

## Creating a Draft Compact

The Advisory Group held phone meetings as a follow-up to their in-person October meeting during November, December, January, and February. During these calls the members had an opportunity to further discuss how they wanted to handle specific elements of the compact as well as talk with representatives of other compacts. The next step is to develop a draft compact, which will be created by the drafting team, which is comprised primarily of the lawyers who serve on the Advisory group, the lawyers from NCIC, and several other professionals who have specific expertise in licensure requirements. The Drafting Team is scheduled to meet the beginning of March 2020 and produce a draft compact in May or June of 2020. At that time, the draft document will go back to the project Advisory Group for review and then into the CSG Stakeholder Review Process.

## Reviewing the Draft Compact

The CSG Compact Stakeholder Review is an 8-week process to gather feedback on the draft compact. CSG will conduct conference calls and webinars on the document with representatives from state licensing boards, state legislatures, state and national membership organizations, state and federal CMS officials, and others.

At the conclusion of the Stakeholder Review Process, the feedback received will be evaluated by the project Drafting Team over a series of weeks. Once the Drafting Team has completed the evaluation process, it will make changes to the draft compact as it deems necessary.

The updated draft of the compact will then be presented by the Drafting Team to the Advisory Group, along with the complete record of stakeholder feedback. The Advisory Group will either endorse the compact presented by the Drafting Team or make further changes to the compact based on the record of stakeholder feedback. Once the compact has been endorsed by the Advisory Group, the final version will be presented to the states.

## Rolling Out the Draft Compact

After the document is finalized, CSG will convene a National Legislative Briefing to present the compact to the states. CSG will also create a compact Legislative Resource Kit for use by proponents. This Kit includes:

- Compact and project background / road to development
- Final Compact Document
- Frequently asked questions
- Relevant case studies
- Fiscal note and projected state assessments (if any)
- Legislative talking points
- Development rosters (who participated in the development of the compact)
- Resolutions, endorsements, articles, letters of support
- Interstate compact backgrounders
- Compact legal issues / constitutional issues / sovereignty issues
- Key state and national stakeholders
- Legislative Testimony

After the National Legislative Briefing, the compact will be available for states to enact. After the requisite number of states enact the compact – this number is identified in the document – CSG will work with the compact member states to convene the first interstate commission meeting.

### **The Interstate Commission**

In order to operationalize the compact, two things need to happen: a data base needs to be created to facilitate sharing applicants' information and The Interstate Commission needs to be created. The Commission's function is to work to implement the compact for the states, a process which usually takes 9 to 12 months.

Each state that participates in the Interstate Compact will identify one member to serve on the Commission; the size of the commission will be totally dependent on the number of participating states. Requirements for Commissioners, terms of office and responsibilities will be outlined in the Compact agreement.

Most compacts require the Interstate Commission to be self-funding. That determination for the Counselor compact will be made further in the process. It is anticipated that at least \$.5M will be needed to create and maintain the data base.

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# The Interstate Compact for Portability

## **Issue:**

The lack of licensure portability has become one of the most critical issues impacting counselors and clients. The lack of portability inhibits the ability of underserved areas to increase the availability of mental health services for their population. It also fails to address the mobile nature of the country and forces clients to seek new counselors when they move, and prohibits counselors from continuing their work with their clients when either party moves to a new jurisdiction. Currently most states require counselors to be licensed in the state where the client resides, which limits tele-behavioral health as an option for many clients.

## **Background:**

Counselors have difficulty transferring their licenses from one state/jurisdiction to another due to 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/program, supervision of clinical experience, and mandated examination. These varying requirements and scopes of practice make it difficult to transfer one's license. To date few licensing boards have been willing to accept a license from another state and usually mandate 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 that provides an option which recognized the other state's license.

The ACA Governing Council approved funding to pursue an Interstate Compact for Portability in October 2018 and signed a contract January 1, 2019 with The Council for State Governments' (CSG) National Center for Interstate Compacts (NCIC) to conduct the work.

## **Process:**

### **NCIC is using a three-phase process.**

#### **Phase I:** January – August 2020

Development of the compact, including project research; creation and convening of an advisory group; drafting of proposed language; and feedback on the draft from stakeholder groups. The advisory group will consist of state legislators who are either licensed professional counselors or who have passed counselor friendly legislation; leaders in the counseling field and practicing counselors, executive directors of licensing boards, and attorneys for state licensing boards.

#### **Phase II:** September 2020 – March 2023

Implementation to develop a comprehensive online resource kit that serves as the principal information resource on the new compact; the development of a comprehensive legislative strategy; convening a national legislative briefing; tracking legislation regarding the compact; attendance at legislative hearings for the compact; and providing state briefings, as needed.

#### **Phase III:** April 2023 – September 2023

Establishment of the commission that will provide on-going coordination of the compact.

**Current Status, as of August 2019:**

Members for the advisory group have been identified and the first meeting, which will be in-person, is scheduled to take place in Washington, D.C., October 2-4, 2019. Subsequent meetings will take place virtually.

**The compact development:**

ACA has entered into an agreement with NCIC, who will be responsible for all phases of creating the compact and working with states to see it adopted. The language and specifics of the compact will be the responsibility of NCIC and the workgroup. ACA and other stakeholder organizations will have input at different points in the compact process, but NCIC will work independently.

NCIC hopes to have 10–12 states sign on initially to the compact by the end of Phase III.

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