

# NDBCE North Dakota Board of Counselor Examiners

2112 10th Ave. SE • Mandan, ND 58554 • 701-667-5969 • FAX: 701-667-5969 • www.ndbce.org

Good afternoon Chairman Nelson and Acute Psychiatric Treatment Committee. My name is Marge Ellefson, executive secretary for the North Dakota Board of Counselor Examiners. I am here today at the request of the Board to present this testimony.

## **Mental and behavioral health services provided by licensees;**

Services provided by licensees include:

- Individual, group, couples and family counseling services
- Provide evidenced based treatments that can address DSM 5 disorders based on individual qualifications and training.
- Services are provided in person or through telehealth services in hospital settings, jails and prisons, clinics, and private practices.

## **The frequency of rule review;**

The board is continuously looking at rules that may not apply anymore or could be changed or updated, especially with the shift of procedures due to COVID, which appears to be a way of life now, rather than passing through as we initially thought. The board office has a list of proposed rules changes, however, the board is working on language for a bill that would also affect some of the changes if made now and then in the near future. When visiting with a Senator about the changes, it was thought wise to do these all at once, if possible, due to time and expense of Century Code changes and Admin Code changes. Many Admin Code changes would reflect on new changes to the Century Code if the bill passes, so the board is considering the most advantageous order in which to make these. The NDBCE is looking at presenting a bill that would change the licensure structure of the North Dakota Board of Counselor Examiners from three tiers of licensure to two, which would involve massive changes in both the Century Code and Admin Code.

## **Licensing requirements;**

To be licensed as a professional counselor in the state of ND the applicants must:

- Have a 60 Hr. master's degree in counseling or a closely related field from an accredited university, including core counseling courses and an appropriate internship relative to counseling
- Have an acceptable background check
- Have a passing score on the National Counseling Exam
- Demonstrate 100 hours of direct face to face supervision under a ND certified supervisor
- Have three letters of recommendation

There are currently three tiers of licenses:

- Licensed Associate Professional Counselor (LAPC): This requires two years of supervised experience.

- Licensed Professional Counselor (LPC): This is the license that is obtained once the requirements for LAPC have been met. LPC's practice independently.
- Licensed Professional Clinical Counselor: This license is obtained above and beyond the LPC with additional coursework and supervised experience that is clinical in nature, along with the National Clinical Mental Health Counseling Exam, which demonstrates clinical competencies.

The trend has been that many new licensees work to meet the requirements of the LPC and LPCC during the LAPC so that they may advance to the third tier of licensure immediately. Factors that contribute to this are related to employers wanting LPCC status and ability to be eligible for reimbursement from third party payors.

### **History and trends of the licensing of foreign practitioners and any additional licensure requirements for foreign practitioners;**

The NDBCE offers an authorization for foreign practitioners to practice into ND under circumstances and conditions noted in the Century Code (43-51-04/43-51-06). The NDBCE requires a one-page application that must be notarized and show proof of current counselor licensure in good standing in the applicants state of licensure. Along with the significant increase in individual Foreign Practitioner applications, companies and organizations have been applying as well, which is not clearly addressed, but boards cannot license companies.

There has been an increase in requests for foreign practitioner authorizations since the pandemic. Telehealth counseling has become more widely used and we are receiving more requests for this practice. Some of the requests are from providers who work for telehealth only businesses and may be located somewhere else in the US. Some of the requests are to provide transitional care to a client who is relocating to North Dakota to allow them time to establish with a new provider locally.

### **Reciprocity agreements with surrounding states;**

This is difficult because reciprocity is an agreement between two states that have the same or very similar requirements. There are no current reciprocity agreements with any other states. This board is not aware of any statutes that give this board the authority to enter into a reciprocity agreement. The current laws indicate that a licensed professional from another state must demonstrate same or similar licensing requirements from the state they are currently licensed in. A few years back this board sent out letters to the other 49 states asking if those states could recognize reciprocity with ND. The NDBCE received 12 responses and none would agree to reciprocity, not because their requirements are any more or less than ND, but because requirements are different in every state. One size does not necessarily fit all. The NDBCE, in my time here, has never revoked or suspended a license. In 2019 the board issued a Settlement agree with a counselor and the next closest Settlement agreement was in 2013. The board feels that the requirements for licensure and renewals are doing what they should and are homed in pretty well to the safety of North Dakota citizens. So if it isn't broke...

Lately I have been reviewing other states requirements when we get a reciprocity application and have noticed along the way some states note on their websites that they are not currently practicing

reciprocity with any states. If the state where the applicant is licensed has requirements that do not match ND for reciprocity purposes, the applicant is offered to apply on the standard app. The trend I have seen lately is that there are many companies nationwide who are encouraging their counselors to get licensed in as many states as they can, and one applicant told me he gets \$1000 if he gets licensed in ND. Since the main purpose of this board is to protect the people of ND and do its best to put competent counselors in place, this board needs to ensure that these applicants meet the requirements set forth. A loose reciprocity practice could end up with counselors from out of state getting licensed with a degree that does not qualify in ND, or who have not shown competency through the national exam or through supervision under a counselor. This trickles down a little further because once a year or so the board office gets a document from insurance providers asking if we source verify education, internships, and sometimes supervision. The board needs to be able to show that all licenses are consistent and issued under the same requirements.

So although I have talked about reciprocity applications, these are not reciprocity agreements between states. These are applications that are a bit less lengthy if the other licensing state has similar requirements, so for ease of review the board has a reciprocity application which is just a different way of verifying information. Again, this board does not have any automatic reciprocity agreements in place with any other states. Every application is reviewed on its own merit. The term reciprocity is often confused or taken to mean an automatic license process. On this board this is not the case.

### **Fees charged by the board:**

Authority set by the Century Code Chapters 43-47

Currently there are fees related to applications and renewals.

Application fees for LAPC	\$150.00	LAPC is a two-year license
Application fees for LPC	\$150.00	LPC is a two-year license
Renewal fee for LPC	\$150.00	Renews every two years
Renewal fee for LPCC	\$225.00	Renews every two years (includes LPC renewal)
Supervisor Certification	\$100.00	Renews every five years
Supervisor Certification renew	\$100.00	Renews every five years
LAPC Extension fee	\$100.00.	Length of extension set by time needed

### **Training requirements for board members and executive directors;**

In the past few years the Attorney General's office has hosted a daylong seminar for Boards and Commissions specific to ND laws, changes and guidelines. This is an excellent opportunity for board members and staff, and when it was put online this last time it gave more people from across the state a chance to attend.

Board members and staff are also required to have security awareness training every two years through BCI involving the handling of background checks.

The board elected to have the executive secretary attend the AASCB conference once a year. This is the American Association of State Counseling Boards, and is an excellent event sponsored by AASCB and

NBCC (National Board of Certified Counselors) and involving ACA (American Counseling Association). In 2019 the board chair attended and it was not held in 2020. In 2021 and 2022 this event was/is offered online where anyone from the board can attend, but since it leans toward administrative personal, the board secretary attends whenever possible. This year it is being offered over two days, Feb. 4 and 18, and I noticed the first session on the agenda is regulating foreign practice and discussing temporary practice provisions and extensive cross-jurisdictional practice! I will be attending this conference in Feb. along with at least one NDBCE board member.

In addition, historically ACA held an annual conference that a board member would attend, however, those conferences have been disrupted in the past two years.

#### **Executive director turnover trends; and**

This board does not have an executive director, however, it does have an executive secretary and there has been no turnover for twenty-two years.

#### **The average length of service of board members.**

Under our rules board members are appointed by the Governor's office and hold terms of three years. The average length of service for the current board members is 6 yrs 7 months.

Recently this board had a public member whose term expired and although the board member was willing to step down, she was asked by the Governor's office to continue in her role because no public member replacement was available.

Thank you for your time.

Are there any questions?