

TITLE 54  
PROFESSIONS, VOCATIONS, AND BUSINESSES

CHAPTER 34  
COUNSELORS AND THERAPISTS

54-3401. DEFINITIONS. As used in this chapter:

(1) "Board" means the Idaho state licensing board of professional counselors and marriage and family therapists.

(2) "Bureau chief" means the chief of the bureau of occupational licenses of the state of Idaho.

(3) "Department" means the department of self-governing agencies of the state of Idaho.

(4) "Licensed associate marriage and family therapist" means any person licensed under this chapter as an associate marriage and family therapist to practice marriage and family therapy under supervision as set forth in this chapter.

(5) "Licensed clinical professional counselor" means any person licensed under this chapter as a licensed clinical professional counselor to practice clinical professional counseling as set forth in this chapter.

(6) "Licensed marriage and family therapist" means any person licensed under this chapter to practice marriage and family therapy as defined in this chapter.

(7) "Licensed professional counselor" means any person licensed under this chapter to practice professional counseling as defined in this chapter.

(8) "Marriage and family therapy" means the evaluation and treatment of mental and emotional disorders, whether cognitive, affective or behavioral, within the context of marriage and family systems. Marriage and family therapy includes the professional application of psychotherapeutic and family systems theories and techniques in the delivery of services to individuals, couples and families for the purpose of treating nervous and mental disorders including, but not limited to, addictive disorders.

(9) "Practice of marriage and family therapy" means the rendering of professional marriage and family therapy services to individuals, couples and families, singly or in groups, whether such services are offered directly to the general public or through organizations, either public or private. A licensed associate marriage and family therapist shall only practice marriage and family therapy under supervision as established in this chapter and rules of the board. The practice of marriage and family therapy is restricted to marriage and family therapists competent in the area of practice, and in the use of such methods, techniques or modalities.

(10) "Practice of professional counseling" means the application of mental health, psychological, and human development principles in order to facilitate human development and adjustment throughout the life span; prevent, assess, and treat mental, emotional or behavioral disorders and associated distresses which interfere with mental health; conduct assessments for the purpose of establishing treatment goals and objectives; and plan, implement and evaluate treatment plans using counseling treatment interventions. The practice of professional counseling also means the application of cognitive, affective, behavioral, and systemic counseling strategies across the continuum of care. It includes principles of development, wellness and pathology that reflect a contemporary society. Such

interventions are specifically implemented in the context of a professional counseling setting.

The practice of professional counseling includes, but is not limited to:

- (a) Individual, group, couples, family counseling and therapy;
- (b) Assessment;
- (c) Crisis intervention;
- (d) Treatment of persons with mental and emotional disorders including, but not limited to, addictive disorders;
- (e) Guidance and consulting to facilitate normal growth and development, including educational and career development;
- (f) Utilization of functional assessment and counseling for persons requesting assistance in adjustment to a disability;
- (g) Consulting;
- (h) Research; and
- (i) Referral.

The use of specific methods, techniques, or modalities within the practice of professional counseling is restricted to professional counselors appropriately trained in the use of such methods, techniques or modalities.

(11) "Supervised experience" and "experience under supervision" means a face-to-face process by which an approved supervisor facilitates the professional growth of a supervisee and monitors the supervisee's clinical performance. A supervisor provides professional direction to help the supervisee attain knowledge, improve case conceptualization and process skills, address personal issues as it pertains to clinical work, and strengthen professional development, ethics and boundary-setting as the supervisee provides clinical services to clients. A supervisor monitors the supervisee's clinical performance through direct and indirect observation of the services delivered by the supervisee, such as audio or video recordings, live supervision and other methods of observation of services.

[54-3401, added 1982, ch. 183, sec. 1, p. 480; am. 1998, ch. 413, sec. 2, p. 1302; am. 2001, ch. 71, sec. 2, p. 143; am. 2008, ch. 87, sec. 1, p. 237; am. 2010, ch. 235, sec. 40, p. 575; am. 2012, ch. 68, sec. 2, p. 191.]

54-3402. LICENSE REQUIRED -- EXEMPTIONS. It shall be unlawful for any person to engage in any of the following acts:

(1) To practice professional counseling or marriage and family therapy for compensation without first having complied with the provisions of this chapter and without a valid license as required by this chapter.

(2) To represent himself/herself to be a licensed professional counselor or licensed clinical professional counselor or licensed marriage and family therapist or licensed associate marriage and family therapist unless he/she shall first obtain a license pursuant to this chapter.

(3) To make use of any title, words, letters or abbreviations which may reasonably be confused with a designation provided by this chapter.

(4) To materially refuse to furnish the board information or records required or requested pursuant to this chapter or pursuant to an investigation commenced pursuant to this chapter.

Nothing in this chapter shall be construed to apply to the activities and services of licensed or credentialed members of other professions, such as physicians, psychologists, registered nurses, social workers, drug and alcohol counselors, or attorneys performing duties consistent with the laws of this state, their training, and any code of ethics of their professions,

provided they do not represent themselves by any title or practice description in the manner prescribed in section [54-3401](#), Idaho Code.

Nothing in this chapter shall be construed to apply to the activities, services and use of an official title on the part of a person certified by the state to render counseling or marriage and family therapy or counseling-related services, provided such persons are performing these activities within the scope of their employment, including school and vocational counselors.

Nothing in this chapter shall be construed to apply to the activities and services of a student or trainee pursuing a course of study in counseling or in marriage and family therapy in a regionally accredited institution of higher education or training institution, if these activities are performed under supervision and constitute a part of the supervised course of study, or of an intern in counseling acting under the direct supervision of a licensed professional counselor as established and limited by rules of the board, or of an intern in marriage and family therapy acting under the direct supervision as established and limited by rules of the board provided, that such person be designated, for example, a "counselor intern" or "marriage and family therapy intern."

Nothing in this chapter shall be construed to apply to the activities and services of a person obtaining their postgraduate marriage and family therapy clinical experience, provided these activities are provided under supervision, and provided they have registered according to procedures to be established by the board.

Nothing in this chapter shall be construed to apply to a nonresident whose counseling or marriage and family therapy activities and services are rendered not more than ten (10) days during any calendar year, provided that such a person is duly authorized to perform such activities and services under the laws of the state or country of that person's residence.

Nothing in this chapter shall be construed to apply to the activities and services of any religious denomination or sect or faith-based counseling of any kind.

Nothing in this chapter shall be construed to apply to the activities and descriptions of persons offering volunteer or professional services for public and private nonprofit organizations or agencies for which the services are rendered.

Nothing in this chapter shall be construed to apply to a person authorized to practice counseling or marriage and family therapy in another state or country rendering care in a time of disaster.

[54-3402, added 1982, ch. 183, sec. 1, p. 480; am. 1998, ch. 413, sec. 3, p. 1303; am. 2001, ch. 71, sec. 3, p. 144; am. 2001, ch. 83, sec. 1, p. 206; am. 2008, ch. 87, sec. 2, p. 238; am. 2012, ch. 68, sec. 3, p. 193.]

54-3403. BOARD -- ORGANIZATION AND MEETINGS. There is hereby created in the department of self-governing agencies an Idaho state licensing board of professional counselors and marriage and family therapists as follows:

(1) The board shall consist of six (6) members, residents of the state of Idaho, who shall be appointed by and serve at the pleasure of the governor. In making appointments, the governor shall give consideration to recommendations submitted by the Idaho counseling association in consultation with other state counselor organizations, the Idaho association for marriage and family therapy in consultation with other state marriage and family therapy organizations, and any individual residing in this state.

(2) When the term of each member ends, the governor shall appoint the successor for a term of four (4) years from qualified candidates. Any vacancy occurring on the board shall be filled by the governor by appointment for the unexpired term.

(3) At all times, the board shall have two (2) members who are licensed as clinical professional counselors or professional counselors and who are engaged primarily in rendering counseling service; one (1) member who is engaged or has been engaged primarily in teaching, training or research in higher education in counseling or marriage and family therapy; one (1) member who is licensed or is eligible for licensure as both a professional counselor and a marriage and family therapist and who is engaged primarily in rendering marriage and family therapy or marriage and family counseling; one (1) member who is licensed as a marriage and family therapist and who is engaged primarily in rendering marriage and family therapy; and one (1) member from the general public with an interest in the rights of consumers of counseling and therapy services. Except for the initial appointment, all members of the board except the member from the general public shall be licensed under this chapter.

(4) No board member shall serve more than two (2) full consecutive terms.

(5) The members of the board shall be compensated as provided in section [59-509\(m\)](#), Idaho Code.

(6) The board shall annually hold a meeting and elect a chairman and vice chairman from among its members. The board shall meet at such other times as deemed necessary and advisable by the chairman, or by a majority of its members, or by the governor. Notice of all meetings shall be given in the manner prescribed by law. A majority of the board shall constitute a quorum at any meeting or hearing.

[54-3403, added 1982, ch. 183, sec. 1, p. 481; am. 1996, ch. 66, sec. 9, p. 208; am. 2001, ch. 71, sec. 4, p. 145; am. 2012, ch. 68, sec. 4, p. 194; am. 2016, ch. 340, sec. 38, p. 957.]

54-3404. IDAHO STATE LICENSING BOARD OF PROFESSIONAL COUNSELORS AND MARRIAGE AND FAMILY THERAPISTS -- POWERS. The board shall have the following powers:

(1) To regulate the practice of professional counselors, clinical professional counselors, associate marriage and family therapists and marriage and family therapists in the state of Idaho.

(2) To pass upon the qualifications and fitness of applicants for licenses and to adopt rules requiring annual continuing education as a condition for the renewal of licenses issued under this chapter.

(3) To adopt and from time to time revise such rules as may be necessary to carry into effect the provisions of this chapter. Such rules shall include, but not be limited to, a code of ethics for professional counselors and a code of ethics for marriage and family therapists in the state, which shall be adopted in compliance with [chapter 52, title 67](#), Idaho Code.

(4) To review the practice of professional counselors, clinical professional counselors, associate marriage and family therapists and marriage and family therapists licensed under this chapter and charged with a violation of the provisions of this chapter. This review may include the notes of the license holder and other materials related to the practice. The review will remain subject to disclosure according to [chapter 1, title 74](#), Idaho Code, unless the written consent of the client is received by the board.

(5) To establish a peer review system whereby each license holder's practice may be reviewed to ensure continuing practice in an appropriate and ethical manner.

(6) To examine for, deny, approve, issue, revoke, suspend and renew the licenses of applicants pursuant to this chapter, and to conduct hearings in connection therewith.

(7) To conduct hearings to suspend or revoke licenses for violations of the law and rules adopted pursuant to this chapter and cause the prosecution and enjoinder of all such violations.

(8) In any proceeding before the board authorized by this chapter, the board or its designee may administer oaths or affirmations to witnesses appearing before it.

(9) To authorize, by written agreement, the chief of the bureau of occupational licenses as agent to act in its interest.

(10) To provide, by rule, licensed professional counselor, licensed clinical professional counselor, licensed associate marriage and family therapist and licensed marriage and family therapist specialty standards.

(11) To establish by rule the standards and requirements for the use of communication technology in the practice of counseling and marriage and family therapy, including supervision.

[54-3404, added 1982, ch. 183, sec. 1, p. 482; am. 1990, ch. 213, sec. 82, p. 549; am. 1993, ch. 65, sec. 1, p. 167; am. 1993, ch. 205, sec. 1, p. 563; am. 2001, ch. 71, sec. 5, p. 146; am. 2004, ch. 312, sec. 1, p. 875; am. 2012, ch. 68, sec. 5, p. 195; am. 2014, ch. 53, sec. 1, p. 131; am. 2015, ch. 141, sec. 149, p. 495.]

54-3405. QUALIFICATIONS FOR LICENSURE. (1) Licensure as a "licensed professional counselor" shall be restricted to persons of good moral character who have successfully completed each of the following requirements:

- (a) A master's degree or higher in counseling or a related field of study, as approved by the board, which includes completion of a practicum of supervised clinical contact as defined by rule;
- (b) An examination if required by the board's rules; and
- (c) One thousand (1,000) hours of supervised experience in counseling acceptable to the board.

(2) A license will not be allowed an individual whose license, certification or registration has been revoked or suspended in this or any other state and in this or any other related field. Such an individual may not be licensed under this chapter unless the period of revocation or suspension has been completed and the board has conducted a competency review and determined that an acceptable degree of rehabilitation has been accomplished.

[54-3405, added 1982, ch. 183, sec. 1, p. 482; am. 1999, ch. 152, sec. 1, p. 426; am. 2001, ch. 83, sec. 2, p. 207; am. 2005, ch. 46, sec. 1, p. 175; am. 2019, ch. 57, sec. 1, p. 146.]

54-3405A. QUALIFICATIONS FOR LICENSURE. Licensure as a "licensed clinical professional counselor" shall be restricted to persons who have successfully completed each of the following requirements:

- (1) Hold a valid licensed professional counselor license in good standing;

(2) Document two thousand (2,000) hours of direct client contact experience under supervision in no less than a two (2) year period as set forth in this chapter and the rules of the board.

(3) Successful completion of a written examination as approved by the board and defined in rules of the board.

[54-3405A, added 2012, ch. 68, sec. 6, p. 195.]

54-3405B. QUALIFICATIONS FOR LICENSURE. (1) In addition to such other information as the board may require by rule, each applicant for licensure as a licensed associate marriage and family therapist shall:

- (a) Hold a master's degree or higher in marriage and family therapy or a related field of study as approved by the board and complete a practicum of supervised clinical contact with individuals, couples, families and other systems as part of the graduate program and as defined by rule;
- (b) Submit an application in the form prescribed by the board;
- (c) Pay the fee determined by the board by rule; and
- (d) Provide evidence satisfactory to the board of having successfully passed an examination approved by the board and defined by rule.

(2) A license will not be allowed an individual whose license, certification or registration has been revoked or suspended in this or any other state and in this or any other related field. Such an individual may not be licensed under this chapter unless the period of revocation or suspension has been completed and the board has conducted a competency review and determined that an acceptable degree of rehabilitation has been accomplished.

[54-3405B, added 2008, ch. 87, sec. 3, p. 239; am. 2018, ch. 59, sec. 1, p. 146.]

54-3405C. QUALIFICATIONS FOR LICENSURE. (1) In addition to such other information as the board may require by rule, each applicant for licensure as a licensed marriage and family therapist shall:

- (a) Hold a master's degree or higher in marriage and family therapy or a related field of study as approved by the board and complete a practicum of supervised clinical contact with individuals, couples, families and other systems as part of the graduate program and as defined by rule;
- (b) Document postgraduate supervised experience in marriage and family therapy acceptable to the board as defined by rule;
- (c) Submit an application in the form prescribed by the board;
- (d) Pay the fee determined by the board by rule; and
- (e) Provide evidence satisfactory to the board of having successfully passed an examination approved by the board and defined by rule.

(2) A license will not be allowed an individual whose license, certification or registration has been revoked or suspended in this or any other state and in this or any other related field. Such an individual may not be licensed under this chapter unless the period of revocation or suspension has been completed and the board has conducted a competency review and determined that an acceptable degree of rehabilitation has been accomplished.

[54-3405C, added 2001, ch. 71, sec. 6, p. 147; am. 2004, ch. 312, sec. 2, p. 875; am. 2005, ch. 46, sec. 3, p. 175; am. 2012, ch. 68, sec. 7, p. 196; am. 2018, ch. 59, sec. 2, p. 148.]

54-3406. ENDORSEMENT. Upon payment of the fee enumerated in this chapter, the board may grant a license to any person who, at the time of application, is licensed or certified as a licensed professional counselor, licensed clinical professional counselor, licensed associate marriage and family therapist or licensed marriage and family therapist by an agency located in another state, territory or foreign country and who meets the qualifications established by board rule.

[54-3406, added 1982, ch. 183, sec. 1, p. 483; am. 2001, ch. 71, sec. 7, p. 149; am. 2001, ch. 83, sec. 5, p. 209; am. 2012, ch. 68, sec. 8, p. 198.]

54-3407. DISCIPLINARY PROCEEDINGS. Subject to the provisions of [chapter 52, title 67](#), Idaho Code, the board may refuse to issue, refuse to renew, revoke, suspend or otherwise sanction a licensee upon the following grounds:

- (1) Fraud or deception in procuring or renewing the license;
- (2) Conviction of a felony by a court of competent jurisdiction;
- (3) Gross incompetency;
- (4) Fraud or deceit in the performance of official duties;
- (5) For violation of any of the provisions of this chapter or any of the rules promulgated by the board under the authority of this chapter;
- (6) Failure to comply with a board order;
- (7) Having had a license revoked, suspended or otherwise disciplined by the proper authorities of another state, territory or country.

The board may reinstate any revoked or suspended license upon such terms as it may impose.

[54-3407, added 1982, ch. 183, sec. 1, p. 483; am. 2003, ch. 50, sec. 1, p. 190; am. 2012, ch. 68, sec. 9, p. 198.]

54-3408. CERTAIN ACTS PROHIBITED. The following acts shall be unlawful and punishable as a misdemeanor:

- (1) The violation of any of the provisions of this chapter and any rules promulgated pursuant thereto;
- (2) A person representing himself to be a licensed clinical professional counselor or licensed professional counselor or licensed associate marriage and family therapist or licensed marriage and family therapist without having first complied with the provisions of this chapter;
- (3) A person who shall practice or attempt to offer to practice professional counseling or marriage and family therapy, as defined in this chapter, without having at the time of so doing, a valid, unexpired, unrevoked and unsuspended license issued under this chapter or the laws of Idaho or any other state governing mental health professionals.

[54-3408, added 1982, ch. 183, sec. 1, p. 483; am. 1998, ch. 413, sec. 5, p. 1305; am. 1999, ch. 152, sec. 2, p. 426; am. 2001, ch. 71, sec. 8, p. 150; am. 2005, ch. 46, sec. 4, p. 177; am. 2008, ch. 87, sec. 4, p. 241; am. 2012, ch. 68, sec. 10, p. 198.]

54-3409. INJUNCTION PROCEDURE. The board or any resident citizen may maintain an action in equity in the name of the state of Idaho to enjoin perpetually any person, firm, company, corporation, partnership, or organization from persisting in the doing of any acts constituting a violation of

the provisions of this chapter. Such action shall be brought in the district court of the county in which the act or acts or some of them are claimed to have been or are being committed, by filing a complaint setting forth the acts. The court, or a judge thereof at chambers, if satisfied from such complaint or by affidavits that the acts complained of have been or are being committed and will probably be persisted in, may issue a temporary writ enjoining the defendant from the commission of any such act or acts pending final disposition of the cause. The cause shall proceed as in other cases for injunction. If at the trial the commission of the act or acts by the defendant be established, and the court further finds that it is probable that defendant will continue therein or in similar violations, the court, or a judge thereof at chambers, shall enter a decree perpetually enjoining the defendant from thereafter committing the act or similar acts.

[54-3409, added 1982, ch. 183, sec. 1, p. 483.]

54-3410. CONFIDENTIAL COMMUNICATION. Confidentiality of communication between any person licensed under this chapter and client shall be privileged from disclosure as provided in section [9-203](#), Idaho Code, with the exception of the board review as provided in section [54-3404](#), Idaho Code.

[(54-3410) 54-3410A, added 1998, ch. 413, sec. 6, p. 1305; am. and redesig. 2001, ch. 71, sec. 10, p. 150; am. 2012, ch. 68, sec. 11, p. 198.]

54-3410A. INFORMED CONSENT AND INFORMATION DISCLOSURE TO CLIENTS. Informed consent involves a licensee's reasonable disclosure of information to clients and the discussion of such information with clients so that they are agreeing to treatment with knowledge of the material facts necessary to make the decision. Persons licensed under this chapter shall provide to each client at the beginning and at other appropriate times within the context of the counseling or therapy an accurate and informative description that allows the client to make an informed decision about the client's care. The specific minimum requirements of a documented record of the disclosure shall be defined in the rules of the board.

[(54-3410A) 54-3410B, added 1998, ch. 413, sec. 7, p. 1305; am. and redesig. 2001, ch. 71, sec. 11, p. 150; am. 2012, ch. 68, sec. 12, p. 199.]

54-3411. FEES ON LICENSURE. (1) The board shall establish fees for licensure under the provisions of this chapter as follows:

- (a) The fee for applications not to exceed one hundred seventy-five dollars (\$175);
- (b) The fee for examination, when required, equal to that charged by the national examining entity plus an administration fee not to exceed twenty-five dollars (\$25.00);
- (c) The fee for endorsement not to exceed one hundred seventy-five dollars (\$175);
- (d) The fee for the original license not to exceed one hundred seventy-five dollars (\$175);
- (e) The fee for annual renewal not to exceed one hundred seventy-five dollars (\$175); and

(f) The fee for the original registration of interns not to exceed twenty-five dollars (\$25.00).

(2) All fees paid pursuant to this section shall be nonrefundable except that, if a license fee is tendered but the board does not issue a license, the respective license fee shall be returned.

[54-3411, added 1982, ch. 183, sec. 1, p. 484; am. 1999, ch. 152, sec. 3, p. 427; am. 2001, ch. 71, sec. 12, p. 150; am. 2001, ch. 84, sec. 6, p. 209; am. 2003, ch. 50, sec. 2, p. 190; am. 2005, ch. 46, sec. 5, p. 178; am. 2019, ch. 57, sec. 2, p. 146.]

54-3412. DISPOSITION OF RECEIPTS -- EXPENSES. All fees received under the provisions of this chapter shall be deposited in the state treasury to the credit of the occupational license account in the dedicated fund and all costs and expenses incurred by the board under the provisions of this chapter shall be a charge against and paid from the account for such purposes, and the funds collected hereunder shall be immediately available for the administration of this chapter, the provisions of any other law notwithstanding. In no instance will the occupational license account be obligated to pay any claims which in aggregate with claims already paid exceed the income to the occupational license account which has been derived by the application of this chapter.

The money paid into the occupational license account is continuously appropriated to the board for expenditure in the manner prescribed herein to defray the expenses of the board and in carrying out and enforcing the provisions of this chapter.

[54-3412, added 1982, ch. 183, sec. 1, p. 484; am. 2012, ch. 68, sec. 13, p. 199.]

54-3413. ADMINISTRATION BY BUREAU OF OCCUPATIONAL LICENSES. This chapter shall be administered by the bureau of occupational licenses.

[54-3413, added 1982, ch. 183, sec. 1, p. 484.]

54-3414. POWERS AND DUTIES OF BUREAU OF OCCUPATIONAL LICENSES. The bureau of occupational licenses shall have the following powers and duties:

(1) To accept applications for and issue licenses to professional and clinical professional counselors, associate marriage and family therapists, and marriage and family therapists pursuant to requirements of this chapter.

(2) To maintain in a registry appropriate for that purpose a public record of all applications for licenses, the action of the department thereon, of all licenses issued and of all licenses revoked or forfeited with the reasons for such revocation or forfeiture and of all renewals.

(3) To forward complaints against a licensed professional counselor, a licensed clinical professional counselor, a licensed associate marriage and family therapist or a licensed marriage and family therapist to the state licensing board for review and investigation.

(4) To assist in the investigation and prosecution of complaints filed against a licensed professional counselor, a licensed clinical professional counselor, a licensed marriage and family therapist or a licensed associate marriage and family therapist under section [54-3408](#), Idaho Code.

(5) At the discretion of the chief of the bureau and upon apparent failure or refusal of the state licensing board to investigate or prosecute a complaint against a licensed professional counselor, a licensed clinical professional counselor, a licensed marriage and family therapist or a licensed associate marriage and family therapist, to investigate the complaint and forward the report of investigation to the state licensing board and upon apparent failure or refusal of the state licensing board to take further action, to file an action in the district court under section [54-3408](#), Idaho Code, against a licensed professional counselor, a licensed clinical professional counselor, a licensed marriage and family therapist or a licensed associate marriage and family therapist violating the terms of this chapter.

[54-3414, added 1982, ch. 183, sec. 1, p. 484; am. 2001, ch. 71, sec. 13, p. 151; am. 2008, ch. 87, sec. 5, p. 241; am. 2012, ch. 68, sec. 14, p. 199.]

54-3415. RENEWAL OR REINSTATEMENT OF LICENSE. All licenses issued under the provisions of this chapter shall be subject to annual renewal and shall expire unless renewed in the manner prescribed by the board regarding applications for renewal, continuing education, and fees. License renewal and reinstatement shall be in accordance with section [67-2614](#), Idaho Code.

[54-3415, added 1982, ch. 183, sec. 1, p. 485; am. 2003, ch. 21, sec. 18, p. 89.]