



2025
COUNSELING
REGULATORY BOARDS
ANNUAL SUMMIT
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AUSTIN, TEXAS

***Disciplinary
Hearings:
Actionable
Offenses,
Adverse Actions,
and Complex
Cases***

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counselingsummit.org





Clinical
Best
Practice
Institute

Support for Therapists, Supervisors, & Businesses

Bridging the Gap Between Counselor & Regulator

***Not intended to be legal advice**

*Draw the images
and/or write the
words that come to
mind when I say...*
Counselor



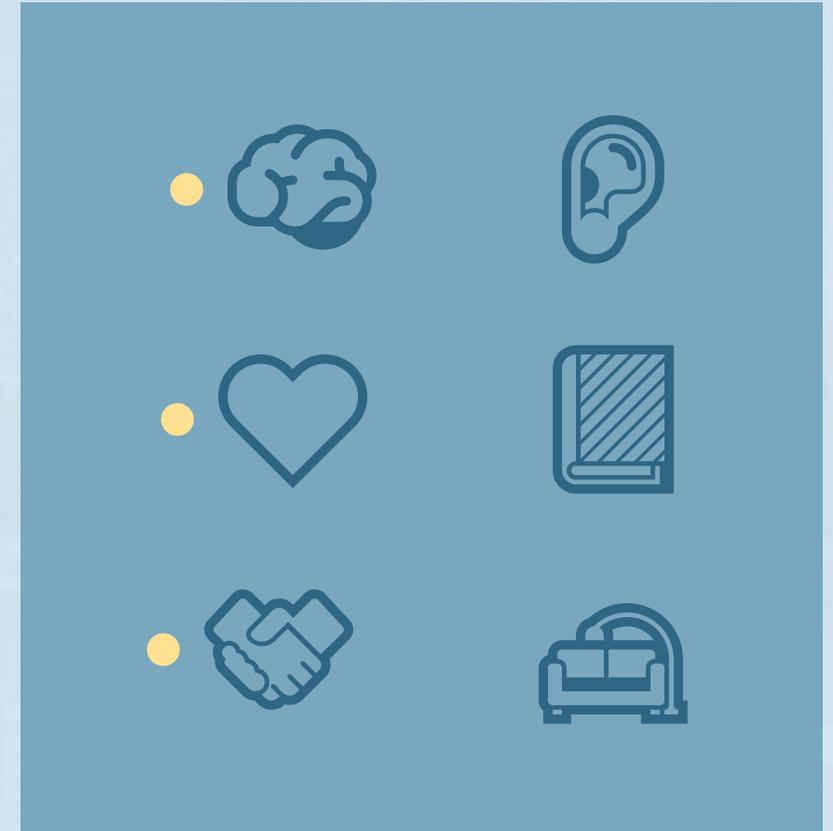
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“Counselor” per ChatGPT😊

- Listener
- Support
- Therapist
- Guide
- Empathy
- Safe Space
- Advice
- Communication
- Coping Skills
- Confidentiality
- Mental Health
- Compassion
- Wellness
- Nonjudgmental
- Growth



*Draw the images
and/or write the
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Regulator



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“Regulator” per ChatGPT 😊

- Authority
- Oversight
- Standards
- Compliance
- Law
- Control
- Governance
- Licensing
- Rules
- Inspection
- Enforcement
- Accountability
- Approval
- Monitoring
- Investigation
- Risk Management



 **Counselor**

Listener
Support
Therapist
Guide
Empathy
Safe Space
Advice
Communication
Coping Skills
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Mental Health
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Growth

Need to Bridge the Gap

 **Regulator**

Authority
Oversight
Standards
Compliance
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Rules
Inspection
Enforcement
Accountability
Approval
Monitoring
Risk Management

**How has this gap
presented for your
board?**



The Importance of Peer Involved Regulation

✓ Context

Peers have a contextual reference and understanding for the practice of counseling.

✓ Competence

Counselor training, education, and experience.

✓ Credibility

Mutual respect for the context and competence.

✓ Collaboration

Reciprocal accountability and ongoing development of professional standards.



Counselor's Role in Regulation

- **Varies significantly from Board to Board/State to State.**
 - Counselors as Investigators
 - Counselors as Disciplinarians
 - Counselors as Checks and Balances
- **Common Denominator:**
 - **Knowledgeable Regulator to Help Protect of the Public**

Regulator's Role in Disciplinary Matters

- **Apply the Minimum Practice Standards**
- **Evaluate Facts Based on Standard of Proof**
- **Consider Aggravating & Mitigating Factors**
 - **Take Appropriate Action**
- **Memorialize and Preserve the Record**

Standards of Practice

How a counselor may practice vs how they need to regulate the practice of others is different!

✓ Minimum Practice Standards

✓ Best Practice Standards

✓ *Patti's Preference*

Minimum Practice Standards

- **Applicable Codes of Ethics**
- **Statutes, Rules, & Regulations**



Standard of Proof

What do the facts support?

(Objectivity: not what we think or assume)

- **Preponderance of the Evidence/Balance of Probabilities**
- **Clear & Convincing**
- **Beyond a Reasonable Doubt**

Consider Aggravating & Mitigating Factors

✓ Time Practicing &
Tier of License

✓ Prior Disciplinary
Actions

✓ Insight,
Accountability,
& Opportunity for
Rehabilitation

✓ Egregiousness & Harm
to Public

Appropriate Action

Consider benefits/limitations of a matrix or use of precedence:

Use as a guide for consistency, but not a rule that disregards discretion.

How are the facts the same or distinguishable?

- **Identify the range of potential actions?**
- **Does the action taken demonstrate a protection of the public stance?**
- **Does it assist in rehabilitation efforts to protect the public in the future?**

Memorializing & Preserving the Record

- **Method Varies (meeting minutes, consent agreement, etc.)**
 - **Clearly State:**
 - **The Violation(s)**
 - Which code of ethics and applicable section(s) has been violated?
 - Which law, rule, regulation has been violated?
 - **Facts that Support the Violation(s)**
 - **Action Taken**
 - **And Why the Action Taken is Relevant & Appropriate**
- **Publish According to Your Board's Practice**
- **Report Disciplinary Action to National Practitioner Data Bank**

The why behind memorializing and preserving?

✓ **Demonstrates Due Diligence of the Board**

✓ **Support for Future Matters**

- Subsequent Complaints
- Appeal/Review

✓ **Bolsters Credibility of the Board**

- Why should you continue to exist and be funded?

✓ **Educates the Public, Licensees, & Other Boards**

**Does your board
publish actions?**

**Does your board report
to NPDB and/or require
a report for applicants?**



Table Discussions

How does/can your Board bridge
the gap?



THANK YOU!



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