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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1348 Session of  
2022

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INTRODUCED BY BOSCOLA, SCHWANK, COSTA, FONTANA, CAPPELLETTI,  
PHILLIPS-HILL AND J. WARD, OCTOBER 6, 2022

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REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,  
OCTOBER 6, 2022

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AN ACT

1 Authorizing the Commonwealth of Pennsylvania to join the  
2 Counseling Compact; and providing for the form of the  
3 compact.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Counseling  
8 Compact Legislation Act.

9 Section 2. Authority to execute compact.

10 The Governor, on behalf of the Commonwealth, is hereby  
11 authorized to execute a compact in substantially the following  
12 form with any one or more of the states of the United States,  
13 and the General Assembly hereby signifies in advance its  
14 approval and ratification of such compact:

15 COUNSELING COMPACT MODEL LEGISLATION

16 SECTION 1: PURPOSE

17 The purpose of this Compact is to facilitate interstate practice  
18 of Licensed Professional Counselors with the goal of improving

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

6 This Compact is designed to achieve the following objectives:

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

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

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

14       D. Support spouses of relocating Active Duty Military  
15 personnel;

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

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

20       G. Support the uniformity of Professional Counseling  
21 licensure requirements throughout the States to promote public  
22 safety and public health benefits;

23       H. Invest all Member States with the authority to hold a  
24 Licensed Professional Counselor accountable for meeting all  
25 State practice laws in the State in which the client is located  
26 at the time care is rendered through the mutual recognition of  
27 Member State licenses;

28       I. Eliminate the necessity for licenses in multiple States;  
29 and

30       J. Provide opportunities for interstate practice by Licensed

1 Professional Counselors who meet uniform licensure requirements.

2 SECTION 2. DEFINITIONS

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

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

9 B. "Adverse Action" means any administrative, civil,  
10 equitable or criminal action permitted by a State's laws which  
11 is imposed by a licensing board or other authority against a  
12 Licensed Professional Counselor, including actions against an  
13 individual's license or Privilege to Practice such as  
14 revocation, suspension, probation, monitoring of the licensee,  
15 limitation on the licensee's practice, or any other Encumbrance  
16 on licensure affecting a Licensed Professional Counselor's  
17 authorization to practice, including issuance of a cease and  
18 desist action.

19 C. "Alternative Program" means a non-disciplinary monitoring  
20 or practice remediation process approved by a Professional  
21 Counseling Licensing Board to address Impaired Practitioners.

22 D. "Continuing Competence/Education" means a requirement, as  
23 a condition of license renewal, to provide evidence of  
24 participation in, and/or completion of, educational and  
25 professional activities relevant to practice or area of work.

26 E. "Counseling Compact Commission" or "Commission" means the  
27 national administrative body whose membership consists of all  
28 States that have enacted the Compact.

29 F. "Current Significant Investigative Information" means:

30 1. Investigative Information that a Licensing Board,

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

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

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

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

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

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

25 K. "Home State" means the Member State that is the  
26 Licensee's primary State of residence.

27 L. "Impaired Practitioner" means an individual who has a  
28 condition(s) that may impair their ability to practice as a  
29 Licensed Professional Counselor without some type of  
30 intervention and may include, but are not limited to, alcohol

1 and drug dependence, mental health impairment, and neurological  
2 or physical impairments.

3 M. "Investigative Information" means information, records,  
4 and documents received or generated by a Professional Counseling  
5 Licensing Board pursuant to an investigation.

6 N. "Jurisprudence Requirement" if required by a Member  
7 State, means the assessment of an individual's knowledge of the  
8 laws and Rules governing the practice of Professional Counseling  
9 in a State.

10 O. "Licensed Professional Counselor" means a counselor  
11 licensed by a Member State, regardless of the title used by that  
12 State, to independently assess, diagnose, and treat behavioral  
13 health conditions.

14 P. "Licensee" means an individual who currently holds an  
15 authorization from the State to practice as a Licensed  
16 Professional Counselor.

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

20 R. "Member State" means a State that has enacted the  
21 Compact.

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

25 T. "Professional Counseling" means the assessment,  
26 diagnosis, and treatment of behavioral health conditions by a  
27 Licensed Professional Counselor.

28 U. "Remote State" means a Member State other than the Home  
29 State, where a Licensee is exercising or seeking to exercise the  
30 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 a  
14 Licensed Professional Counselor to engage in the full and  
15 unrestricted practice of Professional Counseling.

16 SECTION 3. STATE PARTICIPATION IN THE COMPACT

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

18 1. License and regulate Licensed Professional  
19 Counselors;

20 2. Require Licensees to pass a nationally recognized  
21 exam approved by the Commission;

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

26 a. Professional Counseling Orientation and Ethical  
27 Practice;

28 b. Social and Cultural Diversity;

29 c. Human Growth and Development;

30 d. Career Development;

- 1 e. Counseling and Helping Relationships;
- 2 f. Group Counseling and Group Work;
- 3 g. Diagnosis and Treatment; Assessment and Testing;
- 4 h. Research and Program Evaluation; and
- 5 i. Other areas as determined by the Commission.

6 4. Require Licensees to complete a supervised  
7 postgraduate professional experience as defined by the  
8 Commission;

9 5. Have a mechanism in place for receiving and  
10 investigating complaints about Licensees.

11 B. A Member State shall:

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

15 2. Notify the Commission, in compliance with the terms  
16 of the Compact and Rules, of any Adverse Action or the  
17 availability of Investigative Information regarding a  
18 Licensee;

19 3. Implement or utilize procedures for considering the  
20 criminal history records of applicants for an initial  
21 Privilege to Practice. These procedures shall include the  
22 submission of fingerprints or other biometric-based  
23 information by applicants for the purpose of obtaining an  
24 applicant's criminal history record information from the  
25 Federal Bureau of Investigation and the agency responsible  
26 for retaining that State's criminal records;

27 a. A member state must fully implement a criminal  
28 background check requirement, within a time frame  
29 established by rule, by receiving the results of the  
30 Federal Bureau of Investigation record search and shall

1 use the results in making licensure decisions.

2 b. Communication between a Member State, the  
3 Commission and among Member States regarding the  
4 verification of eligibility for licensure through the  
5 Compact shall not include any information received from  
6 the Federal Bureau of Investigation relating to a federal  
7 criminal records check performed by a Member State under  
8 Public Law 92-544.

9 4. Comply with the Rules of the Commission;

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

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

17 7. Provide for the attendance of the State's  
18 commissioner to the Counseling Compact Commission meetings.

19 C. Member States may charge a fee for granting the Privilege  
20 to Practice.

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

27 E. Nothing in this Compact shall affect the requirements  
28 established by a Member State for the issuance of a Single State  
29 License.

30 F. A license issued to a Licensed Professional Counselor by



1 a Home State to a resident in that State shall be recognized by  
2 each Member State as authorizing a Licensed Professional  
3 Counselor to practice Professional Counseling, under a Privilege  
4 to Practice, in each Member State.

5 SECTION 4. PRIVILEGE TO PRACTICE

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

8 1. Hold a license in the Home State;

9 2. Have a valid United States Social Security Number or  
10 National Practitioner Identifier;

11 3. Be eligible for a Privilege to Practice in any Member  
12 State in accordance with Section 4(D), (G) and (H);

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

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

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

20 7. Meet any Continuing Competence/Education requirements  
21 established by the Home State;

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

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

29 B. The Privilege to Practice is valid until the expiration  
30 date of the Home State license. The Licensee must comply with

1 the requirements of Section 4(A) to maintain the Privilege to  
2 Practice in the Remote State.

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

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

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

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

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

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

- 29 1. The specific period of time for which the Privilege  
30 to Practice was removed has ended;

- 1           2. All fines have been paid; and
- 2           3. Have not had any Encumbrance or restriction against
- 3 any license or Privilege to Practice within the previous two
- 4 (2) years.

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

8           SECTION 5: OBTAINING A NEW HOME STATE LICENSE BASED ON A  
9 PRIVILEGE TO PRACTICE

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

13          B. If a Licensed Professional Counselor changes primary  
14 State of residence by moving between two Member States:

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

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

26                   a. a Federal Bureau of Investigation fingerprint  
27 based criminal background check if not previously  
28 performed or updated pursuant to applicable rules adopted  
29 by the Commission in accordance with Public Law 92-544;

30                   b. other criminal background check as required by

1 the new Home State; and

2 c. completion of any requisite Jurisprudence  
3 Requirements of the new Home State.

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

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

12 5. The Licensed Professional Counselor shall pay all  
13 applicable fees to the new Home State in order to be issued a  
14 new Home State license.

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

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

24 E. Nothing in this Compact shall affect the requirements  
25 established by a Member State for the issuance of a Single State  
26 License.

27 SECTION 6. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

28 Active Duty Military personnel, or their spouse, shall  
29 designate a Home State where the individual has a current  
30 license in good standing. The individual may retain the Home

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. COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

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

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

16 SECTION 8. ADVERSE ACTIONS

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

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

23 2. Issue subpoenas for both hearings and investigations  
24 that require the attendance and testimony of witnesses as  
25 well as the production of evidence. Subpoenas issued by a  
26 Licensing Board in a Member State for the attendance and  
27 testimony of witnesses or the production of evidence from  
28 another Member State shall be enforced in the latter State by  
29 any court of competent jurisdiction, according to the  
30 practice and procedure of that court applicable to subpoenas

1 issued in proceedings pending before it. The issuing  
2 authority shall pay any witness fees, travel expenses,  
3 mileage, and other fees required by the service statutes of  
4 the State in which the witnesses or evidence are located.

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

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

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

21 D. A Member State, if otherwise permitted by State law, may  
22 recover from the affected Licensed Professional Counselor the  
23 costs of investigations and dispositions of cases resulting from  
24 any Adverse Action taken against that Licensed Professional  
25 Counselor.

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

29 F. Joint Investigations:

30 1. In addition to the authority granted to a Member

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

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

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

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

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

26 SECTION 9. ESTABLISHMENT OF COUNSELING COMPACT COMMISSION

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

29 1. The Commission is an instrumentality of the Compact  
30 States.

1           2. Venue is proper and judicial proceedings by or  
2 against the Commission shall be brought solely and  
3 exclusively in a court of competent jurisdiction where the  
4 principal office of the Commission is located. The Commission  
5 may waive venue and jurisdictional defenses to the extent it  
6 adopts or consents to participate in alternative dispute  
7 resolution proceedings.

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

10 B. Membership, Voting, and Meetings

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

13           2. The delegate shall be either:

14           a. A current member of the Licensing Board at the  
15 time of appointment, who is a Licensed Professional  
16 Counselor or public member; or

17           b. An administrator of the Licensing Board.

18           3. Any delegate may be removed or suspended from office  
19 as provided by the law of the State from which the delegate  
20 is appointed.

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

23           5. Each delegate shall be entitled to one (1) vote with  
24 regard to the promulgation of Rules and creation of bylaws  
25 and shall otherwise have an opportunity to participate in the  
26 business and affairs of the Commission.

27           6. A delegate shall vote in person or by such other  
28 means as provided in the bylaws. The bylaws may provide for  
29 delegates' participation in meetings by telephone or other  
30 means of communication.



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

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

6           C. The Commission shall have the following powers and  
7 duties:

8           1. Establish the fiscal year of the Commission;

9           2. Establish bylaws;

10          3. Maintain its financial records in accordance with the  
11 bylaws;

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

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

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

20          7. Purchase and maintain insurance and bonds;

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

24          9. Hire employees, elect or appoint officers, fix  
25 compensation, define duties, grant such individuals  
26 appropriate authority to carry out the purposes of the  
27 Compact, and establish the Commission's personnel policies  
28 and programs relating to conflicts of interest,  
29 qualifications of personnel, and other related personnel  
30 matters;

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

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

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

13          13. Establish a budget and make expenditures;

14          14. Borrow money;

15          15. Appoint committees, including standing committees  
16 composed of members, State regulators, State legislators or  
17 their representatives, and consumer representatives, and such  
18 other interested persons as may be designated in this Compact  
19 and the bylaws;

20          16. Provide and receive information from, and cooperate  
21 with, law enforcement agencies;

22          17. Establish and elect an Executive Committee; and

23          18. Perform such other functions as may be necessary or  
24 appropriate to achieve the purposes of this Compact  
25 consistent with the State regulation of Professional  
26 Counseling licensure and practice.

27          D. The Executive Committee

28            1. The Executive Committee shall have the power to act  
29 on behalf of the Commission according to the terms of this  
30 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  
4 Commission from the current membership of the Commission;  
5 and

6           b. Up to four (4) ex-officio, nonvoting members from  
7 four (4) recognized national professional counselor  
8 organizations.

9           c. The ex-officio members will be selected by their  
10 respective organizations.

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

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

14          5. The Executive Committee shall have the following  
15 duties and responsibilities:

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

21           b. Ensure Compact administration services are  
22 appropriately provided, contractual or otherwise;

23           c. Prepare and recommend the budget;

24           d. Maintain financial records on behalf of the  
25 Commission;

26           e. Monitor Compact compliance of Member States and  
27 provide compliance reports to the Commission;

28           f. Establish additional committees as necessary; and

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

30          E. Meetings of the Commission

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

4           2. The Commission or the Executive Committee or other  
5 committees of the Commission may convene in a closed, non-  
6 public meeting if the Commission or Executive Committee or  
7 other committees of the Commission must discuss:

8           a. Non-compliance of a Member State with its  
9 obligations under the Compact;

10           b. The employment, compensation, discipline or other  
11 matters, practices or procedures related to specific  
12 employees or other matters related to the Commission's  
13 internal personnel practices and procedures;

14           c. Current, threatened, or reasonably anticipated  
15 litigation;

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

18           e. Accusing any person of a crime or formally  
19 censuring any person;

20           f. Disclosure of trade secrets or commercial or  
21 financial information that is privileged or confidential;

22           g. Disclosure of information of a personal nature  
23 where disclosure would constitute a clearly unwarranted  
24 invasion of personal privacy;

25           h. Disclosure of investigative records compiled for  
26 law enforcement purposes;

27           i. Disclosure of information related to any  
28 investigative reports prepared by or on behalf of or for  
29 use of the Commission or other committee charged with  
30 responsibility of investigation or determination of

1 compliance issues pursuant to the Compact; or

2 j. Matters specifically exempted from disclosure by  
3 federal or Member State statute.

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

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

17 F. Financing of the Commission

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

21 2. The Commission may accept any and all appropriate  
22 revenue sources, donations, and grants of money, equipment,  
23 supplies, materials, and services.

24 3. The Commission may levy on and collect an annual  
25 assessment from each Member State or impose fees on other  
26 parties to cover the cost of the operations and activities of  
27 the Commission and its staff, which must be in a total amount  
28 sufficient to cover its annual budget as approved each year  
29 for which revenue is not provided by other sources. The  
30 aggregate annual assessment amount shall be allocated based

1 upon a formula to be determined by the Commission, which  
2 shall promulgate a Rule binding upon all Member States.

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

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

16 G. Qualified Immunity, Defense, and Indemnification

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

30 2. The Commission shall defend any member, officer,

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

13 3. The Commission shall indemnify and hold harmless any  
14 member, officer, executive director, employee, or  
15 representative of the Commission for the amount of any  
16 settlement or judgment obtained against that person arising  
17 out of any actual or alleged act, error, or omission that  
18 occurred within the scope of Commission employment, duties,  
19 or responsibilities, or that such person had a reasonable  
20 basis for believing occurred within the scope of Commission  
21 employment, duties, or responsibilities, provided that the  
22 actual or alleged act, error, or omission did not result from  
23 the intentional or willful or wanton misconduct of that  
24 person.

25 SECTION 10. DATA SYSTEM

26 A. The Commission shall provide for the development,  
27 maintenance, operation, and utilization of a coordinated  
28 database and reporting system containing licensure, Adverse  
29 Action, and Investigative Information on all licensed  
30 individuals in Member States.

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 any  
19 Member State will only be available to other Member States.

20 D. The Commission shall promptly notify all Member States of  
21 any Adverse Action taken against a Licensee or an individual  
22 applying for a license. Adverse Action information pertaining to  
23 a Licensee in any Member State will be available to any other  
24 Member State.

25 E. Member States contributing information to the Data System  
26 may designate information that may not be shared with the public  
27 without the express permission of the contributing State.

28 F. Any information submitted to the Data System that is  
29 subsequently required to be expunged by the laws of the Member  
30 State contributing the information shall be removed from the



1 Data System.

2 SECTION 11. RULEMAKING

3 A. The Commission shall promulgate reasonable Rules in order  
4 to effectively and efficiently achieve the purpose of the  
5 Compact. Notwithstanding the foregoing, in the event the  
6 Commission exercises its Rulemaking authority in a manner that  
7 is beyond the scope of the purposes of the Compact, or the  
8 powers granted hereunder, then such an action by the Commission  
9 shall be invalid and have no force or effect.

10 B. The Commission shall exercise its Rulemaking powers  
11 pursuant to the criteria set forth in this Section and the Rules  
12 adopted thereunder. Rules and amendments shall become binding as  
13 of the date specified in each Rule or amendment.

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

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

21 E. Prior to promulgation and adoption of a final Rule or  
22 Rules by the Commission, and at least thirty (30) days in  
23 advance of the meeting at which the Rule will be considered and  
24 voted upon, the Commission shall file a Notice of Proposed  
25 Rulemaking:

26 1. On the website of the Commission or other publicly  
27 accessible platform; and

28 2. On the website of each Member State Professional  
29 Counseling Licensing Board or other publicly accessible  
30 platform or the publication in which each State would

1 otherwise publish proposed Rules.

2 F. The Notice of Proposed Rulemaking shall include:

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

5 2. The text of the proposed Rule or amendment and the  
6 reason for the proposed Rule;

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

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

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

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

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

19 2. A State or federal governmental subdivision or  
20 agency; or

21 3. An association having at least twenty-five (25)  
22 members.

23 I. If a hearing is held on the proposed Rule or amendment,  
24 the Commission shall publish the place, time, and date of the  
25 scheduled public hearing. If the hearing is held via electronic  
26 means, the Commission shall publish the mechanism for access to  
27 the electronic hearing.

28 1. All persons wishing to be heard at the hearing shall  
29 notify the executive director of the Commission or other  
30 designated member in writing of their desire to appear and

1       testify at the hearing not less than five (5) business days  
2       before the scheduled date of the hearing.

3             2. Hearings shall be conducted in a manner providing  
4       each person who wishes to comment a fair and reasonable  
5       opportunity to comment orally or in writing.

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

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

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

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

20      L. The Commission shall, by majority vote of all members,  
21      take final action on the proposed Rule and shall determine the  
22      effective date of the Rule, if any, based on the Rulemaking  
23      record and the full text of the Rule.

24      M. Upon determination that an emergency exists, the  
25      Commission may consider and adopt an emergency Rule without  
26      prior notice, opportunity for comment, or hearing, provided that  
27      the usual Rulemaking procedures provided in the Compact and in  
28      this section shall be retroactively applied to the Rule as soon  
29      as reasonably possible, in no event later than ninety (90) days  
30      after the effective date of the Rule. For the purposes of this

1 provision, an emergency Rule is one that must be adopted  
2 immediately in order to:

3 1. Meet an imminent threat to public health, safety, or  
4 welfare;

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

6 3. Meet a deadline for the promulgation of an  
7 administrative Rule that is established by federal law or  
8 Rule; or

9 4. Protect public health and safety.

10 N. The Commission or an authorized committee of the  
11 Commission may direct revisions to a previously adopted Rule or  
12 amendment for purposes of correcting typographical errors,  
13 errors in format, errors in consistency, or grammatical errors.  
14 Public notice of any revisions shall be posted on the website of  
15 the Commission. The revision shall be subject to challenge by  
16 any person for a period of thirty (30) days after posting. The  
17 revision may be challenged only on grounds that the revision  
18 results in a material change to a Rule. A challenge shall be  
19 made in writing and delivered to the chair of the Commission  
20 prior to the end of the notice period. If no challenge is made,  
21 the revision will take effect without further action. If the  
22 revision is challenged, the revision may not take effect without  
23 the approval of the Commission.

24 SECTION 12. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

25 A. Oversight

26 1. The executive, legislative, and judicial branches of  
27 State government in each Member State shall enforce this  
28 Compact and take all actions necessary and appropriate to  
29 effectuate the Compact's purposes and intent. The provisions  
30 of this Compact and the Rules promulgated hereunder shall

1 have standing as statutory law.

2 2. All courts shall take judicial notice of the Compact  
3 and the Rules in any judicial or administrative proceeding in  
4 a Member State pertaining to the subject matter of this  
5 Compact which may affect the powers, responsibilities, or  
6 actions of the Commission.

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

13 B. Default, Technical Assistance, and Termination

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

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

22 b. Provide remedial training and specific technical  
23 assistance regarding the default.

24 C. If a State in default fails to cure the default, the  
25 defaulting State may be terminated from the Compact upon an  
26 affirmative vote of a majority of the Member States, and all  
27 rights, privileges and benefits conferred by this Compact may be  
28 terminated on the effective date of termination. A cure of the  
29 default does not relieve the offending State of obligations or  
30 liabilities incurred during the period of default.

1 D. Termination of membership in the Compact shall be imposed  
2 only after all other means of securing compliance have been  
3 exhausted. Notice of intent to suspend or terminate shall be  
4 given by the Commission to the governor, the majority and  
5 minority leaders of the defaulting State's legislature, and each  
6 of the Member States.

7 E. A State that has been terminated is responsible for all  
8 assessments, obligations, and liabilities incurred through the  
9 effective date of termination, including obligations that extend  
10 beyond the effective date of termination.

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

15 G. The defaulting State may appeal the action of the  
16 Commission by petitioning the U.S. District Court for the  
17 District of Columbia or the federal district where the  
18 Commission has its principal offices. The prevailing member  
19 shall be awarded all costs of such litigation, including  
20 reasonable attorney's fees.

21 H. Dispute Resolution

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

25 2. The Commission shall promulgate a Rule providing for  
26 both mediation and binding dispute resolution for disputes as  
27 appropriate.

28 I. Enforcement

29 1. The Commission, in the reasonable exercise of its  
30 discretion, shall enforce the provisions and Rules of this

1 Compact.

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

12 3. The remedies herein shall not be the exclusive  
13 remedies of the Commission. The Commission may pursue any  
14 other remedies available under federal or State law.

15 SECTION 13. DATE OF IMPLEMENTATION OF THE COUNSELING COMPACT  
16 COMMISSION AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

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

25 B. Any State that joins the Compact subsequent to the  
26 Commission's initial adoption of the Rules shall be subject to  
27 the Rules as they exist on the date on which the Compact becomes  
28 law in that State. Any Rule that has been previously adopted by  
29 the Commission shall have the full force and effect of law on  
30 the day the Compact becomes law in that State.

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

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

6 2. Withdrawal shall not affect the continuing  
7 requirement of the withdrawing State's Professional  
8 Counseling Licensing Board to comply with the investigative  
9 and Adverse Action reporting requirements of this act prior  
10 to the effective date of withdrawal.

11 D. Nothing contained in this Compact shall be construed to  
12 invalidate or prevent any Professional Counseling licensure  
13 agreement or other cooperative arrangement between a Member  
14 State and a non-Member State that does not conflict with the  
15 provisions of this Compact.

16 E. This Compact may be amended by the Member States. No  
17 amendment to this Compact shall become effective and binding  
18 upon any Member State until it is enacted into the laws of all  
19 Member States.

20 SECTION 14. CONSTRUCTION AND SEVERABILITY

21 This Compact shall be liberally construed so as to effectuate  
22 the purposes thereof. The provisions of this Compact shall be  
23 severable and if any phrase, clause, sentence or provision of  
24 this Compact is declared to be contrary to the constitution of  
25 any Member State or of the United States or the applicability  
26 thereof to any government, agency, person or circumstance is  
27 held invalid, the validity of the remainder of this Compact and  
28 the applicability thereof to any government, agency, person or  
29 circumstance shall not be affected thereby. If this Compact  
30 shall be held contrary to the constitution of any Member State,



1 the Compact shall remain in full force and effect as to the  
2 remaining Member States and in full force and effect as to the  
3 Member State affected as to all severable matters.

4 SECTION 15. BINDING EFFECT OF COMPACT AND OTHER LAWS

5 A. A Licensee providing Professional Counseling services in  
6 a Remote State under the Privilege to Practice shall adhere to  
7 the laws and regulations, including scope of practice, of the  
8 Remote State.

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

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

13 D. Any lawful actions of the Commission, including all Rules  
14 and bylaws properly promulgated by the Commission, are binding  
15 upon the Member States.

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

18 F. In the event any provision of the Compact exceeds the  
19 constitutional limits imposed on the legislature of any Member  
20 State, the provision shall be ineffective to the extent of the  
21 conflict with the constitutional provision in question in that  
22 Member State.

23 Section 3. Effective date.

24 This act shall take effect in 60 days.