

# ACA Counseling Compact

July 1, 2021

## Background and Talking Points

### Summary

In January 2019, the American Counseling Association (ACA) hired the National Center for Interstate Compacts for counselor. Specifically, the purpose of the compact is to promote interstate practice of licensed professional counseling with the goal of improving public access to professional counseling services.

Once 10 states join the compact, a commission will be created to oversee the facilitation of interstate practice. Through the compact, counselors who hold an unencumbered license that allows them to practice independently in a home state can seek a **privilege to practice** in one or more other participating states; this includes the provision of services via telehealth. Additionally, the compact will facilitate the process for counselors to obtain a license in a new state when they move, if that state is part of the compact.

### Background

Currently, counselors have difficulty transferring their licenses from one state/jurisdiction to another because of the independent nature of jurisdictional licensing rules and regulations. There is little consistency regarding the requirements for licensure, specifically around the number of graduate hours, the type of graduate program, supervision of clinical experience and mandated examination. These varying requirements and scopes of practice make it difficult to transfer a license. To date, few licensing boards have been willing to accept a license from another state, and they usually mandate that the applicant meet additional prerequisites.

Interstate compacts address this issue. Compacts provide a pathway for counselors to move seamlessly from one state to another through an agreement among states to recognize another state's license. The ACA Governing Council approved funding to pursue an interstate compact for licensure portability in October 2018 and signed a contract on January 1, 2019, with the National Center for Interstate Compacts, a division of the Council of State Governments.

### Process

The National Center for Interstate Compacts follows a three-phase process:

*Phase 1:* Create an advisory group and a compact drafting team. Create a draft compact. Obtain stakeholder feedback and finalize the draft compact.

*Phase 2:* Introduce the compact (bill) into state legislatures and support legislative efforts.

*Phase 3:* Once 10 states have joined the compact, create a commission to oversee the compact implementation and develop rules.

### Current Status

The compact was finalized in mid-December 2020. The bill has been passed by the legislatures

in Georgia and Maryland, where both governors have already signed the bill into law. Bills are pending in Nebraska, Tennessee and North Carolina and approximately 15 other states have expressed an interest in the compact and are preparing to introduce the bill during the 2022 legislative session.

## Frequently Asked Questions

*Does the compact affect whom a state can license?*

No. The compact does not change the process or requirements of any state in licensing counselors. The compact does not apply to initial licensure.

*How will the compact work?*

Once 10 states enact legislation that adopts the compact, the Compact Commission will be created. Each participating state can appoint one person from its licensing board to the Compact Commission. The Compact Commission will write the rules that govern compact operations and will create a database to facilitate the application process.

*Which states can be part of the compact?*

Any state can be part of the compact as long as it currently licenses counselors under the requirements within the compact (see Section 3 of the compact).

*How does the compact help counselors?*

The compact allows counselors to apply for a privilege to practice (whether in person or via telehealth) in another state. The compact expedites the process for counselors to obtain a license in a new home state when they move, as long as that state is part of the compact.

*What is a privilege to practice?*

A privilege to practice is the legal authorization, equivalent to a license, that allows a counselor to practice in a state other than the state where they live or hold a license.

*What's a home state?*

The home state is where the counselor legally resides. Counselors who wish to apply for a privilege to practice in another state must hold a home state license.

*Which counselors can apply for a privilege to practice in another compact state?*

Any counselor who holds an unencumbered license—meaning a license that is not revoked, suspended, probationary or conditional—to practice at the highest level in a participating state may apply for a privilege to practice.

*Do I get a privilege to practice in all compact states?*

A counselor may apply for a privilege to practice in any compact state, but the privilege to practice is specific to that state and does not apply to other compact states. You must apply separately to each state in which you want the privilege to practice.

*What if the state where I hold a privilege to practice has a different scope of practice from that of my home state?*

You must adhere to the scope of practice of the state where you are practicing. If your home state allows you to do something that the remote state does not, even if you are qualified

to do so, you must adhere to the remote state's scope of practice. If the remote state allows something your home state does not, you must continue to practice ethically and within the bounds of your competence.

*Will my license and privilege to practice have different expiration dates?*

No. Privilege to practice will always have the same time period as the home state license since a valid license from the home state is the basis for legal authorization per the compact

*What if the state where I hold a privilege to practice made certain exemptions for my license?*

If a state currently licenses counselors according to the requirements delineated in Section 3 of the compact and a counselor holds a license from that state, they are eligible to apply for a privilege to practice. According to the current requirements, this process accounts for the differences in licensing requirements over the years across states.

*Why aren't the Council for Accreditation of Counseling and Related Educational Programs (CACREP) and the National Counselor Examination (NCE) named in the compact?*

Best practices for compacts indicate that curricular requirements and names of specific tests should not be spelled out in a compact. That way, if the program requirements or the name of the test changes, states do not have to reopen their laws or regulations to make the change.

*What is this going to cost me?*

States may charge for the privilege to practice in their state just as they would if you were applying for a license in that state. Fees will be set once the process begins. It is unclear whether the cost will be lower than the cost of a license, but the process will be much easier.

*What about military spouses?*

Military spouses may decide which state they wish to designate as their home state. The designated state remains the home state if the spouse is on active duty.

*What about adverse actions?*

Only the home state can take action against a counselor. But if there is a problem in a state where the counselor holds a privilege to practice, the remote state can suspend the privilege to practice and will inform the board of the home state.

*What happens if I move?*

The compact has a provision for the creation of an expedited process for counselors to obtain a license if the state to which they move is part of the compact.

*Do I have to use the compact if I want a license in another state?*

No. You can always apply directly to another state for a license.

*Why isn't the compact in effect until 10 states enact the legislation?*

In keeping with best practices in writing compacts, the Drafting Team chose 10 as the number of states required to trigger the establishment of the compact and the commission. The number must be big enough to have an impact on the profession, but not so large that it becomes unattainable.

*What happens for the states that enact the legislation in 2021?*

Nothing, unless it's at least 10. The states will need to wait until enough other states enact the legislation for the compact to go into effect.

*When do ACA and NCIC anticipate the compact going into effect?*

We are hopeful that at least 10 states will enact legislation during the 2022 legislative session, if not sooner, so that the compact will be in effect in 2022.

*How has the COVID-19 pandemic affected the compact?*

The pandemic has underscored the critical need for the compact while also delaying the timeline for enacting it. Specifically, it has highlighted current deficits in our national mental health delivery system, including the need for telehealth to be recognized as an integral part of mental health practice and the need for counselors to be able to practice across state lines in order to provide continuity of care for their clients. Unfortunately, many state legislative sessions were shortened or limited to accommodate necessary COVID-19 restrictions, making it harder to facilitate the enactment of the legislation in multiple states.

*What can I do to help? I want to get involved.*

Contact your state counseling association to find out what they are doing and how you can support their efforts.

*Where can I find more information?*

The National Center for Interstate Compacts has a webpage for the compact, which includes FAQs, information for practitioners and legislators, a copy of the compact and section summary, and other resources. These resources can be found at <https://counselingcompact.org>.