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## Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

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**Title 46**  
**PROFESSIONAL AND OCCUPATIONAL STANDARDS**  
**Part LXXXVI. Vocational and Rehabilitation Counselors**

**Chapter 1. General Provisions**

**§101. Statutory Authority**

A. The Louisiana Licensed Professional Vocational Rehabilitation Counselors Board of Examiners was created and empowered by Act 555 of the 1988 Legislature to provide regulation of the practice of vocational rehabilitation counseling and provide for the regulation of the use of the title "Licensed Professional Vocational Rehabilitation Counselor" (R.S. 37:3441), which will be known as L.R.C. Therefore, the Professional Vocational Rehabilitation Counselors Board of Examiners establishes the rules and regulations herein pursuant to the authority granted to, and imposed upon said board under the provisions of the Louisiana Revised Statute, Title 37, Chapter 53, R.S. 37:3441-3452 and R.S. 36:478.I.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3441-3452 and R.S. 36:478(I).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 15:276 (April 1989).

**§103. Description of Organization**

A. The Louisiana Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, hereafter referred to as the board, resides in the Department of Social Services, and consists of five members, who shall be residents in the state of Louisiana. Board members are appointed by the governor as specified in §3444 within 60 days after the effective date of Chapter 13 of Title 37 to serve the following terms: one member for a term of two years, two members for a term of three years, and two members for a term of four years. Thereafter, each term shall be for four years and each of these appointments shall be submitted to the Senate for confirmation. Board members consist of three licensed professional vocational rehabilitation counselors, and two individuals from the public at large. No board member shall serve more than two full consecutive terms.

B. Appointments to the board are made from a list of qualified candidates submitted by the Executive Committee of the Louisiana Association for Rehabilitation Professionals. No board member shall be liable in any civil action for any act performed in good faith in the execution of his duties under Chapter 53 of Title 37 (R.S. 37:3446-3452 and R.S. 36:478.I).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3441-3452 and R.S. 36:478(I).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 15:276 (April 1989).

**§105. Vacancies**

A. A vacancy occurring in board membership for an unexpired term shall be filled for the remainder of the term by the governor, within 30 days, from a list of qualified candidates submitted by the Executive Board of the Louisiana Association of Rehabilitation Professionals. Unexpired terms shall be filled by appointment by the governor, within 30 days, from a list of qualified candidates prescribed in §3444 of R.S. 37:3441-3452.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3441-3452 and R.S. 36:478(I).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 15:276 (April 1989).

**§107. Reimbursement**

A. Each board member shall serve without compensation, but shall be reimbursed for actual travel, incidental, and clerical expenses incurred while engaged on official board business.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3441-3452 and R.S. 36:478(I).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 15:276 (April 1989).

**Chapter 3. Board Meetings,  
Procedures, Records, Powers and  
Duties**

**§301. Officers**

A. The board shall hold a meeting within 60 days after October 1, 1988, and semiannually thereafter, and elect from its membership a chairman, vice-chairman, and secretary. The chairman shall preside at all meetings at which he or she is in attendance and perform all duties prescribed by Chapter 53 of Title 37 (R.S. 37:3441-3452 and R.S. 36:478.I) and the board. The chairman is authorized by the board to make day-to-day decisions regarding board activities to facilitate the responsiveness and effectiveness of the board. The vice-chairman shall perform the duties of the chairman in case of absence or disability of the chairman. In the event the office of chairman becomes vacant, the vice-chairman shall serve as chairman until a successor is named. In the absence of the chairman and vice-chairman, the secretary will preside until the chairman or vice-chairman is present. The secretary shall keep the minutes of board meetings and send said minutes to board members and clerical secretary of the board before each regular meeting of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3441-3452 and R.S. 36:478(I).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 15:276 (April 1989).

**§305. Board Staff**

A. The board shall hire a clerical secretary, who shall not be a member of the board, within the limits of funds received by the board pursuant to R.S. 37:3446. In place of a full-time secretary, the board may hire two part-time staff. The clerical secretary will keep the records and files of the board and communicate with the candidates for licensure and others concerning board activities under the direction of the chairman of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3441-3452 and R.S. 36:478(I).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 15:276 (April 1989).

**§307. Meetings**

A. The board shall be domiciled in Baton Rouge and shall hold its meetings in places to be designated by the board within the state of Louisiana, after reasonable notice. The board shall hold a meeting within 60 days after October 1, 1988, and semiannually thereafter. The chairperson may call meetings after consultation with the board members or by a majority of members voting at a regular meeting. Reasonable notice of all board meetings will be given seven days before the meeting. The board may examine, deny, approve, revoke, suspend, and renew the license of applicants and shall review applications at least once a year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3441-3452 and R.S. 36:478(I).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 15:276 (April 1989).

**§309. Quorum**

A. Three members of the board shall constitute a quorum of the board at any meeting or hearing for the transaction of business and may examine, approve, and renew the license of applicants.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3441-3452 and R.S. 36:478(I).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 15:276 (April 1989).

**§311. Procedures**

A. The board shall adopt such rules, regulations, and examination procedures as it may deem necessary to effect the provisions of Act 555 (Chapter 53, R.S. 37:3441-3452 and R.S. 36:478.I). The board shall be empowered to accept grants from foundations and institutions to carry on its functions. The board shall submit an annual report to the governor containing the financial and professional actions of the board during the past year. The board shall adopt a seal which shall be affixed to all licenses issued by the board. The board hereby adopts *Robert's Rules of Order Revised* as the basis of parliamentary decisions by the board except as otherwise provided by board rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3441-3452 and R.S. 36:478(I).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 15:276 (April 1989).

**§313. Code of Ethics**

A. The board has adopted the Code of Ethics of the National Association of Rehabilitation Professionals in the Private Sector as specified in R.S. 37:3445 and may adopt any revisions or additions deemed appropriate or necessary by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3441-3452 and R.S. 36:478(I).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 15:276 (April 1989).

**§315. Records of Proceedings**

A. The board shall keep a record of its proceedings including applicant examinations, a register of applicants for licenses, and a register of licensed professional counselors which shall be made available to the public.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3441-3452 and R.S. 36:478(I).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 15:276 (April 1989).

**Chapter 5. License and Practice of Vocational Rehabilitation Counseling**

**§501. License of Title and Practice as Stated in R.S. 37:3450**

A. No person shall assume or use the title or designation "Licensed Professional Vocational Rehabilitation Counselor" or engage in the practice of vocational rehabilitation counseling unless he has in his possession a valid license issued by the board under the authority of this Chapter. Only persons in possession of a valid license issued by the board under the authority of this Chapter may perform vocational rehabilitation services.

B. Except as provided in R.S. 37:3452, no person shall perform the services of a vocational rehabilitation counselor unless he has in his possession a valid license issued by the board under the authority of this Chapter.

C. Except as provided in R.S. 37:3452, no person shall hold himself out as an expert of vocational rehabilitation services unless he has in his possession a valid license issued by the board under the authority of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3441-3452 and 36:478.I.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 15:277 (April 1989), amended by the Department of Health and Hospitals, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 28:490 (March 2002).

**§503. Definitions**

A. For purposes of this rule, the following definitions will apply.

*Board* The Louisiana Licensed Professional Vocational Rehabilitation Counselors Board of Examiners.

*Licensed Professional Vocational Rehabilitation Counselor* Any person who holds himself out to the public for a fee or other personal gain by any title or description of services incorporating the words "licensed professional vocational rehabilitation counselor" or any similar term, and who offers to render professional rehabilitation counseling services denoting a client-counselor relationship in which the counselor assumes responsibility for knowledge, skill, and ethical considerations needed to assist individuals, groups, organization, or the general public, and who implies that he is licensed to practice vocational rehabilitation counseling.

*Practice of Rehabilitation Counseling* Rendering or offering to individuals, groups, organizations, or the general public rehabilitation services in private practice for compensation involving the application of principles, methods, or procedures of the rehabilitation counseling profession which include but are not limited to:

1. *Rehabilitation Counseling* Assisting an individual or group, through the counseling relationship, to define vocational goals, and to plan actions reflecting his or their interests, abilities, aptitudes, and needs, as these are related to rehabilitation concerns, educational progress, and occupations and careers.

2. *Referral Activities* The evaluating of data to identify problems and to determine the advisability of referral to other specialists.

3. *Vocational Rehabilitation Services* Includes, but is not limited to, vocational assessment, vocational counseling, education, and training services, including on-the-job training, self-employment plans, job analysis, and job placement. For purposes of this Chapter, "vocational assessment" includes, but is not limited to, the administration, interpretation, and use of single scale screening tests of intelligence and tests of education, achievement, personal traits, interests, aptitudes, abilities, language, adaptive behavioral tests, and symptom screening checklist, solely to define vocational goals and plan actions as related to rehabilitation concerns, educational progress, and occupations and careers.

4. Referral activities and vocational rehabilitation services shall not include neuropsychological testing.

*Rehabilitation Counseling Services* Those acts and behaviors coming within the practice of rehabilitation counseling as defined in R.S. 37:3443.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3443.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 15:277 (April 1989), amended

by the Department of Health and Hospitals, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 19:1569 (December 1993), LR 28:490 (March 2002).

## **Chapter 7. Requirements for Licensure and Renewal of License**

**§701. General Provisions**

A. The board shall license to practice all persons who present satisfactory evidence of qualifications as specified in these rules and regulations of the board. Such licensure shall be signed by the chairman and vice-chairman of the board under the seal of the board. No license shall be denied any applicant solely based upon the applicant's age, race, religion, creed, national origin, sex or physical impairment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3441-3452 and R.S. 36:478(I).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 15:277 (April 1989).

**§703. Requirements**

A. The board shall issue a license to each applicant who files an application upon a form designated by the board and in such a manner as the board prescribes, accompanied by such fee required by R.S. 37:3447 and who furnishes satisfactory evidence to the board that he:

1. is at least 21 years of age;
2. is of good moral character;
3. is not in violation of any of the provisions of R.S. 31:3441-3452 and the rules and regulations adopted herein;
4. has declared special competencies and demonstrated professional competence by successfully passing the Certified Rehabilitation Counselor Examination offered by the Commission on Rehabilitation Counselor Certification, and forwarding such documentation to the board. As an alternative to the CRC Exam, the LRC Board of Examiners has instituted an exam to be administered to all applicants beginning after July 1, 1993, who have completed procedural and eligibility requirements. The exam is to be administered by the board of examiners at least twice each year. Those sitting for the exam will be required to pass the exam with a score determined by the board of examiners;

5. has received a master's degree in vocational rehabilitation counseling or related field and two years of experience under the direct supervision of a licensed vocational rehabilitation counselor. Such two year period of supervision must be completed within three years of the date the written proposal for such supervision is submitted to the board in accordance with §703.B.15. An applicant may subtract one year of the required professional experience for successfully completing Ph.D. requirements in a rehabilitation counseling program acceptable to the board. In order to meet the requirements of licensure, one must have a degree in vocational rehabilitation counseling or an approved related degree as listed in Section A below.

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Section A
Clinical or Counseling Psychology
Professional Guidance and Counseling
Rehabilitation Studies (O.T. and P.T. excluded)
Special Education (as determined by the board)

a. The board will consider as a feasible alternative to a vocational rehabilitation degree, a related degree as listed in Section A which includes 42 hours of qualifying courses from an accredited college or university which meet the academic and training content established by the board and listed in Section B below. Both Section A and Section B are at the discretion of the board.

Section B	Hours
Orientation of Vocational Rehabilitation	3
Statistics	3
Medical and/or Psycho-Social Terminology of Disabilities Relative to Vocational Performance	3
Psychological and Social Effects of Disabilities	3
Tests and Measurements	3
Occupational Information and/or Job Placement and Job Development	3
Analysis of the Individual	3
Theories of Personality	3
Theories and Techniques of Counseling	6
Demonstrations and Practice of Counseling	3
Field Work or Practicums	9-12
Psychiatric Disorders and/or Substance Abuse	3
Vocational Analysis or Assessment of Persons with Disabilities	3
Introduction to Psychology	3
Abnormal Psychology	3
Introduction to Sociology	3
Developmental Psychology (Adult or Adolescent)	3
Ethics of Counseling	3
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b. A candidate for licensure must have 42 of the 66 hours enumerated, completing each course with a "C" or better. Any substitutions of similar course work will be limited and at the discretion of the board. As of July 20, 1996, anyone possessing an unrelated degree, not specific in the above text, will not be accepted even if they pursue additional course work. Should they obtain an additional degree in the related areas as specified in Section A above, this will be considered.

6. The board shall issue a license to each applicant who files an application upon a form designated by the board and in such a manner as the board prescribes, accompanied by such fee required by R.S. 37:3447 and who furnishes satisfactory evidence to the board that he has met the requirements of Paragraphs A.1 through A.4 and has a bachelor's degree in vocational rehabilitation counseling or related field as defined in Paragraph 703.A.5 and five years of work experience working under the direct supervision of a licensed vocational rehabilitation counselor which period of supervision began prior to September 1, 2004. Such five year period of supervision must be completed within six years of the date the written proposal for such supervision is submitted to the board in accordance with Paragraph 703.B.15. Except as provided in this Paragraph 703.A.6,

after September 1, 2009 no license shall be issued to any applicant not meeting the requirements of Paragraphs 703.A.1-5.

B. Supervision Requirements. Rehabilitation counselors who employ or supervise other professionals or students will facilitate professional development of such individuals. They provide appropriate working conditions, timely evaluations, constructive consultation, and experience opportunities.

1. *Supervision* is defined as assisting the provisionally licensed counselor in developing expertise in methods of the professional counseling practice and in developing self-appraisal and professional development strategies. Supervision must comply with standards as set by the board. Exact details of supervision are contained in the "Supervisory Work Experience Plan" package published by and available through the LRC Board of Examiners Office.

a. The board recommends one hour of supervision for every week of direct client contact as outlined. Supervision may not take place via mail, telephone, fax, computer, or video. This type of contact with supervisor may be counted under consultation; however, it cannot replace face-to-face supervisions as defined.

2. Acceptable modes for supervision of direct clinical contact are the following.

a. Individual Supervision. The supervisory session is conducted by an approved supervisor with one provisionally licensed counselor present.

b. Group Supervision. The supervisory session is conducted by an approved supervisor with no more than two provisionally licensed counselors present.

c. The LRC supervisor as opposed to the work supervisor may supervise no more than three persons at any one time unless the supervisor has no other caseload responsibilities, in which case he/she may supervise up to five counselors.

3. Most of the provisionally licensed counselor's direct contact with clients must be supervised by an approved supervisor or supervisors as defined below.

a. At least 2/3 of supervision time must be individual supervision as defined above. The remaining 1/3 may be either individual supervision or group supervision as defined above.

4. The counseling activities of the provisionally licensed counselor must be performed pursuant to the supervisor's order, control, oversight, guidance and full professional responsibility. The supervisor must read and cosign all written reports including formal reports and progress reports prepared by the provisionally licensed counselor. The provisionally licensed counselor will remain under the full professional responsibility and supervision of the supervisor until he/she is fully licensed.

5. The process of supervision must encompass multiple strategies of supervision, including regularly scheduled live observation of counseling sessions. The

process may also include discussion of the provisionally licensed counselor's self-reports, microtraining, interpersonal process recall, modeling, role-playing, and other supervisory techniques.

6. The supervisor must provide nurturance and support to the provisionally licensed counselor explaining the relationship of theory to practice, suggesting specific actions, assisting the provisionally licensed counselor in exploring various models for practice, and challenging discrepancies in the provisionally licensed counselor's practice.

7. The supervisor must ensure the provisionally licensed counselor familiarity with important literature in the field of rehabilitation.

8. The supervisor must provide training appropriate to the provisionally licensed counselor's intended area of expertise and practice.

9. The supervisor must model effective professional rehabilitation counseling practice.

10. The supervisor must ensure that the vocational rehabilitation counseling and the supervision of the vocational rehabilitation provisionally licensed counselor is completed in an appropriate professional setting.

11. The supervisor and the provisionally licensed counselor must share a similar area of specialty. Also:

a. the provisionally licensed counselor must also have received a letter of supervision approval from the board;

b. the professional setting cannot include private practice in which the provisionally licensed counselor operates or manages;

c. supervisors may employ provisionally licensed counselors in their private practice setting. The supervisor may bill clients for services rendered by the provisionally licensed counselor, however, under no circumstances can the provisionally licensed counselor bill clients directly for services rendered by him/herself.

12. The supervisor must certify to the board that the provisionally licensed counselor has successfully complied with all requirements for supervised counseling experience.

### 13. Qualifications of a Supervisor

a. Those individuals who may provide supervision to provisionally licensed counselors must meet the following requirements.

i. **Licensure Requirements.** The supervisor must hold a Louisiana license as a Licensed Vocational Rehabilitation Counselor.

ii. **Rehabilitation Counseling Practice.** The supervisor must have been in practice in his/her field for at least five years.

iii. **Training in Supervision.** Supervisors must have successfully completed either (a) or (b) below.

(a). **Graduate-Level Academic Training.** At least one graduate-level academic course in counseling supervision. The course must have included at least 45 clock hours (equivalent to a three-credit hour semester course) of supervision training.

(b). **Professional Training.** A board-approved and sponsored professional training program in supervision is required. The training program must be established by the board and meet presentation standards established by the board. All LRCs choosing to become supervisors must complete supervisor training by January 1, 1995. The first training session will be held October 21, 1993, at the LRA/LARP Professional meeting in New Orleans. The board will conduct additional training sessions each year in other areas of the state at a nominal fee.

iv. One year of documented experience in the supervision of vocational rehabilitation case material.

b. A supervisor may not be a relative of the provisionally licensed counselor. Relative of the provisionally licensed counselor is defined as spouse, parent, child, sibling of the whole-blood or half-blood, grandparent, grandchild, aunt, uncle, one who is or has been related by marriage or has any other dual relationship.

c. No person shall serve as a supervisor if his/her license is expired or subject to terms of probation, suspension, or revocation.

### 14. Responsibility of Applicant under Supervision

a. During the period of supervised counseling experience an applicant will identify him/herself as a provisionally licensed counselor.

b. Each provisionally licensed counselor must provide his/her clients with a disclosure statement that includes:

i. his/her training status; and

ii. the name of his/her supervisor for licensure purposes.

c. A provisionally licensed counselor must comply with all laws and regulations related to the practice of vocational rehabilitation counseling.

d. A provisionally licensed counselor may not initiate a private practice during their period of supervised counseling experience. Provisionally licensed counselors who are employed within their supervisors' private practice setting cannot, under any circumstances, bill clients directly for services they render.

e. Upon completion of the required supervised counseling experience, the provisionally licensed counselor needs to submit an application form for licensure. Any individual who does not apply for licensure within three months after completing the required supervised rehabilitation counseling experience cannot continue to practice professional vocational rehabilitation counseling.

15. Registration of Supervised Experience. Beginning January 1, 1994, all proposed supervision arrangements must be approved by the board prior to the starting date of the supervised experience.

a. The provisionally licensed counselor will:

i. along with his/her supervisor provide the board with a written proposal outlining with as much specificity as possible the nature of the counseling duties to be performed by the provisionally licensed counselor and the nature of the supervision;

ii. submit this written proposal on forms provided by the board at least 60 days prior to the proposed starting date of the supervision;

iii. submit along with the written proposal the appropriate fee determined by the board.

b. Supervised experience rendered by the provisionally licensed counselor in an exempt setting needs to meet the requirements in this rule if that supervised experience is to meet the requirements for licensure.

c. Following the board's review, the provisionally licensed counselor will be informed by letter either that the proposed supervision arrangement has been approved or that it has been rejected. Any rejection letter will outline, with as much specificity as practicable, the reasons for rejection.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3447.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 15:277 (April 1989), amended by the Department of Health and Hospitals, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 19:1570 (December 1993), LR 22:582 (July 1996), LR 30:800 (April 2004).

**§705. Renewal**

A. A license issued pursuant hereto shall be renewed annually by payment of the renewal fee every year prior to August 1, and by meeting the requirement that 30 clock hours of continuing education be obtained during a two-year period in an area of professional rehabilitation counseling as approved by CRC or by the board. The chairman shall issue a document renewing the license for a term of one year. Beginning August 1, 1994, all persons holding a license will begin a new two year period for clock hours. Anyone licensed during the year out of sync with the board fiscal year will be required to acquire a pro rata share of hours as determined by the board for their first two year period. All license holders will be required to renew every year with their training hours acquired over a two year period. Renewal must be completed within 60 days of the August 1 deadline for each renewal year. If the renewal is not submitted within that time frame, the license shall lapse, and the applicant must meet all existing licensure requirements to be issued a license.

B. A licensee may request retirement status if he is not going to engage in private practice for the next year or longer. Under retirement status the licensee would not be

required to submit continuing education credits. If a retiree wishes to reactivate, he would need to do the following:

1. notify the board;
2. complete an application for reactivation;
3. pay the existing renewal fee;
4. begin documentation of continuing education hours.

C. A retiree cannot practice with a retirement status license. If the retiree holds a retirement status license for longer than five years and requests reactivation, he must pass the exam or show qualified continuing education hours for the previous two years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3447.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 15:277 (April 1989), amended by the Department of Health and Hospitals, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 19:1571 (December 1993), LR 28:490 (March 2002).

**§707. Reciprocity**

A. The LRC Board of Examiners will license anyone who furnishes evidence that they have been licensed by another state in vocational rehabilitation counseling, not the generic licensed professional counseling. The board of examiners will make the determination based on evidence from another state's law and from the counselor's application, thus allowing said applicant to become licensed based on proof of good standing from reciprocating state's Vocational Rehabilitation Counselors Board of Examiners, having filed an application, paid existing established fees and without sitting for the exam if there is proof that the applicant sat for the reciprocating state's exam or waiver of said exam.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3447.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 19:1572 (December 1993).

**Chapter 9. Fees**

**§901. General**

A. The board shall collect the following fees.

- |   |        |
|---|--------|
| 1. Application, license and seal            | \$ 200 |
| 2. Renewal of license                       | \$ 100 |
| 3. Written Examination                      | \$ 100 |
| 4. Reissuance for lost or destroyed license | \$ 50  |

B. No part of any fee shall be refundable under any conditions other than failure of the board to hold examinations on the date originally announced. All fees for licensing must be paid to the board by certified check or money order.



AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3441-3452 and 36:478(I).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 15:277 (April 1989), amended by the Department of Health and Hospitals, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 30:801 (April 2004).

### **§903. Deposit and Use of Fees and Funds**

A. All fees collected and all gifts or grants shall be deposited and credited to the account of the board in a licensed financial institution of the board's choosing. The funds of the board may be used for printing, travel expenses of the board, and for other necessary expenses as are essential to carrying out of the provisions of R.S. 37:3441-3452. Expenses shall be paid under the written direction of the chairman of the board in accordance with procedures established by the Division of Administration. Any surplus at the end of the fiscal year shall be retained by the board for future expenditures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3441-3452 and R.S. 36:478(I).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 15:277 (April 1989).

## **Chapter 11. License**

### **§1101. Denial, Revocation, or Suspension of License**

A. The board, by affirmative vote of at least four of its five members, shall withhold, deny, revoke, or suspend any license issued or applied for in accordance with the provisions of R.S. 37:3441-3452 or otherwise discipline a person holding such a license upon proof that the applicant or licensee:

1. has been convicted in a court of competent jurisdiction of a felony or any offense involving moral turpitude, the record of conviction being conclusive evidence thereof;

2. has violated the code of ethics of the National Association of Rehabilitation Professionals in the Private Sector;

3. is abusing drugs or alcohol an extent or in a manner dangerous to any other person or the public, or to an extent that said use impairs his ability to engage in the practice of rehabilitation counseling or perform rehabilitation counseling services or perform vocational rehabilitation services;

4. has impersonated another person holding a license issued by the board or allowed another person to use his license;

5. has used fraud or deception in applying for a license or in taking an examination provided for in this Chapter;

6. has allowed his name or license issued by the board to be used in connection with any person who performs vocational rehabilitation counseling services outside of the area of their training, experience, or competence;

7. is legally adjudicated mentally incompetent, the record of such adjudication being conclusive evidence thereof;

8. has willfully or negligently violated any of the provisions of R.S. 37:3441-3452 or these rules and regulations.

B. Notice of denial, revocation, suspension, or disciplinary action shall be sent to the applicant or licensee by registered mail or personal service setting forth the particular reasons for the proposed action and fixing a date at which time the applicant or licensee shall be given an opportunity for a prompt and fair hearing. The written notice shall be sent to the person's last known address, but the nonappearance of the person shall not prevent such a hearing. For the purpose of such a hearing, the board may subpoena persons, books, and papers, on its own behalf or on behalf of the applicant or licensee who may appear by counsel or personally in his own behalf.

C. On the basis of any hearing or upon default of applicant or licensee, the board shall make a determination specifying its findings of fact and conclusions of law. A copy of such determination shall be sent by registered mail or served personally upon the applicant or licensee. The decision of the board denying, revoking, or suspending the license shall become final 30 days after being mailed or served unless within said period the applicant or licensee appeals the decision as provided by the Administrative Procedure Act. No such appeal while pending appropriate court action shall supersede such denial, revocation, or suspension. All proceedings and evidence presented at hearings before the board may be admissible during appellate proceedings.

D. Every order and judgment of the board shall take effect immediately on its promulgation unless the board in such order or judgment fixes a probationary period for applicant or licensee. Such order and judgment shall continue in effect until expiration of any specified time period or termination by a court of competent jurisdiction. The board shall notify all licensees of any action taken against a licensee and may make public its orders and judgments in such manner and form as it deems proper if such orders and judgments are not consent orders or compromise judgments.

E. The board is authorized to suspend a license issued by it for a period not exceeding two years. At the end of this period, the board shall re-evaluate the suspension and may recommend to the chairman the reinstatement or revocation of the license. A person whose license has been revoked may apply for reinstatement after a period of not less than two years from the date such denial or revocation is legally effective, the board may, upon favorable action by a majority of the board members present and voting, recommend such reinstatement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3441-3452 and 36:478.I.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 15:278 (April 1989), amended

by the Department of Health and Hospitals, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 28:491 (March 2002).

## Chapter 13. Exclusions

### §1301. Scope

A. The following persons and their activities are exempted from the licensing requirements of R.S. 37:3441-3452 and these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3441-3452 and R.S. 36:478(I).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 15:278 (April 1989).

### §1303. Exemptions

A. A certified school counselor who meets the standards prescribed by the State Department of Education and the Board of Elementary and Secondary Education, while practicing school counseling within the scope of his employment by a board of education or by a private school.

B. Any nonresident temporarily employed in this state to render vocational rehabilitation counseling services for not more than 30 days a year, who meets the requirements for licensure in R.S. 37:3447 or who holds a valid license or certificate issued under the authority of the laws of another state or national certifying agency.

C. Any persons employed or supervised by a licensed professional vocational rehabilitation counselor, while carrying out specific tasks under the licensee's supervision. The supervisee shall not represent himself to the public as a licensed professional rehabilitation counselor.

D. Any student in an accredited educational institution, while carrying out activities that are part of the prescribed course of study, provided such activities are supervised by a professional rehabilitation counselor. Such student shall hold himself out to the public only by clearly indicating his student status and the profession in which he is being trained.

E. Any individual using the official title of the position and activities for which that person is employed by federal or state agency, any agency of a parish, municipality, or their political subdivision, any private non-profit agency, accredited clinic, non-profit hospital, or for-profit hospital provided that such persons are performing these activities as part of the duties for which they are employed or solely within the confines or under the jurisdiction of the organization by which they are employed. Such persons shall not render rehabilitation counseling services to the public for a fee, monetary or otherwise, over and above the salary they receive for the performance of their official duties with the organization by which they are employed.

F. Any persons licensed, certified, or registered under any other provision of state law, or under the rules of the Louisiana Supreme Court practicing those arts, utilizing counseling, and utilizing those titles that are allowed and

within the standards and ethics of their profession or within new areas of practice that represent appropriate extensions of their profession.

G. Any priest, rabbi, Christian Science practitioner, or minister of the gospel of any religious denomination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3441-3452 and R.S. 36:478(I).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 15:278 (April 1989).

## Chapter 15. License without Examination

### §1501. License without Examination

A. As prescribed in R.S. 37:3448, for a period of one year from the effective date of Act 555, July 14, 1988, the board shall waive both written and oral examination and shall issue a license as a licensed professional vocational rehabilitation counselor to each applicant who files an application upon a form and in such a manner as the board prescribes, accompanied by such fees required by R.S. 37:3446, and who furnishes satisfactory evidence to the board that he:

1. is at least 21 years old;
2. is of good moral character;
3. is not in violation of any of the provisions of R.S. 37:3441-3452 and the rules and regulations adopted hereunder;
4. has received one of the following:
  - a. a master's degree in rehabilitation counseling or related field and two years experience in a vocational rehabilitation setting;
  - b. a bachelor's degree in rehabilitation counseling or related field and five years experience in a vocational rehabilitation setting;
  - c. certified rehabilitation counselor, certified insurance rehabilitation specialist and 10 years of vocational rehabilitation experience.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3441-3452 and R.S. 36:478(I).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 15:279 (April 1989).

### §1503. Completion of Licensure Process

A. Applicants who apply for a license upon a form prescribed by the board before the termination of the license without examination period R.S. 37:3448, are granted a term of six months to furnish the board with all information and documents required for said license under R.S. 37:3448.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3441-3452 and R.S. 36:478(I).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 15:279 (April 1989).

## Chapter 16. Code of Professional Ethics for Licensed Rehabilitation Counselors

### §1600. General

A. Licensed rehabilitation counselors are committed to facilitating the personal, social, and economic independence of individuals with disabilities. In fulfilling this commitment, licensed rehabilitation counselors work with various people, programs, institutions, and service delivery systems. Licensed rehabilitation counselors recognize that their actions (or inaction) can either aid or hinder clients in achieving their rehabilitation objectives, and they accept this responsibility as part of their professional obligations. Licensed rehabilitation counselors may be called upon to provide various kinds of assistance including: counseling; vocational explorations; vocational assessment and testing; evaluations of social, medical, vocational, and psychiatric information; job placement and job development activities; forensic assessments; and other types of rehabilitation services. They are required to do so in a manner that is consistent with their education and experience. Moreover, licensed rehabilitation counselors must demonstrate their adherence to ethical standards and ensure that the standards are vigorously enforced. The Code of Professional Ethics for Licensed Rehabilitation Counselors (henceforth referred to as the Code) is designated to facilitate the achievement of these goals.

B. The primary obligation of licensed rehabilitation counselors is to their clients (defined in the Code as individuals with disabilities who are receiving services from licensed rehabilitation counselors). The objective of the Code is to promote public welfare by specifying and enforcing ethical standards of behavior expected of licensed rehabilitation counselors. Accordingly, the Code contains two kinds of standards: Canons and Rules of Professional Conduct.

C. The Canons are general standards of an aspirational and inspirational nature that reflect the fundamental spirit of caring and respect which professionals share. They are maxims designed to serve as models of exemplary professional conduct. The Canons also express general concepts and principles from which the more specific rules are derived. Unlike the Canons, the rules are exacting standards intended to provide guidance in specific circumstances.

D. Licensed rehabilitation counselors who violate the Code are subject to disciplinary action. A violation of a rule is interpreted as a violation of the applicable Canon and the general principles it embodies. Since the use of Licensed Rehabilitation Counselor (LRC) designation is a privilege granted by the Louisiana Licensed Professional Vocational Rehabilitation Counselors Board of Examiners (LLPVR), the board reserves unto itself the power to suspend or revoke this privilege or to impose other penalties for a rule violation. Disciplinary penalties are imposed as warranted by the severity of the offense and its attendant

circumstances. All disciplinary actions are undertaken in accordance with published procedures and penalties that are designed to ensure proper enforcement of the Code within a framework of due process and equal protection under the law.

E. When there is reason to question the ethical propriety of specific behavior, individuals are encouraged to refrain from such behavior until the matter has been clarified. LRCs who need assistance in interpreting the Code should write to the board to request an advisory opinion.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3441-3452 and 36:478.I.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 28:491 (March 2002).

### §1601. Canon 1: Moral and Legal Standards

A. Licensed rehabilitation counselors shall behave in a legal, ethical, and moral manner in the conduct of their profession, maintaining the integrity of the Code and avoiding any behavior that would cause harm to others. The Rules of Professional Conduct governing compliance with this Canon are as follows.

1. Licensed rehabilitation counselors will obey the laws and statutes of the legal jurisdiction in which they practice.

2. Licensed rehabilitation counselors will be thoroughly familiar with and observe the legal limitations of the services they offer to clients. They will discuss these limitations as well as all benefits available to the clients they serve in order to facilitate open, honest communications and avoid unrealistic expectations.

3. Licensed rehabilitation counselors will be alert to the legal parameters relevant to their practices as well as to any disparities that may exist between legally mandated ethical and professional standards and the Code. Where disparities exist, licensed rehabilitation counselors will follow the legal mandates and formally communicate such disparities to the Ethics Committee. In the absence of legal guidelines, the Code is binding.

4. Licensed rehabilitation counselors will not engage in any act or omission of a dishonest, deceitful, or fraudulent nature in the conduct of their professional activities. They will not allow the pursuit of financial gain or other personal benefits to interfere with the exercise of sound professional judgment and skills, nor will they abuse the relationship with a client to promote their personal or financial gain or the financial gain of an employer.

5. Licensed rehabilitation counselors will understand and abide by the Canons and Rules of Professional Conduct prescribed in the Code.

6. Licensed rehabilitation counselors will not advocate, sanction, participate in, cause to be accomplished, carry out through another or condone any act which they themselves are prohibited from performing by the Code.

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7. Moral and ethical standards of behavior are a personal matter for licensed rehabilitation counselors to the same degree as they are for any other citizen, except as such standards may compromise the fulfillment of the individual's professional responsibilities or reduce public trust in licensed rehabilitation counselors.

8. Licensed rehabilitation counselors will respect the rights and reputation of any institution, organization or firm with which they are associated when making oral or written statements. In those instances where they are critical of policies, they will attempt to effect change through constructive action within the organization.

9. Licensed rehabilitation counselors will refuse to participate in employment practices that are inconsistent with the moral or legal standards regarding the treatment of employees or the public. Licensed rehabilitation counselors will not condone practices that result in illegal or otherwise unjustifiable discrimination on any basis in hiring, promotion or training.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3441-3452 and 36:478.I.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 28:491 (March 2002).

### **§1602. Canon 2: Client-Counselor Relationship**

A. Licensed rehabilitation counselors shall respect the integrity and protect the welfare of the people and groups with whom they work. The primary obligation of licensed rehabilitation counselors is to their clients (defined as individuals with disabilities who are receiving services from licensed rehabilitation counselors). At all times, licensed rehabilitation counselors shall endeavor to place their clients' interests above their own. The Rules of Professional Conduct governing compliance with this Canon are as follows.

1. Licensed rehabilitation counselors will clearly communicate to clients the purposes and goals of rehabilitation counseling, and any limitation that may affect the counseling relationship.

2. Licensed rehabilitation counselors will not misrepresent their role or competence to clients. If requested, they will provide information about their credentials, and will refer clients to other specialists as the needs of the clients dictate.

3. Licensed rehabilitation counselors will be continually cognizant of their own needs and values as well as of their potential influence over clients, students, and subordinates. They will avoid exploiting the trust or dependency of such persons. Licensed rehabilitation counselors will make every effort to avoid dual relationships that could impair their professional judgment or increase the risk of exploitation. Examples of dual relationships include, but are not limited to research with and treatment of employees, students, supervisors, close friends, or relatives. Sexual intimacy with clients is unethical.

4. Licensed rehabilitation counselors will not knowingly engage in behavior that is harassing or demeaning to persons with whom they interact in their work based on factors such as those persons' age, gender, race, ethnicity, national origin, religion, sexual orientation, disability, language, or socioeconomic status.

5. Licensed rehabilitation counselors who provide services at the request of a third party will clarify the nature of their relationships to all rightful, legal parties and to all members of the treatment team. Licensed rehabilitation counselors will inform all parties of their ethical responsibilities and take needed actions to assure that all parties understand their ethical responsibilities. Licensed rehabilitation counselors who are employed by third parties as case consultants or expert witnesses, where there is not intent to provide rehabilitation counseling services directly to clients (beyond file review, initial interview, and/or assessment) will clearly define, through written or oral means, the limits of their relationship (particularly in the areas of informed consent and confidentiality) to all rightful, legal parties and to all members of the treatment team. When serving as case consultants or expert witnesses, licensed rehabilitation counselors shall provide unbiased, objective opinions.

6. Licensed rehabilitation counselors will honor the rights of clients to consent to participate and the right to make decisions with regard to rehabilitation services. They will inform the clients or their legal representative, using language that is reasonably understandable to the client and/or legal representative, of factors that may affect the clients' decision to take part in rehabilitation services, and they will obtain written consents once the clients or their legal representatives are fully informed of these factors. Licensed rehabilitation counselors who work with minors or other persons who are unable to give informed, voluntary consent will take special care to protect the interests of their clients.

7. Licensed rehabilitation counselors will avoid initiating or continuing consulting or counseling relationships if it appears there can be no benefit to the client; in these cases, the licensed rehabilitation counselor will suggest appropriate alternatives to the client.

8. Licensed rehabilitation counselors will recognize that families are usually an important factor in the clients' rehabilitation and will strive to enlist their understanding and involvement as a positive resource in achieving rehabilitation goals. The client's permission will be secured prior to any family involvement.

9. Licensed rehabilitation counselors and their clients will work together to devise an integrated, individualized rehabilitation plan that promises reasonable success and is consistent with each client's circumstances and abilities. Licensed rehabilitation counselors will continually monitor such plans to ensure their ongoing viability and effectiveness, remembering that clients have the right to make their own choices.

10. Licensed rehabilitation counselors will work with their clients in evaluating potential employment opportunities, considering only those jobs and circumstances that are consistent with the client's overall abilities, vocational limitations, physical and mental restrictions, general temperament, interests and aptitude patterns, social skills, education, general qualifications, and other relevant characteristics and needs. Licensed rehabilitation counselors will neither place nor participate in the placing of clients in positions that could damage the interests and welfare of either the client or the employer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3441-3452 and 36:478.I.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 28:492 (March 2002).

### **§1603. Canon 3: Client Advocacy**

A. Licensed rehabilitation counselors shall serve as advocates for individuals with disabilities. The Rules of Professional Conduct governing compliance with this Canon are as follows.

1. Licensed rehabilitation counselors will be obligated at all times to promote better access for individuals with disabilities for facilities, programs, transportation, and communication, so that clients will not be excluded from opportunities to participate fully in rehabilitation, education, and society.

2. Licensed rehabilitation counselors will ensure that programs, facilities, and employment settings are appropriately accessible before referring clients to them.

3. Licensed rehabilitation counselors will strive to understand the accessibility problems individuals with cognitive, hearing, mobility, visual and/or other disabilities face, and to demonstrate this understanding in the practice of their profession.

4. Licensed rehabilitation counselors will strive to eliminate attitudinal barriers, including stereotyping and discrimination, toward individuals with disabilities and to increase their own awareness and sensitivity to such individuals.

5. Licensed rehabilitation counselors will remain aware of the actions taken by cooperating agencies on behalf of their clients and will act as the advocates of such clients to ensure effective service delivery.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3441-3452 and 36:478.I.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 28:493 (March 2002).

### **§1604. Canon 4: Professional Relationships**

A. Licensed rehabilitation counselors shall act with integrity in their relationships with colleagues, organizations, agencies, institutions, referral sources, and other professions in order to provide clients with optimum benefits. The Rules

of Professional Conduct governing compliance with this Canon are as follows.

1. Licensed rehabilitation counselors will ensure that there is a mutual understanding of the rehabilitation plan by all involved in the rehabilitation of clients and that all rehabilitation plans are developed with such mutual understanding.

2. Licensed rehabilitation counselors will abide by and help to implement "team" decisions when formulating rehabilitation plans and procedures, even if not in personal agreement with such decisions, unless they constitute a breach of ethical conduct.

3. Licensed rehabilitation counselors will not commit receiving counselors to any prescribed course of action in relation to clients they may transfer to other colleagues or agencies. 4. Licensed rehabilitation counselors will promptly supply all information needed for a cooperating agency or counselor to begin serving a client.

4. Licensed rehabilitation counselors will not offer ongoing professional rehabilitation counseling or case management services to clients who are receiving such services from another rehabilitation counselor without first notifying that individual. File reviews and second-opinion services are not included in the concept of professional rehabilitation counseling and case management services and do not require prior notification.

5. Licensed rehabilitation counselors will secure appropriate reports and evaluations from other specialists when such reports may affect rehabilitation planning and/or service delivery.

6. Licensed rehabilitation counselors will not discuss the competency of other rehabilitation counselors or agencies (including the judgments made, methods used or quality of rehabilitation plans) in a disparaging way with their clients.

7. Licensed rehabilitation counselors will not use their professional relationships with supervisors, colleagues, students or employees to exploit them sexually or otherwise. Neither will they engage in or condone sexual harassment (defined as deliberate or repeated comments, gestures or physical contacts of a sexual nature that are unwanted by the recipients).

8. Licensed rehabilitation counselors who know of an ethics violation by another rehabilitation counselor will attempt to resolve the issue informally with that person provided the misconduct is minor in nature and/or appears to be due to a lack of sensitivity, knowledge, or experience. If the violation is more serious or not amenable to an informal resolution, the rehabilitation counselor will bring it to the attention of the appropriate committee on professional ethics of any professional organization or credentialing body with which the rehabilitation counselor is affiliated.

9. Licensed rehabilitation counselors possessing information of an alleged violation of this Code will reveal such information to the board or another authority

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empowered to investigate or act upon the alleged violation, if requested to do so, unless and only to the extent that the information is protected by law.

10. Licensed rehabilitation counselors who employ or supervise students or other professionals will provide appropriate working conditions, timely evaluations, constructive consultations, and suitable experience opportunities to facilitate the professional development of these individuals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3441-3452 and 36:478.I.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 28:493 (March 2002).

### **§1605. Canon 5: Public Statement/Fees**

A. Licensed rehabilitation counselors shall adhere to professional standards in establishing fees and promoting their services. The Rules of Professional Conduct governing compliance with this Canon are as follows.

1. Licensed rehabilitation counselors will consider carefully the value of their services and the financial resources of their clients in order to establish reasonable fees for their professional services.

2. Licensed rehabilitation counselors will not accept a fee or any other form of remuneration for their work from clients who are entitled to their services through an institution, agency, or other benefit structure, unless rehabilitation counselors fully inform clients of the availability of services from such other services.

3. Licensed rehabilitation counselors will neither give nor receive commissions, rebates or any other form of remuneration when referring clients for professional services.

4. Licensed rehabilitation counselors who describe the rehabilitation counseling and other services offered to the public will present such information fairly and accurately, avoiding misrepresentation through sensationalism, exaggeration, or superficiality. Licensed rehabilitation counselors will be guided by their primary obligation to aid the public in forming valid opinions and making informed choices and judgments.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3441-3452 and 36:478.I.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 28:494 (March 2002).

### **§1606. Canon 6: Confidentiality**

A. Licensed rehabilitation counselors shall respect the confidentiality of information obtained from clients in the course of their work. The Rules of Professional Conduct governing compliance with this Canon are as follows.

1. Licensed rehabilitation counselors will inform clients of the limits of confidentiality at the onset of the rehabilitation counseling relationship.

2. Licensed rehabilitation counselors will take reasonable direct action, inform responsible authorities or warn those persons at risk if the condition or actions of a client indicate there is a clear and imminent danger to the client or others; rehabilitation counselors will take such actions only after advising the client of what must be done. Consultations with other professionals should be used in order to clarify a reasonable course of action. If actions are taken that result in diminished autonomy for a client, they must be taken only after careful deliberation, and clients must be permitted to resume autonomous responsibility as quickly as possible.

3. Licensed rehabilitation counselors will not forward any confidential information to another person, agency, or potential employer without the written permission of the client or the client's legal representative.

4. Licensed rehabilitation counselors will ascertain that the agencies which cooperate in serving their clients have specific policies and practices in place to protect client confidentiality.

5. Licensed rehabilitation counselors will safeguard the maintenance, storage, and disposal of client records so unauthorized persons cannot gain access to them. Any non-professional who must be given access to a client's records will be thoroughly instructed by the licensed rehabilitation counselor about the confidentiality standards to be observed.

6. Licensed rehabilitation counselors will maintain and dispose of records in accordance with law and in a manner that permits compliance with the requirements of this Code.

7. Licensed rehabilitation counselors will present only germane data in preparing oral and written reports, and will make every effort to avoid undue invasions of privacy.

8. Licensed rehabilitation counselors will obtain written permission from clients or their legal representatives prior to taping or otherwise recording counseling sessions. Even if a legal representative's consent is obtained, rehabilitation counselors will not record sessions against the expressed wishes of their client.

9. Licensed rehabilitation counselors will provide only relevant information about clients seeking jobs to prospective employers. Before releasing any information that might be considered confidential, the rehabilitation counselor will secure the permission of the client or legal representative.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3441-3452 and 36:478.I.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 28:494 (March 2002).

**§1607. Canon 7: Assessment**

A. Licensed rehabilitation counselors shall promote the welfare of clients in the selection, use, and interpretation of assessment measures. The Rules of Professional Conduct governing compliance with this Canon are as follows.

1. Licensed rehabilitation counselors will recognize that different tests require different levels of competence to administer, score, and interpret; they will also recognize the limits of their professional competence and will perform only those functions for which they are trained.

2. Licensed rehabilitation counselors will carefully consider the specific validity, reliability, and appropriateness of tests when selecting them for use in a given situation or for particular clients. They will proceed with caution in attempting to evaluate and interpret the performance of individuals with disabilities, members of minority groups, or persons who are not represented in standardized norms. Licensed rehabilitation counselors will take into consideration the effects of socioeconomic, ethnic, disability, and cultural factors on test scores.

3. Licensed rehabilitation counselors will administer tests under the conditions established when the tests were standardized. When non-standard conditions are required to accommodate clients with disabilities, or when unusual behaviors or irregularities occur during the testing session, those circumstances will be noted and taken into account when interpreting the test results.

4. Licensed rehabilitation counselors will ensure that instrument limitations are not exceeded, and that periodic assessments are made to prevent client stereotyping.

5. Licensed rehabilitation counselors will inform clients, using language that is reasonably understandable to the client, of the purpose of any testing and the explicit use of the results before administration.

6. Licensed rehabilitation counselors will ensure that an explanation of the test results is provided using language that is reasonably understandable to the person assessed or to another legally authorized person on behalf of the client, unless the nature of the relationship is clearly explained to the client in advance and precludes provision of an explanation of results (such as in some organizational consulting, pre-employment screenings, and forensic evaluations). Regardless of whether the scoring and interpretation are done by the rehabilitation counselor, by assistants, or by automated or other outside services, licensed rehabilitation counselors will take reasonable steps to ensure that appropriate explanations of results are given.

7. Licensed rehabilitation counselors will attempt to ensure that the interpretations produced by automated assessment programs or procedures have been validated through appropriate research. Public offerings of automated test interpretation services will be considered as professional-to-professional consultations. In these instances, the formal responsibility of the consultant is to the consultee, but the ultimate and overriding responsibility is to the client.

8. Licensed rehabilitation counselors will recognize that assessment results may become outdated and will make every effort to avoid the use of obsolete measures. They will not base their assessment decisions or recommendations on data or test results that are outdated for the current purpose.

9. Licensed rehabilitation counselors will refrain from misuse of assessment techniques, results, and interpretations and take reasonable steps to prevent others from misusing the information these techniques provide. This includes refraining from releasing raw test results or raw data to persons who are not qualified to use such information.

10. Licensed rehabilitation counselors will make reasonable efforts to maintain the integrity and security of tests and other assessment techniques consistent with law, contractual obligations, and in a manner that permits compliance with the requirements of this Code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3441-3452 and 36:478.I.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 28:494 (March 2002).

**§1608. Canon 8: Research Activities**

A. Licensed rehabilitation counselors shall assist in efforts to expand the knowledge needed to serve individuals with disabilities more effectively. The Rules of Professional Conduct governing compliance with this Canon are as follows.

1. Licensed rehabilitation counselors will ensure that research data meet rigid standards of validity, accuracy, and protection of confidentiality.

2. Licensed rehabilitation counselors will be aware of and responsive to all pertinent ethical, legal, and scientific guidelines on research with human subjects. When planning such research, rehabilitation counselors will ensure that the project, design, execution, and reporting are in full compliance with such guidelines.

3. Licensed rehabilitation counselors who present case studies in classes, professional meetings, or publications will confine the content to information that can be sufficiently disguised to ensure full protection of client identity.

4. Licensed rehabilitation counselors will credit those who contribute to publications in proportion to the size of their contribution.

5. Licensed rehabilitation counselors recognize that openness and honesty are essential to relationships between rehabilitation counselors and research participants. When a study's methodology requires concealment or deception, the rehabilitation counselor will ensure that participants understand the reasons for such actions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3441-3452 and 36:478.I.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 28:495 (March 2002).

**§1609. Canon 9: Forensic Activities**

A. Licensed rehabilitation counselors who perform forensic functions, such as assessments, interviews, consultations, reports, or expert testimony, must comply with all other provisions of this Code to the extent that they apply to such activities. Licensed rehabilitation counselors base their forensic work on appropriate knowledge of and competence in the areas underlying such work, including specialized knowledge concerning special populations. The Rules of Professional Conduct governing compliance with this Canon are as follows.

1. Licensed rehabilitation counselors forensic assessments, recommendations, and reports will be based on information and techniques (including personal interviews of the individual, when appropriate) sufficient to provide appropriate substantiation for their findings.

2. Licensed rehabilitation counselors will provide written or oral forensic reports or testimony of the vocational rehabilitation characteristics of an individual only after they have conducted an assessment of the individual adequate to support their statements or conclusions, except as noted in Paragraph 3 of this Section.

3. Licensed rehabilitation counselors will clarify the impact of their limited information on the reliability and validity of their reports and testimony, and they will appropriately limit the nature and extent of their conclusions or recommendations, when, despite reasonable efforts, an individual assessment is not feasible.

4. Licensed rehabilitation counselors in most circumstances will avoid performing multiple and potentially conflicting roles in forensic matters. When rehabilitation counselors may be called on to serve in more than one role in a legal proceeding, for example, as a case consultant or expert witness for one party or for the court and as a fact witness, they will clarify role expectations and the extent of confidentiality in advance to the extent feasible, and thereafter as changes occur, in order to avoid compromising their professional judgment and objectivity and in order to avoid misleading others regarding their role.

5. Licensed rehabilitation counselors will testify truthfully, honestly, candidly, and consistent with applicable legal procedures, describe fairly the bases for their testimony and conclusions in forensic testimony and reports. Licensed rehabilitation counselors will acknowledge the limits of their data or conclusions whenever necessary to avoid misleading.

6. Licensed rehabilitation counselors will not be precluded by a prior professional relationship with a party from testifying as a fact witness or from testifying to their services to the extent permitted by applicable law. Licensed rehabilitation counselors will take into account ways in which the prior relationship might affect their professional objectivity or opinions and disclose the potential conflict to the relevant parties.

7. Licensed rehabilitation counselors will be reasonably familiar with the rules governing their roles in performing forensic activities. Licensed rehabilitation

counselors will be aware of the occasionally competing demands placed upon them by these rules and the requirements of the court system, and will attempt to resolve these conflicts by making known their commitment to this Code and taking steps to resolve the conflict in a responsible manner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3441-3452 and 36:478.I.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 28:495 (March 2002).

**§1610. Canon 10: Competence**

A. Licensed rehabilitation counselors shall establish and maintain their professional competence at a level which ensures their clients will receive the benefit of the highest quality of service the profession is capable of offering. The Rules of Professional Conduct governing compliance with this Canon are as follows.

1. Licensed professional counselors will function within the limits of their defined role, training, and technical competency, accepting only those positions for which they are professionally qualified. They will provide services, teach, or conduct research in new areas or involving new techniques only after first undertaking appropriate study, training, supervision, and/or consultation from persons who are competent in those areas or techniques.

2. Licensed rehabilitation counselors will continuously strive, through reading, attending professional meetings, and taking courses of instruction, to remain aware of developments, concepts, and practices that are essential in providing the highest quality of services to their clients.

3. Licensed rehabilitation counselors, recognizing that personal problems may interfere with their professional effectiveness, will refrain from undertaking any activity in which such problems could lead to inadequate performance. If they are already engaged in such a situation when they become aware of a problem, they will seek competent professional assistance to determine if they should limit, suspend, or terminate their professional activities.

4. Licensed rehabilitation counselors who are educators will perform their duties based on careful preparation so that their instruction is accurate, up-to-date, and scholarly.

5. Licensed rehabilitation counselors who are educators will ensure that statements made in catalogs and course outlines are accurate, particularly in terms of subject matter, basis for grading, and teaching methods.

6. Licensed rehabilitation counselors who are educators will maintain high standards of knowledge and skill by presenting information in their field fully and accurately, and by giving appropriate recognition to alternative viewpoints.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3441-3452 and 36:478.I.



HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 28:496 (March 2002).

### **§1611. Canon 11: LRC Credential**

A. Rehabilitation counselors holding the designation of Licensed Rehabilitation Counselor (LRC) shall honor its integrity and respect the limitations placed on its use. The Rules of Professional Conduct governing compliance with this Canon are as follows.

1. Licensed rehabilitation counselors will use the LRC designation only in accordance with state statutory regulation as promulgated by the Louisiana Licensed Professional Vocational Rehabilitation Counselors Board of Examiners (LLPVRC).

2. Licensed rehabilitation counselors will not claim a depth or scope of knowledge, skills, or professional capabilities that are greater than warranted simply because they achieved the LRC designation.

3. Licensed rehabilitation counselors will not write, speak, or act in a way as to lead another to reasonably believe the rehabilitation counselor is an official board representative unless authorized to do so in writing by the board.

4. Licensed rehabilitation counselors will not claim possession of unique skills or devices not available to others in the profession unless the existence and efficacy of such skills or devices has been scientifically demonstrated.

5. Licensed rehabilitation counselors will not initiate or support the candidacy of an individual for licensure if that individual is known to engage in professional practices that violate the Code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3441-3452 and 36:478.I.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 28:496 (March 2002).

## **Chapter 17. Procedures for Processing Ethical Complaints**

### **§1701. General**

A. The Louisiana Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, hereafter referred to as the "Board" or "LLPVRC," is dedicated to the promotion of professional rehabilitation counselor practice in Louisiana through licensure to advance the quality of service provided to persons with disabilities.

B. The board, in furthering its objectives, administers the Code of Professional Ethics for Licensed Rehabilitation Counselors that has been developed and approved by the board.

C.1. The purpose of the LLPVRC Guidelines and Procedures for Processing Ethical Complaints is to facilitate the work of the LLPVRC Ethics Committee ("committee") by specifying the procedures for:

a. processing cases of alleged violation of the LLPVRC Code of Professional Ethics for Licensed Rehabilitation Counselors;

b. sanctioning licensed rehabilitation counselors (LRC); and

c. appeals.

2. The intent of the board is to monitor the professional conduct of its licensees to promote sound ethical practices. LLPVRC does not, however, warrant the performance of any individual.

D. In the event that the board receives a complaint concerning an individual who does not possess an LRC designation, a representative of the board will inform the complainant and may refer the complainant to an appropriate authority.

E. Any failure to disclose pertinent information of which an LRC has direct personal knowledge or any misleading disclosure by an LRC with respect to an ethics charge, criminal case, disciplinary proceeding, or similar matter, concerning him/her, may constitute a violation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3441-3452 and 36:478.I.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 28:496 (March 2002).

### **§1702. Ethics Committee Members**

A. The Ethics Committee is a standing committee of the board. The committee consists of at least three but no more than five board members, including committee chair, who are appointed by the chair of the board. Any vacancy occurring on the committee will be filled by the chair of the board.

B. A quorum of three members of the committee is necessary to conduct a hearing or any other business to come before the committee.

C. In the event any member of the committee has a personal interest in the case or has any knowledge of the case other than what has been provided to all committee members, he/she shall withdraw from hearing the case. In the event that the chair shall withdraw, the board chair shall appoint another committee member to act a chair of the committee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3441-3452 and 36:478.I.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 28:497 (March 2002).

**§1703. Role and Function**

A. The Ethics Committee is responsible for:

1. educating the licensees and the general public as to the Board's Code of Professional Ethics for Licensed Rehabilitation Counselors;
2. periodically reviewing and recommending changes in the Code of Professional Ethics for Licensed Rehabilitation Counselors as well as the Guidelines and Procedures for Processing Ethical Complaints;
3. receiving and processing complaints of alleged violations of the Code of Professional Ethics for Licensed Rehabilitation Counselors; and
4. receiving and processing questions.

B. The committee shall meet in person or by telephone conference a minimum of four times per year for processing complaints.

C. In processing complaints of alleged violations, the committee will compile an objective, factual account of the dispute in question and make the best possible recommendation for the resolution of the case. The committee, in taking any action, shall do so only for cause, shall only take the degree of disciplinary action that is reasonable, shall utilize these procedures with objectivity and fairness, and, in general, shall act only to further the interests and objectives of the board and its licensees.

D. If a committee member excuses himself/herself from a complaint and insufficient members are available to conduct business, the chair of the board shall appoint a former LLPVRC board member, who is an LRC, to act as a member of the committee. In the event that no former LLPVRC board member is available to act as a member of the committee, the chair of the board shall appoint a member who is a licensee until a sufficient number of members is obtained that constitutes a quorum.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3441-3452 and 36:478.I.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 28:497 (March 2002).

**§1704. Responsibilities of the Committee Members**

A. The committee members have an obligation to act in an unbiased manner, to work expeditiously, to safeguard the confidentiality of the committee's activities, and to follow procedures established to protect the rights of all individuals involved.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3441-3452 and 36:478.I.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 28:497 (March 2002).

**§1705. Responsibilities of the Committee Administering the Complaint**

A. The responsibilities of the committee will include, but not be limited to, the following:

1. reviewing complaints that have been received;
2. determining whether the alleged behavior, if true, would violate LLPVRC's Code of Professional Ethics for Licensed Rehabilitation Counselors, and whether the committee should accept the complaint under these rules;
3. notifying the complainant and licensee that the committee has determined that no action will be taken; or, if action is to be taken, notify the complainant and the LRC of acceptance of the complaint via certified mail and marked "Personal and Confidential;"
4. requesting additional information from the complainant, licensee, or others;
5. arranging for legal advice with the assistance of the LLPVRC chair; and
6. preparing and sending, via certified mail, and marked "personal and confidential," communications to the complainant and LRC on the decisions of the committee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3441-3452 and 36:478.I.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 28:497 (March 2002).

**§1706. Jurisdiction**

A. The committee has jurisdiction to consider whether an individual has violated the LLPVRC Code of Professional Ethics for Licensed Rehabilitation Counselors if the individual is a current licensee of the LLPVRC.

B. Should a respondent attempt to relinquish LLPVRC licensure during the course of any case, the board reserves the right to continue the matter for a final and binding resolution according to these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3441-3452 and 36:478.I.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 28:498 (March 2002).

**§1707. Eligibility to File Complaints**

A. The committee will accept complaints that an LRC has violated one or more sections of the LLPVRC Code of Professional Ethics for Licensed Rehabilitation Counselors from the following:

1. members of the general public who have reason to believe that an LRC has violated the LLPVRC Code of Professional Ethics for Licensed Rehabilitation Counselors;

2. LRCs or members of other helping professions who have reason to believe that a licensee has violated the LLPVRC Code of Professional Ethics for Licensed Rehabilitation Counselors;

3. the committee chair when the committee has reason to believe through information received through materials in the public domain that an LRC has violated the LLPVRC Code of Professional Ethics for Licensed Rehabilitation Counselors.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3441-3452 and 36:478.I.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 28:498 (March 2002).

### §1708. Time Lines

A. The time lines set forth in these standards are guidelines only and have been established to provide a reasonable framework for processing complaints.

B. The committee will grant an extension of a deadline requested by a licensee or complainant only when justified by unusual circumstances.

C. LRCs are pledged, in accordance with the LLPVRC Code of Professional Ethics for Licensed Rehabilitation Counselors, to cooperate with proceedings of the board for any alleged violation of the Code of Professional Ethics for Licensed Rehabilitation Counselors. If the LRC voluntarily relinquishes licensure or if the licensee or complainant fails to cooperate with an ethical inquiry in any way, the board shall, at its discretion, continue its investigation, noting in its final report the circumstances of the LRC's failure to cooperate. The committee, in its sole discretion, may terminate the complaint of an uncooperative complainant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3441-3452 and 36:478.I.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 28:498 (March 2002).

### §1709. Nature of Communication

A. Only signed, written communications regarding ethical complaints against LRCs will be accepted. If telephone inquiries from individuals are received regarding the filing of complaints, responding to complaints, or providing information regarding complaints, the individuals calling will be informed of the signed, written communication requirement and asked to comply.

B. All correspondence related to a complaint must be addressed to the Ethics Committee, LLPVRC Board of Examiners, P.O. Box 41594, Baton Rouge, LA 70835-1594, and must be marked "confidential." This process is necessary to protect the confidentiality of the complainant and the LRC.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3441-3452 and 36:478.I.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 28:498 (March 2002).

### §1710. Management of Filed Complaints

A. Upon receipt of complaints, the committee will communicate to the complainant and LRC in writing, via certified mail marked "personal and confidential," noting its receipt of the complaint and its confirmation of the licensed status of the accused LRC.

B. The committee will determine whether the complaint, if true, would violate one of more sections of the Code of Professional Ethics for Licensed Rehabilitation Counselors. If not, the complaint will not be accepted and the complainant and licensee so informed in writing via certified mail.

C. If the committee determines that the complaint contains insufficient information to make a fair determination of whether the behavior alleged in the complaint would be cause for action by the committee, the committee may request further written information for the complainant or others.

D. When complaints are accepted, the complainant and LRC will be so informed in writing via certified mail.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3441-3452 and 36:478.I.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 28:498 (March 2002).

### §1711. Notification of LRC

A. Once the complaint has been received, the LRC will be sent a copy of the complaint via certified mail, and marked "personal and confidential."

B. If the complaint is accepted, the LRC will be asked to respond in writing to the complaint against him/her, addressing each of the following areas:

1. acknowledge the section of the LLPVRC Code of Professional Ethics for Licensed Rehabilitation Counselors which he/she has been accused of having violated; and

2. submit any fact affidavits, documents, or written arguments which he/she wishes to be considered by the committee in reviewing the complaint.

C. The LRC will be informed that if he/she wants to respond, he/she must do so in writing within 30 days from the date of notification. If the licensee fails to respond in writing to a request from the committee, the committee may impose sanctions on the basis of the complaint alone.

D. Should the committee request further information from the LRC, the licensee shall be given 30 days from the date of request to respond.

E. The committee may, in its discretion, delay or postpone its review of the case.

## PROFESSIONAL AND OCCUPATIONAL STANDARDS

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3441-3452 and 36:478.I.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 28:499 (March 2002).

### §1712. Disposition of Complaints

A. After receiving the response of the LRC, committee members will be provided copies of the response and supporting fact affidavits, documents, or written arguments provided by the LRC and others.

B. At the next meeting or teleconference of the committee, the committee will discuss the complaint, response, and any supporting documentation.

C. On the basis of the complaint and the LRC response, the committee must act as follows:

1. if no violation is found, the case will be closed and all parties will be notified of case closure in writing via certified mail; or

2. if reasonable basis is found to exist for any violation alleged in the complaint, all parties will be notified in writing via certified mail. Upon a finding of reasonable basis, the LRC may make a written request for a hearing before the committee or the committee, in its discretion, may initiate a hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3441-3452 and 36:478.I.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 28:499 (March 2002).

### §1713. Withdrawal of Complaints

A. If the complainant and LRC agree to discontinue the complaint process, the committee may, at its discretion, complete the adjudication process if available evidence indicates that this is warranted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3441-3452 and 36:478.I.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 28:499 (March 2002).

### §1714. Ethics Committee Actions

A. Letter of Instruction. In the event it is determined that the LLPVRC Code of Professional Ethics for Licensed Rehabilitation Counselors has been violated, the committee will consider the degree of harm and significant mitigating circumstances and may issue a letter of instruction, which is not a sanction.

B. Sanctions. In the event it is determined that the LLPVRC Code of Professional Ethics for Licensed Rehabilitation Counselors has been violated, and a letter of instruction is not appropriate, the committee shall impose one or a combination of the possible sanctions which follow.

1. Reprimand. Remedial requirements may be stipulated by the committee.

2. Probation for a specified period of time subject to committee review of compliance. Remedial requirements may be imposed to be completed within a specified period of time.

3. Suspension of LRC license for a specified period of time subject to committee review of compliance. Remedial requirements may be imposed to be completed within a specified period of time.

4. Revocation of LRC license.

C. The penalty for failing to fulfill, in a satisfactory manner, a remedial requirement imposed by the committee as a result of a sanction will be automatic revocation unless the committee determines that the remedial requirement should be modified based on good cause.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3441-3452 and 36:478.I.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 28:499 (March 2002).

### §1715. Notification of Results

A. The LRC shall be given a written notice via certified mail of committee decisions regarding complaints against him/her.

B. If a violation has been found and the LRC license has been suspended or revoked, other licensure or certification boards, voluntary national certification boards, and appropriate professional associations will also be notified of the results.

C. If a violation has been found and the LRC license has been suspended or revoked, a notice of the committee action that includes the section(s) of the LLPVRC Code of Professional Ethics for Licensed Rehabilitation Counselors that were found to have been violated and the sanctions imposed will be published on the LLPVRC website.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3441-3452 and 36:478.I.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 28:499 (March 2002).

### §1716. Hearings

A. A hearing shall be initiated:

1. if the LRC requests a hearing; or
2. at any time at the request of the committee.

B. If a hearing has been requested or initiated by the committee, and provided all necessary and requested information is received, the committee chair shall schedule a hearing on the case at the next scheduled committee meeting and notify the complainant and the licensee of their right to attend the hearing.

C. The hearing will be held before the committee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3441-3452 and 36:478.I.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 28:499 (March 2002).

### §1717. Hearing Procedures

#### A. Purpose

1. A hearing will be conducted to determine whether a violation of the Code of Professional Ethics for Licensed Rehabilitation Counselors has occurred and, if so, to determine appropriate disciplinary action.

2. The committee shall be guided in its deliberations by principles of basic fairness and professionalism, and will keep its deliberations as confidential as possible, except as provided herein.

#### B. Notice

1. The LRC shall be advised in writing via certified mail by the chair administering the complaint of the time and place of the hearing.

2. If the LRC fails to appear at the hearing, the committee shall decide the complaint and determine what testimony it will hear on record. Failure of the LRC to appear at the hearing shall not be viewed by the committee as sufficient grounds alone for taking disciplinary action.

#### C. Conduct of the Hearing

1. The location of the hearing shall be determined at the discretion of the committee. The committee shall provide a private room to conduct the hearing and no observers or recording devices other than a recording device used by the committee shall be permitted.

2. The chair administering the complaint shall preside over the hearing and deliberations of the committee. At the conclusion of the hearing and deliberations of the committee, the chair shall promptly issue written notice to the LRC via certified mail of the committee's decision. The chair shall also notify the complainant in writing via certified mail of the disposition of the complaint. However, the chair shall not disclose the disciplinary action, if any, imposed on the licensee.

3. A record of the hearing shall be made and preserved, together with any documents presented in evidence, at the board's administrative office. The record shall consist of a summary of testimony received or a verbatim transcript, at the discretion of the committee.

4. The LRC and the complainant shall be entitled to have legal counsel or a representative present to advise and represent them throughout the hearing. Legal counsel for the board may also be present at the hearing to advise the committee and shall have the privilege of the floor.

5. Either party shall have the right to call witnesses to substantiate his/her version of the case.

6. The committee shall have the right to call witnesses it believes may provide further insight into the matter.

7. Witnesses shall not be present during the hearing except when they are called upon to testify and shall be excused upon completion of their testimony and any cross-examination.

8. The chair administering the complaint shall allow questions to be asked of any witness by the opposition or members of the committee if such questions and testimony are relevant to the issues in the case.

9. The chair administering the complaint will determine what questions and testimony are relevant to the case. Should the hearing be subject to irrelevant testimony, the chair may call a brief recess until order can be restored.

10. Both the complainant and the LRC, and any witnesses and legal counsel that they may have must pay their own expenses. Parties initiating telephone contact will assume the expenses related to the calls.

#### D. Presentation of Evidence

1. The chair administering the complaint shall be called upon first to present the charge(s) made against the LRC and to briefly describe the evidence supporting the charge. The chair shall also be responsible for examining and cross-examining witnesses on behalf of the complainant and for otherwise presenting the matter during the hearing.

2. The complainant or a member of the committee shall then be called upon to present the case against the LRC. Witnesses who can substantiate the case may be called upon to testify and answer questions of the LRC and the committee.

3. If the LRC has exercised the right to be present at the hearing, he/she may be called upon to present any evidence which refutes the charges against him/her. This includes witnesses as in Paragraph 2 above.

4. The LRC will not be found guilty simply for refusing to testify. Once the LRC chooses to testify, however, he/she may be cross-examined by the complainant and members of the committee, subject to the constitutional rights of the licensee.

5. Testimony that is merely cumulative or repetitious may, at the discretion of the chair administering the complaint, be excluded.

6. All parties providing testimony will be required to attest to the veracity of their statements.

#### E. Relevancy of Evidence:

1. The committee hearing is not a court of law and is not required to observe formal rules of evidence. Evidence that would be inadmissible in a court of law may be admissible in the hearing before the committee, if it is relevant to the case. Therefore, if the evidence offered tends to explain, clarify, or refute any of the important facts of the case, it should be considered.

## PROFESSIONAL AND OCCUPATIONAL STANDARDS

2. The committee will not consider evidence or testimony for the purpose of supporting any charge that was not set forth in the notice of the hearing or that is not relevant to the issues of the case.

### F. Burden of Proof

1. The burden of proving a violation of the Code of Professional Ethics for Licensed Rehabilitation Counselors is on the complainant and/or the committee.

2. Although the charge(s) need not be proved "beyond a reasonable doubt," a committee finding that an LRC has violated the Code of Professional Ethics for Licensed Rehabilitation Counselors must be supported by substantial, objective, and believable evidence.

### G. Deliberation of the Committee

1. After the hearing is completed, the committee shall meet in a closed session to review the evidence presented and reach a conclusion. The board's legal counsel may attend the closed session to advise the committee if the committee so desires.

2. The committee shall be the sole judge of the facts and shall weigh the evidence presented and assess the credibility of the witnesses. The decision of a majority of the members of the committee present shall be the decision of the committee and the board. The chair shall vote only to break a tie or when the committee consists of three members.

3. Only members of the committee who were present throughout the entire hearing shall be eligible to vote.

### H. Decision of the Committee

1. The committee will first resolve the issue of the guilt or innocence of the LRC on each charge. Applying the burden of proof in Subsection F above, the committee will vote by secret ballot, unless all of the members of the committee entitled to vote consent to an oral vote.

2. In the event the committee does not find the licensee guilty, the charges will be dismissed. If the committee finds the LRC has violated the Code of Professional Ethics for Licensed Rehabilitation Counselors, it must then determine what sanctions shall be imposed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3441-3452 and 36:478.I.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 28:500 (March 2002).

## §1718. Appeals

A. Decisions of the LLPVCR Ethics Committee that a licensee has violated the Code of Professional Ethics for Licensed Rehabilitation Counselors may be appealed by the LRC found to have been in violation based on one or more of the following grounds:

1. the committee violated its policies and procedures for processing complaints of ethical violations; and/or

2. the decision of the committee was arbitrary and capricious and was not supported by the materials provided by the complainant and the licensee.

B. After the LRC has received notification that he/she has been found in violation of one or more sections of the LLPVRC Code of Professional Ethics for Licensed Rehabilitation Counselors, he/she will be given 30 days from the date written notification is sent to notify the committee in writing via certified mail that he/she is appealing the decision.

C. An appeal must be in writing stating one or more grounds of appeal listed in Paragraphs A.1 and 2, and the reasons for the appeal.

D. The board chair will appoint a three person appeals panel consisting of at least one former board member, who is currently an LRC, with the balance of the licensees, none of whom served on the committee at the time the original decision was rendered. The board's attorney shall serve as legal advisor and have the privilege of the floor.

E. The three member appeals panel will be given copies of the materials available to the committee when it made its decision, a copy of the hearing transcript if a hearing was held, and a copy of the letter filed by the appealing licensee.

F. The decision of a majority of the members of the appeals panel shall be the final decision. The decision shall be rendered within a reasonable period of time.

G. The decision of the appeals panel may include one of the following.

1. The decision of the committee is upheld.

2. The decision of the committee is reversed and/or remanded with guidance to the committee for a new hearing. The reason for this action will be given in detail to the committee in writing.

H. When a committee decision is reversed and/or remanded, the complainant and the LRC will be informed in writing via certified mail and additional information may be requested. The committee will then render another decision after further hearing.

I. A decision of the appeals panel to uphold the committee decision is final.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3441-3452 and 36:478.I.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 28:501 (March 2002).

## §1719. Substantial New Evidence

A. In the event substantial new evidence, which was not available to the LRC at the time of the hearing, is presented in a case in which an appeal was not filed, or in a case where a final decision has been rendered, the case may be reopened by the committee.

B. The committee will consider substantial new evidence that was unavailable at the time of the hearing and, if it is found to be substantiated and capable of exonerating an LRC whose license was revoked, the committee will reopen the case and proceed with the entire complaint process again.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:3441-3452 and 36:478.I.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 28:501 (March 2002).

### **§1720. Records**

A. The records of the committee regarding complaints are confidential except as provided herein.

1. All information concerning complaints against LRCs shall be confidential except that the committee may disclose such information when compelled by a validly issued subpoena or when otherwise required by law or valid court order. In addition, the committee may disclose to any appropriate organizations or individuals that an individual is under ethical investigation in cases deemed to be threats to the public welfare and only when to do so before final adjudication appears necessary to protect the public.

2. Nothing in this Section shall be construed to prevent the committee from communicating with the complainant, witnesses, potential members of fact-finding committees, or other sources of information necessary to enable the committee to carry out its investigative function.

B. Original copies of complaint records will be maintained in locked files at the board's administrative office or at an off-site location chosen by the board for a specified period of time listed below.

1. Confidential Permanent Files. Permanent files of the committee shall be confidential and shall be available only to those specifically authorized by the committee and by the chair of the board.

2. Files for Revocation. Files concerning an LRC whose license has been revoked shall be maintained indefinitely.

3. Files for Non-Violations. Except for those cases for insufficient evidence, personally identifiable information concerning an LRC who has been found not to have violated the Code of Professional Ethics for Licensed Rehabilitation Counselors shall be destroyed one year after the committee has closed the case.

4. Files for Insufficient Information. In cases where the committee has closed a case due to evidence insufficient to sustain a complaint of ethical violation, records containing personally identifiable information shall be maintained for five years after the committee has closed the case.

5. Files of Lesser Sanctions. In cases where the committee has found an ethical violation but where the sanction is less than revocation, records containing personally identifiable information shall be maintained for five years after the committee has closed the case.

6. Files after Death. All records containing personally identifiable information shall be destroyed one year after the commission is notified of the death of the LRC.

7. Records for Educational Purposes. Nothing in this Section shall preclude the committee from maintaining records in a form which prevents identification of the LRC so that it may be used for archival, educational, or other legitimate purposes.

C. Members of the committee will keep copies of complaint records confidential and will destroy copies of records on the sooner of the date of case closure under §1712.C.1, the date the time for appeal has expired, or the date the member is no longer a member of the committee.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:3441-3452 and 36:478.I.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 28:501 (March 2002).

### **§1721. Legal Actions Related to Complaints**

A. LRCs are required to notify the committee if they learn of any type of legal action (civil or criminal) being filed in relation to the complaint.

B. In the event any type of legal action is filed regarding an accepted complaint, all actions related to the complaint may, at the discretion of the committee, be stayed until the legal action has been concluded.

C. If actions on a complaint are stayed, the complainant and the LRC will be notified in writing via certified mail.

D. When actions on a complaint are continued after a legal action is concluded, the complainant and the LRC will be notified in writing via certified mail.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:3441-3452 and 36:478.I.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 28:502 (March 2002).

## **Chapter 18. Guidelines for Requesting Advisory Opinions from LLPVRC's Ethics Committee**

### **§1800. General**

A. Consistent with the intent of the Louisiana Licensed Professional Vocational Rehabilitation Counselors (LLPVRC) Code of Professional Ethics for Licensed Rehabilitation Counselors, the LLPVRC Ethics Committee recommends that licensed rehabilitation counselors who are considering seeking advisory opinions first consult with other rehabilitation counselors and colleagues who are knowledgeable about ethics in order to attempt to resolve questions that may easily be addressed by other knowledgeable parties. If these attempts do not result in resolution of the matter, individuals may request advisory opinions from the LLPVRC Ethics Committee.

## PROFESSIONAL AND OCCUPATIONAL STANDARDS

B. The committee provides advisory opinions on selected situations having ethical implications. These advisory opinions are provided as a general educational service and are rendered in response to limited and unverified information provided to the committee. Therefore, it should not be construed as direct advice regarding the unique or specific ethical or legal action recommendations that should be followed regarding the issues raised. The considerations described by the committee's advisory opinion should be regarded only as general educational assistance and not as specific direction in any particular instance.

C. Requests should not be filed if there is reason to believe that a violation of the code has occurred. Those attempting to determine if alleged behavior violates the code may receive a response to a request for an advisory opinion that may later appear to contradict a ruling made if a complaint is actually filed. This possible incongruity might be due to the fact that advisory opinions do not allow for full disclosure of all available information in the matter.

D. Information presented in a request for an advisory opinion and the committee's response to that ruling may be presented for educational purposes to other parties in a sanitized format.

E. LLPVRC's Ethics Committee meets four times per year. Requests received will be scheduled for review at the next scheduled meeting of the committee.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:3445.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 30:799 (April 2004).

### **§1801. Requesting an Advisory Opinion**

A. Requests should be clear and concise and should include both the scenario and the requestor's opinion as to the standard(s) in the LLPVRC Code of Professional Ethics for Licensed Rehabilitation Counselors that relate to the matter as well as the requestor's interpretation of how to apply the standard(s) to the scenario. Further, if the requestor is a LRC, the request should advise as to the results of consultation with other rehabilitation counselors and colleagues.

B. Requests should be sent in writing to Louisiana Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, P.O. Box 41594, Baton Rouge, LA 70835-1594, Attn: Ethics Committee.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:3441-3452 and 36:478(I).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 30:799 (April 2004).



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