

1 practice of Professional Counseling occurs in the State where
2 the client is located at the time of the counseling services.
3 The Compact preserves the regulatory authority of States to
4 protect public health and safety through the current system of
5 State licensure.

6 This Compact is designed to achieve the following
7 objectives:

8 A. Increase public access to Professional Counseling
9 services by providing for the mutual recognition of other Member
10 State licenses;

11 B. Enhance the States' ability to protect the public's
12 health and safety;

13 C. Encourage the cooperation of Member States in
14 regulating multistate practice for Licensed Professional
15 Counselors;

16 D. Support spouses of relocating Active Duty Military
17 personnel;

18 E. Enhance the exchange of licensure, investigative, and
19 disciplinary information among Member States;

20 F. Allow for the use of Telehealth technology to
21 facilitate increased access to Professional Counseling services;



1 B. "Adverse Action" means any administrative, civil,
2 equitable, or criminal action permitted by a State's laws which
3 is imposed by a licensing board or other authority against a
4 Licensed Professional Counselor, including actions against an
5 individual's license or Privilege to Practice such as
6 revocation, suspension, probation, monitoring of the Licensee,
7 limitation on the Licensee's practice, or any other Encumbrance
8 on licensure affecting a Licensed Professional Counselor's
9 authorization to practice, including issuance of a cease and
10 desist action.

11 C. "Alternative Program" means a non-disciplinary
12 monitoring or practice remediation process approved by a
13 Professional Counseling Licensing Board to address Impaired
14 Practitioners.

15 D. "Continuing Competence/Education" means a
16 requirement, as a condition of license renewal, to provide
17 evidence of participation in, or completion of, educational and
18 professional activities relevant to practice or area of work.

19 E. "Counseling Compact Commission" or "Commission" means
20 the national administrative body whose membership consists of
21 all States that have enacted the Compact.



1 F. "Current Significant Investigative Information" means:

2 1. Investigative Information that a Licensing Board, after
3 a preliminary inquiry that includes notification and an
4 opportunity for the Licensed Professional Counselor to respond,
5 if required by State law, has reason to believe is not
6 groundless and, if proved true, would indicate more than a minor
7 infraction; or

8 2. Investigative Information that indicates that the
9 Licensed Professional Counselor represents an immediate threat
10 to public health and safety regardless of whether the Licensed
11 Professional Counselor has been notified and had an opportunity
12 to respond.

13 G. "Data System" means a repository of information about
14 Licensees, including, but not limited to, continuing education,
15 examination, licensure, investigative, Privilege to Practice,
16 and Adverse Action information.

17 H. "Encumbered License" means a license in which an
18 Adverse Action restricts the practice of licensed professional
19 counseling by the Licensee and said Adverse Action has been
20 reported to the National Practitioners Data Bank (NPDB).



1 I. "Encumbrance" means a revocation or suspension of, or
2 any limitation on, the full and unrestricted practice of
3 Licensed Professional Counseling by a Licensing Board.

4 J. "Executive Committee" means a group of directors
5 elected or appointed to act on behalf of, and within the powers
6 granted to them by, the Commission.

7 K. "Home State" means the Member State that is the
8 Licensee's primary state of residence.

9 L. "Impaired Practitioner" means an individual who has a
10 condition that may impair their ability to practice as a
11 Licensed Professional Counselor without some type of
12 intervention and may include, but is not limited to, alcohol and
13 drug dependence, mental health impairment, and neurological or
14 physical impairments.

15 M. "Investigative Information" means information, records,
16 and documents received or generated by a professional
17 Counseling Licensing Board pursuant to an investigation.

18 N. "Jurisprudence Requirement", if required by a Member
19 State, means the assessment of an individual's knowledge of the
20 laws and Rules governing the practice of Professional Counseling
21 in a State.



1 O. "Licensed Professional Counselor" means a counselor
2 licensed by a Member State, regardless of the title used by that
3 State, to independently assess, diagnose, and treat behavioral
4 health conditions.

5 P. "Licensee" means an individual who currently holds an
6 authorization from the State to practice as a Licensed
7 Professional Counselor.

8 Q. "Licensing Board" means the agency of a State, or
9 equivalent, that is responsible for the licensing and regulation
10 of Licensed Professional Counselors.

11 R. "Member State" means a State that has enacted the
12 Compact.

13 S. "Privilege to Practice" means a legal authorization,
14 which is equivalent to a license, permitting the practice of
15 Professional Counseling in a Remote State.

16 T. "Professional Counseling" means the assessment,
17 diagnosis, and treatment of behavioral health conditions by a
18 Licensed Professional Counselor.

19 U. "Remote State" means a Member State other than the
20 Home State, where a Licensee is exercising or seeking to
21 exercise the Privilege to Practice.



1 approved by the Commission;

2 3. Require Licensees to have a 60 semester-hour (or 90
3 quarter-hour) master's degree in counseling or 60 semester-hours
4 (or 90 quarter-hours) of graduate course work, including the
5 following topic areas:

6 a. Professional Counseling Orientation and Ethical
7 Practice;

8 b. Social and Cultural Diversity;

9 c. Human Growth and Development;

10 d. Career Development;

11 e. Counseling and Helping Relationships;

12 f. Group Counseling and Group Work;

13 g. Diagnosis and Treatment; Assessment and Testing;

14 h. Research and Program Evaluation; and

15 i. Other areas as determined by the Commission.

16 4. Require Licensees to complete a supervised postgraduate
17 professional experience as defined by the Commission;

18 5. Have a mechanism in place for receiving and
19 investigating complaints about Licensees.

20 B. A Member State shall:

21 1. Participate fully in the Commission's Data System,



1 including using the Commission's unique identifier as defined in
2 Rules;

3 2. Notify the Commission, in compliance with the terms of
4 the Compact and Rules, of any Adverse Action or the availability
5 of Investigative Information regarding a Licensee;

6 3. Implement or utilize procedures for considering the
7 criminal history records of applicants for an initial Privilege
8 to Practice. These procedures shall include the submission of
9 fingerprints or other biometric-based information by applicants
10 for the purpose of obtaining an applicant's criminal history
11 record information from the Federal Bureau of Investigation and
12 the agency responsible for retaining that State's criminal
13 records;

14 a. A Member State must fully implement a criminal
15 background check requirement, within a time frame established by
16 Rule, by receiving the results of the Federal Bureau of
17 Investigation record search and shall use the results in making
18 licensure decisions.

19 b. Communication between a Member State, the Commission,
20 and among Member States regarding the verification of
21 eligibility for licensure through the Compact shall not include



1 any information received from the federal bureau of
2 investigation relating to a federal criminal records check
3 performed by a Member State under Public Law 92-544.

4 4. Comply with the Rules of the Commission;

5 5. Require an applicant to obtain or retain a license in
6 the Home State and meet the Home State's qualifications for
7 licensure or renewal of licensure, as well as all other
8 applicable State laws;

9 6. Grant the Privilege to Practice to a Licensee holding a
10 valid Unencumbered License in another Member State in
11 accordance with the terms of the Compact and Rules; and

12 7. Provide for the attendance of the State's Commissioner
13 to the Counseling Compact Commission meetings.

14 C. Member States may charge a fee for granting the
15 Privilege to Practice.

16 D. Individuals not residing in a Member State shall
17 continue to be able to apply for a Member State's Single State
18 License as provided under the laws of each Member State.
19 However, the Single State License granted to these individuals
20 shall not be recognized as granting a Privilege to Practice
21 Professional Counseling in any other Member State.



1 E. Nothing in this Compact shall affect the requirements
2 established by a Member State for the issuance of a Single State
3 License.

4 F. A license issued to a Licensed Professional Counselor
5 by a Home State to a resident in that State shall be recognized
6 by each Member State as authorizing a Licensed Professional
7 Counselor to practice Professional Counseling, under a Privilege
8 to Practice in each Member State.

9 **Section 4.**

10 **Privilege to Practice**

11 A. To exercise the Privilege to Practice under the terms
12 and provisions of the Compact, the Licensee shall:

- 13 1. Hold a license in the Home State;
- 14 2. Have a valid United States Social Security Number or
15 National Practitioner Identifier;
- 16 3. Be eligible for a Privilege to Practice in any Member
17 State in accordance with section 4(D), (G), and (H);
- 18 4. Have not had any Encumbrance or restriction against
19 any license or Privilege to Practice within the previous two (2)
20 years;
- 21 5. Notify the Commission that the Licensee is seeking the



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1 Privilege to Practice within a Remote State(s);

2 6. Pay any applicable fees, including any State fee, for
3 the Privilege to Practice;

4 7. Meet any Continuing Competence/Education requirements
5 established by the Home State;

6 8. Meet any Jurisprudence Requirements established by the
7 Remote State(s) in which the Licensee is seeking a Privilege to
8 Practice; and

9 9. Report to the Commission any Adverse Action,
10 Encumbrance, or restriction on license taken by any non-Member
11 State within 30 days from the date the action is taken.

12 B. The Privilege to Practice is valid until the expiration
13 date of the Home State license. The Licensee must comply with
14 the requirements of Section 4(A) to maintain the Privilege to
15 Practice in the Remote State.

16 C. A Licensee providing Professional Counseling in a
17 Remote State under the Privilege to Practice shall adhere to the
18 laws and regulations of the Remote State.

19 D. A Licensee providing Professional Counseling services
20 in a Remote State is subject to that State's regulatory
21 authority. A Remote State may, in accordance with due process



1 and that State's laws, remove a Licensee's Privilege to Practice
2 in the Remote State for a specific period of time, impose fines,
3 or take any other necessary actions to protect the health and
4 safety of its citizens. The Licensee may be ineligible for a
5 Privilege to Practice in any Member State until the specific
6 time for removal has passed and all fines are paid.

7 E. If a Home State license is encumbered, the Licensee
8 shall lose the Privilege to Practice in any Remote State until
9 the following occur:

- 10 1. The Home State license is no longer encumbered; and
11 2. The licensee has not had any Encumbrance or restriction
12 against any license or Privilege to Practice within the previous
13 two (2) years.

14 F. Once an Encumbered License in the Home State is
15 restored to good standing, the Licensee must meet the
16 requirements of Section 4(A) to obtain a Privilege to Practice
17 in any Remote State.

18 G. If a Licensee's Privilege to Practice in any Remote
19 State is removed, the individual may lose the Privilege to
20 Practice in all other Remote States until the following occur:

- 21 1. The specific period of time for which the Privilege to



1 Practice was removed has ended;

2 2. All fines have been paid; and

3 3. The Licensee has not had any encumbrance or restriction
4 against any license or Privilege to Practice within the previous
5 two (2) years.

6 H. Once the requirements of Section 4(G) have been met,
7 the Licensee must meet the requirements in Section 4(A) to
8 obtain a Privilege to Practice in a Remote State.

9 **Section 5:**

10 **Obtaining a New Home State License**

11 **Based on a Privilege to Practice**

12 A. A Licensed Professional Counselor may hold a Home
13 State License, which allows for a Privilege to Practice in other
14 Member States, in only one Member State at a time.

15 B. If a Licensed Professional Counselor changes primary
16 state of residence by moving between two Member States:

17 1. The Licensed Professional Counselor shall file an
18 application for obtaining a new Home State license based on a
19 Privilege to Practice, pay all applicable fees, and notify the
20 current and new Home State in accordance with applicable rules
21 adopted by the commission.



1 2. Upon receipt of an application for obtaining a new Home
2 State license by virtue of a Privilege to Practice, the new Home
3 State shall verify that the Licensed Professional Counselor
4 meets the pertinent criteria outlined in Section 4 via the Data
5 System, without need for primary source verification except for:

6 a. A Federal Bureau of Investigation fingerprint based
7 criminal background check if not previously performed or
8 updated pursuant to applicable rules adopted by the Commission
9 in accordance with Public Law 92-544;

10 b. Other criminal background check as required by the new
11 Home State; and

12 c. Completion of any requisite Jurisprudence Requirements
13 of the new Home State.

14 3. The former Home State shall convert the former Home
15 State license into a Privilege to Practice once the new Home
16 State has activated the new Home State license in accordance
17 with applicable Rules adopted by the Commission.

18 4. Notwithstanding any other provision of this Compact, if
19 the Licensed Professional Counselor cannot meet the criteria in
20 Section 4, the new Home State may apply its requirements for
21 issuing a new Single State License.



1 State designation during the period the service member is on
2 active duty. Subsequent to designating a Home State, the
3 individual shall only change their Home State through
4 application for licensure in the new state, or through the
5 process outlined in Section 5.

6 **Section 7.**

7 **Compact Privilege to Practice Telehealth**

8 A. Member States shall recognize the right of a Licensed
9 Professional Counselor, licensed by a Home State in accordance
10 with Section 3 and under Rules promulgated by the Commission, to
11 practice Professional Counseling in any Member State via
12 Telehealth under a Privilege to Practice as provided in the
13 Compact and Rules promulgated by the Commission.

14 B. A Licensee providing Professional Counseling services
15 in a Remote State under the Privilege to Practice shall adhere
16 to the laws and regulations of the Remote State.

17 **Section 8.**

18 **Adverse Actions**

19 A. In addition to the other powers conferred by State law,
20 a Remote State shall have the authority, in accordance with
21 existing State due process law, to:



1 1. Take Adverse Action against a Licensed Professional
2 Counselor's Privilege to Practice within that Member State, and

3 2. Issue subpoenas for both hearings and investigations
4 that require the attendance and testimony of witnesses as well
5 as the production of evidence. Subpoenas issued by a Licensing
6 Board in a Member State for the attendance and testimony of
7 witnesses or the production of evidence from another Member
8 State shall be enforced in the latter State by any court of
9 competent jurisdiction, according to the practice and procedure
10 of that court applicable to subpoenas issued in proceedings
11 pending before it. The issuing authority shall pay any witness
12 fees, travel expenses, mileage, and other fees required by the
13 service statutes of the state in which the witnesses or evidence
14 is located.

15 3. Only the Home State shall have the power to take
16 Adverse Action against a Licensed Professional Counselor's
17 license issued by the Home State.

18 B. For purposes of taking Adverse Action, the Home State
19 shall give the same priority and effect to reported conduct
20 received from a Member State as it would if the conduct had



1 occurred within the Home State. In so doing, the Home State
2 shall apply its own State laws to determine appropriate action.

3 C. The Home State shall complete any pending
4 investigations of a Licensed Professional Counselor who changes
5 primary State of residence during the course of the
6 investigations. The Home State shall also have the authority to
7 take appropriate action(s) and shall promptly report the
8 conclusions of the investigations to the administrator of the
9 Data System. The administrator of the coordinated licensure
10 information system shall promptly notify the new Home State of
11 any Adverse Actions.

12 D. A Member State, if otherwise permitted by State law,
13 may recover from the affected Licensed Professional Counselor
14 the costs of investigations and dispositions of cases resulting
15 from any Adverse Action taken against that Licensed
16 Professional Counselor.

17 E. A Member State may take Adverse Action based on the
18 factual findings of the Remote State, provided that the Member
19 State follows its own procedures for taking the Adverse Action.

20 F. Joint investigations:

21 1. In addition to the authority granted to a Member State



1 by its respective Professional Counseling practice act or other
2 applicable State law, any Member State may participate with
3 other Member States in joint investigations of Licensees.

4 2. Member States shall share any investigative,
5 litigation, or compliance materials in furtherance of any joint
6 or individual investigation initiated under the Compact.

7 G. If Adverse Action is taken by the Home State against
8 the license of a Licensed Professional Counselor, the Licensed
9 Professional Counselor's Privilege to Practice in all other
10 Member States shall be deactivated until all Encumbrances have
11 been removed from the State license. All Home State
12 disciplinary orders that impose Adverse Action against the
13 license of a Licensed Professional Counselor shall include a
14 Statement that the Licensed Professional Counselor's Privilege
15 to Practice is deactivated in all Member States during the
16 pendency of the order.

17 H. If a Member State takes Adverse Action, it shall
18 promptly notify the administrator of the Data System. The
19 administrator of the Data System shall promptly notify the Home
20 State of any Adverse Actions by Remote States.

21 I. Nothing in this Compact shall override a Member State's



1 decision that participation in an Alternative Program may be
2 used in lieu of Adverse Action.

3 **Section 9.**

4 **Establishment of Counseling**

5 **Compact Commission**

6 A. The Compact Member States hereby create and establish a
7 joint public agency known as the Counseling Compact
8 Commission:

9 1. The Commission is an instrumentality of the Compact
10 States.

11 2. Venue is proper and judicial proceedings by or against
12 the Commission shall be brought solely and exclusively in a
13 court of competent jurisdiction where the principal office of
14 the Commission is located. The Commission may waive venue and
15 jurisdictional defenses to the extent it adopts or consents to
16 participate in alternative dispute resolution proceedings.

17 3. Nothing in this Compact shall be construed to be a
18 waiver of sovereign immunity.

19 B. Membership, Voting, and Meetings

20 1. Each Member State shall have and be limited to one (1)
21 delegate selected by that Member State's Licensing Board.



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1 2. The delegate shall be either:

2 a. A current member of the Licensing Board at the time of
3 appointment, who is a Licensed Professional Counselor or public
4 member; or

5 b. An administrator of the Licensing Board.

6 3. Any delegate may be removed or suspended from office as
7 provided by the law of the State from which the delegate is
8 appointed.

9 4. The Member State Licensing Board shall fill any
10 vacancy occurring on the Commission within 60 days.

11 5. Each delegate shall be entitled to one (1) vote with
12 regard to the promulgation of Rules and creation of bylaws and
13 shall otherwise have an opportunity to participate in the
14 business and affairs of the Commission.

15 6. A delegate shall vote in person or by such other means
16 as provided in the bylaws. The bylaws may provide for
17 delegates' participation in meetings by telephone or other means
18 of communication.

19 7. The Commission shall meet at least once during each
20 calendar year. Additional meetings shall be held as set forth
21 in the bylaws.



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1 8. The Commission shall by Rule establish a term of office
2 for delegates and may by Rule establish term limits.

3 c. The Commission shall have the following powers and
4 duties:

5 1. Establish the fiscal year of the Commission;

6 2. Establish bylaws;

7 3. Maintain its financial records in accordance with the
8 bylaws;

9 4. Meet and take such actions as are consistent with the
10 provisions of this Compact and the bylaws;

11 5. Promulgate Rules which shall be binding to the extent
12 and in the manner provided for in the Compact;

13 6. Bring and prosecute legal proceedings or actions in the
14 name of the Commission, provided that the standing of any State
15 Licensing Board to sue or be sued under applicable law shall not
16 be affected;

17 7. Purchase and maintain insurance and bonds;

18 8. Borrow, accept, or contract for services of personnel,
19 including, but not limited to, employees of a Member State;

20 9. Hire employees, elect or appoint officers, fix
21 compensation, define duties, grant such individuals appropriate



1 authority to carry out the purposes of the Compact, and
2 establish the Commission's personnel policies and programs
3 relating to conflicts of interest, qualifications of personnel,
4 and other related personnel matters;

5 10. Accept any and all appropriate donations and grants of
6 money, equipment, supplies, materials, and services, and to
7 receive, utilize, and dispose of the same; provided that at all
8 times the Commission shall avoid any appearance of impropriety
9 or conflict of interest;

10 11. Lease, purchase, accept appropriate gifts or donations
11 of, or otherwise to own, hold, improve or use, any property,
12 real, personal or mixed; provided that at all times the
13 Commission shall avoid any appearance of impropriety;

14 12. Sell, convey, mortgage, pledge, lease, exchange,
15 abandon, or otherwise dispose of any property real, personal, or
16 mixed;

17 13. Establish a budget and make expenditures;

18 14. Borrow money;

19 15. Appoint committees, including standing committees
20 composed of members, State regulators, State legislators or
21 their representatives, and consumer representatives, and such



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1 other interested persons as may be designated in this Compact
2 and the bylaws;

3 16. Provide and receive information from, and cooperate
4 with, law enforcement agencies;

5 17. Establish and elect an Executive Committee; and

6 18. Perform such other functions as may be necessary or
7 appropriate to achieve the purposes of this Compact consistent
8 with the State regulation of Professional Counseling Licensure
9 and practice.

10 D. The Executive Committee

11 1. The Executive Committee shall have the power to act on
12 behalf of the Commission according to the terms of this Compact.

13 2. The Executive Committee shall be composed of up to
14 eleven (11) members:

15 a. Seven voting members who are elected by the Commission
16 from the current membership of the Commission; and

17 b. Up to four (4) ex-officio, nonvoting members from four
18 (4) recognized national professional counselor organizations,
19 selected by their respective organizations.

20 3. The Commission may remove any member of the Executive
21 Committee as provided in bylaws.



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1 4. The Executive Committee shall meet at least annually.

2 5. The Executive Committee shall have the following duties
3 and responsibilities:

4 a. Recommend to the entire Commission changes to the Rules
5 or bylaws, changes to this Compact legislation, fees paid by
6 Compact Member States such as annual dues, and any Commission
7 Compact fee charged to Licensees for the Privilege to Practice;

8 b. Ensure Compact administration services are
9 appropriately provided, contractual or otherwise;

10 c. Prepare and recommend the budget;

11 d. Maintain financial records on behalf of the Commission;

12 e. Monitor Compact compliance of Member States and
13 provide compliance reports to the Commission;

14 f. Establish additional committees as necessary; and

15 g. Other duties as provided in Rules or bylaws.

16 E. Meetings of the Commission

17 1. All meetings shall be open to the public, and public
18 notice of meetings shall be given in the same manner as required
19 under the Rulemaking provisions in Section 11.

20 2. The Commission or the Executive Committee or other
21 committees of the Commission may convene in a closed, non-public



1 meeting if the Commission or Executive Committee or other
2 committees of the Commission must discuss:

3 a. Non-compliance of a Member State with its obligations
4 under the Compact;

5 b. The employment, compensation, discipline, or other
6 matters, practices, or procedures related to specific employees
7 or other matters related to the Commission's internal personnel
8 practices and procedures;

9 c. Current, threatened, or reasonably anticipated
10 litigation;

11 d. Negotiation of contracts for the purchase, lease, or
12 sale of goods, services, or real estate;

13 e. Accusing any person of a crime or formally censuring
14 any person;

15 f. Disclosure of trade secrets or commercial or financial
16 information that is privileged or confidential;

17 g. Disclosure of information of a personal nature where
18 disclosure would constitute a clearly unwarranted invasion of
19 personal privacy;

20 h. Disclosure of investigative records compiled for law
21 enforcement purposes;



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1 i. Disclosure of information related to any investigative
2 reports prepared by or on behalf of or for use of the Commission
3 or other committee charged with responsibility of investigation
4 or determination of compliance issues pursuant to the Compact;
5 or

6 j. Matters specifically exempted from disclosure by
7 federal or Member State statute.

8 3. If a meeting, or portion of a meeting, is closed
9 pursuant to this provision, the Commission's legal counsel or
10 designee shall certify that the meeting may be closed and shall
11 reference each relevant exempting provision.

12 4. The Commission shall keep minutes that fully and
13 clearly describe all matters discussed in a meeting and shall
14 provide a full and accurate summary of actions taken, and the
15 reasons therefore, including a description of the views
16 expressed. All documents considered in connection with an
17 action shall be identified in such minutes. All minutes and
18 documents of a closed meeting shall remain under seal, subject
19 to release by a majority vote of the Commission or order of a
20 court of competent jurisdiction.

21 F. Financing of the Commission



1 1. The Commission shall pay, or provide for the payment
2 of, the reasonable expenses of its establishment, organization,
3 and ongoing activities.

4 2. The Commission may accept any and all appropriate
5 revenue sources, donations, and grants of money, equipment,
6 supplies, materials, and services.

7 3. The Commission may levy on and collect an annual
8 assessment from each Member State or impose fees on other
9 parties to cover the cost of the operations and activities of
10 the Commission and its staff, which must be in a total amount
11 sufficient to cover its annual budget as approved each year for
12 which revenue is not provided by other sources. The aggregate
13 annual assessment amount shall be allocated based upon a formula
14 to be determined by the Commission, which shall promulgate a
15 Rule binding upon all Member States.

16 4. The Commission shall not incur obligations of any kind
17 prior to securing the funds adequate to meet the same; nor shall
18 the Commission pledge the credit of any of the Member States,
19 except by and with the authority of the Member State.

20 5. The Commission shall keep accurate accounts of all



1 receipts and disbursements. The receipts and disbursements of
2 the Commission shall be subject to the audit and accounting
3 procedures established under its bylaws. However, all receipts
4 and disbursements of funds handled by the Commission shall be
5 audited yearly by a certified or licensed public accountant, and
6 the report of the audit shall be included in and become part of
7 the annual report of the Commission.

8 G. Qualified Immunity, Defense, and Indemnification

9 1. The members, officers, executive director, employees,
10 and representatives of the Commission shall be immune from suit
11 and liability, either personally or in their official capacity,
12 for any claim for damage to or loss of property or personal
13 injury or other civil liability caused by or arising out of any
14 actual or alleged act, error, or omission that occurred, or that
15 the person against whom the claim is made had a reasonable basis
16 for believing occurred within the scope of Commission
17 employment, duties, or responsibilities; provided that nothing
18 in this paragraph shall be construed to protect any such person
19 from suit or liability for any damage, loss, injury, or
20 liability caused by the intentional or willful or wanton
21 misconduct of that person.



1 2. The Commission shall defend any member, officer,
2 executive director, employee, or representative of the
3 Commission in any civil action seeking to impose liability
4 arising out of any actual or alleged act, error, or omission
5 that occurred within the scope of Commission employment, duties,
6 or responsibilities, or that the person against whom the claim
7 is made had a reasonable basis for believing occurred within the
8 scope of Commission employment, duties, or responsibilities;
9 provided that nothing herein shall be construed to prohibit that
10 person from retaining his or her own counsel; and provided
11 further, that the actual or alleged act, error, or omission did
12 not result from that person's intentional or willful or wanton
13 misconduct.

14 3. The Commission shall indemnify and hold harmless any
15 member, officer, executive director, employee, or representative
16 of the Commission for the amount of any settlement or judgment
17 obtained against that person arising out of any actual or
18 alleged act, error, or omission that occurred within the scope
19 of Commission employment, duties, or responsibilities, or that
20 such person had a reasonable basis for believing occurred within
21 the scope of Commission employment, duties, or responsibilities,



1 provided that the actual or alleged act, error, or omission did
2 not result from the intentional or willful or wanton misconduct
3 of that person.

4 **Section 10.**

5 **Data System**

6 A. The Commission shall provide for the development,
7 maintenance, operation, and utilization of a coordinated
8 database and reporting system containing licensure, Adverse
9 Action, and Investigative Information on all licensed
10 individuals in Member States.

11 B. Notwithstanding any other provision of State law to the
12 contrary, a Member State shall submit a uniform data set to the
13 Data System on all individuals to whom this Compact is
14 applicable as required by the Rules of the Commission,
15 including:

- 16 1. Identifying information;
- 17 2. Licensure data;
- 18 3. Adverse Actions against a license or Privilege to
19 Practice;
- 20 4. Non-confidential information related to Alternative
21 Program participation;



1 5. Any denial of application for licensure, and the
2 reason(s) for such denial;

3 6. Current Significant Investigative Information; and

4 7. Other information that may facilitate the
5 administration of this Compact, as determined by the Rules of
6 the Commission.

7 C. Investigative Information pertaining to a Licensee in
8 any Member State will only be available to other Member States.

9 D. The Commission shall promptly notify all Member States
10 of any Adverse Action taken against a Licensee or an individual
11 applying for a license. Adverse Action information pertaining
12 to a Licensee in any Member State will be available to any other
13 Member State.

14 E. Member States contributing information to the Data
15 System may designate information that may not be shared with
16 the public without the express permission of the contributing
17 State.

18 F. Any information submitted to the Data System that is
19 subsequently required to be expunged by the laws of the Member
20 State contributing the information shall be removed from the
21 Data System.



1 Rules by the Commission, and at least thirty (30) days in
2 advance of the meeting at which the Rule will be considered and
3 voted upon, the Commission shall file a notice of proposed Rule
4 making:

5 1. On the website of the Commission or other publicly
6 accessible platform; and

7 2. On the website of each Member State Professional
8 Counseling Licensing Board or other publicly accessible platform
9 or the publication in which each State would otherwise publish
10 proposed Rules.

11 F. The Notice of Proposed Rule making shall include:

12 1. The proposed time, date, and location of the meeting in
13 which the Rule will be considered and voted upon;

14 2. The text of the proposed Rule or amendment and the
15 reason for the proposed Rule;

16 3. A request for comments on the proposed Rule from any
17 interested person; and

18 4. The manner in which interested persons may submit
19 notice to the Commission of their intention to attend the public
20 hearing and any written comments.

21 G. Prior to adoption of a proposed Rule, the Commission



1 shall allow persons to submit written data, facts, opinions, and
2 arguments, which shall be made available to the public.

3 H. The Commission shall grant an opportunity for a public
4 hearing before it adopts a Rule or amendment if a hearing is
5 requested by:

6 1. At least twenty-five (25) persons;

7 2. A State or federal governmental subdivision or agency;

8 or

9 3. An association having at least twenty-five (25)
10 members.

11 I. If a hearing is held on the proposed Rule or amendment,
12 the Commission shall publish the place, time, and date of the
13 scheduled public hearing. If the hearing is held via electronic
14 means, the Commission shall publish the mechanism for access to
15 the electronic hearing.

16 1. All persons wishing to be heard at the hearing shall
17 notify the executive director of the Commission or other
18 designated member in writing of their desire to appear and
19 testify at the hearing not less than five (5) business days
20 before the scheduled date of the hearing.

21 2. Hearings shall be conducted in a manner providing each



1 person who wishes to comment a fair and reasonable opportunity
2 to comment orally or in writing.

3 3. All hearings will be recorded. a copy of the recording
4 will be made available on request.

5 4. Nothing in this section shall be construed as requiring
6 a separate hearing on each Rule. Rules may be grouped for the
7 convenience of the Commission at hearings required by this
8 section.

9 J. Following the scheduled hearing date, or by the close
10 of business on the scheduled hearing date if the hearing was not
11 held, the Commission shall consider all written and oral
12 comments received.

13 K. If no written notice of intent to attend the public
14 hearing by interested parties is received, the Commission may
15 proceed with promulgation of the proposed Rule without a public
16 hearing.

17 L. The Commission shall, by majority vote of all members,
18 take final action on the proposed Rule and shall determine the
19 effective date of the Rule, if any, based on the Rule making
20 record and the full text of the Rule.

21 M. Upon determination that an emergency exists, the



1 Commission may consider and adopt an emergency Rule without
2 prior notice, opportunity for comment, or hearing, provided that
3 the usual Rule-making procedures provided in the Compact and in
4 this section shall be retroactively applied to the Rule as soon
5 as reasonably possible, in no event later than ninety (90) days
6 after the effective date of the Rule. For the purposes of this
7 provision, an emergency Rule is one that must be adopted
8 immediately in order to:

9 1. Meet an imminent threat to public health, safety, or
10 welfare;

11 2. Prevent a loss of Commission or Member State funds;

12 3. Meet a deadline for the promulgation of an
13 administrative Rule that is established by federal law or Rule;
14 or

15 4. Protect public health and safety.

16 N. The Commission or an authorized committee of the
17 Commission may direct revisions to a previously adopted Rule or
18 amendment for purposes of correcting typographical errors,
19 errors in format, errors in consistency, or grammatical errors.
20 Public notice of any revisions shall be posted on the website of
21 the Commission. The revision shall be subject to challenge by



1 any person for a period of thirty (30) days after posting. The
2 revision may be challenged only on grounds that the revision
3 results in a material change to a Rule. A challenge shall be
4 made in writing and delivered to the executive director of the
5 Commission prior to the end of the notice period. If no
6 challenge is made, the revision will take effect without further
7 action. If the revision is challenged, the revision may not take
8 effect without the approval of the Commission.

9 **Section 12.**

10 **Oversight, Dispute Resolution,**
11 **and Enforcement**

12 **A. Oversight**

13 1. The executive, legislative, and judicial branches of
14 State government in each Member State shall enforce this Compact
15 and take all actions necessary and appropriate to effectuate the
16 Compact's purposes and intent. The provisions of this Compact
17 and the Rules promulgated hereunder shall have standing as
18 statutory law.

19 2. All courts shall take judicial notice of the Compact
20 and



1 the Rules in any judicial or administrative proceeding in a
2 Member State pertaining to the subject matter of this Compact
3 which may affect the powers, responsibilities, or actions of the
4 Commission.

5 3. The Commission shall be entitled to receive service of
6 process in any such proceeding and shall have standing to
7 intervene in such a proceeding for all purposes. Failure to
8 provide service of process to the Commission shall render a
9 judgment or order void as to the Commission, this Compact, or
10 promulgated Rules.

11 B. Default, Technical Assistance, and Termination

12 1. If the Commission determines that a Member State has
13 defaulted in the performance of its obligations or
14 responsibilities under this Compact or the promulgated Rules,
15 the Commission shall:

16 a. Provide written notice to the defaulting State and
17 other Member States of the nature of the default, the proposed
18 means of curing the default, and any other action to be taken by
19 the Commission; and

20 b. Provide remedial training and specific technical
21 assistance regarding the default.



1 C. If a State in default fails to cure the default, the
2 defaulting State may be terminated from the Compact upon an
3 affirmative vote of a majority of the Member States, and all
4 rights, privileges and benefits conferred by this Compact may be
5 terminated on the effective date of termination. A cure of the
6 default does not relieve the offending State of obligations or
7 liabilities incurred during the period of default.

8 D. Termination of membership in the Compact shall be
9 imposed only after all other means of securing compliance have
10 been exhausted. Notice of intent to suspend or terminate shall
11 be given by the Commission to the governor, the majority and
12 minority leaders of the defaulting State's legislature, and each
13 of the Member States.

14 E. A State that has been terminated is responsible for all
15 assessments, obligations, and liabilities incurred through the
16 effective date of termination, including obligations that extend
17 beyond the effective date of termination.

18 F. The Commission shall not bear any costs related to a
19 state that is found to be in default or that has been terminated
20 from the Compact, unless agreed upon in writing between the
21 Commission and the defaulting State.



1 G. The defaulting State may appeal the action of the
2 Commission by petitioning the U.S. District Court for the
3 District of Columbia or the federal district where the
4 Commission has its principal offices. The prevailing member
5 shall be awarded all costs of such litigation, including
6 reasonable attorney's fees.

7 H. Dispute Resolution

8 1. Upon request by a Member State, the Commission shall
9 attempt to resolve disputes related to the Compact that arise
10 among Member States and between member and non-Member
11 States.

12 2. The Commission shall promulgate a Rule providing for
13 both mediation and binding dispute resolution for disputes as
14 appropriate.

15 I. Enforcement

16 1. The Commission, in the reasonable exercise of its
17 discretion, shall enforce the provisions and Rules of this
18 Compact.

19 2. By majority vote, the Commission may initiate legal
20 action in the United States District Court for the District of
21 Columbia or the federal district where the Commission has its



1 principal offices against a Member State in default to enforce
2 compliance with the provisions of the Compact and its
3 promulgated Rules and bylaws. The relief sought may include
4 both injunctive relief and damages. In the event judicial
5 enforcement is necessary, the prevailing member shall be awarded
6 all costs of such litigation, including reasonable attorney's
7 fees.

8 3. The remedies herein shall not be the exclusive remedies
9 of the Commission. The Commission may pursue any other remedies
10 available under federal or State law.

11 **Section 13.**

12 **Date of Implementation of the Counseling**

13 **Compact Commission and Associated Rules,**

14 **Withdrawal, and Amendment**

15 A. The Compact shall come into effect on the date on which
16 the Compact statute is enacted into law in the tenth Member
17 State. The provisions, which become effective at that time,
18 shall be limited to the powers granted to the Commission
19 relating to assembly and the promulgation of Rules. Thereafter,
20 the Commission shall meet and exercise Rulemaking powers



1 necessary to the implementation and administration of the
2 Compact.

3 B. Any State that joins the Compact subsequent to the
4 Commission's initial adoption of the Rules shall be subject to
5 the Rules as they exist on the date on which the Compact becomes
6 law in that State. Any Rule that has been previously adopted by
7 the Commission shall have the full force and effect of law on
8 the day the Compact becomes law in that State.

9 C. Any Member State may withdraw from this Compact by
10 enacting a statute repealing the same.

11 1. A Member State's withdrawal shall not take effect until
12 six (6) months after enactment of the repealing statute.

13 2. Withdrawal shall not affect the continuing requirement
14 of the withdrawing State's Professional Counseling Licensing
15 Board to comply with the investigative and Adverse Action
16 reporting requirements of this Compact prior to the effective
17 date of withdrawal.

18 D. Nothing contained in this Compact shall be construed to
19 invalidate or prevent any Professional Counseling licensure
20 agreement or other cooperative arrangement between a Member
21 State and a non-Member State that does not conflict with the



1 provisions of this Compact.

2 E. This Compact may be amended by the Member States. No
3 amendment to this Compact shall become effective and binding
4 upon any Member State until it is enacted into the laws of all
5 Member States.

6 **Section 14.**

7 **Construction and Severability**

8 This Compact shall be liberally construed so as to
9 effectuate the purposes thereof. The provisions of this Compact
10 shall be severable and if any phrase, clause, sentence, or
11 provision of this Compact is declared to be contrary to the
12 constitution of any Member State or of the United States or the
13 applicability thereof to any government, agency, person, or
14 circumstance is held invalid, the validity of the remainder of
15 this Compact and the applicability thereof to any government,
16 agency, person, or circumstance shall not be affected thereby.
17 If this Compact shall be held contrary to the constitution of
18 any Member State, the Compact shall remain in full force and
19 effect as to the remaining Member States and in full force and
20 effect as to the Member State affected as to all severable
21 matters.

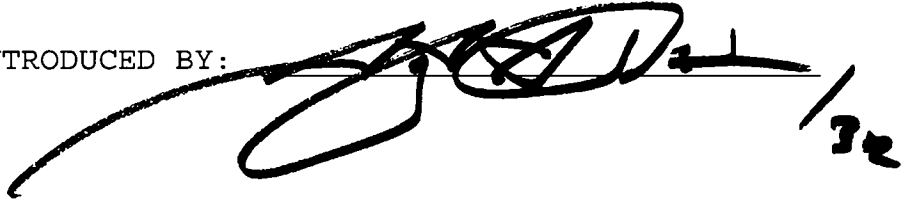


S.B. NO. 322

1 SECTION 2. This Act shall take effect upon its approval.

2

INTRODUCED BY:

A large, stylized handwritten signature in black ink is written over a horizontal line. To the right of the signature, the number '32' is handwritten.

S.B. NO. 322

Report Title:

Interstate Licensed Professional Counselors Compact

Description:

Adopts the Interstate Licensed Professional Counselors Compact to allow a person who is a licensed professional counselor in the person's state of residence to practice professional counseling in a compact state in which the person is not licensed pursuant to a privilege to practice.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

