or
  - (c) He **or she** ceases to reside in the Commonwealth.
- ~~(8)(10)~~ A counselor member of the board shall be disqualified from his seat on the board if:
- (a) He **or she** has been determined by the board or a court to have violated the code of professional ethics or practice standards established pursuant to KRS 335.500 to 335.599;
  - (b) He **or she** ceases to be a **licensed** ~~[certified]~~ professional **clinical** counselor; ~~or~~ ~~and~~
  - (c) He **or she** ceases to reside in the Commonwealth.
- ~~(9)(11)~~ Each board member shall receive one hundred dollars (\$100) per day for each day of service actually given in carrying out his duties under KRS 335.500 to 335.599, and shall also be reimbursed the necessary traveling, hotel, and contingent expenses **incurred** ~~[he incurs]~~ in attending the meetings of the board and in performing **the** ~~[his]~~ **duties of the board.**

Section 4. KRS 335.515 is amended to read as follows:

- (1) The board shall administer and enforce the provisions of KRS 335.500 to 335.599 and shall evaluate the qualifications of applicants for *licensure*~~[certification]~~.
- (2) The board may issue subpoenas, examine witnesses, pay appropriate witness fees, administer oaths, and investigate allegations of practices violating the provisions of KRS 335.500 to 335.599.
- (3) The board shall promulgate administrative regulations pursuant to KRS Chapter 13A as necessary to carry out and enforce the provisions of KRS 335.500 to 335.599, including the establishment of fees.
- (4) The board ~~shall~~~~[may]~~ conduct hearings *as necessary* pursuant to KRS Chapter 13B and *shall* keep records and minutes necessary to carry out the function of KRS 335.500 to 335.599.
- (5) The board ~~shall~~~~[may]~~ issue *credentials*~~[certificates]~~ to qualified candidates.
- (6) The board ~~shall~~~~[may]~~ renew *credentials subject to the provisions of Section 7 of this Act*~~[certificates]~~ and ~~shall~~~~[may]~~ require~~[up to]~~ ten (10) continuing education hours as a condition for renewal each year.
- (7) The board may suspend or revoke *credentials*~~[certificates]~~, impose supervisory or probationary conditions upon certificate holders, impose administrative disciplinary fines, issue written reprimands and admonishments, or perform any combination thereof.
- (8) The board may seek injunctive relief in Franklin Circuit Court to enjoin violation of KRS 335.505(1).
- (9) The board may grant retired status or inactive status to a *credential*~~[certificate]~~ holder under conditions set out in administrative regulations promulgated by the board.
- (10) The board may employ persons as necessary to carry on its work and shall define those *persons*~~[person's]~~ duties and fix their compensation.
- (11) The board shall promulgate by administrative regulation a code of ethics for and standards of practice *for all credential holders*~~[of certified professional counselors]~~.
- (12) The board may enter into reciprocal agreements with certified *or licensed* professional counseling boards~~[or licensed professional counseling boards]~~.

Section 5. KRS 335.525 is amended to read as follows:

- (1) The board shall issue a "professional *clinical* counselor" *license*~~[certificate]~~ to an applicant who:
  - (a) Has paid the application fee and the appropriate examination fee to the board;
  - (b) Is of good moral character;
  - (c) Has received a master's, specialist, or doctoral degree in counseling or a related field from a regionally-accredited institution;
  - (d) Has completed a minimum of sixty (60) graduate semester hours in the following:
    1. The helping relationship, including counseling theory and practice;
    2. Human growth and development;
    3. Lifestyle and career development;

4. Group dynamics, process, counseling, and consulting;
  5. Assessment, appraisal, and testing of individuals;
  6. Social and cultural foundations, including multicultural issues;
  7. Principles of etiology, diagnosis, treatment planning, and prevention of mental and emotional disorders and dysfunctional behavior;
  8. Research and evaluation; and
  9. Professional orientation and ethics;
- (e) Has completed a minimum of ~~four~~~~three~~ thousand ~~(4,000)~~~~(3,000)~~ hours of experience in the practice of counseling, ~~all~~~~two thousand (2,000) hours~~ of which must have been obtained since obtaining the master's degree and must be under approved supervision and shall include, but not be limited to, a minimum of one thousand ~~six~~~~two~~ hundred ~~(1,600)~~~~(1,200)~~ hours of direct counseling with individuals, couples, families, or groups and a minimum of one hundred (100) hours of individual, face-to-face ~~weekly~~ clinical supervision with an approved supervisor. ***Each applicant is encouraged to include as part of the total hours of experience a minimum of ten (10) hours of direct counseling with individuals in a jail or corrections setting.*** ~~Up to one thousand (1,000) hours of the supervised experience may be obtained from a supervised practicum or internship. After January 1, 2001, the board shall issue certificates only to applicants who have obtained all three thousand (3,000) hours of experience since obtaining the master's degree.~~ All applicants shall complete an organized practicum or internship consisting of at least four hundred (400) hours; and
- (f) Has achieved passing scores on all portions of the examinations required by the board.
- (2) The board may issue a "professional counselor associate" ~~license~~~~certificate~~ to an applicant *who*:
- (a) ***Has completed all requirements under paragraphs (a) to (d) of subsection (1) of this section;***
  - (b) ***Has not met the requirements of paragraphs (e) or (f) of subsection (1) of this section; and***
  - (c) ***Has obtained a board-approved supervisor of record.***
- (3) (a) ***On the effective date of this Act, a previously certified professional counselor in Kentucky shall be entitled to use the term "licensed professional clinical counselor" and shall be issued a professional clinical counselor license upon annual renewal.***
- (b) ***An applicant who has been issued a professional clinical counselor license shall be entitled to use the title "licensed professional clinical counselor."***
- (4) (a) ***On the effective date of this Act, a previously certified professional counselor associate shall be entitled to use the term "licensed professional counselor associate" and shall be issued a professional counselor associate license upon annual renewal.***
- (b) ***An applicant who has been issued a professional counselor associate license shall be entitled to use the title "licensed professional counselor associate."***

- (5) (a) *A licensed professional counselor associate shall maintain ongoing supervision as approved by the board.*
- (b) *A licensed professional counselor associate may apply for the credential of licensed professional clinical counselor upon completion of the hours of experience and passing the examinations required under paragraphs (e) and (f) of subsection (1) [as provided under KRS 335.500. An associate may apply for professional counselor certification upon completion of the hours of experience required under subsection (1)(e)] of this section.*

- (6) [(3)] The application fee for *licensure* [certification] and the examination fee shall be established pursuant to administrative regulation promulgated by the board.

Section 6. KRS 335.527 is amended to read as follows:

- (1) The board shall *grant the appropriate credential under Section 5 of this Act to* [certify] an applicant for endorsement who:
- (a) Has received a master's, specialist, or doctoral degree in counseling or a related field from a regionally accredited institution with *a minimum of sixty (60) hours of graduate coursework to include* [in] the following:
1. The helping relationship, including counseling theory and practice;
  2. Human growth and development;
  3. Lifestyle and career development;
  4. Group dynamics, process, counseling, and consulting;
  5. Assessment, appraisal, and testing of individuals;
  6. Social and cultural foundations, including multicultural issues;
  7. Principles of etiology, diagnosis, treatment planning, and prevention of mental and emotional disorders and dysfunctional behavior;
  8. Research and evaluation; and
  9. Professional orientation and ethics;
- (b) Holds an active valid license or certificate from another state to practice as a professional counselor;
- (c) Is in good standing with the certifying or licensing board of that state;
- (d) Is of good moral character;
- (e) Has paid the application fee to the board; and
- (f) Has provided the board with evidence of a minimum of *five (5)* [three (3)] years experience as a certified or licensed professional counselor.
- (2) The applicant shall be exempt from:
- (a) The required hours of supervised experience in the practice of counseling set out in KRS 335.525(1)(e); and
- (b) The examination requirement set out in KRS 335.525(1)(f).

Section 7. KRS 335.535 is amended to read as follows:

- (1) Each **credential holder** ~~[person certified as a professional counselor]~~ shall pay to the board an annual renewal fee on or before the renewal date established in administrative regulations promulgated by the board. All **credentials** ~~[certificates]~~ not renewed by the renewal date each year shall expire because they were not timely renewed;
- (2) A person who fails to renew his **or her credential** ~~[certificate]~~ on or before the renewal date shall be given a sixty (60) day grace period. During the grace period, **the credential holder** ~~[he]~~ may continue to **practice** ~~[use the title "certified professional counselor"]~~ and may renew **the credential** ~~[his certificate]~~ upon payment of the renewal fee and a late fee.
- (3) All **credentials** ~~[certificates]~~ not renewed within sixty (60) days after the renewal date shall terminate. Upon termination, the **credential** ~~[certificate]~~ holder shall not be eligible to use the **credential** ~~[title "certified professional counselor"]~~ in the Commonwealth.
- (4) After the sixty (60) day grace period, individuals with terminated **credentials** ~~[certificates]~~ may reinstate their **credential** ~~[certificates]~~ upon payment of the renewal fee and a reinstatement fee.
- (5) A suspended **credential** ~~[certificate]~~ shall be renewed as provided in this section; however, the **credential** ~~[certificate]~~ holder shall not use the **credential** ~~[title "certified professional counselor"]~~ until the suspension has ended ~~[,]~~ or **has been** ~~[is]~~ removed by the board.
- (6) A revoked **credential** ~~[certificate]~~ may not be renewed. However, the **credential** ~~[certificate]~~ holder shall pay the reinstatement and renewal fees as set forth in this section before **the credential** ~~[his license]~~ is reinstated.
- (7) A person who fails to reinstate his **or her credential** ~~[certificate]~~ within three (3) years after its termination may not have it renewed, restored, reissued, or reinstated. This person may apply for and obtain a new **credential** ~~[certificate]~~ by meeting the current requirements of KRS 335.525.
- (8) The board may require that a person applying for renewal or reinstatement of his **or her credential** ~~[certification]~~ show proof of having completed continuing education requirements.

Section 8. KRS 335.540 is amended to read as follows:

- (1) The board may refuse to issue a **credential** ~~[certificate]~~, or may suspend, revoke, impose probationary conditions upon, impose an administrative fine, or issue a written reprimand or admonishment if the **credential** ~~[certificate]~~ holder has:
  - (a) Committed a dishonest or corrupt act. If the act is a crime, conviction in a criminal proceeding shall not be a condition precedent to disciplinary action. Upon conviction of the crime, the judgment and sentence are presumptive evidence at the ensuing disciplinary hearing of the guilt of the **credential** ~~[certificate]~~ holder or applicant. Conviction includes all instances in which a plea of no contest is the basis of the conviction;
  - (b) Misrepresented or concealed a material fact in obtaining or reinstating a **credential** ~~[certificate]~~;
  - (c) Committed any unfair, false, misleading, or deceptive act or practice;
  - (d) Been incompetent or negligent in the activities he has undertaken **within his or her practice** ~~[as a certified professional counselor]~~;

- (e) Violated any state statute or administrative regulation promulgated pursuant to KRS 335.500 to 335.599;
  - (f) Failed to comply with an order issued by the board or an assurance of voluntary compliance;
  - (g) Violated the code of ethics; or
  - (h) Violated any applicable provisions of federal or state law.
- (2) Any person whose **credential**~~[certificate]~~ has been revoked for at least five (5) or more years may petition the board for reinstatement. The board shall investigate the petition and may reinstate the **credential**~~[certificate]~~ upon a finding that the individual has complied with the terms prescribed by the board and is able to competently engage in **professional practice**.~~[the use of the title "certified professional counselor."]~~
- (3) The board may issue a written admonishment to the **credential**~~[certificate]~~ holder if the board determines based on the evidence, that a violation that is not serious has occurred. A copy of the written admonishment shall be placed in the permanent file of the **credential**~~[certificate]~~ holder. The **credential**~~[certificate]~~ holder may respond in writing to the admonishment within thirty (30) days of its receipt and may have it placed in his permanent **credential**~~[certification]~~ file. Alternatively, the **credential**~~[certificate]~~ holder may file a request for a hearing with the board within thirty (30) days of the admonishment. Upon receipt of this request, the board shall set aside the written admonishment and set the matter for hearing pursuant to the provisions of KRS Chapter 13B.
- (4) At any time during the investigative or hearing processes, the board may enter into an agreed order or accept an assurance of voluntary compliance with the **credential**~~[certificate]~~ holder.
- (5) The board may consider, modify, or reverse its probation, suspensions, or other disciplinary action.

Section 9. KRS 335.545 is amended to read as follows:

Before suspending, revoking, imposing probationary or supervisory conditions upon, imposing an administrative fine, issuing a written reprimand, or performing any combination of these actions regarding any **credential**~~[certificate]~~ issued pursuant to KRS 335.500 to 335.599, the board shall set the matter for hearing pursuant to the provisions of KRS Chapter 13B. After denying an application under KRS 335.500 to 335.599, or issuing a written admonishment, the board shall grant a hearing to the denied applicant pursuant to the provisions of KRS Chapter 13B.

Section 10. KRS 319.015 is amended to read as follows:

Nothing in this chapter shall be construed to limit:

- (1) The activities, services, and use of title on the part of a person in the employ of the federal government;
- (2) Persons in the employ of accredited institutions of higher education from engaging in the teaching of psychology, the conduct of psychological research, the provision of consultation services to organizations or institutions, or the provision of expert testimony, but not including the delivery or supervision of direct psychological services to individuals or groups;
- (3) Persons licensed, certified, or registered under any other provision of the Kentucky Revised Statutes from rendering services consistent with the laws regulating their professional



practice and the ethics of their profession. They shall not represent themselves to be psychologists or use the term "psychological" in describing their services;

- (4) The activities of a student, intern, or resident in psychology, pursuing a course of study approved by the department of psychology of an educational institution rated acceptable by the board for qualifying training and experience, provided such activities are recognized by transcript as a part of his or her supervised course of study;
- (5) The recognized educational activities of teachers in accredited public and private schools, the authorized duties of guidance counselors who are certified by the Education Professional Standards Board, or the activities of persons using psychological techniques in business and industrial organizations for employment placement, promotion, or job adjustment of their own officers and employees;
- (6) Persons who are credentialed as school psychologists by the Education Professional Standards Board from using the title "school psychologist" and practicing psychology as defined in KRS 319.010, if their practice is restricted to regular employment within a setting under the purview of the Education Professional Standards Board. These individuals shall be employees of the educational institution and not independent contractors providing psychological services to educational institutions;
- (7) A duly ordained minister, priest, rabbi, Christian Science practitioner, or other clergyman from carrying out his or her responsibilities while functioning in a ministerial capacity within a recognized religious organization serving the spiritual needs of its constituency, if he or she does not hold himself or herself out as a psychologist; or
- (8) Any nonresident temporarily employed in this state from rendering psychological services for not more than thirty (30) days every two (2) years, if he or she holds a valid current license or certificate as a psychologist in his or her home state or country and registers with the board prior to commencing practice in the Commonwealth.

~~[(9) Persons in subsection (5) of this section pursuing alternative certification as professional counselors pursuant to the provisions of KRS 335.500 to 335.599 who meet the requirements set out in KRS 335.525 shall be exempt from meeting either subsection (1)(e) or (1)(f) of that section.]~~

Section 11. KRE 506 is amended to read as follows:

- (a) Definitions. As used in this rule:
  - (1) A "counselor" includes:
    - (A) A certified school counselor who meets the requirements of the Kentucky Board of Education and who is duly appointed and regularly employed for the purpose of counseling in a public or private school of this state;
    - (B) A sexual assault counselor, who is a person engaged in a rape crisis center, as defined in KRS Chapter 421, who has undergone forty (40) hours of training and is under the control of a direct services supervisor of a rape crisis center, whose primary purpose is the rendering of advice, counseling, or assistance to victims of sexual assault;
    - (C) A certified professional art therapist who is engaged to conduct art therapy pursuant to KRS 309.130 to 309.1399;

- (D) A certified marriage and family therapist as defined in KRS 335.300 who is engaged to conduct marriage and family therapy pursuant to KRS 335.300 to 335.399;
  - (E) A *licensed*~~certified~~ professional *clinical* counselor *or a licensed professional counselor associate* as defined in KRS 335.500;
  - (F) An individual who provides crisis response services as a member of the community crisis response team or local community crisis response team pursuant to KRS 36.250 to 36.270;
  - (G) A victim advocate as defined in KRS 421.570 except a victim advocate who is employed by a Commonwealth's attorney pursuant to KRS 15.760 or a county attorney pursuant to KRS 69.350; and
  - (H) A certified fee-based pastoral counselor as defined in KRS 335.600 who is engaged to conduct fee-based pastoral counseling pursuant to KRS 335.600 to 335.699.
- (2) A "client" is a person who consults or is interviewed or assisted by a counselor for the purpose of obtaining professional or crisis response services from the counselor.
  - (3) A communication is "confidential" if it is not intended to be disclosed to third persons, except persons present to further the interest of the client in the consultation or interview, persons reasonably necessary for the transmission of the communication, or persons present during the communication at the direction of the counselor, including members of the client's family.
- (b) General rule of privilege. A client has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made for the purpose of counseling the client, between himself, his counselor, and persons present at the direction of the counselor, including members of the client's family.
  - (c) Who may claim the privilege. The privilege may be claimed by the client, his guardian or conservator, or the personal representative of a deceased client. The person who was the counselor (or that person's employer) may claim the privilege in the absence of the client, but only on behalf of the client.
  - (d) Exceptions. There is no privilege under this rule for any relevant communication:
    - (1) If the client is asserting his physical, mental, or emotional condition as an element of a claim or defense; or, after the client's death, in any proceeding in which any party relies upon the condition as an element of a claim or defense.
    - (2) If the judge finds:
      - (A) That the substance of the communication is relevant to an essential issue in the case;
      - (B) That there are no available alternate means to obtain the substantial equivalent of the communication; and
      - (C) That the need for the information outweighs the interest protected by the privilege. The court may receive evidence in camera to make findings under this rule.

Section 12. The following KRS section is repealed:

LEGISLATIVE RESEARCH COMMISSION PDF VERSION

335.530 Alternative certification requirements until January 1, 1998.

Section 13. Members of the Kentucky Board of Certification for Professional Counselors as of the effective date of this Act may serve as members of the Kentucky Board of Licensed Professional Counselors created in Section 3 of this Act until the expiration of their terms. Vacancies to the Kentucky Board of Licensed Professional Counselors shall be filled under the provisions of Section 3 of this Act.

**Approved March 28, 2002**