

SB 2187 Testimony of Dan Logsdon, Director of the National Center for Interstate Compacts at The Council of State Governments.

My written testimony responds to inquiries from the North Dakota Board of Counselor Examiners. The National Center for Interstate Compacts (NCIC) is serving as interim secretariat for the Counseling Compact Commission.

1. What are the fees the compact commission will charge to the NDBCE and licensees? No specific information has yet been provided.

The Commission for the Counseling Compact met for the first time in October 2022. It is currently drafting rules and bylaws. I believe the Commission will set the Commission fee for the compact privilege in the coming months – a member state has the freedom to determine the fee it charges for a compact privilege. Like all existing licensure compacts, the Counseling Compact Commission will very likely receive financial support from national organizations. At least one organization has committed to supporting the Commission’s operations and other organizations are in discussions with the Commission Chair. I cannot make a guarantee that the commission will not assess member states, however, the availability of outside support makes an assessment unlikely in the near term. Currently, only two licensure compacts assess states. The Nursing Compact (NLC) assesses member states \$6,000.00 a year. The other licensure compact with a state assessment is PSYPACT, which has a sliding scale for assessments based on the number of privilege holders in a member state. North Dakota is a member of the NLC and PSYPACT.

Additionally, North Dakota is a member of 5 national compacts that assess member states – The Military Children’s Compact Commission (MIC3), The Interstate Compact on the Placement of Children (ICPC), The Interstate Juvenile Compact (IJC), The Interstate Compact for Adult Offender Supervision (ICAOS), and the Emergency Management Assistance Compact (EMAC).

2. What is the definition of who the compact applies to? Would it apply to people who are not licensed by the NDBCE?

Please see the definition of “Licensed Professional Counselor” – the compact applies to licensees in a member state who can independently assess diagnose and treat. I believe that the compact would apply only to those who hold a license issued by the NDBCE.

3. What is the national test or tests the compact will use to meet qualifications for licensure? No information has yet been provided on this front.

CSG facilitated the development of the Counseling Compact. One of our “best practices” is to not specifically name a national exam in the compact language. Rather, we believe it is prudent to allow the Commission to name an exam by rule. The reason for this is to allow the member states the ability to keep the compact evergreen if a national test were to change or go away. A number of compacts follow this practice, including the PT Compact. It is our understanding that almost all licensing boards use one of the two exams offered by NBCC - most use the NCE but a few use the clinical mental health test.

4. What would NDBCE need to provide administratively, and would there be any changes or adjustments to the NDBCE's workload if joining the compact?

The Counseling Compact followed the model first used by the PT Compact. Given that North Dakota is a member of the PT Compact, I think the North Dakota PT Board could provide insight about any administrative changes/adjustments to NDBCE's workload. Anecdotally, it is our understanding that the compact does not increase a board's administrative workload but, again, I would direct the NDBCE to the ND PT Board as they are in a better position to speak to this question.

5. The compact seems to have a lack of flexibility in that if a board or state changes one word in it, they are in violation of the compact.

States cannot change the language of interstate compacts substantively. This isn't something that is exclusive to the Counseling Compact. It is a unique feature of all interstate compacts. Interstate compacts are essentially "contracts" between states and, thus, the states must enact the same provisions – a bank doesn't have a different copy of a mortgage than the homeowner. As we alluded to above, North Dakota is a member of 6 interstate licensure compacts (the Nurse Licensure Compact, the Interstate Medical Licensure Compact, PSYPACT, the PT Compact, the EMS Compact and the APRN Compact), 5 national compacts, and many other compacts which followed the same process for enactment.