

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill Nos. 348, 285 & 407, Page 1, Section A, Line
2 5, by inserting after all of said section and line the following:
3

4 "195.100. 1. It shall be unlawful to distribute any controlled substance in a commercial
5 container unless such container bears a label containing an identifying symbol for such substance in
6 accordance with federal laws.

7 2. It shall be unlawful for any manufacturer of any controlled substance to distribute such
8 substance unless the labeling thereof conforms to the requirements of federal law and contains the
9 identifying symbol required in subsection 1 of this section.

10 3. The label of a controlled substance in Schedule II, III or IV shall, when dispensed to or
11 for a patient, contain a clear, concise warning that it is a criminal offense to transfer such narcotic or
12 dangerous drug to any person other than the patient.

13 4. Whenever a manufacturer sells or dispenses a controlled substance and whenever a
14 wholesaler sells or dispenses a controlled substance in a package prepared by him or her, the
15 manufacturer or wholesaler shall securely affix to each package in which that drug is contained a
16 label showing in legible English the name and address of the vendor and the quantity, kind, and
17 form of controlled substance contained therein. No person except a pharmacist for the purpose of
18 filling a prescription under this chapter, shall alter, deface, or remove any label so affixed.

19 5. Whenever a pharmacist or practitioner sells or dispenses any controlled substance on a
20 prescription issued by a physician, physician assistant, dentist, podiatrist, veterinarian, or advanced
21 practice registered nurse, the pharmacist or practitioner shall affix to the container in which such
22 drug is sold or dispensed a label showing his or her own name and address of the pharmacy or
23 practitioner for whom he or she is lawfully acting; the name of the patient or, if the patient is an
24 animal, the name of the owner of the animal and the species of the animal; the name of the
25 physician, physician assistant, dentist, podiatrist, advanced practice registered nurse, or veterinarian
26 by whom the prescription was written; ~~[the name of the collaborating physician if the prescription is~~
27 ~~written by an advanced practice registered nurse or a physician assistant,]~~ and such directions as
28 may be stated on the prescription. No person shall alter, deface, or remove any label so affixed.";
29 and
30

Action Taken _____ Date _____

1 Further amend said bill, Page 3, Section 334.043, Line 72, by inserting after all of said section and
2 line the following:

3
4 "334.735. 1. As used in sections 334.735 to 334.749, the following terms mean:

5 (1) "Applicant", any individual who seeks to become licensed as a physician assistant;

6 (2) "Certification" or "registration", a process by a certifying entity that grants recognition to
7 applicants meeting predetermined qualifications specified by such certifying entity;

8 (3) "Certifying entity", the nongovernmental agency or association which certifies or
9 registers individuals who have completed academic and training requirements;

10 (4) "Collaborative practice arrangement", written agreements, jointly agreed upon protocols,
11 or standing orders, all of which shall be in writing, for the delivery of health care services;

12 (5) "Department", the department of commerce and insurance or a designated agency
13 thereof;

14 (6) "License", a document issued to an applicant by the board acknowledging that the
15 applicant is entitled to practice as a physician assistant;

16 (7) "Physician assistant", a person who has graduated from a physician assistant program
17 accredited by the Accreditation Review Commission on Education for the Physician Assistant or its
18 successor agency, prior to 2001, or the Committee on Allied Health Education and Accreditation or
19 the Commission on Accreditation of Allied Health Education Programs, who has passed the
20 certifying examination administered by the National Commission on Certification of Physician
21 Assistants and has active certification by the National Commission on Certification of Physician
22 Assistants who provides health care services delegated by a licensed physician. A person who has
23 been employed as a physician assistant for three years prior to August 28, 1989, who has passed the
24 National Commission on Certification of Physician Assistants examination, and has active
25 certification of the National Commission on Certification of Physician Assistants;

26 (8) "Recognition", the formal process of becoming a certifying entity as required by the
27 provisions of sections 334.735 to 334.749.

28 2. The scope of practice of a physician assistant shall consist only of the following services
29 and procedures:

30 (1) Taking patient histories;

31 (2) Performing physical examinations of a patient;

32 (3) Performing or assisting in the performance of routine office laboratory and patient
33 screening procedures;

34 (4) Performing routine therapeutic procedures;

35 (5) Recording diagnostic impressions and evaluating situations calling for attention of a
36 physician to institute treatment procedures;

37 (6) Instructing and counseling patients regarding mental and physical health using
38 procedures reviewed and approved by a collaborating physician;

39 (7) Assisting the supervising physician in institutional settings, including reviewing of
40 treatment plans, ordering of tests and diagnostic laboratory and radiological services, and ordering

1 of therapies, using procedures reviewed and approved by a licensed physician;

2 (8) Assisting in surgery; and

3 (9) Performing such other tasks not prohibited by law under the collaborative practice
4 arrangement with a licensed physician as the physician assistant has been trained and is proficient to
5 perform.

6 3. Physician assistants shall not perform or prescribe abortions.

7 4. Physician assistants shall not prescribe any drug, medicine, device or therapy unless
8 pursuant to a collaborative practice arrangement in accordance with the law, nor prescribe lenses,
9 prisms or contact lenses for the aid, relief or correction of vision or the measurement of visual power
10 or visual efficiency of the human eye, nor administer or monitor general or regional block anesthesia
11 during diagnostic tests, surgery or obstetric procedures. Prescribing of drugs, medications, devices
12 or therapies by a physician assistant shall be pursuant to a collaborative practice arrangement which
13 is specific to the clinical conditions treated by the supervising physician and the physician assistant
14 shall be subject to the following:

15 (1) A physician assistant shall only prescribe controlled substances in accordance with
16 section 334.747;

17 (2) The types of drugs, medications, devices or therapies prescribed by a physician assistant
18 shall be consistent with the scopes of practice of the physician assistant and the collaborating
19 physician;

20 (3) All prescriptions shall conform with state and federal laws and regulations and shall
21 include the name, address and telephone number of the physician assistant [~~and the supervising~~
22 ~~physician~~];

23 (4) A physician assistant, or advanced practice registered nurse as defined in section
24 335.016 may request, receive and sign for noncontrolled professional samples and may distribute
25 professional samples to patients; and

26 (5) A physician assistant shall not prescribe any drugs, medicines, devices or therapies the
27 collaborating physician is not qualified or authorized to prescribe.

28 5. A physician assistant shall clearly identify himself or herself as a physician assistant and
29 shall not use or permit to be used in the physician assistant's behalf the terms "doctor", "Dr." or
30 "doc" nor hold himself or herself out in any way to be a physician or surgeon. No physician
31 assistant shall practice or attempt to practice without physician collaboration or in any location
32 where the collaborating physician is not immediately available for consultation, assistance and
33 intervention, except as otherwise provided in this section, and in an emergency situation, nor shall
34 any physician assistant bill a patient independently or directly for any services or procedure by the
35 physician assistant; except that, nothing in this subsection shall be construed to prohibit a physician
36 assistant from enrolling with a third-party plan or the department of social services as a MO
37 HealthNet or Medicaid provider while acting under a collaborative practice arrangement between
38 the physician and physician assistant.

39 6. The licensing of physician assistants shall take place within processes established by the

1 state board of registration for the healing arts through rule and regulation. The board of healing arts
2 is authorized to establish rules pursuant to chapter 536 establishing licensing and renewal
3 procedures, collaboration, collaborative practice arrangements, fees, and addressing such other
4 matters as are necessary to protect the public and discipline the profession. An application for
5 licensing may be denied or the license of a physician assistant may be suspended or revoked by the
6 board in the same manner and for violation of the standards as set forth by section 334.100, or such
7 other standards of conduct set by the board by rule or regulation. Persons licensed pursuant to the
8 provisions of chapter 335 shall not be required to be licensed as physician assistants. All applicants
9 for physician assistant licensure who complete a physician assistant training program after January
10 1, 2008, shall have a master's degree from a physician assistant program.

11 7. At all times the physician is responsible for the oversight of the activities of, and accepts
12 responsibility for, health care services rendered by the physician assistant.

13 8. A physician may enter into collaborative practice arrangements with physician assistants.
14 Collaborative practice arrangements, which shall be in writing, may delegate to a physician assistant
15 the authority to prescribe, administer, or dispense drugs and provide treatment which is within the
16 skill, training, and competence of the physician assistant. Collaborative practice arrangements may
17 delegate to a physician assistant, as defined in section 334.735, the authority to administer, dispense,
18 or prescribe controlled substances listed in Schedules III, IV, and V of section 195.017, and
19 Schedule II - hydrocodone. Schedule III narcotic controlled substances and Schedule II -
20 hydrocodone prescriptions shall be limited to a one hundred twenty-hour supply without refill. Such
21 collaborative practice arrangements shall be in the form of a written arrangement, jointly agreed-
22 upon protocols, or standing orders for the delivery of health care services.

23 9. The written collaborative practice arrangement shall contain at least the following
24 provisions:

25 (1) Complete names, home and business addresses, zip codes, and telephone numbers of the
26 collaborating physician and the physician assistant;

27 (2) A list of all other offices or locations, other than those listed in subdivision (1) of this
28 subsection, where the collaborating physician has authorized the physician assistant to prescribe;

29 (3) A requirement that there shall be posted at every office where the physician assistant is
30 authorized to prescribe, in collaboration with a physician, a prominently displayed disclosure
31 statement informing patients that they may be seen by a physician assistant and have the right to see
32 the collaborating physician;

33 (4) All specialty or board certifications of the collaborating physician and all certifications
34 of the physician assistant;

35 (5) The manner of collaboration between the collaborating physician and the physician
36 assistant, including how the collaborating physician and the physician assistant will:

37 (a) Engage in collaborative practice consistent with each professional's skill, training,
38 education, and competence;

39 (b) Maintain geographic proximity, as determined by the board of registration for the

1 healing arts; and

2 (c) Provide coverage during absence, incapacity, infirmity, or emergency of the
3 collaborating physician;

4 (6) A list of all other written collaborative practice arrangements of the collaborating
5 physician and the physician assistant;

6 (7) The duration of the written practice arrangement between the collaborating physician
7 and the physician assistant;

8 (8) A description of the time and manner of the collaborating physician's review of the
9 physician assistant's delivery of health care services. The description shall include provisions that
10 the physician assistant shall submit a minimum of ten percent of the charts documenting the
11 physician assistant's delivery of health care services to the collaborating physician for review by the
12 collaborating physician, or any other physician designated in the collaborative practice arrangement,
13 every fourteen days. Reviews may be conducted electronically;

14 (9) The collaborating physician, or any other physician designated in the collaborative
15 practice arrangement, shall review every fourteen days a minimum of twenty percent of the charts in
16 which the physician assistant prescribes controlled substances. The charts reviewed under this
17 subdivision may be counted in the number of charts required to be reviewed under subdivision (8) of
18 this subsection; and

19 (10) A statement that no collaboration requirements in addition to the federal law shall be
20 required for a physician-physician assistant team working in a certified community behavioral
21 health clinic as defined by Pub.L. 113-93, or a rural health clinic under the federal Rural Health
22 Services Act, Pub.L. 95-210, as amended, or a federally qualified health center as defined in 42
23 U.S.C. Section [~~1395 of the Public Health Service Act~~] 1395x, as amended.

24 10. The state board of registration for the healing arts under section 334.125 may
25 promulgate rules regulating the use of collaborative practice arrangements.

26 11. The state board of registration for the healing arts shall not deny, revoke, suspend, or
27 otherwise take disciplinary action against a collaborating physician for health care services
28 delegated to a physician assistant, provided that the provisions of this section and the rules
29 promulgated thereunder are satisfied.

30 12. Within thirty days of any change and on each renewal, the state board of registration for
31 the healing arts shall require every physician to identify whether the physician is engaged in any
32 collaborative practice arrangement, including collaborative practice arrangements delegating the
33 authority to prescribe controlled substances, and also report to the board the name of each physician
34 assistant with whom the physician has entered into such arrangement. The board may make such
35 information available to the public. The board shall track the reported information and may
36 routinely conduct random reviews of such arrangements to ensure that the arrangements are carried
37 out in compliance with this chapter.

38 13. The collaborating physician shall determine and document the completion of a period of
39 time during which the physician assistant shall practice with the collaborating physician

1 continuously present before practicing in a setting where the collaborating physician is not
 2 continuously present. This limitation shall not apply to collaborative arrangements of providers of
 3 population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2009.

4 14. No contract or other arrangement shall require a physician to act as a collaborating
 5 physician for a physician assistant against the physician's will. A physician shall have the right to
 6 refuse to act as a supervising physician, without penalty, for a particular physician assistant. No
 7 contract or other agreement shall limit the collaborating physician's ultimate authority over any
 8 protocols or standing orders or in the delegation of the physician's authority to any physician
 9 assistant. No contract or other arrangement shall require any physician assistant to collaborate with
 10 any physician against the physician assistant's will. A physician assistant shall have the right to
 11 refuse to collaborate, without penalty, with a particular physician.

12 15. Physician assistants shall file with the board a copy of their collaborating physician
 13 form.

14 16. No physician shall be designated to serve as a collaborating physician for more than six
 15 full-time equivalent licensed physician assistants, full-time equivalent advanced practice registered
 16 nurses, or full-time equivalent assistant physicians, or any combination thereof. This limitation
 17 shall not apply to physician assistant collaborative practice arrangements of hospital employees
 18 providing inpatient care service in hospitals as defined in chapter 197, or to a certified registered
 19 nurse anesthetist providing anesthesia services under the supervision of an anesthesiologist or other
 20 physician, dentist, or podiatrist who is immediately available if needed as set out in subsection 7 of
 21 section 334.104.

22 17. No arrangement made under this section shall supercede current hospital licensing
 23 regulations governing hospital medication orders under protocols or standing orders for the purpose
 24 of delivering inpatient or emergency care within a hospital, as defined in section 197.020, if such
 25 protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical
 26 therapeutics committee."; and

27
 28 Further amend said bill, Page 18, Section 334.1720, Line 11, by inserting after all of said section
 29 and line the following:

30
 31 "337.510. 1. As used in this section, the following terms mean:

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

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

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

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

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

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

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

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

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

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

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

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

7 3. (1) Any person who holds a valid current professional counselor license issued by
8 another state, a branch or unit of the military, a territory of the United States, or the District of
9 Columbia, and who has been licensed for at least one year in such other jurisdiction, may submit an
10 application for a professional counselor license in Missouri along with proof of current licensure and
11 proof of licensure for at least one year in the other jurisdiction, to the committee.

12 (2) The committee shall:

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

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

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

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

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

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

4 (6) This subsection shall not be construed to waive any requirement for an applicant to pay
 5 any fees.

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

14 [4.] 5. All persons licensed to practice professional counseling in this state shall pay on or
 15 before the license renewal date a renewal license fee and shall furnish to the committee satisfactory
 16 evidence of the completion of the requisite number of hours of continuing education as required by
 17 rule, including two hours of suicide assessment, referral, treatment, and management training, which
 18 shall be no more than forty hours biennially. The continuing education requirements may be waived
 19 by the committee upon presentation to the committee of satisfactory evidence of the illness of the
 20 licensee or for other good cause.

21 337.550. SECTION 1: PURPOSE

22 The purpose of this Compact is to facilitate interstate practice of Licensed Professional
 23 Counselors with the goal of improving public access to Professional Counseling services. The
 24 practice of Professional Counseling occurs in the State where the client is located at the time of the
 25 counseling services. The Compact preserves the regulatory authority of States to protect public
 26 health and safety through the current system of State licensure.

27 This Compact is designed to achieve the following objectives:

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

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

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

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

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

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

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

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

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

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

7 SECTION 2. DEFINITIONS

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

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

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

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

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

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

26 F. "Current Significant Investigative Information" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 SECTION 3. STATE PARTICIPATION IN THE COMPACT

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

3 1. License and regulate Licensed Professional Counselors;
4 2. Require Licensees to pass a nationally recognized exam approved by the Commission;
5 3. Require Licensees to have a 60 semester-hour (or 90 quarter-hour) master's degree in
6 counseling or 60 semester-hours (or 90 quarter-hours) of graduate course work including the
7 following topic areas:

8 a. Professional Counseling Orientation and Ethical Practice;

9 b. Social and Cultural Diversity;

10 c. Human Growth and Development;

11 d. Career Development;

12 e. Counseling and Helping Relationships;

13 f. Group Counseling and Group Work;

14 g. Diagnosis and Treatment; Assessment and Testing;

15 h. Research and Program Evaluation; and

16 i. Other areas as determined by the Commission.

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

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

20 B. A Member State shall:

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

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

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

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

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

37 4. Comply with the Rules of the Commission;

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

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

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

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

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

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

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

15 SECTION 4. PRIVILEGE TO PRACTICE

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

18 1. Hold a license in the Home State;

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

20 3. Be eligible for a Privilege to Practice in any Member State in accordance with Section
21 4(D), (G) and (H);

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

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

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

27 7. Meet any Continuing Competence/Education requirements established by the Home
28 State;

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

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

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

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

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

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

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

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

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

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

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

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

16 2. All fines have been paid; and

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

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

21 SECTION 5: OBTAINING A NEW HOME STATE LICENSE BASED ON A PRIVILEGE
22 TO PRACTICE

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

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

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

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

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

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

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

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

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

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

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

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

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

17 SECTION 6. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

18 Active Duty Military personnel, or their spouse, shall designate a Home State where the
19 individual has a current license in good standing. The individual may retain the Home State
20 designation during the period the service member is on active duty. Subsequent to designating a
21 Home State, the individual shall only change their Home State through application for licensure in
22 the new State, or through the process outlined in Section 5.

23 SECTION 7. COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

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

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

30 SECTION 8. ADVERSE ACTIONS

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

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

35 2. Issue subpoenas for both hearings and investigations that require the attendance and
36 testimony of witnesses as well as the production of evidence. Subpoenas issued by a Licensing
37 Board in a Member State for the attendance and testimony of witnesses or the production of
38 evidence from another Member State shall be enforced in the latter State by any court of competent
39 jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in

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

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

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

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

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

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

21 F. Joint Investigations:

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

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

27 G. If Adverse Action is taken by the Home State against the license of a Licensed
28 Professional Counselor, the Licensed Professional Counselor's Privilege to Practice in all other
29 Member States shall be deactivated until all Encumbrances have been removed from the State
30 license. All Home State disciplinary orders that impose Adverse Action against the license of a
31 Licensed Professional Counselor shall include a Statement that the Licensed Professional
32 Counselor's Privilege to Practice is deactivated in all Member States during the pendency of the
33 order.

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

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

39 SECTION 9. ESTABLISHMENT OF COUNSELING COMPACT COMMISSION

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

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

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

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

9 B. Membership, Voting, and Meetings

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

12 2. The delegate shall be either:

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

15 b. An administrator of the Licensing Board.

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

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

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

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

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

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

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

31 1. Establish the fiscal year of the Commission;

32 2. Establish bylaws;

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

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

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

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

4 7. Purchase and maintain insurance and bonds;

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

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

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

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

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

19 13. Establish a budget and make expenditures;

20 14. Borrow money;

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

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

25 17. Establish and elect an Executive Committee; and

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

29 D. The Executive Committee

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

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

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

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

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

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

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

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

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

6 b. Ensure Compact administration services are appropriately provided, contractual or
7 otherwise;

8 c. Prepare and recommend the budget;

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

10 e. Monitor Compact compliance of Member States and provide compliance reports to the
11 Commission;

12 f. Establish additional committees as necessary; and

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

14 E. Meetings of the Commission

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

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

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

21 b. The employment, compensation, discipline or other matters, practices or procedures
22 related to specific employees or other matters related to the Commission's internal personnel
23 practices and procedures;

24 c. Current, threatened, or reasonably anticipated litigation;

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

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

27 f. Disclosure of trade secrets or commercial or financial information that is privileged or
28 confidential;

29 g. Disclosure of information of a personal nature where disclosure would constitute a clearly
30 unwarranted invasion of personal privacy;

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

32 i. Disclosure of information related to any investigative reports prepared by or on behalf of
33 or for use of the Commission or other committee charged with responsibility of investigation or
34 determination of compliance issues pursuant to the Compact; or

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

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

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

7 F. Financing of the Commission

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

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

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

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

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

26 G. Qualified Immunity, Defense, and Indemnification

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

35 2. The Commission shall defend any member, officer, executive director, employee or
36 representative of the Commission in any civil action seeking to impose liability arising out of any
37 actual or alleged act, error, or omission that occurred within the scope of Commission employment,
38 duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis
39 for believing occurred within the scope of Commission employment, duties, or responsibilities;

1 provided that nothing herein shall be construed to prohibit that person from retaining his or her own
2 counsel; and provided further, that the actual or alleged act, error, or omission did not result from
3 that person's intentional or willful or wanton misconduct.

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

11 SECTION 10. DATA SYSTEM

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

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

18 1. Identifying information;

19 2. Licensure data;

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

21 4. Non-confidential information related to Alternative Program participation;

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

23 6. Current Significant Investigative Information; and

24 7. Other information that may facilitate the administration of this Compact, as determined
25 by the Rules of the Commission.

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

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

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

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

36 SECTION 11. RULEMAKING

37 A. The Commission shall promulgate reasonable Rules in order to effectively and efficiently
38 achieve the purpose of the Compact. Notwithstanding the foregoing, in the event the Commission
39 exercises its Rulemaking authority in a manner that is beyond the scope of the purposes of the

1 Compact, or the powers granted hereunder, then such an action by the Commission shall be invalid
2 and have no force or effect.

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

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

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

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

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

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

18 F. The Notice of Proposed Rulemaking shall include:

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

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

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

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

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

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

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

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

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

32 I. If a hearing is held on the proposed Rule or amendment, the Commission shall publish the
33 place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the
34 Commission shall publish the mechanism for access to the electronic hearing.

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

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

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

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

4 J. Following the scheduled hearing date, or by the close of business on the scheduled
 5 hearing date if the hearing was not held, the Commission shall consider all written and oral
 6 comments received.

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

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

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

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

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

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

22 4. Protect public health and safety.

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

32 SECTION 12. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

33 A. Oversight

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

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

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

8 B. Default, Technical Assistance, and Termination

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

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

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

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

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

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

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

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

34 H. Dispute Resolution

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

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

1 I. Enforcement

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

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

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

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

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

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

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

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

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

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

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

36 SECTION 14. CONSTRUCTION AND SEVERABILITY

37 This Compact shall be liberally construed so as to effectuate the purposes thereof. The
38 provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this
39 Compact is declared to be contrary to the constitution of any Member State or of the United States

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

7 SECTION 15. BINDING EFFECT OF COMPACT AND OTHER LAWS

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

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

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

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

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

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

22
23 Further amend said bill by amending the title, enacting clause, and intersectional references
24 accordingly.