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EXECUTIVE SUMMARY

Counseling regulatory boards will determine the future of license portability for counselors. With the recent progress toward a counseling interstate compact, creating uniform standards across state lines has never been more important or more possible. The four organizations which comprise the National Portability Taskforce, AASCB, ACES, AMHCA, and NBCC are dedicated to serving licensing boards by continuing to seek an endorsement process that protects the public and increases access to care.

In April of 2017, the National Portability Taskforce released NCLEP 1.0 and received a positive response. Since that time, the taskforce has continued its work to ensure portability of licensure is a reality for all counselors. By listening to feedback from state boards, practicing counselors, and legislators, we understand that the challenges surrounding portability have changed. Consequently, we have worked together to create NCLEP 2.0.

State Counseling Board laws and regulations are aimed at protecting the public by setting basic standards of qualification, education, training, experience, and professional competence for persons who engage in the practice of these professional services. We recognize that no portability process is a “silver bullet” that resolves all concerns related to portability. Each state has different needs and we believe NCLEP 2.0 can be a starting point to address these needs, limit administrative overhead, and protect the public. Our portability process will significantly benefit mental health consumers by increasing access to services and by creating a vibrant workforce of licensed counselors during a time of changing regulatory standards and an increasing need for united advocacy efforts.

Taking the steps to improve portability will protect the public and add to the strategies through which licensed professional counselors across the country may provide critical services, while at the same time creating a network of reciprocal relationships across the country. Our hope is that NCLEP 2.0 is reflective of the new portability landscape in a way that best meets the needs of state boards. We remain committed to listening to the wishes and concerns of state boards to ensure true licensure portability becomes a reality.

This tool kit provides key documents that explain the evolution of the NCLEP process and resource material, including:

- Background of NCLEP
- NCLEP 1.0
- A press release associated with the NCLEP 1.0 plan released in June 2017
- NCLEP 2.0
- Key changes between NCLEP 1.0 and NCLEP 2.0
- Frequently Asked Questions (FAQs) about state portability issues
- Information on Interstate Compacts
- Recent Articles on Portability
Background on the National Counselor Licensure Endorsement (NCLEP) Process

Four organizations adopted the National Counselor Licensure Endorsement Process (NCLEP) 2.0 in September of 2018—the American Association of State Counseling Boards (AASCB), the Association of Counselor Education and Supervision (ACES), the American Mental Health Counselors Association (AMHCA), and the National Board for Certified Counselors (NBCC). This plan was a revision to NCLEP 1.0, adopted in April of 2017.

The organizations believe that a uniform licensure endorsement process will:

- Significantly increase public access to qualified care.
- Establish minimum standards for safe practice.
- Reduce administrative burdens for state regulatory boards and licensees.
- Create consistency in licensure standards across state lines.
- Ensure protection of the public and the continued development of the profession.

An overarching goal of the initiative is to move the mental health counseling profession toward unified education standards, exam requirements, and years of post-graduate experience. Portability of licensure is a need that the mental health counseling profession must address to improve access to care.

The four sponsoring organizations believe the new united portability process will significantly benefit mental health consumers by increasing access to needed care and services and will help create a vibrant workforce of licensed counselors. Moreover, we believe a secure, mental health counselor portability licensure process will ensure that consumer protections are in place.

In an era of a mobile workforce, which is increasingly receptive to innovative service delivery such as tele-mental health services and military-friendly licensure processes, a national portability process is more vital than ever. To be a counselor must hold the same meaning to a citizen as it does to a policy maker from state to state.

The Portability Task Force that created the NCLEP 1.0 and 2.0 plans agreed on the importance of honoring the work and practices already adopted by state regulatory boards while developing a portability process. We understand and appreciate that such a change will require rule and possibly even statutory changes for many state regulatory boards.
National Counselor Licensure Endorsement Process  
(NCLEP) 1.0

(Adopted April 2017)

Any counselor licensed at the highest level of licensure for independent practice available in his or her state may obtain licensure in any other state or territory of the United States if all of the following criteria are met:

(1) The licensee has engaged in ethical practice, with no disciplinary sanctions, for at least 5 years from the date of application for licensure endorsement.

(2) The licensee has possessed the highest level of counselor licensure for independent practice for at least 3 years from the date of application for licensure endorsement.

(3) The licensee has completed a jurisprudence or equivalent exam if required by the state regulatory body.

(4) The licensee complies with ONE of the following:

(a) Meets all academic, exam, and post-graduate supervised experience standards as adopted by the state counseling licensure board.

(b) Holds the National Certified Counselor (NCC) credential, in good standing, as issued by the National Board for Certified Counselors (NBCC).

(c) Holds a graduate-level degree from a program accredited by the Council for Accreditation of Counseling & Related Educational Programs (CACREP).
COUNSELING ORGANIZATIONS PROPOSE NEW PORTABILITY PROCESS TO INCREASE ACCESS TO CARE

WASHINGTON, DC – A new collaborative effort of four major professional counseling organizations aimed at improving access to quality mental health care nationwide has resulted in a proposed uniform portability plan called the – National Counselor Licensure Endorsement Process or “NCLEP 2.0.”

The four organizations – the American Association of State Counseling Boards (AASCB), the Association of Counselor Education and Supervision (ACES), the American Mental Health Counselors Association (AMHCA), and the National Board for Certified Counselors (NBCC) – believe that a uniform licensure endorsement process will:

- Significantly increase public access to qualified care.
- Establish minimum standards for safe practice.
• Reduce administrative burdens for state regulatory boards and licensees.
• Create consistency in licensure standards across state lines.
• Ensure protection of the public and the continued development of the profession.

An overarching goal of the initiative is to move the counseling profession toward unified education standards, exam requirements and years of post-graduate experience. To see the overall National Counselor Licensure Endorsement Process, please go to:

https://www.amhca.org/advocacy/portability/portability2019

President of AASCB, Ryan Pickut, said, “Portability of licensure is a need that the counseling profession must address to improve access to care. Taking the steps to improve portability will protect the public and add to the strategies through which licensed professional counselors across the country may provide critical services, while at the same time creating a network of reciprocal relationships across the country. AASCB will be requesting that its member boards carefully consider the provisions outlined in the joint statement.”

President of ACES, Kristopher Goodrich, said, “We believe our united portability process will significantly benefit mental health consumers by increasing access to needed care and services, and it will help create a vibrant workforce of licensed counselors in terms of changing regulatory standards. Moreover, we believe a secure, counselor portability licensure process will ensure that consumer protections are in place.”

President of AMHCA, Eric Beeson, said, “Having the leading organizations representing the counselor licensing boards, counselor educators, mental health counselors, and board certified counselors jointly agree to a collaborative portability process, creates a way for states to pave a path forward for highly qualified current and future counselors to improve client access to services. This proposal represents the best chance to accomplish this crucial need for quality services around the country.”

President of NBCC, Kylie Dotson-Blake, said, “We recognize that no portability process is a “silver bullet” that resolves all concerns related to portability. Each state has different needs and NCLEP 2.0 is intended to be a starting point to address these needs, limit administrative overhead, and protect the public. We hope by reducing variability in the counselor licensure process and requirements, we will facilitate cross-state practice and movement, and provide a major shot in the arm for needed rule and statutory changes.”

The officers of the four counseling organizations said the portability plan is built on principles of quality assurance and national standards.

The plan will promote acceptance of a license from another state if the applicant meets current standards adopted by the receiving state counseling licensure board. Another option provided to states for accepting applicants includes if the individual holds a degree from a clinically focused counselor preparation program accredited by the Council for Accreditation of Counseling & Related Educational Programs (CACREP), or holds certification as a National Certified
Counselor. It also requires that a counselor possess the highest level of licensure for independent practice for at least three years before licensure endorsement in a given state.

https://www.amhca.org/advocacy/portability/portability2019

In an era of a mobile workforce, which is increasingly receptive to innovative service delivery such as tele-mental health services, a national, uniform portability process is more vital than ever. We believe the time has come to pave a path forward for highly qualified current and future counselors to improve client access to services. This new portability statement provides that roadmap.

The four counseling organizations are part of a Portability Task Force that worked on the proposal over the last year. The task force principals said the leadership and collaboration that went into the effort demonstrates the critical importance of professional unification and portability of licensure.

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National Counselor Licensure Endorsement Process NCLEP 2.0

Endorsed by the American Association of State Counseling Boards (AASCB), Association for Counselor Education and Supervision (ACES), American Mental Health Counselors Association (AMHCA), & the National Board for Certified Counselors (NBCC)

(Adopted October 2019)

Counseling regulatory boards will determine the future of license portability for mental health counselors. Creating uniform standards across state lines has never been more important or more possible. The four organizations that comprise the National Portability Taskforce – AASCB, ACES, AMHCA, and NBCC – are dedicated to serving licensing boards by continuing to seek an endorsement process that meets your needs.

In April of 2017, the National Portability Taskforce released the National Counselor Licensure Endorsement Process (also called NCLEP 1.0) and received a positive response from licensure boards and professional organizations. Additionally, the taskforce received feedback regarding revisions that would align NCLEP even more strongly with state licensure requirements and board administrative processes. This feedback from state boards, practicing mental health counselors, and stakeholders, was integrated into NCLEP, resulting in a revised version that is even better positioned to meet the needs of the counseling regulatory community and public.

State Counseling Board laws and regulations are aimed at protecting the public by setting basic standards of qualification, education, training, experience, and professional competence for persons who engage in the practice of these professional services. We recognize that no portability process is a “silver bullet” that resolves all concerns related to portability. Each state has different needs and NCLEP 2.0 is intended to be a starting point to address these needs, limit administrative overhead, and protect the public.

The implementation of NCLEP 2.0 to facilitate the portability process will significantly benefit mental health consumers by increasing access to services and by creating a vibrant workforce of licensed counselors. The benefits offered by NCLEP are particularly powerful during a time of changing regulatory standards and an increasing need for united advocacy efforts.

NCLEP 2.0 is designed with the intent of honoring the work and practices already adopted by state regulatory boards while developing a portability process that may be applied to facilitate efficient review of licensure requirements and the mobility of licensed professionals. Thus, there are two pathway options articulated within NCLEP 2.0.

Option 1 supports the continuation of the complete review process currently utilized by a state.

Option 2 offers a streamlined version of review, accepting evidence of required experience previously reviewed by another licensure board and educational requirements previously
reviewed by another recognized professional organization. With Option 2, regulatory boards are assured that the experience and education requirements have already been subject to stringent review by another responsible party, providing critical protections for the public. Additionally, Option 2 clearly indicates that applicants through the streamlined process are still subject to any jurisprudence assessment and/or criminal background check requirements a state may require.

With either option, the goal of encouraging and supporting the mobility of counselors and the work of the regulatory boards may be achieved.

The National Portability Taskforce intends that NCLEXP 2.0 is reflective of the new portability landscape in a way that best meets the needs of state boards. We ask your state counseling boards to consider adopting NCLEXP 2.0, and we remain committed to listening to the wishes and concerns of state boards to ensure licensure portability becomes a reality.

**NCLEXP 2.0**

Any counselor licensed as a mental health counselor at the highest level of licensure for independent practice available in his or her state may obtain licensure in any other state or territory of the U.S. if the applicant meets the requirements of Option 1 OR Option 2 below:

**Option 1**
The applicant meets current standards for endorsement adopted by the receiving state counseling licensure board.

**Option 2**
The applicant has been actively licensed as a mental health counselor for at least three (3) years prior to the date of application for licensure endorsement, is currently in good standing with no pending disciplinary action, and has completed a jurisprudence or equivalent exam and background checks as required by the state regulatory body (if required by the originating state).

In addition, the applicant must comply with ONE of the following under Option 2:

(a) Has maintained a license to practice independently that was awarded on or before December 31, 2014.

(b) Possesses the National Certified Counselor (NCC) credential as issued by the National Board for Certified Counselors (NBCC).

(c) Possesses a graduate-level degree in counseling from a regionally accredited program (if the degree is awarded on or after January 1, 2025, then possesses a graduate level degree from a program accredited by the Council for Accreditation of Counseling & Related Educational Programs (CACREP).
Key Changes between NCLEP 1.0 and NCLEP 2.0

Based on feedback from state board members and staff, the National Portability Taskforce edited NCLEP 1.0 to reflect the changing portability landscape. The most significant change was helping experienced, qualified counselors seeking licensure endorsement by adding a provision whereby an individual must have maintained a license that was awarded on or before December 31st, 2014. Additional revisions included editing Section 1 for clarification, changing “licensee” to “applicant”, and making all requirements based on three (3) years prior to the date of application for licensure endorsement (rather than three (3) and five (5) years).

✓ Clarification of Language: Section 1

The applicant meets current standards for endorsement adopted by the receiving state counseling licensure board.

✓ Using “Applicant” instead of “Licensee”

Broader language should create more flexibility for regulatory boards with varying terms.

✓ Recognizing Counselor Experience: Section 2(a)

The applicant has been actively licensed at the highest level of counselor licensure for independent practice for at least three (3) years prior to the date of application for licensure endorsement AND complies with ONE of the following:

(a) Has maintained a license to practice independently that was awarded on or before December 31, 2014.

✓ Creating Consistent Language: Three (3) Years for all Requirements

… and who has no pending investigations or disciplinary sanctions for at least three (3) years prior to the date of application for licensure endorsement…”
FAQ’S on State Portability & the National Counselor Licensure Endorsement Process (NCLEP)

What is portability?
Portability, also known as licensure endorsement, is what allows a person with a license in one state to be recognized to practice in another.

Why is a uniform licensure endorsement process important?
A uniform process for portability accomplishes several key things, including:
- It allows Counseling Professionals to practice in new states when relocating or work in nearby states.
- It assures there is significantly increased public access to qualified care.
- It establishes minimum standards for safe practice.
- It creates consistency in licensure standards across state lines.
- It ensures protection of the public and the continued development of the profession.

Is this a proposal or will states be using this new process?
The National Counselor Licensure Endorsement Process proposed in October 2019 by four organizations—the American Association of State Counseling Boards (AASCB), the Association for Counselor Education and Supervision (ACES), the American Mental Health Counselors Association (AMHCA) and the National Board for Certified Counselors (NBCC)—is not yet a new law. It is a proposal that will be presented to licensing boards as a service to Professional Counselors across the United States for consideration over the next few months and years. It is ultimately up to each state to determine if it would like to adopt the proposal.

The 2019 NCLEP proposal replaces a similar document that the 4 organizations developed in 2017. The newer version lays out additional pathways for mental health counselors to achieve portability.

Is this proposal different from others in the past?
This proposal is the result of a groundbreaking, long-planned collaborative of four major professional counseling organizations and as such, has a better chance of approval by state licensing agencies.

In fact, because the organization representing state licensing boards, AASCB, was part of the proposal to create this plan, there has been input to formulate a proposal that will, in particular, address concerns that licensing boards have expressed in the past. For example, this proposal would require that counselors who seek licensure in another state possess the highest level of counselor licensure for independent practice, with no disciplinary sanctions, for at least three years from the...
date of application for licensure endorsement. Some state licensing boards have previously expressed concerns about proposals that fail to require past experience.

**What makes this proposal important?**
Having the leading organizations representing the counselor licensing boards, counselor educators, mental health counselors, and board certified counselors jointly agree to a collaborative portability process creates a way for states to pave a path forward for highly qualified current and future counselors to improve client access to services.

This proposal represents the best chance to accomplish this crucial need for quality services around the country. The four organizations were able to capitalize upon their knowledge of the history of state regulatory standards in crafting this proposal. This proposal also will move the profession toward the future goal of unified education standards, examination requirements, and years of postgraduate experience.

**What happens next to move the approval process forward?**
The four organizations proposing the National Counselor Licensure Endorsement Process 2.0 will work through their advocacy arms and/or government affairs departments—and with the assistance of counselors willing to lend their time and support—to encourage state licensing boards and legislative bodies to adopt the proposal.

The four organizations have already approved two presentations to large meetings of licensure boards. This is a high priority of all four organizations.

**How quickly might states adopt the endorsement process?**
There is no way to determine when an individual state will adopt the National Counselor Licensure Endorsement Process. Each state must independently take this step; there is no national implementation process possible by the federal government. The adoption process may require new legislation or regulations—each state has its own rules governing licensing board regulations—and this takes time and organization.

**How can I stay abreast of the approval process?**
NBCC will provide regular updates and news about the National Counselor Licensure Endorsement Process through its new monthly newsletter, NBCC Visions, as well as on the NBCC website, and the NBCC Facebook page. News may occasionally also be disseminated through e-mail to board certified NCCs. AASCB will also maintain updated information for all Member Boards on the AASCB website.

**How can I help efforts to support the National Counselor Licensure Endorsement Process?**
Counselors interested in contributing to efforts on behalf of this proposal should contact their state licensing board and encourage adoption of the National Counselor Licensure Endorsement Process.
Understanding Interstate Compacts

Interstate compacts represent an opportunity for multistate cooperation, reinforcing state sovereignty and avoiding federal intervention. The emergence of broad public policy issues that cross jurisdictional boundaries present new governing challenges to state authorities.

Compacts enable the states – in their sovereign capacity – to act jointly and collectively, generally outside the confines of the federal legislative or regulatory process while respecting the view of Congress on the appropriateness of joint action.

Unlike federal actions that impose unilateral, rigid mandates, compacts afford states the opportunity to develop dynamic, self-regulatory systems over which the party states can maintain control through a coordinated legislative and administrative process.

Compacts enable the states to develop adaptive structures that can evolve to meet new and increased challenges that naturally arise over time.

What is an Interstate Compact?

Interstate compacts are contracts between two or more states creating an agreement on a particular policy issue, adopting a certain standard or cooperating on regional or national matters. Interstate compacts are the most powerful, durable, and adaptive tools for ensuring cooperative action among the states. Unlike federally imposed mandates that often dictate unfunded and rigid requirements, interstate compacts provide a state developed structure for collaborative and dynamic action, while building consensus among the states and evolving to meet new and increased demands over time.

General purposes for creating an interstate compact include:

- Establish a formal, legal relationship among states to address common problems or promote a common agenda.
- Create independent, multistate governmental authorities (e.g., commissions) that can address issues more effectively than a state agency acting independently, or when no state has the authority to act unilaterally.
- Establish uniform guidelines, standards, or procedures for agencies in the compact’s member states.
- Create economies of scale to reduce administrative and other costs.
- Respond to national priorities in consultation or in partnership with the federal government.
- Retain state sovereignty in matters traditionally reserved for the states.
- Settle interstate disputes.

It should be noted that an interstate compact is not a uniform state law. In fact, an interstate compact differs from a uniform state law in several ways, most notably that a uniform law does not depend on contractual obligations and a state can therefore change any portion of the law, thus losing any degree of uniformity initially intended.

Second, courts of different states may interpret the provisions of a uniform state law differently and since the highest court in a state is the final arbiter on legal issues within that state, there is no satisfactory way to achieve a reconciliation of divergent interpretations.

Compacts are created when an offer is made by one state, usually by statute that adopts the terms of a compact requiring approval by one or more other states to become effective. Other states accept the offer by adopting identical compact language.

Once the required number of states has adopted the pact, the “contract” among them is valid and becomes effective as provided.

**How prevalent are Interstate Compacts?**

Compacts were seldom used until the 20th century. Between 1783 and 1920, states approved just 36 compacts, most of which were used to settle boundary disputes. But in the last 75 years, more than 150 compacts have been created, most since the end of World War II.

On average, a state today belongs to 25 interstate compacts. Although there are many types of interstate compacts, they can generally be divided into three camps:

- Border Compacts: agreements between two or more states that establish or alter the boundaries of a state.
- Advisory Compacts: agreements between two or more states that create study commissions. The purpose of the commission is to examine a problem and report to the respective states on their findings.
- Regulatory Compacts: broadest and largest category of interstate compacts may be called “regulatory” or “administrative” compacts. Regulatory compacts create ongoing administrative agencies whose rules and regulations may be binding on the states to the extent authorized by the compact.

**Compacts Today**

The purpose of interstate compacts ranges from implementing common laws to exchanging information about similar problems. They apply to everything from conservation and resource management to civil defense, emergency management, law enforcement, transportation, and taxes. Other compact subjects include education, energy, mental health, workers compensation and low-level radioactive waste.
Some compacts authorize the establishment of multistate regulatory bodies. The first and most famous of these is the New York-New Jersey Port Authority, which arose from a 1921 compact between the two states. But other agreements are simply intended to establish uniform regulations without creating new agencies.

In recent years, compacts have grown in scope and number. Today, many are designed for regional or national participation, whereas the compacts of old were usually bi-state agreements. Recent efforts include the Emergency Management Assistance Compact, the Interstate Insurance Product Regulation Compact, National Crime Prevention & Privacy Compact, and the Wildlife Violator Compact.

Other examples of compact activity include the revision of existing interstate agreements; updating agreements that maintain relevance, but which require a modernization of their structures. Recent examples include the Interstate Compact for Adult Offender Supervision and the Interstate Compact for Juveniles.

**Congressional Consent**

Article I, Section 10, Clause III of the U.S. Constitution provides in part that “no state shall, without the consent of Congress, enter into any agreement or compact with another state.”

Historically, this clause generally meant all compacts must receive congressional consent. However, it has been found in a number of instances, notably the 1893 US Supreme Court case Virginia v. Tennessee that not all compacts require congressional consent. It is well established today that only those compacts that affect a power delegated to the federal government or alter the political balance within the federal system, require the consent of Congress.

Fortunately, even though congressional consent may be needed, it is not particularly burdensome to acquire. Though usually satisfied by means of a congressional resolution granting the states the authority to create a compact, the Constitution specifies neither the means nor the timing of the required consent. Over the years, the Supreme Court has held that congressional consent may be expressed or implied and may be obtained either before or after a compact is enacted.

[http://www.gsgp.org/media/1313/understanding_interstate_compacts-csgncic.pdf](http://www.gsgp.org/media/1313/understanding_interstate_compacts-csgncic.pdf)
Streamlining Licensing Across State Lines: Initiatives to Enhance Occupational License Portability

(ABRIDGED VERSION)

EVENT DESCRIPTION

On July 27, 2017, the Federal Trade Commission’s Economic Liberty Task Force hosted a roundtable to examine ways to mitigate the effects of state-based occupational licensing requirements that make it difficult for license holders to obtain licenses in other states. License portability restrictions often prevent otherwise qualified people from marketing their services across state lines or when they move to a new state. These types of restrictions are especially hard on military families who often face the financial and administrative burdens of applying for a new license with each move across state lines. This public event supported the Task Force’s consideration of how occupational licensing reform could reduce barriers to entry, enhance competition, and promote economic opportunity.

State licensing rules, by their very nature, inhibit one’s ability to provide services in a given state. Even in situations where licensing serves a legitimate health and safety purpose, licensing requirements restrict the labor supply and reduce competition, and therefore may increase the price consumers pay for services. Licensing restrictions also may limit employment opportunities for qualified providers.

In addition, because licensing rules are almost always state-based, it may be difficult for someone licensed in one state to become licensed in another state. For some occupations, state licensing standards vary considerably, so that applicants licensed in one state may need additional education or training to qualify for another state’s license. Even when a profession’s underlying standards are national and state licensing requirements are similar throughout the United States, the process of obtaining a license in another state is often slow, burdensome, and costly.

The need to obtain a license in multiple states can reduce interstate mobility and practice, and may even lead licensees to exit their occupations when they move to another state. The need for multi-state licensure also affects consumers’ access to services. It may prevent qualified service providers from addressing time-sensitive emergency situations near state lines, limit the ability of health care providers to supply telehealth services to consumers in rural and underserved locations, or otherwise reduce the availability of any service for which providers are in short supply.

Recognizing the costs to both consumers and licensees of multistate licensing requirements, a variety of initiatives have sought to enhance occupational license portability. Three types of models have emerged thus far.
• A number of nationwide organizations of state licensing boards for individual professions have developed interstate licensing compacts. These binding contracts are enacted by states to define licensing standards and processes, and to share applicants’ records and disciplinary information among states participating in the compact.
• Other occupational organizations have developed agreements, model laws, and model rules that serve many of the same purposes as compacts.
• With the encouragement of the Department of Defense’s State Liaison Office, many states have adopted legislation that enhances military spouse license portability for multiple occupations.

The July 27 roundtable explored options for enhancing the portability of occupational licenses by bringing together various experts, including: experts on the law of interstate compacts; representatives of organizations that have developed or administer compacts or model laws for specific professions; and government officials who have facilitated the adoption of state legislation aimed at improving the portability of licenses for military spouses.

Members of the National Portability Task Force

**AASCB**
Ryan Pickut
James Matta
Angela McDonald

**ACES**
Kris Goodrich
Heather Ambrose
Marsha Wiggins

**AMHCA**
Eric Beeson
Gray Otis
Joel Miller

**NBCC**
Kylie Dotson-Blake
Jolie Long (now representing AASCB)
Mary Alice Olsan (represented AASCB and NBCC during discussions)