

## Disclosure Statements

The Board recognizes that licensees may need assistance in understanding and creating their disclosure statements. Chapter 75 of the South Carolina Code of Laws (hereinafter called the Practice Act), which is the statute that governs the practices of Licensed Professional Counselors, Licensed Marriage and Family Therapists, and Licensed Psycho-educational Specialists, indicates licensees are required to have a disclosure statement. It states:

§40-75-270: A licensee shall make available to each client a copy of a statement of professional disclosure. The statement of professional disclosure shall include the licensee's address and telephone number, fee schedule, educational training, and area of specialization. The professional disclosure statement shall also explicitly denote that sexual intimacy between a practitioner and a client is prohibited.

This section of the Practice Act establishes the requirement that every licensee shall make available to each client a copy of the licensee's disclosure statement. There is no distinction between private practice, agency practice, or any other type of practice. It simply states that every licensee shall make available to each client a copy of the licensee's disclosure statement. The Board has determined that "shall make available to each client" means *give to each client*.

Further, this section of the Practice Act defines a minimum of what information must be disclosed or given to each client. First, the disclosure statement must contain the licensee's practice address and practice telephone number. Even if this data is on the licensee's business card, it must be included on a disclosure statement. If the licensee has multiple practice addresses and telephone numbers, either a separate disclosure statement must be made for each practice location or all must be included on a single disclosure statement.

The disclosure statement must contain the licensee's fee schedule. Minimally, this includes the licensee's fees for all services. If the licensee works for an agency and is not directly involved in collecting fees, then this requirement would be met with a statement saying where the fees for services can be found. Although not required by law, some licensees choose to include additional information in their disclosure statements as to how the licensee deals with unpaid fees, appointments that are not kept, and other issues around financial considerations. This can help with future complaints against licensees regarding fees.

The disclosure statement must contain the licensee's educational training. Although there is no actual declaration of what is to be included in educational training, the Board suggests that minimally the licensee document: a.) the highest post-graduate degree received, b.) the curriculum the licensee has taken, and c.) the college or university where the degree was awarded. An example would be: M.A. in Counseling from the University of South Carolina. Although not required by law, some licensees choose to include additional information in their disclosure statements like the year they graduated and any honors received.

The disclosure statement must contain the licensee's area of specialization. Although there is no actual declaration of what is to be included in the area of specialization, the Board suggests licensees detail those areas of specialization where the licensee can document training. The Practice Act states that licensees must be trained to assess and treat before they actually assess and treat (§40-75-20[3]). As such, licensees are encouraged to seek training and continuing education in areas of any specialization and accumulate all documentation of training. The Board encourages licensees to: a.) work towards obtaining as much training as possible in an area of specialization, b.) keep all documentation of training, and c.) be prepared to defend the amount of training you have as a legitimate minimum for an area of specialization.

Finally, the disclosure statement must contain a statement that explicitly denotes that sexual intimacy between a practitioner and a client is prohibited.

The disclosure statement can have other information that the licensee chooses to submit. A number of licensees include the following:

- ⇒ personal qualifications
- ⇒ matters concerning confidentiality
- ⇒ matters concerning ethics
- ⇒ matters concerning informed consent
- ⇒ matters concerning **HIPAA**

Licensees are reminded that the disclosure statement is a method of informed consent and is designed to give the prospective client enough information to enter in to therapy or counseling. The Investigative Reports Committee (IRC) is the Board committee that investigates complaints against licensees. The IRC has discovered that more complaints are launched against licensees who have weak or poor disclosure statements while fewer complaints are filed against those whose disclosure statements are strong and cover potential problems.

An example of a therapy disclosure statement is included. It is five pages long...the client keeps pages one through four and the licensee keeps page five. Pages one and two meet the Practice Act requirements, pages three and four meet **HIPAA** requirements, and page five is a signature page that the licensee keeps in the client's file. If needed, licensees should also have a supervision disclosure statement and a forensic disclosure statement.