



Chairman Schuring, Vice Chair Rulli, Ranking Member O'Brien and all members of the Senate General Government and Agency Review Committee my name is Dr. Sean Gorby. I am a Licensed Professional Counselor, a professor at Capital University, and own my own private practice in Lancaster Ohio. I am also currently serving as the Government Relations Committee Chair of the Ohio Counseling Association (OCA). OCA is the professional association representing licensed professional clinical counselors, licensed professional counselors, and counselor educators throughout Ohio. Thank you for the opportunity to provide interested party testimony regarding Senate Bill 246 on behalf of OCA.

The Ohio Counseling Association certainly understands the spirit of the bill as introduced. Making Ohio an attractive place to work for those currently living in another state is commendable and is a goal likely widely supported in concept. However, the OCA does believe the bill could have some unintended consequences, particularly when it comes to providing mental health care. We interpret the bill as written to state that a person with a counseling license in another state would automatically be given that license to practice in Ohio (after passing a criminal records check and exam). While we are sure this could be an easy license transfer for other professions, it could prove harmful to the successful diagnosis and treatment of mental and emotional disorders for citizens of Ohio who seek our services. This is largely due to the lack of parity between states regarding licensed counselors' scope of practice and educational and training standards.

Ohio has one of the strongest professional counseling licensure laws in the country. This is something that Ohio is recognized for nationally (in a good way!). Because of our licensure laws, our scope of practice and our educational and training requirements, we have 2 tiers of licensure, with licensed professional clinical counselors (LPCCs) in Ohio having the ability to **independently** diagnosis and treat mental and emotional disorders. Our strong licensure laws allow us to not only maximize the amount of treatment provided to those suffering from mental and emotional disorders here in Ohio, but they also allow us to provide the highest level of care possible. There is a difference between treatment and effective treatment. The strength of our state's licensure law is not simply that it allows us to provide more care to people, but rather that it allows us to provide the best care to the most people. This is not the case in all states. Sixteen states do not mention diagnostic authority in their statutes, including California, Pennsylvania, Michigan and New York. Additionally, three states explicitly deny counselors the authority to diagnosis mental illness, such as Texas, Indiana and Maine. That is 19 states in total that do not sufficiently address the diagnosis and treatment of mental and emotional disorders in their scope

of practice, and thus do not require sufficient training or education in the areas of diagnosis and treatment of such disorders in their state.

Currently, when an out-of-state applicant seeks licensure in Ohio, the Counselor, Social Worker, and Marriage and Family Therapist Board has the authority to examine that individual applicant's experience and training to ensure he or she is qualified to practice at the level allowed by Ohio law. OCA fears SB 246 takes away the flexibility currently inherent in the Board's process of reviewing applications, which has been successful so far in determining who is truly worthy of licensure and sufficiently trained to uphold the responsibility of diagnosing and treating mental and emotional disorders as required by our state's licensure laws.

Another matter of concern is the way the bill would apply for individuals who earn degrees in their field that do not conform to Ohio's education standards. There are other states that license counselors with non-conforming degrees. If these individuals get that special consideration in another state, Ohio's hands would be tied under SB 246 in that the CWSMFT Board would be forced to license these undereducated professionals in Ohio. To be clear, it is not common for Ohio's licensure board to deny licenses to applicants, and most applicants are given ample opportunity to get in compliance with Ohio's requirements before they are issued their license. However, this is still a critically important role of the licensure board to ensure those granted a license to practice here are qualified to have that license. It is very important for public protection and consumer confidence that Ohio licenses mental health providers and counselors who are appropriately trained and qualified to perform such sensitive and critical healthcare.

Given the lack of parity in counseling licensure laws and scope of practice, the incongruence between Ohio and up to 16 other states' educational and training standards, as well as the processes already in place within the Ohio Counselor, Social Worker, and Marriage and Family Therapist Board to ensure the most accurate, effective and efficient treatment is provided to Ohioans, the Ohio Counseling Association would like to request that our profession be removed from the bill altogether. If that is not the will of the sponsors or this committee, then alternatively, we would like to work on an amendment that would allow for licensure boards to review applicants' home state scope of practice and education requirements to ensure there is conformity with Ohio's scope of practice before issuing a license. If there is not conformity, the board should be able to either deny the license or work with the applicant to ensure he or she fulfills necessary additional requirements. The OCA thinks we all can agree that counselors in Ohio should be appropriately trained and qualified to diagnosis mental and emotional disorders before being issued a license to do so.

Additionally, given the increasing role of telehealth and distance counseling in care, SB 246 as written would allow an individual living in Texas or California or New York to obtain a license in the state of Ohio and provide distance counseling to Ohioans while never leaving their home

state to meet their patient in person. Requiring residency in the state may help in ensuring the bill's purpose is realized.

The OCA took the initiative to reach out to individuals in both Arizona and Pennsylvania, two states that recently passed universal licensure laws, to discuss their experience of such laws and their impact on the field of counseling. An individual from the state of Arizona's counseling licensure board reported that since August of 2019, they have approved 150 licenses by universal recognition. She also reported that their state does require applicants to show residency in Arizona. She noted that the vague language of the universal licensure laws has left her Board turning to very subjective interpretations of the law. She recommended that if Ohio was to pass such a bill, it ought to be clear and objective in its language and ought to include language that requires the verification and confirmation of scope of practice.

As a professor at Capital University, I am also aware that this law may have unintended consequences for our state's public and private institutions. Currently, all 23 accredited counselor programs in the state of Ohio require a 60-credit hour program, including diagnosis and treatment, as well as 700 hours of clinical practicum and internship experience. If passed, SB 246 would make it possible for Ohioans seeking education and counseling licensure to leave the state, go to Illinois and complete only a 48-credit hour program that is quicker and cheaper, receive a license in Illinois, and then return back to Ohio to practice. In this way, this bill will most certainly have adverse unintended consequences for the high-quality educational institutions here in the state of Ohio.

Members of the committee, we thank you for considering the perspective of the Ohio Counseling Association. We hope to work with this body to craft an amendment that addresses our concerns with the bill as currently written so that counselors can continue to provide Ohioans high quality mental health services.