

Model Legislation for Licensed Professional Counselors

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State legislated licensure for professional counselors is a critical aspect of the evolution of the counseling profession. Model licensure legislation will help promote a unified view of the profession. Model legislation for licensed professional counselors, along with a rationale for the content of said legislation, is presented.

In July 1974 the Board of Directors of the American Personnel and Guidance Association (APGA, now the American Association for Counseling and Development [AACD]) adopted a position paper entitled "Licensure in the Helping Professions." At about that same time APGA appointed a special committee on Counselor Licensure with Dr. Thomas J. Sweeney of Ohio University as its first chairperson. The formulation and dissemination of model credentialing legislation for counselors has been an association priority since that time.

Since 1974, the AACD Licensure Committee has worked closely with state branch licensure committees. It has helped secure the passage of 33 counselor credentialing bills beginning with the State of Virginia's bill, which became law in 1976 (California's Marriage, Family and Child Counseling licensure law was enacted in 1964 prior to the advent of the AACD Licensure Committee.). The primary goal of the Licensure Committee has been, and will continue to be, to obtain credentialing for professional counselors in all states. The present proposal would establish in state law high standards for the licensure of all counseling professionals while allowing the profession to credential, monitor, and enhance the various counseling specialties through the efforts of the appropriate divisions of AACD.

The involvement of AACD divisions has always been crucial to the success of the licensure effort. From the first licensure committee in Southern Association for Counselor Education and Supervision (ACES) in 1973 to the American Mental Health Counselor's (AMHCA) "War Chest" grants of the 1980s, divisions have actively pursued their members' interests. In 1977, the American School Counselors Association (ASCA) trained eight regional licensure consultants to encourage school counselors in their regions to become involved in their respective states' licensure efforts. The ASCA consultants worked closely with both the AACD Licensure Committee and with state branch licensure committees to ensure that the interests of school counselors were protected. In more recent years AMHCA and ARCA (American Rehabilitation Counseling Association) have been very active in the licensure effort. AMHCA's involvement stems from the fact that so many of its members are private practitioners, and ARCA wants to ensure that state licensure laws are framed in such a way as to accom-

modate the uniqueness of rehabilitation counselor preparation programs.

PHILOSOPHY BEHIND MODEL LICENSURE BILL

The basic assumptions upon which the present model legislation for state licensure of counselors was constructed reiterate the theme of the Mission Statement and the Common Values approved by the 1988 AACD Governing Council. Specifically, the AACD Licensure Committee, through this recommended legislation, seeks to advance the counseling and human development profession and to protect the public from incompetent and unethical counseling practices. This will be done, in part, by demanding high standards of professional conduct, by promoting responsible professional practice, and by requiring strong and uniform preparation standards of education and experience.

AACD is a diverse collection of competent professionals dedicated to counseling and human development. In keeping with the stated value of "promoting linkage," Licensure Committee members, representing many of the divisions of AACD, worked with a spirit of cooperation in mind. The model bill that evolved does not set policy for the association or its divisions but reflects and reiterates policy previously articulated by other entities of AACD. It represents an ideal, although not necessarily the most pragmatic or the only model, for achieving licensure.

The definition of counseling presented here is a unique integration of the many traditions of our profession. It is a carefully woven and consistent structure of ideas, each supporting and complementing the others. In order to create such a metaphor of professional cooperation and idealism, members of the committee completed a thorough review of some 33 state laws regulating the profession. They engaged in extensive dialogue about critical issues related to the evolution and development of the profession and listened to the thoughts of AACD as well as divisional leaders and those of other related professions. They drew upon the richness of practical information gained through their efforts to pass legislation and consulted with other state licensure groups. Issues were considered from many points of view and decisions were made with the ultimate welfare of the profession and its clients as a guiding beacon.

The passage of credentialing legislation in a state defines and legalizes the profession within that state. Specialty areas are left to the professional credentialing organizations (e.g., National Board for Certified Counselors, National Academy of Certified Clinical Mental Health Counselors, and the Commission on

Rehabilitation Counselor Certification) to define, credential, and monitor. The model bill sets ideal standards that include the diverse interests represented by AACD as an umbrella organization. States are encouraged to set these standards as their goal. It is recognized, however, that the political and professional climate differs from state to state, and compromises may need to be made. A useful motto may be "Success is the progressive realization of professional, pre-determined, worthwhile goals." Finally, it is hoped that this model and the accompanying commentary will be of value to the following:

- the remaining state branches still seeking passage of their first credentialing bill
- those states with counseling legislation wishing to revise their laws in future legislation
- those state branches facing sunset reviews and needing to consider revisions of existing legislation
- association members who are seeking to understand why specific regulations were included or excluded from their state's legislation
- graduate students who may wish to understand the inter-relationship between credentialing and the evolution of the counseling profession.

Model Legislation for Licensed Professional Counselors

1. STATEMENT OF POLICY

It is declared to be the policy of the state of _____ that the activities of those persons who render services to the public in the counseling area and use the title Licensed Professional Counselor or Licensed Associate Counselor be regulated to ensure the protection of the public health, safety, and welfare.

2. SHORT TITLE

This act may be cited as the Professional Counselor Licensing Act.

3. ENABLING CLAUSE

To regulate the practice of counseling and the titles, licensed Professional Counselor and Licensed Associate Counselor in the state of _____; to create a Professional Counselor Licensure Board; to prescribe the duties and powers of said Board; to provide for the examination and licensure of professional counselors; to fix penalties for the violation of this act; to impose licensure fees; to provide for the use of funds received.

4. ESTABLISHMENT OF PROFESSIONAL COUNSELOR LICENSURE BOARD

The Board shall consist of seven members who have been residents of the state of _____ for a period of six months. Members are appointed by the Governor.

Of the seven Board members, two shall be consumer members and five shall be Licensed Professional Counselors or persons who are eligible to be licensed; one who is a counselor educator, one who is employed in the private sector, one who is employed in the public sector, and two professional counselors at large.

Licensed Professional Counselor members shall be appointed by the Governor with the advice of the Secretary from a list

submitted to the Secretary. Any nationally recognized association representing professional counselors may submit recommendations for Board members to the Secretary. The composition of the Board shall reflect the demographic composition of the population of the state.

On or before (two years after the law takes effect), all members of the Board, with the exception of the consumer members, shall be licensed under this act. The two consumer members of the Board shall be members of the general public who:

- (a) are accessible to inquiries, comments, and suggestions from the general public
- (b) may not be or ever have been a Licensed Professional Counselor or in training to be Licensed Professional Counselor
- (c) may not have a household member or member of the immediate family who is a professional counselor or in training to become a professional counselor
- (d) may not participate or ever have participated in a commercial or professional field related to professional counseling
- (e) may not have a household member or immediate family member who participated in a commercial or professional field related to professional counseling; and
- (f) may not have had within two years before appointment a substantial financial interest in a person regulated by the Board.

The term of a Board member is three years. The terms of the members of the Board are staggered as required by the terms of the members serving on the Board on _____. At the end of a term, a member continues to serve until a successor is appointed and qualifies. A member of the Board may not serve more than two full three-year terms.

The Governor may remove a member for incompetency, misconduct, or neglect of duty, provided the adopted hearing procedures for such actions have been fully executed.

Each member of the Board is entitled to reimbursement for expenses under the standard Board travel regulations, as provided for in the state budget. In addition, Board members shall be compensated in accordance with relevant state law when engaged in authorized Board activities.

5. POWERS AND DUTIES OF THE PROFESSIONAL COUNSELOR LICENSURE BOARD

From among its members, the Board shall annually elect a chairperson, a vice-chairperson, and a secretary. The manner of election of officers, their duties, and their terms of office shall be as the Board determines.

In addition to the powers set forth elsewhere in this law, the Board shall adopt and revise, with appropriate legal sanctions, rules and regulations to carry out the provisions of this law.

In addition to the duties set forth elsewhere in this law, the Board shall:

- (a) meet at least twice per year, at the times and places that it determines. The attendance by five or more Board

members at an official Board meeting shall be considered a quorum.

- (b) maintain a registry of all current Licensed Professional and Licensed Associate Counselors. This registry shall be a public record, available to the Licensed Professional Counselors, state agencies, and the general public on request.
- (c) maintain a registry of approved supervisors as defined in Section 6.3 of this act.
- (d) establish continuing education requirements for Licensed Professional Counselors.
- (e) adopt a code of ethics that the Board considers to be appropriate and applicable to the practice of Licensed Professional and Associate Professional Counselors. This code of ethics shall be based on the current code of ethics of the relevant professional counseling association. This code of ethics may be supplemented as determined necessary by the Board.
- (f) to investigate complaints concerning the conduct of any person licensed or unlicensed whose counseling activities are regulated by the Professional Counselor Licensing Board;
- (g) revoke, suspend or fail to renew a license which it has authority to issue for just cause as enumerated in appropriate rules and regulations of the Board, through a graduated and consistently implemented hearing process.
- (h) submit an annual report to the Governor which includes complete information regarding complaints filed against individuals and the disposition of complaints.

The Board shall establish or select an examination that the Board considers appropriate to determine the eligibility of an applicant to become a Licensed Professional Counselor. The Board shall establish the additional criteria necessary to evaluate the qualifications of individuals applying for licensure.

Except for the fees specifically set by this law, the Board may assess fees for the issuance and renewal of licenses to cover the administrative and operating expenses of the Board.

The Board shall pay all funds collected under this law into the general fund of this state, with such funds designated specifically for the administration of this act.

6. DEFINITIONS

6.1 LICENSED PROFESSIONAL COUNSELOR

Licensed Professional Counselor shall mean a person licensed under this act and is restricted to a person prepared and experienced in applying a combination of human development and mental health principles, procedures and services which integrate a wellness, pathology, and multicultural model of human behavior. This model is designed to assist individuals, couples, families, groups, organizations, corporations, institutions, government agencies or the general public. Licensed Professional Counselors help persons and groups achieve mental, emotional, physical, social, moral, educational, spiritual, and/or career development and adjustment over the life span.

6.2 LICENSED ASSOCIATE COUNSELOR

Licensed Associate Counselor shall mean any person who has been granted an associate license by the Board to offer counsel-

ing services defined in this act while under the supervision of a Licensed Professional Counselor who is an approved supervisor.

6.3 APPROVED SUPERVISOR

Approved supervisor shall mean any Licensed Professional Counselor with five years of counseling experience including the two years of supervised experience who documents to the Board the completion of a graduate level supervision course or the equivalent that included content and experiences relevant to the supervision of counselors, and provides the Board a statement detailing the person's supervision philosophy, orientation, and experience.

6.4 PRACTICE OF COUNSELING

Licensed professional counseling involves rendering to individuals, couples, families, groups, organizations, corporations, institutions, government agencies or the general public a service that integrates a wellness, pathology and multicultural model of human behavior. This model applies a combination of mental health and human development principles and procedures to help clients achieve effective mental, emotional, physical, social, moral, educational, spiritual and/or career development and adjustment through the lifespan.

6.5 COUNSELING PROCEDURES

"Counseling procedures" shall mean engaging in methods and techniques which include, but are not restricted to:

- (a) "counseling" which means assisting client(s) through the counseling relationship, using a combination of mental health and human development principles, methods and techniques, to achieve mental, emotional, physical, social, moral, educational, spiritual and/or career development and adjustment through the lifespan.
- (b) "appraisal" which means selecting, administering, scoring, and interpreting instruments designed to assess an individual's attitudes, abilities, achievements, interests and personal characteristics and the use of methods and techniques for understanding human behavior in relation to coping with, adapting to, or changing life situations.
- (c) "consulting" which means the application of scientific principles and procedures in counseling and human development to provide assistance in understanding and solving current or potential problems that the consultee may have in relation to a third party, be it an individual, a group, or an organization.
- (d) "referral" which means evaluating and identifying needs of a counselee to determine the advisability of referral to other specialists, informing the counselee of such judgment and communicating as requested or deemed appropriate to such referral sources.
- (e) "research" which means a systematic effort to collect, analyze, and interpret quantitative or qualitative data that describes how social characteristics and behavior, emotion, cognitions, and interpersonal transactions among individuals and organizations interact.

7. REQUIREMENTS FOR LICENSURE

7.1 PROFESSIONAL TRAINING

The Board shall issue a license as a Licensed Professional Counselor to each applicant who files an application upon a form and in such a manner as the Board prescribes, accompanied by such fee as the Board shall require, who furnishes satisfactory evidence of the following to the Board. That the applicant:

- (a) has reached the age of majority as defined in this state;
- (b) is citizen of the United States or has declared his/her intention of becoming such;
- (c) is a legal resident in this state;
- (d) has no record of moral turpitude as indicated by the following evidence:

1. The applicant who has never been convicted of a felony or crime involving moral turpitude must submit letters of recommendation from two persons not related to the applicant and a sworn statement from the applicant stating that he/she has never been convicted of a felony or crime involving moral turpitude; or
2. If the applicant has been convicted of a felony or crime involving moral turpitude, it is a rebuttable presumption that the applicant is unfit for licensure unless he/she submits competent evidence of sufficient rehabilitation and present fitness to perform the duties of a Licensed Professional Counselor. This may be established by the production of (A) documentary evidence including a copy of the relevant release or discharge order, evidence showing compliance with all conditions of probation or parole, evidence showing that at least three years has elapsed since release or discharge without subsequent conviction, and letters of reference from three persons who have been in contact with the applicant since his/her release or discharge, and (B) any collateral evidence and testimony as may be requested by the Board which shows the nature and seriousness of the crime, the circumstances relative to the crime or crimes committed and any mitigating circumstances or social conditions surrounding the crime or crimes and any other evidence necessary for the Board to judge present fitness for licensure or whether licensure will enhance the likelihood that the applicant will commit the same or similar offenses;

- (e) has earned a master's degree in counseling from a regionally accredited institution of higher education, which includes a minimum of 60 semester hours. This degree must include 48 graduate semester hours (with study in at least eight of the areas listed below), 12 hours of study in a specialty area of counseling or related professional field, and a practicum and internship in a counseling setting.

1. Counseling theory and practice
2. The helping relationship
3. Human growth and development, and maladaptive behavior
4. Lifestyle and career development

5. Group dynamics, processes, counseling, and consulting
6. Appraisal of individuals
7. Social and cultural foundations
8. Research and evaluation
9. The counseling profession

- (f) has had no less than three years of post master's experience in a professional setting including a minimum of 3000 hours of professional practice as defined in 6.4, of which 1200 hours involves counseling with individuals, couples, families or groups and a minimum of 300 hours of supervised experience under an approved supervisor.
- (g) has declared to the Board and agrees to continue to declare areas of professional competence through a Statement of Professional Intent, describing the intended use of the license, the client populations with whom the applicant will work, and the counseling procedures the applicant plans to utilize, including the applicant's theoretical orientation and preferred intervention strategies;
- (h) that the applicant has validated the competencies declared in the Statement of Professional Intent as well as demonstrated knowledge of the field of counseling by passing a written examination as the Board will prescribe. Upon examination of credentials the Board may, by a majority of the Board members present and voting, consider such credentials adequate evidence of professional competence and recommend to the chairperson of the Board that a license be approved.

7.2 SUPERVISED EXPERIENCE

The Professional Counselor Licensure Board in its rules and regulations shall establish criteria for determining what constitutes supervised experience.

7.3 EXAMINATIONS

The Professional Counselor Licensure Board shall make specific provisions for examination of applicants for licensure at least once each year.

7.4 ASSOCIATE LICENSE

The Board shall issue an associate license for a period of up to three years to each applicant who files an application upon a form, and in such a manner as the Board prescribes, accompanied by such fees as are required by this act, and who furnishes satisfactory evidence to the Board of the following:

- (a) that the applicant has received a master's degree from a regionally accredited institution of higher education which is primarily counseling in content and which meets the academic and training content standards established by the Board, or the substantial equivalent in both subject matter and extent of preparation. The Licensed Associate Counselor may not practice without direct supervision provided by an approved supervisor. The plan for supervision of the Licensed Associate Counselor is to be approved by the Board prior to any actual performance of counseling on the part of the Licensed Associate Counselor;
- (b) that the applicant has demonstrated his/her knowledge of the field of counseling in general by passing a written

examination as the Board will prescribe. Upon examination of credentials the Board may, by a majority of the Board members present and voting, consider such credentials adequate evidence of professional competence, and recommend to the chairperson of the Board that an associate license be approved;

- (c) that the applicant has complied with provisions outlined in section 7.1 (a), (b), (c), and (d) of this act;
- (d) any Licensed Associate Counselor *after* meeting the requirements specified in section 7.1 (f) and (g) will be issued a license as a professional counselor upon application to the Board.

8. RENEWAL OF LICENSING AND CONTINUING EDUCATION

Counselors licensed under this act shall be required to submit biennially at the time of renewal, a license renewal fee to be established by the Board. No license shall be renewed unless the renewal request is accompanied by evidence satisfactory to the Board of the completion during the previous twenty-four (24) months of relevant professional continuing education experiences and an updated Statement of Professional Intent. The continuing education requirements of the Board shall be mailed to all licensed counselors one (1) year prior to the renewal date.

9. RECIPROCITY

- (a) The Board may enter into a reciprocal agreement with any state that licenses, certifies or registers professional counselors if the Board finds that the state has substantially the same or higher licensure requirements.
- (b) The agreement shall provide that the Board license any resident of the state who is currently licensed, certified, or registered by that state if the individual has met the same or higher requirements.
- (c) The Board shall review the application of the applicants for licensure or registration under this act from individuals who earned a post-secondary degree from an educational institution outside the United States. The Board shall determine whether the applicant's experience, command of the English language, and completed academic program meet the standards of a relevant academic program of an accredited educational institution within the United States. If they do, the applicant shall be considered to have received the education from an accredited educational institution as required by this act and rules adopted under it.
- (d) The Board will not license by reciprocity any applicant who is under investigation in this or another jurisdiction for an act which would constitute a violation of this law until such a time as the investigation is complete. When deciding such a case, the Board will determine what, if any, rules of discipline cited in this law apply.

10. PRIVILEGED COMMUNICATION

Any communication made by any person or persons to a Licensed Professional Counselor or a Licensed Associate Counselor in the course of professional services rendered by the Licensed Counselor shall be deemed a privileged communication. No person licensed under this act, nor that person's agent, may be subpoenaed or otherwise compelled to disclose such privileged communication with the following specified exceptions:

- (a) when there is a clear and immediate probability of physical harm to the client, to other individuals, or to society and the Licensed Professional Counselor or Licensed Associate Counselor communicates the information only to the potential victim, appropriate family member of the potential victim or law enforcement or other appropriate authorities;
- (b) with the written consent of the client, or, in the case of death, legal incompetence, or a minor with the written consent of his/her parent, a legal guardian or conservator or other person authorized by the courts;
- (c) when the client waives such privilege by bringing suit against the Licensed Professional Counselor or Licensed Associate Counselor;
- (d) when the Licensed Professional Counselor or Licensed Associate Counselor is rendering professional services in a court-appointed capacity; or
- (e) when the client introduces mental condition as a claim or defense in any civil or criminal action.

11. PROTECTION OF THE PUBLIC

11.1 UNLAWFUL PRACTICE

It shall be unlawful for any person to engage in any of the following acts:

- (a) Engage in the practice of counseling without first having complied with the provisions of this act and without holding a valid license as required by this act.
- (b) Represent themselves by the title "Licensed Professional Counselor," "Licensed Counselor" or "Licensed Associate Counselor" without being duly licensed according to the provisions of this act.
- (c) Make use of any title, words, letters, or abbreviations which may reasonably be confused with a designation provided by this act to denote a standard of professional or occupational competence without being duly licensed.
- (d) Materially refusing to furnish the Board information or records required or requested pursuant to this act.

Any person who willfully engages in any unlawful act enumerated in this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$500 for each offense and not more than \$1000 for each offense, and in addition may be imprisoned for a term not to exceed twelve (12) months. The third or any subsequent conviction for violation of this section during a thirty-six month period shall constitute a felony. All client fees received for professional services rendered under these unlawful conditions of professional service shall be refunded to the client by the guilty party.

11.2 GROUNDS FOR DENIAL, SUSPENSION OR REVOCATION

The Board may deny, suspend or revoke any license granted under the Professional Counselor Licensing Act for any of the following reasons:

- (a) Use of drugs or alcohol or both, to an extent that impairs the individual's ability to engage in the practice of professional counseling.
- (b) The individual has been convicted of a felony and, after

investigation, the Board finds that the individual has not been sufficiently rehabilitated to merit the public trust.

- (c) Use of fraud, deception, misrepresentation or bribery in securing any license issued pursuant to the provisions of the Professional Counselor Licensing Act or in obtaining permission to take any examination given or required pursuant to the provisions of this act.
- (d) Obtaining or attempting to obtain any fee, charge, tuition, or other compensation by fraud, deception or misrepresentation.
- (e) Incompetence, misconduct, fraud, misrepresentation or dishonesty in the performance of the functions or duties of a Licensed Professional Counselor or a Licensed Associate Counselor.
- (f) Violation of, or assisting or enabling any individual to violate, any provision of this act or any rule or regulation adopted under this act.
- (g) Impersonation of any person holding a license or allowing any individual to use a license or diploma from any school to obtain licensure under this act.
- (h) Revocation or suspension of license or other authorization to practice counseling granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized by the Professional Counselor Licensing Act.
- (i) The individual is mentally ill or physically disabled to an extent that impairs the individual's ability to engage in the practice of professional counseling.
- (j) Assisting or enabling any person to hold oneself out to the public as a Licensed Professional Counselor or Licensed Associate Counselor who is not licensed under the provisions of this act.
- (k) The issuance of the license is based upon a material mistake of fact.
- (l) Violation of any professional trust or confidence.
- (m) Use of any advertisement or solicitation which is false, misleading, or deceptive to the general public or person to whom the advertisement is primarily directed.

11.3 ETHICAL VIOLATIONS

The Board shall have the power to suspend or revoke the license of any person licensed by the Board and found guilty of violating any ethical or professional standard as defined by the Board as set forth in Section 5 (e) of this act.

Any sanction of suspension for violation of Sections 11.2 or 11.3 upon order of the Board shall not be for a period of greater than six (6) months and any licensee thereby sanctioned shall not be allowed to practice counseling in this state until the termination of the suspension period and subsequent timely review by the Board. The sanction of revocation by the Board for violation of Sections 11.2 or 11.3 shall be for a period of at least three (3) years from the date such revocation is legally effective. The Board may, upon favorable action by a majority of the Board members present and voting, recommend reinstatement.

12. EXEMPTIONS

12.1 EXEMPTION OF OTHER PROFESSIONS

Nothing in this act shall be construed to apply to the activities and services of qualified members of other professions, such as physicians, psychologists, registered nurses, or social workers performing counseling consistent with the laws of this state,

their training, and any code of ethics of their professions, provided they do not represent themselves by any title or practice description in the manner prescribed in section 6 of this act.

12.2 EXEMPTION OF GOVERNMENT EMPLOYEES

Nothing in this act shall be construed to apply to the activities, services, and use of an official title on the part of a person employed as a counselor by any Federal, State, County, or Municipal agency; or public or private educational institution, provided such persons are performing counseling or counseling-related activities within the scope of their employment.

12.3 EXEMPTION OF GRADUATE STUDENTS AND TRAINEES

Nothing in this act shall be construed to apply to the activities and services of a student, intern, or trainee pursuing a course of study in counseling in a regionally accredited institution of higher education or training institution, if these activities are performed under supervision and constitute a part of the supervised course of study, provided that such a person be designated, for example, a "counselor intern."

12.4 EXEMPTION OF NON RESIDENTS

Nothing in this act shall be construed to apply to the counseling activities and services of a non-resident rendered not more than thirty (30) days during any calendar year, provided that such person is duly authorized to perform such activities and services under the laws of the state or county of that person's residence.

12.5 EXEMPTION OF CLERGY

Nothing in this act shall be construed to apply to the activities and services of a rabbi, priest, minister, or clergyperson of any religious denomination or sect provided such activities and services are within the scope of the performance of regular or specialized ministerial duties.

12.6 EXEMPTION OF VOLUNTEER WORKERS

Nothing in this act shall be construed to apply to the activities, titles and descriptions of persons offering volunteer or professional services for public and private non-profit organizations or charities provided that these persons are approved by the organizations or agencies for whom the services are rendered.

13. LICENSE WITHOUT EXAMINATION ("GRANDPARENTING" CLAUSE)

During the first twelve (12) months following the effective date of this act the Board will issue to any person upon application the license of Licensed Professional Counselor, provided that the applicant has a master's degree in counseling or a related professional field and meets the requirements of section 7.1 (a-d) of this act and further provided that the Board shall have the power to consider waiving all or part of the supervised experience requirement of section 7.1 (f) based upon the professionally relevant work experience of the applicant prior to application for licensure. It is further provided that if the prior experience of the applicant does not meet all requirements of section 7.1 (f) then the applicant will be issued the license of Licensed Associate Counselor with acceptable experience credited toward the experience requirements of section 7.1 (f) of this act. The Board shall also require such applicants to file a State-

ment of Professional Intent as described in section 7.1 (g) and a Statement of Professional Disclosure as described in section 14. The Board shall waive written examination of such applicants, but may require oral and/or situational examinations.

14. PROFESSIONAL DISCLOSURE

Any individual, or employer of such an individual, who is licensed under this act may not charge a client or receive remuneration for professional counseling services unless, before the performance of those services, the client is furnished a copy of a Professional Disclosure Statement. This Professional Disclosure Statement shall be displayed in a conspicuous location at the place where the services are performed and a copy of the statement shall be provided to the client on request.

The Professional Disclosure Statement shall contain:

- (a) The name, title, business address, and business telephone number of the professional counselor performing the services.
- (b) The formal professional education of the professional counselor, including the institutions attended and the degrees received from them.
- (c) The professional counselor's philosophy of counseling, areas of specialization, and the services provided.
- (d) In the case of a person licensed under this act who is engaged in a private individual practice, partnership, or group practice, the person's fee schedule listed by type of service or hourly rate.
- (e) At the bottom of the first page of the disclosure statement, the words "This information is required by The Professional Counselors Licensure Board which regulates all Licensed Professional Counselors and Licensed Associate Counselors."
- (f) Immediately beneath the statement required by item (e) of this subsection shall appear the name, address, and telephone numbers of the Board.
- (g) In the case of Licensed Associate Counselors, the name, title, business address, and business telephone number of the supervisor shall also appear on the Professional Disclosure Statement.

15. SEVERABILITY CLAUSE

The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such a declaration shall not affect the parts which remain.

16. REPEALER CLAUSE

No part of this law shall be deemed invalidated by any other currently existing law.

17. EFFECTIVE DATE

This act shall become effective immediately upon its passage and approval by the Governor.

Commentary on Model Legislation for Licensed Professional Counselors

Section 1: STATEMENT OF POLICY

This is standard language which regulates both practice and title.

Section 2: SHORT TITLE

The short title is intended to provide ready identification of the bill and easy recognition of its major purpose. The wording in the model bill, "Professional Counselor Licensing Act," is appropriate when seeking to regulate the generic profession of counseling rather than any of its specialties. Other appropriate titles might include, "Licensed Professional Counselors Act" or "Counselor Licensing Law." States seeking omnibus legislation to credential a broader range of related professionals might want to use a title such as "Professional Counselors, Social Workers, and Marriage and Family Therapists Licensing Act" or "The Behavioral Health Professionals Act."

Section 3: ENABLING CLAUSE

All major functions of the bill should be enumerated here and the order in which the functions are presented is important. This model proposes the regulation of both the practice and title of counseling. Listing practice first gives it emphasis over title regulation.

It should be recognized that it might be necessary to pursue a title bill instead of a practice bill, but the Licensure Committee strongly advocates the passage of licensure rather than title bills. Licensure is generally considered a stronger type of legislation, but states will need to consider whether a weak bill is indeed better than no bill at all and also just how realistic it will be to strengthen a weak bill at a later date. The strategy of getting any bill, even a weak one, on the books is being questioned by some counselors in states like North Carolina and Missouri which may have been overly eager to obtain legislation. Further, it is risky and costly business going back to the legislature to amend a bill. More may be lost than gained in such a process because additional opposition to the bill may have been generated since its initial passage.

Section 4: ESTABLISHMENT OF PROFESSIONAL COUNSELOR LICENSURE BOARD

This section establishes selection procedures for and the composition of the Professional Counselor Licensure Board.

Number of Board Members: While there is no magic in having seven board members, seven does represent a reasonable balance between a larger number, which could be costly and cumbersome to coordinate, and a lesser number, which might not allow sufficient representation of the various constituencies involved. Also, an uneven number of members is desirable to avoid tie votes.

Consumer Members of the Board: It is important that consumers have a strong voice on the board so that the position of the client/patient can be heard. This concept is crucial when attempting to operationalize the profession's goal (and the legislature's goal) of consumer protection. Two consumer members, rather than one, are desirable in order to permit a broader spectrum of consumer viewpoints and to increase the likelihood that consumer representatives will feel comfortable expressing client perspectives.

Professional Members of the Board: In order to ensure impartiality most legislatures insist that no mention be made of specific professional organizations, therefore it is unlikely that AACD or its state branches can be mentioned specifically as a source of nominees for the board. AACD members need to be cognizant of the interests of related professional associations like the National Rehabilitation Counseling Association.

Nevertheless, it is important that state branches find some

vehicle through which to offer advice regarding appropriate and knowledgeable candidates for the board. This strategy precludes the gubernatorial appointment of purely political appointees with little or no knowledge of the profession or of the credentialing process. Licensure committees should become knowledgeable about their state's protocol and political processes as it may become necessary to provide wording which accommodates confirmation of appointments by the Senate, for example.

State branches also need to reach consensus regarding suitable nominees. Nominees should understand the tremendous time commitment involved in serving on such a board and should be representative of the various publics served by the profession. Fair collegial consultation with all affected associations is necessary in this process.

Conflict of Interest: Public representatives to the board must be unbiased in order to establish credibility with the legislature, the public, and the profession. The bill should clearly disallow from service persons who are personally invested in the process. Board members must not be related to an LPC, nor should they have a business interest in the counseling profession. Thus, persons who are involved in commercial enterprises, like publishing companies, or who evaluate the performance of counseling professionals, like insurance company representatives who perform cost-containment analyses of vocational rehabilitation services, must be excluded from service.

Number of Terms: A maximum of two terms allows for the continuity afforded by permitting more than one term of service, but avoids the stagnation and monopolization of power associated with more than two terms.

Section 5: POWERS AND DUTIES OF PROFESSIONAL COUNSELOR LICENSURE BOARD

Length of Terms of Office: A three year term of office appears to be appropriate in terms of allowing for continuity, but precluding over-consolidation of power and influence by any one faction.

Adopting a Code of Ethics: As mentioned earlier, direct reference to any one association's code of ethics is unlikely to be permitted. However, the state licensure committee should strongly advocate for the adoption of the AACD Code of Ethics in the rules and regulations and plan strategy accordingly. In addition, it is important that the regulations supplement the AACD Code with appropriate specialty codes when counseling specialties are defined in the legislation. Specialty Codes of Ethics are available from organizations such as the National Academy of Certified Clinical Mental Health Counselors (NACCMHC) and the American Rehabilitation Counselors Association (ARCA).

Reviewing Complaints: This model regulates both title and practice. Therefore it is necessary to provide a mechanism for the review of complaints against both those who are licensed by the bill and those who are not. In addition to policing the profession, these formal reviews will provide better documentation of the nature and frequency of problematic services provided by regulated and unregulated practitioners. The Colorado licensure bill provides such a mechanism. States seeking to regulate title only will need to make appropriate modifications of this section.

Testing Fees: No specific provision exists in this model bill for levy of a specific fee to offset costs of testing as is the case with the issuance of a license. If certain financial factors are present in a state, a specific testing fee item may be added. This

action might allay legislative or administrative concern regarding how specific service costs will be retrieved.

Disposition of Funds Collected: The model bill provides for collected funds to be maintained in the state's general fund with designation for specific administration of this act. This strategy continues to be prevalent and preferred in most states due to the need to offset the general overhead and start-up costs associated with implementing the bill.

Where the burden of the board's operating costs on the state's fund constitutes a primary concern, other approaches to this issue can be successful. Some states arrange that the start-up funds for the board are provided by the general fund with the state ACD reimbursing the general fund. In Arizona the board has twelve months to repay a loan from the general fund with funds collected from licensees. Another strategy, successful in Michigan, is that funds collected for administration of the Counselor Licensure Act be paid directly to the department regulating licensure and applied specifically to the maintenance of the counselor licensure board rather than risk further drain on the general fund unrelated to revenues derived from the licensure activity.

The review of counselor licensure bills by legislative fiscal review committees continues to constitute a significant barrier to the passage of these bills where legislators are afforded an opportunity to find safe financial grounds to deny support to a bill they may not fully understand or endorse in other aspects. Therefore, it is essential that the state licensure committee work closely with experienced, effective lobbyists to circumvent these fiscal issues which often present themselves early in the legislative effort.

Section 6: DEFINITIONS

6.1 LICENSED PROFESSIONAL COUNSELOR

This definition is felt to be applicable to all professional counselors, regardless of the setting in which they practice their skills. Additionally, it reflects a recognition that Licensed Professional Counselors understand and are professionally prepared to address the factors involved in optimal human functioning (wellness) as well as the factors that inhibit optimal functioning (pathology) and do so within cultural context. This emphasis on wellness is considered unique among behavioral health professionals who tend to operate primarily from a traditional medical model.

This integration is possible because LPCs understand and build their practice upon the interrelationship between the principles of human development and mental health principles. Such an integration presupposes a focus on the totality of the person, whether child, adolescent, adult or older person, and upon his/her mental, emotional, physical, social, moral, educational, spiritual, and/or career development. This integration is reflected in both theory and practice.

It is important to understand that this definition does not imply that every LPC is prepared to address every aspect of the definition with every client, patient or student. The Statement of Professional intent submitted to the board [see item "h" under 7.1 *PROFESSIONAL TRAINING*] and the Professional Disclosure Statement distributed to the client [see section 14: *PROFESSIONAL DISCLOSURE*] both ensure that the scope of the LPC's practice does not extend beyond his/her professional experience and preparation.

6.2 LICENSED ASSOCIATE COUNSELOR

See Section 7.4 regarding commentary about requirements for associate counselor license. Section 7.2 discusses supervision requirements.

6.3 APPROVED SUPERVISOR

States should consult the Association for Counselor Education and Supervision (ACES) for emerging guidelines regarding supervision and supervisors (Dye, 1989). Specialty guidelines for supervisors are available from the American Mental Health Counselors Association.

The issue of whether a supervisor should be a counselor and not a member of another allied helping profession should be considered. In rural areas the shortage or absence of qualified supervisors who are counselors may dictate the need for social workers or psychologists to serve as supervisors. During the initial implementation stages of the bill, until a core of appropriate supervisors can be generated, states may wish to have applicants submit the name of possible supervisors to the board for its approval.

An option to the 5 years of practice requirement is to require "extensive counseling experience which totals no less than 3 years." The board should operationalize the word "extensive."

6.5 COUNSELING PROCEDURES

Many of the issues concerning counseling procedures (a) through (e) are covered by the Statement of Professional Intent described in 7.1g, thus an LPC and LAC must adhere to his/her scope of practice statement.

- (a) "counseling": The issues are similar to those mentioned in 6.1 a, b, e, f, and g.
- (b) "appraisal": The word "instrument" is meant to be defined broadly to avoid controversy with other professionals. The conflict may be related to who is qualified to administer and interpret objective and projective tests. More specific definitions are appropriate in legislation establishing counseling specialties. For the LPC, however, strict adherence to the Professional Statement of Intent is called for as limited numbers of LPCs are qualified in the diagnosis and treatment of mental disorders.
- (c) "consulting": Questions may arise about what types of consulting problems counselors are qualified to deal with because our counseling and human development perspective differs from that of psychology.
- (d) "referral": This procedure recognizes the scope and limitation of a professional counselor's practice. A strength of this definition is that counselors communicate their judgment to clients and we disclose information to a referral source only when it is appropriate. A professional counselor's commitment to confidentiality is important in this regard.
- (e) "research": A commitment to researching counselor effectiveness distinguishes counseling from nonprofessional practitioners of the healing arts.
- (f) "psychoeducational approaches": Emphasized here is the client as learner rather than as patient and casting the role of the professional counselor as teacher rather than as healer. Such approaches are the antithesis of the medical model.

Section 7: REQUIREMENTS FOR LICENSURE

7.1 PROFESSIONAL TRAINING

(a)–(c) Age of majority, citizenship, legal residence: Each state has rules about including these criteria and others. Check with your state.

(d) Moral turpitude: (1) Establishing the absence of criminal behavior is important. Methods of doing this might not be totally effective, but doing so establishes a "legal paper trail" if violations have occurred. Having written materials related to moral turpitude (turpitude is defined as behavior that is base or vile, hence morally evil, wicked, repulsive, or disgusting) is essential and justifies that measures can be taken to discipline persons in violation of this section.

(2) Provides for an opportunity for offenders to receive rehabilitation and function again as LPCs. This is important since rehabilitated offenders can function effectively as counselors. Seriousness of the crime and recidivism need to be considered when evaluating applicants because rehabilitation is more difficult with some kinds of offenders.

This section empowers the board to conduct a thorough investigation of offenders and gives ultimate authority to the board in terms of granting an LPC credential. Most states do not have this clause. West Virginia is an exception. For further information contact WV ACD or the Public Offender Counselor Association (POCA). This section is also designed to not discriminate against a group of potential paraprofessionals and professional counselors who ought to be a valuable resource in counseling offenders.

(e) The master's degree: The 60-hour requirement ensures a rigorous counselor preparation program that includes a broad foundation and a clear specialization in various counseling specialties including school, mental health, career or rehabilitation counseling. Sixty hours ensures a 2-year preparation program.

In some states it may be necessary to include an option of earning a degree in fields "closely related" to counseling. While the Licensure Committee does not encourage this option, one alternative is to stipulate that the degree or course work be "primarily" or "predominantly" in counseling.

Some states will be limited by the requirements of their graduate programs. For example, in some states, no 60-hour programs in counseling exist. Thus, a transition period may be considered so that counselor preparation programs can have additional time to adopt CACREP standards. The transition period can be delineated in the grandparenting clause.

Some states might need to be less specific concerning the hour requirements and general program of study. This may be a good strategy if there is a great variability in the requirements of counselor preparation programs in the state (for example, see the Georgia, Missouri, or Massachusetts bills.) In such cases, the board is usually involved in defining the requirements. The 60-hour requirement is similar to those of other behavioral health professions, namely, social work.

This section provides a standard for reciprocity between states. It should be noted that although introducing less restrictive standards in one state may alleviate some problems within that state, it may create problems for licensees of that state who move to another state only to find that the lesser standards of their former state do not meet the standards of their new state. In general, the less variability that exists among states, the easier it is to establish and enforce reciprocity.

It should be noted that the issue of how doctoral level counselors and counselor educators fit into this schema has yet to be

clarified, but the issue is being debated in the counseling profession. Establishing a separate credential or different level of credential for doctoral practitioners necessitates clearly establishing different levels of practice.

The Licensure Committee recognizes that some rehabilitation counseling preparation programs that are Council on Rehabilitation Education (CORE) accredited might not, at first glance, fulfill the letter of the required curricular areas. Careful consideration should be given to specific course content and course titles when comparing CORE programs of study to these curricular areas. (In most cases, a carefully structured CORE accredited program will fulfill these requirements.) Further guidance on this issue can be obtained from CACREP or CORE.

(f) Postmaster's experience: Most licensure states require 2 or more years of postmaster's experience. Three thousand hours of professional practice (the equivalent of 3 years) is a more flexible way to address this requirement while still representing a major commitment to the profession and a substantial amount of work experience. Twelve hundred (1200) hours (40% of 3000) of direct client contact ensures that the applicant is actively engaged in the delivery of counseling services and keeps the requirement consistent with the regulations of other credentialing and accrediting bodies.

Note that additional course work or a degree can not be substituted for experience. This position was taken so that LPCs would have acquired extensive practical, rather than theoretical, experience.

The supervision requirement ensures ongoing supervision of a person's counseling skills. It is suggested that no more than 50% of the supervision hours be group supervision hours and that when group supervision is utilized, the supervisor not work with more than four supervisees at one time.

It is important to specify the number of hours of clinical contact and supervision.

(g) Statement of professional intent: This is an ongoing statement to the board about the LPC's areas of competence and practice which results in helping the board protect the public. It might be difficult to implement a mechanism to monitor an applicant's practice over time.

(h) Examination: The exam should cover the applicant's knowledge of the foundations of counseling as well as require a demonstration of counseling skills. These skills should be identified through the use of a psychometric process which is based upon an occupational analysis. The committee suggests that states also use an exam that covers knowledge of the state's licensure laws and its code of ethics. States should consult the American Association of State Counseling Boards (AASCB) for guidance on the examination process and the type of exam to use.

This section ensures a comprehensive validation of competencies through various mechanisms. Ideally, the examination should be developed independent of certifying organizations. This helps the legislature to differentiate between professional recognition as a specialist and the legal regulation of the profession. At this point there is no such exam, but the AASCB is actively evaluating the possibility of developing this tool. The exam ought to be a national exam with established criteria for what constitutes a passing grade.

7.2 SUPERVISED EXPERIENCE

In addition to the information contained in 6.3 (Approved Supervisor) of this commentary the board will want to consider

the nature of the supervision to be provided. Issues to be considered include the following:

- (a) how much individual supervision is required weekly (1 hour is usually a minimum)
- (b) how much group supervision is required weekly (if group supervision is even a possibility)
- (c) could agency staffings be substituted for group supervision when there is only one intern in a particular setting
- (d) what is the nature of the supervision (co-therapy, direct observation, audio and/or videotaping).

7.3 EXAMINATIONS

See section 7.1 (h) in left-hand column.

7.4 ASSOCIATE LICENSE

If legislation is a title act only, the state may wish to omit this section. Legislators tend to view this title as weak and unclear when the legislation is regulating title only. If the bill regulates title and practice it is important and necessary to include this section as it provides regulation and governance over "new" counselors in the work place, private or public.

Section 8: RENEWAL OF LICENSING AND CONTINUING EDUCATION

Renewal every 2 years is recommended as being frequent enough to protect the public against a practitioner who is out of touch with current practices. It also ensures that the statement of professional intent remains current. Other behavioral health professions also renew biennially, so this is in keeping with broader practice.

Boards must decide just how complex a monitoring system they wish to establish for the reporting of continuing education activities. Some boards operate on the "honor system" whereby all LPCs are expected, consonant with their code of ethics, to participate in continuing education activities. The board then monitors these activities on a random basis. For example, every 10th person renewing a license would be asked to submit verification of his/her continuing education activities.

Other boards have gone to great length (and expense) to establish lists of approved continuing education providers and procedures for reporting continuing education activities. Within AACD, the National Board for Certified Counselors publishes an official list of continuing education providers whereas the National Academy of Certified Clinical Mental Health Counselors does not.

Section 9: RECIPROCITY

Reciprocity agreements are encouraged, but difficult to create. A particular problem involves the difficulty in granting reciprocity to those who may have been licensed in another state during the grandparenting period when requirements were less stringent. Often there is no easy way to determine under what standards a person gained licensure in another state and thus reciprocity can lead to the credentialing of individuals who are less than qualified.

Boards may wish to have reciprocal arrangements regarding the sharing of information on individuals under investigation. In order to avoid liability problems it may be wise to require applicants to sign a waiver form when seeking information from other state boards.

It is the hope of the Licensure Committee that reciprocity

agreements will exist regarding testing procedures. Once a national counselor exam is in place and once a minimum score has been determined, there should be no reason why states should adopt different passing scores in their rules and regulations.

Section 10: PRIVILEGED COMMUNICATION

Many counseling licensure bills have used attorney-client privilege as a model. Recent case law has complicated some of the issues in the privilege granted to a client in communication with an attorney. Specifically, when more than one person is present, case law has found the privilege to be nonexistent. For this reason, it is recommended that the privilege be spelled out in counselor licensure bills.

The addition of the words "or persons" helps to clarify the intent of the bill to provide privilege for clients who see a licensed counselor as couples or in groups. Another addition is to extend the client's privilege to those who work with the counselor. This includes clerical staff.

It should be stressed to legislators that the privilege belongs to the client rather than to the counselor. As such it is an additional section of the bill designed to protect the consumer.

Exceptions listed in the bill take into consideration recent case law and protection of the client balanced against protection of society in general. Corey, Corey, and Callanan (1988) in *Issues and Ethics in the Helping Professions* present a good discussion of these issues.

Cases in which there are indications of present or past child abuse or neglect constitute clear and immediate probability of physical harm. Suicide is included under this exception as well.

Section 11: PROTECTION OF THE PUBLIC

This section sets out the specific manner in which individuals who violate aspects of this statute and the standards of practice described herein will be disciplined. It further sets specific grounds for discipline, suspension, or revocation of license. It is recommended that the specific heading "Protection of the Public" be utilized to structure the subsections. The title calls attention to the profession's commitment to provide protection to the consumer. The section outlines methods of recourse to those who encounter unlawful practice, ethical violations, or others who have violated other provisions of the statute.

It may be important to include in this statute a specific subsection in this area detailing the specific investigatory process to be outlined where disciplinary action will be considered by the board after receipt of a complaint. This specific wording is not included in this model bill in that this aspect is usually determined largely within each state dependent upon their usual licensure board procedures. For assistance in this matter, resources include a knowledgeable lobbyist in your own state or the National Clearinghouse on Licensure, Enforcement and Regulation (CLEAR).

11.1: UNLAWFUL PRACTICE

Where repeated violations of the unlawful practice section occur indicating a pattern of willful violation, the individual in violation will receive more severe punishment (a potential felony conviction). This provision is more stringent than the general penalty in most existing state laws. Virginia law is a notable exception. It is felt that this added emphasis on willful violation is needed to make truly meaningful enforcement possible.

11.2 ETHICAL VIOLATIONS

In addition to several specific references to disciplinary grounds written directly into the statutes, a specific subsection on ethical violations is provided. This section is a discrete addition that is important in that it draws specific attention to concern for enforcement of a professional code of ethics adopted by the board. The nature of ethical principles contained in a code is much broader than the specific elements listed in specific grounds. As such it is appropriate to leave the specific judgment regarding ethical violations to the professional board, but to call attention to the resolve to enforce a professionally originated code.

Section 12: EXEMPTIONS

As a general rule, the fewer the exemptions, the better. Each exemption means one more group of "counselors" not regulated by the bill and the more groups not regulated by the bill the less control the board has over the profession. However, as a practical reality, it is rarely possible to have no exemptions. There are always a few groups with sufficient clout over a state's lawmakers that they can jeopardize passage of an entire bill if not excluded from its provisions. In many states it is competing behavioral health professionals concerned about turf issues that demand attention. In other states, such as Arizona, it was the community guidance center administrators, who were concerned about rising cost factors. In still other states those who may never be able to meet the statutes standards, like drug and alcoholism counselors, are the concerned parties.

12.1 EXEMPTION OF OTHER PROFESSIONS

Exempting other professions is a matter of professional courtesy as long as the members of those other professions are counseling within existing constraints imposed by their own training, ethics, and statutory restrictions.

12.2 EXEMPTION OF GOVERNMENT EMPLOYEES

Those who regulate others are often the first to complain about possible regulation by others. Oddly enough, once exempted from regulation, it is often the various governmental agencies which then require their employees to conform with the credentialing requirements. This is done in order to maintain their credibility with the legislature and the various governing bodies which fund their programs. Not to follow such regulations would be to establish a second class governmental service delivery system for those unable to afford the services of private practitioners.

12.3 EXEMPTION OF GRADUATE STUDENTS AND TRAINEES

If graduate students were not exempted they would not be able to counsel, even under supervision, because the bill would restrict anyone who was not an LPC from practicing, thus the need for this important exemption in licensure bills. In certification bills, the graduate student could counsel, but could not use the title "Certified Professional Counselor."

12.4 EXEMPTION OF NONRESIDENTS

As a courtesy to those who visit from out of state to present workshops or to counsel on a limited basis, this exemption is usually included. Ben Franklin's exhortation that "Fish and visitors smell in three days," may be extreme in this case, but

some reasonable limitations should be placed on the length of time visiting practitioners are welcome in your state.

12.5 EXEMPTION OF CLERGY

Although there are many different versions of pastoral counseling, only a few actually resemble the kind of counseling with which AACD members are familiar. But the maxim here may be, "If God is for us, who can be against us?" Legislators are very reluctant to fight the lobbying efforts of the clergy, so the Licensure Committee suggests including an exemption for the clergy.

12.6 EXEMPTION OF VOLUNTEER WORKERS

A lot of important work is done by community volunteers on crisis intervention lines, peer counseling programs, and the like. Enforcing restrictions of the practice of counseling by volunteers is almost impossible, thus this exemption is also prudent.

Section 13: LICENSURE WITHOUT EXAMINATION ("GRANDPARENTING" CLAUSE)

Few counselors have ever had the depth and breadth of training and supervision intended to be required after the implementation of this kind of legislation. Even when they have had it, documentation of previous supervision and experience is, at best, difficult. Furthermore, denying current professionals the opportunity to continue in their work constitutes an illegal restraint of trade.

Opening the doors to every current professional, regardless of qualifications, will dilute the integrity of the intent of the bill, while not opening them wide enough invites litigation. A reasonable balance must be struck.

Section 14: PROFESSIONAL DISCLOSURE

Updating of professional disclosure statements can become a managerial and monitoring nightmare. Rules and regulations need to detail the updating process and it is suggested that updating be accomplished each time one's license is renewed.

Some agencies/institutions do not want their employees displaying or handling professional disclosure information, particularly the agency's fee structure. The agency or institution is the regulatory body for that counselor. Therefore, the rules and regulations should explain that if a counselor has a private practice in addition to his/her agency work, a professional disclosure statement must be made available to the clients seen in the private practice.

Section 15: SEVERABILITY CLAUSE

This statement is included to protect the integrity of the bill so that it is not legislated out of existence when amended or otherwise altered.

Section 16: REPEALER CLAUSE

Often unintentionally sections of a new bill will conflict with sections of preexisting legislation. This section addresses what is to happen when such conflicts arise. Overlaps in the scope of the practice of two different professions would be a typical example.

Section 17: EFFECTIVE DATE

Many bills become effective immediately upon being signed into law by the governor. In some states, an effective date some time in the future is established. A future date is a mixed blessing as it can allow time to "gear up" for the onslaught of applications (14,000 in Ohio) but it also can delay unnecessarily the implementation of the bill (Arizona had to wait an entire year before the official board was appointed).

Sunset Legislation: Sunset clauses are designed to protect the consumer by making it easier for legislatures to do away with ineffective credentialing boards. After a specified period of time (10 years is normal) a board must submit its work to legislative review. An unfavorable review would most likely mean the termination of that board, as happened to the Board of Psychologist Examiners in the State of Florida several years ago.

The Licensure Committee has not included a sunset clause in the model bill because it is not required in all states and because sunset reviews can be very political and spell the end of perfectly legitimate boards. With or without sunset clauses, boards must be able to justify their existence to the legislature and to the general public.

CONCLUSION

Counselor licensure is one of the hallmarks of professionalism (McDonough, 1983). With the passage of 33 professional counselor credentialing bills, the day that this important hallmark will be within the grasp of every counselor is near. However, the need for uniformity in counselor licensure legislation is apparent. The counseling profession must continue efforts to reconcile numerous combinations and permutations created by the whims of 50 different state legislatures and an evolving profession that attempts to respond to the needs of newly recognized clientele as attested to by the recent establishment of AACD's Association for Adult Development and Aging and the International Association of Marriage and Family Counselors. This Model Licensure Bill is thus presented as one vehicle to further that cause.

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ADDITIONAL INFORMATION

American Association for Counseling and Development (AACD) and its divisions, which include American Rehabilitation Counseling Association (ARCA), Association for Counselor Education and Supervision (ACES), American School Counselor Association (ASCA), American Mental Health Counselors Association (AMHCA), Public Offender Counselor Association (POCA), American College Personnel Association (ACPA), Association for Measurement & Evaluation in Counseling & Development (AMECD), Association for Multicultural Counseling & Development (AMCD), Association for Religious & Value Issues in Counseling (ARVIC), Association for Specialists in Group Work (ASGW), Association for Adult Development & Aging (AADA), Association for Humanistic Education and Development (AHEAD), International Association of Marriage & Family Counselors (IAMFC), Military Educators and Counselors Association (MECA), National Career Development Association (NCDA), National Employment Counselors Association (NECA), 5999 Stevenson Avenue, Alexandria, VA 22304, (703)823-9800.

Council On Rehabilitation Education (CORE), 185 North Wabash, Room 1617, Chicago, IL 60601, (312)346-6027.

American Association of State Counseling Boards (AASCB), P.O. Drawer GE, Mississippi State University, Mississippi State, MS 39762, (601)325-3426.

National Clearinghouse on Licensure, Enforcement and Regulation (CLEAR), CLEAR, Executive Director, The Council of State Governments, Ironworks Pike, P.O. Box 11910, Lexington, KY 40578, (606)252-2291.

National Board for Certified Counselors (NBCC) (same address as for AACD).

National Academy of Certified Clinical Mental Health Counselors (NACCMHC) (same address as for AACD).

National Rehabilitation Counseling Association (NRCA), 633 South Washington Street, Alexandria, VA 22314, (703)836-7677.

Council for Accreditation of Counseling and Related Educational Programs (CACREP) (same address as for AACD).

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