

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

4 H. Invest all Member States with the authority to hold a
5 Licensed Professional Counselor accountable for meeting all
6 State practice laws in the State in which the client is located
7 at the time care is rendered through the mutual recognition of
8 Member State licenses;

9 I. Eliminate the necessity for licenses in multiple
10 states; and

11 J. Provide opportunities for interstate practice by
12 Licensed Professional Counselors who meet uniform licensure
13 requirements.

14 **Section 2.**

15 **Definitions**

16 As used in this Compact, and except as otherwise provided,
17 the following definitions shall apply:

18 A. "Active Duty Military" means full-time duty status in
19 the active uniformed service of the United States, including
20 members of the National Guard and Reserve on active duty orders
21 pursuant to 10 U.S.C. Chapters 1209 and 1211.



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 requirement,
16 as a condition of license renewal, to provide evidence of
17 participation in, or completion of, educational and professional
18 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 Counseling
17 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 Home
20 State, where a Licensee is exercising or seeking to exercise the
21 Privilege to Practice.



1 V. "Rule" means a regulation promulgated by the Commission
2 that has the force of law.

3 W. "Single State License" means a Licensed Professional
4 Counselor license issued by a Member State that authorizes
5 practice only within the issuing State and does not include a
6 Privilege to Practice in any other Member State.

7 X. "State" means any state, commonwealth, district, or
8 territory of the United States of America that regulates the
9 practice of Professional Counseling.

10 Y. "Telehealth" means the application of telecommunication
11 technology to deliver Professional Counseling services remotely
12 to assess, diagnose, and treat behavioral health conditions.

13 Z. "Unencumbered License" means a license that authorizes
14 a Licensed Professional Counselor to engage in the full and
15 unrestricted practice of Professional Counseling.

16 **Section 3.**

17 **State Participation in the Compact**

18 A. To Participate in the Compact, a State must currently:

- 19 1. License and regulate Licensed Professional Counselors;
20 2. Require Licensees to pass a nationally recognized exam
21 approved by the Commission;



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

- 5 a. Professional Counseling Orientation and Ethical
6 Practice;
- 7 b. Social and Cultural Diversity;
- 8 c. Human Growth and Development;
- 9 d. Career Development;
- 10 e. Counseling and Helping Relationships;
- 11 f. Group Counseling and Group Work;
- 12 g. Diagnosis and Treatment; Assessment and Testing;
- 13 h. Research and Program Evaluation; and
- 14 i. Other areas as determined by the Commission.

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

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

19 B. A Member State shall:



1 1. Participate fully in the Commission's Data System,
2 including using the Commission's unique identifier as defined in
3 Rules;

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

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

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

20 b. Communication between a Member State, the Commission,
21 and among Member States regarding the verification of



1 eligibility for licensure through the Compact shall not include
2 any information received from the Federal Bureau of
3 Investigation relating to a federal criminal records check
4 performed by a Member State under Public Law 92-544.

5 4. Comply with the Rules of the Commission;

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

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

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

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

17 D. Individuals not residing in a Member State shall
18 continue to be able to apply for a Member State's Single State
19 License as provided under the laws of each Member State.

20 However, the Single State License granted to these individuals



1 shall not be recognized as granting a Privilege to Practice
2 Professional Counseling in any other Member State.

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

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

11 Section 4.

12 Privilege to Practice

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

- 15 1. Hold a license in the Home State;
- 16 2. Have a valid United States Social Security Number or
17 National Practitioner Identifier;
- 18 3. Be eligible for a Privilege to Practice in any Member
19 State in accordance with section 4(D), (G), and (H);



1 4. Have not had any Encumbrance or restriction against any
2 license or Privilege to Practice within the previous two (2)
3 years;

4 5. Notify the Commission that the Licensee is seeking the
5 Privilege to Practice within a Remote State(s);

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

8 7. Meet any Continuing Competence/Education requirements
9 established by the Home State;

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

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

16 B. The Privilege to Practice is valid until the expiration
17 date of the Home State license. The Licensee must comply with
18 the requirements of Section 4(A) to maintain the Privilege to
19 Practice in the Remote State.



1 C. A Licensee providing Professional Counseling in a
2 Remote State under the Privilege to Practice shall adhere to the
3 laws and regulations of the Remote State.

4 D. A Licensee providing Professional Counseling services
5 in a Remote State is subject to that State's regulatory
6 authority. A Remote State may, in accordance with due process
7 and that State's laws, remove a Licensee's Privilege to Practice
8 in the Remote State for a specific period of time, impose fines,
9 or take any other necessary actions to protect the health and
10 safety of its citizens. The Licensee may be ineligible for a
11 Privilege to Practice in any Member State until the specific
12 time for removal has passed and all fines are paid.

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

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

20 F. Once an Encumbered License in the Home State is
21 restored to good standing, the Licensee must meet the



1 requirements of Section 4(A) to obtain a Privilege to Practice
2 in any Remote State.

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

6 1. The specific period of time for which the Privilege to
7 Practice was removed has ended;

8 2. All fines have been paid; and

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

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

15 **Section 5:**

16 **Obtaining a New Home State License Based on a Privilege to**
17 **Practice**

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



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

3 1. The Licensed Professional Counselor shall file an
4 application for obtaining a new Home State license based on a
5 Privilege to Practice, pay all applicable fees, and notify the
6 current and new Home State in accordance with applicable Rules
7 adopted by the Commission.

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

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

17 b. Other criminal background check as required by the new
18 Home State; and

19 c. Completion of any requisite Jurisprudence Requirements
20 of the new Home State.



1 3. The former Home State shall convert the former Home
2 State license into a Privilege to Practice once the new Home
3 State has activated the new Home State license in accordance
4 with applicable Rules adopted by the Commission.

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

9 5. The Licensed Professional Counselor shall pay all
10 applicable fees to the new Home State in order to be issued a
11 new Home State license.

12 C. If a Licensed Professional Counselor changes Primary
13 State of Residence by moving from a Member State to a non-Member
14 State, or from a non-Member State to a Member State, the State
15 criteria shall apply for issuance of a Single State License in
16 the new State.

17 D. Nothing in this Compact shall interfere with a
18 Licensee's ability to hold a Single State License in multiple
19 States, however for the purposes of this Compact, a Licensee
20 shall have only one Home State license.



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 **Section 6.**

5 **Active Duty Military Personnel Or Their Spouses**

6 Active Duty Military personnel, or their spouse, shall
7 designate a Home State where the individual has a current
8 license in good standing. The individual may retain the Home
9 State designation during the period the service member is on
10 active duty. Subsequent to designating a Home State, the
11 individual shall only change their Home State through
12 application for licensure in the new State, or through the
13 process outlined in Section 5.

14 **Section 7.**

15 **Compact Privilege to Practice Telehealth**

16 A. Member States shall recognize the right of a Licensed
17 Professional Counselor, licensed by a Home State in accordance
18 with Section 3 and under Rules promulgated by the Commission, to
19 practice Professional Counseling in any Member State via
20 Telehealth under a Privilege to Practice as provided in the
21 Compact and Rules promulgated by the Commission.



1 service statutes of the State in which the witnesses or evidence
2 is located.

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

6 B. For purposes of taking Adverse Action, the Home State
7 shall give the same priority and effect to reported conduct
8 received from a Member State as it would if the conduct had
9 occurred within the Home State. In so doing, the Home State
10 shall apply its own State laws to determine appropriate action.

11 C. The Home State shall complete any pending
12 investigations of a Licensed Professional Counselor who changes
13 primary State of residence during the course of the
14 investigations. The Home State shall also have the authority to
15 take appropriate action(s) and shall promptly report the
16 conclusions of the investigations to the administrator of the
17 Data System. The administrator of the coordinated licensure
18 information system shall promptly notify the new Home State of
19 any Adverse Actions.

20 D. A Member State, if otherwise permitted by State law,
21 may recover from the affected Licensed Professional Counselor



1 the costs of investigations and dispositions of cases resulting
2 from any Adverse Action taken against that Licensed Professional
3 Counselor.

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

7 F. Joint investigations:

8 1. In addition to the authority granted to a Member State
9 by its respective Professional Counseling practice act or other
10 applicable State law, any Member State may participate with
11 other Member States in joint investigations of Licensees.

12 2. Member States shall share any investigative,
13 litigation, or compliance materials in furtherance of any joint
14 or individual investigation initiated under the Compact.

15 G. If Adverse Action is taken by the Home State against
16 the license of a Licensed Professional Counselor, the Licensed
17 Professional Counselor's Privilege to Practice in all other
18 Member States shall be deactivated until all Encumbrances have
19 been removed from the State license. All Home State
20 disciplinary orders that impose Adverse Action against the
21 license of a Licensed Professional Counselor shall include a



1 Statement that the Licensed Professional Counselor's Privilege
2 to Practice is deactivated in all Member States during the
3 pendency of the order.

4 H. If a Member State takes Adverse Action, it shall
5 promptly notify the administrator of the Data System. The
6 administrator of the Data System shall promptly notify the Home
7 State of any Adverse Actions by Remote States.

8 I. Nothing in this Compact shall override a Member State's
9 decision that participation in an Alternative Program may be
10 used in lieu of Adverse Action.

11 **Section 9.**

12 **Establishment of Counseling Compact Commission**

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

15 1. The Commission is an instrumentality of the Compact
16 States.

17 2. Venue is proper and judicial proceedings by or against
18 the Commission shall be brought solely and exclusively in a
19 court of competent jurisdiction where the principal office of
20 the Commission is located. The Commission may waive venue and



1 jurisdictional defenses to the extent it adopts or consents to
2 participate in alternative dispute resolution proceedings.

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

5 B. Membership, Voting, and Meetings

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

8 2. The delegate shall be either:

9 a. A current member of the Licensing Board at the time of
10 appointment, who is a Licensed Professional Counselor or public
11 member; or

12 b. An administrator of the Licensing Board.

13 3. Any delegate may be removed or suspended from office as
14 provided by the law of the State from which the delegate is
15 appointed.

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

18 5. Each delegate shall be entitled to one (1) vote with
19 regard to the promulgation of Rules and creation of bylaws and
20 shall otherwise have an opportunity to participate in the
21 business and affairs of the Commission.



1 6. A delegate shall vote in person or by such other means
2 as provided in the bylaws. The bylaws may provide for
3 delegates' participation in meetings by telephone or other means
4 of communication.

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

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

10 C. The Commission shall have the following powers and
11 duties:

12 1. Establish the fiscal year of the Commission;

13 2. Establish bylaws;

14 3. Maintain its financial records in accordance with the
15 bylaws;

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

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

20 6. Bring and prosecute legal proceedings or actions in the
21 name of the Commission, provided that the standing of any State



1 Licensing Board to sue or be sued under applicable law shall not
2 be affected;

3 7. Purchase and maintain insurance and bonds;

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

6 9. Hire employees, elect or appoint officers, fix
7 compensation, define duties, grant such individuals appropriate
8 authority to carry out the purposes of the Compact, and
9 establish the Commission's personnel policies and programs
10 relating to conflicts of interest, qualifications of personnel,
11 and other related personnel matters;

12 10. Accept any and all appropriate donations and grants of
13 money, equipment, supplies, materials, and services, and to
14 receive, utilize, and dispose of the same; provided that at all
15 times the Commission shall avoid any appearance of impropriety
16 or conflict of interest;

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



1 12. Sell, convey, mortgage, pledge, lease, exchange,
2 abandon, or otherwise dispose of any property real, personal, or
3 mixed;

4 13. Establish a budget and make expenditures;

5 14. Borrow money;

6 15. Appoint committees, including standing committees
7 composed of members, State regulators, State legislators or
8 their representatives, and consumer representatives, and such
9 other interested persons as may be designated in this Compact
10 and the bylaws;

11 16. Provide and receive information from, and cooperate
12 with, law enforcement agencies;

13 17. Establish and elect an Executive Committee; and

14 18. Perform such other functions as may be necessary or
15 appropriate to achieve the purposes of this Compact consistent
16 with the State regulation of Professional Counseling licensure
17 and practice.

18 D. The Executive Committee

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



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

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

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

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

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

11 5. The Executive Committee shall have the following duties
12 and responsibilities:

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

17 b. Ensure Compact administration services are
18 appropriately provided, contractual or otherwise;

19 c. Prepare and recommend the budget;

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



1 e. Monitor Compact compliance of Member States and provide
2 compliance reports to the Commission;

3 f. Establish additional committees as necessary; and

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

5 E. Meetings of the Commission

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

9 2. The Commission or the Executive Committee or other
10 committees of the Commission may convene in a closed, non-public
11 meeting if the Commission or Executive Committee or other
12 committees of the Commission must discuss:

13 a. Non-compliance of a Member State with its obligations
14 under the Compact;

15 b. The employment, compensation, discipline, or other
16 matters, practices, or procedures related to specific employees
17 or other matters related to the Commission's internal personnel
18 practices and procedures;

19 c. Current, threatened, or reasonably anticipated
20 litigation;



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

3 e. Accusing any person of a crime or formally censuring
4 any person;

5 f. Disclosure of trade secrets or commercial or financial
6 information that is privileged or confidential;

7 g. Disclosure of information of a personal nature where
8 disclosure would constitute a clearly unwarranted invasion of
9 personal privacy;

10 h. Disclosure of investigative records compiled for law
11 enforcement purposes;

12 i. Disclosure of information related to any investigative
13 reports prepared by or on behalf of or for use of the Commission
14 or other committee charged with responsibility of investigation
15 or determination of compliance issues pursuant to the Compact;
16 or

17 j. Matters specifically exempted from disclosure by
18 federal or Member State statute.

19 3. If a meeting, or portion of a meeting, is closed
20 pursuant to this provision, the Commission's legal counsel or



1 designee shall certify that the meeting may be closed and shall
2 reference each relevant exempting provision.

3 4. The Commission shall keep minutes that fully and
4 clearly describe all matters discussed in a meeting and shall
5 provide a full and accurate summary of actions taken, and the
6 reasons therefore, including a description of the views
7 expressed. All documents considered in connection with an
8 action shall be identified in such minutes. All minutes and
9 documents of a closed meeting shall remain under seal, subject
10 to release by a majority vote of the Commission or order of a
11 court of competent jurisdiction.

12 F. Financing of the Commission

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

16 2. The Commission may accept any and all appropriate
17 revenue sources, donations, and grants of money, equipment,
18 supplies, materials, and services.

19 3. The Commission may levy on and collect an annual
20 assessment from each Member State or impose fees on other
21 parties to cover the cost of the operations and activities of



1 the Commission and its staff, which must be in a total amount
2 sufficient to cover its annual budget as approved each year for
3 which revenue is not provided by other sources. The aggregate
4 annual assessment amount shall be allocated based upon a formula
5 to be determined by the Commission, which shall promulgate a
6 Rule binding upon all Member States.

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

11 5. The Commission shall keep accurate accounts of all
12 receipts and disbursements. The receipts and disbursements of
13 the Commission shall be subject to the audit and accounting
14 procedures established under its bylaws. However, all receipts
15 and disbursements of funds handled by the Commission shall be
16 audited yearly by a certified or licensed public accountant, and
17 the report of the audit shall be included in and become part of
18 the annual report of the Commission.

19 G. Qualified Immunity, Defense, and Indemnification

20 1. The members, officers, executive director, employees,
21 and representatives of the Commission shall be immune from suit



1 and liability, either personally or in their official capacity,
2 for any claim for damage to or loss of property or personal
3 injury or other civil liability caused by or arising out of any
4 actual or alleged act, error, or omission that occurred, or that
5 the person against whom the claim is made had a reasonable basis
6 for believing occurred within the scope of Commission
7 employment, duties, or responsibilities; provided that nothing
8 in this paragraph shall be construed to protect any such person
9 from suit or liability for any damage, loss, injury, or
10 liability caused by the intentional or willful or wanton
11 misconduct of that person.

12 2. The Commission shall defend any member, officer,
13 executive director, employee, or representative of the
14 Commission in any civil action seeking to impose liability
15 arising out of any actual or alleged act, error, or omission
16 that occurred within the scope of Commission employment, duties,
17 or responsibilities, or that the person against whom the claim
18 is made had a reasonable basis for believing occurred within the
19 scope of Commission employment, duties, or responsibilities;
20 provided that nothing herein shall be construed to prohibit that
21 person from retaining his or her own counsel; and provided :



1 B. Notwithstanding any other provision of State law to the
2 contrary, a Member State shall submit a uniform data set to the
3 Data System on all individuals to whom this Compact is
4 applicable as required by the Rules of the Commission,
5 including:

- 6 1. Identifying information;
- 7 2. Licensure data;
- 8 3. Adverse Actions against a license or Privilege to
9 Practice;
- 10 4. Non-confidential information related to Alternative
11 Program participation;
- 12 5. Any denial of application for licensure, and the
13 reason(s) for such denial;
- 14 6. Current Significant Investigative Information; and
- 15 7. Other information that may facilitate the
16 administration of this Compact, as determined by the Rules of
17 the Commission.

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

20 D. The Commission shall promptly notify all Member States
21 of any Adverse Action taken against a Licensee or an individual



1 applying for a license. Adverse Action information pertaining
2 to a Licensee in any Member State will be available to any other
3 Member State.

4 E. Member States contributing information to the Data
5 System may designate information that may not be shared with the
6 public without the express permission of the contributing State.

7 F. Any information submitted to the Data System that is
8 subsequently required to be expunged by the laws of the Member
9 State contributing the information shall be removed from the
10 Data System.

11 Section 11.

12 Rulemaking

13 A. The Commission shall promulgate reasonable Rules in
14 order to effectively and efficiently achieve the purpose of the
15 Compact. Notwithstanding the foregoing, in the event the
16 Commission exercises its Rulemaking authority in a manner that
17 is beyond the scope of the purposes of the Compact, or the
18 powers granted hereunder, then such an action by the Commission
19 shall be invalid and have no force or effect.

20 B. The Commission shall exercise its Rule-making powers
21 pursuant to the criteria set forth in this Section and the Rules



1 adopted thereunder. Rules and amendments shall become binding
2 as of the date specified in each Rule or amendment.

3 C. If a majority of the legislatures of the Member States
4 rejects a Rule, by enactment of a statute or resolution in the
5 same manner used to adopt the Compact within four (4) years of
6 the date of adoption of the Rule, then such Rule shall have no
7 further force and effect in any Member State.

8 D. Rules or amendments to the Rules shall be adopted at a
9 regular or special meeting of the Commission.

10 E. Prior to promulgation and adoption of a final Rule or
11 Rules by the Commission, and at least thirty (30) days in
12 advance of the meeting at which the Rule will be considered and
13 voted upon, the Commission shall file a notice of proposed Rule-
14 making:

15 1. On the website of the Commission or other publicly
16 accessible platform; and

17 2. On the website of each Member State Professional
18 Counseling Licensing Board or other publicly accessible platform
19 or the publication in which each State would otherwise publish
20 proposed Rules.

21 F. The Notice of Proposed Rule-making shall include:



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

3 2. The text of the proposed Rule or amendment and the
4 reason for the proposed Rule;

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

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

10 G. Prior to adoption of a proposed Rule, the Commission
11 shall allow persons to submit written data, facts, opinions, and
12 arguments, which shall be made available to the public.

13 H. The Commission shall grant an opportunity for a public
14 hearing before it adopts a Rule or amendment if a hearing is
15 requested by:

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

17 2. A State or federal governmental subdivision or agency;
18 or

19 3. An association having at least twenty-five (25)
20 members.



1 I. If a hearing is held on the proposed Rule or amendment,
2 the Commission shall publish the place, time, and date of the
3 scheduled public hearing. If the hearing is held via electronic
4 means, the Commission shall publish the mechanism for access to
5 the electronic hearing.

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

11 2. Hearings shall be conducted in a manner providing each
12 person who wishes to comment a fair and reasonable opportunity
13 to comment orally or in writing.

14 3. All hearings will be recorded. A copy of the recording
15 will be made available on request.

16 4. Nothing in this section shall be construed as requiring
17 a separate hearing on each Rule. Rules may be grouped for the
18 convenience of the Commission at hearings required by this
19 section.

20 J. Following the scheduled hearing date, or by the close
21 of business on the scheduled hearing date if the hearing was not



1 held, the Commission shall consider all written and oral
2 comments received.

3 K. If no written notice of intent to attend the public
4 hearing by interested parties is received, the Commission may
5 proceed with promulgation of the proposed Rule without a public
6 hearing.

7 L. The Commission shall, by majority vote of all members,
8 take final action on the proposed Rule and shall determine the
9 effective date of the Rule, if any, based on the Rule making
10 record and the full text of the Rule.

11 M. Upon determination that an emergency exists, the
12 Commission may consider and adopt an emergency Rule without
13 prior notice, opportunity for comment, or hearing, provided that
14 the usual Rule-making procedures provided in the Compact and in
15 this section shall be retroactively applied to the Rule as soon
16 as reasonably possible, in no event later than ninety (90) days
17 after the effective date of the Rule. For the purposes of this
18 provision, an emergency Rule is one that must be adopted
19 immediately in order to:

20 1. Meet an imminent threat to public health, safety, or
21 welfare;



1 A. Oversight

2 1. The executive, legislative, and judicial branches of
3 State government in each Member State shall enforce this Compact
4 and take all actions necessary and appropriate to effectuate the
5 Compact's purposes and intent. The provisions of this Compact
6 and the Rules promulgated hereunder shall have standing as
7 statutory law.

8 2. All courts shall take judicial notice of the Compact
9 and the Rules in any judicial or administrative proceeding in a
10 Member State pertaining to the subject matter of this Compact
11 which may affect the powers, responsibilities, or actions of the
12 Commission.

13 3. The Commission shall be entitled to receive service of
14 process in any such proceeding and shall have standing to
15 intervene in such a proceeding for all purposes. Failure to
16 provide service of process to the Commission shall render a
17 judgment or order void as to the Commission, this Compact, or
18 promulgated Rules.

19 B. Default, Technical Assistance, and Termination

20 1. If the Commission determines that a Member State has
21 defaulted in the performance of its obligations or



1 responsibilities under this Compact or the promulgated Rules,
2 the Commission shall:

3 a. Provide written notice to the defaulting State and
4 other Member States of the nature of the default, the proposed
5 means of curing the default, and any other action to be taken by
6 the Commission; and

7 b. Provide remedial training and specific technical
8 assistance regarding the default.

9 c. If a State in default fails to cure the default, the
10 defaulting State may be terminated from the Compact upon an
11 affirmative vote of a majority of the Member States, and all
12 rights, privileges and benefits conferred by this Compact may be
13 terminated on the effective date of termination. A cure of the
14 default does not relieve the offending State of obligations or
15 liabilities incurred during the period of default.

16 d. Termination of membership in the Compact shall be
17 imposed only after all other means of securing compliance have
18 been exhausted. Notice of intent to suspend or terminate shall
19 be given by the Commission to the governor, the majority and
20 minority leaders of the defaulting State's legislature, and each
21 of the Member States.



1 E. A State that has been terminated is responsible for all
2 assessments, obligations, and liabilities incurred through the
3 effective date of termination, including obligations that extend
4 beyond the effective date of termination.

5 F. The Commission shall not bear any costs related to a
6 State that is found to be in default or that has been terminated
7 from the Compact, unless agreed upon in writing between the
8 Commission and the defaulting State.

9 G. The defaulting State may appeal the action of the
10 Commission by petitioning the U.S. District Court for the
11 District of Columbia or the federal district where the
12 Commission has its principal offices. The prevailing member
13 shall be awarded all costs of such litigation, including
14 reasonable attorney's fees.

15 H. Dispute Resolution

16 1. Upon request by a Member State, the Commission shall
17 attempt to resolve disputes related to the Compact that arise
18 among Member States and between member and non-Member States.

19 2. The Commission shall promulgate a Rule providing for
20 both mediation and binding dispute resolution for disputes as
21 appropriate.



1 I. Enforcement

2 1. The Commission, in the reasonable exercise of its
3 discretion, shall enforce the provisions and Rules of this
4 Compact.

5 2. By majority vote, the Commission may initiate legal
6 action in the United States District Court for the District of
7 Columbia or the federal district where the Commission has its
8 principal offices against a Member State in default to enforce
9 compliance with the provisions of the Compact and its
10 promulgated Rules and bylaws. The relief sought may include
11 both injunctive relief and damages. In the event judicial
12 enforcement is necessary, the prevailing member shall be awarded
13 all costs of such litigation, including reasonable attorney's
14 fees.

15 3. The remedies herein shall not be the exclusive remedies
16 of the Commission. The Commission may pursue any other remedies
17 available under federal or State law.

18 Section 13.

19 Date of Implementation of the Counseling Compact Commission and
20 Associated Rules, Withdrawal, and Amendment



1 A. The Compact shall come into effect on the date on which
2 the Compact statute is enacted into law in the tenth Member
3 State. The provisions, which become effective at that time,
4 shall be limited to the powers granted to the Commission
5 relating to assembly and the promulgation of Rules. Thereafter,
6 the Commission shall meet and exercise Rulemaking powers
7 necessary to the implementation and administration of the
8 Compact.

9 B. Any State that joins the Compact subsequent to the
10 Commission's initial adoption of the Rules shall be subject to
11 the Rules as they exist on the date on which the Compact becomes
12 law in that State. Any Rule that has been previously adopted by
13 the Commission shall have the full force and effect of law on
14 the day the Compact becomes law in that State.

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

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

19 2. Withdrawal shall not affect the continuing requirement
20 of the withdrawing State's Professional Counseling Licensing
21 Board to comply with the investigative and Adverse Action



1 reporting requirements of this Compact prior to the effective
2 date of withdrawal.

3 D. Nothing contained in this Compact shall be construed to
4 invalidate or prevent any Professional Counseling licensure
5 agreement or other cooperative arrangement between a Member
6 State and a non-Member State that does not conflict with the
7 provisions of this Compact.

8 E. This Compact may be amended by the Member States. No
9 amendment to this Compact shall become effective and binding
10 upon any Member State until it is enacted into the laws of all
11 Member States.

12 Section 14.

13 Construction and Severability

14 This Compact shall be liberally construed so as to
15 effectuate the purposes thereof. The provisions of this Compact
16 shall be severable and if any phrase, clause, sentence, or
17 provision of this Compact is declared to be contrary to the
18 constitution of any Member State or of the United States or the
19 applicability thereof to any government, agency, person, or
20 circumstance is held invalid, the validity of the remainder of
21 this Compact and the applicability thereof to any government,



1 agency, person, or circumstance shall not be affected thereby.
2 If this Compact shall be held contrary to the constitution of
3 any Member State, the Compact shall remain in full force and
4 effect as to the remaining Member States and in full force and
5 effect as to the Member State affected as to all severable
6 matters.

7 **Section 15.**

8 **Binding Effect of Compact and Other Laws**

9 A. A Licensee providing Professional Counseling services
10 in a Remote State under the Privilege to Practice shall adhere
11 to the laws and regulations, including scope of practice, of the
12 Remote State.

13 B. Nothing herein prevents the enforcement of any other
14 law of a Member State that is not inconsistent with the Compact.

15 C. Any laws in a Member State in conflict with the Compact
16 are superseded to the extent of the conflict.

17 D. Any lawful actions of the Commission, including all
18 Rules and bylaws properly promulgated by the Commission, are
19 binding upon the Member States.

20 E. All permissible agreements between the Commission and
21 the Member States are binding in accordance with their terms.



1 F. In the event any provision of the Compact exceeds the
2 constitutional limits imposed on the legislature of any Member
3 State, the provision shall be ineffective to the extent of the
4 conflict with the constitutional provision in question in that
5 Member State.

6 § -3 Rules. The department of commerce and consumer
7 affairs shall adopt rules pursuant to chapter 91 for the
8 purposes of implementing and administering this chapter."

9 SECTION 2. This Act shall take effect on December 31,
10 2050.



Report Title:

Interstate Licensed Professional Counselors Compact; Department of Commerce and Consumer Affairs; Rules

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. Requires the Department of Commerce and Consumer Affairs to adopt rules to implement and administer the Compact. Effective 12/31/2050.
(SD1)

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

