

SB338 INTRODUCED



1 SB338

2 ZQT1QRR-1

3 By Senator Barfoot

4 RFD: Veterans, Military Affairs and Public Safety

5 First Read: 03-Mar-26



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SYNOPSIS:

Under existing law, the Alabama Board of Examiners in Counseling is responsible for the licensing and regulation of licensed professional counselors and associate licensed counselors.

This bill would require an initial application for licensing to be accompanied by a completed criminal history background check.

This bill would also authorize the board, by rule, to establish additional procedures and processes for requesting criminal history background checks of licensees.

A BILL
TO BE ENTITLED
AN ACT

Relating to the Alabama Board of Examiners in Counseling; to amend Sections 34-8A-7 and 34-8A-8, Code of Alabama 1975, and to add Section 34-8A-8.1 to the Code of Alabama 1975; to require criminal history background checks upon initial application; and to authorize the board, by rule, to provide further for criminal history background checks.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:



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29 Section 1. Sections 34-8A-7 and 34-8A-8 of the Code of
30 Alabama 1975, are amended to read as follows:

31 "§34-8A-7

32 The board shall issue a license as a licensed
33 professional counselor to each applicant who files an
34 application upon a form and in a manner as the board
35 prescribes, accompanied by a fee as is required in this
36 chapter, and who furnishes satisfactory evidence of the
37 following to the board:

38 (1) The applicant is at least 19 years of age.

39 (2) The applicant is of good moral character.

40 (3) The applicant is not in violation of any of the
41 provisions of this chapter and the rules and regulations
42 adopted hereunder.

43 (4) The applicant has received a master's degree from a
44 regionally accredited institution of higher learning which is
45 primarily professional counseling in content based on national
46 standards, or the substantial equivalent in both subject
47 matter and extent of training. The board shall use the
48 standards of nationally recognized professional counseling
49 associations as guides in establishing the standards for
50 counselor licensure.

51 (5) The applicant submits documentation of completion
52 of 3,000 hours of supervised experience in professional
53 counseling acceptable to the board. An applicant may subtract
54 1,000 hours of the required professional experience for every
55 15 graduate semester hours obtained beyond the master's
56 degree, provided that those hours are clearly related to the



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57 field of professional counseling and are acceptable to the
58 board. In no case may the applicant have less than 1,000 hours
59 of the required professional supervised experience.

60 (6) The applicant demonstrates competence and knowledge
61 in professional counseling by passing an examination, as the
62 board prescribes. A specialty designation may be added upon
63 demonstration to the board that the applicant has met the
64 recognized minimum standards as established by nationally
65 recognized certification agencies. Upon successful passage of
66 an examination, and upon receipt of credentials from
67 certifying agencies the board ~~may~~, by a majority of the board
68 members present and voting, may consider the credentials
69 adequate evidence of professional competence and recommend to
70 the chair of the board that a license with appropriate
71 specialty designation, if any, be approved. A licensed
72 professional counselor cannot claim or advertise a counseling
73 specialty unless the qualifications of that specialty have
74 been met and have been approved by the board.

75 (7) The applicant is a citizen of the United States or,
76 if not a citizen of the United States, a person who is legally
77 present in the United States with appropriate documentation
78 from the federal government.

79 (8) The applicant has completed a criminal history
80 background check as provided in Section 34-8A-8.1."

81 "§34-8A-8

82 The board shall issue a license as an associate
83 licensed counselor to each applicant who files an application
84 upon a form and in such manner as the board prescribes



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85 accompanied by such fees as are required by this chapter, and
86 who furnishes satisfactory evidence of the following to the
87 board:

88 (1) The applicant has complied with provisions outlined
89 in subdivisions (1), (2), (3), ~~and~~ (4), and (8) of Section
90 34-8A-7;

91 (2) The associate licensed counselor may not practice
92 without direct supervision by a licensed professional
93 counselor. The plan for supervision of the associate licensed
94 counselor is to be approved by the board prior to any actual
95 performance of counseling on the part of the associate
96 licensed counselor;

97 (3) Any associate licensed counselor after meeting the
98 requirements specified in subdivisions (5) and (6) of Section
99 34-8A-7 may petition the board for licensure as a professional
100 counselor."

101 Section 2. Section 34-8A-8.1 is added to the Code of
102 Alabama 1975, to read as follows:

103 (a) The board shall request a criminal history
104 background check of an applicant upon the filing an initial
105 application for the purpose of determining an applicant's
106 suitability for practicing as a licensed professional
107 counselor or an associate licensed counselor.

108 (b) (1) Procedures implemented by the board for the
109 purpose of obtaining a state and national criminal history
110 background check shall include the submission of fingerprints
111 or other biometric-based information by applicants for the
112 purpose of obtaining an applicant's criminal history record



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113 information from the Federal Bureau of Investigation and the
114 Alabama State Law Enforcement Agency.

115 (2) The board shall fully implement a criminal history
116 background check requirement, within a time frame established
117 by rule, by receiving the results of the federal and state
118 record searches and using the results in making licensing
119 decisions.

120 (c) The applicant shall be responsible for all costs
121 associated with the submission of his or her fingerprints and
122 obtaining a state and national criminal history background
123 check. The board may incorporate those costs into the cost of
124 licensing or may charge the applicant a separate fee, which
125 may be payable to the board, the Alabama State Law Enforcement
126 Agency, or any successor entity thereof, or the approved
127 channeler, as appropriate.

128 (d) Information received by the board pursuant to a
129 state and national criminal history background check shall be
130 confidential and shall not be a public record, except that any
131 information received by and relied upon by the board in
132 denying the issuance of a license may be disclosed as
133 necessary to support the denial.

134 (e) The board may adopt rules as necessary to implement
135 this section including, but not limited to, a procedure for
136 requiring a criminal history background check on a licensee,
137 requiring a criminal history background check upon application
138 for renewal, and interpreting and applying the results of a
139 criminal history background check.

140 Section 3. This act shall become effective on October



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141 1, 2026.