

Counseling Compact Rules Committee Meeting

May 24, 2023, 12:00 p.m. ET

Committee Members Present

Nate Brown, Chair
Ashleigh Irving
Angie Smith
Nicki Drotleff
LeeAnn Mordecai
Dr. Denauvo Robinson
Lindsey Courtney
Tony Onorato

Committee Members Absent

Dr. Andrea Brooks

Executive Committee Members Present

Dr. Lynn Linde
Dr. Kylie Dotson-Blake

Commissioners Present

Greg Searls
Tom Black

Legal Counsel Present

Nahale Kalfas

CSG Staff Present

Isabel Eliassen
Carl Sims

44 members of the public were also present.

Welcome & Call to Order

- N. Brown called the meeting to order at 12:02 p.m. ET.

Roll Call

- I. Eliassen called the roll. A. Brooks was absent.

Review and Adoption of the Agenda

- N. Brown welcomed Angie Smith and Lindsey Courtney, the two new committee members. Both committee members briefly introduced themselves.

- N. Brown stated that the July 26 meeting would be in person and virtual and would begin at 3 pm Eastern, and that the virtual registration was posted to the website.
- N. Brown reviewed the agenda and asked if changes were needed. Hearing none, he called for a motion to adopt the agenda.
- **Motion:** N. Drotleff motioned to adopt the agenda. A. Irving seconded the motion. All committee members present voted in favor and the motion carried.

Review and Adoption of the Minutes

- N. Brown reviewed the minutes from the previous meeting and asked if changes were needed. Hearing none, he called for a motion to adopt the minutes.
- **Motion:** A. Irving motioned to adopt the minutes. D. Robinson seconded the motion. L. Courtney and A. Smith abstained as new committee members who had not been present at the prior meeting, all other committee members present voted in favor, and the motion carried.

Rule on Examination Requirements

- N. Brown led the group in a discussion of the proposed draft rule on examination requirements.
- N. Brown stated that his opinion was that because some states already accept this exam, the committee should accept it as well.
- A. Irving said that at least 5 compact members use this and therefore she agreed with N. Brown.
- N. Kalfas reminded the group that A. Brooks at the last meeting said that the exam captured similar education and training as the other exams.
- N. Brown reported that four members of the public had requested to strike the language about “other additional examinations as determined by the committee.”
- N. Brown mentioned that he understood concern over appearance of a loophole and the suggestion that states may choose other exams. The language is inoperative and only says the commission has power to include more exams in from compact and is a drafting convention but can be removed without changing the substance of the rule.
- **Motion:** L. Courtney motioned to send the rule to the Executive Committee with the amendment of striking the language on additional examinations. N. Drotleff seconded the motion. There was no discussion. All committee members present voted in favor and the motion carried.
- The group also noted two minor typographical corrections (using the abbreviation CRCE instead of CRC as well as reformatting the list to reflect that item 3 was the final item).

Rule on Definitions

- N. Brown introduced the proposed draft of the Rule on Definitions.
- N. Kalfas said discussion on this rule would continue for several meetings.
- T. Onorato had supplied the group with comments, which were shown onscreen, and he gave an overview of them.
- Discussion on each term was as follows:

- Initial Privilege to Practice
 - N. Brown agreed with T. Onorato’s suggestion of removing “initial” from privilege to practice
 - N. Kalfas explained that states were very confused about what event enabled people to practice, which is why this term was created.
 - The group discussed intent of term initial privilege and goal and how to rename it.
- Unencumbered
 - The group learned that *unencumbered* was defined in compact. The group agreed that this was a very clean definition and duplication was not needed in rules. N. Kalfas suggested additional issues could be dealt with in FAQs.
 - T. Onorato asked if other definitions were in the compact or not. Other definitions were not already defined in the compact.
- Minor Infraction
 - L. Courtney mentioned that state boards would benefit greatly from more explicit information on what is considered a minor infraction.
 - N. Brown mentioned that the some of this was because a key component of this term is that much of it has to be left up to the state. N. Kalfas added that the definition was to provide guardrails for the state.
 - N. Kalfas emphasized that this compact’s language does have the flexibility to define minor infractions as something deemed to be an encumbrance or something deemed reportable.
- Home State License
 - T. Onorato asked about definition of home state license and whether the definition was strict about residence. N. Brown stated that compact specifically indicates primary state of residence.
 - T. Onorato asked if the compact could face a lawsuit because it dictated where people could live. N. Kalfas answered that because the compact is merely an additional practice pathway, that was not a concern.

Questions and Comments

- Hearing no further comments from committee members, N. Brown opened the floor to comments from the public.
- M. Tirrell, a member of the public, asked about selection of committee members and making that process public. N. Kalfas answered that the compact did not selection state requirements committee members, but all committee members are delegates or alternate delegates from states. The Rules Committee will eventually work on bylaw amendments that clarify the process.
- M. Tirrell asked about the lack of geographic diversity among committee members.
- I. Eliassen stated that many of the 2023 additions to compact membership were western states and thus had not been at the inaugural meeting where committees were formed. Additionally, some of the new member states did not have their compact laws go into effect until later in the year, such as in August or November. Such states may not

yet have appointed a commissioner, and the commissioner could not formally participate until after the law went into effect.

Adjourn

- Hearing no further questions, N. Brown called for a motion to adjourn.
- **Motion:** A. Irving motioned to adjourn. T. Onorato seconded the motion. All committee members present voted in favor and the meeting adjourned at 1:27 p.m. ET.