

1 BOARDS AND COMMISSIONS

2 Kentucky Board of Licensure for Pastoral Counselors

3 (Amendment)

4 201 KAR 38:060. Code of ethics.

5 RELATES TO: KRS 335.615(5)

6 STATUTORY AUTHORITY: KRS 335.615(5), (6)

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.615(5) requires the board to

8 promulgate a code of ethics for Kentucky Licensed Pastoral Counselors [~~pastoral counselors~~].

9 This administrative regulation establishes the required code of ethics.

10 Section 1. Identification of a Client.

11 (1) A client shall be a person who receives a counseling, psychotherapeutic, or other professional

12 service from a Kentucky Licensed Pastoral Counselor [~~licensed pastoral counselor~~].

13 (2) A person identified as a client pursuant to subsection (1) of this section shall be deemed to

14 continue to be a client for a period of two (2) years following the last date of service rendered to

15 that client.

16 Section 2. Responsibility to Clients.

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

18 (a) Advance and protect the welfare of their [~~his~~] client;

19 (b) Respect the rights of persons seeking their [~~his~~] assistance; [~~and~~]

20 (c) Make reasonable efforts to ensure that their [~~his~~] services are used appropriately; and

1 (d) Retain a client's counseling records, treatment notes, and all related materials for a minimum
2 of six (6) years following the last date of service rendered to that client.
3 (2) A Kentucky Licensed Pastoral Counselor [~~licensed pastoral counselor~~] shall not:
4 (a) Exploit the trust and dependency of a client;
5 (b)
6 1. Except as provided by subparagraph 2 of this paragraph, engage in a dual relationship with a
7 client, including a social, business, or personal relationship, that may:
8 a. Impair professional judgment;
9 b. Incur a risk of exploitation of the client; or
10 c. Otherwise violate a provision of this administrative regulation.
11 2. If a dual relationship cannot be avoided, and a determination is made that the relationship does
12 not impair professional judgment after consultation with another Kentucky Licensed Pastoral
13 Counselor or other similarly credentialed clinical counselor licensed in Kentucky, incur a risk of
14 exploitation of the client, or otherwise violate a provision of this administrative regulation, a
15 Kentucky Licensed Pastoral Counselor [~~licensed pastoral counselor~~] shall take appropriate
16 professional precautions to ensure that judgment is not impaired and exploitation of the client
17 does not occur.
18 3. The consultation described in subparagraph 2., supra, shall not be required where the existence
19 of the dual relationship is substantially attributable to the licensee's vocation or profession aside
20 from pastoral counseling;
21 (c) Engage in a sexual relationship with a current client or with a former client for seven (7) [~~two~~
22 (~~2~~)] years following the termination of pastoral counseling;
23 (d) Use their [~~his~~] professional relationship with a client to further their own interests;

- 1 (e) Continue a pastoral counseling relationship unless it is reasonably clear that the client is
- 2 benefiting from the relationship;
- 3 (f) Fail to assist a person in obtaining other pastoral counseling services if the Kentucky
- 4 Licensed Pastoral Counselor [~~pastoral counselor~~] is unable or unwilling, for appropriate reasons,
- 5 to provide professional help;
- 6 (g) Abandon or neglect a client in treatment without making reasonable arrangements for the
- 7 continuation of treatment;
- 8 (h) Videotape, record, or permit third-party observation of a pastoral counseling session without
- 9 having first obtained written informed consent from the client;
- 10 (i) Engage in sexual or other harassment or exploitation of a client, student, trainee, supervisee,
- 11 employee, colleague, research subject, or actual or potential witness or complainant in an
- 12 investigation or a disciplinary investigation or proceeding by the board; or
- 13 (j) Diagnose, treat, or advise on problems outside the recognized boundaries of their competence.
- 14 Section 3. Confidentiality.
- 15 (1) A Kentucky Licensed Pastoral Counselor [~~licensed pastoral counselor~~] shall respect and
- 16 guard the confidences of each individual client.
- 17 (2) A Kentucky Licensed Pastoral Counselor [~~licensed pastoral counselor~~] shall not disclose a
- 18 client confidence except:
- 19 (a) As mandated, or permitted by law;
- 20 (b) To prevent a clear and immediate danger to a person;
- 21 (c) If the Kentucky Licensed Pastoral Counselor [~~pastoral counselor~~] is a defendant in a civil,
- 22 criminal, or disciplinary action arising from the pastoral counseling; confidences may be
- 23 disclosed only in the course of that action; or

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

6 (3) A Kentucky Licensed Pastoral Counselor [~~pastoral counselor~~] may use client or clinical
7 materials in teaching, writing, and public presentations if:
8 (a) A written waiver has been obtained in accordance with subsection (2)(d) of this section; or
9 (b) Appropriate steps have been taken to protect client identity and confidentiality.

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

12 Section 4. Responsibility to a Student or Supervisee.

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

15 (2) A Kentucky Licensed Pastoral Counselor [~~licensed pastoral counselor~~] shall:
16 (a) Be aware of their influential position with respect to a student or supervisee; and
17 (b) Avoid exploiting the trust and dependency of these persons.

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

21 2. If a dual relationship cannot be avoided, and a determination is made that the relationship does
22 not impair professional judgment after consultation with another Kentucky Licensed Pastoral
23 Counselor or other similarly credentialed clinical counselor licensed in Kentucky, incur a risk of

1 exploitation of the student or supervisee, or otherwise violate a provision of this administrative
2 regulation, a Kentucky Licensed Pastoral Counselor [~~pastoral counselor~~] shall take appropriate
3 professional precautions to ensure that judgment is not impaired and [he] exploitation of the
4 student or supervisee does not occur [~~seems~~].
5 3. The consultation described in subparagraph 2., supra, shall not be required where the existence
6 of the dual relationship is substantially attributable to the licensee's vocation or profession aside
7 from pastoral counseling.
8 4 [3]. A Kentucky Licensed Pastoral Counselor [~~pastoral counselor~~] shall not provide pastoral
9 counseling to a student, employee or supervisee.
10 5 [4]. A Kentucky Licensed Pastoral Counselor [~~pastoral counselor~~] shall not engage in a sexual
11 [~~intimate~~] relationship with, or have any intimate contact of a sexual nature with, a student or
12 supervisee.
13 (3) A Kentucky Licensed Pastoral Counselor [~~pastoral counselor~~] shall not knowingly permit a
14 student or supervisee to perform or to hold themselves [~~himself~~] out as competent to perform
15 professional services beyond their [~~his~~] level of training, experience, and competence.
16 (4) A Kentucky Licensed Pastoral Counselor [~~pastoral counselor~~] shall not disclose a student's or
17 supervisee's confidence except:
18 (a) As mandated, or permitted by law;
19 (b) To prevent a clear and immediate danger to a person or persons;
20 (c) If the pastoral counselor is a defendant in a civil, criminal, or disciplinary action arising from
21 the supervision, the student's or supervisee's confidence may be disclosed only in the course of
22 that action;

1 (d) In an educational or training setting if there are multiple supervisors, to other professional
2 colleagues who share responsibility for the training of the supervisee if such disclosure is
3 reasonably necessary for the purpose of supervision; or
4 (e) If there is a waiver previously obtained in writing, information shall be revealed only in
5 accordance with the terms of the waiver.
6 Section 5. Financial Arrangements.
7 (1) A Kentucky Licensed Pastoral Counselor [~~pastoral counselor~~] shall make financial
8 arrangements with a client, third-party payer, or supervisee that are reasonably understandable
9 and conform to accepted professional practices.
10 (2) A pastoral counselor shall:
11 (a) Not offer or accept payment for referrals;
12 (b) Not charge excessive fees for services;
13 (c) Disclose their [~~his~~] fees to clients and supervisees at the beginning of services; and
14 (d) Represent facts truthfully to clients, third-party payers, and supervisees regarding services
15 rendered.
16 Section 6. Advertising.
17 (1) A Kentucky Licensed Pastoral Counselor [~~licensed pastoral counselor~~] shall:
18 (a) Accurately represent their [~~his~~] education, training, and experience relevant to their [~~his~~]
19 practice of pastoral counseling; and
20 (b) Not use professional identification, including a business card, office sign, letterhead, or
21 telephone or association directory listing if it includes a statement or claim that is false,
22 fraudulent, misleading, or deceptive pursuant to subsection (2) of this section.
23 (2) A statement shall be false, fraudulent, misleading, or deceptive if it:

1 (a) Contains a material misrepresentation of fact;
2 (b) Fails to state a material fact necessary to make the statement, in light of all circumstances, not
3 misleading; or
4 (c) Is intended to or is likely to create an unjustified expectation.
5 Section 7. Professional Competence and Integrity.
6 A Kentucky Licensed Pastoral Counselor ~~[pastoral counselor]~~ shall maintain standards of
7 professional competence and integrity and shall be subject to disciplinary action as provided in
8 KRS 335.635, for any of the following:
9 (1) Upon conviction of a felony, or a misdemeanor involving moral turpitude, or a misdemeanor
10 related to their ~~[his]~~ practice as a Kentucky Licensed Pastoral Counselor ~~[pastoral counselor]~~.
11 The foregoing term "conviction" ~~[Conviction]~~ shall also include outcomes ~~[conviction]~~ based on:
12 (a) A plea of no contest or an "Alford Plea"; or
13 (b) The suspension or deferral of a sentence or conditional discharge;
14 (2) If their ~~[his]~~ license or certificate to practice in a mental health profession issued by another
15 state's regulatory agency has been suspended or revoked ~~[disciplined, or had a license or~~
16 ~~certificate to practice denied, by that state's regulatory agency]~~;
17 (3) If they ~~[his]~~ license or certificate to practice in a mental health profession issued by another
18 Kentucky regulatory agency has been suspended or revoked ~~[disciplined, or had a license or~~
19 ~~certificate to practice denied, by that state's regulatory agency]~~;
20 (4) Upon a showing of impairment due to mental or physical incapacity, or the abuse of alcohol
21 or other substances which may negatively impact the practice of pastoral counseling;
22 (5) If they ~~[he]~~ misrepresented or concealed a material fact in obtaining a license, ~~[or]~~ seeking
23 reinstatement of a license, or seeking renewal of a license;

1 (6) If they [~~he~~] have [~~has~~] refused to comply with an order issued by the board; [~~or~~]
2 (7) If they [~~he~~] have [~~has~~] failed to cooperate with the board by not:
3 (a) Furnishing in writing a complete explanation to an initiating complaint filed with the board;
4 (b) Complying with the board's requests for additional documentation or supporting materials
5 when such requests are made;
6 (c) [~~he~~] Appearing before the board or a designated representative of the board at the time and
7 place designated; or
8 (d) [~~he~~] Properly responding to a subpoena issued by the board;
9 or
10 (8) If they have violated [~~Violated~~] any provision [~~statutory or regulatory section~~] of KRS
11 Chapter 335.600 through .699 [~~335~~], or any administrative regulation promulgated by the board.
12 Section 8. Telehealth. A Kentucky Licensed Pastoral Counselor providing services via telehealth
13 or other technology-assisted means shall:
14 (1) Verify the physical location of the client at the outset of each telehealth encounter and ensure
15 that the provision of services is consistent with the licensure and practice requirements of the
16 jurisdiction in which the client is located;
17 (2) Obtain informed consent specific to telehealth service delivery, including disclosure of the
18 platform's security and confidentiality limitations, potential risks unique to remote service
19 provision, and the client's right to decline telehealth in favor of in-person services where
20 available;
21 (3) Maintain a documented protocol for responding to emergencies or crises arising during a
22 telehealth encounter, appropriate to the counselor's inability to provide immediate physical

- 1 presence, and communicate the substance of this protocol to the client during the informed
- 2 consent process; and
- 3 (4) Utilize technology platforms that meet applicable confidentiality and security standards,
- 4 including compliance with the Health Insurance Portability and Accountability Act (HIPAA)
- 5 where applicable.

201 KAR 38:060

APPROVED BY AGENCY:

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