

Reciprocity Agreement between Tennessee and North Carolina

I. Definitions: The parties agree that the following terms will have the following specific definitions, when used in this agreement:

1. Reciprocating state — The party state in which an individual is applying for a license by reciprocity.
2. Home state — The party state in which an individual holds an active license.
3. Licensed Clinical Mental Health Counselor (LCMHC) — As defined under North Carolina General Statute §90-330(a)(2), is “a person engaged in the practice of counseling who holds a license as a licensed clinical mental health counselor issued under the provisions of” the Licensed Clinical Mental Health Counselors Act” (the “NC Act”).
4. The “practice of counseling”--As defined under North Carolina General Statute §90-330(a)(3), is “holding oneself out to the public as a clinical mental health counselor offering counseling services that include, but are not limited to, the following:
 - a. Counseling. -- Assisting individuals, groups, and families through the counseling relationship by evaluating and treating mental disorders and other conditions through the use of a combination of clinical mental health and human development principles, methods, diagnostic procedures, treatment plans, and other psychotherapeutic techniques, to develop an understanding of personal problems, to define goals, and to plan action reflecting the client's interests, abilities, aptitudes, and mental health needs as these are related to personal-social-emotional concerns, educational progress, and occupations and careers.
 - b. Appraisal Activities. -- Administering and interpreting tests for assessment of personal characteristics.
 - c. Consulting. -- Interpreting scientific data and providing guidance and personnel services to individuals, groups, or organizations.
 - d. Referral Activities. -- Identifying problems requiring referral to other specialists.
 - e. Research Activities. -- Designing, conducting, and interpreting research with human subjects.

Under North Carolina General Statute §90-330(a)(3), the “practice of counseling” does not include the facilitation of communication, understanding, reconciliation, and settlement of conflicts by mediators at community mediation centers authorized by N. C. Gen. Stat. §7A-38.5.

5. Licensed Professional Counselor (LPC) — As defined under Tenn. Code Ann. § 63-22-122(3), is “a person licensed under this part who is professionally trained in

counseling and guidance services designed to facilitate normal human growth and development through individual, family or group counseling, educational procedures, assessment, consultation and research and who assists individuals by the practice of counseling with their personal, social, career or educational development as they pass through life stages.”

6. “Counseling”-- As defined under Tenn. Code Ann. § 63-22-122(2), means “assisting an individual, through the counseling relationship, in a manner intended to facilitate normal human growth and development, using a combination of mental health and human development principles, methods and techniques, to achieve mental, emotional, physical, social, moral, educational, spiritual and/or career development and adjustment throughout the life span.”
7. “Practice of counseling”-- As defined under Tenn. Code Ann. § 63-22-122(4), means rendering or offering to render to individuals, groups, organizations or the general public any service involving the application of principles, techniques, methods or procedures of the counseling profession, including appraisal activities, counseling, consulting and referral activities. Nothing in this section shall be construed to permit the treatment of any mental, emotional or adjustment disorder other than marital problems, parent-child problems, child and adolescent antisocial behavior, adult antisocial behavior, other specified family circumstances, other interpersonal problems, phase of life problems, other life circumstance problems, occupational problems and uncomplicated bereavement, except as provided in [Tenn. Code Ann. § 63-22-122(5), which defines the practice of counseling as a mental health service provider]”.
8. “Licensed Professional Counselor with Mental Health Service Provider designation” (LPC/MHSP) — is an LPC who has been qualified under Tenn. Code Ann. § 63-22-120 to practice counseling as a Mental Health Service Provider.
9. “Practice of counseling as a mental health service provider”-- As defined under Tenn. Code Ann. § 63-22-122(5) means “the application of mental health and human development principles in order to:
 - (A) Facilitate human development and adjustment throughout the life span;
 - (B) Prevent, diagnose, and treat mental, emotional or behavioral disorders and associated disorders that interfere with mental health;
 - (C) Conduct assessments and diagnoses for the purpose of establishing treatment goals and objectives within the limitations prescribed in subdivision (1); and
 - (D) Plan, implement and evaluate treatment plans using counseling treatment interventions. “Counseling treatment interventions” means the application of cognitive, affective, behavioral and systemic counseling strategies that include principles of development, wellness and pathology that reflect a pluralistic

society. Nothing in this definition shall be construed to permit the performance of any act that licensed professional counselors designated as mental health service providers are not educated and trained to perform, nor shall it be construed to permit the designation of testing reports as ‘psychological.’”

10. Original License — The license held by an individual in the home state. The license upon which an individual bases his or her qualification for a license by reciprocity in the reciprocating state.
11. Party — A state licensing board with the authority to grant professional counseling licenses in their respective jurisdiction, which has agreed to be bound by this Reciprocal Agreement.
12. License by Reciprocity — A license granted to an individual in reliance on this Reciprocal Agreement, which is the same as the original LCMHC or LPC/MHSP license granted by the party, based upon information that the individual holds an appropriately issued original license in the home state.

II. The parties acknowledge that the Licensed Clinical Mental Health Counselor (LCMHC) License issued by North Carolina and the Licensed Professional Counselor with Mental Health Service Provider designation (LPC/MHSP) license issued by Tennessee are substantially equivalent licenses, which allow the holder to practice counseling as defined in the parties’ statutes and diagnose and treat mental health disorders.

III. The parties acknowledge that the licensing and skill requirements necessary to become an LCMHC in North Carolina, as listed in the NC Act, N.C. Gen. Stat. §90-329, *et seq*, and in 21 N.C. Admin. Code Chapter 53, and the skills and requirements necessary to become an LPC/MHSP in Tennessee, as listed in Tennessee Code Annotated §§63-22-104 and 63-22-120 and in Tennessee Comprehensive Rules and Regulations 0450-01-.04(4), 0450-01-.08, and 0450-01-.10, are substantially the same.

IV. The parties acknowledge that their respective statutes, N.C. Gen. Stat. §90-337(b) and Tenn. Code Ann. §63-22-103(b), allow them to grant a license by reciprocity under certain conditions. The parties therefore agree to reciprocally recognize and accept a valid, unrestricted, undisciplined LCMHC or LPC/MHSP license from the home state as grounds to grant a license by reciprocity in the reciprocating state under the following conditions:

- a. This agreement applies only to individuals who were properly licensed according to the statutes and rules of the home state and who can demonstrate three years of full-time experience or equivalent to three years of full-time counseling experience working as an LCMHC or an LPC/MHSP, verified by a mental health professional.
- b. The parties agree that individuals applying for a license by reciprocity in accordance with this agreement will pay the fee for a license by reciprocity specified in the reciprocating state’s statutes or rules, or if there is no license by

reciprocity fee specified, will pay the same fee that an applicant for an original license an LCMHC or LPC/MHSP would pay in the reciprocating state.

- c. The parties agree that receipt of a license by reciprocity in a reciprocating state will have no effect on the status of the original license in the home state. Individuals may have both an active original license and an active license by reciprocity, and shall comply with any legal and regulatory requirements applicable to an active license in each respective state.
- d. Each party will administer a jurisprudence or ethics exam on the statutes and rules of their state, and may deny, restrict, or condition a license by reciprocity based on the results of that exam.
- e. Each party will request proof of good character, including a recent criminal background check and two letters of recommendation. A party may deny, restrict, or condition a license by reciprocity based on the results of the good character inquiry, as provided in the applicable statutes and rules.
- f. Each party will require proof of an active, valid license or certificate from the other state to practice as an LCMHC or LPC/MHSP, and proof of good standing with the certifying or licensing board. A party may deny, restrict, or condition a license by reciprocity based on the results of the license status inquiry, as provided in the applicable statutes and rules. Each party may reject an applicant for reciprocity or condition a license by reciprocity on the basis of discovered or disclosed criminal history, fraud in the application, unprofessional conduct, or impairment, as determined by the reciprocating party. The procedure for denial or limitation of a license by reciprocity shall be the same as provided in each party's state law for denial or limitation of an original LCMHC or LPC/MHSP license.
- g. Each party may discipline an individual holding either an original license or license by reciprocity in that party's state for a violation of that party's practice act or rules/regulations, regardless of where the violation of law or rule/regulation(s) occurred. The disciplinary procedure by the party shall be the same as provided in each party's state law for disciplinary, remedial or rehabilitative actions taken against an original LCMHC or LPC/MHSP license.

V. The parties recognize that Tennessee Licensed Professional Counselor (LPC) License is not equivalent to the North Carolina LCMHC License because the education and training is not substantially similar. Therefore, the parties agree that the Tennessee LPC license cannot be considered an original license upon which a reciprocal license in North Carolina may be based.

VI. This agreement may be terminated by either party upon thirty (30) days written notice.

VII. This agreement may not be altered, amended or modified without the express written consent of both parties to an amended agreement or addendum to the agreement. Written consent shall mean execution by each party's respective chairpersons after authorization by board vote.

Adopted by the respective parties according to their respective statutes and rules/regulations on _____ day of _____, 2023.

Signed: Kimberly D. Speakman

Name: Kimberly D. Speakman

Chairperson of the Tennessee Board for Professional Counselors, Marital and Family Therapists and Clinical Pastoral Therapists

Date: 4/27/2023

Signed: Dr. Mark Schwarze

Name: Dr. Mark Schwarze

Chairperson of the North Carolina Board of Licensed Clinical Mental Health Counselors

Date: 4/13/2023