

Reciprocity Agreement between Kentucky 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 Clinical Counselor (LPCC) — As defined under KRS 335.500(3), is “a credential holder who has been determined by the board to have

met all qualifications set forth in KRS 335.525(1) to engage in the independent practice of professional counseling.”

6. “Practice of professional counseling” –As defined under KRS § 335.500(5), is “professional counseling services that involve the application of mental health counseling and developmental principles, methods, and procedures, including assessment, evaluation, treatment planning, amelioration, and remediation of adjustment problems and emotional disorders, to assist individuals or groups to achieve more effective personal, social, educational, or career development and adjustment.”
 7. 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.
 8. 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.
 9. License by Reciprocity — A license granted to an individual in reliance on this Reciprocal Agreement, which is the same as the original LCMHC or LPCC license granted by the party, based upon information that the individual holds an appropriately issued original license in the home state.
 10. The North Carolina Board – The North Carolina Board of Licensed Clinical Mental Health Counselors.
 11. The Kentucky Board-- the Kentucky Board of Licensed Professional Counselors.
- II. The parties acknowledge that the Licensed Clinical Mental Health Counselor (LCMHC) License issued by the North Carolina Board and the Licensed Professional Clinical Counselor (LPCC) license issued by the Kentucky Board 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, 21 NCAC 53 .0101, *et seq.*, and the skills and requirements necessary to become an LPCC in Kentucky, as listed in the Kentucky Revised Statutes, KRS § 335.500, *et seq.*, and in Chapter 36 of Kentucky Administrative Regulations, 201 KAR 36:005, *et seq.*, are substantially the same.
- IV. The parties acknowledge that their respective statutes, N.C. Gen. Stat. §90-337(b) and KRS § 335.515(12), 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 LPCC 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 two (2) years of full-time experience or equivalent to two (2) years of full-time independent counseling experience working as an LCMHC or an LPCC, 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 LPCC 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. The Licensed Professional Clinical Counselors (LPCC) licensed by the Kentucky Board, shall take and pass the jurisprudence exam on the statutes and rules of North Carolina, as provided in 21 NCAC 53 .0305(c). The North Carolina Board may deny, restrict, or condition a license by reciprocity based on the results of that exam.
- e. The Licensed Clinical Mental Health Counselors (LCMHC) licensed by the North Carolina Board, shall complete a minimum of three (3) hours of continuing education on the law for regulating professional counseling in Kentucky, KRS 335.500 to 335.599 and 201 KAR Chapter 36, as provided in 201 KAR 36:030 Section 1(5) and Section 2(3)(b). The Kentucky Board may deny, restrict, or condition a license by reciprocity for failure to comply with this requirement.
- f. 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.
- g. Each party will require proof of an active, valid license or certificate from the other state to practice as an LCMHC or LPCC, 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 LPCC license.

- h. 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 LPCC license.

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

VI. 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

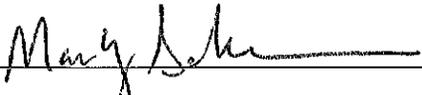
2 day of February, 2023.

Signed: 

Name: Dr. Hannah Coyt

Chairperson of the Kentucky Board of Licensed Professional Counselors

Date: 2/3/2023

Signed: 

Name: Mark Schwarze

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

Date: 2-2-23