

Burgos, Alexander N

Subject: FW: [External] RE: Board of Licensed Clinical Mental Health Counselors - June RRC Request for Changes

From: Melonie Davis <davis@ncblcmhc.org>
Sent: Monday, June 13, 2022 5:08 PM
To: Liebman, Brian R <brian.liebman@oah.nc.gov>
Cc: Robin Colburn <colburn@cce-global.org>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Balshakova, Alesia M <abalshakova@ncdoj.gov>
Subject: RE: [External] RE: Board of Licensed Clinical Mental Health Counselors - June RRC Request for Changes

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

There are no objections! Thank you.

Melonie Davis | M.A, LCMHCA, NCC
Executive Director, North Carolina Board of Licensed Clinical Mental Health Counselors
2C Terrace Way | Greensboro, NC 27403 USA
Phone: +1 336.217.6007 | Fax: +1 336.217.9450
NCBLCMHC.org



Confidentiality Notice: This email message, including any attachments, may contain confidential, proprietary, and/or privileged information intended only for the person or entity to which it is addressed. If you are not the intended recipient of this email, or the agent responsible for delivering it to the intended recipient, please be advised that any use, dissemination, copying, or storage of this message is strictly prohibited. If you received this message in error, please immediately contact us by telephone at (336) 547-0607, or by email at nbcc@nbcc.org, and then delete this message and any attachments from all computers. Thank you.

From: Liebman, Brian R <brian.liebman@oah.nc.gov>
Sent: Monday, June 13, 2022 5:07 PM
To: Melonie Davis <davis@ncblcmhc.org>
Cc: Robin Colburn <colburn@cce-global.org>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Balshakova, Alesia <abalshakova@ncdoj.gov>
Subject: RE: [External] RE: Board of Licensed Clinical Mental Health Counselors - June RRC Request for Changes

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Thank you Melonie and Alesia. I will recommend that RRC approve these rules at the upcoming meeting.

Unless there are any objections, I'll send these off to Dana for filing.

Best,
Brian

Brian Liebman
Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984)236-1948
brian.liebman@oah.nc.gov

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law N.C.G.S. Chapter 132 and may be disclosed to third parties.

From: Melonie Davis <davis@ncblcmhc.org>
Sent: Monday, June 13, 2022 4:55 PM
To: Liebman, Brian R <brian.liebman@oah.nc.gov>
Cc: Robin Colburn <colburn@cce-global.org>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Balshakova, Alesia M <abalshakova@ncdoj.gov>
Subject: RE: [External] RE: Board of Licensed Clinical Mental Health Counselors - June RRC Request for Changes

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Hello Brian,

Please see attached, the revised rules and my comments to your questions. Also, Robin Colburn, Alesia Balshakova and I will be attending the rules hearing virtually. Please let me know if any additional information is needed. Thank you for all of your help.

Kindly,

Melonie Davis | M.A, LCMHCA, NCC
Executive Director, North Carolina Board of Licensed Clinical Mental Health Counselors
2C Terrace Way | Greensboro, NC 27403 USA
Phone: +1 336.217.6007 | Fax: +1 336.217.9450
NCBLCMHC.org



Confidentiality Notice: This email message, including any attachments, may contain confidential, proprietary, and/or privileged information intended only for the person or entity to which it is addressed. If you are not the intended recipient of this email, or the agent responsible for delivering it to the intended recipient, please be advised that any use, dissemination, copying, or storage of this message is strictly prohibited. If you received this message in error, please immediately contact us by telephone at (336) 547-0607, or by email at nbcc@nbcc.org, and then delete this message and any attachments from all computers. Thank you.

From: Liebman, Brian R <brian.liebman@oah.nc.gov>

Sent: Monday, June 13, 2022 2:10 PM

To: Melonie Davis <davis@ncblcmhc.org>

Cc: Robin Colburn <colburn@cce-global.org>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: RE: [External] RE: Board of Licensed Clinical Mental Health Counselors - June RRC Request for Changes

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hi Melonie,

Thanks for getting these changes to me. I have a few follow ups for each rule, and one general follow up with respect to formatting. I've linked our formatting templates for you, here: <https://www.oah.nc.gov/rules-division/information-rulemaking-coordinators/rule-format-examples>, which will help, but I noticed just now that the introductory statements are incorrectly phrased, and need to be amended anyway to show that post-publication changes have been made. Also, changes made after publication in the register need to be highlighted. I fixed the formatting for R. 0204 so you could see an example beyond our templates.

Rule .0204

Thanks for taking the parentheticals out. I would suggest editing the language slightly for grammar and syntax, and to remove the "e.g."s (there's no good way to write that 😊). I suggest:

For (2), ...discipline of ~~degree degree~~, such as counselling or school counselling, and name..." Or even delete the language altogether, as I don't think it's strictly necessary to give examples of the discipline of degree. That's up to you, naturally, as you have a better feel for what your regulated public understands.

This change has been made.

In (5), I think perhaps you should choose which word, "clientele" or "populations", you want to use and just use one.

This change has been made.

In (6), perhaps it might be helpful to break "if no fee is charged, a statement to that effect" out as a new item. Otherwise, it's a separate concept, so it feels like it needs to be a separate sentence.

The regulated public understands this language as it is written, no change has been made.

In (7), I think substituting "such as" for "e.g." and adding commas around the clause should work.

This change has been made.

Thanks for adding G.S. 90-343. However, I think you still need 90-334, as that is the statute that gives you rulemaking authority. **This has been corrected.**

Rule .0205

With respect to (a), I'm a little confused. Your statute requires 3000 hours of supervised clinical mental health practice, and on line 9 you also refer to "3000 hours of supervised professional practice," as does R. 0208. Where does the 2000 hours come from?

With respect to the following comment, the term "professional practice" should have been changed in the rules to the term "clinical mental health practice" to reflect the statutory change that became effective on 1 January 2020 (See Act of Nov. 6, 2019, Ch. 240, sec. 2(a), 2019 N.C. Sess. Laws 240). This change has been made.

In (b), line 11, again, I think I'm confused. What kind of requirements are we talking about here? Counseling experience requirements? Other kinds of licensing requirements? I think adding "either" helps, but I'm still confused as to what you're asking of your regulated public.

Section (b) allows 3 pathways to licensure for out-of-state applicants:

- (1) Satisfying the statutory and administrative rules requirements that usually apply to university graduates;*
- (2) Applying by endorsement by satisfying the experience requirements of Rule .0304; or*
- (3) Satisfying the requirements specifically stated in the reciprocity agreements which the Board has entered with other states' boards.*

Adding the language in the title of the rule to say "Counseling Experience and Out of State Applicants" should clarify any confusion. Section (b) does not only address counseling experience but overall requirements for out-of-state applicants (ex: education, coursework, exams, supervision, etc.)

In (b), line 12, can you explain for me the whole "endorsements" thing? I'm glad the regulated public will understand, but I don't. 😊

With respect to this comment, "endorsement requirements stated in Rule .0304, or reciprocity agreements, if applicable" will make it more clear. There has also been a revision made to the title of the rule to include "Out of State Applicants" to capture reciprocity requirements in this rule.

Rule .0308

In (a), I'm not sure changing "denied" to "void" addresses my question. I'm asking what it means to be "received" by the Board. As currently written, the definition is a little circular: an application is "deemed to be received by the Board when the Board's office receives the application...." Does that mean it physically arrives at your mailing address? If so, how does an applicant know that it arrived? Is it stamped "Received" with a date? That's why I'm asking about the fee processing, because this seems to be the only thing in the definition that is an action taken by the Board.

With respect to the comment above, the rule includes a clarified definition of the term "received". Application shall be deemed to be received by the Board when the Board's office sends the confirmation of receipt, and, processes the application fee.

Thanks for making the other changes. Please revise, however, to show the language you're deleting post-publication (see the template for proper formatting). Also, I think the addition raises some more questions. As previously written, the Rule stated:

"...shall include any required legal documentation, such as a marriage certificate accompanied by the documents verifying the name change, divorce decree or court order."

There, you have "such as a marriage certificate..." explaining what "required legal documentation" means. As currently written, it states "...any required legal documentation or valid government issued form of identification..." which now leans me to ask, what is the "required legal documentation" if not a "valid government issued form of identification"? It's now not clear what "required legal documentation" is.

This change has been made to provide clarity regarding the accepted legal documentation.

A name change form shall be submitted on forms available on the Board's website, www.ncblcmhc.org and shall include valid government issued form of identification, such as a social security card, driver's license, passport, divorce decree, or court order.

Rule .0602

In (a), I think the change helps but I still have questions. First, I think you probably don't need a second instance of "including" since that's in the sentence already on line 6. Second, maybe this is just my ignorance, but what kind of

“credentials” are you asking for? What is a credential in this context? Are we talking about educational credentials (degrees, etc)? I don’t understand what you’re asking your regulated public to provide to you.

No change has been made. This rule speaks to professional credentials.

I’m available to discuss if you think that’d be helpful.

Best,
Brian

Brian Liebman
Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984)236-1948
brian.liebman@oah.nc.gov

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law N.C.G.S. Chapter 132 and may be disclosed to third parties.

From: Melonie Davis <davis@ncblcmhc.org>
Sent: Monday, June 13, 2022 12:17 PM
To: Liebman, Brian R <brian.liebman@oah.nc.gov>
Cc: Robin Colburn <colburn@cce-global.org>
Subject: [External] RE: Board of Licensed Clinical Mental Health Counselors - June RRC Request for Changes

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Hello Brian,

Attached you will find responses to the revision request document, along with the revised rules in word and pdf format.

Kindly,

Melonie Davis | M.A, LCMHCA,NCC
Executive Director, North Carolina Board of Licensed Clinical Mental Health Counselors
2C Terrace Way | Greensboro, NC 27403 USA
Phone: +1 336.217.6007 | Fax: +1 336.217.9450
NCBLCMHC.org



Confidentiality Notice: This email message, including any attachments, may contain confidential, proprietary, and/or privileged information intended only for the person or entity to which it is addressed. If you are not the intended recipient of this email, or the agent responsible for delivering it to the intended recipient, please be advised that any use, dissemination, copying, or storage of this message is strictly prohibited. If you received this message in error, please immediately contact us by telephone at (336) 547-0607, or by email at nbcc@nbcc.org, and then delete this message and any attachments from all computers. Thank you.

From: Liebman, Brian R <brian.liebman@oah.nc.gov>
Sent: Monday, June 6, 2022 3:56 PM
To: Melonie Davis <davis@ncblcmhc.org>
Cc: Robin Colburn <colburn@cce-global.org>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Board of Licensed Clinical Mental Health Counselors - June RRC Request for Changes

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Good afternoon,

I'm the attorney who reviewed the Rules submitted by the Board for the June 2022 RRC meeting. The RRC will formally review these Rules at its meeting on Thursday, June 16, 2022, at 9:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get closer to the meeting. If there are any other representatives from your agency who will want to attend virtually, let me know prior to the meeting, and we will get evites out to them as well.

Please submit the revised Rules and forms to me via email, no later than 5 p.m. on Friday, June 10, 2022. I do apologize for the lateness of getting these back to you, it has been a busy month for us. I think the vast majority of the changes are fairly minor, but if you don't think we'll be able to hammer everything out by early next week (Tuesday at the latest), you can request an extension, and I will be more than happy to recommend to RRC that they grant your request.

In the meantime, please do not hesitate to reach out via email with any questions or concerns.

Thanks,

Brian

Brian Liebman
Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984)236-1948
brian.liebman@oah.nc.gov

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law N.C.G.S. Chapter 132 and may be disclosed to third parties.

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.