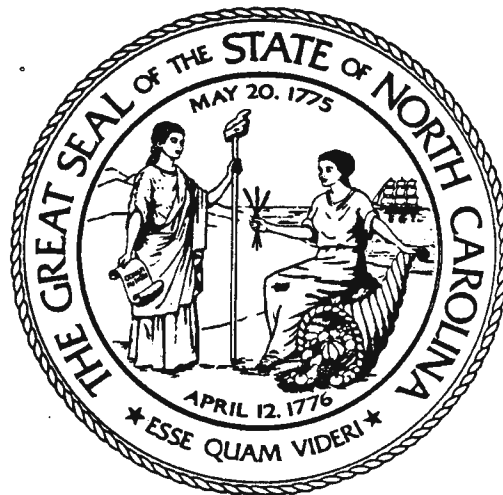


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.P741  
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1993

# LEGISLATIVE COMMITTEE ON NEW LICENSING BOARDS

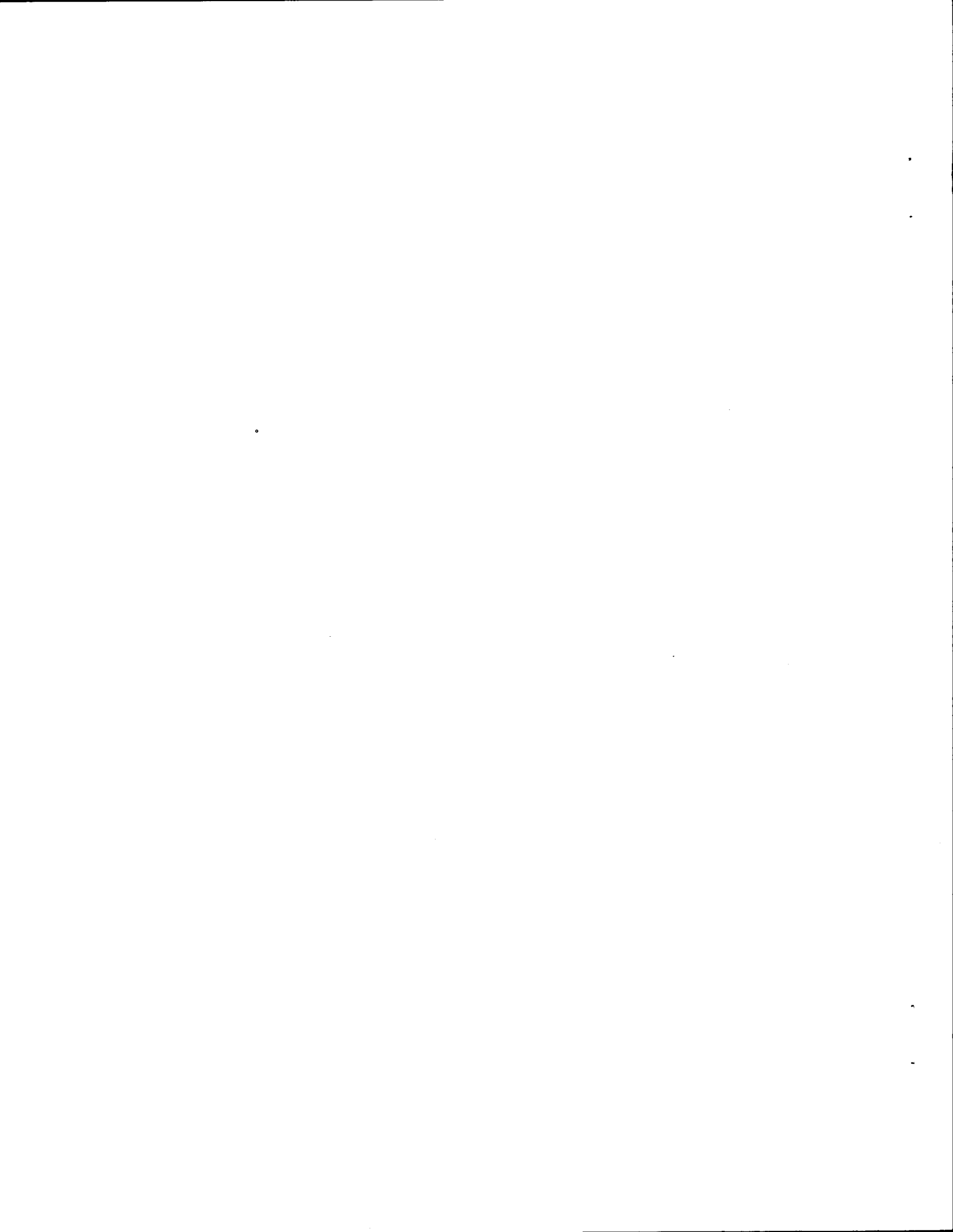
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## COUNSELORS



ASSESSMENT REPORT  
1993

LIBRARY OF THE LEGISLATIVE COMMITTEE ON NEW LICENSING BOARDS



NORTH CAROLINA GENERAL ASSEMBLY  
LEGISLATIVE COMMITTEE ON NEW LICENSING BOARDS  
STATE LEGISLATIVE BUILDING  
RALEIGH, NC 27611



March 9, 1993

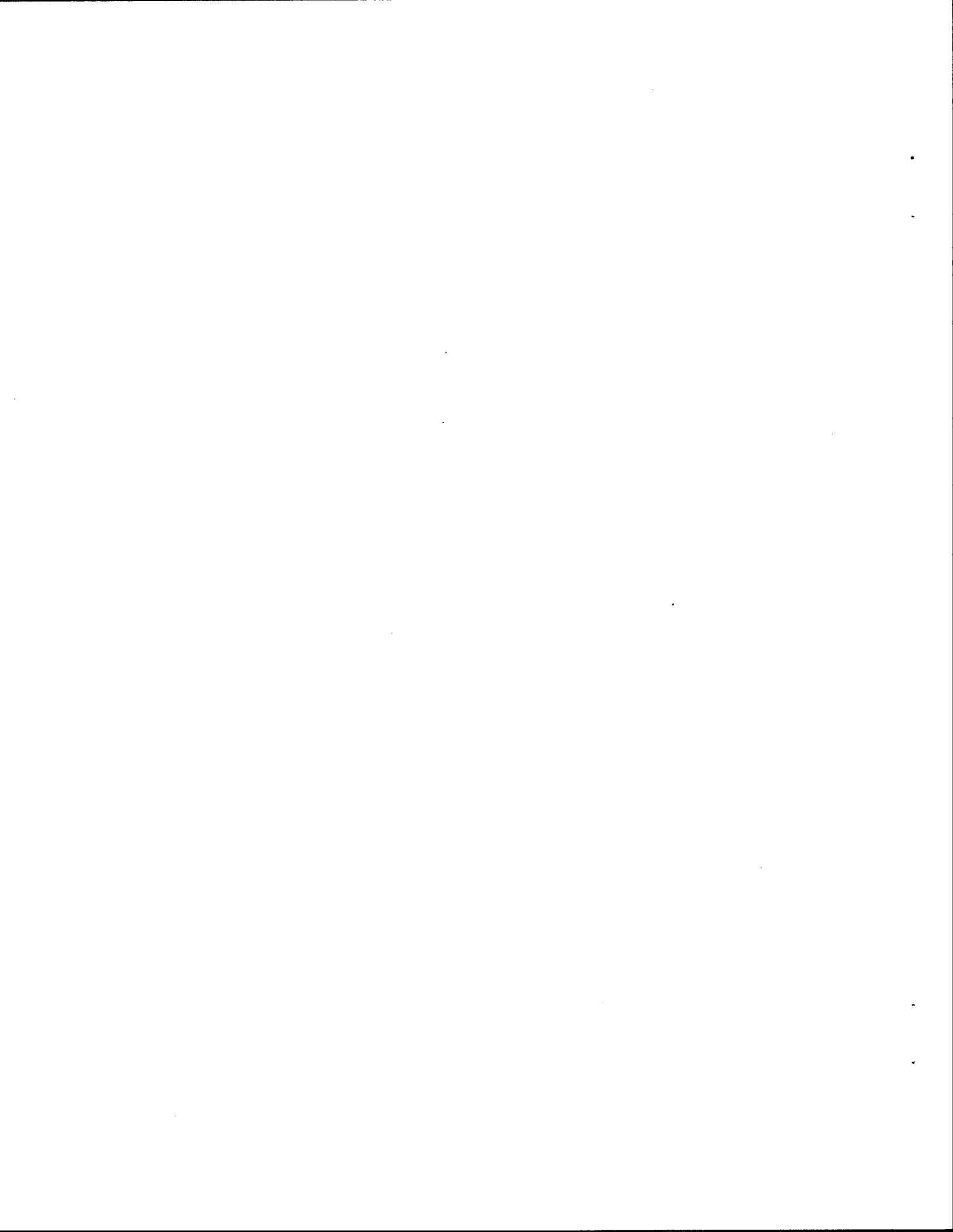
**TO THE MEMBERS OF THE GENERAL ASSEMBLY:**

The Legislative Committee on New Licensing Boards is pleased to present its assessment report on the licensing of counselors. This report serves as both the preliminary and final assessment reports.

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Representative Mary Jarrell, Chair  
Legislative Committee on New Licensing Boards

KFN 7726.5 .P741 A25 1993



## PREFACE

The Legislative Committee on New Licensing Boards was created by the General Assembly in 1984 to screen bills creating new licensing boards. In 1987, the Committee's jurisdiction was broadened to include reviews of bills that would give existing boards licensing authority over previously unregulated professions or occupations.

The purpose of the review is to determine whether there is a justifiable need for licensure. The criteria under which these bills are evaluated by the Committee are set out in the statutes and include factors such as whether the occupation requires special skills, whether the public on its own can evaluate the competence of the practitioner, and whether the occupation can be effectively regulated by other means.

The Committee's findings and recommendations are released through a preliminary assessment report and a final assessment report. Until the final assessment report is released by the Committee, the bill cannot be debated in any other committee or on the floor of either house. The preliminary report gives the sponsor an opportunity to review and comment on an unfavorable recommendation before the Committee makes a final recommendation. The sponsor has up to 7 days to review the report but can waive this review period. When the preliminary assessment report is favorable, the review period is routinely waived so that the final report can be issued immediately.

The Committee has no jurisdiction over proposals to create voluntary certification boards -- i.e., those boards that require certification as a prerequisite to using a certain title but do not otherwise prohibit practice of the profession. The reason these proposals are not reviewed is that they do not prevent persons from practicing a profession: they merely provide a mechanism whereby members of the profession who want to distinguish themselves as "certified" can do so voluntarily.

**MEMBERSHIP**

**LEGISLATIVE COMMITTEE ON NEW LICENSING BOARDS**

**Representative Mary Jarrell, Chair**

**Senator Frank Ballance**

**Senator Mary Seymour**

**Senator Paul Smith**

**Senator R.C. Soles**

**Representative Howard Barnhill**

**Representative Harold Brubaker**

**Representative Foyle Hightower, Jr.**

**Representative Richard Moore**

## COUNSELORS

The practice of counseling involves assisting individuals, groups and families through the use of "clinical mental health and/or human development principles, methods, diagnostic procedures, treatment plans, and other psychotherapeutic techniques" to address the client's personal, social, and emotional needs (see proposed G.S. §90-330). The practice includes testing for and evaluating personal characteristics, conducting research, interpreting data and providing guidance to individuals, groups, and organizations, and identifying problems for referral to other specialists.

In 1983, the General Assembly created the Board of Registered Practicing Counselors. A counselor who desires to hold himself or herself out to the public as a "registered practicing counselor" must obtain a certificate of qualification from the Board attesting to his or her competence in the field of counseling. In order to receive a certificate, the applicant must have completed a Masters in counseling, a degree with a concentration of counseling courses, 2 years clinical experience (which may be satisfied with a doctoral degree in counseling), and the examination. There are no restrictions on persons who practice counseling if they do not hold themselves out as "registered."

The proposed legislation will eliminate the voluntary certification aspect in favor of mandatory licensure for all persons practicing counseling (except as otherwise exempted under the grandfather clause or the "other licensed professional" clauses). The requirements for licensure are very similar to the current requirements for certification.

As of December 1, 1992, there were 455 registered practicing counselors in North Carolina. It is estimated that there are more than 2,000 other counselors practicing in North Carolina and that approximately 500 of these counselors (in addition to the 455 already registered) would seek licensure. It is also estimated that more than 500,000 North Carolinians are in professional contact with counselors each year.

The purpose of the change is to provide more protection to the public since any unqualified person, under the current system, can still practice counseling. Counselors often see persons in need of mental health and rehabilitational counseling services; without proper training and experience, the counselor at a minimum provides no relief or redress of the client's problem and may delay or prevent the client from seeking assistance from other professionals. A trained counselor would be able to assist the client in addressing mental, personal, social, and/or emotional concerns and problems and would be able to appropriately refer the client to other professionals as needed.

The current Registration Board has no jurisdiction over unqualified persons who hold themselves out as "counselors." Its jurisdiction is limited to those persons advertising themselves as "registered counselors." The Board states that it has received an average of 5 complaints per month against counselors, nearly all of which have involved individuals who are not registered with the Board.

Thirty-eight states currently regulate the practice of counseling through licensure, certification, or registration requirements. Most southeastern states regulate counseling through mandatory licensure.



The Committee finds that the requirements of G.S. 120-149.1 have been met by the proposal to license counselors and therefore recommends the licensure of counselors:

(1) The unregulated practice of counseling can substantially harm or endanger the public health.

(2) Counseling possesses qualities that distinguishes it from ordinary labor.

(3) Counseling requires specialized skill or training.

(4) A substantial majority of the public does not have the knowledge or experience to evaluate whether a person practicing as a counselor is competent.

(5) The public cannot be protected by means other than licensure.

(6) Licensure of counselors would not appear to have a substantial adverse economic impact upon the clientele of counseling services.

\*This report serves as both the preliminary and final assessment report on the licensing of counselors. The report is based on information provided in the response to the Committee's questionnaire, testimony received before the Committee at its March 9, 1993 meeting, and the proposed legislation before the Committee (House Bill 218, Senate Bill 255, and proposed amendments).

The response to the questionnaire is provided in this report. Additional materials filed by the sponsor with the Committee is on file with the Committee Counsel and will be available from the Legislative Library at the end of the session.

The Committee is unable to print in the report all materials submitted to it. Materials referenced in the questionnaire response that are not published in this report are generally available from the Committee Counsel.

REPORT TO LEGISLATIVE COMMITTEE ON

NEW LICENSING BOARDS

1993 NORTH CAROLINA GENERAL ASSEMBLY

AN ACT TO PROVIDE FOR THE  
MANDATORY LICENSURE FOR  
PROFESSIONAL COUNSELORS

Senate Bill  
House Bill

Submitted by  
North Carolina Counseling Association





NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 255

AMENDMENT NO. \_\_\_\_\_  
(to be filled in by  
Principal Clerk)  
Page 1 of \_\_\_\_

93-ARN-8

Date \_\_\_\_\_, 1993

Comm. Sub.   
Amends Title   
First Edition

Senator \_\_\_\_\_

1 moves to amend the bill on page 2, between lines 37 and 38,  
2 by adding the following language:

3  
4 "§90-330.2. Exemptions.

5 (a) It is not the intent of this Article to regulate members  
6 of other regulated professions who do counseling in the normal  
7 course of the practice of their profession. Accordingly, this  
8 Article does not apply to:

- 9 (1) Any person registered, certified or licensed by the  
10 State to practice any other occupation or profession  
11 while rendering counseling services in the performance  
12 of the occupation or profession for which he is  
13 registered, certified, or licensed;
- 14 (2) School counselors certified by the State Board of  
15 Education while counseling within the scope of their  
16 employment by a board of education or private school;
- 17 (3) Student interns or trainees in counseling pursuing a  
18 course of study in counseling in a regionally-accredited  
19 institution of higher learning or training institution  
20 if activities and services constitute a part of the  
21 supervised course of study, provided, that these persons  
22 be designated 'Counselor Intern';
- 23 (4) Ordained ministers or clergy while in their ministerial  
24 capacity;
- 25 (5) Any nonresident temporarily employed in this State to  
26 render counseling services for not more than 30 days in  
27 a year, if the person holds a license or certificate  
28 required for counselors in another state.
- 29 (6) Persons employed by State, federal, county and municipal  
30 governments while counseling within the scope of their  
31 employment.



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 255

AMENDMENT NO. \_\_\_\_\_  
(to be filled in by  
Principal Clerk)  
Page 2 of \_\_\_\_\_

93-ARN-8

- 1 (b) Persons claiming benefit of any of these exemptions are
- 2 prohibited from advertising or offering themselves as 'Licensed
- 3 Professional Counselors.'
- 4 (c) Persons licensed under this Article are exempted from any
- 5 rule or regulation pertaining to counseling adopted by any other
- 6 act, board or commission which regulates any professional
- 7 occupation.";
- 8
- 9 and further moves to amend the bill on page 8, lines 3 through 5
- 10 by rewriting said lines to read:
- 11
- 12 "Sec. 4. If any portion of this act shall be declared
- 13 invalid or unconstitutional, such declaration shall not affect
- 14 the validity and constitutionality of the remaining portions.
- 15 Sec. 5. This act becomes effective July 1, 1994; provided,
- 16 however, that the Board's rule-making authority under this act is
- 17 effective upon ratification of the act."
- 18

SIGNED \_\_\_\_\_  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_

## EXECUTIVE SUMMARY

1. Professional counseling is the process of assisting individuals, groups, and families through the use of a combination of clinical mental health and/or human development principles, methods, diagnostic procedures, treatment plans and other psychotherapeutic techniques, to develop emotional and mental health. Practice includes the treatment of personal, social and emotional concerns through therapy, diagnosis through appropriate appraisal activities, and consultation with other health professionals as appropriate.
2. The estimate of the total number of professional counselors in all job settings, including public schools, practicing in North Carolina is over 3000.
3. During the course of a year over a half million (500,000) North Carolina citizens or their family members are in treatment for mental health disorders.
4. Only about one-sixth, or 455, of eligible counselors in the state are voluntarily registered under the existing legislation, GS 90.3.
5. All other states in the Southeast, except Kentucky, require a license for the practice of professional counseling. Thirty-eight states in the USA require some sort of license or certificate to practice.
6. At the present in North Carolina, anyone can hold himself/herself out to the public as a professional counselor and endanger the public by claiming qualifications to treat all kinds of emotional/mental/sexual disorders.
7. The current North Carolina Board of Registered Practicing Counselors, nor any other regulatory board, has the authority to stop unethical or incompetent practice within North Carolina.
8. Practitioners choose to locate where they know their credentials are recognized and where their profession is protected from charlatans. With licensure North Carolina citizens will have improved access to well-trained, professional counselors.
9. Quality counseling from competent, credentialed counselors is cost-effective among the array of mental health treatment options open to those with or without insurance coverage.

## PROFESSIONAL COUNSELOR FACT SHEET

### 1. What is "Professional Counseling?"

Professional counseling is the process of assisting individuals, groups, and families through the use of a combination of clinical mental health and/or human development principles, methods, diagnostic procedures, treatment plans and other psychotherapeutic techniques, to develop emotional and mental health. Practice includes the treatment of personal, social and emotional concerns through therapy, diagnosis through appropriate appraisal activities, and consultation with other health professionals as appropriate.

### 2. How does the education of a professional counselor differ from that of other professionals in mental health?

Although graduate programs in the various mental health disciplines takes courses with similar contention but different course prefixes, there are differences of emphasis. Psychologists tend to focus on intrapsychic process and dispositional variables; whereas, social workers and marriage and family therapists tend to focus on larger systems and situational variables. Counselors, by contrast, bridge the gap by focusing on dispositional, situational, and developmental issues and processes.

### 3. What is the Problem with Current Practice?

The public is unknowingly receiving services from individuals who identify themselves as Professional Counselors, when, in fact, many of these individuals have neither the training nor expertise to provide acceptable counseling services.

### 4. What is the Position of the North Carolina Counseling Association?

The North Carolina Counseling Association supports the passage of legislation to amend the current Registration Act by establishing minimal standards for the Licensure of Professional Counselors. This is viewed as necessary for protecting the public from the unqualified and untrained practitioner. The current Registration Act can be amended in such a way as to accomplish the goal of protecting the public sufficiently with the least amount of change, utilizing the present structures and without any additional cost to the taxpayer. Also, economists estimate that psychological illnesses have a \$130 billion impact on society in medical expenses, lost productivity, and other direct and indirect costs. It makes sense that the public be offered a variety of properly-trained professionals for a variety of fees.

#### THIS ACT WILL

- Require licensing of persons who use the title "Professional Counselor" or practice professional counseling in North Caro-



lina

- Protect the public from persons who are unauthorized or unqualified to represent themselves as "Professional Counselors" or to provide competent services to our citizens
- Provide the public with a disciplinary recourse in the event of unprofessional conduct by persons licensed to practice professional counseling
- Establish standards for licensing "Professional Counselors", including an appropriate degree from an accredited university and a minimum of two years of supervised clinical experience in the practice of counseling and passing an examination
- Increase the educational requirements for "Professional Counselors".

**THIS ACT WILL NOT**

- Restrict other licensed or certified mental health professionals from practicing their respective professions so long as they do so in compliance with the standards of their respective governing boards and professional regulations.

**5. How Many States Regulate Professional Counseling?**

As of December 1, 1992, thirty-nine states regulate the profession of counseling through certification, registration or licensure (North Carolina presently is the only state with Registration.) States which certify prohibit the use of the professional title without a certificate. States which license professional counselors prohibit both the use of the title and the practice of counseling without a license.

**6. Which States in the Southeast Regulate Counseling?**

Virginia (Lic)	Louisiana (Lic)
South Carolina (Lic)	District of Columbia (Cert)
Tennessee (Lic)	Maryland (Cert)
Georgia (Lic)	Arkansas (Lic)
Mississippi (Lic)	Alabama (Lic)
Florida (Lic)	West Virginia (Lic)
North Carolina (Reg)	

**7. How Many Registered Practicing Counselors are there in North Carolina?**

As of December 1, 1992, there are 455 Registered Practicing Counselors in North Carolina. These are voluntary registrations. It is estimated that an additional 500 would seek licensure under mandatory regulation.

**8. What is Recommended?**

The North Carolina Counseling Association recommends that the Registered Practicing Counselors Act be amended to mandate Licensure for Professional Counselors. Standards under the amended act would be administered by converting the current registry board into the Licensing Board for Professional Counselors.

**ENDORSEMENTS**

American Counseling Association  
 North Carolina Association for Adult Development and Aging  
 North Carolina Association for Counselor Education  
 and Supervision  
 North Carolina Association of Marriage and Family Counselors  
 North Carolina Association for Religious and Value Issues  
 in Counseling  
 North Carolina Board of Registered Practicing Counselors  
 North Carolina Career Development Association  
 North Carolina Counseling Association  
 North Carolina Mental Health Counselors Association  
 North Carolina Rehabilitation Counselors Association  
 North Carolina School Counselors Association

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 For Further Information, Contact

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 Raleigh, NC 27608

OR

Dr. Glen Martin, RPC, NCC, LPP  
 President, NC Counseling Association  
 PO Box 15598  
 Durham, NC 27704  
 (919) 560-6336

OR

Mary Edith Watkins, MA, NCRPC, CCMHC, NCC  
 Chair, NCCA Government Relations Committee  
 726 S. Garnett Street  
 Henderson, North Carolina 27536  
 (919) 438-2994

COMMITTEE ON NEW LICENSING BOARDS

Please supply information for the following questions to the Committee on New Licensing Boards. Please use the space provided. Supporting documents may be attached.

- I. A. In what ways has the marketplace failed to regulate adequately the profession or occupation?

In North Carolina, the term counselor can be used by numerous individuals providing a variety of services (See Appendix A). Anyone can promote themselves as a counselor providing mental health treatment regardless of their training or experience. Consumers have no way of being informed about the competency and credentials of the practitioners they select. It is not surprising that this title has been appropriated by a variety of sales personnel, by massage parlor operators, and even by palm readers as a means of gaining credibility and minimizing public resistance. This kind of occupational smoke screen has led to confusion among our public as to the identity and function of professional counselors with graduate degrees and extensive preparation in the field.

There is even confusion about "who are professional counselors". One local paper included in this broad category: psychiatrists, psychologists, and clinical social workers, as well as trained counselors. There is general agreement, however, that all mental health providers need to be licensed by the state and regulated by their appropriate professional boards. (See Appendix B).

Much more serious, however, is the growing incidence of untrained, unscrupulous persons offering counseling services of an exotic nature, often for outlandish fees. Individuals seek counseling in times of distress in their lives. As they do this in North Carolina, they receive no assistance or guidelines from the marketplace. Furthermore, if they are dissatisfied with the competency or ethical behavior of the practitioner, they currently have no recourse for reporting this concern.

- B. Have there been any complaints about the unregulated profession or occupation? Please give specific examples including complainant's names and addresses.

Complaints concerning lack of competency or unethical behavior in North Carolina are generally received by the Board governing Registered Practicing Counselors. The Board receives approximately three official inquiries or complaints a month. The majority of these complaints concern practitioners who have not voluntarily met the requirements for registry. The Board, therefore, has no way of censuring the individual or correcting the problem. Additionally, many concerns experienced by consumers are officially unreported to any governing or regulating body due to the intensely personal nature of these issues.

At least three (3) inquiries per month about clinical mental health counseling regulation is received by the president of North Carolina Mental Health Counselors Association.

- II. A. In what ways has the public health, safety, or welfare sustained harm or is in imminent danger of harm because of the lack of state regulation?

The North Carolina General Assembly has already recognized the significance of the counseling profession through establishment of the Registered Practicing Counselors Law. This Act establishes standards for qualifications, training, and experience. While this represents a significant step toward protecting the public, registry reflects a voluntary process. It is unlikely that unqualified, incompetent, or unethical practitioners would submit their credentials for Board review. These individuals can still, however, promote themselves as counselors to an uninformed public.

- B. Please give specific examples including names and addresses.

Actual names and addresses of specific clients and counselors cannot be released due to the ethical constraints of confidentiality. Appendix C provides a sampling of actual cases in North Carolina illustrating the need to mandate licensure of professional counselors. Appendix D illustrates cases which were resolved by the Virginia Board as a result of mandatory licensure.

- III. A. Is there potential for substantial harm or danger by the profession or occupation to the public health safety or welfare? How can this potential for substantial harm or danger be recognized?

Professional counselors work in an increasingly wide variety of settings, from public schools, to community agencies, to colleges and universities, to business and industry to private practices. As defined by the profession, a counselor is someone who meets minimum standards of a Master's degree (45 semester hours) in counseling with considerable supervised counseling experience. Because the title "counselor" is not regulated or protected in North Carolina, anyone can currently call himself or herself a counselor and offer counseling services to the public. Citizens cannot be expected to understand and evaluate the credentials of someone who claims to be qualified as a counselor. Currently, the title of "counselor" is widely used to describe a wide variety of individuals engaged in an even wider variety of activities. The public is constantly being offered services by "sales counselors", "mortgage counselors", "travel counselors",

"investment counselors", "spiritual counselors", and many others who have adopted this title. Moreover, even among individuals who claim to provide mental health counseling services, qualifications can range from a GED to a Ph.D. with relevant experience ranging from nonexistent to years of closely supervised work experience.

It is imperative that the state restrict the use of the title "professional counselor" and the practice of counseling to those who have the appropriate training and experience to provide mental health services to the children, adults, and families of North Carolina. The potential for substantial harm done to the public by unqualified counseling practitioners is substantial. To date, thirty-eight states have recognized the need to protect the public through counselor licensure and have enacted legislation to protect the title "professional counselor" and/or the practice of counseling. The psychological and emotional damage that can be inflicted upon unwary citizens by poorly trained or untrained counselors is tremendous; yet, like sexual abuse, this damage is difficult to uncover and can have negative effects that last a lifetime.

One major way that counselor licensure legislation works to protect the public is by providing a means for enforcing professional ethical standards. Currently, there is no mechanism for investigating ethical complaints against counseling practitioners and disciplining those who violate professional ethical standards. Licensure of professional counselors provides legally enforceable standards for professional practice and conduct and a mechanism for "weeding out" practitioners who do not adhere to these standards, thereby improving the quality of counseling services offered to the public.

- B. Has this potential harm or danger to the public been recognized by other states or the federal government through the licensing or certification process? Please list the other states and give the relevant statutory citations.

As of November 1, 1992, thirty-eight states have enacted legislation to regulate the counseling profession. Some of these states have passed legislation which only protects a title, such as "Licensed Professional Counselor" or, in North Carolina, "Registered Practicing Counselor". While such legislation does assist the public in identifying qualified counselors (by their titles), it does not restrict the practice of counseling by those who use other titles. Increasingly, states are enacting legislation which both protects use of the title (e.g., "Licensed Professional Counselor") and the practice of counseling. Such legislation ensures that counseling services provided in the state can only be offered by qualified individuals.

The vast majority of states in the Southeastern U.S. have already enacted counselor credentialing legislation, including:

- Virginia (licensure)
- South Carolina (licensure)
- Tennessee (licensure)
- Georgia (licensure)
- Mississippi (licensure)
- Florida (licensure)
- Louisiana (licensure)
- District of Columbia (certification)
- Maryland (certification)
- Arkansas (licensure)
- Alabama (licensure)
- West Virginia (licensure).

Appendix E provides a complete list of state licensing laws and the statutory interpretations of those laws. Appendix F contains the education, experience, and examination requirements of credentialed counselors for each state.

At the federal level, clinical mental health counselors have been recognized as core service providers by the National Institutes of Mental Health. A number of national organizations exist that certify professional counselors who meet qualifications in specialty areas within counseling, such as rehabilitation counselors, certified clinical mental health counselors, school counselors, career counselors, and gerontological counselors. Three of these certifying organizations are the National Board for Certified Counselors (headquartered in Greensboro, NC), the Commission for Rehabilitation Counselor Certification, and the Academy of Clinical Mental Health Counselors. National certification in these specialty areas is voluntary, however, and therefore has limited impact on protecting the public.

IV. A. What will be the economic advantage of licensing to the public?

In a recently published three-year national study of 925 therapists and counselors, fees vary from less than \$50 to more than \$100 per session. Psychiatrists' median fee per session is \$100. Psychologists charge a median fee of \$85. Marriage and family counselors' median fee is \$75. Social workers' median fee is \$70 (Peterson, 1992). Past studies (Loeb, 1985; Umans, 1984; and Keegan, 1987) indicate that professional counselors and social workers charge approximately the same fees for counseling and psychotherapy services.

Because professional counselors' fees are less than those of psychiatrists and psychologists, the approximately one-third of clients who pay out of their own pockets for mental health services (Peterson, 1992) will have access to mental health care at an affordable fee. With today's soaring health care costs it is understandable that those individuals needing mental health

services are increasingly turning to qualified professional counselors for help. The need for increased public protection has grown along with this trend. When the practice of independent professional counseling is regulated by the state, the public will be less likely to waste money on unqualified or unethical professional counselors offering improper, and potentially harmful care.

There is a clear economic advantage to consumers when they seek and obtain effective mental health and rehabilitation counseling services from qualified professional counselors in a realistic time frame versus paying fees to unqualified providers of counseling services who may not help their clients and even make their situation worse. Qualified professional counselors often see clients in need of mental health and rehabilitation counseling services who have already paid fees to unqualified counselors and received little or no relief from their distress. These unfortunate clients had to spend limited financial resources, as well as time and energy, to receive services from unqualified providers.

All of the citizens of North Carolina with counseling needs deserve no less than professional services from qualified professional counselors. By licensing professional counselors, citizens in rural North Carolina would have additional alternatives to meet their mental health needs. Local services would decrease expense, travel time and time lost from work.

**B. What will be the economic disadvantages of licensing to the public?**

North Carolina has had a registration statute to provide a "Registered Practicing Counselor" credential for professional counselors since 1983. The registration board and registration process has operated on fees paid by the counselors applying for registration at no cost to the state. If the registration statute is amended to provide licensure, the same fee generating administrative process is recommended at no cost to the state. Also, there has been no cost or negative economic impact to the government following the laws regulating the practice of counseling by independent professional counselors in the other 36 states that license or otherwise regulate professional counselors.

**C. What will be the economic advantages of licensing to the practitioners?**

There would be no direct economic advantages to counselors by licensing them, although a stronger regulatory law enhances professional practice in general. Economic benefits may accrue indirectly as a result of the public recognition of the role of professional counselors in providing mental health and rehabilitation counseling services and increased public trust in the quality of practice because of counselor licensure.

**D. What will be the economic disadvantages of licensing to the practitioners?**

The current board which voluntarily registers practicing counselors has comparable fees with other states that license professional counselors. It is anticipated that the existing economically self-supporting counselor registration board will transform itself into a counselor licensure board with a similar operating budget and fee structure. This transformation will continue an economically self-supporting budget with minimal economic costs to those professional counselors seeking licensure and at no cost to the state.

There is no cost increase for currently registered counselors. The initial cost when a counselor applies for licensure will not exceed One hundred dollars (\$100.00). Fees would be collected by the proposed counselor licensure board to pay for its own operational budget including the cost of information and application materials, testing, and processing of applicants.

Most professional counselors continue their education in order to remain current in their specialty field. Counselors who are not presently continuing to acquire educational knowledge would incur the cost of continuing education requirements and a processing fee established by the Board in order to renew their licenses.

**E. Please give other potential benefits to the public of licensing that would outweigh the potential harmful effects of licensure such as a decrease in the availability of practitioners and higher cost to the public.**

No harmful effects nor higher costs to the public are anticipated by upgrading the existing counselor registration act to licensure. However, there are numerous advantages to the public including:

- 1) An increase in availability of qualified professional counselors to provide mental health and rehabilitation counseling services. Professional counselor licensure will attract qualified professional counselors to North Carolina, as it has in some of the other 38 states that license or otherwise regulate the practice of independent professional counseling. Counselor licensure raises the availability of practitioners and access, especially in rural areas, to mental health and rehabilitation counseling services.
- 2) A lower cost to the citizens of North Carolina for mental health and rehabilitation counseling services is anticipated.
- 3) Mandating all professional counselors to be licensed provides accountability that is currently absent in



the field. The North Carolina Professional Counselor Licensure Board will be responsible for investigating client, counselor, and other complaints involving professional counselor practice and taking appropriate action.

- 4) The public will benefit from the continuing education requirement of practitioners for licensure renewal. New counseling knowledge and skills concerning treatment and rehabilitation techniques are developing and changing at an extraordinary pace. Counseling practitioners must know how to employ them and when to refer to other professionals for care. Clients receive inadequate care when counselors are not aware of current research and the clinical implications for treatment. Sometimes this inadequate care can lead to worsening of a client's mental or physical health, or even death in the case of suicide or homicide.

Presently, anybody can put their name in the yellow pages of the telephone book and present themselves to the public as a qualified "counselor" offering professional mental health and rehabilitation counseling services. It is truly a situation of buyer beware! When the state begins licensing professional counselors and regulating the practice of independent professional counseling services, the unqualified and unethical practitioners will be "weeded out" of private unsupervised practice. With the subsequent regulation and increased public confidence in qualified professional counselors more citizens of North Carolina will seek mental health and rehabilitation counseling services from professional counselors licensed by the state. And, as was indicated in Section IV.A., professional counselors charge fees less than psychiatrists, psychologists, and marriage and family therapists and approximately equal to social workers. Counselor licensure will decrease the cost of mental health and rehabilitation counseling services to the public.

In effect, North Carolina, through upgrading the existing counselor registration act to licensure, would protect the public by requiring the minimal standards already accepted by the profession of counseling by its national credentialing mechanisms of accreditation and certification of general counselors and specialists. The existing standards require a graduate degree in counseling, including a specified knowledge base and supervised clinical counseling experiences in counseling settings as well as a minimum of two years supervised post - masters degree work experience prior to practicing independently.

- V. A. Please detail the specific specialized skills or training that distinguish the occupation or profession from ordinary labor. How is each justified?

Professional counselors assist individuals, groups, and families through the counseling relationship by using a combina-

tion of clinical mental health and/or human development principles, methods, diagnostic procedures, treatment plans and other psychotherapeutic techniques. These procedures help clients to develop an understanding of personal problems, to define goals, and to plan action reflecting their interests, abilities, aptitudes, and mental health needs.

Professional counselors serve people of all ages in private practice, mental health centers, geriatric service agencies, drug and alcohol treatment facilities, colleges and schools. Being able to distinguish between pathology and normal developmental stresses is essential to assessing needs and providing appropriate interventions. This complex knowledge is growing more complicated each year as society changes. Interventions must be based on a clear, up-to-date knowledge base; otherwise individuals and groups of people may be misdiagnosed and inadequately treated.

Various cultural and racial groups in our society have moved into closer proximity. A generation ago racial, cultural, gender, family, disabilities, and other differences were virtually unknown and were not dealt with in human services agencies; people were treated as either "normal" or "pathological" based on a medical disease model. Modern research has demonstrated many different behavior patterns which are influenced by these complex variations. Preparation of counselors and continuing education programs will keep counselors abreast of the complexities of these patterns.

Counseling skills are based upon the knowledge bases of human growth and development, clinical mental health techniques and social cultural foundations. Preparation programs for counselors focus on ways counselors can learn to utilize this knowledge to assist clients of all ages in dealing with emotional difficulties, decision-making, self-assessment, goal-setting, preparation for careers and for career changes, grief and loss, abuse and neglect, disabilities, and various life transitions. Although knowledge assists in this process, a thorough supervised experience is also necessary so that persons preparing to become counselors can receive feedback on their skills and can practice new skills.

Group counseling is one of the most potent and cost-efficient methods of assisting people - didactic groups, counseling groups, and special issues groups have been developed to assist people of all ages with a variety of specific needs. Working with groups requires knowledge of group dynamics, methods of presentation of materials, knowledge of when to refer a person who exhibits pathological behavior, knowledge of when a person is exhibiting pre-suicidal symptoms, and such. Counselors need both course work and supervised experience so that they can learn to handle groups appropriately and also to avoid doing harm that might come from failure to recognize symptoms of pathology.

Today's society is characterized by rapid technological change, frequent moves from one geographical location to another,

changes in family patterns, effects of divorce and single-parenting, and other changes which make career development much less simple than a generation ago when patterns were more stable. Economic changes have changed employment patterns significantly, and people need assistance in dealing with uncertainty. Counselors need extensive knowledge and experience to assist people with these needs. A generation ago, people believed that "vocational choice" was a one-time experience that was relatively simple. Today's world is dramatically different from that belief, and can lead to serious pathology in people who do not receive timely and effective assistance with this process from childhood through the geriatric years.

A traditional responsibility of counselors in most settings is to assist individuals with self-appraisal and to assist institutions in using appraisal data to individualize the services institutions can provide. Counselors who practice in a clinical mental health setting receive additional training in diagnostic procedures, treatment planning, statistics, and tests and measurements. Appraisal skills continue to be important and grow more complex as new appraisal/diagnostic instruments are developed and improved.

To serve the public, professional counselors should strive to improve services through research and evaluation. Both the amount and quality of research in counseling is improving, and counselors must work hard to learn about research being published in the field and its implications for practice. They must also learn how to conduct research studies in their own settings so that evaluation will be valid and will result in improved services.

Counselors must be able to apply appropriate ethical principles in their work and must be knowledgeable about legal and ethical implications of the work they do. In North Carolina professional counselors are governed by both national standards - American Counseling Association Ethical Standards (See Appendix G) and state guidelines - North Carolina Board of Registered Practicing Counselors Ethical Standards (See Appendix H). They must be very clear about their ethical obligations to their clientele and the public at large. This knowledge must be communicated through pre-service course work and also through in-service workshops, conventions, and other continuing education procedures.

The counseling profession requires a minimum of a Master's degree (45 hours) - specific core courses, supervised practical and internship experiences, and additional studies in specialty areas of practice, such as clinical mental health, rehabilitation, career, school and geriatric.

B. What are other qualities of the profession or occupation that distinguish it from ordinary labor?

1. In this profession, clients are vulnerable and subject to

trauma--in contrast with occupations in which products are involved. Products which are damaged by error can be discarded while human beings cannot. There is a considerable potential for emotional harm to be done if no licensure is available to warn the public about uncredentialed people, to police those who behave unethically, and to make certain that persons practicing as counselors continue to upgrade their skills throughout their career. Likely harmful effects include the following:

- psychological trauma could result if a vulnerable client trusts a counselor, believing that person has appropriate qualifications and ethical standards; if this counselor behaves unethically, a client is likely to feel traumatized and to believe the problem results from his/her own personal inadequacy;
- a possible extension of the above might result in suicide because of the sense of hopelessness that is likely to occur in the client.

2. People's needs are often subtly-communicated or not communicated at all, in contrast with occupations in which quality can be assessed objectively. Counselors must be very sensitive to client needs - far beyond the sensitivity required in less demanding occupations.

3. Part of the counselors' work involves prevention of mental health problems by fostering wellness and human growth and development. Counselors can, by addressing developmental needs as they are identified, prevent the descent into pathology of clients at all ages.

4. Since counseling is so individualized and since no two clients need exactly the same intervention, this profession is very different from occupations in which a skill is learned and practiced repeatedly. Counselors must make many different decisions during each counseling session.

5. As society continues to change, the needs of counseling interventions with individuals change at a rapid pace, in sharp contrast to occupations in which practitioners learn a skill and repeat it until the machine or product is upgraded at infrequent intervals. Changes in family patterns, technology, racial and cultural interactions, and gender interactions all lead toward rapid change and many professional decisions that must be made concerning appropriate strategies.

6. Confidentiality is more important in this profession than in most occupations. Although some occupations require security precautions to prevent stealing of designs or such, no profession is more burdened than counseling with the potential damage to the individual and his/her family that can occur if confidentiality is violated.

- VI. A. Will licensing requirements cover all practicing members of the occupation or profession? If any practitioners of the profession or occupation will be exempt, what is the rationale for the exemption?

The licensing requirements will cover any professional counselor holding himself or herself out to the public as a licensed professional counselor who provides or offers counseling services as defined in the statute. The requirements also apply to counselors who supervise others engaged in the practice of counseling. Practitioners of counseling services may be exempt for one reason only - that they are validly licensed under another North Carolina Board of mental health professionals. Thus, school counselors, counselor interns, and ordained ministers are exempt from this proposed legislation.

- B. What is the approximate number of persons who will be regulated and the number of persons who are likely to utilize the services of the occupation or profession?

Presently, only about one-sixth, or 455, counselors are voluntarily registered under the present legislation. It is estimated that this number will double if licensure is obtained for professional counselors. At any one time, more than 160,000 clients and families are receiving treatment or some kind of counseling services in our state. During the course of a year, well over 500,000 North Carolina citizens are in some kind of professional contact with counseling practitioners.

- VII. What kind of knowledge or experience does the public need to have to be able to evaluate the services offered by the occupation or profession?

The public deserves the same protection from the State regarding the use of services of professional counselors as it already has for services from other mental health professionals. As in the cases of psychologists and clinical social workers, the public must rely on the State to set standards for professional training, practice and ethical behavior. In addition, Licensed Professional Counselors will be required to provide, in writing, to each potential client, information concerning the counselor's training, credentials, areas of counseling expertise, theoretical orientation, and fees for service.

- VIII. Does the occupational group have an established code of ethics, a voluntary certification program, or other measures to ensure a minimum quality of service? Please document.

The American Counseling Association, a voluntary professional association, has a professional Code of Ethics which all members uphold (See Appendix G). Also, the North Carolina

Board of Registered Practicing Counselors follows ethical standards adopted in 1984 upon establishment of the Board. (See Appendix H). Many highly qualified and ethical counseling professionals already monitor the ongoing quality of their services and participate in upgrading their professional skills. However, these practices are still voluntary without licensure.

IX. Please cite and document the extent to which any other licensing board in North Carolina regulates similar or parallel functions to the profession or occupation.

The North Carolina Board of Registered Practicing Counselors established in 1983 by the General Assembly under Chapter 90-329 offers a voluntary registry for counselors. Approximately one-third of those currently practicing at the clinical level have obtained this voluntary registry. The North Carolina Registered Practicing Board has indicated that it can administer the proposed amendments to Chapter 90 requiring that professional counselors obtain a license. The application for North Carolina Registered Practicing Counselor is enclosed in Appendix I.

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