BOARDS AND COMMISSIONS
Board of Licensure for Pastoral Counselors
(Amendment)

201 KAR 38:060. Code of ethics.

RELATES TO: KRS 335.615(5)
STATUTORY AUTHORITY: KRS 335.615(5), (6)
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.615(5) requires the board to promulgate a code of ethics for Kentucky Licensed Pastoral Counselors[~~pastoral counselors~~]. This administrative regulation establishes the required code of ethics.

Section 1. Identification of a Client.
(1) A client shall be a person who receives a counseling, psychotherapeutic, or other professional service from a Kentucky Licensed Pastoral Counselor[~~licensed pastoral counselor~~].
(2) A person identified as a client pursuant to subsection (1) of this section shall be deemed to continue to be a client for a period of two (2) years following the last date of service rendered to that client.

Section 2. Responsibility to Clients.
(1) A Kentucky Licensed Pastoral Counselor[~~licensed pastoral counselor~~] shall:
(a) Advance and protect the welfare of their[~~his~~] client;
(b) Respect the rights of persons seeking their[~~his~~] assistance;[~~ and~~]
(c) Make reasonable efforts to ensure that their[~~his~~] services are used appropriately; and[~~.~~]
(d) Retain a client's counseling records, treatment notes, and all related materials for a minimum of six (6) years following the last date of service rendered to that client.
(2) A Kentucky Licensed Pastoral Counselor[~~licensed pastoral counselor~~] shall not:
(a) Exploit the trust and dependency of a client;
(b)
1. Except as provided by subparagraph 2 of this paragraph, engage in a dual relationship with a client, including a social, business, or personal relationship, that may:
a. Impair professional judgment;
b. Incur a risk of exploitation of the client; or
c. Otherwise violate a provision of this administrative regulation.
2. If a dual relationship cannot be avoided, and a determination is made that the relationship does not impair professional judgment after consultation with another Kentucky Licensed Pastoral Counselor or other similarly credentialed clinical counselor licensed in Kentucky, incur a risk of exploitation of the client, or otherwise violate a provision of this administrative regulation, a Kentucky Licensed Pastoral Counselor[~~pastoral counselor~~] shall take appropriate professional precautions to ensure that judgment is not impaired and exploitation of the client does not occur.[~~;~~]
3. The consultation described in subparagraph 2., supra, shall not be required where the existence of the dual relationship is substantially attributable to the licensee's vocation or profession aside from pastoral counseling;
(c) Engage in a sexual relationship with a current client or with a former client for seven (7)[~~two (2)~~] years following the termination of pastoral counseling;
(d) Use their[~~his~~] professional relationship with a client to further their[~~his~~] own interests;

(e) Continue a pastoral counseling relationship unless it is reasonably clear that the client is benefiting from the relationship;

(f) Fail to assist a person in obtaining other pastoral counseling services if the Kentucky Licensed Pastoral Counselor~~[pastoral counselor]~~ is unable or unwilling, for appropriate reasons, to provide professional help;

(g) Abandon or neglect a client in treatment without making reasonable arrangements for the continuation of treatment;

(h) Videotape, record, or permit third-party observation of a pastoral counseling session without having first obtained written informed consent from the client;

(i) Engage in sexual or other harassment or exploitation of a client, student, trainee, supervisee, employee, colleague, research subject, or actual or potential witness or complainant in an investigation or a disciplinary investigation or proceeding by the board; or

(j) Diagnose, treat, or advise on problems~~[problem]~~ outside the recognized boundaries of their~~[his]~~ competence.

Section 3. Confidentiality.

(1) A Kentucky Licensed Pastoral Counselor~~[licensed pastoral counselor]~~ shall respect and guard the confidences of each individual client.

(2) A Kentucky Licensed Pastoral Counselor~~[licensed pastoral counselor]~~ shall not disclose a client confidence except:

(a) As mandated, or permitted by law;

(b) To prevent a clear and immediate danger to a person;

(c) If the Kentucky Licensed Pastoral Counselor~~[pastoral counselor]~~ is a defendant in a civil, criminal, or disciplinary action arising from the pastoral counseling, confidences may be disclosed only in the course of that action; or

(d) If a waiver has been obtained in writing, confidential information shall be revealed only in accordance with the terms of the waiver. If more than one (1) person in a family receives pastoral counseling, unless a waiver is executed by each family member receiving pastoral counseling, who is legally competent to execute a waiver, a pastoral counselor shall not disclose information received from any family member.

(3) A Kentucky Licensed Pastoral Counselor~~[pastoral counselor]~~ may use client or clinical materials in teaching, writing, and public presentations if:

(a) A written waiver has been obtained in accordance with subsection (2)(d) of this section; or

(b) Appropriate steps have been taken to protect client identity and confidentiality.

(4) A Kentucky Licensed Pastoral Counselor~~[pastoral counselor]~~ shall store or dispose of client records so as to maintain confidentiality.

Section 4. Responsibility to a Student or Supervisee.

(1) A Kentucky Licensed Pastoral Counselor~~[licensed pastoral counselor]~~ shall not exploit the trust and dependency of a student or supervisee.

(2) A Kentucky Licensed Pastoral Counselor~~[licensed pastoral counselor]~~ shall:

(a) Be aware of their~~[his]~~ influential position with respect to a student or supervisee; and

(b) Avoid exploiting the trust and dependency of these persons.

1. A Kentucky Licensed Pastoral Counselor~~[pastoral counselor]~~ shall make every effort to avoid a dual relationship, including a social, business, or personal relationship, with a student or supervisee that may impair professional judgment or increase the risk of exploitation.

2. If a dual relationship cannot be avoided, and a determination is made that the relationship does not impair professional judgment after consultation with another Kentucky Licensed Pastoral Counselor or other similarly credentialed clinical

counselor licensed in Kentucky, incur a risk of exploitation of the student or supervisee, or otherwise violate a provision of this administrative regulation, a Kentucky Licensed Pastoral Counselor shall take appropriate professional precautions to ensure that judgment is not impaired and exploitation of the student or supervisee does not occur. ~~[If a dual relationship cannot be avoided, a pastoral counselor shall take appropriate professional precautions to ensure judgment is not impaired and no exploitation occurs.]~~

3. The consultation described in subparagraph 2., supra, shall not be required where the existence of the dual relationship is substantially attributable to the licensee's vocation or profession aside from pastoral counseling.

4. ~~[3.]~~ A Kentucky Licensed Pastoral Counselor~~[pastoral counselor]~~ shall not provide pastoral counseling to a student, employee or supervisee.

5. ~~[4.]~~ A Kentucky Licensed Pastoral Counselor~~[pastoral counselor]~~ shall not engage in a sexual~~[intimacy]~~relationship with, or have any intimate contact of a sexual nature with, a student or supervisee.

(3) A Kentucky Licensed Pastoral Counselor~~[pastoral counselor]~~ shall not knowingly permit a student or supervisee to perform or to hold themselves~~[himself]~~ out as competent to perform professional services beyond their~~[his]~~ level of training, experience, and competence.

(4) A Kentucky Licensed Pastoral Counselor~~[pastoral counselor]~~ shall not disclose a student's or supervisee's confidence except:

(a) As mandated, or permitted by law;

(b) To prevent a clear and immediate danger to a person or persons;

(c) If the pastoral counselor is a defendant in a civil, criminal, or disciplinary action arising from the supervision, the student's or supervisee's confidence may be disclosed only in the course of that action;

(d) In an educational or training setting if there are multiple supervisors, to other professional colleagues who share responsibility for the training of the supervisee if such disclosure is reasonably necessary for the purpose of supervision; or

(e) If there is a waiver previously obtained in writing, information shall be revealed only in accordance with the terms of the waiver.

Section 5. Financial Arrangements.

(1) A Kentucky Licensed Pastoral Counselor~~[pastoral counselor]~~ shall make financial arrangements with a client, third-party payer, or supervisee that are reasonably understandable and conform to accepted professional practices.

(2) A pastoral counselor shall:

(a) Not offer or accept payment for referrals;

(b) Not charge excessive fees for services;

(c) Disclose their~~[his]~~ fees to clients and supervisees at the beginning of services; and

(d) Represent facts truthfully to clients, third-party payers, and supervisees regarding services rendered.

Section 6. Advertising.

(1) A Kentucky Licensed Pastoral Counselor~~[licensed pastoral counselor]~~ shall:

(a) Accurately represent their~~[his]~~ education, training, and experience relevant to their~~[his]~~ practice of pastoral counseling; and

(b) Not use professional identification, including a business card, office sign, letterhead, or telephone or association directory listing if it includes a statement or claim that is false, fraudulent, misleading, or deceptive pursuant to subsection (2) of this section.

(2) A statement shall be false, fraudulent, misleading, or deceptive if it:

(a) Contains a material misrepresentation of fact;

(b) Fails to state a material fact necessary to make the statement, in light of all circumstances, not misleading; or

(c) Is intended to or is likely to create an unjustified expectation.

Section 7. Professional Competence and Integrity. A Kentucky Licensed Pastoral Counselor~~[pastoral counselor]~~ shall maintain standards of professional competence and integrity and shall be subject to disciplinary action as provided in KRS 335.635, for any of the following:

(1) Upon conviction of a felony, or a misdemeanor involving moral turpitude, or a misdemeanor related to their~~[his]~~ practice as a Kentucky Licensed Pastoral Counselor~~[pastoral counselor]~~. The foregoing term "conviction"~~[Conviction]~~ shall also include outcomes~~[conviction]~~ based on:

(a) A plea of no contest or an "Alford Plea"; or

(b) The suspension or deferral of a sentence or conditional discharge;

(2) If their~~[his]~~ license or certificate to practice in a mental health profession issued by another state's regulatory agency has been suspended or revoked;~~[disciplined, or had a license or certificate to practice denied, by that state's regulatory agency;]~~

(3) If their~~[his]~~ license or certificate to practice in a mental health profession issued by another Kentucky regulatory agency has been suspended or revoked;~~[disciplined or had a license or certificate to practice denied, by that Kentucky regulatory agency;]~~

(4) Upon a showing of impairment due to mental or physical incapacity, or the abuse of alcohol or other substances which may negatively impact the practice of pastoral counseling;

(5) If they~~[he]~~ misrepresented or concealed a material fact in obtaining a license,~~[or]~~ seeking reinstatement of a license, or seeking renewal of a license;

(6) If they~~[he]~~have~~[has]~~ refused to comply with an order issued by the board;~~[or]~~

(7) If they~~[he]~~have~~[has]~~ failed to cooperate with the board by not:

(a) Furnishing in writing a complete explanation to an initiating complaint filed with the board;

(b) Complying with the board's requests for additional documentation or supporting materials when such requests are made;

(c) ~~[(b)]~~ Appearing before the board or a designated representative of the board at the time and place designated; or

(d) ~~[(c)]~~ Properly responding to a subpoena issued by the board; or~~[.]~~

(8) If they have violated ~~[Violated]~~ any provision~~[statutory or regulatory section]~~ of KRS Chapter 335.600 through .699~~[335.]~~, or any administrative regulation promulgated by the board.

Section 8. Telehealth. A Kentucky Licensed Pastoral Counselor providing services via telehealth or other technology-assisted means shall:

(1) Verify the physical location of the client at the outset of each telehealth encounter and ensure that the provision of services is consistent with the licensure and practice requirements of the jurisdiction in which the client is located;

(2) Obtain informed consent specific to telehealth service delivery, including disclosure of the platform's security and confidentiality limitations, potential risks unique to remote service provision, and the client's right to decline telehealth in favor of in-person services where available;

(3) Maintain a documented protocol for responding to emergencies or crises arising during a telehealth encounter, appropriate to the counselor's inability to provide immediate physical presence, and communicate the substance of this protocol to the client during the informed consent process; and

(4) Utilize technology platforms that meet applicable confidentiality and security standards, including compliance with the Health Insurance Portability and Accountability

Act (HIPAA) where applicable.

COMPILER'S NOTE: 2025 RS HB 6, enacted by the General Assembly on March 27, 2025, altered the information to be provided at the time an administrative regulation is filed. Aside from formatting changes necessary to upload the regulation into the LRC's publication application, this regulation has been published as submitted by the agency.

201 KAR 38:060
MARGARET BROOKS, Chair

APPROVED BY AGENCY: August 31, 2026

FILED WITH LRC: October 13, 2026 at 11:13 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 21, 2026, at 11:00 a.m. at the Mayo-Underwood Building, Room 127CW, 500 Mero Street, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through December 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person by using the PPC public comment portal at the address listed below.

CONTACT PERSON: Name: Matthew D. Ellison, Title: Staff Attorney III Agency: Department of Professional Licensing, Office of Legal Services, Address: 500 Mero Street, 2 NC WK#4, Phone Number: (502) 782-0706 (office), Fax: (502) 564-4818, Email: Matthew.Ellison@ky.gov, Link to PPC public comment portal: https://ppc.ky.gov/reg_comment.aspx

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person:Matthew D. Ellison, Staff Attorney III, Phone: 502-782-0706, Email: matthew.ellison@ky.gov

Subject Headings:Licensing, Mental Health, Occupations and Professions

(1) Provide a brief summary of:

(a) What this administrative regulation does:
This administrative regulation establishes a code of ethics applicable to all Kentucky Licensed Pastoral Counselors.

(b) The necessity of this administrative regulation:
This administrative regulation is necessary because it provides a clear understanding of certain actions which can subject the licensee to discipline pursuant to KRS 335.635.

(c) How this administrative regulation conforms to the content of the authorizing statutes:
This administrative regulation amendment conforms with the Board's authority in KRS 335.615(5) specifically to establish a code of ethics by promulgation of administrative regulation; and KRS 335.615(6), which empowers the Board to promulgate administrative regulations to carry out the provisions of KRS 335.600 through .699.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:
This administrative regulation assists in the effective administration of the statute by setting forth a code of ethics applicable to licensees, which is a duty imposed on the Board via statute.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:
This amendment adds a record retention period; lengthens the amount of time after which any sexual relationship between a licensee and former client is forbidden; imposes a consultation requirement in certain circumstances involving dual relationships, in order to ensure that the licensee's professional judgment is not impaired by the relationship; enlarges the scope of prohibited sexual or intimate contact between a licensee and someone under their supervision; makes it unethical for a licensee to fail to respond to any request from the Board; and establishes a new code of ethics for telehealth in the conduct of the profession.

(b) The necessity of the amendment to this administrative regulation:
This amendment is necessary to strengthen the ethical conduct required of licensees, including specifically those licensees who are engaged in telehealth.

(c) How the amendment conforms to the content of the authorizing statutes:
This administrative regulation amendment conforms with the Board's authority in KRS 335.615(5) specifically to establish a code of ethics by promulgation of administrative regulation; and KRS 335.615(6), which empowers the Board to promulgate administrative regulations to carry out the provisions of KRS 335.600 through .699. Nothing about the subject matter of this amendment falls outside the scope of the foregoing.

(d) How the amendment will assist in the effective administration of the statutes:

This amendment will assist in the effective administration of the statutes by providing licensees with specific ethical requirements and expectations regarding their professional services.

(3) Does this administrative regulation or amendment implement legislation from the previous five years?No.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

This administrative regulation will affect the approximately 40-45 licensees of the Board.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment:

Licensees will need to ensure that their conduct conforms with the provisions of this regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4):

There is not expected to be any cost for compliance with this amendment, although licensees may elect to incur storage costs for former client records which are now subject to a specific retention period.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4):

The licensees will have a clearer understanding of their ethical requirements.

(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

There will be no initial cost to the administrative body to implement this administrative regulation.

(b) On a continuing basis:

There will be no continuing cost to the administrative body to implement this administrative regulation.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment:

The Board’s operations are funded by fees paid by license holders and applicants.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

No increase in fees or funding will be necessary to implement this change to this administrative regulation.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

This administrative regulation does not establish any new fees or increase any fees paid to the Board.

(10) TIERING: Is tiering applied?

Tiering is not applied because this regulation applies to all applicants equally.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation:

. KSR 335.615(6) requires the Board to promulgate administrative regulations to implement the purposes of KRS 335.600-.699. KRS 335.615(5) requires the Board to promulgate an administrative regulation that sets forth a code of ethics for licensees.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:

KRS 335.615(5) requires the Board to adopt a code of ethics for licensees via promulgation of an administrative regulation.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions:

The Kentucky Board of Licensure for Pastoral Counselors is the promulgating agency.

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year:There are no expenditures anticipated in the first year.

For subsequent years:There are no expenditures anticipated in subsequent years.

2. Revenues:

For the first year:There are no revenues anticipated in the first year.

For subsequent years:There are no revenues anticipated in subsequent years.

3. Cost Savings:

For the first year:No cost savings are anticipated in the first year.

For subsequent years:No cost savings are anticipated in subsequent years.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts):

None anticipated.

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year:N/A

For subsequent years:N/A

2. Revenues:

For the first year:N/A

For subsequent years:N/A

3. Cost Savings:

For the first year:N/A

For subsequent years:N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a):

None anticipated.

(b) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:

For the first year:N/A

For subsequent years:N/A

2. Revenues:

For the first year:N/A

For subsequent years:N/A

3. Cost Savings:

For the first year:N/A

For subsequent years:N/A

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)

(a) Fiscal impact of this administrative regulation:
There is no fiscal impact anticipated to any entity in (3)(a), (4)(a), or (5)(a).

(b) Methodology and resources used to reach this conclusion:
Methodology and resources used are the fiscal department within the Public Protection Cabinet, Department of Professional Licensing.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14):
It is not anticipated that this administrative regulation will have an overall negative or adverse major economic impact to the entities identified.

(b) The methodology and resources used to reach this conclusion:
Methodology and resources used are the fiscal department within the Public Protection Cabinet, Department of Professional Licensing.