

Burgos, Alexander N

Subject: FW: [External] RE: 21 NCAC 53 .0505
Attachments: 2025-12-18 Fee Consultation 21 NCAC 53 .0505.pdf; Email with Clark Chapin.pdf

From: Whitney Waldenberg <Whitney@brockerlawfirm.com>
Sent: Monday, June 22, 2026 4:31 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Melonie Davis - Executive Director (davis@ncblcmhc.org) <davis@ncblcmhc.org>; Sherri Roycroft <sherri@brockerlawfirm.com>; Julie B. Eddins <julie.eddins@oah.nc.gov>; Doug Brocker <doug@brockerlawfirm.com>
Subject: RE: [External] RE: 21 NCAC 53 .0505

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Happy to provide a copy. The attached request was submitted on December 18, 2025, and we have not received a response indicating a consultation was required.

Thank you,

Whitney



THE Brocker Law Firm P.A.

Memo to: Joint Legislative Commission on Governmental Operations

From: Doug Brocker, Counsel and Rulemaking Coordinator
North Carolina Board of Licensed Clinical Mental Health Counselors

Date: December 18, 2025

Re: Request for Consultation

Please accept this Memorandum and attachments as the North Carolina Board of Licensed Clinical Mental Health Counselors' ("NCBLCMHC") request pursuant to N.C. Gen. Stat. § 12-3.1 for a consultation regarding proposed Rule 21 NCAC 53 .0505 that would establish the fees charged to those individuals seeking the privilege to practice in this State pursuant to the Professional Counseling Licensure Compact as set forth in Article 24A of Chapter 90 of the General Statutes.

Statutory Authority and Reason for the Fees

In 2022, the North Carolina legislature enacted Chapter 24A of Chapter 90, adopting the Professional Counseling Licensure Compact ("Compact"). The stated purpose of the Compact is "to facilitate interstate practice of licensed professional counselors with the goal of improving public access to professional counseling services." G.S. § 90-349.1. "The Compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure." *Id.*

Among other objectives, the Compact seeks to increase public access to professional counseling services by providing for the mutual recognition of other member state licenses and encourage the *cooperation* of member states in regulating multistate licensed professional counselors. *Id.* It is also intended to support uniformity among the licensure requirements for member states and, importantly, is designed to "invest all member states with the authority to hold a licensed professional counselor accountable for meeting all state practice laws in the state[.]"

Upon adoption of the Compact, North Carolina became a member state, and the NCBLCMHC, as the regulatory authority, became charged with implementing the requirements of the Compact. The implementation of the Compact requires new systems. The NCBLCMHC must now ensure that North Carolina licensees can meet the requirements for interstate practice. The NCBLCMHC also is now charged with issuing privileges to those individuals licensed in other states and regulating those individuals to

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Whitney Waldenberg
Of Counsel
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whitney@brockerlawfirm.com

confirm that they practice within the applicable standards and requirements in this state. All of these statutorily-required, new duties under the Compact come with an administrative cost.

The General Assembly anticipated these costs. G.S. § 90-349.3(c) expressly provides that “**Member states may charge a fee for granting a privilege to practice.**” (emphasis added). Pursuant to G.S. § 90-349.3(c), proposed Rule 21 NCAC 53 .0505 establishes the initial application fee and renewal fee for individuals seeking the privilege to practice in this State pursuant to the Compact.

Amounts of the Proposed Fees

The proposed initial application fee and the renewal fee are the same fees charged to licensee and renewal applicants as set forth in Rules 21 NCAC 53 .0501 and 21 NCAC 53 .0503. The NCBLCMHC submits that charging the same fee to license applicants and privilege applicants from other states is both reasonable and equitable.

The current amount of the application fee under Rule 21 NCAC 53 .0501 is \$200.00 and the biennial renewal fee under 21 NCAC 53 .0503 is \$200.00. Accordingly, the proposed fee for application for a privilege under the Compact is \$200.00, and the proposed fee for renewal of a privilege granted under the Compact is \$200.00 on biennial basis. Proposed Rule 21 NCAC 53 .0505 is structured so that any change in application or renewal fees for licensees under the current regulations would also change the fees for privilege holders so they remain equitable.

A copy of proposed Rule 21 NCAC 53 .0505 is attached. We simultaneously submitted this rule to the Office of Administrative Hearings/Rules Division for publication on December 18, 2025.

Thank you for your consideration of this request.

A handwritten signature in black ink that reads "Douglas J. Brocker". The signature is written over a faint, light-colored watermark logo that appears to be a shield or crest with a stylized letter inside.

Douglas J. Brocker

1 21 NCAC 53 .0505 is proposed for adoption as follows:
2

3 **21 NCAC 53 .0505 PROFESSIONAL COUNSELING LICENSURE COMPACT FEES AND EXAMINATION**

4 (a) Pursuant to G.S. 90-349.3(c), individuals seeking the privilege to practice in this State pursuant the Professional
5 Counseling Licensure Compact as set forth in Article 24A of Chapter 90 shall pay the initial non-refundable
6 application fee set forth in Rule .0501 of this Section, and thereafter, shall pay the non-refundable renewal fee set forth
7 in Rule .0503 of this Section.

8 (b) The individual practicing pursuant to the Compact shall pay the required non-refundable application and renewal
9 fees set forth in Paragraph (a) of this Rule to the Counseling Compact Commission and the Commission shall
10 thereafter remit the applicant's fee to the Board.

11 (c) Pursuant to G.S. 90-349.4(a)(8), Individuals seeking the privilege to practice in this State pursuant to the
12 Professional Counseling Licensure Compact shall complete a jurisprudence exam published on the Board website.
13 Individuals seeking the privilege to practice in this State or to renew the privilege shall submit documentation of
14 completion of the jurisprudence exam, taken within six months prior to seeking the privilege to practice or within six
15 months prior to the expiration of the privilege. The exam administrator's fees for such exam shall be paid directly to
16 the administrator of that exam.

17

18 *History Note: Authority G.S. 90-334; 90-339; 90-349.3; 90-394.4;*

19 *Eff. _____.*

From: Clark Chapin (Gov Ops Staff - Senate Majority)
<Clark.Chapin@ncleg.gov>
Sent: Thursday, December 18, 2025 1:32 PM
To: Doug Brocker
Cc: Whitney Waldenberg; Sherri Roycroft
Subject: RE: Other North Carolina Board of Licensed Clinical Mental Health
Counselors - Fee Consultation for Proposed 21 NCAC 53. 0505

Thanks, Doug! No need to send the proposed rule since RRC will notify us.

Appreciatively,
Clark

-----Original Message-----

From: Doug Brocker <doug@brockerlawfirm.com>
Sent: Thursday, December 18, 2025 1:25 PM
To: Clark Chapin (Gov Ops Staff - Senate Majority) <Clark.Chapin@ncleg.gov>
Cc: Whitney Waldenberg <Whitney@brockerlawfirm.com>; Sherri Roycroft
<sherri@brockerlawfirm.com>
Subject: RE: Other North Carolina Board of Licensed Clinical Mental Health
Counselors - Fee Consultation for Proposed 21 NCAC 53. 0505

Clark:

It was attached as the last page of the attached memo. Do you need us to send the proposed rule separately?

Doug

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-----Original Message-----

From: Clark Chapin (Gov Ops Staff - Senate Majority) <Clark.Chapin@ncleg.gov>
Sent: Thursday, December 18, 2025 11:57 AM
To: Doug Brocker <doug@brockerlawfirm.com>
Subject: RE: Other North Carolina Board of Licensed Clinical Mental Health
Counselors - Fee Consultation for Proposed 21 NCAC 53. 0505

Hi Doug,

Could you please attach the proposed rule/fees?

Best regards,
Clark

Clark J. Chapin
Senate Majority Staff Director
Joint Legislative Commission on Governmental Operations North Carolina General
Assembly
Office: (919) 301-1392

CONFIDENTIAL: Pursuant to N.C. Gen. Stat. §120-77, any request or communication by the above Commission staff to an agency employee is confidential and shall only be revealed to another agency employee to the extent necessary to fulfill a request or gather necessary information. Violation of such confidentiality may subject the employee to disciplinary action, including dismissal.

-----Original Message-----

From: NC Gov Ops Reports <noreply@ncleg.net>
Sent: Thursday, December 18, 2025 11:38 AM
To: LEG - NCGAGOVOPS <ncgagovops@ncleg.gov>
Subject: Other North Carolina Board of Licensed Clinical Mental Health Counselors - Fee Consultation for Proposed 21 NCAC 53. 0505

Report Received From:
Douglas Brocker, Other

Email:
doug@brockerlawfirm.com

Subject:
Fee Consultation for Proposed 21 NCAC 53. 0505

Organization:
Other

Other Agency/Organization:
North Carolina Board of Licensed Clinical Mental Health Counselors

Relevant General Statute or Session Law:
12-3.1 and § 90-349.3

Message:

Good morning,

On behalf of the North Carolina Board of Licensed Clinical Mental Health Counselors, we are submitting a request for consultation regarding fees established by proposed Rule 21 NCAC 53 .0505 that is being submitted to OAH today for publication in the NC Register.

We appreciate your consideration.

File:

Burgos, Alexander N

Subject: FW: [External] RE: 21 NCAC 53 .0505

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>

Sent: Monday, June 22, 2026 1:59 PM

To: Whitney Waldenberg <Whitney@brockerlawfirm.com>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Melonie Davis - Executive Director (davis@ncblcmhc.org) <davis@ncblcmhc.org>; Sherri Roycroft <sherri@brockerlawfirm.com>; Julie B. Eddins <julie.eddins@oah.nc.gov>; Doug Brocker <doug@brockerlawfirm.com>

Subject: Re: [External] RE: 21 NCAC 53 .0505

Good afternoon,

Yes, please send us a copy of the fee consultation request. It is my understanding that the request was submitted to the Joint Legislative Commission on December 18, 2025, and you all have not yet received a response indicating a consultation was required. If that's correct, then the consultation requirement is deemed satisfied by operation of G.S. 12-3.1(a1).

Thanks,

Travis C. Wiggs

Rules Review Commission Counsel

Office of Administrative Hearings

Telephone: 984-236-1929

Email: travis.wiggs@oah.nc.gov

Burgos, Alexander N

Subject: FW: [External] RE: 21 NCAC 53 .0505

From: Whitney Waldenberg <Whitney@brockerlawfirm.com>

Sent: Monday, June 22, 2026 12:32 PM

To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Melonie Davis - Executive Director (davis@ncblcmhc.org) <davis@ncblcmhc.org>; Sherri Roycroft <sherri@brockerlawfirm.com>; Julie B. Eddins <julie.eddins@oah.nc.gov>; Doug Brocker <doug@brockerlawfirm.com>

Subject: [External] RE: 21 NCAC 53 .0505

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Good afternoon,

Doug is in meetings this afternoon and is unable to respond immediately, so I wanted to go ahead and ask if we can have copies of the written objections submitted to the RRC?

Also, would it be helpful to submit a copy of the fee consultation request that was submitted to the Joint Legislative Commission on Governmental Operations? It was our understanding that we were not required to include a copy in our submission to the RRC, but perhaps that would be helpful to provide ahead of the meeting?

Thank you,

Whitney

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>

Sent: Monday, June 22, 2026 9:51 AM

To: Doug Brocker <doug@brockerlawfirm.com>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Melonie Davis - Executive Director (davis@ncblcmhc.org) <davis@ncblcmhc.org>; Whitney Waldenberg <Whitney@brockerlawfirm.com>; Sherri Roycroft <sherri@brockerlawfirm.com>; Julie B. Eddins <julie.eddins@oah.nc.gov>

Subject: 21 NCAC 53 .0505

Mr. Brocker,

The RRC has received written objections from 10 or more persons clearly requesting review by the Legislature of proposed Rule 21 NCAC 53 .0505. The objections are about the increase in fees charged under the Compact. I recommend being prepared to answer any questions the RRC may have regarding the increase in fees and your agency's actions to comply with G.S. 12.3.1.

If the Rule is approved by the RRC, it will be subject to a delayed effective date pursuant to 150B-21.3(b1).

Pursuant to 150B-21.3(b2), please accept this email as the RRC's notification to your agency that this Rule "is subject to legislative disapproval."

Please let me know if you have questions. Thank you.

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

Burgos, Alexander N

Subject: FW: [External] 21 NCAC 53 .0505
Attachments: 2026-06-08 21 NCAC 53 .0505.docx

From: Sherri Roycroft <sherri@brockerlawfirm.com>
Sent: Monday, June 8, 2026 3:16 PM
To: Rules, Oah <oah.rules@oah.nc.gov>
Cc: Wiggs, Travis C <travis.wiggs@oah.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Doug Brocker <doug@brockerlawfirm.com>; Melonie Davis <davis@ncblcmhc.org>; Whitney Waldenberg <Whitney@brockerlawfirm.com>; File <file@brockerlawfirm.com>; Sherri Roycroft <sherri@brockerlawfirm.com>
Subject: [External] 21 NCAC 53 .0505

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Good afternoon,

On behalf of the North Carolina Board of Licensed Clinical Mental Health Counselors, attached please find an electronic version of 21 NCAC 53 .0505 which is being submitted for permanent adoption and reviewed for technical changes.

We believe this rule is ready to be reviewed by the RRC at its June meeting.

Please let us know if you need anything additional.

Thank you,

Sherri



THE Brocker Law Firm PA

Sherri Roycroft
Law Firm Administrator
Paralegal
The Brocker Law Firm, P.A.
1135 Kildaire Farm Road, Suite 200 | Cary, NC 27511

direct 919.710.3994 | *office* 919.415.2357 | *e-fax* 919.516.9077
sherri@brockerlawfirm.com | www.brockerlawfirm.com

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Burgos, Alexander N

Subject: FW: [External] RE: June RRC Meeting-Request for Technical Changes- responses and proposed amended rule

From: Doug Brocker <doug@brockerlawfirm.com>

Sent: Monday, June 8, 2026 10:21 AM

To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Melonie Davis - Executive Director (davis@ncblcmhc.org) <davis@ncblcmhc.org>; Whitney Waldenberg <Whitney@brockerlawfirm.com>; Sherri Roycroft <sherri@brockerlawfirm.com>

Subject: RE: [External] RE: June RRC Meeting-Request for Technical Changes- responses and proposed amended rule

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Travis:

Thank you. We will submit the updated version to OAH. I plan to attend in person to address any potential questions and Melonie Davis plans to observe via WebEx.

Doug

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From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>

Sent: Monday, June 8, 2026 10:11 AM

To: Doug Brocker <doug@brockerlawfirm.com>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Melonie Davis - Executive Director (davis@ncblcmhc.org) <davis@ncblcmhc.org>; Whitney Waldenberg <Whitney@brockerlawfirm.com>; Sherri Roycroft <sherri@brockerlawfirm.com>

Subject: Re: [External] RE: June RRC Meeting-Request for Technical Changes- responses and proposed amended rule

Thank you for the changes. Please send the final revised Rule to oah.rules@oah.nc.gov (cc Alex and I). This Rule is final for review at June's RRC meeting.

Please let us know if anyone from your agency will be present for the meeting, in-person or on WebEx.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

Burgos, Alexander N

Subject: FW: [External] RE: June RRC Meeting-Request for Technical Changes- responses and proposed amended rule

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>

Sent: Monday, June 8, 2026 9:01 AM

To: Doug Bocker <doug@brockerlawfirm.com>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Melonie Davis - Executive Director (davis@ncblcmhc.org) <davis@ncblcmhc.org>; Whitney Waldenberg <Whitney@brockerlawfirm.com>; Sherri Roycroft <sherri@brockerlawfirm.com>

Subject: Re: [External] RE: June RRC Meeting-Request for Technical Changes- responses and proposed amended rule

Received. I will review today and be back in touch.

Thanks,

Travis C. Wiggs

Rules Review Commission Counsel

Office of Administrative Hearings

Telephone: 984-236-1929

Email: travis.wiggs@oah.nc.gov

Burgos, Alexander N

Subject: FW: [External] RE: June RRC Meeting-Request for Technical Changes- responses and proposed amended rule
Attachments: 21 NCAC 53 .0505 Response - Board of Licensed Clinical MH Counselors-Request for Technical Changes.pdf; 2026-06-03 21 NCAC 53 .0505 - technical changes.docx

From: Doug Brocker <doug@brockerlawfirm.com>
Sent: Friday, June 5, 2026 4:15 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Melonie Davis - Executive Director (davis@ncblcmhc.org) <davis@ncblcmhc.org>; Whitney Waldenberg <Whitney@brockerlawfirm.com>; Sherri Roycroft <sherri@brockerlawfirm.com>
Subject: [External] RE: June RRC Meeting-Request for Technical Changes- responses and proposed amended rule

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Travis:

Attached are our responses to your requests and the proposed changes to the Rule. Please confirm receipt and let us know whether we have addressed your requests. We will await your feedback before submitting any documents to the OAH. We wanted to get you a response well in advance of the submission deadline. Have a good weekend.

Doug

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REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Board of Licensed Clinical Mental Health Counselors

RULE CITATION: 21 NCAC 53 .0505

DEADLINE FOR RECEIPT: June 16, 2026.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

On the Submission for Permanent Rule Form 0400, number 7., did you receive a response from OSBM after your agency requested a consultation on December 18, 2025? If so, what was their response? We have not received a response to our request for fee consultation.

Did your agency do an analysis of the potential fiscal impact? How did your agency decide a fiscal note was not required (number 8)? We analyzed this issue pursuant to G.S. 150B-21.4 in conjunction with our analysis for the fee consultation request and before publication of the Rule. We determined that the Rule does not meet the criteria for having a substantial economic impact. The persons subject to the proposed rule would be applicants for a Compact privilege, and the expenditures would be the application and exam fee. We do not expect any significant additional costs from implementation of the Rule. We do not anticipate the number of Compact applications and renewals, along with any potential additional costs, over the five years after the Rule is adopted would meet the threshold for substantial economic impact under the criterion set forth in G.S. 150B-21.4(b1).

Line 3, add space between the Rule citation and name. We made this change.

Please double check formatting is correct for this Rule. We double-checked.

Line 4, add "to" after "pursuant". Thank you. We have made the change.

Line 5, add a comma after "Compact" and after "90". We have made the change.

Line 9, add a comma after the first "Commission." We have made the change.

Line 11, make "individuals" lowercase. Thank you. We have made the change.

Travis C. Wiggs
Commission Counsel
Submitted to Agency: June 2, 2026

Line 12, add “the Board website” where the exam can be found. Thank you. We have made that change.

Line 13, is it necessary to include “individuals seeking the privilege to practice in this State” three different times within this Rule? We have revised to: ~~Individuals seeking the privilege to practice in this State~~ Such individuals, or those seeking to renew the ~~privilege-privilege...~~”

Line 14, do individuals only have to complete the jurisprudence exam? Or must they “pass” the exam by attaining a certain score? Please clarify. This is a good question. The jurisprudence exam is a “no-fail” exam, meaning that the examinee does not pass or fail after a single attempt, but rather must continue testing until achieving a passing score, at which time the exam is “complete.” Therefore, “complete” is an accurate term.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis C. Wiggs
Commission Counsel
Submitted to Agency: June 2, 2026

Burgos, Alexander N

From: Doug Brocker <doug@brockerlawfirm.com>
Sent: Tuesday, June 2, 2026 4:30 PM
To: Wiggs, Travis C
Cc: Burgos, Alexander N
Subject: [External] RE: June RRC Meeting-Request for Technical Changes

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Thanks, Travis. We'll review, calendar the deadline, and get you a response and the revised Rule as soon as feasible. Doug

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From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Tuesday, June 2, 2026 3:45 PM
To: Doug Brocker <doug@brockerlawfirm.com>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: June RRC Meeting-Request for Technical Changes

Good afternoon,

I'm the attorney who reviewed the Rule submitted by the Board of Licensed Clinical Mental Health Counselors for the June 2026 RRC meeting. The RRC will formally review this Rule at its meeting on Thursday, June 25, 2026, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an invite should be sent to you as we get close to the meeting. If there are any other representatives from your agency who want to attend virtually, please let me know prior to the meeting, and we will get invites out to them as well.

Attached is the Request for Changes Pursuant to G.S. 150B-21.10. Please submit the revised Rule to me via email, no later than 5 p.m. on June 16, 2026. Let me know if you have any questions.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

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