

## Counseling Compact Rules Committee Meeting

March 22, 2023, 12:00 p.m. ET

### **Committee Members Present**

Dr. Andrea Brooks, Interim Chair

Nate Brown

Kim Shaffer

Dr. Denauvo Robinson

Dr. Gary Goodnough

Tony Onorato

### **Committee Members Absent**

Kris Chiles

Mary Drotleff

LeeAnn Mordecai

### **Executive Committee Members Present**

Greg Searls

Dr. Lynn Linde

Dr. Kylie Dotson-Blake

### **Legal Counsel Present**

Nahale Kalfas

### **CSG Staff Present**

Isabel Eliassen

Carl Sims

**106 members of the public were also present.**

### **Welcome & Call to Order**

- A. Brooks called the meeting to order at 12:03 p.m. ET.

### **Roll Call**

- I. Eliassen called the roll. Kris Chiles, Mary Drotleff, and LeeAnn Mordecai were absent.

### **Review and Adoption of the Agenda**

- A. Brooks reviewed the agenda and asked if changes were needed. Hearing none, she called for a motion to adopt the agenda.
- **Motion:** K. Shaffer motioned to adopt the agenda. D. Robinson seconded the motion. All committee members present voted in favor and the motion carried.

### Adoption of Meeting Minutes

- A. Brooks led the group in a review of the minutes.
- I. Eliassen stated that the start and end times of the meeting had been recorded as 1:03 instead of 12:03 and 2:01 instead of 1:01 respectively, and that the minutes would need to be amended to fix this error.
- The committee requested that the meeting agenda and the previous meeting minutes be sent directly to them in advance for future meetings.
- N. Brown motioned to adopt the minutes as amended. G. Goodnough seconded the motion. All committee members present voted in favor and the motion carried.

### Discussion of Request for Rulemaking

- A. Brooks explained that committee member G. Goodnough had submitted requests for two rules.
- C. Sims provided an overview of counseling compact project history, emphasizing that compacts reflect existing state regulations and are intended to be representative of states and professionals in the field.
- N. Kalfas explained that this process is used for all compacts.
- N. Kalfas reminded the group that her role was to provide legal advice to the group and gave an overview of the proposed rule.
  - The proposed rule was as follows: “Under the authority granted in 3i: The title “Licensed professional Counselor is distinct from that of a marriage and family therapist and social worker”.
- N. Kalfas explained that states informed the drafting team that counselors did not have uniformity in the title, which was why the title was not specified in the compact. The drafters of the compact preferred to include certain requirements rather than excluding those with certain titles. Additionally, from a legal standpoint, basing exclusion on titles could be seen as protectionism, which is currently a major concern in the counseling profession.
- A. Brooks stated that it may be more beneficial for the committee to focus on what a counselor is rather than who cannot be considered a counselor.
- T. Onorato asked if the issue the rule was attempting to address was the possibility that a state could grant compact eligibility to someone who was not eligible.
  - N. Kalfas answered that that was the concern, and more specifically, there was concern that a state may license someone who is not a counselor by title who could practice under the compact.
  - N. Kalfas added that specifically excluding practitioners based on title would invite a lawsuit, particularly in the case that a practitioner had a non-counselor title but had worked to fulfill all the requirements of the compact.
- G. Goodnough stated that his main goal with this proposal was to create a motion to empower the compact commission to send messaging reiterating training requirements and qualifications of counselors of who may participate in the compact.
- **Motion:** G. Goodnough made the above motion. K. Shaffer seconded the motion.

- Discussion: D. Robinson asked whether those with less than 60 credit-hours in their master’s program could still participate in the compact. N. Kalfas stated that the 60 credit-hours was a state requirement.
  - Vote: All committee members present voted in favor and the motion carried.
- Group moved to discuss the second proposed rule. The suggested rule read as follows:
  - “The nationally recognized exam that States need to use to be eligible to participate in the Counseling Compact is either: the National Counseling Exam (NCE), the National Clinical Mental Health Counseling Exam (NCMHCE), or the Certified Rehabilitation Counselor Exam (CRCE).”
- N. Kalfas stated that the Rules Committee could craft a rule that may read as follows:
  - “The nationally recognized exam that States need to use to be eligible to participate in the Counseling Compact is a counseling exam that is either: the National Counseling Exam (NCE), the National Clinical Mental Health Counseling Exam (NCMHCE), or the Certified Rehabilitation Counselor Exam (CRCE) or such additional counseling exams as determined by the commission.”
- G. Goodnough: added he was fine with additional language “such additional counseling exams as determined by the commission” considering the group was already authorized as such.
- N. Brown asked if the Counselor Certification Examination offered by NBCC was one of the exams listed.
- A. Brooks suggested tabling this discussion due to the limited remaining meeting time and need to collect more information.
- N. Kalfas stated the rule could be shown at the next meeting with standard formatting and the group could discuss and make edits in real time.
- G. Goodnough made a motion to table the discussion of the rule until the next meeting. K. Shaffer seconded the motion. All committee members present vote in favor and the motion carried.

### **Discussion of Extending Meeting Time**

- I. Eliassen explained that rules committees frequently found that one hour was not enough and that meetings could be extended to 1.5 hours to give the committee enough time to have detailed discussions.
- N. Brown voiced support for the extension. N. Brown motioned to extend Rules Committee meetings to 1.5 hours. D. Robinson seconded the motion. All committee members present voted in favor and the motion carried.

### **Questions and Comments**

- A. Brooks asked if there were further questions from delegates. Hearing none, she opened the floor to comments from the public.
- The committee received comments on the following topics: supervision requirements, counselor identity, committee meeting attendance, the 60-credit-hour requirement, the proposed rule on examinations, and agenda requests for future meetings. The comments were recorded for future reference.

## Adjourn

- A. Brooks called for a motion to adjourn.
- **Motion:** D. Robinson motioned to adjourn. N. Brown seconded the motion. All committee members present voted in favor and the meeting adjourned at 1:02 p.m. ET.