

Counselor Awareness of the Consequences of Certification and Licensure

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In the decade since professional counselor regulation was widely debated, more than half of the states have legislated regulation, and it is sought in others. The extent to which counselors in a state currently pursuing legislation are familiar with potential consequences of legislated regulation was examined. Most counselors were found to be unfamiliar with potential negative consequences of regulation, and most were desirous of more information regarding these issues. Implications of the findings for the profession are presented.

Several years ago counseling journals were alive with debate about the benefits and liabilities of certification and licensure. Articles appeared regularly on the subject as authors argued for or against regulation, or debated the usefulness of various regulatory tools (Cottingham, 1980; Danish & Smyer, 1981; Davis, 1981; Fretz & Mills, 1980; Gross, 1977, 1978; Hogan, 1980; Rogers, 1973; Witmer, 1978). Meanwhile, counseling has attained legislated regulation in more than half of all states. Although it is clear that professional organizations have persuaded legislators of the benefits of regulation, questions remain concerning counselor awareness of the consequences of certification and licensure. The purpose of this study was to assess counselor awareness of and opinions on issues related to the regulation of their profession.

In seeking regulation, counselors are asking society for the privilege of legal sanction. This legal sanction involves the creation of a new kind of crime and the control of certain titles, skills, and knowledge. Any attempt to control the use of skills or knowledge, especially when accompanied by a criminal penalty, may be of serious social concern. Therefore, it behooves professionals, as well as the public at large, to be well informed of the potential consequences of the legislated regulation of a profession. The gravity of the request and the consequences of the privilege cannot be minimized by the profession without calling into question its commitment to public service and professional ethics.

Three studies have presented opinions of counseling professionals on the issue of licensure. These included the Association for Counselor Education and Supervision (ACES) study (Carrol, Griggs, & Halligan, 1977), Swanson's (1981) research with Oregon counselors (conducted in 1978), and Snow's (1981) work, which included opinions of both psychologists and counselors. In general, these studies were oriented toward assessing counselor interest in and support for licensure, discerning which tools professionals preferred for determining competency, and discovering what issues and consequences counselors perceived with respect to licensure.

Specifically, the ACES study (Carrol, Griggs, & Halligan, 1977) asked members of ACES, a division of the American Personnel and Guidance Association (APGA, now the American Counseling Association [ACA]), their opinions on issues related to counselor regulation. Respondents indicated that credentialing was an important issue, with approximately one fourth of respondents indicating that they had been denied access to state licensing exams because of credentialing laws of other mental health care providers. The authors noted a wide range of familiarity with the licensure laws in the respondents' states of residence and indicated a desire for information on the part of respondents about

credentialing issues (e.g., more than 90% of the respondents supported the idea of informational workshops).

Swanson's (1981) study involved counselors in a wide variety of settings. In general, Swanson's respondents supported counselor credentialing and saw a master's degree, a continuing education requirement, and supervised practice as important aspects of a regulatory law. Snow's (1981) study of Idaho counselors and psychologists also indicated support for licensure, with most respondents viewing a master's degree plus supervised experience as being minimum requirements for licensure. In this study respondents revealed no strong consensus on the relative importance of evaluative tools (e.g., exams, tapes of actual work, degrees).

The aforementioned studies provide information regarding counselor support for and opinions on various credentialing issues. One purpose of the current study was to discover, several years and 25 regulated states later, the current level of counselor support for certification and licensure and those aspects of a regulatory bill counselors consider to be more important.

Although this study addressed again some questions first presented several years ago to counselors, its primary goal was to assess counselor awareness of the potential consequences of regulation, to assess counselors' opinions on these consequences (i.e., do counselors believe various consequences will actually occur?), and to discern which issues or consequences are of greatest importance to counselors. Respondents' perceptions of informational needs on the part of themselves, fellow professionals, and the public with respect to certification or licensure were also investigated.

IDENTIFIED CONSEQUENCES OF REGULATORY LEGISLATION

Although little research has been done to quantify counselors' opinions on certification and licensure, professionals have by no means been silent on the issue. Arguments for and against legislated regulation and various nontraditional alternatives have been presented by persons inside and outside of the counseling profession (Cottingham, 1980; Danish & Smyer, 1981; Davis, 1981; Fretz & Mills, 1980; Gross, 1977, 1978; Hogan, 1979; Koocher, 1979; Pfeffer, 1974; Reiff, 1974; Rogers, 1973; Taylor & Torrey, 1972). Of the consequences of regulation presented by these and other authors, 10 are presented here.

It is useful to note that some of these consequences have their basis in verifiable reality; for example, increased costs of services following regulation is considered a fact by economists (Collins, 1979; Rotten-

berg, 1980), and regulation, by its explicit nature and in intent, does indeed protect qualifying individuals' right to practice.

On the other hand, many arguments for and against regulation remain in the realm of good theory—much can be said about regulation protecting consumers, but this has not been a proven consequence of these laws (Gross, 1978; Hogan, 1979; Koocher, 1979). Similarly, the current state of knowledge prevents saying with certainty that competent counselors may be excluded from practice by some regulatory requirements, but a strong case can be presented for this consequence (Hogan, 1979). Interested readers are encouraged to seek out Hogan's (1979) exemplary work on the regulation of psychotherapy and to refer to the works of the authors noted later for clarification regarding the potential consequences of regulation.

In the interest of a balanced presentation, five benefits and five liabilities are noted, and these are the consequences presented to respondents in the study's questionnaire. Additional consequences have been noted by some of the aforementioned authors but are not listed in the following section because of space limitations.

It is unlikely that a profession would advocate its own legally mandated regulation if it were not in the professionals' interest to do so. Given as benefits of regulation are (a) protection of the public (and therefore increased public faith, trust, and use of the profession) (Fretz & Mills, 1980); (b) protection of counselors' right to professions (Sweeny & Sturdevant, 1974); (c) increased likelihood of counselors' eligibility for third-party payment (Fretz & Mills, 1980); (d) enhanced professional power and prestige (Davis, 1981); and (e) giving to counselors' clients the right of privileged communication (R. Rencken, personal communication, March 1988).

Some counseling professionals view legislated regulation with a wary eye and are concerned that it will result in unintended and undesirable consequences for both the profession and the public. In addition, economists, sociologists, and political scientists have long observed that there are costs inherent in occupational regulation. These potential liabilities include (a) increased consumer vulnerability because regulation does not, in fact, protect the public as it promises to do (Gross, 1978; Hogan, 1979); (b) discrimination against some competent practitioners (Hogan, 1980); (c) increased costs of services (Collins, 1979; Meltzer, 1975; Rottenberg, 1980); (d) loss of public power and control (Reiff, 1974); and (e) professional stagnation (Danish & Smyer, 1981; Rogers, 1973).

Much has happened in the past several years with respect to certification and licensure. Counselor opinions and beliefs may be different than they were in the early days of the licensure struggle. Additionally, the paucity of research regarding licensure issues leaves important questions unanswered: How informed are counselors of the issues and consequences related to the regulation of their profession? What are counselor opinions related to these issues and consequences? This research provides some answers to these and other questions.

METHOD

Participants

Because the Arizona Counselors Association has been a primary force behind the effort to achieve certification in that state (achieved in July, 1988), the Arizona Counselors Association membership ($N = 562$) was selected as the population to be investigated. A random sample of one half ($N = 281$) of the Arizona Counselors Association membership was drawn. Of the 159 respondents (56% of the sample), 113 (73%) described themselves as counselors; school professionals (35%), agency professionals (20%), and private practitioners (34%) represented the

main work settings. The median tenure as a professional counselor for the respondent group was 7.8 years. The highest academic degree held was master's, 74%, and doctorate, 20%.

Procedure

A questionnaire was mailed to potential respondents, along with a cover letter and a stamped, self-addressed envelope, number coded for purposes of a follow-up mailing. A postcard reminder was sent approximately 2 weeks after the first mailing.

Questionnaire

A questionnaire was developed in which participants were asked their familiarity with five potentially positive (i.e., viewed by advocates of regulation as desirable) and five potentially negative (i.e., understood by some observers as undesirable) consequences of regulation (see Table 1). These consequences represent those that the researchers consider to be central to the regulatory question, based on references to them in articles and letters to the editor, or to have particular significance with respect to public or professional well-being. (Because the questionnaire presented these issues to recipients, it represents an educational intervention; therefore, the possibility exists that this research in and of itself affected the level of counselor awareness in the state of Arizona.)

The questionnaire also asked respondents to indicate the extent to which they agreed that an identified consequence would actually occur (e.g., agreed or disagreed that the public would be protected) and to rank the three most important issues or arguments related to regulation. Also included were items similar to those asked in the ACES study (Carroll, Griggs, & Halligan, 1977) concerning counselor support for legislated regulation and preferred tools for assessing competency. Finally, the questionnaire sought opinions regarding perceived needs for information on the consequences of regulation and for informative action on the part of professional counselor organizations.

In addition to the structured items noted earlier, respondents were invited to use a portion of the questionnaire if they wished to express other concerns related to regulation. Fewer than 5% of the respondents chose to elaborate their concerns in that section, and when they did do so, they presented examples of the concerns already defined within the questionnaire.

RESULTS

Familiarity With Consequences

Respondents indicated which of 10 potential consequences of legislated regulation they had previously been informed of, their level of agreement with each, and whether they considered it one of the three most important issues. Results are reported in Table 1. Four of the five positive issues were identified as familiar by one half to three fourths of the respondents. More respondents (76%) had encountered the issue "protection of consumers" than any other viewpoint on regulation. About two thirds of respondents reported encountering the viewpoint that regulation will enhance the power and practice of the counseling profession, and almost the same number were previously aware of the viewpoint that legislated regulation would increase the likelihood that counselors would be eligible for third-party payments. Slightly more than one half of respondents reported being aware of the viewpoint that legislated regulation helps to protect counselors' right to practice counseling.

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TABLE 1
Percentage of Respondents
Previously Encountering Issues, Opinions Toward Issues, and Nomination of Issues as One
of Three Most Important

Issues	Previously Encountered?		Opinions on Issues					% Ranking in Top 3
	%	Rank	SA	A	U	D	SD	
6. Legislated regulation protects consumers from incompetent practitioners.	76	1	32	40	8	15	3	79
3. The counseling profession will gain power and prestige as a result of legislated regulation.	67	2	26	58	11	3	1	49
4. Legislated regulation increases the likelihood that counselors will be eligible for third-party (insurance) reimbursements.	59	3	24	53	18	4	1	61
1. Legislated regulation protects counselors' right to practice counseling from other professions' efforts to monopolize mental health service.	52	4	19	43	19	15	3	59
7. Legislated regulation discriminates against some competent practitioners.	36	5	6	30	21	30	13	9
2. Costs of services tend to increase following legislated regulation.	30	6	4	30	35	26	4	4
10. Legislated regulation will provide the right of privileged communication to counselors' clients.	28	7	6	24	48	16	4	38
8. The public loses power and control as a result of legislated regulation.	15	8	1	5	13	55	27	1
5. Legislated regulation will stagnate the counseling profession.	11	9	2	3	7	48	40	3
9. Legislated regulation lulls consumers into an unwary and vulnerable state.	10	10	1	6	14	54	25	2

Note. $N = 159$. Issues are numbered as they appeared on the questionnaire. SA = strongly agree. A = agree. U = undecided. D = disagree. SD = strongly disagree.

Two negative issues, discrimination against some competent practitioners and increased costs, were familiar to about one third of respondents. The other three negative issues were familiar to no more than one respondent in six.

In summary, a majority of respondents were familiar with four of the five positive issues. The least-encountered issues were the potentially negative issues. The majority of respondents had not previously encountered viewpoints representing potentially negative consequences of regulation.

Opinions Regarding Consequences

Table 1 suggests opinion and familiarity are related. A strong majority of respondents supported the four most familiar issues and disagreed with the three least familiar issues. Opinion on the remaining three issues was relatively balanced across agreement, undecided, and disagreement.

There seems to be a relationship between opinion and familiarity that is stronger for some issues than for others. The Pearson's correlation coefficient was significant at the .05 level for seven of the issues presented, and three of these—third-party payments, privileged communication, and lulls consumers—revealed the strength of the relationship to be at .31 to .35. (The remaining r 's ranged from .12 to .26.). Additionally, statements representing potentially positive consequences of regulation were those most strongly supported unanimously with those viewpoints that were least encountered.

Importance of Issues

The percentage of respondents identifying an issue as one of three most important is given in Table 1. Protection of the public was nominated by about 80% of respondents. Third-party payments and right to practice were both selected by about 60% of respondents. The most frequently

selected of the negative issues, discrimination against qualified practitioners, was selected by 9% of respondents. The overall ranking on importance was not markedly different from the ranking as previously encountered viewpoints.

Status of Information

Respondent opinion of five statements regarding the status of information about the consequences of legislation is given in Table 2. A clear

TABLE 2
Opinions About Status of Information About
Consequences of Legislated Regulation

Statement	Percentage Responding				
	SD	D	U	A	SA
There is adequate dialogue within the counseling profession about the potential consequences of legislated regulation.	14	49	16	19	1
Overall, counselors are informed about the potential consequences of legislated regulation.	14	46	16	24	1
I would like additional information about the potential consequences of legislated regulation.	1	8	6	50	35
I would like counseling organizations to be more active in informing consumers about the consequences of legislated regulation.	1	3	13	61	23
I would like counseling organizations to elicit public opinion on legislated regulation.	3	11	17	52	17

Note. $N = 159$. Lines may not total 100% because of rounding. See Table 1 Note.

majority of respondents disagreed with a statement asserting the adequacy of dialogue within the profession about the consequences of regulation, and with a statement asserting adequate counselor information about these consequences.

A substantial majority of respondents endorsed statements indicating a personal need for more information and the desire for counseling organizations to be more active in informing consumers about regulation. A majority of respondents similarly endorsed the desire for counseling organizations to elicit public opinion about regulation. In summary, most counselors think there is inadequate dialogue and that their peers are not informed about the consequences of regulation. Most wanted more information about these consequences, and most wanted the public to have more information and more input on the issue.

Preference for Regulatory Mechanisms

In response to items eliciting preference for type of regulatory law, if any, the majority of respondents (92.4%, $N=147$) favored regulation. Certification was favored by 50% of respondents, whereas licensure was favored by 42%.

More than one half of the sample (55%, $N = 87$) favored a regulatory board composed of a majority of counseling professionals and a minority of consumer representatives. About one fifth (21%, $N = 33$) favored a balanced board. A lower percentage (15%, $N = 24$) favored an all-counselor board.

The majority of respondents (71%, $N = 114$) selected possession of a master's degree as 1 of 3 most important requirements among 11 possible elements of a regulatory bill. A grandparenting clause was the next most selected option (54%, $N = 85$), and a continuing education requirement was listed by 44% ($N = 71$) as being important. The next most selected options were a supervisory requirement (26%, $N = 42$), a written examination (22%, $N = 35$), letters of recommendation (20%, $N = 32$), and an interview (16%, $N = 25$). No more than 8% of respondents supported an oral examination, a self-disclosure statement, tapes of actual work, or a doctoral degree as being among the three most important requirements.

In summary, respondents tended to favor traditional forms of regulation, specifically education-related criteria. (Because the grandparenting clause element included the qualifier "with a minimal educational requirement," it too can be viewed as education based.) Competency-based requirements (tapes, oral exam, supervised experience) were not heavily selected. The self-disclosure statement, which is philosophically based on ideas of informed consumer choice, was selected by few respondents.

DISCUSSION

Results Compared to Previous Studies

Respondents in this study were most similar to Swanson's (1981) Oregon counselors in that participants of both samples were employed in a wide variety of settings, with about the same proportion (roughly three fourths) possessing master's degrees as their highest academic degree. Snow's (1981) sample of Idaho counselors contained substantial proportions of master's-level counselors, also.

A larger majority of respondents in the current study supported some form of regulation than in previous studies. This increased proportion of respondents supportive of legislated regulation could be indicative of counseling organizations' success in presenting the desirability of certification and licensure to counseling professionals. Once again,

however, respondents in this study indicated that they would like additional information on issues related to regulation.

Unlike previous studies, this study presented the option of certification or licensure to respondents, with half preferring licensure. Given ACA's push for licensure, this is of some interest. This finding, however, could be related more to political realities than to counselor preference. According to Rencken (personal communication, March 1988), current president of the Arizona Counselors Association, Arizona legislators do not look favorably upon additional licensure laws, resulting in that state association's promotion of counselor certification.

With respect to desired elements of regulatory bills, it was again apparent that counselors support some sort of academic requirement, and that is the degree level that they themselves have attained. This finding is also consistent with the results of previous research. Unlike previous studies, this research constrained respondents to a choice of three "most important" regulatory criteria (prior studies allowed for support of several criteria.) This resulted in the discovery of counselors' highest priorities with respect to regulatory requirements.

The current study was unique in including a grandparenting clause as a potential element in a regulatory bill. When constrained to three most important choices, it is notable that this element was second-most overall in importance to respondents. Because grandparent clauses usher in all currently practicing individuals, regardless of competence, these clauses place the consumer at risk and, therefore, run counter to the goal of protecting consumers (R. Rencken, personal communication, March 1988.). Given that respondents identified consumer protection as the most important regulatory consequence, a dilemma may exist for those desirous of protecting both consumers from professional incompetence and themselves from professional exclusion.

The less chosen certification criteria were the competency-based elements (e.g., recommendations from supervisors, taped work-samples). This may be indicative of a population that does not currently see value in these criteria, perhaps because of faith in educational credentials or other traditional forms of legislated regulation. Other possible explanations for the relative unpopularity of these criteria may be that they are difficult to obtain and assess or that counselors do not want to experience these criteria personally. As has been previously mentioned, however, research does not support the belief that education ensures competence in mental health care providers (Hogan, 1979; Koocher, 1979).

The almost nonexistent support for self-disclosure statements may indicate a lack of information about their potential value. Because a strong case exists for use of such statements to protect and inform consumers (Gill, 1982; Gross, 1977; Winborn, 1977; Witmer, 1978), it seems to be either a case of ignorance of the usefulness of self-disclosure or lack of faith in an informed clientele.

Although not addressed in previous research, the question of regulatory board composition was presented in this study. Most respondents preferred a board composed primarily of professional counselors while a fair number preferred an all professional board. Because professionally dominated boards may hinder consumer protection (Hogan, 1979; Shimberg, Esser, & Kruger, 1972; Pfeffer, 1974), this is a potentially troublesome finding. A sizable minority of respondents, however, preferred a board composed of equal numbers of professionals and lay persons. Such a position seems harmonious with a counseling philosophy that asserts the right and ability of individuals to make decisions when presented with adequate information.

Cause for Concern?

Overall, the data indicate that counselors are not fully informed about the potential consequences of regulation. Most counselors had pre-

viously encountered 4 or fewer of the 10 listed consequences, and these issues tended to be those that benefited them as professionals. Few respondents were informed about the potentially negative consequences. The most encountered consequence, protection of consumers, is also the consequence used by professional organizations to “sell” regulatory bills to legislative bodies. It is not surprising that so many respondents reported awareness of this issue. Of greater interest is that awareness of this issue was not closer than it was to 100%!

As mentioned earlier, at least one half or more of the respondents were aware of three professionally beneficial consequences: enhanced professional power and prestige, third-party payments, and protection of right to practice. These are the arguments that have been most strongly advanced by professionals, as a means to garner support for legislated regulation. Again, one may wonder why an even larger proportion were not informed of these consequences. Lack of awareness about the right of privileged communication seems inexplicable at this time, although the issue seems to be an important one. That most respondents were unaware of potentially negative consequences of regulation is of potential interest both to counseling organizations and to consumers. Professionals who are unaware of the potential problems of regulation will be unlikely to perceive negative consequences or to advocate appropriate solutions.

Additional support for the conclusion that counselors are generally uninformed about issues related to regulation came from respondents’ general disagreement with the statement that counselors are informed about the potential consequences of regulation and that adequate dialogue exists within the profession about these consequences. In addition, most counselors agreed that they would like more information about these consequences, indicating that they considered themselves inadequately informed.

As noted previously, awareness of most of these issues was related to agreement with the issue. In other words, counselors were likely to agree with statements that represented the most encountered issues (e.g., the potentially positive consequences of regulation). A most critical example is counselor awareness and support of the argument that regulation protects the public. (It is noteworthy that this was the overall most important issue to respondents.) Despite counselor endorsement of this position, however, strong arguments support the reverse, that legislated regulation does not protect consumers (Gross, 1978; Hogan, 1979; Koocher, 1979; Rogers, 1973). Agreement with the protection assertion may be based more on hope than on information. The problem with accepting this argument *prima facie* is that respondents who see no potential dangers to the consumer simply will not incorporate these risks into their evaluation of the true “costs” of regulation.

There were substantial numbers who agreed with statements representing potentially negative consequences of regulation. For example, more than one third of respondents agreed or strongly agreed that legislated regulation discriminates against some competent practitioners, and close to one third agreed or strongly agreed that costs increase. These issues represent problems of great social impact, and it is notable that a good proportion of respondents agreed with these statements.

Facts Are Facts

On the other hand, that costs increase following legislated regulation is an economic fact (Collins, 1979; Rottenberg, 1980), and the majority of respondents disagreed with what was a factual statement about the economics of regulation. In addition, the problems of discrimination, public loss of power and control, and the lulling of consumers into an unwary and vulnerable state are facts of life to political scientists, economists, and sociologists, as well as to some informed observers

within the counseling profession. The majority of respondents disagreed with these positions, and their lack of concern about, ignorance of these problems, or both seems to be indicated again in the respondents’ lack of support for competency-based criteria and self-disclosure statements, in their support for graduate-level and other formal-education criteria, and in their preference for professional-dominated regulatory boards.

Lack of concern over the potentially negative consequences of regulation is also indicated by the low overall ranking of negative consequences in importance to respondents. Aside from the protection of consumers issue, respondents seemed most concerned with issues of personal and professional enhancement and least concerned with issues of discrimination, public loss of power and control, professional stagnation, and consumer vulnerability.

A Call for More Information

It is clear that respondents see a need for more information and believe themselves and other counselors to be inadequately informed on issues related to legislated regulation. Most encouraging, respondents indicated a desire to see consumers informed about the potential consequences of regulation and also a willingness to elicit their opinion about it. Despite evidence indicating that respondents were not overly concerned with the welfare of consumers, their willingness to inform and involve consumers in the issue of legislated regulation suggests a profession with its heart in the right place. Simple ignorance of the negative consequences of regulation could explain respondents’ apparent lack of concern for consumer well-being.

Because of the evident need and desire for information, it is recommended that counseling organizations make an ongoing attempt to present all consequences of regulation to their memberships. Unless this is done, counselors probably will not consider the possibility of negative consequences or support activities, which could attend to undesirable consequences.

It is also recommended that counseling organizations be more active in informing consumers of the potential consequences of regulation and request consumer input into the regulatory process whenever possible. This seems consistent with counseling philosophy, which expresses the belief that, given adequate information, individuals are able to make responsible decisions in their own interests.

If counselors are to make responsible legislative choices, it is essential for them to see legislated regulation for the complex issue it is. To have a simplistic view of regulation—to see it as only professionally beneficial, or as an altruistic device to protect the public—is to take a naive and potentially harmful stance. We hope that counselors want to make responsible, not harmful, choices, and that counselors are not willing to accept professionally beneficial consequences at the expense of the public we profess to serve.

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