

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5311

STATE OF NEW JERSEY

DATED: JANUARY 4, 2024

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 5311.

This bill enters New Jersey into the Counseling Compact. The Counseling Compact (compact) is an interstate compact, or a contract among states, allowing professional counselors licensed and residing in a compact member state to practice in other compact member states without need for multiple licenses.

The purpose of this compact is to facilitate interstate practice of licensed professional counselors with the goal of improving public access to professional counseling services. The practice of professional counseling occurs in the state where the client is located at the time of the counseling services. The compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure. In addition, the compact is designed to achieve the following objectives: 1) increase public access to professional counseling services by providing for the mutual recognition of other member state licenses; 2) enhance the states' ability to protect the public's health and safety; 3) encourage the cooperation of member states in regulating multistate practice for licensed professional counselors; 4) support spouses of relocating active duty military personnel; 5) enhance the exchange of licensure, investigative, and disciplinary information among member states; 6) allow for the use of telehealth technology to facilitate increased access to professional counseling services; 7) support the uniformity of professional counseling licensure requirements throughout the states to promote public safety and public health benefits; 8) invest all member states with the authority to hold a licensed professional counselor accountable for meeting all state practice laws in the state in which the client is located at the time care is rendered through the mutual recognition of member state licenses; 9) eliminate the necessity for licenses in multiple states; and 10) provide opportunities for interstate practice by licensed professional counselors who meet uniform licensure requirements.

The compact is administered by a commission comprising representatives of each of the member states. The commission has certain powers to promulgate rules and bylaws, create a budget, conduct investigations, assess member fees, and to generally enforce the provisions of the compact. The compact sets forth procedures for

investigating and disciplining professional counselors for misconduct, as well as for communicating to member states information concerning a professional counselor who is under investigation, has lost the right to practice under the compact, or who has regained the right to practice under the compact.

The compact provides that it takes effect when it has been adopted in 10 states. Currently, 30 states have joined the compact: Alabama, Arkansas, Connecticut, Colorado, Delaware, Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Mississippi, Missouri, Montana, Nebraska, New Hampshire, North Carolina, North Dakota, Ohio, Oklahoma, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, and Wyoming.

As reported by the committee, Assembly Bill No. 5311 is identical to Senate Bill No. 3061, which was also reported by the committee on this date.

FISCAL IMPACT:

The Office of Legislative Services (OLS) concludes that annual State expenditures will increase by an indeterminate amount under the bill, which will enter the State into the interstate Counseling Compact. The OLS cannot quantify the net fiscal impact of the bill, given a lack of information on the impact that the State's participation in the compact may have on operating costs for the Professional Counselor Examiners Committee of the State Board of Marriage and Family Therapy Examiners, which licenses professional counselors.

Factors that will influence the State's operational costs under the bill include the amount of the annual fee that the State may be charged as a compact member, and the costs for the State to align its professional counselor licensing data with the licensure data system that all compact member states utilize.

Annual State revenues may fall by a marginal amount, depending upon the number of licensed professional counselors living in a remote compact member state who may seek to convert a State license to a privilege to practice. To the extent that the State's fee for a privilege to practice as a professional counselor equals or nears the fee charged for a State license, State revenues may be only marginally affected.