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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 668 Session of  
2025

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INTRODUCED BY O'MARA, BRENNAN, PIELLI, SANCHEZ, HANBIDGE, HILL-  
EVANS, CIRESI, GUENST, HOWARD, DONAHUE, SCHLOSSBERG,  
HOHENSTEIN, KHAN, FIEDLER, SHUSTERMAN, FREEMAN, CEPEDA-  
FREYTIZ, CERRATO, OTTEN, SMITH-WADE-EL, GREEN, STEELE, CURRY,  
MADDEN, BOROWSKI, SAPPEY AND MATZIE, FEBRUARY 20, 2025

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REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE,  
FEBRUARY 20, 2025

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AN ACT

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

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

6 Section 1. Short title.

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

9 Section 2. Authority to execute compact.

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

15 COUNSELING COMPACT MODEL LEGISLATION

16 SECTION 1. PURPOSE

1 The purpose of this Compact is to facilitate interstate practice  
2 of Licensed Professional Counselors with the goal of improving  
3 public access to Professional Counseling services. The practice  
4 of Professional Counseling occurs in the State where the client  
5 is located at the time of the counseling services. The Compact  
6 preserves the regulatory authority of States to protect public  
7 health and safety through the current system of State licensure.  
8 This Compact is designed to achieve the following objectives:

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

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

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

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

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

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

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

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

30       I. Eliminate the necessity for licenses in multiple States;

1 and

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

4 SECTION 2. DEFINITIONS

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

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

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

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

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

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

1 F. "Current Significant Investigative Information" means:

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

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

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

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

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

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

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

29 L. "Impaired Practitioner" means an individual who has a  
30 condition(s) that may impair their ability to practice as a

1 Licensed Professional Counselor without some type of  
2 intervention and may include, but are not limited to, alcohol  
3 and drug dependence, mental health impairment, and neurological  
4 or physical impairments.

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

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

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

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

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

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

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

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

30 U. "Remote State" means a Member State other than the Home

1 State, where a Licensee is exercising or seeking to exercise the  
2 Privilege to Practice.

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

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

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

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

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

18 SECTION 3. STATE PARTICIPATION IN THE COMPACT

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

20 1. License and regulate Licensed Professional  
21 Counselors;

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

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

28 a. Professional Counseling Orientation and Ethical  
29 Practice;

30 b. Social and Cultural Diversity;

- c. Human Growth and Development;
- d. Career Development;
- e. Counseling and Helping Relationships;
- f. Group Counseling and Group Work;
- g. Diagnosis and Treatment; Assessment and Testing;
- h. Research and Program Evaluation; and
- i. Other areas as determined by the Commission.

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

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

B. A Member State shall:

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

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

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

a. A member state must fully implement a criminal background check requirement, within a time frame

1 established by rule, by receiving the results of the  
2 Federal Bureau of Investigation record search and shall  
3 use the results in making licensure decisions.

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

11 4. Comply with the Rules of the Commission;

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

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

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

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

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

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



1 License.

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

7 SECTION 4. PRIVILEGE TO PRACTICE

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

- 10 1. Hold a license in the Home State;
- 11 2. Have a valid United States Social Security Number or  
12 National Practitioner Identifier;
- 13 3. Be eligible for a Privilege to Practice in any Member  
14 State in accordance with Section 4(D), (G) and (H);
- 15 4. Have not had any Encumbrance or restriction against  
16 any license or Privilege to Practice within the previous two  
17 (2) years;
- 18 5. Notify the Commission that the Licensee is seeking  
19 the Privilege to Practice within a Remote State(s);
- 20 6. Pay any applicable fees, including any State fee, for  
21 the Privilege to Practice;
- 22 7. Meet any Continuing Competence/Education requirements  
23 established by the Home State;
- 24 8. Meet any Jurisprudence Requirements established by  
25 the Remote State(s) in which the Licensee is seeking a  
26 Privilege to Practice; and
- 27 9. Report to the Commission any Adverse Action,  
28 Encumbrance, or restriction on license taken by any non-  
29 Member State within 30 days from the date the action is  
30 taken.

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

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

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

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

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

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

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

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

3           2. All fines have been paid; and

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

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

10           SECTION 5. OBTAINING A NEW HOME STATE LICENSE BASED ON A  
11 PRIVILEGE TO PRACTICE

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

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

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

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

28           a. a Federal Bureau of Investigation fingerprint  
29 based criminal background check if not previously  
30 performed or updated pursuant to applicable rules adopted

1 by the Commission in accordance with Public Law 92-544;

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

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

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

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

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

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

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

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

29 SECTION 6. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

30 Active Duty Military personnel, or their spouse, shall

1 designate a Home State where the individual has a current  
2 license in good standing. The individual may retain the Home  
3 State designation during the period the service member is on  
4 active duty. Subsequent to designating a Home State, the  
5 individual shall only change their Home State through  
6 application for licensure in the new State, or through the  
7 process outlined in Section 5.

8 SECTION 7. COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

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

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

18 SECTION 8. ADVERSE ACTIONS

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

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

25 2. Issue subpoenas for both hearings and investigations  
26 that require the attendance and testimony of witnesses as  
27 well as the production of evidence. Subpoenas issued by a  
28 Licensing Board in a Member State for the attendance and  
29 testimony of witnesses or the production of evidence from  
30 another Member State shall be enforced in the latter State by

1 any court of competent jurisdiction, according to the  
2 practice and procedure of that court applicable to subpoenas  
3 issued in proceedings pending before it. The issuing  
4 authority shall pay any witness fees, travel expenses,  
5 mileage, and other fees required by the service statutes of  
6 the State in which the witnesses or evidence are located.

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

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

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

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

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

1 F. Joint Investigations:

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

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

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

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

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

28 SECTION 9. ESTABLISHMENT OF COUNSELING COMPACT COMMISSION

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

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

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

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

12 B. Membership, Voting, and Meetings

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

15          2. The delegate shall be either:

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

19           b. An administrator of the Licensing Board.

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

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

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

29          6. A delegate shall vote in person or by such other  
30 means as provided in the bylaws. The bylaws may provide for



1 delegates' participation in meetings by telephone or other  
2 means of communication.

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

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

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

10 1. Establish the fiscal year of the Commission;

11 2. Establish bylaws;

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

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

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

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

22 7. Purchase and maintain insurance and bonds;

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

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

1 qualifications of personnel, and other related personnel  
2 matters;

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

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

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

15 13. Establish a budget and make expenditures;

16 14. Borrow money;

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

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

24 17. Establish and elect an Executive Committee; and

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

29 D. The Executive Committee

30 1. The Executive Committee shall have the power to act

1 on behalf of the Commission according to the terms of this  
2 Compact.

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

5 a. Seven voting members who are elected by the  
6 Commission from the current membership of the Commission;  
7 and

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

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

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

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

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

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

23 b. Ensure Compact administration services are  
24 appropriately provided, contractual or otherwise;

25 c. Prepare and recommend the budget;

26 d. Maintain financial records on behalf of the  
27 Commission;

28 e. Monitor Compact compliance of Member States and  
29 provide compliance reports to the Commission;

30 f. Establish additional committees as necessary; and

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

2 E. Meetings of the Commission

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

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

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

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

16 c. Current, threatened, or reasonably anticipated  
17 litigation;

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

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

22 f. Disclosure of trade secrets or commercial or  
23 financial information that is privileged or confidential;

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

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

29 i. Disclosure of information related to any  
30 investigative reports prepared by or on behalf of or for

1 use of the Commission or other committee charged with  
2 responsibility of investigation or determination of  
3 compliance issues pursuant to the Compact; or

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

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

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

19 F. Financing of the Commission

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

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

26 3. The Commission may levy on and collect an annual  
27 assessment from each Member State or impose fees on other  
28 parties to cover the cost of the operations and activities of  
29 the Commission and its staff, which must be in a total amount  
30 sufficient to cover its annual budget as approved each year

1 for which revenue is not provided by other sources. The  
2 aggregate annual assessment amount shall be allocated based  
3 upon a formula to be determined by the Commission, which  
4 shall promulgate a Rule binding upon all Member States.

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

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

18 G. Qualified Immunity, Defense, and Indemnification

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

1 or willful or wanton misconduct of that person.

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

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

27 SECTION 10. DATA SYSTEM

28 A. The Commission shall provide for the development,  
29 maintenance, operation, and utilization of a coordinated  
30 database and reporting system containing licensure, Adverse

1 Action, and Investigative Information on all licensed  
2 individuals in Member States.

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

8 1. Identifying information;

9 2. Licensure data;

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

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

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

16 6. Current Significant Investigative Information; and

17 7. Other information that may facilitate the  
18 administration of this Compact, as determined by the Rules of  
19 the Commission.

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

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

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

30 F. Any information submitted to the Data System that is



1 subsequently required to be expunged by the laws of the Member  
2 State contributing the information shall be removed from the  
3 Data System.

4 SECTION 11. RULEMAKING

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

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

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

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

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

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

30 2. On the website of each Member State Professional

1 Counseling Licensing Board or other publicly accessible  
2 platform or the publication in which each State would  
3 otherwise publish proposed Rules.

4 F. The Notice of Proposed Rulemaking shall include:

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

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

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

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

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

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

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

21 2. A State or federal governmental subdivision or  
22 agency; or

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

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

30 1. All persons wishing to be heard at the hearing shall

1 notify the executive director of the Commission or other  
2 designated member in writing of their desire to appear and  
3 testify at the hearing not less than five (5) business days  
4 before the scheduled date of the hearing.

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

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

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

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

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

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

26 M. Upon determination that an emergency exists, the  
27 Commission may consider and adopt an emergency Rule without  
28 prior notice, opportunity for comment, or hearing, provided that  
29 the usual Rulemaking procedures provided in the Compact and in  
30 this section shall be retroactively applied to the Rule as soon

1 as reasonably possible, in no event later than ninety (90) days  
2 after the effective date of the Rule. For the purposes of this  
3 provision, an emergency Rule is one that must be adopted  
4 immediately in order to:

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

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

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

11 4. Protect public health and safety.

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

26 SECTION 12. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

27 A. Oversight

28 1. The executive, legislative, and judicial branches of  
29 State government in each Member State shall enforce this  
30 Compact and take all actions necessary and appropriate to

1 effectuate the Compact's purposes and intent. The provisions  
2 of this Compact and the Rules promulgated hereunder shall  
3 have standing as statutory law.

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

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

15 B. Default, Technical Assistance, and Termination

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

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

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

26 C. If a State in default fails to cure the default, the  
27 defaulting State may be terminated from the Compact upon an  
28 affirmative vote of a majority of the Member States, and all  
29 rights, privileges and benefits conferred by this Compact may be  
30 terminated on the effective date of termination. A cure of the

1 default does not relieve the offending State of obligations or  
2 liabilities incurred during the period of default.

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

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

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

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

23 H. Dispute Resolution

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

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

30 I. Enforcement

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

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

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

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

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

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

1 the Commission shall have the full force and effect of law on  
2 the day the Compact becomes law in that State.

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

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

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

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

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

22 SECTION 14. CONSTRUCTION AND SEVERABILITY

23 This Compact shall be liberally construed so as to effectuate  
24 the purposes thereof. The provisions of this Compact shall be  
25 severable and if any phrase, clause, sentence or provision of  
26 this Compact is declared to be contrary to the constitution of  
27 any Member State or of the United States or the applicability  
28 thereof to any government, agency, person or circumstance is  
29 held invalid, the validity of the remainder of this Compact and  
30 the applicability thereof to any government, agency, person or



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

6 SECTION 15. BINDING EFFECT OF COMPACT AND OTHER LAWS

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

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

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

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

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

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

25 Section 3. Effective date.

26 This act shall take effect in 60 days.