

1. General policy statement on pastoral counseling:

“The Louisiana Baptist Convention recommends that every pastor provide counseling only on matters in which he is competent by prior education, training and experience and is currently licensed by the applicable governmental regulatory board, if any. Pastors are also encouraged to maintain their counseling skills through continuing education opportunities provided by competent professionals.”

2. Should a pastor refrain from using the terms “counsel” or “counseling” in his ministry?

A pastor may use those terms in connection with his counseling in matters where he is competent and, if required by law, licensed to provide counseling. A pastor is encouraged to inform the counselee and document the pastor’s record of the counseling session that he has informed the counselee of the limits of his expertise and the areas that he is competent to provide counseling. If the matter requires counseling or other professional services outside the expertise and licensure of the pastor, the counselee should be informed, a referral to an appropriate professional recommended to the counselee and the pastor’s record of the counseling session documented that this action was taken by the pastor.

3. Should a pastor limit his counseling ministry to church members only; or, may he provide counseling services to church prospects, family members, friends and neighbors of church members or the general community?

Bearing in mind the policy statements in numbers 1 and 2 above, a pastor may provide appropriate counseling services to those persons that his schedule and his own determination of how he wishes to conduct his ministry permit. From a legal perspective, the relationship of the counselee to the church, church member or the pastor makes no difference in the duty owed to the counselee by the pastor. If the pastor chooses to provide counseling to a non-member or a member, he must possess the same knowledge and skill of his peers and meet the applicable standard of care as a counselor for services provided to any counselee as required by the facts of each matter. It is probably true as a practical matter that the more distant the relationship between the counselee and the church and/or pastor, that the reluctance to file a lawsuit for a bad outcome is diminished.

4. Should a church or pastor refrain from advertising or promoting the counseling ministry in flyers, newspaper ads, yellow page ads, etc.?

Advertising per se is not prohibited except as may be limited by the ethical and statutory regulations of a specific professional governing body by which any counseling professional must be licensed. If the pastor is not licensed by any state regulatory body, then all advertising implying that the pastor is competent to provide services which are limited by law to those licensed professionals may violate rules prohibiting practicing

that profession without a license. Whether to advertise or not to advertise really depends on the license, expertise and competency of the pastor or other persons providing counseling services. In general, it is not recommended that counseling services be advertised in any manner unless a licensed, competent counseling professional is available to provide those counseling services.

5. Does continuing education training in counseling disciplines reduce or expand a pastor's exposure to potential liability?

As continuing education training adds to the expertise and competency of a pastor, it reduces the pastor's exposure to potential liability. In addition, the fact that the pastor kept his skills current by attending regular continuing education opportunities demonstrates his commitment to being as good a counselor as he can be. Continuing education training by incompetent persons or the training in the use of methods not recognized by the standards of the profession would not be helpful and may increase a pastor's exposure to liability.

6. What criteria should the LBC and the Pastoral Leadership Team use to vet counseling training seminars that are offered?

This question assumes that the LBC should put itself in a position of endorsing counseling training seminars that are offered. I do not think the LBC should endorse any type of training seminars. Because I am not a professional in counseling, it would not be helpful for me to draw up criteria for vetting these training seminars because I have no knowledge about what makes a seminar valuable or not worthy of attending. The best that I could do on this topic is to suggest that seminar information should not be endorsed or recommended by the LBC. As information only and based upon the qualifications of the persons presenting the seminar and relevance of the topic, the LBC could provide information on the availability of the seminar with the disclaimer that says:

“The Louisiana Baptist Convention does not endorse or recommend the training seminar described herein. The information concerning this training seminar is provided to pastors as a service to them and is informational only. Persons receiving this notice should make his or her own independent investigation of the efficacy of the training seminar and the competency of the persons providing the training therein.”

7. If the pastor refers someone to a professional counselor who, in turn, demonstrates incompetence etc., does the pastor have any liability exposure because he made the referral?

In general, the pastor would have no liability exposure for the referral to an appropriate and competent professional. However, if prior to the referral, the

pastor is aware of facts that demonstrate that the person to whom the pastor makes the referral may not be competent, then he may have some liability exposure. To minimize this exposure, the pastor, e.g., may tell the counselee (and document his records) that the counselee should go to a psychiatrist without naming someone for the counselee to consult. However, if asked for a recommendation, as long as the psychiatrist is a licensed professional practicing psychiatry and the pastor knows of no reason why the psychiatrist is not competent, then the pastor should have no exposure for any damages inflicted by that psychiatrist on the counselee.

8. With the growth of group counseling ministries (grief, substance abuse, divorce recovery, depression, sexual issues, etc.) in churches, do such ministries present a liability exposure to the church?

As long as the policy stated in number 1 above is followed, there should be no liability exposure except as the pastor may deviate from the accepted standard of care in dealing with the counseling matter. However, the listed areas of counseling usually require state board licensure, education, training and experience beyond what the typical pastor may have. Unless the pastor is licensed and trained to counsel in these areas, it is not recommended that a pastor provide counseling beyond spiritual issues. Mental health counseling and the like require licensure by the applicable state board.

