

# **Governor's Office of Management and Budget**

Alexis Sturm

Director



## **IL Regulatory Sunset Act Review of The Professional Counselor and Clinical Professional Counselor Licensing and Practice Act**

March 22, 2022

**To the Honorable JB Pritzker  
Governor of Illinois**

Governor Pritzker:

The Governor's Office of Management and Budget (GOMB), in compliance with the requirements set forth in the Illinois Regulatory Sunset Act (5 ILCS 80), has conducted a review of the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act (225 ILCS 107), which is scheduled to sunset on January 1, 2023. As a result of this review, GOMB makes the following recommendation:

The Professional Counselor and Clinical Professional Counselor Licensing and Practice Act (225 ILCS 107) should be continued with the following modifications to its existing statutory and administrative rule framework:

- Update the language to comport with recently updated acts; and
- Remove outdated language (i.e. sections allowing for grandfathering if applied for licensure prior to the effective date of the act, roster language, etc.) to minimize confusion.

GOMB's examination of this Act was conducted considering nine factors set out in Section 6 of the Illinois Regulatory Sunset Act. The following report details the criteria and data utilized to come to the above recommendation.

Very sincerely and respectfully,

Alexis Sturm  
Director  
Governor's Office of Management and Budget

**Criteria (1) “The extent to which the agency or program has permitted qualified applicants to serve the public.”**

As of July 31, 2021, there are 71,459 total licensees under the Act. Below are the numbers of new licenses issued in the previous five fiscal years.

License Type	2017	2018	2019	2020	2021
Temporary Licensed Professional Counselor	0	0	0	0	0
Licensed Professional Counselor	4,728	5,625	5,004	6,017	5,320
Temporary Licensed Clinical Professional Counselor	0	0	0	0	0
Licensed Clinical Professional Counselor	7,942	8,585	8,732	9,355	9,532
Professional Counselor CE Sponsor	118	127	123	144	107
<b>Total</b>	<b>12,788</b>	<b>14,337</b>	<b>13,859</b>	<b>15,516</b>	<b>14,959</b>

The current licensure fee structure is as follows:

Type	Fee Amount
Application for a License	\$150
Renewal Fee	\$60/year
Restoration After Lapse	\$50 fee, plus all lapsed renewal fees

There are several colleges and universities that offer professional counseling and licensed professional counseling programs throughout the State of Illinois. Some of the programs are accredited by the Council for Accreditation of Counseling and Related Educational Programs which serves as a national academic accreditation agency for collegiate counseling programs.

The examination administered by the Division for licensure as a professional counselor is the National Counselor Examination (NCE) of the National Board for Certified Counselors (NBCC). The passing score on the examination is established by the testing entity. The Division also accepts passage of the Certified Rehabilitation Counselor Examination of the Commission on Rehabilitation Counselor Certification (CRCC). The passing scores on the examinations are established by the testing entity.

The examination for licensure as a clinical professional counselor is the National Counselor Examination (NCE) of the National Board for Certified Counselors (NBCC) and the National Clinical Mental Health Counseling Examination (NCMHCE) or the Examination of Clinical Counselor Practice (ECCP). The passing score on the examination is established by the testing entity. The Division also accepts passage of the Certified Rehabilitation Counselor Examination of the Commission on Rehabilitation Counselor Certification (CRCC).

There are seven (7) different states including Illinois that have the specific credential of a Licensed Clinical Professional Counselor. Those states include Idaho, Kansas, Maine, Maryland, Montana, and Nevada. Each state has its own academic criteria that LCPCs must attain prior to licensure. Professional counselors are required by law in every state, the District of Columbia, and Puerto Rico to be licensed in order to legally practice as a professional counselor.

States require applicants for licensure to obtain a master’s degree in counseling and many require specific coursework. Most states require individuals to complete 60 semester hours of graduate study, including at least a 48-semester hour master’s degree. All states require that counseling graduate programs be accredited, either by a

counseling-specific accrediting organization or by a regional graduate education accrediting body.

Illinois is revising Rules as current graduate education requirements do not comply with the national association's 60 semester graduate hours mandate. Current Illinois Rules require 48 semester hours for both LCPCs and LPCs.

***Criteria (2) "The extent to which the trade, business, profession, occupation, or industry being regulated is being administered in a nondiscriminatory manner both in terms of employment and rendering of services."***

The IDFPR does not collect information on the gender, race, or ethnicity of licensees. The IDFPR has received no complaints citing discrimination in the licensing process, and no external sources have published any information regarding discriminatory practices in licensure. Further, IDFPR has not received any complaints alleging discrimination by external sources.

***Criteria (3) "The extent to which the regulatory agency or program has operated in the public interest, and the extent to which its operation has been impeded or enhanced by existing statutes, procedures, and practices of any other department of state government, and any other circumstances, including budgetary resources, and personnel matters."***

The IDFPR is tasked with processing applications for licenses and renewal licenses for over one million professionals practicing in the State of Illinois. The Department has adopted internal policies, sought legislative and administrative rule changes, and developed enhanced licensing processes to maintain efficiency and efficacy. Implementation of online, paperless licensing is one example of such a policy that has proved to be successful. While some procedures, such as the disciplinary process for licensees, can be lengthy, this is done to ensure thoroughness and proper due process for complaints against regulated professionals.

***Criteria (4) "The extent to which the agency running the program has recommended statutory changes to the General Assembly that would benefit the public as opposed to the persons it regulates."***

N/A

***Criteria (5) "The extent to which the agency or program has required the persons it regulates to report to it concerning the impact of rules and decisions of the agency or the impact of the program on the public regarding improved service, economy of service, and availability of service."***

The IDFPR establishes rules and makes regulatory decisions through the process established by the Joint Committee on Administrative Rules (JCAR), the administrative body responsible for approving rule proposals by state agencies. This process allows for input from industry and community stakeholders impacted by the Department's proposed changes. The Department works with lawmakers, community stakeholders, and members of industry to ensure that regulations effectively protect Illinois citizens.

***Criteria (6) "The extent to which persons regulated by the agency or under the program have been required to assess the problems in their industry that affect the public."***

The Professional Counselor Licensing and Disciplinary Board is an advisory board composed of seven persons, two of whom are licensed solely as professional counselors, three of whom are licensed solely as clinical professional counselors, and one of whom is a full-time faculty member of an accredited college or university. The Department considers the recommendation of the Board in the development of proposed rules and seeks the advice and recommendations of the Board in connection with any disciplinary action relating to professional counselors and clinical professional counseling including applications for restoration of revoked licenses. The Board may make

recommendations on matters relating to approving graduate counseling, rehabilitation counseling, psychology, and related programs, continuing education including the number of hours necessary for license renewal, waivers for those unable to meet such requirements, and acceptable course content. These recommendations shall not impose an undue burden on the Department or an unreasonable restriction on those seeking license renewal.

***Criteria (7) “The extent to which the agency or program has encouraged participation by the public in making its rules and decisions as opposed to participation solely by the persons it regulates and the extent to which such rules and decisions are consistent with statutory authority.”***

The IDFPR adheres to the guidelines and requirements established by the Joint Committee on Administrative Rules (JCAR) and the Illinois General Assembly (ILGA) for approving rule proposals, legislative changes and internal policies, that includes public notice and comment periods. In addition, the Department adheres to the requirements established in the Illinois Open Meetings Act (5 ILCS 120). The Department regularly invites input from members of the public who attend monthly meetings of the Professional Counselor Licensing and Disciplinary Board.

***Criteria (8) “The efficiency with which formal public complaints filed with the regulatory agency or under the program concerning persons subject to regulation have been processed to completion, by the executive director of the regulatory agencies or programs, by the Attorney General and by any other applicable department of the State government.”***

Complaints made against licensees of IDFPR’s Division of Professional Regulation may be filed via mail, email, or phone. Once a complaint is opened, it is referred to the Division’s Investigations Unit to determine if a violation of the regulatory act or rules occurred. If the Investigations Unit determines that a violation has or may have occurred, the matter is then referred to the Division’s Prosecutions Section.

Fiscal Year(s): 2017 - 2021	Totals
LC Probation w/Compliance 1	1
LC Reprimand w/Monitoring	1
LC Refuse to Renew 1	2
LC Reprimand 1	2
LC Suspension 1	2
LC Tax Suspension 1	11
LCPC Child Support Refuse Renew	1
LCPC Child Support Suspension	1
LCPC Probation w/Compliance 2	1
LCPC Refuse to Renew 2	1
LCPC Reprimand 2	1
LCPC Surrender In Lieu Of Other Discipline	1
LCPC Suspension 2	6
LCPC Tax Suspension 2	25
LCPC Temporary Suspension	2
<b>Grand Total</b>	<b>58</b>

***Criteria (9) “The extent to which changes are necessary in the enabling laws of the agency or program to adequately comply with the factors listed in this section.”***

The IDFPR recommends the sunset of the Act be extended and that statutory language modernized to implement

more streamlined and efficient regulation of this profession. This will ensure safety and welfare of the general public and ease the burden of regulatory compliance by updating the language to comport with recently updated acts and removing outdated language (i.e. sections allowing for grandfathering if applied for licensure prior to the effective date of the act, roster language, etc.) to minimize confusion.

Considering the mental health implication of the COVID-19 pandemic, it is critical to ensure the public has access to quality mental health services. According to a survey conducted by the National Institute of Mental Health (NIMH), in late June of 2020, 31% of respondents reported symptoms of anxiety or depression, 13% reported having started or increased substance use, 26% reported stress-related symptoms, and 11% reported having serious thoughts of suicide in the past 30 days. These numbers are nearly double the rates expected before the pandemic.

The National Institute of Mental Health (NIMH) reported that the mental health impacts of COVID-19 will continue, and it is clear the impact will outlive the pandemic itself. NIMH also argued that it is crucial to apply evidence-based strategies to support the mental health needs of all Americans and to make these strategies broadly available, especially in vulnerable communities.

### **Conclusion:**

The absence of regulation of the clinical professional counseling industry would pose a significant and direct harm to the health, safety, and welfare of the public. The purpose of regulating professional counselors is to protect and benefit the public by setting standards of qualifications, education, training, and experience for those who seek to engage in the independent practice of clinical professional counseling and in the practice of professional counseling in the State of Illinois. Professional Counselor's work with vulnerable populations therefore, regulation is necessary to ensure proper oversight. Obtaining a license and holding the title of professional counselor helps to promote high standards of care and professional competence for those licensed to practice professional counseling and clinical professional counseling in the State of Illinois. Furthermore, regulating the industry also helps to protect the public from unprofessional conduct by persons licensed to practice professional counseling and the independent practice of clinical professional counseling. Without the reauthorization of the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act, the quality and ethical standards of the clinical professional counseling industry would pose a significant risk to the health safety and welfare of the people of Illinois.