



Counseling Compact Rules Committee Meeting

July 26, 2023, 3:00 p.m. ET
Conrad Hotel, Nashville & Zoom

Committee Members Present

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

Committee Members Absent

None

Executive Committee Members Present

Brian Carnahan
Jamie Doming
Latofia Parker
Dr. Lynn Linde
Dr. Kylie Dotson-Blake
Matt Grayson

Commissioners Present

Legal Counsel Present

Nahale Kalfas

CSG Staff Present

Isabel Eliassen
Carl Sims

27 members of the public were also present.

Welcome & Call to Order

- N. Brown called the meeting to order at 3:00 p.m. ET.

Roll Call

- I. Eliassen called the roll. Denauvo Robinson arrived after the meeting began (3:55 pm).

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:** A. Irving 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:** A. Brooks motioned to adopt the minutes. T. Onorato seconded the motion. All committee members present voted in favor and the motion carried.

Rule on Data System Reporting Requirements

- N. Brown introduced the draft of the Rule on Definitions and asked the committee what comments and questions they had.
- Discussion on the document was as follows:
 - N. Kalfas explained the draft subsection regarding the background check requirements for the compact data system and how the committee might consider removing that section to mitigate the ongoing issues currently experienced by other occupational licensure compacts. N. Kalfas also suggested a separate rule be created to address the criminal background check and when compact member states must be in compliance with this portion of the compact terms.
 - A. Brooks had a question about social security number (SSN) and national practitioner identifier (NPI) and why both options were permissible due to the “or”. N. Kalfas responded this directly related to the compact language and was responsive to how states currently used or didn’t use each of the options.
 - T. Onorato asked if the commission can issue a preference regarding SSN versus NPI. N. Kalfas said the commission could issue one but can’t impose the preference on the licensee. T. Onorato explained how the commission might consider encouraging states to collect NPI numbers because of the efficiency it would afford the commission.
 - I. Eliassen and A. Brooks confirmed that states were asked about their collection of NPIs and SSNs in the data system survey sent to compact member states.
 - A. Brooks had question on Section H in the rule. N. Kalfas explained H is there to respond to possible concern from states about non-public information being shared. A. Brooks stated that the language should be more clear that H would not apply to the other items already listed above as required. A. Irving and A. Brooks cited agreement to the proposed amendment to Section H. N. Kalfas also clarified information shared among compact member states was not subject to H.

- L. Courtney had question on Section J about the frequency with which data must be submitted. N. Kalfas said that it is envisioned that the data upload will eventually be automatic. Also, states are given time to onboard, which varies widely across compacts. Some states may need more time to get to this point, while others need less. Including this requirement in the rule will help the development of the data system and can be revised at the Commission’s discretion.
- L. Courtney asked when this requirement would be in effect. N. Kalfas responded that traditionally compact commissions have provided member states much leniency on when they are able to fully participate in the data system. The Commission could still provide guidance to states. L. Courtney voiced a desire that the commission should provide guidance on when they should work toward fully participating in the data system.
- A. Brooks question suggested a minor reordering of Section I for grammatical clarity. The group agreed.
- N. Brown asked whether there was a possible contradiction between sections A and B in the rule – is this rule applicable for just information on compact-eligible licensees or all those who hold a compact privilege? N. Kalfas clarified that the compact requirements are just applicable to those who hold a compact privilege.
- N. Brown proposed changing Section A to match Section B. The group agreed.
- N. Brown asked about Section B.3 – adverse action versus encumbrance. His concern was that an adverse action doesn’t always include an encumbrance. The group thoroughly discussed the differences in the two terms and adverse actions and encumbrances possible in different states.
- L. Courtney asked whether the best course of action would be to give states as much information as possible to allow them to make their own determinations about compact privileges.
- A Brooks and T. Onorato expressed concern about states using this information to question decisions by other states.
- L. Courtney proposed that since adverse actions can include things besides an encumbrance, they should still be reported. They may help future investigations in understanding patterns of behavior. Reporting just encumbrances would require a separate process from what is already reported to NPDB.
- A. Brooks proposed reporting all information and just label certain actions as encumbrances. The group agreed. T. Onorato proposed adding a new “b” to Section B.3 which would require states to state whether the adverse action resulted in an encumbrance.

Discussion of By-Law Amendments

- N. Kalfas discussed possible bylaw amendment on the process for committee participation. These included determining a process for committee members, including use of elections committee and securing a resume of qualifications; the staggering of election terms; meeting attendance policy; limits on temporary representative participation; and a reimbursement policy as modeled by GSA.

- I. Eliassen stated the possible addition of adding vice chairs for committees in addition to executive committee. The vice chairs could potentially serve as chairs in the future to increase institutional knowledge on the committee.
- N. Kalfas confirmed that no motion was needed on this agenda item and that draft language would be prepared by the chair for the committee to discuss.

Discussion of Potential FAQs

- N. Kalfas discussed potential FAQs. Draft FAQs were gathered from other compact commissions. N. Kalfas asked the committee members to review and make notes about what might need later revisions or clarifications.
- A. Irving suggested that the committee would need to note which address would be displayed on the privilege. The question was noted for the next meeting.
- T. Onorato asked about about the public facing side of the data system.

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.
- P. Shuman with CRCE asked if the CRCE Exam was included in the Commission's Rule on Examinations. I. Eliassen answered that it was.
- M. Santiago, the Pennsylvania Board Chair, spoke from her perspective as a practicing counselor and stated that she supported adverse actions information given to other compact states including more information.
- A representative from Alaska asked if other states struggled with concern in their state about not giving up power and how they overcame that hurdle. Various committee members shared their insight. She additionally asked a question about removal of privileges by a participating state and what compact member states must recognize a privilege. N. Kalfas clarified how this procedure was handled.
- S. Watson suggested listing out types of adverse actions for the data system reporting requirements. The group had previously agreed not to do this.

Adjourn

- Hearing no further questions, N. Brown called for a motion to adjourn.
- **Motion:** L. Courtney motioned to adjourn. T. Onorato seconded the motion. With no objections, the meeting adjourned at 5:04 pm ET.