
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 668 Session of
2025

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, MATZIE, SCOTT, KRAJEWSKI, McNEILL,
E. NELSON, WEBSTER, T. DAVIS, RIVERA AND FRIEL,
FEBRUARY 20, 2025

SENATOR STEFANO, CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
IN SENATE, AS AMENDED, FEBRUARY 4, 2026

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

1 SECTION 1. PURPOSE

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

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

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

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

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

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

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

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

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

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

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

5 SECTION 2. DEFINITIONS

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

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

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

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

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

29 E. "Counseling Compact Commission" or "Commission" means the
30 national administrative body whose membership consists of all

1 States that have enacted the Compact.

2 F. "Current Significant Investigative Information" means:

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

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

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

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

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

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

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

30 L. "Impaired Practitioner" means an individual who has a

1 condition(s) that may impair their ability to practice as a
2 Licensed Professional Counselor without some type of
3 intervention and may include, but are not limited to, alcohol
4 and drug dependence, mental health impairment, and neurological
5 or physical impairments.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 SECTION 3. STATE PARTICIPATION IN THE COMPACT

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

21 1. License and regulate Licensed Professional
22 Counselors;

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

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

29 a. Professional Counseling Orientation and Ethical
30 Practice;

- 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

1 background check requirement, within a time frame
2 established by rule, by receiving the results of the
3 Federal Bureau of Investigation record search and shall
4 use the results in making licensure decisions.

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

12 4. Comply with the Rules of the Commission;

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

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

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

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

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

30 E. Nothing in this Compact shall affect the requirements

1 established by a Member State for the issuance of a Single State
2 License.

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

8 SECTION 4. PRIVILEGE TO PRACTICE

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

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

1 taken.

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

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

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

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

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

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

29 G. If a Licensee's Privilege to Practice in any Remote State
30 is removed, the individual may lose the Privilege to Practice in

1 all other Remote States until the following occur:

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

4 2. All fines have been paid; and

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

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

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

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

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

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

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

29 a. a Federal Bureau of Investigation fingerprint
30 based criminal background check if not previously

1 performed or updated pursuant to applicable rules adopted
2 by the Commission in accordance with Public Law 92-544;

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

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

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

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

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

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

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

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

30 SECTION 6. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

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

9 SECTION 7. COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

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

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

19 SECTION 8. ADVERSE ACTIONS

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

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

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

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

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

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

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

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

29 E. A Member State may take Adverse Action based on the
30 factual findings of the Remote State, provided that the Member

1 State follows its own procedures for taking the Adverse Action.

2 F. Joint Investigations:

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

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

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

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

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

29 SECTION 9. ESTABLISHMENT OF COUNSELING COMPACT COMMISSION

30 A. The Compact Member States hereby create and establish a

1 joint public agency known as the Counseling Compact Commission:

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

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

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

13 B. Membership, Voting, and Meetings

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

16 2. The delegate shall be either:

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

20 b. An administrator of the Licensing Board.

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

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

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

30 6. A delegate shall vote in person or by such other

1 means as provided in the bylaws. The bylaws may provide for
2 delegates' participation in meetings by telephone or other
3 means of communication.

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

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

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

11 1. Establish the fiscal year of the Commission;

12 2. Establish bylaws;

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

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

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

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

23 7. Purchase and maintain insurance and bonds;

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

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

1 and programs relating to conflicts of interest,
2 qualifications of personnel, and other related personnel
3 matters;

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

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

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

16 13. Establish a budget and make expenditures;

17 14. Borrow money;

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

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

25 17. Establish and elect an Executive Committee; and

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

30 D. The Executive Committee

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

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

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

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

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

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

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

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

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

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

26 c. Prepare and recommend the budget;

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

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

- 1 f. Establish additional committees as necessary; and
- 2 g. Other duties as provided in Rules or bylaws.

3 E. Meetings of the Commission

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

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

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

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

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

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

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

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

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

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

30 i. Disclosure of information related to any

1 investigative reports prepared by or on behalf of or for
2 use of the Commission or other committee charged with
3 responsibility of investigation or determination of
4 compliance issues pursuant to the Compact; or

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

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

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

20 F. Financing of the Commission

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

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

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

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

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

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

19 G. Qualified Immunity, Defense, and Indemnification

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

1 damage, loss, injury, or liability caused by the intentional
2 or willful or wanton misconduct of that person.

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

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

28 SECTION 10. DATA SYSTEM

29 A. The Commission shall provide for the development,
30 maintenance, operation, and utilization of a coordinated

1 database and reporting system containing licensure, Adverse
2 Action, and Investigative Information on all licensed
3 individuals in Member States.

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

9 1. Identifying information;

10 2. Licensure data;

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

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

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

17 6. Current Significant Investigative Information; and

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

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

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

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

1 F. Any information submitted to the Data System that is
2 subsequently required to be expunged by the laws of the Member
3 State contributing the information shall be removed from the
4 Data System.

5 SECTION 11. RULEMAKING

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

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

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

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

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

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

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

5 F. The Notice of Proposed Rulemaking shall include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 M. Upon determination that an emergency exists, the
28 Commission may consider and adopt an emergency Rule without
29 prior notice, opportunity for comment, or hearing, provided that
30 the usual Rulemaking procedures provided in the Compact and in

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

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

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

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

12 4. Protect public health and safety.

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

27 SECTION 12. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

28 A. Oversight

29 1. The executive, legislative, and judicial branches of
30 State government in each Member State shall enforce this

1 Compact and take all actions necessary and appropriate to
2 effectuate the Compact's purposes and intent. The provisions
3 of this Compact and the Rules promulgated hereunder shall
4 have standing as statutory law.

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

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

16 B. Default, Technical Assistance, and Termination

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

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

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

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

1 terminated on the effective date of termination. A cure of the
2 default does not relieve the offending State of obligations or
3 liabilities incurred during the period of default.

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

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

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

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

24 H. Dispute Resolution

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

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

1 I. Enforcement

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

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

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

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

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

28 B. Any State that joins the Compact subsequent to the
29 Commission's initial adoption of the Rules shall be subject to
30 the Rules as they exist on the date on which the Compact becomes

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

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

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

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

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

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

23 SECTION 14. CONSTRUCTION AND SEVERABILITY

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

1 the applicability thereof to any government, agency, person or
2 circumstance shall not be affected thereby. If this Compact
3 shall be held contrary to the constitution of any Member State,
4 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
6 Member State affected as to all severable matters.

7 SECTION 15. BINDING EFFECT OF COMPACT AND OTHER LAWS

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

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

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

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

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

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

26 SECTION 3. WHEN AND HOW COMPACT BECOMES OPERATIVE. <--

27 (A) CONDITIONS.--WHEN THE GOVERNOR EXECUTES THE COUNSELING
28 COMPACT ON BEHALF OF THIS STATE AND FILES A VERIFIED COPY
29 THEREOF WITH THE SECRETARY OF THE COMMONWEALTH AND WHEN THE
30 COMPACT IS RATIFIED BY ONE OR MORE OTHER STATES, THE COMPACT

1 SHALL BECOME OPERATIVE AND EFFECTIVE BETWEEN THIS STATE AND SUCH
2 OTHER STATE OR STATES. THE GOVERNOR IS AUTHORIZED AND DIRECTED
3 TO TAKE ANY ACTION AS MAY BE NECESSARY TO COMPLETE THE EXCHANGE
4 OF OFFICIAL DOCUMENTS BETWEEN THIS STATE AND ANY OTHER STATE
5 RATIFYING THE COMPACT.

6 (B) NOTICE IN PENNSYLVANIA BULLETIN.--THE SECRETARY OF THE
7 COMMONWEALTH SHALL TRANSMIT A NOTICE TO THE LEGISLATIVE
8 REFERENCE BUREAU FOR PUBLICATION IN THE NEXT AVAILABLE ISSUE OF
9 THE PENNSYLVANIA BULLETIN WHEN THE CONDITIONS SET FORTH IN
10 SUBSECTION (A) ARE SATISFIED. THE NOTICE SHALL INCLUDE THE DATE
11 ON WHICH THE COMPACT BECAME EFFECTIVE AND OPERATIVE BETWEEN THIS
12 STATE AND ANY OTHER STATE OR STATES IN ACCORDANCE WITH THIS ACT.

13 (C) IMPLEMENTATION.--THE STATE BOARD OF SOCIAL WORKERS,
14 MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS SHALL
15 HAVE THE FOLLOWING DUTIES:

16 (1) PROMULGATE TEMPORARY REGULATIONS NECESSARY TO
17 IMPLEMENT THIS ACT UNDER 63 PA.C.S. § 3120 (RELATING TO
18 TEMPORARY RULEMAKING AUTHORITY) WITHIN 180 DAYS OF THE
19 EFFECTIVE DATE OF THIS PARAGRAPH.

20 (2) ACCEPT COMPACT PRIVILEGE APPLICATIONS AND ISSUE
21 COMPACT PRIVILEGES UNDER THIS ACT WITHIN 180 DAYS OF THE
22 EFFECTIVE DATE OF THIS PARAGRAPH.

23 SECTION 4. COMPENSATION AND EXPENSES OF DELEGATE.

24 THE DELEGATE WHO REPRESENTS THIS STATE ON THE COUNSELING
25 COMPACT COMMISSION UNDER THE COUNSELING COMPACT SHALL NOT BE
26 ENTITLED TO ADDITIONAL COMPENSATION FOR DUTIES AND
27 RESPONSIBILITIES AS THE DELEGATE BUT SHALL BE ENTITLED TO
28 REIMBURSEMENT FOR REASONABLE EXPENSES ACTUALLY INCURRED IN THE
29 PERFORMANCE OF DUTIES AND RESPONSIBILITIES AS THE DELEGATE IN
30 THE SAME MANNER AS FOR EXPENSES INCURRED IN THE PERFORMANCE OF

1 OTHER DUTIES AND RESPONSIBILITIES OF THE OFFICE OR EMPLOYMENT.

2 Section 3 5. Effective date.

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3 This act shall take effect ~~in 18 months~~ IMMEDIATELY.

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