

1988

Licensure of professional mental health counselors in Iowa

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Recommended Citation

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Licensure of professional mental health counselors in Iowa

Abstract

The issue of licensure has divided the profession of mental health counseling (Arbuckle, 1977; Cottingham, 1978; Sweeney and Witmer, 1977). Some professional mental health counselors adhere to the philosophy that licensure advances the profession (Carroll, Griggs & Halligan, 1977; Sweeney & Witmer, 1977). Opponents to licensure purport that licensing in itself will not advance the field nor will it necessarily ensure the delivery of quality psychological services (Davis, 1981; Gross, 1977, 1978; Tiedeman, 1979).

Licensure of Professional Mental
Health Counselors in Iowa

A Research Paper
Presented to
The Department of Educational Administration
and Counseling
University of Northern Iowa

In Partial Fulfillment
of the Requirements for the Degree
Master of Arts

by
Jeffrey Don Hasselmann

July 1988

This Research Paper by: Jeffrey Don Hasselmann
Entitled: Licensure of Professional Mental Health
Counselors in Iowa

has been approved as meeting the research paper
requirement for the Degree of Master of Arts

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The issue of licensure has divided the profession of mental health counseling (Arbuckle, 1977; Cottingham, 1978; Sweeney and Witmer, 1977). Some professional mental health counselors adhere to the philosophy that licensure advances the profession (Carroll, Griggs & Halligan, 1977; Sweeney & Witmer, 1977). Opponents to licensure purport that licensing in itself will not advance the field nor will it necessarily ensure the delivery of quality psychological services (Davis, 1981; Gross, 1977, 1978; Tiedeman, 1979).

This paper will examine licensure of mental health counselors, initially on a national level and also as it pertains to the delivery of such services in Iowa. The history of licensure (nationally and in Iowa) and positive aspects of licensure will also be detailed. The current state of affairs regarding licensure in Iowa will then follow. Lastly, this paper will attempt to predict what the future may hold for the licensing of professional counselors in general and in Iowa.

Definitions

Licensure is a term that has the potential for being confused with other terms related to it, such

as certification and registration. To avoid this type of confusion, these terms will be defined. Another credentialing procedure, that of professional disclosure, will also be defined.

A license, according to Webster's New Collegiate Dictionary (1981) is "a permission granted by a competent authority to engage in a business or occupation or in an activity otherwise unlawful" (p. 656). Licensure then, is, according to Webster, "the granting of licenses [by a competent authority] especially to practice a profession" (p. 657). A competent authority, taken within the context of a population of professional counselors, would most likely refer to the American Personnel and Guidance Association (APGA). The APGA was renamed the American Association for Counseling and Development (AACD) in 1983. Therefore, the remainder of this paper will refer to the above mentioned organization as the AACD.

Fretz and Mills (1980) stated that the AACD considers licensure to be "the statutory process by which an agency of government, usually a state, grants permission to a person meeting predetermined qualifications to engage in a given occupation

and/or use a particular title and to perform specified functions" (p. 7). The American Psychological Association (APA) has adopted a more narrow and abbreviated definition. The APA views licensure, as Fretz and Mills (1980) pointed out, as those "laws that regulate the use of the title and that defines those activities that constitute the practice of a particular profession" (p. 7).

A variation of licensure is certification. The AACD sees certification as "a process by which an agency or association grants recognition to an individual for having met certain predetermined professional qualifications" (Fretz & Mills, 1980, p. 7). Stated very succinctly, the APA considers certification to be "limited license" (Fretz & Mills, 1980, p. 7). Examining the various definitions of licensure and certification already put forth, it can be said that perhaps the primary difference between the two is that licensure is a statutory (legal) process whereas certification is not (Fretz & Mills, 1980).

The intention of mental health counselor licensure is to define the profession and to allow only certain qualified practitioners to use the

particular title "licensed mental health counselor." On the other hand, certification is a protection of title. Certification also provides a means by which a profession may "police" or monitor itself in order to ensure that its standards are adhered to (Messina, 1985; Shimberg, 1981; Stone, 1985). Since licensure is a legal process, violations of its conditions lead to greater legal sanctions against a practitioner than might occur with certification.

Another related credentialing procedure is that of registration. Registration can apply to an individual or an institution. It indicates that a person or organization is publicly identified as having met certain qualifications and is therefore entitled to be formally listed in a particular registry (Fretz & Mills, 1980). The Registry of the National Academy of Certified Clinical Mental Health Counselors (Warner, Jr., Brooks, Jr., Thompson, 1980) is an example.

Professional disclosure is, according to Gross (1977), "a system of honest professional disclosure to prospective clients of those who designate themselves as counselors and the registration of this disclosure" (p. 588). Gross (1977) went on to

explain, "[it] includes name, business address and telephone number, philosophy of counseling, specifics of formal education, particulars of informal education and association memberships, and fee schedule" (p. 588). Besides informing prospective clients, professional disclosure "restricts counselors to doing what they say they will do" (Gross, 1977, p. 588). Professional disclosure does not, however, regulate who may and who may not perform counseling.

History of Licensure

Nationally

Forster (1977) explained that "the counseling movement . . . evolved in response to important needs of individuals in our complex, pluralistic society" (p. 574). The creation of the APGA (now AACD) also helped to strengthen the profession. Another major event that sparked the growth of the counseling profession was that of the passage of the National Defense Education Act (NDEA) in 1958 by Congress. "Title V-B [of this act] provided funds and stipends to train counselors through counseling and guidance institutes" (Nugent, 1981, p. 27). It should be noted that the majority of this growth

occurred in secondary schools, nevertheless, "counseling became one of the fastest-growing professions in the human services field" (Forster, 1977, p. 574). Hill (1967) stated that preparation programs for counselors flourished but quality control and credentialing were of little concern. It was not until 1964 that the APGA Professional Preparation and Standards Committee (Forster, 1977) developed standards for the preparation of secondary school counselors.

The early 1970's saw an increased demand for counseling in the community. Counselors and counseling psychologists were trying to provide quality psychological services to the public. Cottingham and Swanson (1976) stated that nonprofessional use of the title "counselor" during this time period and the accompanying lack of protection for the public led to attempts by various states to license counselors. In 1975 Virginia became the first state to license mental health counselors and the stage was set for other states to do the same.

Iowa

Iowa has yet to pass a bill licensing professional mental health counselors. Richard Woods, Iowa Association for Counseling and Development (IACD) legislative lobbyist provided important information and insight into this topic. Richard Woods has served as the IACD legislative lobbyist since 1984 and presently continues to serve in this capacity. Another helpful source of information on the topic of licensure in Iowa was IACD licensure chairperson Helen Quesnell. As licensure chairperson, Helen Quesnell is responsible for monitoring licensure activity, educating IACD members with regard to licensure and assisting the IACD lobbyist in on-going licensure efforts. A brief and preliminary discussion of the licensure process follows.

Licensure Process

A bill, according to Webster's New Collegiate Dictionary (1981), is "a draft of a law presented to a legislature for enactment" (p. 108). In the case of professional mental health counselors, a licensure bill is presented to the legislature with the hope it will be passed and signed into law by

the state's governor, thereby establishing counseling as a unique and distinct profession and specifying its nature (what it is) and its function.

A licensure bill can be of one of two types--a scope of practice bill or a title and function bill. The immediately preceding statement and forthcoming statements regarding a bill's purpose were obtained from personal communication with Robert Lembke, a University of Northern Iowa counselor educator. A scope of practice bill is exclusive, and in a sense, establishes "turf." A title and function bill, on the other hand, is not so exclusive. This is the type of bill most mental health counselors favor (R.T. Lembke, personal communication, May 3, 1988). A title and function bill regulates usage of the title "mental health counselor" and details the profession's function--what it can offer to the public.

A scope of practice bill is exclusive in the sense that it restricts a person to practice in only the areas in which he or she is licensed to practice. However, a title and function bill restricts the use of the term licensure. That is, a person cannot advertise him or herself as being

licensed in a particular specialty area (such as mental health counseling or marital and family therapy) if, in actuality, he or she is not (H. Quesnell, personal communication, June 29, 1988). As was mentioned earlier, most mental health counselors tend to favor the title and function type of bill.

The following information regarding a licensing bill's legislative journey between the senate and the House of Representatives was provided by Audrey Smith, University of Northern Iowa counselor educator and marital and family therapist. The first step in this process is that the licensure bill needs to successfully pass through the Professional and Occupational Regulation Committee (PORC). If the bill is approved by PORC it can be introduced into the legislature. Once a licensure bill is introduced (in either the senate or House of Representatives) it is assigned to a committee, usually to the state government committee. After review, the full committee chairperson assigns the bill to a subcommittee for their consideration. If the majority of the subcommittee vote is "nay" the bill progresses no further and must wait until the

next year's legislative session to be reintroduced. A "yea" vote by the subcommittee sends the bill back to the full committee for consideration and a vote by that body. If the bill successfully passes the full committee it then goes to the floor of whichever house it was introduced in for debate. If the bill is debated favorably (in the senate, for example), it then proceeds on to the other house where the process is repeated (A.L. Smith, personal communication, June 27, 1988).

As indicated above, the first step in licensing mental health counselors in Iowa is the passage of a bill through PORC. Successful passage at this stage allows the organization striving for licensure to locate a sponsor (usually a legislator) so as to have them introduce the bill into the senate, House, or both (H.M. Quesnell, personal communication, June 29, 1988). It should be noted that the mental health counselor licensure bill did successfully pass through PORC in January, 1985.

Step number two in the legislative quest for licensure is to have the bill introduced into the Iowa legislature. In 1985 Iowa Senator Joy Corning introduced a bill in the senate for the licensing of

professional mental health counselors in Iowa. According to IACD lobbyist Richard Woods, the primary reason this bill was not passed was because at that time Senator Corning was a first year "freshman senator." Iowa mental health counselors in favor of the licensing bill were fortunate enough to have found a friend in the senate who would help in their efforts to make licensure a reality. However, the legislative process was such that her first year status greatly limited her political clout in terms of having that bill signed into law. Helen Quesnell concurred with Richard Woods on this point.

The third major step a bill must take (provided it passes through the PORC, the full committee and the subcommittee) is that of its traveling on to the next house. If the bill was originally introduced into the senate, it proceeds on to the House of Representatives, or vice versa.

At this stage, before the bill is ever perused by House members, it must progress past the House "gatekeepers" (R. Woods, personal communication, June 2, 1988). Specifically, according to him a "gatekeeper" is usually a full committee or

subcommittee chairperson. A small group of "Gatekeepers" have the authority to decide if a bill merits attention from the House of Representatives.

According to Woods, in general, members of the House of Representatives in Iowa are not enthusiastic about the idea of licensing mental health counselors. Quesnell believes this is a result of House members' generally conservative attitude (H.M. Quesnell, personal communication, June 29, 1988). Therefore, if the bill does not pass through the "gatekeepers" it is never seen by the rest of the House and the only thing left to do is to reintroduce it in the next session of the legislature.

Last year, in 1987, the Iowa mental health counselor licensure bill did pass through the senate's state government subcommittee. However, the 1987 bill did not successfully pass through debate. The result of the Iowa licensure bill's legislative journey in 1987 is similar to the result of its present (1988) journey.

Positive Aspects of Licensure

In General

Perhaps the main advantage of licensure is that it works to benefit the public or the consumer of mental health services. One of the purposes of licensure is to protect the public from unqualified or incompetent mental health practitioners (Corey, Corey & Callanan, 1988; Cottone, 1985). In other words, licensure makes professionals accountable for their actions.

A second positive aspect of licensure is that licensure is the vehicle that transports counseling from an occupation to a profession (Davis, 1981; Locke, 1984). Gross (1978) stated quite succinctly, "In effect, the legal mechanisms of the state [licensure] legitimizes the occupation" (p. 1013).

One final positive aspect of licensure in general is that it defines counseling as a profession, states its function and enables it to be released from the dominant control of its "ancestor" Psychology (Cottingham, 1978; Spivak, 1984; Sweeney & Witmer, 1977). That is, licensure legally establishes for mental health counselors their niche in the mental health services field.

Iowa

A positive aspect of credentialing mental health counselors in Iowa was pointed out by Richard Woods. He said that mental health counselors are a popular referral resource for school counselors (R. Woods, personal communication, June 2, 1988). For example, instances occur in which it is determined by a guidance counselor that a student is in need of more individualized and/or in-depth counseling. A counselor whose credentials are open to public scrutiny allows that public (or in the case of the above example, the family) to make informed choices based on what their counseling needs are (R. Woods, personal communication, June 2, 1988).

Additional positive aspects of licensure were detailed by Helen Quesnell. According to her, a second major aspect of licensure is that it would allow graduates in counseling to work in the state and be recognized as mental health professionals. In other words, licensure would deter emigration from Iowa. A third advantage of licensure is that passage of a licensure bill would convey the message that Iowa cares about the quality of mental health services provided to its public. A fourth advantage

is that licensure tends to upgrade a profession's credibility among other professionals (A.L. Smith, personal communication, June 27, 1988). Lastly, licensure would show the rest of the nation that Iowa can keep pace by becoming the 27th state to license mental health counselors (H.M. Quesnell, personal communication, June 29, 1988).

Perhaps the biggest advantage to licensure was described by Carroll, Griggs, and Halligan (1977), who stated "Licensure insures minimum standards of education, training, internship, and experience" (p. 579). Further, Carroll et al (1977) added, "Without state licensure, there are no standards; anyone may be called a counselor, therapist, psychotherapist . . . and engage in private practice" (p. 579).

It was suggested earlier that if, in the near future, Iowa does license mental health counselors it could become the 27th state to do this. An appropriate question to ask then, is why only 26 of the 50 United States have licensed mental health counselors?

Obstacles to Licensure

In General

Perhaps one reason that counseling has met with such resistance is because the "counseling profession is caught in the middle of two disciplinary tracks which have contributed to its development: education and psychology" (Spivak, 1984, p. 175). With regard to counseling's "ancestor," psychology, Fretz and Mills (1980) stated, "If psychology, from its position of strength, continues to exclude appropriately trained and competent counseling colleagues, it then reflects medicine's view toward psychology, which psychology itself has found invalid and inappropriate" (pp. 176-177). This "territoriality fight" between counseling and psychology then results in a power struggle with one profession trying to establish dominance over the other and to exert their right to practice their profession without interference from other similar professions (Snow, 1981; Spivak, 1984; Sweeney & Witmer, 1977).

A second obstacle to licensure is that mental health counselors as a political group are not well organized, politically knowledgeable, or accustomed

to working in the political arena (A.L. Smith, personal communication, June 27, 1988). Further, Gerstle and Jacobs (1976) and Tabachnik (1976) stated that mental health counselors must deal with the complexity of state government. It follows then, that mental health counselors who are politically uneducated yet forced to work for licensure in a complex state government process find themselves in a dilemma.

Last is the obstacle of money. Costs associated with attempting to secure a licensure law are substantial (Sweeney & Witmer, 1977; Warnath, 1978). Warnath (1978) suggested that if an organization or profession was pursuing licensure for its members that they should try to assess the anticipated resistance to their bill. If much resistance was anticipated, the organization would need to hire a professional lobbyist. Since the services of a lobbyist are generally costly, this in itself may prove to be an obstacle for an organization.

Iowa

The difficulty that the Iowa mental health counselor licensing bills have had in both the House

and the Senate was discussed previously. Berdena Beach, a past president of the Iowa Mental Health Counselors Association (IMHCA) and current member of the Iowa Mental Health Counselor Licensure Committee, discussed possible reasons why the Iowa licensure bill has not yet become law. Negative receptivity toward licensure on the part of both the Iowa House and Senate has been an obstacle to the progress of licensure (B.J. Beach, personal communication, June 30, 1988). According to both Beach and Quesnell numerous Iowa legislators believe there are already too many licensed occupations and too many licensure bills. Legislators also believe there is too much paper work and expense involved in licensing an occupation (B.J. Beach, personal communication, June 30, 1988). In addition, legislators suspect that licensure will create "turf" issues between professions (A.L. Smith, personal communication, June 27, 1988).

Another obstacle to licensure of mental health counselors in Iowa is that other related mental health fields (such as social work) are not fully supportive of their efforts (B.J. Beach, personal communication, June 30, 1988). Again, Quesnell

supported Beach on this point. In addition, Quesnell further explained that social workers dislike Iowa mental health counselors attaching themselves to their (social workers') licensure bills in an attempt to become licensed (H.M. Quesnell, personal communication, June 29, 1988). Instead, the social workers prefer that mental health counselors "fend for themselves" in their struggle for licensure.

A final barrier to licensure is that it simply is not a priority issue to Iowa legislators (H.M. Quesnell, personal communication, June 29, 1988). Generally speaking, licensure of an occupation does not have any direct impact on a legislator, hence holds little significance for him/her.

Perhaps the biggest dilemma counselors' face in their attempt to become licensed was pointed out by Sweeney and Witmer (1977) in their statement, ". . . psychologists' laws define their practice to include everything that counselors do . . ." (p. 43). Other researchers have discussed this problem of definition. Fretz and Mills (1980) stated that, "Problems with definitions have inhibited the development of counselor licensure from both within

and from outside the profession" (p. 94). Spivak (1984) supported Sweeney and Witmer (1977) in his statement, "The definition of the practice of psychology [is] So broad that perhaps one might be able to apply most, if not all of its facets to most any, if not all mental health providers" (p. 176). Lastly, Cottingham (1978) pointed out, "Since counseling, as a professional service, has not been clearly delineated by the profession, the courts may create their own definition of counseling" (p. 331).

Iowa

The most recent (1988) version of the Iowa bill to license professional mental health counselors (senate file #2212) did not achieve passage into law. According to IACD lobbyist Richard Woods, the bill did pass through the Iowa Senate, and travelled to the House State Government Committee. However, as occurred before, the licensure bill did not successfully advance through the House of Representatives.

Richard Woods suggested a possible reason as to why the Iowa licensure bill tends to have so much difficulty passing through the Iowa House of

Representatives. He stated that, in general, the House's decisions tend to be controlled by its Republican members and that typically members of the Republican party disfavor the notion of licensing occupations and professions (R.Woods, personal communication, June 2, 1988).

The role of the House Republicans in the disposition of a licensure bill was further detailed by Helen Quesnell. She stated that an arbitrary funnel system is utilized by the majority leader in determining which bills will be considered. As the name implies, the funnel system is totally arbitrary and subjective. If the majority leader decides not to consider the bill, it must wait another year to be reintroduced into the next session of the legislature.

From discussion with Richard Woods, it seems that passing a licensure bill through the Iowa Senate has not usually been difficult. This is probably because, according to Woods, the Iowa Senate tends to be influenced by its Democratic members. Unlike their Republican counterparts, Iowa Senate Democrats generally favor licensing of occupations and professions in general and mental

health counselors in particular (R. Woods, personal communication, June 2, 1988). Helen Quesnell supports Woods view regarding Iowa Senate Democrats and licensure. Her view is that licensure is more positively received in the Iowa Senate because Iowa Senate Democrats, as a whole, tend to be more liberal than are members of the House (H.M. Quesnell, personal communication, June 29, 1988).

Mental health counselors in Iowa work for licensure year-round. Audrey Smith pointed out that mental health counselors in Iowa maintain contact with legislators during the "off-season" (that is, when the legislature is not in session) and support those political candidates who are pro-licensure. Further, she added that Iowa mental health counselors continue to be involved in fund-raising and informing other professional organizations of their efforts (A.L. Smith, personal communication, June 27, 1988).

Future of Counselor Licensure

Nationally

Fretz and Mills (1980) shed light on what the predicament was between the mental health professions. They stated "a current dilemma for all

mental health professions is . . . whether different professions actually make unique contributions to mental health services" (p. 177). The authors went on to explain that "Rather than each profession's unique contributions to mental health services, what seems to get aired in public is each profession's belief that it is the only suitable profession for providing psychotherapeutic or counseling services. If licensing . . . [is] responded to in terms of narrow interest groups, or even by, for example, alliances of psychiatrists and psychologists against counselors and social workers, the greatest loser will be the public" (Fretz & Mills, 1980, p. 176).

In reviewing the statements of the aforementioned researchers, it appears that what has resulted from this competition between mental health providers is a form of elitism (Fretz & Mills, 1980). They further stated that if this elitism is not eliminated in the future, the public will continue to lose because of the rivalry between competing helping professions.

As Sweeney and Sturdevant (1974) pointed out, counseling must establish itself as a unique and worthy profession in the future. Further, they

plainly stated that "If we [the counseling profession] do not assume responsibility for [our] actions, we have little choice but to accept the leadership of other professional groups" (p. 12). This idea was supported in an article by Cottingham and Warner (1978). The authors stated, "counseling as a profession has little legal status and without such status [licensure] our existence as a profession is in the hands of others" (p. 50).

Iowa

Is there any chance that the state of Iowa will eventually license professional mental health counselors? IACD lobbyist Richard Woods believes there is. According to him, licensure will become a reality, but not for approximately another five to ten years (R. Woods, personal communication, June 2, 1988).

Helen Quesnell would not attempt to predict in what year the licensure of mental health counselors in Iowa would become a reality. She did state, however, that mental health counselors are getting politically "smarter" and that persistence will eventually work to our advantage in getting the

licensure bill passed (H.M. Quesnell, personal communication, June 29, 1988).

Berdena Beach offered a positive prediction with regard to licensure in Iowa. By 1990 (within two years) she predicted that mental health counselors in Iowa will be licensed.

What then, needs to be done in order to eventually get the Iowa licensure bill passed? Richard Woods believes that interested supporters of the licensure bill should contact their respective government representatives (especially those who have been friends in the senate) and make a concentrated persuasive effort asking our government officials for their support and endorsement of the licensure bill (R. Woods, personal communication, June 2, 1988). The rationale of Wood's theory is that there is "strength in numbers." At some future point in time, it may happen that persistence and the power of the people will bring about the licensing of professional mental health counselors in Iowa.

Conclusion

This paper has dealt with the topic of the licensure of professional mental health counselors. This was done on two levels--nationally, and as it pertains to the state of Iowa. Other topics discussed were the history of licensure, positive aspects, obstacles to licensure of counselors and the current status of licensure in Iowa. Last, this paper commented on what the future may hold for the licensing of professional mental health counselors.

It appears that mental health counselors face many challenges in their quest for licensure. Perhaps the biggest challenge is how mental health counseling as a profession is defined. It is this writer's belief that the mental health professions have much to offer to those in need of such services. Mental health counseling should have the right to be recognized as one of those professions. However, "mental health services" encompass a broad area of expertise. Each mental health profession needs to establish parameters within which it can function. Licensure is a means by which these parameters can be set. Therefore, if mental health counseling is ever to be recognized as a worthy

profession unique and distinct from the other mental health disciplines, it must become a licensed profession.

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