

Supervision Regulations in Counselor Licensure Legislation

By: L. DiAnne Borders and Craig S. Cashwell

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Abstract:

Legislation regarding supervisor criteria and the conduct of supervision for counselor licensure applicants in 34 states is summarized and compared with ACES and AACD standards.

Article:

The counselor licensure movement has provided a means for advancing the profession and protecting the public (Bloom et al., 1990). The Association for Counselor Education and Supervision (ACES), beginning with the first licensure committee in Southern ACES in 1973 (Bloom et al., 1990), has had a vested interest in the movement, particularly in terms of standards for training and supervising licensure applicants. Involvement of ACES and other divisions of the American Association for Counseling and Development (AACD) has been critical to the licensure movement, helping secure the passage of 34 credentialing bills as of December 1990. Recently, Vroman and Bloom (1991) provided a summary of this counseling credentialing legislation, including minimum educational and experience requirements.

One effect of credentialing legislation has been increased requirements for supervised experience after completing the master's degree. Postdegree supervision of counselor licensure applicants, ranging from 1 to 3 years (Vroman & Bloom, 1991), is viewed as a critical step in qualifying counselors for independent practice. Little attention, however, has been given to the nature of supervision provided for counselor licensure applicants. In particular, credentialing legislation has included few specifics regarding criteria either for the supervisor or the conduct of supervision (Borders, 1989).

Recent professional developments have highlighted the importance of a supervisor's skills in helping a counselor develop into a competent and ethical practitioner. First, counseling supervision has emerged as a separate specialty within the counseling field (Dye & Borders, 1990). A unique body of knowledge and skills has been set forth in the "Standards for Counseling Supervisors," which indicates that effective supervisors need competencies in both counseling and supervision (Dye & Borders, 1990). The standards have been endorsed by ACES, AACD, and the American Association for State Counseling Boards (AASCB) (Dye & Borders, 1990). In addition, several authors have viewed supervisors' qualifications as an ethical issue, suggesting that untrained supervisors are practicing outside their area of competence (e.g., Cormier & Bernard, 1982; Harrar, Vandecreek, & Knapp, 1990; Kurpius, Gibson, Lewis, & Corbet, 1991; Upchurch, 1985).

In light of these developments, criteria for approved supervisors were included in the model counselor licensure bill developed by the 1988-1989 AACD Licensure Committee (Bloom et al., 1990). Within this model bill, an approved supervisor is defined as a licensed professional counselor who has at least 5 years of counseling experience (including 2 years of supervised experience) and who has completed a graduate-level course in counseling supervision (or the equivalent). It also is suggested that approved supervisors provide boards with a statement of their supervision philosophy, orientation, and experience. Additionally, the ACES "Standards for Counseling Supervisors" (Dye & Borders, 1990) suggest a training sequence of graduate-level didactic instruction, supervised practicums, and continuing educational experiences.

The AACD and ACES documents also address the conduct of supervision. The AACD model licensure bill suggests that supervisors hold weekly sessions and provide both individual and group supervision (no more than 50% to be group supervision hours) (Bloom et al., 1990). The bill also indicates that state boards should establish additional criteria "for determining what constitutes supervised experience" (p.514), such as the use of various supervision methods (e.g., cotherapy, direct observation, reviewing tapes of counseling sessions). Explicit guidelines for these practices, however, are not given. The ACES "Standards for Counseling Supervisors" (Dye & Borders, 1990) give more emphasis to the content of supervision and supervisor behavior. These standards suggest that the supervisor employs a variety of interventions (including direct approaches such as review of audiotapes and videotapes, live observation, and live supervision), assists the counselor with a broad spectrum of counseling skills (e.g., performance skills, case conceptualization and case management, client assessment, verbal and written reports), discusses and enforces ethical and legal standards, and provides periodic feedback and evaluations.

Members of AASCB have voiced strong endorsement of the various ACES and AACD supervisor standards (Borders, 1990). It is unclear, however, the extent to which current counselor credentialing legislation reflects current standards for supervised experience. Information regarding criteria for supervisors and the conduct of supervision was not included in the Vroman and Bloom (1991) summary. Thus, the purposes of this survey were (a) to provide more detailed data regarding supervision requirements for the counselor licensure applicant and (b) to compare existing requirements with those suggested in the ACES "Standards for Counseling Supervisors" (Dye & Borders, 1990) and the AACD model licensure bill (Bloom et al., 1990). It was our hope that this report would be informative for those state boards that are (re)considering their existing and desired supervision requirements and for the counselor educators who consult with these boards.

METHODOLOGY

Counselor credentialing legislation was collected from an existing data base (Vroman & Bloom, 1991) and by writing or phoning state boards to obtain copies of additional documents. Legislation regarding counselor licensure, certification, or registry was available for 34 states. The legislation was surveyed by the authors for regulations regarding supervisors' qualifications and the conduct of supervision. Category schemes for summarizing the data were based on the supervision literature and points raised by AASCB members at their recent conventions (e.g., Committee on Supervision, 1990).

First, we identified five categories of requirements for supervisors: counseling background (e.g., counseling credentials, special areas of knowledge or expertise), supervision training (e.g., supervisor training, supervisor experience), fees for supervision, method for approving supervisors, and restrictions regarding supervisors. We created four categories for regulations related to various supervision practices: amount of weekly supervision, hours of individual versus group sessions, supervision approaches (e.g., use of audiotapes or videotapes), and application of supervision hours toward continuing education credits. Legislation (statutes and regulations) for the 34 states was reviewed and relevant data were summarized for each category. When possible, relevant changes approved but not yet enacted also were included. (It should be noted that relevant legislation could appear in several documents in each state and that rules and regulations may change with some frequency. Thus, although we attempted to verify our results, it is possible that the following is not entirely up-to-date.)

RESULTS

Requirements for Supervisors

Counseling Background. Counselor credentials were specified for 32 of the 34 states (94%). Of these, 11 (32%) allowed supervision by only Licensed Professional Counselors and 21 (62%) allowed supervision by various co-professionals (e.g., clinical psychologist, psychiatrist, National Certified Counselor, Certified Clinical Mental Health Counselor, qualified counselor educator, and a professional peer who met licensure requirements). Additional requirements for years of post-master's counseling experience were specified in 33 states (97%). (In some instances, post-master's experience was specified only in terms of hour requirements. In those cases, we calculated an approximation of the requirements in years.) Required post-master's experience

ranged from 1 to 5 years (mode = 2 years). Five state boards required supervisors to have additional experience beyond that required for licensure (ranging from 2 to 5 years).

In addition to a more generic counseling credential, knowledge or expertise in a counseling specialty area was implied in four states (12%). For example, the state board of Vermont stated that "an applicant will receive credit in an area of practice only if the clinical supervisor is knowledgeable and experienced in that area." Finally, supervisors in at least three states (i.e., Arkansas, South Carolina, and Wyoming) must hold a counseling or counseling-related degree beyond the master's level.

Supervision Background. Twenty-nine states (85%) did not have regulations specific to supervision competence and experience. Such regulations were included in five states: Arkansas, California, Georgia, Oregon, and South Carolina. The California legislation included the most general statement, indicating that supervisors must have "sufficient experience, training and/or education in the area of clinical supervision to competently supervise trainees or interns." In Georgia, supervisors must have 30 hours of supervised professional supervision or be in the process of getting this supervision; 15 of these 30 hours must be in the counseling subspecialty area (i.e., career, mental health, rehabilitation, and so forth) in which the supervisor is credentialed. In Oregon, 30 contact hours of continuing education in supervision theory and practice are required before a supervisor can be approved; graduate-level instruction and workshops are allowed toward fulfilling this requirement.

More detailed requirements were specified in the Arkansas and South Carolina legislation. In Arkansas, supervision is treated as a counseling specialty area. To add this specialty to their scope of practice, supervisors submit a statement of their supervision philosophy and approach and a tape of a supervision session, document a course or equivalent training in supervision, and have a face-to-face interview with the board. In South Carolina, a separate license for counseling supervisors was enacted in 1988. Requirements for this unique license include a counselor license, 5 years of counseling experience, 30 contact hours of approved training in counseling supervision, 2 years of "successful" experience as a supervisor, and supervision training (graduate course work that includes supervised experience, or 30 hours of board-approved in-service training and 25 hours of supervised supervision). In addition, licensed supervisors must attend a board-approved supervision workshop during every 5-year renewal period. The legislation also addresses supervisors-in-training, who must submit a plan for obtaining their supervision training.

More specific supervisor requirements are planned in at least two states. Beginning January 1993, supervisors in Texas must have 40 clock hours of supervisory training through an accredited graduate course, through a training program, or by clinical supervision by a supervisor who meets the requirements for supervisors established by the board. New regulations also go into effect in Louisiana in January 1993. Here, supervisors must document 1 year of clinical supervision experience of training in supervision; an academic course or in-service training may qualify for the latter requirement. A training program developed by Louisiana ACES has been approved by the board.

Fees for Supervision. Few state boards addressed the issue of fees for supervision sessions. In Ohio, payment for supervision was specifically prohibited. Board members in four states were prohibited from supervising for a fee. No guidelines regarding appropriate fees were located.

Approved Supervisors. Two methods for approving supervisors were specified in 12 states: (a) a published list and (b) methods for approving a supervisor for a particular applicant. In some instances, the board both published a list and approved each supervisor-applicant match (e.g., based on counseling specialty area). It was unclear how remaining states determined whether the supervision was acceptable.

Restrictions Regarding Supervisors. We also found some restrictions on who may provide supervision in 13 states (38%). Typically, supervisors could not be a relative (by blood or marriage) or personal friend of the counselor licensure applicant ($n = 12$). In other cases ($n = 3$), it was regulated that no business relationship could exist between supervisor and supervisee. In Missouri, the supervisor and applicant must be employed or

affiliated by contract with the same professional setting; this setting may not include a private practice in which the applicant operates, manages, or has an ownership interest.

In a few states, restrictions regarding board members (in addition to the aforementioned issue of fees) were addressed. The Missouri and South Carolina boards both stipulated that a board member could not vote on an applicant they had previously supervised. In Georgia, a board member may supervise an applicant if (a) no fee was received, (b) a petition showing why alternative supervision was unavailable or inappropriate is filed, and (c) the petition is approved by a three-fourths vote of the board.

Each of the following were prohibited in one or two states' legislation: experience obtained under a supervisor with whom the applicant has a personal relationship that undermines the authority or effectiveness of the supervisor (California); supervision provided by an administrative supervisor who is not in the counseling field (Idaho); and a supervisor whose counselor license is under probation, suspension, or revocation (Missouri; Louisiana in 1993).

In Texas, supervisors may work with no more than eight licensure applicants at a time. Beginning January 1993, Louisiana supervisors will be restricted to having five applicants at the same time.

Requirements for Supervision

Minimum Weekly Hours. We determined the number of hours of post-master's supervision per week as specified by 24 state boards. Most of the regulations referred to total hours of supervision required for licensure. For comparison purposes, we calculated equivalent weekly hours (i.e., for a state requiring 150 total hours of direct supervision over 3 years, the equivalent would be approximately 1 hour of supervision per week). In most states (n = 22) the equivalent of 1 hour of supervision each week was required. For applicants working full-time, Alabama required 2 hours of weekly supervision; Massachusetts required 4. Of the 10 states that did not specify minimum hours, one (West Virginia) indicated that the "professional supervisor determines the applicant's activities and the amount of supervision required."

Individual/Group Ratio. Eighteen state boards (53%) also specified an allowable ratio of individual to group supervision sessions. The modal requirement (n = 8) was that at least 50% must be individual sessions. Three state boards specified that individual and group supervision could be counted toward requirements, but gave no specific ratio. Two state boards required that more than 50% of supervision be individual sessions (Colorado, 70%; South Carolina, 66%). In contrast, the Missouri state board stated that "group supervision is not acceptable for meeting the requirements of this regulation."

Supervision Approaches. There were few requirements regarding supervision approaches. Eight state boards (24%) made specifications concerning approaches such as case presentation, using video- or audiotapes, direct observations, review of progress or process notes, modeling, and teaching. For four states, the specified approaches were required; for two, the approaches were presented as options. Legislation for the final two states specified what supervision should include, leaving it unclear whether such approaches were required or simply recommended. The Missouri state board specified that electronic communication was not acceptable for meeting individual supervision requirements.

Beginning January 1993 in Louisiana, 150 hours of required supervision must be based on direct approaches such as videotape review or live observation. In addition, supervision "via mail, telephone, fax, computer, or video" will not be allowed.

Continuing Education. One state included a statement regarding the use of supervision to fulfill continuing education requirements for licensed counselors. Of the 20 hours of continuing education required for license renewal each year in Oregon, no more than 10 hours can be fulfilled via professional supervision with a licensed mental health professional.

Ethical and Legal Issues

A significant amount of additional information outside of the original categories also was uncovered through our review. Of interest were those sections of legislation that addressed various ethical and legal issues that affect supervised experiences (cf. Cormier & Bernard, 1982; Harrar et al., 1990; Kurpius et al., 1991; Upchurch, 1985). A number of potential conflicts of interest such as dual relationships with the applicant (i.e., family member, friend, business associate, board member) were cited previously. The Florida state board clarified one possible dual relationship, stating that "a supervisor shall not be considered an employee of the applicant (which would be a conflict of interest) if the only compensation received by the supervisor consists of payment for actual supervisory hours." The Florida board addressed another potential conflict area by defining supervision as "a process which is distinguishable from personal psychotherapy, or didactic instruction." In addition, the current Kansas legislation and upcoming Louisiana (January 1993) regulations clearly differentiated between supervision and consultation.

Several other state boards gave some consideration to the supervisor's responsibilities. In Missouri, for example, the supervisee remains under the full professional responsibility of the supervisor until licensed, to the extent that the supervisor must read and co-sign all reports including treatment plans and progress notes prepared by the supervisee. Similar statements were made by the Texas and California boards and are included in the upcoming (January 1993) Louisiana regulations. The California board also defined unprofessional conduct as "permitting a trainee or intern under his or her supervision or control to perform or permitting the trainee or intern to hold himself or herself out as competent to perform professional services beyond the trainee's or intern's level of education, training, and/or experience." In at least three states, the applicant is (Missouri and Texas) or will be (Louisiana) prohibited from billing clients directly for services.

Two other boards were specific regarding other supervisors' responsibilities. The Oklahoma board indicated that supervisors must be under "the agreement to be 'on call' to the supervisee on a 24-hour basis and to arrange for an alternate supervisor in their absence." Similarly, a supervisor in Kansas must be available to the supervisee "at the points of decision-making regarding the professional service."

Finally, the Kansas state board provided a release-of-information form that supervisors use for board-required reports regarding supervision of applicants.

DISCUSSION

Our review of the 34 counselor credentialing bills indicated that regulations regarding supervisors and the conduct of supervision are slowly emerging. In most existing legislation it is recognized that supervisors need to be competent counselors. Few state boards, however, currently recognize the need for specialized training in supervision as set forth in the ACES and AACD standards (Bloom et al., 1990; Dye & Borders, 1990). Existing regulations range from "be sure you are a competent supervisor" to a separate supervisor license based on specified training experiences.

It should be noted that counselor credentialing legislation is not alone in its lack of regulations for supervisors. Specialized training in supervision is not mentioned in guidelines suggested by the American Association of State Psychology Boards (AASPB, 1979), although Harrar et al. (1990) suggested that such training is implied in the American Psychological Association's ethical principles. In contrast, supervisor regulations more frequently are cited for marriage and family counselors. In some states, statutes for marriage and family counseling are regulated by the same board that regulates professional counseling. In our review, we discovered that regulations (within the same legislation) for supervisors of marriage and family counselors often were more comprehensive than those for supervisors of professional counselors.

Results indicate that relatively more attention has been given to the conduct of supervision than to the criteria for supervisors. A majority of the state boards specified a minimum of 1 hour of supervised experience each week for counselor licensure applicants, and half of the boards indicated that at least 50% of the hours must be individual (vs. group) sessions. These requirements were similar to those suggested in the AACD model

licensure bill (Bloom et al., 1990). It also appeared that several state boards were trying to ensure that supervision (vs. counseling, consultation, and so forth) actually occurred.

There were few specifications, however, regarding supervision approaches to be employed. Only four state boards indicated that direct approaches (e.g., review of audiotapes) were required, suggesting that most supervision probably would be based on counselors' self-report of their work. Heavy reliance on counselors' recall raises some concern, because self-reports tend to be unreliable accounts (Bernard & Goodyear, 1992; Borders & Leddick, 1987).

Additionally, several categories of ethical and legal considerations came to our attention. A few state boards had anticipated difficult situations, including dual relationships, supervisor accountability for the counselor's behavior, supervisor's responsibility in emergency situations, documentation of supervision, and appropriateness of private practice as a setting for obtaining supervised counseling experience. Of particular concern may be the supervisor's "vicarious liability" (Cormier & Bernard, 1982, p. 488) for a counselor licensure applicant's actions. This issue is addressed for psychologists; AASPB guidelines explicitly state that the psychology supervisor is "fully accountable in the event that professional, ethical or legal issues are raised" (AASPB, 1979, p. 3). Because of the serious nature of these situations, it may be expedient for other state boards to review their current legislation with ethical and legal issues in mind.

There were some indications that state boards are beginning to give more attention to regulations regarding supervision. Over the next few years, several states will implement regulations that reflect the ACES and AACD standards (Bloom et al., 1990; Dye & Borders, 1990). We also noted that more regulations were included in the legislation of boards that had been in existence longer. It may be that state boards first concentrate on getting counselor licensure into operation; attention to supervisor qualifications and the conduct of supervision may come only when the board is asked to clarify "adequate supervision," or when it is confronted with complaints about or problems with counselors they have licensed. In addition, it may take some time to build up the number of licensed counselors who have had the opportunity to meet additional criteria for supervisors, such as additional years of counseling experience and supervisor training.

A number of practical issues must be addressed as state boards consider revising legislation to reflect professional standards. Not all state boards, for example, may have the statutory authority to specify qualifications for supervisors and create a separate supervisor credential. Current language in a counselor licensure bill and the political climate may present critical barriers to changes in current legislation. In light of these possible restrictions, a national generic supervisor credential may be a more feasible alternative to state-by-state regulations (cf. Dye & Borders, 1990).

Counselor educators may use the results of this survey in several ways. First, they can share the results with members of their state licensure boards, along with information regarding standards for supervision training and practice (e.g., Bloom et al., 1990; Dye & Borders, 1990). These efforts may help provide the educational and lobbying support needed for affecting changes in supervision-related regulations. In preparation for such changes, counselor educators also can help create requisite training opportunities and explore innovative avenues for delivering training to practitioners in the field (cf. Borders et al., 1991). In addition, counselor education researchers can provide data regarding the impact of existing supervision regulations. State board members and legislators might be particularly interested in the effect of supervision regulations on supervisors' fees, availability of supervisors, counselor effectiveness, and client outcomes. As in the past, continued involvement of ACES members will be critical to future steps that further advance the profession and provide protection for the public.

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