

# APGA and Counselor Licensure: A Status Report

On July 14, 1974, the Board of Directors of APGA adopted "a position in favor of vigorous, responsible action to establish provisions for the licensure of professional counselors in the various states" (*Licensure in the Helping Professions* 1975). This same resolution was adopted by the APGA Senate on March 26, 1975. As a result of this action, the first APGA Licensure Commission was appointed.

The Licensure Commission was initially formed to give APGA a sense of direct responsibility and leadership in reacting to increasing concerns about credentialing and licensure, stemming from many conditions both within and outside the association. Its task was essentially threefold.

1. To collect and disseminate information about licensure developments at the state and national level.

2. To assist members and state groups to resolve licensure problems at the legislative, professional, or examining board level.

3. To provide national leadership on counselor licensure needs by seeking active relationships with other professional organizations, state and local government agencies, and state legislative bodies.

The basic philosophy underlying the policies of the Licensure Commission has been one of gradual change from a reactive to an active position through a broad range of services and activities. The purpose of this article is, first, to examine the internal and external pressures that brought about the creation of the Commission. It is important, not so much in a historical sense, but because many of these pressures still exist. Second, the article will trace some important events that have occurred at least in part because of the APGA Licensure Commission. Finally, the article will discuss the active focus of the current APGA Licensure Committee.

## Bases for Licensure Concerns

**External Pressures.** Most of the external pressures emanated from state boards of examiners in psychology operating under state laws designed to regulate the practice of psychology. In several states counselors were told to discontinue their practice because they were in violation of the state's psychology licensure law, even though they were not calling themselves psychologists. The basis for this action by the state boards came from the fact that most state psychology licensure laws had incor-

porated in them the following definition of the practice of psychology:

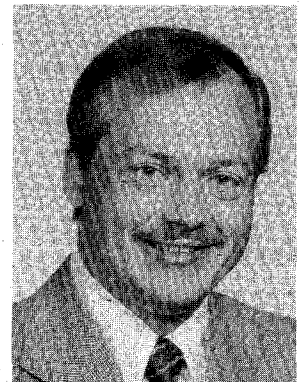
*Within the meaning of this act (psychology) is defined as rendering to individuals, groups, organizations, or the public any psychological service involving the application of principles, methods, and procedures of understanding, predicting, and influencing behavior, such as the principles pertaining to learning, perception, motivation, thinking, emotions, and interpersonal relationships; the methods and procedures of interviewing, counseling, and psychotherapy, of constructing, administering, and interpreting tests of mental abilities, aptitudes, interests, attitudes, personality characteristics, emotion, and motivation; and of assessing public opinion.*

The application of said principles and methods includes, but is not restricted to: diagnoses, prevention, and amelioration of adjustment problems and emotional and mental disorders of individuals and groups; hypnosis; educational and vocational counseling . . . and the resolution of interpersonal and social conflict. (*American Psychological Association* 1967, pp. 1,098-1,099).



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Quite obviously, this definition includes the kinds of activities that most counselors, as well as other helping professionals, perform. Yet this definition was used (and is still used) to prohibit counselors from performing such activities.

Related to pressure from state boards was the pressure resulting from the publication of "Standards for the Providers of Psychological Services" (1974).

*The Standards would seem to apply to virtually every group or facility offering psychological services which is not regulated by another legislatively recognized profession. One possible outcome is that counselors not certified, licensed, or otherwise accepted members of psychological groups eventually may be supervised by licensed psychologists. (Licensure in the Helping Professions 1975)*

Another provision of the Standards calls for the supervision of all unlicensed persons in schools, colleges, community, or government agencies by a licensed psychologist. Because counselors and counseling have little, if any, legal status, except for school certification, outside the state of Virginia, the Standards place them in a second-class citizen category. If counselors are to be subject to their own control, rather than the control of other professions, counseling must develop some form of legislative recognition.

State boards and the Standards were two of the main external pressures causing the creation of the APGA Licensure Commission headed by Tom Sweeney. In the intervening years, these pressures have not lessened; they have increased and new pressures have been added. In addition to issuing cease and desist orders, state boards have also increasingly refused to permit individuals trained outside departments of psychology to even take the state licensure examination. In some states, there is a move to change the wording of the state licensure law so that only those trained in psychology departments, regardless of the nature of the degree, could take the examination. Such a move would exclude many individuals who are trained in counseling psychology programs located within schools or colleges of education. The licensure commission is currently aware of 27 states where counselors have received cease and desist orders or where individuals have been denied the right to take the examination.

The Council for the National Register

of Health Service Providers in Psychology has changed one of its criteria for membership. Before January 1, 1978, the Council required a doctoral degree from a regionally accredited university. As of January 1, 1978, this criteria was changed to read: "A doctorate degree in psychology from a regionally accredited educational institution" (Council for the National Register 1977, p. 4). This new criterion would appear to close the register to anyone trained outside a department of psychology.

The Veterans Administration began a move in late 1976 to require all individuals employed as psychologists in VA hospitals to be licensed by state boards of psychology. Many of these individuals are counseling psychologists who, under current board practices in many states, would not be eligible to take the examination. Although the VA has not as yet implemented that plan, there is every indication they may do so in the near future.

At the federal level, HEW issued a 1977 report dealing with the credentialing of health manpower; it is a follow-up to similar reports in 1971 and 1976. The report calls for national certification of health professionals and the establishment of national standards for professional training. Certain recommendations would limit federal reimbursement to those professionals who are licensed by state boards having national standards. If these recommendations are implemented, the counseling profession could be excluded from all federal programs. It is impossible to tell how many counselors might lose their jobs under such circumstances. One example of the scope of the problem can be seen in a recent survey by Carroll, Halligan, and Griggs (1977). In their survey, 70 members of ACES reported that they had been denied employment in a clinic or agency because of Medicaid and other insurance requirements.

**Internal Pressures.** The external pressures in and of themselves are important enough reasons for the counseling profession to move toward licensure, but they may not be the most important. "For more than 25 years counselors and educators have been attempting to define counseling within the fields of psychology and guidance" (Carroll, Halligan & Griggs 1977, p. 577). An examination of almost any introductory text in the field will demonstrate that we still have not come to substantial agreement among ourselves as to what counseling is. How can we tell others what we do if we can't agree among ourselves? The licensure movement is forcing us to deal

with this dilemma as we attempt to define counseling for legislative purposes.

A second internal problem is our general failure to implement standards for the preparation of counselors at the master's and doctoral levels in counselor training programs. The licensure movement may facilitate this process by writing standards approved by ASCA and ACES into counselor licensing laws.

A third internal problem is that, currently, counselors have little national visibility and no national register that would tell the public that counselors are a professional, legally authorized group of practitioners with professional skills. We do have a professional organization, but this gains us little recognition as long as we follow a policy of letting almost anyone belong to the organization who has the money for the dues. Many of our related professional groups require that individuals meet certain training or experience requirements before they can become members. The National Association of Social Workers, the American Association of Marriage and Family Counselors, and the American Psychological Association are three such organizations. The very fact that these organizations have some standards for membership gives them greater credibility in the eyes of the public and in the eyes of those who establish state and federal policy.

Although the scope of this article prohibits listing all the external and internal forces impinging on the counseling profession, it should be clear that many "events are rapidly shaping the form and destiny of counseling. The efforts of psychologists, various counseling groups, state legislatures, national credentialing bodies, and federal and state agencies are a reflection of the problem that faces counselors . . ." (Sweeney & Witmer 1977, p. 594). In the eyes of the law and of the public, counselors desperately need a national identity, with some form of a national registry, and the legal rights that licensing legislation in the various states might provide. It is to this problem that the APGA Licensure Committee has addressed itself since its inception in 1975. Progress has been slow, but under the direction of Tom Sweeney and Carl Swanson the licensure commission has made some improvement in our situation.

### **Licensure Developments 1975-1977**

**Legal Cases.** It is estimated that legal grievance procedures involving

counseling professionals either as plaintiffs or defendants have been filed in at least 20 states. In a number of those cases which have reached the courts thus far, decisions were handed down that acted to legally define counseling and guidance as a profession (Cottingham & Swanson 1976). Illustrative of these court cases are the Coxe case in Mississippi and the Berger case in Washington, D.C., where the issue centered on the applicant's right to take the examination from the board of examiners in psychology. The Cook case in Ohio centered on the state psychology board, which alleged that a counselor was not qualified to serve the public. The board lost their case on a directed verdict from the court. In Iowa a similar case is now in process.

Although court cases are important because they have given counseling some legal definition as a profession, they are extremely costly. There is no way of telling how many counselors have backed away from taking their case to court because of the economic burden of such action. Yet it is clear that there are those who will seek to remove counselors from practice by either actually bringing a court action or threatening to do so. The senior author, while writing this article, has received phone calls from counselors in two more states where counselors have been threatened with court action unless they cease and desist.

### Legislative Action

In 1976 the state of Virginia passed the only professional counselor licensure law yet on record. This legislation created a behavioral sciences board, with separate subboards for counselors, psychologists (clinical and school), and social workers. In turn, the counselor licensure subboard licenses several types of professional counselors and certifies alcoholism and drug counselors. VPGA and APGA were the leaders in this successful licensure effort. Other states where strong efforts to license counselors have been mounted are Ohio, Texas, and Alabama. Although these states have a two-to-three-year history of intense legislative activity, Utah, Arkansas, and Idaho have embarked on attempts to license professional counselors only recently.

Prospects for enactment of the bills in Ohio and Alabama look very good for the next legislative session. The APGA Licensure Committee, the state APGA branches or divisions, and other groups are very active in pushing for the bills in these states. Florida is taking a different tack. Lobbying groups there have

been pushing for legal changes to broaden the present psychology licensing law to include marriage counselors and clinical social workers.

In a related development, several states have passed "sunset laws." These acts hold all occupational boards accountable for evaluating their own effectiveness. Legislators are always asking for conclusive evidence that licensing practices do indeed benefit the public. Counselors in states that have enacted sunset laws should not overlook the possibilities such laws create if they believe that their state's current board of examiners in psychology is not operating in a fashion that benefits the public. A word of caution to those who follow this course. By discrediting the idea of a board of examiners in psychology, you may discredit the idea of any board designed to control the broad area of behavioral sciences. Not only are state legislators raising questions about occupational boards in general, but organizations such as the Federal Trade Commission and Educational Testing Service are also raising questions about the monopolistic practices of state psychology boards.

### APGA and Other Professional Organizations

One of the main objectives of the APGA Licensure Committee has been to establish dialogues on credentialing and licensure with other professional organizations. To that end, positive communication has been established with the National Association of Social Workers, American Association of Marriage and Family Counselors, American Mental Health Counselors Association, and Division 17 of the American Psychological Association.

Because many APGA members are also members of APA, communication with this organization has been critical. The leadership of APA appears to be sensitive to the complaints of unfair psychology licensure practices at the doctoral level. They are not anxious to license MA-level psychology applicants but appear to accept the licensing of counselors by other organizations or bodies, such as state counselor licensing boards. Because the licensure of helping professionals affects both APA and APGA members, dialogue between the associations has been continuing for some time. At the 1975 and the 1976 APA conventions and at the 1977 APGA convention, programs on licensure were jointly conducted by representatives of both APGA and APA.

Division 17 of APA has taken a very active role in the licensure problem. In 1974-75, their Committee on Human Rights and Social Issues produced a position paper setting forth the key issues in licensure (Weeks 1974). More recently, a blue-ribbon committee composed of past and present officers has worked with both the APGA Licensure Committee and the American Association of State Psychology Boards (AASPB) to develop policy guidelines for examining boards to consider ("Guidelines for Credentialing Set" 1977). In addition, an Ad Hoc Committee on Licensure and Certification has been persistently attacking the same problems by communicating with the current officers and the Division 17 blue-ribbon Committee.

The primary goal of the Ad Hoc Committee has been to seek more positive action from Division 17 leadership to change the repressive practices of some state boards. Finally, the recent Vail conference on levels and patterns of professional training in psychology recognized the need for practitioners who are qualified through a professional training model as well as for traditional academic psychologists (Ivey & Leppaluoto 1975).

### Recent Developments and Current Action

**Divisional Activities.** Interest in licensure among APGA members began with the formation of a committee in Southern ACES in 1974. In subsequent years, ACES organized a similar committee which has been highly active. The results of these vigorous efforts were shown in the "Proposal for a National Registry of Professional Counselors" (*ACES Licensure Committee Report* 1977) and in the ACES survey on licensure (Carroll, Griggs, & Halligan 1977). Both of these reports demonstrated a high level of interest among ACES members in the establishment of state licensure and a national register for counselors.

Recently, ASCA has decided to invest both money and personpower in the licensure movement. At a workshop in Madison, Wisconsin, in May 1977, eight regional ASCA licensure consultants were trained to provide direct assistance to states in their regions. An educational packet for members was also developed at the workshop, which was sponsored by ASCA and co-led by leaders of ASCA and the APGA Licensure Committee. As a direct result of this workshop, several state workshops have been held and licensure workshops co-led by an APGA Licensure Committee member and two

ASCA regional licensure consultants have been conducted at all four APGA Regional Branch Assemblies. Although other divisions of APGA have not been as active in the licensure movement, many, such as ACPA, ARCA, ASGW, and ANWC, are becoming more involved.

## APGA Licensure Commission

The APGA Licensure Commission, with assistance from the central staff of APGA is currently moving on several fronts. Special projects are underway on a national registry, a third-party payment bill, a national licensure network, regional and state workshops, revision of the licensure action packet, establishment of a procedure for handling complaints, and continuation of dialogue with such groups as NRA, NASW, ABBP, APA, AAMFC, FTC, and the VA.

**Registry.** A special subcommittee of the licensure committee has taken the basic work of the ACES Licensure Commission on a national registry and is further developing the plan for a national registry for counselors. The subcommittee hopes to have a reasonably complete plan for consideration by members by the end of the current year. The licensure commission, supported by data from two surveys (ACES Licensure Committee Report 1977; Carroll, Griggs & Halligan 1977), feels that APGA must move in this direction. The licensure commission believes that the establishment of a registry that would recognize the many varieties and types of counselors is essential for APGA because of the following reasons.

1. Any professional group seeking the highest level of professional recognition and legislative status first needs to demonstrate its willingness and ability to govern and regulate its own house.

2. Licensure, while ultimately important to the entire profession of counseling, directly affects only a small percentage of our membership. A national registry would have many more immediate benefits to the entire membership while assisting the licensure movement.

3. All other major professional groups similar to ours currently have established either a formal registry system or, at the least, strict criteria have been set for membership. These include APA, NASW, AAMFC, and one of our own divisions, ARCA.

4. A national registry with criteria for listing would facilitate the implementation of our current approved standards for the preparation of counselors at the

master's level and our pending doctoral-level standards.

5. A national registry would facilitate understanding of our professional preparation and our qualifications by the consumers of our services.

6. A national registry would make public the credentials of professional counselors to institutions, government agencies, and other interested parties.

7. Although the registry could not assure its users about competent practice, the information provided, the training and experience of those listed, would present a point of departure from which the user could make decisions.

**Third-Party Payment.** The licensure commission is currently developing a third-party payment (vendorship) bill for submission to Congress. It appears that we may be the only major helping services professional group that does not now have such a bill in Congress.

**National Network.** The establishment of a national licensure network has been a top priority this year. Currently, 37 states have named a state licensure representative. Another important link in this network is the establishment of ASCA's regional licensure consultants. The network is already facilitating communication among state and regional groups and national headquarters. Some of the fruits of the network have been the licensure workshops at all four APGA regional meetings, some state workshops, and a procedure for responding to member concerns from the field.

**Complaint Procedure.** The licensure commission has developed a formal procedure for handling member complaints about unfair actions by state boards. The procedure will facilitate the gathering of data related to a complaint and will provide a guide as to the best course of action to be taken by the committee and the appropriate state branch or division. The format for this procedure will be published in the revised action packet.

**Action Packet.** The publication of the action packet by the licensure commission was a significant step in 1976. This project began as an attempt to assist state professional groups who sought to expand the scope of psychology boards or to create boards for the licensure of professional counselors. Although it was originally designed to offer model legislation, the factors inherent in legislative change suggested the appropriateness of the term "guidelines."

The balance of the packet offered some suggested legislative procedures,

background information on the Licensure Commission, comments on the nature of legislative change, and ways to use the guidelines with local educational groups. A general updating of material in the Action Packet is now under way. Included in this new edition will be material suggested from division feedback, an organizational chart, the complaint procedure, a professional disclosure section, and a new reference and materials section.

## Summary

It is clear that the licensure movement is rapidly gaining momentum across the country. After much effort, more and more counselors understand the basic issues involved in counselor licensure. Counseling as a profession has little legal status and without such status our existence as a profession is in the hands of others. As a professional group we have matured to the point where we are saying we wish to control our own ranks, and, further, by virtue of our training we have the right to provide quality services to the public. We must not, we cannot afford to lose the momentum toward licensure. We are at a critical juncture that requires the efforts of every APGA member. **R&G**

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