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# Counselor Licensure Interstate Portability Endorsement And Reciprocity Plan

[CLIPER]

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# EXECUTIVE SUMMARY

The American Mental Health Counselors Association supports state authorized changes that will allow for both:

- Licensure Portability Endorsement for licensed Clinical Mental Health Counselors (CMHCs, LPCs, LCPC), and
- Licensure Reciprocity for licensed Clinical Mental Health Counselors

## DEFINITIONS

### **Clinical Mental Health Counselors (CMHCs)**

CMHCs are individuals who have been licensed by one or more states (regardless of their state title such as LCMHC, LPC, LCPC, LPCC) to assess, diagnose, and treat mental disorders defined in the “Diagnostic and Statistical Manual for Mental Disorders” published by the American Psychiatric Association and the mental and behavioral disorders listed in the International Classification of Diseases” published by the World Health Organization.

### **Licensure Portability Endorsement**

Licensure Portability Endorsement (or Licensure by Endorsement) provides provisions for states to make rule changes or legislative law changes to approve CMHCs to move from an originating state to a new, receiving state of residence to be licensed by endorsement without the licensee having to meet the receiving states separate requirements for:

- Additional education
- Additional experience
- Additional qualifying supervised hours, or
- The passing of additional national, professional tests (e.g., the National Counselor Examination [NCE] or the National Clinical Mental Health Counselors Examination [NCMHCE] offered by the National Board of Counselors [NBCC]).
- Licensure Portability does mandate that the counselor meet requirements as specified in this document.

Licensure Portability Endorsement can be unilaterally authorized by any state either by legislative law or administrative rule changes to allow CMHCs from other states moving to the receiving state to be endorsed for licensure by complying with minimal requirements as noted above.

### **Licensure Reciprocity**

Provides provisions for states to make arrangements with other states, which would allow CMHCs to practice in the new state without having to be licensed in the states.

One such approach to reciprocity is through a process called a “Compact” where several states agree to specific legislative language – 10 states as an example – for the agreement to become effective. In that way, CMHCs licensed in one state (call it the home state), can practice in other states that have also passed the compact language.

## AMHCA'S POSITION:

“ *Licensure Portability  
Endorsement and Licensure  
Reciprocity are separate  
initiatives.* ”

AMHCA’s official position is that both Licensure Endorsement Portability and Licensure Reciprocity are vitally important to provide the public with greater access to mental health counseling that also ensures safety to the public. These two separate initiatives should be considered by State Counseling Boards for adoption. AMHCA has reviewed and supports the AASCB plan and the Counseling Compact plan; and has combined the best features of the two initiatives to present the CLIPER plan. Thus, our proposal – the **Counselor Licensure Interstate Portability Endorsement and Reciprocity (CLIPER) Plan**, provides an opportunity for state counseling boards and state legislatures to determine the best approach to meet their state’s needs: portability endorsement and/or portability reciprocity.

## INTRODUCTION

Counseling regulatory boards will determine the future of license portability for counselors. With the recent progress toward an interstate counseling compact, and recent announcements by mental health counseling organizations that have developed portability proposals, creating uniform standards across state lines has never been more important or more possible. State counseling board laws and regulations are aimed at protecting the public by setting basic standards of qualification, education, training, experience, and professional competence for persons who engage in the practice of these professional services. We recognize that no portability process is a “silver bullet” that resolves all concerns related to portability. However, as proposed in this document, licensure portability endorsement and licensure reciprocity to practice across state borders does provide the public for greater access to CMHCs while simultaneously provide for the public safety from unqualified mental health counselors.

### LICENSURE PORTABILITY ENDORSEMENT

Each state has different needs and we believe the licensure portability endorsement plan supported by AMHCA and the other organizations cited above in this document can be a starting point to address the need for greater availability to mental health services, limit administrative overhead, while protecting the public. A portability process will significantly benefit clinical mental health consumers by increasing access to services and by creating a vibrant workforce of licensed mental health counselors during a time of changing regulatory standards and an increasing need for united advocacy efforts.

As demonstrated by the pandemic, individuals and families need access to mental health services through tele-mental health technology. As CMHCs move from one state to another because of their employment needs or the employment needs of their partners, licensure portability endorsement provides the means for their licenses to be endorsed with minimum administrative burdens to the states and to individual CMHCs who have moved to a new receiving state.

Taking the steps to improve licensure endorsement portability will protect the public and add to the strategies through which CMHCs across the country may provide critical services, while at the same time creating a network of states which will honor their licenses that have been earned in other states.



Our hope is that the AMHCA recommendations are reflective of the new landscape of mobile Americans who change their state residence in a way that best meets the needs of state boards. It is our goal to begin a process for the adoption of this plan in specific regions of the country and build momentum for further adoption. Moreover, we remain committed to listening to the wishes and concerns of state boards to ensure true licensure portability becomes a reality.

AMHCA believes that a uniform licensure portability endorsement process embodied in our plan will:

- Significantly increase public access to qualified care
- Establish minimum standards for safe practice
- Reduce administrative burdens for state regulatory boards and licensees
- Create consistency in licensure standards across state lines
- Ensure protection of the public and the continued development of the profession

In an era of a mobile workforce, which is increasingly receptive to innovative service delivery such as tele-mental health services and military-friendly licensure processes, uniform endorsement and reciprocity portability processes are more vital than ever. The qualifications of CMHCs (regardless of their state titles) *must hold the same meaning* to a citizen as it does to a policy maker from state to state.

We also believe in the importance of honoring the work and practices already adopted by state regulatory boards while developing a portability process. We understand and appreciate that such a change will require rule and possibly even statutory changes for many state regulatory boards.

Portability of licensure is a need that the clinical mental health counseling profession must address to improve access to care. Taking the steps to improve portability will protect the public and add to the strategies through which clinical mental health counselors across the country may provide critical services, while at the same time creating a network of reciprocal relationships across the country.

We believe our plan takes the best features of several proposals described in Appendix 1, and creates a way for states to pave a path forward for highly qualified current and future counselors to improve client access to services, and represents the best chance to accomplish this crucial need for quality services around the country.

# AMHCA GUIDANCE TO STATE COUNSELING BOARDS – “CLIPER PLAN”

It is the position of the American Mental Health Counselors Association that state counseling boards work with AMHCA representatives to adopt the provisions of the AMHCA Counselor Licensure Interstate Portability Endorsement and Reciprocity (CLIPER) Plan (highlighted below), where both Endorsement and Reciprocity provisions allow states flexibility to address portability challenges:

## **Portability Endorsement of Licensee**

**Any counselor licensed as a mental health counselor or licensed professional counselor for independent practice available in his or her state may obtain licensure in any other state or territory of the U.S:**

Definition: **Independent Clinical Practice License** is defined as the highest level of license in each state regardless of the title used in that state, whereby the licensee’s scope of practice minimally includes the ability to assess, diagnose and treat mental and emotional disorders without a requirement to do so under the supervision of another licensed mental health professional.

To be eligible for licensure for independent practice in (insert state name) as a(n) (insert state’s designation) by endorsement, an applicant should:

- Hold an active license in their profession at the highest level of licensure for independent clinical practice in the originating state
- Be in good standing where they are licensed and possesses a license or licenses currently free of encumbrance or restriction
- Not have any current or pending investigation in any jurisdiction where they are currently licensed and must grant permission for those jurisdictions to release that information to the receiving state
- Pass the jurisprudence exam if required by the receiving state
- Complete a background check if required by the receiving state

**AMHCA believes that this process – which is very similar as proposed by the American Association of State Counseling Boards (AASCB) endorsement proposal** - offers a simplified version of review by accepting evidence of required experience and educational requirements previously reviewed by another licensure board (home state).

Additionally, this process indicates that applicants are still subject to any state jurisprudence assessment and/or criminal background check requirements a state may require. The goal of encouraging and supporting the mobility of mental health counselors and the work of the regulatory boards will be achieved.

## **We also support AASCB's proposal related to Supervised Practice License**

Definition: **Supervised Clinical Practice License** is defined as the initial level of license that is required in some states regardless of the title used in that state, whereby the licensee's scope of practice minimally includes the ability to assess, diagnose and treat mental and emotional disorders with a requirement to do so under the supervision of another licensed mental health professional.

The intent of this section is to ensure that documented supervision practice hours from the originating state are transferred to the receiving state.

To ensure documented supervision hours from the originating state meet the eligibility criteria for licensure for supervised practice in (insert state name) as a(n) (insert state's designation) by reciprocity, an applicant:

- Must be currently licensed for supervised practice if available in the originating state
- Must have a license that is currently free of encumbrance or restriction.
- Cannot have any current or pending investigations in the jurisdiction where they are currently licensed and must grant permission for those jurisdictions to release that information to the receiving state
- Must pass the jurisprudence exam if required by the receiving state.
- Must complete a background check if required by the receiving state.
- Must recognize that endorsement at this level of licensure does not exclude the licensee from meeting the receiving state's full standard for licensed independent practice, which may require additional graduate coursework or passing a different exam.
- Pay applicable State license fees

## **Licensure Reciprocity to Offer Services**

**Any counselor licensed as a mental health counselor or licensed professional counselor for independent practice available in his or her state may offer services in any other state or territory of the U.S without being licensed in the state:**

### **As Proposed by Council of State Governments (CSG) for Counselor Reciprocity**

Definition: Reciprocity to offer services allows a CMHC in one state to offer services in another state without being licensed in that state.

Reciprocity is governed by the passage of laws by each state legislature that explicitly will conform to a proposed interstate compact. Each state who adopts by law the compact will allow other states who have also passed compact legislation to allow counselors to practice between those states. The current proposal by the Council of State Governments (CSG) requires that 10 states must first pass the compact legislation – which is a reciprocity arrangement -- in order for the compact to become in effect.

For a licensee to practice through the reciprocity in another state, the following criteria would apply:

1. Hold a license in the Home State;
  2. Have no encumbrances on any State license;
  3. Pay any applicable fees, including any State fee, for the Privilege to Practice;
  4. Meet any Jurisprudence Requirements established by the Remote State(s) in which the Licensee is seeking a Privilege to Practice; and
- The Privilege to Practice is valid until the expiration date of the home license. The Licensee must comply with the requirements of Section 4(A) in the CSG Compact to maintain the Privilege to Practice in the Remote State.
  - A Licensee providing Professional Counseling in a Remote State under the Privilege to Practice shall adhere to the laws and regulations of the Remote State.



- A Licensee providing Professional Counseling services in a Remote State is subject to that State's regulatory authority. A Remote State may, in accordance with due process and that State's laws, remove a Licensee's Privilege to Practice in the Remote State for a specific period of time, impose fines, and/or take any other necessary actions to protect the health and safety of its citizens. The Licensee is not eligible for a Privilege to Practice in any Member State until the specific time for removal has passed and all fines are paid.
- If a Home State license is encumbered, the Licensee shall lose the Privilege to Practice in any Remote State until specific items are addressed embodied in the Counseling Compact.

**AMHCA believes that this process – which is very similar as proposed by The Council State Governments (CSG) reciprocity proposal** - offers a simplified version of review by accepting evidence of required experience and educational requirements previously reviewed by another licensure board (home state).

## CONCLUSION

“AMHCA’s Board of Directors supports:

- *Licensure Portability Endorsement for licensed Clinical Mental Health Counselors (LPCs, LCMHs, LCPCs, LPCCs) and*
- *Licensure Reciprocity for licensed Clinical Mental Health Counselors (LPCs, LCMHs, LCPCs, LPCCs)* ”

We encourage state counseling boards to support AMHCA’s plan - **Counselor Licensure Interstate Portability Endorsement and Reciprocity (CLIPER) Plan** - which endorses both portability by endorsement and reciprocity. We believe that our plan provides multiple pathways for states to achieve portability for mental health counselors, and provides needed flexibility for state counseling boards to address the needs of those practitioners who seek to practice in separate states other than where they currently reside and are licensed.

## AMHCA PRESIDENT

**Angele Moss-Baker**

The AMHCA Board of Directors thanks the AMHCA Interstate Portability Task Force for their vision and time in the development of this position paper on portability and identifying the best features of several portability proposals recently developed.

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# APPENDIX 1

## **Description of Portability Proposals**

Portability is primarily the means for a licensed CMHC from one state who moves to another state to be easily licensed in the new state without meeting additional educational, testing, or experience requirements. This is an important objective for mental health providers.

AMHCA has been a leader in initiating new licensure portability options with other associations including ACES, NBCC, and the American Association of State Counseling Boards (AASCB).

In this last year, AASCB has offered a simplified portability proposal. That initiative is called an “endorsement” process that allows CMHCs from other states moving to the receiving state to be endorsed for licensure by complying with minimal requirements as noted above.

Reciprocity, on the other hand, allows a CMHC in one state to offer services in another state without being licensed in that state. For example, let’s presume that Colorado and Utah allow license reciprocity for these two states. Therefore, if an individual is licensed in Colorado and has a client residing in Utah, that practitioner can automatically offer services to the client regardless of whether they are living in Colorado or Utah.

Nurses in the United States face a very similar problem of not being able to offer their services in any state that they are not actually licensed to practice. They have worked for a number of years to get state legislatures to agree to an interstate compact. They have been successful in a number of states but it is a slow process requiring each individual state to pass legislation.

In the last few years, the development of an interstate compact has been proposed for counselors. The Council of State Governments (CSG) has recently developed and several states are considering the adoption of the compact’s language.

## Interstate Compacts

Interstate compacts are contracts between two or more states creating an agreement on a particular policy issue, adopting a certain standard or cooperating on regional or national matters. Interstate compacts can be a powerful, durable, and adaptive tools for ensuring cooperative action among the states. Unlike federally imposed mandates that often dictate unfunded and rigid requirements, interstate compacts provide a state developed structure for collaborative and dynamic action, while building consensus among the states and evolving to meet new and increased demands over time.

General purposes for creating an interstate compact include:

- Establish a formal, legal relationship among states to address common problems or promote a common agenda.
- Create independent, multistate governmental authorities (e.g., commissions) that can address issues more effectively than a state agency acting independently, or when no state has the authority to act unilaterally.
- Establish uniform guidelines, standards, or procedures for agencies in the compact's member states.
- Create economies of scale to reduce administrative and other costs.

It should be noted that an interstate compact is not a uniform state law. In fact, an interstate compact differs from a uniform state law in several ways, most notably that a uniform law does not depend on contractual obligations and a state can therefore change any portion of the law, thus losing any degree of uniformity initially intended.

Second, courts of different states may interpret the provisions of a uniform state law differently and since the highest court in a state is the final arbiter on legal issues within that state, there is no satisfactory way to achieve a reconciliation of divergent interpretations.

Compacts are created when an offer is made by one state, usually by statute that adopts the terms of a compact requiring approval by one or more other states to become effective. Other states accept the offer by adopting identical compact language.

Once the required number of states has adopted the pact, the "contract" among them is valid and becomes effective as provided.

Recently, the Council of State Governments (CSG) has developed a new plan called the Counseling Compact.

”For a licensee to practice in another state, the following criteria would apply:

**Privilege to Practice (Section 4 of the Compact)**

A. To exercise the Privilege to Practice under the terms and provisions of the Compact, the Licensee shall:

1. Hold a license in the Home State;
2. Have no encumbrances on any State license;
3. Be eligible for a Privilege to Practice in any Member State in accordance with Section 4D, G and H;
4. Have not had any Encumbrance or restriction against any license or Privilege to Practice within the previous two (2) years;
5. Notify the Commission that the Licensee is seeking the Privilege to Practice within a Remote State(s);
6. Pay any applicable fees, including any State fee, for the Privilege to Practice;
7. Meet any Jurisprudence Requirements established by the Remote State(s) in which the Licensee is seeking a Privilege to Practice; and
8. Report to the Commission any Adverse Action, Encumbrance, or restriction on license taken by any non-Member State within 30 days from the date the action is taken.

B. The Privilege to Practice is valid until the expiration date of the home license. The Licensee must comply with the requirements of Section 4(A) to maintain the Privilege to Practice in the Remote State.

C. A Licensee providing Professional Counseling in a Remote State under the Privilege to Practice shall adhere to the laws and regulations of the Remote State.

D. A Licensee providing Professional Counseling services in a Remote State is subject to that State’s regulatory authority. A Remote State may, in accordance with due process and that State’s laws, remove a Licensee’s Privilege to Practice in the Remote State for a specific period of time, impose fines, and/or take any other necessary actions to protect the health and safety of its citizens. The Licensee is not eligible for a Privilege to Practice in any Member State until the specific time for removal has passed and all fines are paid.

E. If a Home State license is encumbered, the Licensee shall lose the Privilege to Practice in any Remote State until the following occur:

1. The Home State license is no longer encumbered; and
2. Have not had any Encumbrance or restriction against any license or Privilege to Practice within the previous two (2) years.

F. Once an Encumbered License in the Home State is restored to good standing, the Licensee must meet the requirements of Section 4A to obtain a Privilege to Practice in any Remote State

G. If a Licensee's Privilege to Practice in any Remote State is removed, the individual shall lose the Privilege to Practice in all other Remote States until the following occur:

1. The specific period of time for which the Privilege to Practice was removed has ended;
2. All fines have been paid; and
3. Have not had any Encumbrance or restriction against any license or Privilege to Practice within the previous two (2) years.

H. Once the requirements of Section 4G have been met, the license must meet the requirements in Section 4A to obtain a Privilege to Practice in a Remote State.

**In order for the Counseling Compact to become effective, 10 states must agree to all of the provisions of the agreement.**

### **Universal Licensure Laws**

The state of Arizona recently became the first state in the country that allows an individual licensed in another state to receive a comparable license upon moving to Arizona if they meet certain criteria.

Arizona's new universal licensing recognition law makes it easier for people who are already licensed in another state to get licensed at the same level in Arizona. Under the new law, Arizona's licensing boards will recognize out-of-state occupational licenses for people who have been licensed in their profession for at least one year, are in good standing in all states where they are licensed, pay applicable Arizona fees, and meet all residency, testing, and background check requirements.

The new law does not recognize other states' occupational licenses automatically. For example, workers licensed in other states who move to Arizona still must apply for a license through the appropriate Arizona licensing board before working. However, under the new law, workers will not be required to duplicate training and other requirements that often delay or prevent them from getting to work. In some instances, the applicant may be required to take a state specific Arizona licensing exam if the state board requires it.

The law does not affect the way reciprocity works for states and professions who have enacted interstate compacts. Due to the contractual nature of the agreement, an interstate compact supersedes all existing and new state law that conflicts with it. Arizona has currently enacted 4 of the 5 occupational licensing interstate compacts which means that practitioners in nursing, physical therapy, medicine, and psychology looking to relocate to Arizona will undergo the same process as if they were moving to any other active compact state.

### **AASCB Endorsement Plan**

The American Association of State Counseling Boards (AASCB) has developed a new plan which contains the following provisions for a licensee to become eligible to practice into another state:

To be eligible for licensure for independent practice in (insert state name) as a(n) (insert state's designation) by reciprocity an applicant:

- Must be currently licensed at the highest level of licensure for independent clinical practice available regardless of the criteria at the time of initial licensure in the originating state.
- Must have a license that is currently free of encumbrance or restriction
- Cannot have any current or pending investigations in any jurisdiction where they are currently licensed and must grant permission for those jurisdictions to release that information to the receiving state
- Must pass the jurisprudence exam if required by the receiving state.
- The applicant must complete a background check if required by the receiving state.

The AASCB also provides criteria for supervised practice as well as described below:

The intent of this section is to ensure that documented supervision practice hours from the originating state are transferred to the receiving state.

To ensure documented supervision hours from the originating state meet the eligibility criteria for licensure for supervised practice in (insert state name) as a(n) (insert state's designation) by reciprocity, an applicant:

- Must be currently licensed for supervised practice if available in the originating state
- Must have a license that is currently free of encumbrance or restriction.



- Cannot have any current or pending investigations in the jurisdiction where they are currently licensed and must grant permission for those jurisdictions to release that information to the receiving state
- Must pass the jurisprudence exam if required by the receiving state.
- Must complete a background check if required by the receiving state.
- Must recognize that endorsement at this level of licensure does not exclude the licensee from meeting the receiving state's full standard for licensed independent practice, which may require additional graduate coursework or passing a different exam.

### **National Portability Taskforce - National Counselor Licensure Endorsement Process (also called NCLEP 2.0)**

In April of 2017, the National Portability Taskforce released the National Counselor Licensure Endorsement Process (also called NCLEP 1.0) and received a positive response from licensure boards and professional organizations. Additionally, the taskforce received feedback regarding revisions that would align NCLEP even more strongly with state licensure requirements and board administrative processes. This feedback from state boards, practicing mental health counselors, and stakeholders, was integrated into NCLEP, resulting in a revised version called "NCLEP 2.0" that is even better positioned to meet the needs of the counseling regulatory community and public.

NCLEP 2.0 is designed with the intent of honoring the work and practices already adopted by state regulatory boards while developing a portability process that may be applied to facilitate efficient review of licensure requirements and the mobility of licensed professionals. Thus, there are two pathway options articulated within NCLEP 2.0.

Option 1 supports the continuation of the complete review process currently utilized by a state.

Option 2 offers a streamlined version of review, accepting evidence of required experience previously reviewed by another licensure board and educational requirements previously reviewed by another recognized professional organization. With Option 2, regulatory boards are assured that the experience and education requirements have already been subject to stringent review by another responsible party, providing critical protections for the public. Additionally, Option 2 clearly indicates that applicants through the streamlined process are still subject to any jurisprudence assessment and/or criminal background check requirements a state may require. With either option, the goal of encouraging and supporting the mobility of counselors and the work of the regulatory boards may be achieved.

**NCLEP 2.0**

Any counselor licensed as a mental health counselor at the highest level of licensure for independent practice available in his or her state may obtain licensure in any other state or territory of the U.S. if the applicant **meets the requirements of Option 1 OR Option 2 below:**

**Option 1**

The applicant meets current standards for endorsement adopted by the receiving state counseling licensure board.

**Option 2**

The applicant has been actively licensed as a mental health counselor for **at least three (3) years** prior to the date of application for licensure endorsement, is currently in good standing with no pending disciplinary action, and has completed a jurisprudence or equivalent exam and background checks as required by the state regulatory body (if required by the originating state).

In addition, the applicant **must comply** with **ONE** of the following under Option 2:

- A. Has maintained a license to practice independently that was awarded on or before December 31, 2014.
- B. Possesses the National Certified Counselor (NCC) credential as issued by the National Board for Certified Counselors (NBCC).
- C. Possesses a graduate-level degree in counseling from a regionally accredited program (if the degree is awarded on or after January 1, 2025, then possesses a graduate level degree from a program accredited by the Council for Accreditation of Counseling & Related Educational Programs (CACREP).