

Counseling Compact Inaugural Meeting Minutes

October 25-26, 2022

Hall of the States
Room 285
444 North Capitol St NW
Washington, DC 20001

Meeting also held virtually.

Delegates Present:

Alabama	Latofia Parker	Maryland	Mary Drotleff
Colorado	Nate Brown	Mississippi	LeeAnn Mordecai
Delaware	Shauna Slaughter	Nebraska	Kris Chiles
Florida	Janet Hartman	New Hampshire	Gary Goodnough
Georgia	Tommy Black	North Carolina	Denauvo Robinson
Kentucky	Andrea Brooks	Ohio	Brian Carnahan
Louisiana	Jamie Doming	Tennessee	Kim Speakman
Maine	Kim Shaffer	Utah	Jana Johansen
		West Virginia	Tony Onorato

Interim Chair Present:

Ryan Pickut

Legal Counsel Present:

Nahale Kalfas, Council of State Governments (CSG)

CSG, Staff Present:

Daniel Logsdon, CSG
Carl Sims, CSG
Isabel Eliassen, CSG

Members of the Public Present

Alex Larsson	Aprille Woodson	Brig Zimmerman
Angele Moss-Baker	Ashleigh Irving	Carmelia Amuna
Angie Smith	Beverly Smith	Charmayne Adams
Anna Lieber	Brian Banks	Cheryl Henry

Christa Butler	Jaimie Harden	Mary Elizabeth Blake
Courtney Ackerson	Janie Stubblefield	Matrice Morrison
Dania Lofton	Jasmine Mcleod	Megan Rozanski
Danielle Clark	Jennifer Johnson	Mervin Brandy
Deirdra Sanders-Burnett	Joelle McNutt	Michael Lewis
Diana Pals	John Williams	Nicole Kauk
Dmitry Kunin	Jolie Long	Patricia O'Connor
Dominique Marsalek	Joycy Lacombe	Paul Bebee
Donna Nicolson	Kathy Ybanez-Llorente	Robin Colburn
Dori Hagen	Kieran Compagnone	Rosanne Helms
Erica Tripp-Wiggins	Kristal James	Sandra Williams
Fatima Abby	Kristen Rose	Scott Tiffin
Foley Nash	Kristen Weick	Sean Gorby
Fredrick Dombrowski	Kristin Racine	Shawn Boynes
Gloria Lindsey	Kristina Halvorsen	Steve Sodergren
Gray Otis	Kylie Dotson-Blake	Suzanne Walker
Greg Searls	Logan Bugayong	Tess Bettler
Hannah Coyt	Lorraine Dinkel	Theresa Arnett Nickolaus
Hayley Hoffman	Lynetta Walker	Tim Cox
Heather Herpin	Lynn Linde	Tony Alden
Holly Moorhead	Maiya Hale	Victoria Sherk
Iesha Smith	Mark Kenney	Whitney Moore

October 25, 2022

Welcome/Call to Order

- D. Logsdon provided opening remarks and a history of the Counseling Compact.
- I. Eliassen and C. Sims provided housekeeping announcements for the meeting attendees.
- D. Logsdon introduced the interim chair, Ryan Pickut.
- R. Pickut called upon the CSG staff members and interim counsel to introduce themselves.
- R. Pickut stated appreciation for the hard work of everyone involved throughout the compact development process.

Roll Call

- R. Pickut invited delegates to introduce themselves in alphabetical order by state. Delegates from all 17 states were present. R. Pickut noted that the commissioners consisted of both practitioners and administrators.

Adoption of the Agenda

- R. Pickut called for a motion to adopt the agenda.
- **Motion:** J. Doming moved that the commission adopt the agenda. K. Speakman seconded the motion. All present voted in favor, 0 opposed, and 0 abstained. The motion passed.

- R. Pickut noted that N. Kalfas would be serving as parliamentarian for the meeting if questions related to rules of order arose.

Training on Governance Structure

- R. Pickut called on N. Kalfas to review information on the compact's governance structure.
- N. Kalfas reviewed the entity status of the compact, the governing structure of the compact, and the delegates' responsibilities as commissioners.

Review and Adoption of Delegate Code of Conduct

- N. Kalfas reviewed the code of conduct, which all delegates had executed prior to the meeting.
- R. Pickut stated appreciation of all the new information the commissioners were learning.
- R. Pickut called for a motion for ex-post adoption of the code of conduct policy as distributed and signed.
- **Motion:** J. Hartman made the above motion. D. Robinson seconded the motion. All delegates present voted in favor and the motion carried.

Discussion and Adoption of Compact Bylaws

- R. Pickut indicated the commission would move to the discussion of the compact bylaws.
- N. Kalfas discussed the drafted bylaws, which were shown on-screen and had been posted to the website beforehand.
- A. Brooks asked for clarification as to whether the commissioner had to be a member of the board or just a member of the board at the time of the appointment. N. Kalfas stated that the compact drafting advisory group believed current board membership was critical in order to make sure the commissioner was able to report back to the board. If a commissioner's term with the board ends, the board should seek to appoint a current member as soon as possible, but it is permissible for the commissioner to continue serving in the meantime.
- K. Chiles asked a question regarding the appointment of the temporary representative. In Nebraska, only two board members hold a professional counseling certificate. Can a temporary representative be appointed who does not hold a counseling certificate and is not a public member? N. Kalfas answered that the rules were silent on this issue but were assumed to require that the temporary representative holds a counseling certificate because the composition of Nebraska's board is not standard.
- N. Kalfas asked if the delegates had opinions on the issue. L. Mordecai asked if the number of times the temporary representative could attend on behalf of the delegate was limited. N. Kalfas said the bylaws provided for the commission to make such a determination.
- B. Carnahan suggested deferring to the state's own judgment on such issues as each state will know best whether an individual is capable of serving in the temporary representative role.
- J. Hartman stated that the Florida board had a composite structure similar to Nebraska's. She additionally recognized the importance of ensuring counseling and practitioners are at the forefront of compact considerations, but in her experience as a board administrator she feels that she and other members of her board who are not professional counselors could serve the needs of the commission. She agreed with B. Carnahan's comment above.

- R. Pickut stated that the rules committee to draft language regarding clarity of who could serve as a temporary representative and how long they could serve.
- D. Robinson asked for clarity regarding the issue of excused and unexcused absences. N. Kalfas said the Compliance Committee could also delineate that issue. I. Eliassen pointed out that all instances of the temporary representative attending a meeting must be accompanied by a notifying email from the state commissioner. A. Brooks asked if the word “excused” was necessary. R. Pickut accepted the deletion of the word “excused” as an amendment from the floor.
- A. Brooks asked if the bylaws indicated how many people served on each committee. N. Kalfas answered that such a limitation was purposely not included as the Commission is still very small. R. Pickut added that some committees may need more members while others have only a few.
- J. Doming asked if posting notice would be the responsibility of each state. N. Kalfas answered that it is very important that each state posts information about the compact on the home page of their state board’s website in order to make sure that information is highly visible.
- The group discussed the fiscal year for the compact and decided that in keeping with the majority of member states, July 1 would be used as the start of the fiscal year. The fiscal year starting on July 1 and ending June 30 was noted as the second amendment to the bylaws. The group agreed on another amendment regarding the payment of state membership fees, using the following language: “membership fees, in an amount to be determined by the commission, shall be paid on a date to be determined by the commission.”
- R. Pickut called for a motion to accept the amended bylaws.
- **Motion:** A. Brooks made the requested motion. K. Speakman seconded the motion. All present voted in favor, and the motion carried.

Discussion of RFPs for Executive Director, Secretariat, and Interest in Secretariat Role

- N. Kalfas discussed the RFP for secretariat and executive director as provided in the online packet. She stated that it was common for Commissions accept the spirit of the RFP and to delegate needed changes to the executive committee.
- R. Pickut called for a motion to authorize the executive committee to move forward with the RFP process, make changes as needed, and issue the RFP.
- **Motion:** B. Carnahan made the above motion. L. Parker seconded the motion. All present voted in favor and the motion carried.
- J. Doming asked if the Commission had a starting budget.

Transition Issues

- D. Logsdon discussed the transition timeline that was provided in the meeting packet. D. Logsdon explained that professional associations may assist the compact financially but MOUs from such organizations had not yet been secured.
- L. Linde spoke on behalf of ACA regarding the potential for funding and said that although she could not specify a dollar amount, ACA is highly committed to the compact and anticipates working with other partner organizations to form a plan to support the compact.
- J. Long speaking on behalf of NBCC said that also had a goal of supporting the compact commission although NBCC also could not provide a dollar amount at the time.

- R. Pickut thanked the two organizations for their remarks.
- D. Logsdon noted the letter in the packet from AASCB which indicated their interest in the secretariat role and said that such information would be the decision of the commission and that CSG would share information on this issue with them.
- N. Kalfas explained that the transition timeline was primarily for informational purposes but that by acknowledging it as received information the commission could refer to this document and update it in the future as needed.
- R. Pickut called for a motion to accept the proposed transition plan.
- L. Mordecai requested to amend four typos where the document said “OT” instead of “Counseling.”
- **Motion:** J. Doming motioned to accept the transition plan as amended. S. Slaughter seconded the motion. There were no questions. All delegates present voted in favor and the motion carried.

Executive Committee

- Because the meeting was ahead of schedule, R. Pickut called to have the information on the executive committee placed earlier in the schedule rather than rearranging a voting item.
- A list of currently nominated candidates for all executive committee positions was shown onscreen.
- N. Kalfas clarified that a candidate can run for more than one position but cannot serve more than one role, so if (for instance) a candidate was elected to serve as chair, they would automatically be removed from consideration for the vice chair position. N. Kalfas said that everyone who had expressed interest in an executive committee role had also submitted a bio, which would be sent out that evening. I. Eliassen added that each person would also have two minutes to speak at the meeting prior to the election. N. Kalfas gave the commissioners an estimate of the time demands various committee roles would place on committee members.
- N. Kalfas discussed the fee structures of other compacts, which the Counseling Compact Commission would be able to decide at a later date. N. Kalfas indicated that some work of the executive committee, such as keeping minutes, could be delegated to the executive director or secretariat after one is hired.
- A. Brooks asked if the chair was a voting member of the committee. N. Kalfas confirmed that was in keeping with Robert’s Rules.
- R. Pickut thanked everyone who agreed to be a candidate for the executive committee election.
- I. Eliassen explained the election process the commission would use tomorrow for the executive committee elections.
- N. Kalfas reminded the delegates that commission business must be transparent and public-facing.

Discussion and Approval of Rule on Rulemaking

- N. Kalfas reviewed the rule on rulemaking.
- N. Kalfas reviewed the two comments the rule had received during the public comment period, both of which were not substantive.

- **Motion:** J. Hartman motioned to approve the Rule on Rulemaking. B. Carnahan seconded the motion. All present voted in favor and the motion carried.

Delegate Questions and Public Comment

- R. Pickut asked for questions from delegates. Hearing no comments from the delegates, he called for questions from the public.
- L. Linde thanked the commissioners for their hard work.
- J. Mcleod asked if the compact included provisions for counselors who provide services to military families. N. Kalfas answered that there was not a provision of this nature in the compact.
- S. Walker raised concerns related to the definition of “impaired practitioner” in section two of the compact legislation. N. Kalfas answered that this could and should be clarified in the Rules Committee’s Rule on Definitions.
- K. Dotson-Blake asked about counseling organizations sharing information about the compact. N. Kalfas stated that organizations aside from the commission, such as NBCC, ACA, and member states were encouraged to share information about the commission and that member states were required by law to do so.
- M.Hale asked about public members joining committees. N. Kalfas answered that members of the public currently were not able to serve on committees but they could serve on committee work groups if and when work groups were formed. This is due to members of the public lacking the immunity that is conferred on state actors. Additionally, all meetings are open to the public so interested members can attend meetings and comment using that medium.
- M. Hale thanked the commissioners.

Meeting Recess

- Seeing no further comments or questions, R. Pickut called for a motion to recess the meeting.
- **Motion:** D. Robinson motioned to recess for the day. K. Speakman seconded the motion. All present voted in favor.

October 26, 2022

Roll Call and Adoption of Agenda

- R. Pickut called the meeting to order at 10:00 a.m. ET.
- I. Eliassen called the roll. All commissioners were present.
- D. Logsdon reviewed the first day of the meeting.
- R. Pickut overviewed the agenda.
- **Motion:** J. Doming motioned to approve the agenda. K. Speakman seconded the motion. All present voted in favor and the motion carried.

Executive Committee Elections

- I. Eliassen stated each candidate would have two minutes to speak on their qualifications for and interest in the role(s) for which they were a candidate. If a candidate won one position, they

would not be considered for elections further down the ballot. The candidates each introduced themselves. The candidates were as follows:

- Chair:
 - Tom Black
 - Jamie Doming
 - Janet Hartman
 - Kim Shaffer
- Vice Chair:
 - Tom Black
 - Andrea Brooks
 - Brian Carnahan
 - Jamie Doming
 - Janet Hartman
 - Latofia Parker
 - Kim Shaffer
 - Kim Speakman
- Treasurer:
 - Tom Black
 - Andrea Brooks
 - Brian Carnahan
 - Jamie Doming
 - Latofia Parker
 - Kim Speakman
- Secretary:
 - Tom Black
 - Andrea Brooks
 - Brian Carnahan
 - Jamie Doming
 - Latofia Parker
 - Kim Shaffer
- Member-at-Large (3 elected):
 - Andrea Brooks
 - Nate Brown
 - Brian Carnahan
 - Jamie Doming
 - Janet Hartman
 - Jana Johansen
 - Latofia Parker
 - Denauvo Robinson
 - Kim Shaffer
 - Kim Speakman
- No additional candidates were nominated.
- I. Eliassen reminded attendees that only commissioners were eligible to vote. I. Eliassen sent the online ballot to virtual attendees and passed the paper ballots to in-person attendees.

- R. Pickut stated that the parliamentarian would certify the results after CSG counted them and that he was only reading the result.
- The results of the election were as follows:
 - Chair: Jamie Doming
 - Vice Chair: Andrea Brooks
 - Treasurer: Kim Speakman
 - Secretary: Latofia Parker
 - Members-at-Large: Brian Carnahan, Denauvo Robinson, Janet Hartman
- R. Pickut handed the role of Chair to Jamie Doming.
- D. Robinson led the Commission in thanking R. Pickut for his hard work serving as interim chair.

Delegate Sign-up for Committees

- J. Doming again congratulated the newly elected members of the executive committee, noting that the executive committee had four counselors and three administrators.
- J. Doming stated that she was excited to serve as chair and would be responsive to public needs and questions.
- J. Doming stated that the Finance and Rules Committees were currently seeking members and that the three other committees (as created in the bylaws) would seek members at a later date.
- N. Kalfas clarified several additional points: the additional committees would likely begin seeking members in approximately six months; those interested in serving as chair of the Rules Committee could note their interest when signing up; the chair would ultimately be appointed by the Executive Committee; alternate delegates can serve on committees, although members of the public cannot. Alternate delegates can only vote on committees if the permanent commissioner is not also voting (to ensure some states do not get two votes). Members of the public may serve on future work groups when committees create such groups. In keeping with best practices, Executive Committee members are discouraged from serving as chair of other committees to avoid the appearance of undue influence.
- Delegates submitted their interest in committees via the meeting's online chat function and email.

Ex-Officio Organization Selection

- J. Doming called on D. Logsdon to introduce the agenda item.
- D. Logsdon explained that as stated in the memo in the meeting packet, the compact's drafting teams discussed which organizations they pictured appointing ex officios to the compact's executive committee, and the organizations were ACA, AASCB, NBCC, and AMHCA, but the Commission had the discretion to select other organizations if they so chose. The ex-officios are nonvoting members of the committee.
- N. Kalfas added that based on the intentions of the drafting teams, the exact language of the compact legislation, "four recognized national counselor organizations," would seem to exclude institutional accrediting bodies, even though two such groups had expressed interest. N. Kalfas added institutional accrediting bodies were welcome to attend committee meetings, which are open to the public.
- N. Kalfas stated that commission would decide which four groups should be represented and each of those groups would get to send their own delegate.

- J. Doming called for discussion of the issue.
- B. Carnahan asked for clarification as to how the hiring of a secretariat and executive director could affect the selection of organizations with regards to potential conflicts of interest.
- N. Kalfas clarified that the secretariat and executive director provide services at the direction of the commission, and that their contracts and the funders' MOUs will be very clear about their obligations. Delegates are also encouraged to recuse themselves from voting on these issues if they have an insurmountable conflict. She added that in the future if it was necessary to change which groups were selected to have ex-officios join the executive committee, the commission could vote to make such changes.
- D. Logsdon added that as the commission is an independent government agency, the commission is not answerable to the secretariat. If an ex-officio organization becomes a candidate for secretariat it may be appropriate to ask them to stand down on certain issues.
- **Motion:** D. Robinson moved that the four organizations named in the memo be accepted by the commission. G. Goodnough seconded the motion.
- J. Doming asked for discussion.
- K. Speakman asked whether the two commissioners who are affiliated with AASCB needed to recuse themselves. N. Kalfas thanked them for stating the issue and asked if they believed they could remain objective. The two commissioners agreed they could remain objective about the issue from their point of view as commissioners.
- **Vote:** All present voted in favor of the above motion and the motion carried.

Legislative Update

- D. Logsdon provided a legislative update.
- Delegates mentioned that New Hampshire and West Virginia were left off the list, while Maryland and Georgia were listed twice. D. Logsdon assured the group that these states had both passed the compact even though they were not listed on the document.
- L. Linde said that there was greater interest from states than initially anticipated and that some states which introduced the bill last year but were unable to pass it may join next year.

Meeting Summary and Next Steps

- I. Eliassen explained that the next meeting date for a full commission meeting was not certain, but that it would likely take place in a few months based on the work accomplished by the committees.
- I. Eliassen outlined the committee schedule, noting that only the executive committee would meet before 2023.
- I. Eliassen said that ex-officio organizations could formally appoint their delegates by emailing appointment letters to her.
- N. Kalfas reminded the group that due to open meetings laws it is critical for delegates not to talk amongst themselves outside of commission/committee meetings about commission/committee business, including talking via email. N. Kalfas also said that delegates should keep in mind that there could be a public records request for emails sent from the email account they use for commission business.

Delegate Questions and Public Comments

- J. Doming asked for questions from the delegates.
- K. Shaffer asked if boards should defer questions about the commission to the commission administrators. N. Kalfas said there was no need to defer questions unless the board was unsure of the answer.
- J. Doming asked for questions from the public. Several questions were sent in the chat.
- C. Adams asked about communication between commissioners and interested parties in their respective states. C. Sims responded that the best way to communicate with the compact commissioners was to attend committee meetings, which are all open to the public and include a public comment period.
- C. Adams asked about the section of the compact legislation requiring compact member states to use a nationally recognized exam and how the commission could specify an exam without using its name. N. Kalfas stated that the commission could name an exam in the rules, but the exam was not named in the compact legislation because if the name of the exam was somehow changed, then the compact would need to be re-passed in all member states.
- C. Adams asked if the Commission establish rules that licenses must hold a degree related to counseling or from a CACREP accredited program. N. Kalfas said that the commission would consider this further at future meetings.
- C. Adams asked how the Commission would approach the situations in Florida and Georgia, which recently passed legislation allowing those with counseling-related degrees to become counselors. J. Hartman answered that as the commissioner from Florida, she had seen this question frequently. She stated that there is a set of guidelines to becoming licensed in Florida and another set for the Counseling Compact, so to join the compact, licensees need to fulfill both. Florida uses a similar process for nurse licensees in Florida who do not meet the criteria of the Nurse Licensure Compact. She further stated that Florida would comply fully if or when the Commission specified an exam and any other rules.
- L. Layman asked about the Supreme Court Case *Dobbs v. Jackson Women's Health Organization* and in particular about enforcing disciplinary requirements where state's scope of practice laws differed. N. Kalfas stated that compact member states collectively agree that the applicable scope of practice is that defined by State law where the client is located at the time of services. Because the practice occurs only in one state according to this agreement, counselors are not under the scope of practice requirements of two separate states. While no compact can dictate to a member state who they get to discipline or not discipline, a compact can make it clear that someone should not be prevented from utilizing their privilege if they were engaged in otherwise lawful practice at the place where the client was located at the time services were rendered.
- L. Layman asked about situations where a practitioner may be disciplined in their home state for activities outside of the scope of practice in a remote state but not in their home state. N. Kalfas stated that this concern is understandable and the Commission will work to address it in the future.
- D. Stasi stated that Illinois advocated for not requiring a CACREP degree.
- B. Stalzer asked about the possibility of fully licensed counselors who live in non-compact states but who hold full unrestricted licenses in compact member states. I. Eliassen stated that the compact legislation requires counselors to have a home state that is a compact member before they can participate in the compact.

- D. Nicolson asked if the compact included MFTs. I. Eliassen stated that the compact was specific to licensed professional counselors.
- M. Hale asked about the compact commission's ability to help with insurance issues. N. Kalfas stated that while it is not within the purview of the Commission to address matters of billing, the commission understands that this matter is very important to counselors and may be able to find some ways to assist.
- M. Stevens asked about support for legislators interested in introducing the compact legislation. I. Eliassen stated that CSG would help by reviewing the introduced legislation. For individuals looking to support compact efforts in their states, they should look to get in touch with their local professional association.
- H. Herpin asked what would be considered a counselor's home state. D. Logsdon stated that the primary state of residence would be where a person pays taxes, holds a driver's license, and votes.
- C. Gill asked for further clarification regarding the licensing situation in Florida and Georgia. J. Hartman stated that she hoped the rules committee would specify certain educational requirements that would be accepted to receive a compact privilege.

Meeting Closure

- Seeing no further questions, J. Doming called for a motion to adjourn the meeting.
- **Motion:** L. Parker motioned to adjourn. K. Shaffer seconded. All delegates present voted in favor and the meeting adjourned.