

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill Nos. 348, 285 & 407, Page 18, Section
2 334.1720, Line 11, by inserting after all of said section and line the following:

3
4 "337.510. 1. As used in this section, the following terms mean:

5 (1) "License", license, certificate, registration, permit, accreditation, or military
6 occupational specialty that enables a person to legally practice an occupation or profession in a
7 particular jurisdiction;

8 (2) "Military", the Armed Forces of the United States, including the Air Force, Army, Coast
9 Guard, Marine Corps, Navy, Space Force, National Guard and any other military branch that is
10 designated by Congress as part of the Armed Forces of the United States, and all reserve
11 components and auxiliaries. Such term also includes the military reserves and militia of any United
12 States territory or state;

13 (3) "Nonresident military spouse", a nonresident spouse of an active duty member of the
14 Armed Forces of the United States who has been transferred or is scheduled to be transferred to the
15 state of Missouri, or who has been transferred or is scheduled to be transferred to an adjacent state
16 and is or will be domiciled in the state of Missouri, or has moved to the state of Missouri on a
17 permanent change-of-station basis;

18 (4) "Resident military spouse", a spouse of an active duty member of the Armed Forces of
19 the United States who has been transferred or is scheduled to be transferred to the state of Missouri
20 or an adjacent state and who is a permanent resident of the state of Missouri, who is domiciled in the
21 state of Missouri, or who has Missouri as his or her home of record.

22 2. Each applicant for licensure as a professional counselor shall furnish evidence to the
23 committee that the applicant is at least eighteen years of age, is a United States citizen or is legally
24 present in the United States; and

25 (1) The applicant has completed a course of study as defined by the board rule leading to a
26 master's, specialist's, or doctoral degree with a major in counseling, except any applicant who has
27 held a license as a professional counselor in this state or currently holds a license as a professional
28 counselor in another state shall not be required to have completed any courses related to career
29 development; and

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1 (2) The applicant has completed acceptable supervised counseling as defined by board rule.
2 If the applicant has a master's degree with a major in counseling as defined by board rule, the
3 applicant shall complete at least two years of acceptable supervised counseling experience
4 subsequent to the receipt of the master's degree. The composition and number of hours comprising
5 the acceptable supervised counseling experience shall be defined by board rule. An applicant may
6 substitute thirty semester hours of post master's graduate study for one of the two required years of
7 acceptable supervised counseling experience if such hours are clearly related to counseling;

8 (3) After August 28, 2007, each applicant shall have completed a minimum of three hours of
9 graduate level coursework in diagnostic systems either in the curriculum leading to a degree or as
10 post master's graduate level course work;

11 (4) Upon examination, the applicant is possessed of requisite knowledge of the profession,
12 including techniques and applications, research and its interpretation, and professional affairs and
13 ethics.

14 ~~[2. Any person holding a current license, certificate of registration, or permit from another~~
15 ~~state or territory of the United States to practice as a professional counselor who does not meet the~~
16 ~~requirements in section 324.009 and who is at least eighteen years of age, and is a United States~~
17 ~~citizen or is legally present in the United States may be granted a license without examination to~~
18 ~~engage in the practice of professional counseling in this state upon the application to the board,~~
19 ~~payment of the required fee as established by the board, and satisfying one of the following~~
20 ~~requirements:~~

21 ~~(1) Approval by the American Association of State Counseling Boards (AASCB) or its~~
22 ~~successor organization according to the eligibility criteria established by AASCB. The successor~~
23 ~~organization shall be defined by board rule; or~~

24 ~~(2) In good standing and currently certified by the National Board for Certified Counselors or~~
25 ~~its successor organization and has completed acceptable supervised counseling experience as~~
26 ~~defined by board rule. The successor organization shall be defined by board rule.]~~

27 3. (1) Any person who holds a valid current professional counselor license issued by
28 another state, a branch or unit of the military, a territory of the United States, or the District of
29 Columbia, and who has been licensed for at least one year in such other jurisdiction, may submit an
30 application for a professional counselor license in Missouri along with proof of current licensure and
31 proof of licensure for at least one year in the other jurisdiction, to the committee.

32 (2) The committee shall:

33 (a) Within six months of receiving an application described in subdivision (1) of this
34 subsection, waive any examination, educational, or experience requirements for licensure in this
35 state for the applicant if it determines that there were minimum education requirements and, if
36 applicable, work experience and clinical supervision requirements in effect and the other state
37 verifies that the person met those requirements in order to be licensed or certified in that state. The
38 committee may require an applicant to take and pass an examination specific to the laws of this
39 state; or

1 **(b) Within thirty days of receiving an application described in subdivision (1) of this**
2 **subsection from a nonresident military spouse or a resident military spouse, waive any examination,**
3 **educational, or experience requirements for licensure in this state for the applicant and issue such**
4 **applicant a license under this subsection if such applicant otherwise meets the requirements of this**
5 **section.**

6 **(3) (a) The committee shall not waive any examination, educational, or experience**
7 **requirements for any applicant who has had his or her license revoked by a committee outside the**
8 **state; who is currently under investigation, who has a complaint pending, or who is currently under**
9 **disciplinary action, except as provided in paragraph (b) of this subdivision, with a committee**
10 **outside the state; who does not hold a license in good standing with a committee outside the state;**
11 **who has a criminal record that would disqualify him or her for licensure in Missouri; or who does**
12 **not hold a valid current license in the other jurisdiction on the date the committee receives his or her**
13 **application under this section.**

14 **(b) If another jurisdiction has taken disciplinary action against an applicant, the committee**
15 **shall determine if the cause for the action was corrected and the matter resolved. If the matter has**
16 **not been resolved by that jurisdiction, the committee may deny a license until the matter is resolved.**

17 **(4) Nothing in this subsection shall prohibit the committee from denying a license to an**
18 **applicant under this subsection for any reason described in section 337.525.**

19 **(5) Any person who is licensed under the provisions of this subsection shall be subject to the**
20 **committee's jurisdiction and all rules and regulations pertaining to the practice as a licensed**
21 **professional counselor in this state.**

22 **(6) This subsection shall not be construed to waive any requirement for an applicant to pay**
23 **any fees.**

24 **4.** The committee shall issue a license to each person who files an application and fee and
25 who furnishes evidence satisfactory to the committee that the applicant has complied with the
26 provisions of this act and has taken and passed a written, open-book examination on Missouri laws
27 and regulations governing the practice of professional counseling as defined in section 337.500.
28 The division shall issue a provisional professional counselor license to any applicant who meets all
29 requirements of this section, but who has not completed the required acceptable supervised
30 counseling experience and such applicant may reapply for licensure as a professional counselor
31 upon completion of such acceptable supervised counseling experience.

32 **[4:] 5.** All persons licensed to practice professional counseling in this state shall pay on or
33 before the license renewal date a renewal license fee and shall furnish to the committee satisfactory
34 evidence of the completion of the requisite number of hours of continuing education as required by
35 rule, including two hours of suicide assessment, referral, treatment, and management training, which
36 shall be no more than forty hours biennially. The continuing education requirements may be waived
37 by the committee upon presentation to the committee of satisfactory evidence of the illness of the
38 licensee or for other good cause.

39 **337.550. SECTION 1: PURPOSE**

1 The purpose of this Compact is to facilitate interstate practice of Licensed Professional
2 Counselors with the goal of improving public access to Professional Counseling services. The
3 practice of Professional Counseling occurs in the State where the client is located at the time of the
4 counseling services. The Compact 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 services by providing for the mutual
8 recognition of other Member State licenses;

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

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

12 D. Support spouses of relocating Active Duty Military personnel;

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

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

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

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

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

23 J. Provide opportunities for interstate practice by Licensed Professional Counselors who
24 meet uniform licensure requirements.

25 SECTION 2. DEFINITIONS

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

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

31 B. "Adverse Action" means any administrative, civil, equitable or criminal action permitted
32 by a State's laws which is imposed by a licensing board or other authority against a Licensed
33 Professional Counselor, including actions against an individual's license or Privilege to Practice
34 such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee's
35 practice, or any other Encumbrance on licensure affecting a Licensed Professional Counselor's
36 authorization to practice, including issuance of a cease and desist action.

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

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

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

6 F. "Current Significant Investigative Information" means:

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

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

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

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

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

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

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

25 L. "Impaired Practitioner" means an individual who has a condition(s) that may impair their
26 ability to practice as a Licensed Professional Counselor without some type of intervention and may
27 include, but are not limited to, alcohol and drug dependence, mental health impairment, and
28 neurological or physical impairments.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 SECTION 3. STATE PARTICIPATION IN THE COMPACT

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

23 1. License and regulate Licensed Professional Counselors;

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

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

28 a. Professional Counseling Orientation and Ethical Practice;

29 b. Social and Cultural Diversity;

30 c. Human Growth and Development;

31 d. Career Development;

32 e. Counseling and Helping Relationships;

33 f. Group Counseling and Group Work;

34 g. Diagnosis and Treatment; Assessment and Testing;

35 h. Research and Program Evaluation; and

36 i. Other areas as determined by the Commission.

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

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

1 B. A Member State shall:

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

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

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

11 a. A member state must fully implement a criminal background check requirement, within a
12 time frame established by rule, by receiving the results of the Federal Bureau of Investigation record
13 search and shall use the results in making licensure decisions.

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

18 4. Comply with the Rules of the Commission;

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

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

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

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

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

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

32 F. A license issued to a Licensed Professional Counselor by a Home State to a resident in
33 that State shall be recognized by each Member State as authorizing a Licensed Professional
34 Counselor to practice Professional Counseling, under a Privilege to Practice, in each Member State.

35 SECTION 4. PRIVILEGE TO PRACTICE

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

38 1. Hold a license in the Home State;

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

1 3. Be eligible for a Privilege to Practice in any Member State in accordance with Section
2 4(D), (G) and (H);

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

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

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

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

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

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

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

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

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

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

27 1. The Home State license is no longer encumbered; and

28 2. Have not had any Encumbrance or restriction against any license or Privilege to Practice
29 within the previous two (2) years.

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

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

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

36 2. All fines have been paid; and

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

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

3 SECTION 5: OBTAINING A NEW HOME STATE LICENSE BASED ON A PRIVILEGE
4 TO PRACTICE

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

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

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

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

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

19 b. other criminal background check as required by the new Home State; and

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

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

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

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

29 C. If a Licensed Professional Counselor changes Primary State of Residence by moving
30 from a Member State to a non-Member State, or from a non-Member State to a Member State, the
31 State criteria shall apply for issuance of a Single State License in the new State.

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

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

37 SECTION 6. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

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

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

4 SECTION 7. COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

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

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

11 SECTION 8. ADVERSE ACTIONS

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

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

16 2. Issue subpoenas for both hearings and investigations that require the attendance and
17 testimony of witnesses as well as the production of evidence. Subpoenas issued by a Licensing
18 Board in a Member State for the attendance and testimony of witnesses or the production of
19 evidence from another Member State shall be enforced in the latter State by any court of competent
20 jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in
21 proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses,
22 mileage, and other fees required by the service statutes of the State in which the witnesses or
23 evidence are located.

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

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

30 C. The Home State shall complete any pending investigations of a Licensed Professional
31 Counselor who changes primary State of residence during the course of the investigations. The
32 Home State shall also have the authority to take appropriate action(s) and shall promptly report the
33 conclusions of the investigations to the administrator of the Data System. The administrator of the
34 coordinated licensure information system shall promptly notify the new Home State of any Adverse
35 Actions.

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

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

3 F. Joint Investigations:

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

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

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

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

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

21 SECTION 9. ESTABLISHMENT OF COUNSELING COMPACT COMMISSION

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

24 1. The Commission is an instrumentality of the Compact States.

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

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

30 B. Membership, Voting, and Meetings

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

33 2. The delegate shall be either:

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

36 b. An administrator of the Licensing Board.

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

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

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

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

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

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

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

14 1. Establish the fiscal year of the Commission;

15 2. Establish bylaws;

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

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

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

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

24 7. Purchase and maintain insurance and bonds;

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

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

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

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

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

39 13. Establish a budget and make expenditures;

1 14. Borrow money;

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

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

6 17. Establish and elect an Executive Committee; and

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

10 D. The Executive Committee

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

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

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

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

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

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

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

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

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

26 b. Ensure Compact administration services are appropriately provided, contractual or
27 otherwise;

28 c. Prepare and recommend the budget;

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

30 e. Monitor Compact compliance of Member States and provide compliance reports to the
31 Commission;

32 f. Establish additional committees as necessary; and

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

34 E. Meetings of the Commission

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

37 2. The Commission or the Executive Committee or other committees of the Commission
38 may convene in a closed, non-public meeting if the Commission or Executive Committee or other
39 committees of the Commission must discuss:

- 1 a. Non-compliance of a Member State with its obligations under the Compact;
2 b. The employment, compensation, discipline or other matters, practices or procedures
3 related to specific employees or other matters related to the Commission's internal personnel
4 practices and procedures;
5 c. Current, threatened, or reasonably anticipated litigation;
6 d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;
7 e. Accusing any person of a crime or formally censuring any person;
8 f. Disclosure of trade secrets or commercial or financial information that is privileged or
9 confidential;
10 g. Disclosure of information of a personal nature where disclosure would constitute a clearly
11 unwarranted invasion of personal privacy;
12 h. Disclosure of investigative records compiled for law enforcement purposes;
13 i. Disclosure of information related to any investigative reports prepared by or on behalf of
14 or for use of the Commission or other committee charged with responsibility of investigation or
15 determination of compliance issues pursuant to the Compact; or
16 j. Matters specifically exempted from disclosure by federal or Member State statute.

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

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

26 F. Financing of the Commission

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

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

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

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

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

6 G. Qualified Immunity, Defense, and Indemnification

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

15 2. The Commission shall defend any member, officer, executive director, employee or
16 representative of the Commission in any civil action seeking to impose liability arising out of any
17 actual or alleged act, error, or omission that occurred within the scope of Commission employment,
18 duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis
19 for believing occurred within the scope of Commission employment, duties, or responsibilities;
20 provided that nothing herein shall be construed to prohibit that person from retaining his or her own
21 counsel; and provided further, that the actual or alleged act, error, or omission did not result from
22 that person's intentional or willful or wanton misconduct.

23 3. The Commission shall indemnify and hold harmless any member, officer, executive
24 director, employee, or representative of the Commission for the amount of any settlement or
25 judgment obtained against that person arising out of any actual or alleged act, error, or omission that
26 occurred within the scope of Commission employment, duties, or responsibilities, or that such
27 person had a reasonable basis for believing occurred within the scope of Commission employment,
28 duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result
29 from the intentional or willful or wanton misconduct of that person.

30 SECTION 10. DATA SYSTEM

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

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

37 1. Identifying information;

38 2. Licensure data;

39 3. Adverse Actions against a license or Privilege to Practice;

1 4. Non-confidential information related to Alternative Program participation;
2 5. Any denial of application for licensure, and the reason(s) for such denial;
3 6. Current Significant Investigative Information; and
4 7. Other information that may facilitate the administration of this Compact, as determined
5 by the Rules of the Commission.

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

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

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

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

16 SECTION 11. RULEMAKING

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

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

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

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

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

33 1. On the website of the Commission or other publicly accessible platform; and
34 2. On the website of each Member State Professional Counseling Licensing Board or other
35 publicly accessible platform or the publication in which each State would otherwise publish
36 proposed Rules.

37 F. The Notice of Proposed Rulemaking shall include:

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

- 1 2. The text of the proposed Rule or amendment and the reason for the proposed Rule;
- 2 3. A request for comments on the proposed Rule from any interested person; and
- 3 4. The manner in which interested persons may submit notice to the Commission of their
- 4 intention to attend the public hearing and any written comments.

5 G. Prior to adoption of a proposed Rule, the Commission shall allow persons to submit

6 written data, facts, opinions, and arguments, which shall be made available to the public.

7 H. The Commission shall grant an opportunity for a public hearing before it adopts a Rule

8 or amendment if a hearing is requested by:

- 9 1. At least twenty-five (25) persons;
- 10 2. A State or federal governmental subdivision or agency; or
- 11 3. An association having at least twenty-five (25) members.

12 I. If a hearing is held on the proposed Rule or amendment, the Commission shall publish the

13 place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the

14 Commission shall publish the mechanism for access to the electronic hearing.

15 1. All persons wishing to be heard at the hearing shall notify the executive director of the

16 Commission or other designated member in writing of their desire to appear and testify at the

17 hearing not less than five (5) business days before the scheduled date of the hearing.

18 2. Hearings shall be conducted in a manner providing each person who wishes to comment a

19 fair and reasonable opportunity to comment orally or in writing.

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

21 4. Nothing in this section shall be construed as requiring a separate hearing on each Rule.

22 Rules may be grouped for the convenience of the Commission at hearings required by this section.

23 J. Following the scheduled hearing date, or by the close of business on the scheduled

24 hearing date if the hearing was not held, the Commission shall consider all written and oral

25 comments received.

26 K. If no written notice of intent to attend the public hearing by interested parties is received,

27 the Commission may proceed with promulgation of the proposed Rule without a public hearing.

28 L. The Commission shall, by majority vote of all members, take final action on the proposed

29 Rule and shall determine the effective date of the Rule, if any, based on the Rulemaking record and

30 the full text of the Rule.

31 M. Upon determination that an emergency exists, the Commission may consider and adopt

32 an emergency Rule without prior notice, opportunity for comment, or hearing, provided that the

33 usual Rulemaking procedures provided in the Compact and in this section shall be retroactively

34 applied to the Rule as soon as reasonably possible, in no event later than ninety (90) days after the

35 effective date of the Rule. For the purposes of this provision, an emergency Rule is one that must be

36 adopted immediately in order to:

- 37 1. Meet an imminent threat to public health, safety, or welfare;
- 38 2. Prevent a loss of Commission or Member State funds;

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

3 4. Protect public health and safety.

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

13 SECTION 12. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

14 A. Oversight

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

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

22 3. The Commission shall be entitled to receive service of process in any such proceeding
23 and shall have standing to intervene in such a proceeding for all purposes. Failure to provide
24 service of process to the Commission shall render a judgment or order void as to the Commission,
25 this Compact, or promulgated Rules.

26 B. Default, Technical Assistance, and Termination

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

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

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

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

38 D. Termination of membership in the Compact shall be imposed only after all other means
39 of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given

1 by the Commission to the governor, the majority and minority leaders of the defaulting State's
 2 legislature, and each of the Member States.

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

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

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

13 H. Dispute Resolution

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

17 2. The Commission shall promulgate a Rule providing for both mediation and binding
 18 dispute resolution for disputes as appropriate.

19 I. Enforcement

20 1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions
 21 and Rules of this Compact.

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

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

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

32 A. The Compact shall come into effect on the date on which the Compact statute is enacted
 33 into law in the tenth Member State. The provisions, which become effective at that time, shall be
 34 limited to the powers granted to the Commission relating to assembly and the promulgation of
 35 Rules. Thereafter, the Commission shall meet and exercise Rulemaking powers necessary to the
 36 implementation and administration of the Compact.

37 B. Any State that joins the Compact subsequent to the Commission's initial adoption of the
 38 Rules shall be subject to the Rules as they exist on the date on which the Compact becomes law in

1 that State. Any Rule that has been previously adopted by the Commission shall have the full force
2 and effect of law on the day the Compact becomes law in that State.

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

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

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

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

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

16 SECTION 14. CONSTRUCTION AND SEVERABILITY

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

26 SECTION 15. BINDING EFFECT OF COMPACT AND OTHER LAWS

27 A. A Licensee providing Professional Counseling services in a Remote State under the
28 Privilege to Practice shall adhere to the laws and regulations, including scope of practice, of the
29 Remote State.

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

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

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

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

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

5 Further amend said bill by amending the title, enacting clause, and intersectional references
6 accordingly.