

Good morning Madam Chairwoman and members of the Senate Human Services Committee.

My name is Marge Ellefson. I am the executive secretary for the NDBCE (North Dakota Board of Counselor Examiners), and I am here by the authority of the Board to present opposition testimony on SB2335.

On January 18, 2021, the NDBCE was informed of a potential bill that would change the license title of the LAPC (Licensed Associate Professional Counselor) to either LPC-designated supervised or Professional Counselor-supervised. The exact title was not consistent in SB2335 which the NDBCE saw for the first time on Tuesday, January 26, 2021. It was also suggested to this board that the LPC license now be changed to LPC-independent. These changes could involve issuing as many as 275 new licenses. The Board does not feel it was given ample or appropriate time to effectively or efficiently research what impacts these changes would have on several levels. The LAPC is already known as under supervision, and the LPC is already known as independent.

In a special board meeting held Friday, January 29, 2021, the board discussed the proposed changes, impacts and concerns raised by SB2335. Although the bill does not reflect the reason for these proposed changes, from additional information given to this board it appears this is an attempt to alter the title to align with Blue Cross Blue Shield. This board is not involved with insurance companies and their policies for reimbursement. The purpose of this regulatory board is to license competent counselors to serve the people of North Dakota. It is believed that BCBS may have a misconception of the board's licensure tiers. Although the insurance company recognizes and reimburses LPC's, renaming the LAPC will not bring that license to the LPC level of independent practice. Any misconceptions would need to be addressed between counselors/agencies and insurance providers.

In a recent publication of BCBS (provided in my submitted written testimony) it states they recognize LPC's. The board is concerned because having two licenses with similar titles could cause confusion between one under supervision and one not under supervision. Would BCBS recognize the LPC-under supervision in the same category as the LPC independent? There is still the distinction between them which is the supervision status. Changing titles will not eliminate the difference between the two.

<https://www.bcbsnd.com/providers/news-resources/healthcare-news/summary-of-benefit-changes>

To reiterate, changing the title of the LAPC will not change the structure of the license or the fact that the counselor is under two years of supervised experience post-degree. As such, regardless of the title (LAPC or LPC-Under supervision), the counselor's activities will still be under supervision, which insurance companies may or may not decide to reimburse. It was also mentioned to this board that NHSC Rural Community Loan Repayment Program does not recognize the LAPC, only the LPC, for qualification. This board suggests NHSC may be looking at licenses under supervision vs independent licenses. Changing the title of the LAPC could be deceiving, because it may look like a full license to those who are unaware the new title (LPC – Under supervision) is re-naming a license under supervision (LAPC). The NHSC website states the Community Loan Repayment Program only applies to **fully trained and licensed to practice counselors**. The LPC-under supervision does not meet those qualifications any

more than an LAPC title does. A board member remembers this program from the past and they required fully licensed applicants.

It was also noted that several insurance providers recognize and reimburse the LAPC. The board is concerned that changing the LAPC title could cause unintended consequences and interfere with reimbursement processes already in place from other providers.

On a side note, this board has been in conversations for a while now about going from a three-tier licensure structure to a two-tier licensure structure. Would going forward with these proposed changes interfere with or confuse the board's current research and intent to get to two tiers? Further, would this mean the board would go through the work, the time and the expense now, only to repeat the lengthy process again in the future when the two-tier structure becomes feasible?

Making a title change like this is not as simple as four or five references in the Century Code. The changes that would need to be made would begin with:

- Changing the Admin Code and all references to the LAPC and/or LPC, if necessary. There is an expense to doing that which is not reflected in the bill or any fiscal notes that the board is aware of. Changing the Administrative Code to reflect the Century Code involves at minimum a notice in all county newspapers, legal expense for wording and procedure, and holding a public hearing before anything else could be done.
- Re-license all LAPC's and possibly all LPC's, which may result in a cost to the license holder for a new license issued.
- All agencies or institutions that currently receive reimbursement for LAPC's would need to contact all their insurance providers to assess any impact this title change would have.
- Go through the website and change all forms or any documents with reference to LAPC (or LPC if that title has to be changed, as well).
- Contacting universities, local and nation-wide, including distance learning facilities, who offer counseling programs to explain the change in the title and to address confusion when advising their students.
- Contacting and making the changes to all national organizations that compare all states and their requirements in national publications or have this information for their own reference. This would include (but not be limited to) ACA (American Counseling Association), AASCB (American Association of State Counseling Boards), and NBCC (National Board for Certified Counselors). The LAPC title is associated with this board in several other places, including references on internet when this board is searched.

I apologize for the length of this testimony, however, changing a long standing title (traced back to 1998) is far more complicated than one would think, and the board is concerned a "simple" title change would be confusing, even to the consumer. The board does not see an advantage to this. Thank you for your time.

I am happy to stand for any questions.