

Agency Response to Economic Impact Analysis

The Board of Counseling does not concur with the Analysis of the Department of Planning and Budget on proposed amended regulations for 18 VAC 115-20-10 et seq., Regulations Governing the Practice of Professional Counseling. The Board believes the Economic Impact Analysis is incomplete or inaccurate in the following ways:

- 1) It states that *many* other health professions use “private credentialing groups to evaluate and approve educational programs.”

In fact, all of the 13 health regulatory boards require national accreditation for professional programs as the evidence of a quality education - with the exception of Counseling and Nursing. Nursing currently employs 11 on-site reviewers located throughout Virginia, in addition to staff at the Board, to evaluate the quality of nursing education programs. At a recent meeting in May of 2016, the Board of Nursing voted to initiate rulemaking to require national accreditation of educational programs for registered nursing licensure. Currently, accreditation of a nursing program is *voluntary*; so it is interesting to note that the registered nursing program at George Mason University is nationally accredited. It is evident that universities, licensing boards, and employers are recognizing the essential role played by accrediting bodies in assuring professional competency.

- 2) The Department of Planning and Budget has taken issue with the fact that the Board did not convene a Regulatory Advisory Panel (RAP). Such a panel is useful when the regulatory language is complex and requires expertise from a variety of sources. In this action, the regulation was very straightforward and based on a great deal of input from affected entities.

The issue of accreditation has been discussed since 2010 at Educational Summits convened by the Board for exchange among board members and counseling educators. At the Summits convened in 2010 and 2012, representatives from all counseling programs were invited; ten different institutions were represented in 2010, and 12 participated in 2012. George Mason University did not participate in the first two Summits. In September of 2014, the Board voted to initiate rulemaking to require accreditation of education programs and convened an Educational Summit in November of 2014 to engage the programs in a discussion of that proposal. Fifty educators were invited, and four faculty members from George Mason did attend and did participate.

During the public comment period of the Notice of Intended Regulatory Action, comments were received from faculty members at George Mason. The Board was well aware of its position and arguments against a requirement for accreditation – both from the written comments and the verbal discussion at the 2014 Summit. Neither this board nor any board at the Department will accept comment offered outside of an official comment period on a regulatory stage. To do so would require

an extension and notice to all parties that the comment period has been re-opened. Therefore, comment on this regulatory proposal was not accepted at subsequent meetings after the close of the comment period.

- 3) The Economic Impact Analysis has focused on the cost for accreditation but has failed to take note of the opportunity cost for graduates of non-accredited programs. Increasingly, other states are requiring applicants for licensure to be graduates of CACREP-accredited programs; Ohio, Kentucky, and North Carolina have recently passed such laws. Portability will become an issue for non-CACREP graduates who may want to seek employment in other states.

Employment in the federal system is also limited for graduates of non-accredited programs. Following a recommendation from the Institute of Medicine, TRICARE, the Army Substance Abuse program, and the Veterans Administration have adopted the standard of requiring a degree from a CACREP accredited program. In a state that relishes the presence of the military and military families, it would seem that all educational programs would want to equip their graduates to serve that population and have those employment opportunities.

- 4) Accreditation by a professional accrediting body is the only reliable measure of educational quality. Licensing an applicant based on a review of a transcript conveys only the number of hours and titles of coursework completed; the Board has neither the resources nor the expertise to review the content of coursework, the credentials of the faculty, or the overall quality of the educational program. Accreditation is an arduous process because of the in-depth review required.

In 2010, the Institute of Medicine (IOM) was requested by Congress to study the provision of mental health counseling services under TRICARE, which serves all of the uniformed services and their families – a population comprising more than nine million beneficiaries. The report noted that “the mental health care needs of this population are large and diverse, requiring a skilled group of professionals to diagnose and treat a variety of disorders.” The IOM was asked to convene a committee to examine the credentials, preparation, and training of licensed mental health counselors to practice independently under the TRICARE program. The committee found that not all educational programs prepared graduates to practice independently, but that coursework required by programs accredited by CACREP did prepare them.

Subsequently, the Department of Defense issued a final rule (beginning January 1, 2017) to certify only those providers who meet the quality standards recommended by the IOM and adopted by TRICARE, including “possession of a master’s or higher-level degree from a Council for the Accreditation of Counseling and Related Educational Programs (CACREP) accredited mental health counseling program of education and training as well as having passed the national Clinical Mental health Counseling Examination.”

- 5) Further evidence of the quality and significance of CACREP accreditation may be found in a decision by the National Board of Certified Counselor (NBCC) which

recently announced that, beginning January 1, 2022, the NBCC credential would only be awarded to persons who graduated from CACREP accredited programs. Thus, the body that awards national certification in counseling and related fields has recognized CACREP as the standard for measuring educational quality.

The Board concludes that the Economic Impact Analysis has presented a single perspective on the issue of accreditation and has neglected to present an analysis of the positive impact on employment and licensure and on the quality of counseling services in the Commonwealth.