

INSTRUCTIONS, REQUIREMENTS, AND PROCEDURES FOR A COMPLAINT

The Alabama Board of Examiners in Counseling (ABEC) is authorized to investigate complaints involving possible violations of the *Code of Alabama* 1975, §34-8A-1 et seq. or the *Code of Ethics and Standards of Practice* governing licensed counselors. Investigations of complaints and possible disciplinary actions by the ABEC are limited to administrative options (i.e., fine, reprimand, remedial education, administrative costs, license suspension, or license revocation). The ABEC cannot represent clients in civil matters to recover fees paid or seek remedies for injuries. You should consult a private attorney regarding such matters.

Limitations on Complaint Investigations

The ABEC does not have authority to investigate all complaints against applicants or licensees. Examples of such complaints include but are not limited to the following:

- Complaints by persons who do not have legal standing to act on behalf of clients (e.g., grand/parent of an adult client; friend of a client; step-parent of a minor child/client who holds no legal custodial authority on behalf of the minor child/client; an interested third party who has no direct knowledge or evidence concerning possible violations involving client care)
- Court-ordered duties enacted by licensees competent to perform those duties
- Court decisions involving licensees that are based on good-faith unbiased testimony or written conclusions by licensees
- Fee disputes with clients, supervisees, or others served by a licensee
- Interactions reflective of personality clashes or differences of opinion based on good-faith unbiased discretionary decisions
- Billing disputes involving professional agencies
- Missed appointments (unless chronic in nature and reflective of negligence)
- Matters involving only violations of employment/personnel policies in an organization

Procedure for Filing a Complaint

Use the Complaint Form found on this website. Print the form, complete all questions/items and mail to:

Alabama Board of Examiners in Counseling

950 22nd Street North

Suite 765

Birmingham, AL 35203

If you are unable to print the form, contact the Board office by telephone: 1-800-822-3307

THE COMPLAINT FORM MUST BE SIGNED BY THE COMPLAINANT AND NOTARIZED.

Incomplete or unsigned complaint forms will be returned to the Complainant. The Board will not investigate anonymous complaints.

Complaints filed with the ABEC **must** feature two distinct types of information. These are:

1. An *explanation* concerning the nature of the complaint. This is your written account of the items or experiences that have led to your decision to file the complaint.
2. *Evidence* that supports your allegations such as copies of correspondence, contracts, forms, records or other types of factual information.

Complaint forms filed with the ABEC **must** be accompanied by *evidence* (e.g., correspondence, contracts, forms, records or other types of factual information that support the allegations in the complaint). Supporting documentation should be factual and detailed, including locations, dates, and contact information for witnesses (if available). The investigative process may be delayed or dismissed if the supporting *evidence* is not included. Complaints should also include a timeline of events.

In addition to the complaint form and evidence, complaints **must** include the printed, signed, and notarized “Authorization for Release of Confidential Information” form. If the complaint involves a minor, you must use the form designated for release of information for a minor. **Failure to supply** the proper “Authorization for Release of Confidential Information” form with the complaint will result in the complaint being returned to the complainant without action.

Any complaint that involves care to a minor child and a circumstance of divorce by the parents **must** include legal evidence from a court decision verifying that the complainant has rights of custody. Such documentation would be applicable to a parent or relative of the minor child who holds rights of custody. Any complaint **that does not include legal evidence** from a court decision verifying that the complainant has rights of custody will be returned to the complainant without action.

The investigation of a complaint **will not begin or proceed** if legal action relevant to the allegations in the complaint is pending. All active legal matters must be resolved before the ABEC initiates an investigation of a complaint.

Investigations are confidential. We are unable to provide updates concerning the status of a complaint. Once the investigative process is completed, you will be notified. The investigative process is designed to ensure due process and to protect the rights of the individuals involved. This process may take months to complete.

The Investigation Process

The Investigative Committee (IC) is composed of the Executive Director of the ABEC, the consultant to the ABEC, and at least one (1) board member. Complainants or Respondents may secure legal counsel at their discretion and expense. The ABEC does not provide legal counsel to either the Complainant or the Respondent.

The IC will conduct reviews of evidence and timelines related to the allegations in the complaint. At a minimum, the evidence examined by the IC will involve the complaint and supporting evidence as well as the response by the licensee (Respondent) to the complaint. Other preliminary sources of information may be sought before the IC proceeds to interviews.

Interviews may be conducted with the Complainant and the Respondent as fact-finding opportunities for the IC. Neither the Complainant nor the Respondent participating in the interview process with the IC is under oath. The interview is not a legal deposition. Interviews are not recorded by the IC. If an interview is recorded by the Complainant or the Respondent, the IC will request a copy of the recording. An interview allows the IC to clarify matters of uncertainty or omission and may lead to requests by the IC for additional information.

Interviews involving other persons who may provide relevant information for the investigation will be determined by the IC. Follow-up interviews with the Complainant, Respondent, or both parties may be required by the IC to complete its investigation.

The completion of an investigation could result in one of the following outcomes:

- a. A recommendation by the IC (approved by Board's legal counsel) to close the case based on insufficient evidence to verify violation of a law or regulation by the Respondent,
- b. A recommendation by the IC (approved by Board's legal counsel) to issue a formal reprimand of the Respondent. A reprimand does not involve a public hearing or a posting on the ABEC website,
- c. A recommendation by the IC (approved by Board's legal counsel) to pursue a consent agreement for approval by the ABEC based on an admission of a violation of law or regulation by the Respondent. A consent agreement does not involve a public hearing but is posted on the ABEC website, or,
- d. A recommendation by the IC (approved by Board's legal counsel) to pursue a formal hearing before the ABEC based on probable cause for a violation of law or regulation by the Respondent. All disciplinary findings from a formal hearing are posted on the ABEC website.

The *Code of Alabama* 1975, §34-8A-1 et seq., and the *Code of Ethics and Standards of Practice* governing licensed professional counselors are available under the Laws and Rules link on our website: www.abec.alabama.gov.