

Counseling Compact Rules Committee Meeting

June 28, 2023, 12:00 p.m. ET

Committee Members Present

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

Committee Members Absent

Ashleigh Irving

Executive Committee Members Present

Dr. Lynn Linde
Dr. Kylie Dotson-Blake

Commissioners Present

Greg Searls

Legal Counsel Present

Nahale Kalfas

CSG Staff Present

Isabel Eliassen

23 members of the public were also present.

Welcome & Call to Order

- N. Brown called the meeting to order at 12:01 p.m. ET.

Roll Call

- I. Eliassen called the roll. Ashleigh Irving was absent. L. Courtney arrived after the adoptions of the agenda and minutes.

Review and Adoption of the Agenda

- N. Brown reviewed the agenda and asked if changes were needed. Hearing none, he called for a motion to adopt the agenda.

- **Motion:** D. Robinson motioned to adopt the agenda. A. Smith 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:** N. Drotleff motioned to adopt the minutes. T. Onorato seconded the motion. A. Brooks abstained as a committee member who had not been present at the prior meeting, all other committee members present voted in favor, and the motion carried.

Rule on Definitions

- N. Brown introduced some proposed additions to the draft of the Rule on Definitions.
- Discussion on the terms in the proposed rule was as follows:
 - Initial Privilege to Practice:
 - A. Brooks asked if the emphasis of this definition was on “initial.” N. Brown stated that it was, since Privilege to Practice was defined elsewhere. N. Kalfas added that the definition was important because it was mentioned in the compact in relation to criminal background checks.
 - A. Brooks said she liked the new language N. Brown had proposed to the group (shown onscreen) because that new language made it clear that states are the party reviewing the background check, not the Commission. A. Brooks mentioned a concern from her state (Kentucky) that the state might not have manpower. N. Kalfas responded that Commission was not authorized to verify people but that states can have help via data system, the executive director can facilitate, etc.
 - L. Courtney agreed she liked new suggested language because it makes it clear who is performing the work.
 - D Robinson asked if this language closed the gap with regards to practitioners being approved by the state and not by the compact. A. Brooks said she felt it did close the gap about who had the ultimate responsibility.
 - D. Robinson asked if a practitioner could still be eligible in state and not to participate in the compact. N Kalfas said that a state may have different requirements than the compact and in that case a practitioner may only be able to practice in a state and not under the compact.
 - Home State License
 - N. Brown asked about the proposed removal of “of residence.”
 - T. Onorato said that this couldn’t be changed because of home state requirements in compact. N Kalfas said that this was correct.
 - Unencumbered
 - N. Brown said that this definition might already be addressed with the definition of “encumbered” in the compact and was not opposed to removing it.
 - T. Onorato said that including it could add further clarification.

- A. Smith asked for clarification on public and private board orders and how that would be considered under the definition of “encumbrance.” N Kalfas said an encumbrance was anything that kept a practitioner from practicing at highest level of their license. A license with conditions or restrictions is considered encumbered. However, something like a private order, if this is something that does not prevent from practicing at the highest level, would not be considered an encumbrance.
 - T. Onorato asked if a “minor infraction” was same as an “encumbrance.” N. Brown gave the example that a private letter could be sent in Colorado that’s non-public and not discipline. N Kalfas added the examples of a letter of instruction, a private reminder, etc. N. Kalfas said that she could show a clarifying flow chart from the Nurse Licensure Compact which the Counseling Compact could adapt.
 - The group indicated preference to keep the definition of unencumbered license in.
 - Minor infraction
 - N. Brown stated that he preferred to keep the minor edits shown onscreen. No one from the committee stated objections.
- N. Brown asked about the next steps for the rule.
- N. Kalfas said that the rule would be sent to the executive committee, which would approve the rule for the full commission to consider. Before the commission meeting, there would be a 30-day public comment period. There would also be a hearing for comments at the meeting.
- N. Brown called for motion to send the proposed Rule on Definitions to the Executive Committee. M. Drotleff made the motion. D. Robinson seconded the motion. All present voted in favor and the motion carried.
- I. Eliassen stated that the rule was not listed as a voting item on the agenda. N. Kalfas said the agenda would need to be amended.
- A. Smith motioned to amend the agenda to include a vote on the proposed Rule on Definitions. T. Onorato seconded the motion. Second: tony.
 - N Kalfas said that this type of agenda amendment was not uncommon and was acceptable as long as there were no objections from committee members. No committee members objected.

Questions and Comments

- N. Brown called for comments from committee members. Hearing no comments from committee members, N. Brown opened the floor to comments from the public.
- I. Eliassen reminded the committee that the July 26 would begin at 3:00 pm Eastern with both in-person and virtual options, and that the virtual registration was posted to the Counseling Compact website.
- G. Searls asked for clarification about why the amendment to the agenda was necessary. Nahale clarified that it was because the item was not originally listed as a voting item on the agenda (as is the Commission’s standard practice) but a vote was taken anyway so

the agenda should reflect that. G. Thorton clarified that this was the Commission's standard practice and not a part of Robert's Rules.

Adjourn

- Hearing no further questions, N. Brown called for a motion to adjourn.
- **Motion:** T. Onorato motioned to adjourn. N. Drotleff seconded the motion. With no objections the meeting adjourned at 12:48 p.m. ET.