

SENATE BILL 571

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EMERGENCY BILL

1lr0131
CF HB 736

By: **The President (By Request – Administration)**

Introduced and read first time: January 26, 2021

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 26, 2021

CHAPTER _____

1 AN ACT concerning

2 **Interstate Licensed Professional Counselors Compact**

3 FOR the purpose of entering the Interstate Licensed Professional Counselors Compact;
4 stating the purpose of the Compact; requiring that a state meet certain
5 requirements to participate in the Compact; establishing duties of member states;
6 authorizing a certain state to charge a certain fee for granting a certain privilege;
7 requiring certain professional counselors to meet certain eligibility requirements to
8 receive certain licensure and exercise a certain privilege; establishing certain
9 authorizations and requirements regarding the practice of professional counselors
10 under a certain Compact privilege; requiring a licensee who is active duty military
11 or a certain spouse to designate a certain location as a home state under certain
12 circumstances; providing for the authority of certain licensees to practice telehealth
13 as a Compact privilege; establishing certain authority of home states and remote
14 states with regard to certain adverse actions for licensees; establishing the
15 Counseling Compact Commission and its duties; providing for the election of the
16 Executive Board of the Commission and establishing its duties; providing for the
17 financing of the Commission; requiring the Commission to provide for the
18 development, maintenance, and utilization of a coordinated data system and
19 reporting system; requiring member states to submit certain information to the
20 data system; authorizing the Commission to promulgate certain rules and
21 amendments in a certain manner; providing for certain oversight, dispute
22 resolution, and enforcement of the Compact; establishing certain requirements for
23 the withdrawal by member states from the Compact; providing for the dissolution
24 of the Compact under certain circumstances; providing for the application of the
25 Compact; providing for the binding effect of the Compact; establishing procedures

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



for amending the Compact; making the provisions of the Compact severable; making this Act subject to a certain contingency; defining certain terms; making this Act an emergency measure; and generally relating to the Interstate Licensed Professional Counselors Compact.

BY adding to

Article – Health Occupations

Section 17–6B–01 to be under the new subtitle “Subtitle 6B. Interstate Licensed Professional Counselors Compact”

Annotated Code of Maryland

(2014 Replacement Volume and 2020 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Health Occupations

SUBTITLE 6B. INTERSTATE LICENSED PROFESSIONAL COUNSELORS COMPACT.

17–6B–01.

SECTION 1: PURPOSE.

THIS COMPACT IS DESIGNED TO ACHIEVE THE FOLLOWING OBJECTIVES:

A. INCREASE PUBLIC ACCESS TO PROFESSIONAL COUNSELING SERVICES BY PROVIDING FOR THE MUTUAL RECOGNITION OF OTHER MEMBER STATE LICENSES;

B. ENHANCE THE STATES’ ABILITY TO PROTECT THE PUBLIC’S HEALTH AND SAFETY;

C. ENCOURAGE THE COOPERATION OF MEMBER STATES IN REGULATING MULTISTATE PRACTICE FOR LICENSED PROFESSIONAL COUNSELORS;

D. SUPPORT SPOUSES OF RELOCATING ACTIVE DUTY MILITARY PERSONNEL;

E. ENHANCE THE EXCHANGE OF LICENSURE, INVESTIGATIVE, AND DISCIPLINARY INFORMATION AMONG MEMBER STATES;

F. ALLOW FOR THE USE OF TELEHEALTH TECHNOLOGY TO FACILITATE INCREASED ACCESS TO PROFESSIONAL COUNSELING SERVICES;

1 **G. SUPPORT THE UNIFORMITY OF PROFESSIONAL COUNSELING**
2 **LICENSURE REQUIREMENTS THROUGHOUT THE STATES TO PROMOTE PUBLIC**
3 **SAFETY AND PUBLIC HEALTH BENEFITS;**

4 **H. INVEST ALL MEMBER STATES WITH THE AUTHORITY TO HOLD A**
5 **LICENSED PROFESSIONAL COUNSELOR ACCOUNTABLE FOR MEETING ALL STATE**
6 **PRACTICE LAWS IN THE STATE IN WHICH THE CLIENT IS LOCATED AT THE TIME CARE**
7 **IS RENDERED THROUGH THE MUTUAL RECOGNITION OF MEMBER STATE LICENSES;**

8 **I. ELIMINATE THE NECESSITY FOR LICENSES IN MULTIPLE STATES; AND**

9 **J. PROVIDE OPPORTUNITIES FOR INTERSTATE PRACTICE BY LICENSED**
10 **PROFESSIONAL COUNSELORS WHO MEET UNIFORM LICENSURE REQUIREMENTS.**

11 **SECTION 2. DEFINITIONS.**

12 **AS USED IN THIS COMPACT, AND EXCEPT AS OTHERWISE PROVIDED, THE**
13 **FOLLOWING DEFINITIONS SHALL APPLY:**

14 **A. “ACTIVE DUTY MILITARY” MEANS FULL-TIME DUTY STATUS IN THE**
15 **ACTIVE UNIFORMED SERVICE OF THE UNITED STATES, INCLUDING MEMBERS OF**
16 **THE NATIONAL GUARD AND RESERVE ON ACTIVE DUTY ORDERS PURSUANT TO 10**
17 **U.S.C. CHAPTERS 1209 AND 1211.**

18 **B. “ADVERSE ACTION” MEANS ANY ADMINISTRATIVE, CIVIL, EQUITABLE,**
19 **OR CRIMINAL ACTION PERMITTED BY A STATE’S LAWS THAT IS IMPOSED BY A**
20 **LICENSING BOARD OR OTHER AUTHORITY AGAINST A LICENSED PROFESSIONAL**
21 **COUNSELOR, INCLUDING ACTIONS AGAINST AN INDIVIDUAL’S LICENSE OR**
22 **PRIVILEGE TO PRACTICE, INCLUDING REVOCATION, SUSPENSION, PROBATION,**
23 **MONITORING OF THE LICENSEE, LIMITATION ON THE LICENSEE’S PRACTICE, OR ANY**
24 **OTHER ENCUMBRANCE ON LICENSURE AFFECTING A LICENSED PROFESSIONAL**
25 **COUNSELOR’S AUTHORIZATION TO PRACTICE, INCLUDING ISSUANCE OF A CEASE**
26 **AND DESIST ACTION.**

27 **C. “ALTERNATIVE PROGRAM” MEANS A NON-DISCIPLINARY MONITORING**
28 **OR PRACTICE REMEDIATION PROCESS APPROVED BY A PROFESSIONAL COUNSELING**
29 **LICENSING BOARD TO ADDRESS IMPAIRED PRACTITIONERS.**

30 **D. “CONTINUING COMPETENCE/EDUCATION” MEANS A REQUIREMENT, AS**
31 **A CONDITION OF LICENSE RENEWAL, TO PROVIDE EVIDENCE OF PARTICIPATION IN,**
32 **OR COMPLETION OF, EDUCATIONAL AND PROFESSIONAL ACTIVITIES RELEVANT TO**
33 **PRACTICE OR AREA OF WORK.**

1 **E. “COUNSELING COMPACT COMMISSION” OR “COMMISSION” MEANS THE**
2 **NATIONAL ADMINISTRATIVE BODY WHOSE MEMBERSHIP CONSISTS OF ALL STATES**
3 **THAT HAVE ENACTED THE COMPACT.**

4 **F. “CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION” MEANS:**

5 **1. INVESTIGATIVE INFORMATION THAT A LICENSING BOARD, AFTER**
6 **A PRELIMINARY INQUIRY THAT INCLUDES NOTIFICATION AND AN OPPORTUNITY FOR**
7 **THE LICENSED PROFESSIONAL COUNSELOR TO RESPOND, IF REQUIRED BY STATE**
8 **LAW, HAS REASON TO BELIEVE IS NOT GROUNDLESS AND, IF PROVED TRUE, WOULD**
9 **INDICATE MORE THAN A MINOR INFRACTION; OR**

10 **2. INVESTIGATIVE INFORMATION THAT INDICATES THAT THE**
11 **LICENSED PROFESSIONAL COUNSELOR REPRESENTS AN IMMEDIATE THREAT TO**
12 **PUBLIC HEALTH AND SAFETY REGARDLESS OF WHETHER THE LICENSED**
13 **PROFESSIONAL COUNSELOR HAS BEEN NOTIFIED AND HAD AN OPPORTUNITY TO**
14 **RESPOND.**

15 **G. “DATA SYSTEM” MEANS A REPOSITORY OF INFORMATION ABOUT**
16 **LICENSEES, INCLUDING, BUT NOT LIMITED TO, CONTINUING EDUCATION,**
17 **EXAMINATION, LICENSURE, INVESTIGATIVE, PRIVILEGE TO PRACTICE, AND**
18 **ADVERSE ACTION INFORMATION.**

19 **H. “ENCUMBERED LICENSE” MEANS A LICENSE IN WHICH AN ADVERSE**
20 **ACTION RESTRICTS THE PRACTICE OF LICENSED PROFESSIONAL COUNSELING BY**
21 **THE LICENSEE AND SAID ADVERSE ACTION HAS BEEN REPORTED TO THE NATIONAL**
22 **PRACTITIONERS DATA BANK (NPDB).**

23 **I. “ENCUMBRANCE” MEANS A REVOCATION OR SUSPENSION OF, OR ANY**
24 **LIMITATION ON, THE FULL AND UNRESTRICTED PRACTICE OF LICENSED**
25 **PROFESSIONAL COUNSELING BY A LICENSING BOARD.**

26 **J. “EXECUTIVE COMMITTEE” MEANS A GROUP OF DIRECTORS ELECTED OR**
27 **APPOINTED TO ACT ON BEHALF OF, AND WITHIN THE POWERS GRANTED TO THEM**
28 **BY, THE COMMISSION.**

29 **K. “HOME STATE” MEANS THE MEMBER STATE THAT IS THE LICENSEE’S**
30 **PRIMARY STATE OF RESIDENCE.**

31 **L. “IMPAIRED PRACTITIONER” MEANS AN INDIVIDUAL WHO HAS A**
32 **CONDITION(S) THAT MAY IMPAIR THE INDIVIDUAL’S ABILITY TO PRACTICE AS A**
33 **LICENSED PROFESSIONAL COUNSELOR WITHOUT SOME TYPE OF INTERVENTION**
34 **AND MAY INCLUDE, BUT ARE NOT LIMITED TO, ALCOHOL AND DRUG DEPENDENCE,**
35 **MENTAL HEALTH IMPAIRMENT, AND NEUROLOGICAL OR PHYSICAL IMPAIRMENTS.**

1 **M. “INVESTIGATIVE INFORMATION” MEANS INFORMATION, RECORDS, AND**
2 **DOCUMENTS RECEIVED OR GENERATED BY A PROFESSIONAL COUNSELING**
3 **LICENSING BOARD PURSUANT TO AN INVESTIGATION.**

4 **N. “JURISPRUDENCE REQUIREMENT”, IF REQUIRED BY A MEMBER STATE,**
5 **MEANS THE ASSESSMENT OF AN INDIVIDUAL’S KNOWLEDGE OF THE LAWS AND**
6 **RULES GOVERNING THE PRACTICE OF PROFESSIONAL COUNSELING IN A STATE.**

7 **O. “LICENSED PROFESSIONAL COUNSELOR” MEANS A COUNSELOR**
8 **LICENSED BY A MEMBER STATE, REGARDLESS OF THE TITLE USED BY THAT STATE,**
9 **TO INDEPENDENTLY ASSESS, DIAGNOSE, AND TREAT BEHAVIORAL HEALTH**
10 **CONDITIONS.**

11 **P. “LICENSEE” MEANS AN INDIVIDUAL WHO CURRENTLY HOLDS AN**
12 **AUTHORIZATION FROM THE STATE TO PRACTICE AS A LICENSED PROFESSIONAL**
13 **COUNSELOR.**

14 **Q. “LICENSING BOARD” MEANS THE AGENCY OF A STATE, OR EQUIVALENT,**
15 **THAT IS RESPONSIBLE FOR THE LICENSING AND REGULATION OF LICENSED**
16 **PROFESSIONAL COUNSELORS.**

17 **R. “MEMBER STATE” MEANS A STATE THAT HAS ENACTED THE COMPACT.**

18 **S. “PRIVILEGE TO PRACTICE” MEANS A LEGAL AUTHORIZATION, WHICH IS**
19 **EQUIVALENT TO A LICENSE, PERMITTING THE PRACTICE OF PROFESSIONAL**
20 **COUNSELING IN A REMOTE STATE.**

21 **T. “PROFESSIONAL COUNSELING” MEANS THE ASSESSMENT, DIAGNOSIS,**
22 **AND TREATMENT OF BEHAVIORAL HEALTH CONDITIONS BY A LICENSED**
23 **PROFESSIONAL COUNSELOR.**

24 **U. “REMOTE STATE” MEANS A MEMBER STATE OTHER THAN THE HOME**
25 **STATE, WHERE A LICENSEE IS EXERCISING OR SEEKING TO EXERCISE THE**
26 **PRIVILEGE TO PRACTICE.**

27 **V. “RULE” MEANS A REGULATION PROMULGATED BY THE COMMISSION**
28 **THAT HAS THE FORCE OF LAW.**

29 **W. “SINGLE STATE LICENSE” MEANS A LICENSED PROFESSIONAL**
30 **COUNSELOR LICENSE ISSUED BY A MEMBER STATE THAT AUTHORIZES PRACTICE**
31 **ONLY WITHIN THE ISSUING STATE AND DOES NOT INCLUDE A PRIVILEGE TO**
32 **PRACTICE IN ANY OTHER MEMBER STATE.**

X. "STATE" MEANS ANY STATE, COMMONWEALTH, DISTRICT, OR TERRITORY OF THE UNITED STATES OF AMERICA THAT REGULATES THE PRACTICE OF PROFESSIONAL COUNSELING.

Y. "TELEHEALTH" MEANS THE APPLICATION OF TELECOMMUNICATION TECHNOLOGY TO DELIVER PROFESSIONAL COUNSELING SERVICES REMOTELY TO ASSESS, DIAGNOSE, AND TREAT BEHAVIORAL HEALTH CONDITIONS.

Z. "UNENCUMBERED LICENSE" MEANS A LICENSE THAT AUTHORIZES A LICENSED PROFESSIONAL COUNSELOR TO ENGAGE IN THE FULL AND UNRESTRICTED PRACTICE OF PROFESSIONAL COUNSELING.

SECTION 3. STATE PARTICIPATION IN THE COMPACT.

A. TO PARTICIPATE IN THE COMPACT, A STATE MUST CURRENTLY:

1. LICENSE AND REGULATE LICENSED PROFESSIONAL COUNSELORS;

2. REQUIRE LICENSEES TO PASS A NATIONALLY RECOGNIZED EXAM APPROVED BY THE COMMISSION;

3. REQUIRE LICENSEES TO HAVE A 60 SEMESTER-HOUR (OR 90 QUARTER-HOUR) MASTER'S DEGREE IN COUNSELING OR 60 SEMESTER-HOURS (OR 90 QUARTER-HOURS) OF GRADUATE COURSE WORK, INCLUDING THE FOLLOWING TOPIC AREAS:

A. PROFESSIONAL COUNSELING ORIENTATION AND ETHICAL 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 AND 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; AND

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 ESTABLISHED BY RULE, BY RECEIVING THE RESULTS OF THE FEDERAL BUREAU OF INVESTIGATION RECORD SEARCH AND SHALL USE THE RESULTS IN MAKING LICENSURE DECISIONS.

B. COMMUNICATION BETWEEN A MEMBER STATE AND THE COMMISSION AND AMONG MEMBER STATES REGARDING THE VERIFICATION OF ELIGIBILITY FOR LICENSURE THROUGH THE COMPACT SHALL NOT INCLUDE ANY INFORMATION RECEIVED FROM THE FEDERAL BUREAU OF INVESTIGATION RELATING TO A FEDERAL CRIMINAL RECORDS CHECK PERFORMED BY A MEMBER STATE UNDER PUBLIC LAW 92-544.

4. COMPLY WITH THE RULES OF THE COMMISSION;

5. REQUIRE AN APPLICANT TO OBTAIN OR RETAIN A LICENSE IN THE HOME STATE AND MEET THE HOME STATE'S QUALIFICATIONS FOR LICENSURE OR RENEWAL OF LICENSURE, AS WELL AS ALL OTHER APPLICABLE STATE LAWS;

1 **6. GRANT THE PRIVILEGE TO PRACTICE TO A LICENSEE HOLDING A**
2 **VALID UNENCUMBERED LICENSE IN ANOTHER MEMBER STATE IN ACCORDANCE**
3 **WITH THE TERMS OF THE COMPACT AND RULES; AND**

4 **7. PROVIDE FOR THE ATTENDANCE OF THE STATE'S COMMISSIONER**
5 **TO THE COUNSELING COMPACT COMMISSION MEETINGS.**

6 **C. MEMBER STATES MAY CHARGE A FEE FOR GRANTING THE PRIVILEGE TO**
7 **PRACTICE.**

8 **D. INDIVIDUALS NOT RESIDING IN A MEMBER STATE SHALL CONTINUE TO**
9 **BE ABLE TO APPLY FOR A MEMBER STATE'S SINGLE STATE LICENSE AS PROVIDED**
10 **UNDER THE LAWS OF EACH MEMBER STATE. HOWEVER, THE SINGLE STATE LICENSE**
11 **GRANTED TO THESE INDIVIDUALS SHALL NOT BE RECOGNIZED AS GRANTING A**
12 **PRIVILEGE TO PRACTICE PROFESSIONAL COUNSELING IN ANY OTHER MEMBER**
13 **STATE.**

14 **E. NOTHING IN THIS COMPACT SHALL AFFECT THE REQUIREMENTS**
15 **ESTABLISHED BY A MEMBER STATE FOR THE ISSUANCE OF A SINGLE STATE LICENSE.**

16 **F. A LICENSE ISSUED TO A LICENSED PROFESSIONAL COUNSELOR BY A**
17 **HOME STATE TO A RESIDENT IN THAT STATE SHALL BE RECOGNIZED BY EACH**
18 **MEMBER STATE AS AUTHORIZING A LICENSED PROFESSIONAL COUNSELOR TO**
19 **PRACTICE PROFESSIONAL COUNSELING, UNDER A PRIVILEGE TO PRACTICE, IN**
20 **EACH MEMBER STATE.**

21 **SECTION 4. PRIVILEGE TO PRACTICE.**

22 **A. TO EXERCISE THE PRIVILEGE TO PRACTICE UNDER THE TERMS AND**
23 **PROVISIONS OF THE COMPACT, THE LICENSEE SHALL:**

24 **1. HOLD A LICENSE IN THE HOME STATE;**

25 **2. HAVE A VALID UNITED STATES SOCIAL SECURITY NUMBER OR**
26 **NATIONAL PRACTITIONER IDENTIFIER;**

27 **3. BE ELIGIBLE FOR A PRIVILEGE TO PRACTICE IN ANY MEMBER**
28 **STATE IN ACCORDANCE WITH SECTION 4(D), (G), AND (H);**

29 **4. HAVE NOT HAD ANY ENCUMBRANCE OR RESTRICTION AGAINST**
30 **ANY LICENSE OR PRIVILEGE TO PRACTICE WITHIN THE PREVIOUS TWO (2) YEARS;**

31 **5. NOTIFY THE COMMISSION THAT THE LICENSEE IS SEEKING THE**
32 **PRIVILEGE TO PRACTICE WITHIN A REMOTE STATE(S);**

1 **6. PAY ANY APPLICABLE FEES, INCLUDING ANY STATE FEE, FOR THE**
2 **PRIVILEGE TO PRACTICE;**

3 **7. MEET ANY CONTINUING COMPETENCE/EDUCATION**
4 **REQUIREMENTS ESTABLISHED BY THE HOME STATE;**

5 **8. MEET ANY JURISPRUDENCE REQUIREMENTS ESTABLISHED BY**
6 **THE REMOTE STATE(S) IN WHICH THE LICENSEE IS SEEKING A PRIVILEGE TO**
7 **PRACTICE; AND**

8 **9. REPORT TO THE COMMISSION ANY ADVERSE ACTION,**
9 **ENCUMBRANCE, OR RESTRICTION ON LICENSE TAKEN BY ANY NON-MEMBER STATE**
10 **WITHIN THIRTY (30) DAYS FROM THE DATE THE ACTION IS TAKEN.**

11 **B. THE PRIVILEGE TO PRACTICE IS VALID UNTIL THE EXPIRATION DATE OF**
12 **THE HOME STATE LICENSE. THE LICENSEE MUST COMPLY WITH THE**
13 **REQUIREMENTS OF SECTION 4(A) TO MAINTAIN THE PRIVILEGE TO PRACTICE IN**
14 **THE REMOTE STATE.**

15 **C. A LICENSEE PROVIDING PROFESSIONAL COUNSELING IN A REMOTE**
16 **STATE UNDER THE PRIVILEGE TO PRACTICE SHALL ADHERE TO THE LAWS AND**
17 **REGULATIONS OF THE REMOTE STATE.**

18 **D. A LICENSEE PROVIDING PROFESSIONAL COUNSELING SERVICES IN A**
19 **REMOTE STATE IS SUBJECT TO THAT STATE'S REGULATORY AUTHORITY. A REMOTE**
20 **STATE MAY, IN ACCORDANCE WITH DUE PROCESS AND THAT STATE'S LAWS, REMOVE**
21 **A LICENSEE'S PRIVILEGE TO PRACTICE IN THE REMOTE STATE FOR A SPECIFIC**
22 **PERIOD OF TIME, IMPOSE FINES, OR TAKE ANY OTHER NECESSARY ACTIONS TO**
23 **PROTECT THE HEALTH AND SAFETY OF ITS CITIZENS. THE LICENSEE MAY BE**
24 **INELIGIBLE FOR A PRIVILEGE TO PRACTICE IN ANY MEMBER STATE UNTIL THE**
25 **SPECIFIC TIME FOR REMOVAL HAS PASSED AND ALL FINES ARE PAID.**

26 **E. IF A HOME STATE LICENSE IS ENCUMBERED, THE LICENSEE SHALL LOSE**
27 **THE PRIVILEGE TO PRACTICE IN ANY REMOTE STATE UNTIL THE FOLLOWING**
28 **OCCUR:**

29 **1. THE HOME STATE LICENSE IS NO LONGER ENCUMBERED; AND**

30 **2. THE LICENSEE HAS NOT HAD ANY ENCUMBRANCE OR**
31 **RESTRICTION AGAINST ANY LICENSE OR PRIVILEGE TO PRACTICE WITHIN THE**
32 **PREVIOUS TWO (2) YEARS.**

1 **F. ONCE AN ENCUMBERED LICENSE IN THE HOME STATE IS RESTORED TO**
2 **GOOD STANDING, THE LICENSEE MUST MEET THE REQUIREMENTS OF SECTION 4(A)**
3 **TO OBTAIN A PRIVILEGE TO PRACTICE IN ANY REMOTE STATE.**

4 **G. IF A LICENSEE'S PRIVILEGE TO PRACTICE IN ANY REMOTE STATE IS**
5 **REMOVED, THE INDIVIDUAL MAY LOSE THE PRIVILEGE TO PRACTICE IN ALL OTHER**
6 **REMOTE STATES UNTIL THE FOLLOWING OCCUR:**

7 **1. THE SPECIFIC PERIOD OF TIME FOR WHICH THE PRIVILEGE TO**
8 **PRACTICE WAS REMOVED HAS ENDED;**

9 **2. ALL FINES HAVE BEEN PAID; AND**

10 **3. THE LICENSEE HAS NOT HAD ANY ENCUMBRANCE OR**
11 **RESTRICTION AGAINST ANY LICENSE OR PRIVILEGE TO PRACTICE WITHIN THE**
12 **PREVIOUS TWO (2) YEARS.**

13 **H. ONCE THE REQUIREMENTS OF SECTION 4(G) HAVE BEEN MET, THE**
14 **LICENSEE MUST MEET THE REQUIREMENTS IN SECTION 4(A) TO OBTAIN A**
15 **PRIVILEGE TO PRACTICE IN A REMOTE STATE.**

16 **SECTION 5. OBTAINING A NEW HOME STATE LICENSE BASED ON A**
17 **PRIVILEGE TO PRACTICE.**

18 **A. A LICENSED PROFESSIONAL COUNSELOR MAY HOLD A HOME STATE**
19 **LICENSE, WHICH ALLOWS FOR A PRIVILEGE TO PRACTICE IN OTHER MEMBER**
20 **STATES, IN ONLY ONE MEMBER STATE AT A TIME.**

21 **B. IF A LICENSED PROFESSIONAL COUNSELOR CHANGES PRIMARY STATE**
22 **OF RESIDENCE BY MOVING BETWEEN TWO MEMBER STATES:**

23 **1. THE LICENSED PROFESSIONAL COUNSELOR SHALL FILE AN**
24 **APPLICATION FOR OBTAINING A NEW HOME STATE LICENSE BASED ON A PRIVILEGE**
25 **TO PRACTICE, PAY ALL APPLICABLE FEES, AND NOTIFY THE CURRENT AND NEW**
26 **HOME STATE IN ACCORDANCE WITH APPLICABLE RULES ADOPTED BY THE**
27 **COMMISSION.**

28 **2. UPON RECEIPT OF AN APPLICATION FOR OBTAINING A NEW HOME**
29 **STATE LICENSE BY VIRTUE OF A PRIVILEGE TO PRACTICE, THE NEW HOME STATE**
30 **SHALL VERIFY THAT THE LICENSED PROFESSIONAL COUNSELOR MEETS THE**
31 **PERTINENT CRITERIA OUTLINED IN SECTION 4 THROUGH THE DATA SYSTEM,**
32 **WITHOUT NEED FOR PRIMARY SOURCE VERIFICATION EXCEPT FOR:**

1 A. A FEDERAL BUREAU OF INVESTIGATION FINGERPRINT
2 BASED CRIMINAL BACKGROUND CHECK IF NOT PREVIOUSLY PERFORMED OR
3 UPDATED PURSUANT TO APPLICABLE RULES ADOPTED BY THE COMMISSION IN
4 ACCORDANCE WITH PUBLIC LAW 92-544;

5 B. OTHER CRIMINAL BACKGROUND CHECK AS REQUIRED BY
6 THE NEW HOME STATE; AND

7 C. COMPLETION OF ANY REQUISITE JURISPRUDENCE
8 REQUIREMENTS OF THE NEW HOME STATE.

9 3. THE FORMER HOME STATE SHALL CONVERT THE FORMER HOME
10 STATE LICENSE INTO A PRIVILEGE TO PRACTICE ONCE THE NEW HOME STATE HAS
11 ACTIVATED THE NEW HOME STATE LICENSE IN ACCORDANCE WITH APPLICABLE
12 RULES ADOPTED BY THE COMMISSION.

13 4. NOTWITHSTANDING ANY OTHER PROVISION OF THIS COMPACT, IF
14 THE LICENSED PROFESSIONAL COUNSELOR CANNOT MEET THE CRITERIA IN
15 SECTION 4, THE NEW HOME STATE MAY APPLY ITS REQUIREMENTS FOR ISSUING A
16 NEW SINGLE STATE LICENSE.

17 5. THE LICENSED PROFESSIONAL COUNSELOR SHALL PAY ALL
18 APPLICABLE FEES TO THE NEW HOME STATE IN ORDER TO BE ISSUED A NEW HOME
19 STATE LICENSE.

20 C. IF A LICENSED PROFESSIONAL COUNSELOR CHANGES PRIMARY STATE
21 OF RESIDENCE BY MOVING FROM A MEMBER STATE TO A NON-MEMBER STATE, OR
22 FROM A NON-MEMBER STATE TO A MEMBER STATE, THE STATE CRITERIA SHALL
23 APPLY FOR ISSUANCE OF A SINGLE STATE LICENSE IN THE NEW STATE.

24 D. NOTHING IN THIS COMPACT SHALL INTERFERE WITH A LICENSEE'S
25 ABILITY TO HOLD A SINGLE STATE LICENSE IN MULTIPLE STATES, HOWEVER FOR
26 THE PURPOSES OF THIS COMPACT, A LICENSEE SHALL HAVE ONLY ONE HOME STATE
27 LICENSE.

28 E. NOTHING IN THIS COMPACT SHALL AFFECT THE REQUIREMENTS
29 ESTABLISHED BY A MEMBER STATE FOR THE ISSUANCE OF A SINGLE STATE LICENSE.

30 SECTION 6. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES.

31 ACTIVE DUTY MILITARY PERSONNEL, OR THEIR SPOUSES, SHALL DESIGNATE
32 A HOME STATE WHERE THE INDIVIDUAL HAS A CURRENT LICENSE IN GOOD
33 STANDING. THE INDIVIDUAL MAY RETAIN THE HOME STATE DESIGNATION DURING
34 THE PERIOD THE SERVICE MEMBER IS ON ACTIVE DUTY. SUBSEQUENT TO

DESIGNATING A HOME STATE, THE INDIVIDUAL SHALL ONLY CHANGE THE INDIVIDUAL'S HOME STATE THROUGH APPLICATION FOR LICENSURE IN THE NEW STATE, OR THROUGH THE PROCESS OUTLINED IN SECTION 5.

SECTION 7. COMPACT PRIVILEGE TO PRACTICE TELEHEALTH.

A. MEMBER STATES SHALL RECOGNIZE THE RIGHT OF A LICENSED PROFESSIONAL COUNSELOR, LICENSED BY A HOME STATE IN ACCORDANCE WITH SECTION 3 AND UNDER RULES PROMULGATED BY THE COMMISSION, TO PRACTICE PROFESSIONAL COUNSELING IN ANY MEMBER STATE THROUGH TELEHEALTH UNDER A PRIVILEGE TO PRACTICE AS PROVIDED IN THE COMPACT AND RULES PROMULGATED BY THE COMMISSION.

B. A LICENSEE PROVIDING PROFESSIONAL COUNSELING SERVICES IN A REMOTE STATE UNDER THE PRIVILEGE TO PRACTICE SHALL ADHERE TO THE LAWS AND REGULATIONS OF THE REMOTE STATE.

SECTION 8. ADVERSE ACTIONS.

A. IN ADDITION TO THE OTHER POWERS CONFERRED BY STATE LAW, A REMOTE STATE SHALL HAVE THE AUTHORITY, IN ACCORDANCE WITH EXISTING STATE DUE PROCESS LAW, TO:

1. TAKE ADVERSE ACTION AGAINST A LICENSED PROFESSIONAL COUNSELOR'S PRIVILEGE TO PRACTICE WITHIN THAT MEMBER STATE; AND

2. ISSUE SUBPOENAS FOR BOTH HEARINGS AND INVESTIGATIONS THAT REQUIRE THE ATTENDANCE AND TESTIMONY OF WITNESSES AS WELL AS THE PRODUCTION OF EVIDENCE. SUBPOENAS ISSUED BY A LICENSING BOARD IN A MEMBER STATE FOR THE ATTENDANCE AND TESTIMONY OF WITNESSES OR THE PRODUCTION OF EVIDENCE FROM ANOTHER MEMBER STATE SHALL BE ENFORCED IN THE LATTER STATE BY ANY COURT OF COMPETENT JURISDICTION, ACCORDING TO THE PRACTICE AND PROCEDURE OF THAT COURT APPLICABLE TO SUBPOENAS ISSUED IN PROCEEDINGS PENDING BEFORE IT. THE ISSUING AUTHORITY SHALL PAY ANY WITNESS FEES, TRAVEL EXPENSES, MILEAGE, AND OTHER FEES REQUIRED BY THE SERVICE STATUTES OF THE STATE IN WHICH THE WITNESSES OR EVIDENCE ARE LOCATED.

3. ONLY THE HOME STATE SHALL HAVE THE POWER TO TAKE ADVERSE ACTION AGAINST A LICENSED PROFESSIONAL COUNSELOR'S LICENSE ISSUED BY THE HOME STATE.

B. FOR PURPOSES OF TAKING ADVERSE ACTION, THE HOME STATE SHALL GIVE THE SAME PRIORITY AND EFFECT TO REPORTED CONDUCT RECEIVED FROM A

1 MEMBER STATE AS IT WOULD IF THE CONDUCT HAD OCCURRED WITHIN THE HOME
2 STATE. IN SO DOING, THE HOME STATE SHALL APPLY ITS OWN STATE LAWS TO
3 DETERMINE APPROPRIATE ACTION.

4 C. THE HOME STATE SHALL COMPLETE ANY PENDING INVESTIGATIONS OF
5 A LICENSED PROFESSIONAL COUNSELOR WHO CHANGES PRIMARY STATE OF
6 RESIDENCE DURING THE COURSE OF THE INVESTIGATIONS. THE HOME STATE
7 SHALL ALSO HAVE THE AUTHORITY TO TAKE APPROPRIATE ACTION(S) AND SHALL
8 PROMPTLY REPORT THE CONCLUSIONS OF THE INVESTIGATIONS TO THE
9 ADMINISTRATOR OF THE DATA SYSTEM. THE ADMINISTRATOR OF THE
10 COORDINATED LICENSURE INFORMATION SYSTEM SHALL PROMPTLY NOTIFY THE
11 NEW HOME STATE OF ANY ADVERSE ACTIONS.

12 D. A MEMBER STATE, IF OTHERWISE PERMITTED BY STATE LAW, MAY
13 RECOVER FROM THE AFFECTED LICENSED PROFESSIONAL COUNSELOR THE COSTS
14 OF INVESTIGATIONS AND DISPOSITIONS OF CASES RESULTING FROM ANY ADVERSE
15 ACTION TAKEN AGAINST THAT LICENSED PROFESSIONAL COUNSELOR.

16 E. A MEMBER STATE MAY TAKE ADVERSE ACTION BASED ON THE FACTUAL
17 FINDINGS OF THE REMOTE STATE, PROVIDED THAT THE MEMBER STATE FOLLOWS
18 ITS OWN PROCEDURES FOR TAKING THE ADVERSE ACTION.

19 F. JOINT INVESTIGATIONS.

20 1. IN ADDITION TO THE AUTHORITY GRANTED TO A MEMBER STATE
21 BY ITS RESPECTIVE PROFESSIONAL COUNSELING PRACTICE ACT OR OTHER
22 APPLICABLE STATE LAW, ANY MEMBER STATE MAY PARTICIPATE WITH OTHER
23 MEMBER STATES IN JOINT INVESTIGATIONS OF LICENSEES.

24 2. MEMBER STATES SHALL SHARE ANY INVESTIGATIVE, LITIGATION,
25 OR COMPLIANCE MATERIALS IN FURTHERANCE OF ANY JOINT OR INDIVIDUAL
26 INVESTIGATION INITIATED UNDER THE COMPACT.

27 G. IF ADVERSE ACTION IS TAKEN BY THE HOME STATE AGAINST THE
28 LICENSE OF A LICENSED PROFESSIONAL COUNSELOR, THE LICENSED
29 PROFESSIONAL COUNSELOR'S PRIVILEGE TO PRACTICE IN ALL OTHER MEMBER
30 STATES SHALL BE DEACTIVATED UNTIL ALL ENCUMBRANCES HAVE BEEN REMOVED
31 FROM THE STATE LICENSE. ALL HOME STATE DISCIPLINARY ORDERS THAT IMPOSE
32 ADVERSE ACTION AGAINST THE LICENSE OF A LICENSED PROFESSIONAL
33 COUNSELOR SHALL INCLUDE A STATEMENT THAT THE LICENSED PROFESSIONAL
34 COUNSELOR'S PRIVILEGE TO PRACTICE IS DEACTIVATED IN ALL MEMBER STATES
35 DURING THE PENDENCY OF THE ORDER.

1 **H. IF A MEMBER STATE TAKES ADVERSE ACTION, IT SHALL PROMPTLY**
2 **NOTIFY THE ADMINISTRATOR OF THE DATA SYSTEM. THE ADMINISTRATOR OF THE**
3 **DATA SYSTEM SHALL PROMPTLY NOTIFY THE HOME STATE OF ANY ADVERSE**
4 **ACTIONS BY REMOTE STATES.**

5 **I. NOTHING IN THIS COMPACT SHALL OVERRIDE A MEMBER STATE'S**
6 **DECISION THAT PARTICIPATION IN AN ALTERNATIVE PROGRAM MAY BE USED IN**
7 **LIEU OF ADVERSE ACTION.**

8 **SECTION 9. ESTABLISHMENT OF COUNSELING COMPACT COMMISSION.**

9 **A. THE COMPACT MEMBER STATES HEREBY CREATE AND ESTABLISH A**
10 **JOINT PUBLIC AGENCY KNOWN AS THE COUNSELING COMPACT COMMISSION:**

11 **1. THE COMMISSION IS AN INSTRUMENTALITY OF THE COMPACT**
12 **STATES.**

13 **2. VENUE IS PROPER AND JUDICIAL PROCEEDINGS BY OR AGAINST**
14 **THE COMMISSION SHALL BE BROUGHT SOLELY AND EXCLUSIVELY IN A COURT OF**
15 **COMPETENT JURISDICTION WHERE THE PRINCIPAL OFFICE OF THE COMMISSION IS**
16 **LOCATED. THE COMMISSION MAY WAIVE VENUE AND JURISDICTIONAL DEFENSES**
17 **TO THE EXTENT IT ADOPTS OR CONSENTS TO PARTICIPATE IN ALTERNATIVE**
18 **DISPUTE RESOLUTION PROCEEDINGS.**

19 **3. NOTHING IN THIS COMPACT SHALL BE CONSTRUED TO BE A**
20 **WAIVER OF SOVEREIGN IMMUNITY.**

21 **B. MEMBERSHIP, VOTING, AND MEETINGS.**

22 **1. EACH MEMBER STATE SHALL HAVE AND BE LIMITED TO ONE (1)**
23 **DELEGATE SELECTED BY THAT MEMBER STATE'S LICENSING BOARD.**

24 **2. THE DELEGATE SHALL BE EITHER:**

25 **A. A CURRENT MEMBER OF THE LICENSING BOARD AT THE**
26 **TIME OF APPOINTMENT, WHO IS A LICENSED PROFESSIONAL COUNSELOR OR PUBLIC**
27 **MEMBER; OR**

28 **B. AN ADMINISTRATOR OF THE LICENSING BOARD.**

29 **3. ANY DELEGATE MAY BE REMOVED OR SUSPENDED FROM OFFICE**
30 **AS PROVIDED BY THE LAW OF THE STATE FROM WHICH THE DELEGATE IS**
31 **APPOINTED.**

1 4. THE MEMBER STATE LICENSING BOARD SHALL FILL ANY VACANCY
2 OCCURRING ON THE COMMISSION WITHIN SIXTY (60) DAYS.

3 5. EACH DELEGATE SHALL BE ENTITLED TO ONE (1) VOTE WITH
4 REGARD TO THE PROMULGATION OF RULES AND CREATION OF BYLAWS AND SHALL
5 OTHERWISE HAVE AN OPPORTUNITY TO PARTICIPATE IN THE BUSINESS AND
6 AFFAIRS OF THE COMMISSION.

7 6. A DELEGATE SHALL VOTE IN PERSON OR BY SUCH OTHER MEANS
8 AS PROVIDED IN THE BYLAWS. THE BYLAWS MAY PROVIDE FOR DELEGATES'
9 PARTICIPATION IN MEETINGS BY TELEPHONE OR OTHER MEANS OF
10 COMMUNICATION.

11 7. THE COMMISSION SHALL MEET AT LEAST ONCE DURING EACH
12 CALENDAR YEAR. ADDITIONAL MEETINGS SHALL BE HELD AS SET FORTH IN THE
13 BYLAWS.

14 8. THE COMMISSION SHALL BY RULE ESTABLISH A TERM OF OFFICE
15 FOR DELEGATES AND MAY BY RULE ESTABLISH TERM LIMITS.

16 C. THE COMMISSION SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

17 1. ESTABLISH THE FISCAL YEAR OF THE COMMISSION;

18 2. ESTABLISH BYLAWS;

19 3. MAINTAIN ITS FINANCIAL RECORDS IN ACCORDANCE WITH THE
20 BYLAWS;

21 4. MEET AND TAKE SUCH ACTIONS AS ARE CONSISTENT WITH THE
22 PROVISIONS OF THIS COMPACT AND THE BYLAWS;

23 5. PROMULGATE RULES WHICH SHALL BE BINDING TO THE EXTENT
24 AND IN THE MANNER PROVIDED FOR IN THE COMPACT;

25 6. BRING AND PROSECUTE LEGAL PROCEEDINGS OR ACTIONS IN
26 THE NAME OF THE COMMISSION, PROVIDED THAT THE STANDING OF ANY STATE
27 LICENSING BOARD TO SUE OR BE SUED UNDER APPLICABLE LAW SHALL NOT BE
28 AFFECTED;

29 7. PURCHASE AND MAINTAIN INSURANCE AND BONDS;

30 8. BORROW, ACCEPT, OR CONTRACT FOR SERVICES OF PERSONNEL,
31 INCLUDING, BUT NOT LIMITED TO, EMPLOYEES OF A MEMBER STATE;

1 **9. HIRE EMPLOYEES, ELECT OR APPOINT OFFICERS, FIX**
2 **COMPENSATION, DEFINE DUTIES, GRANT SUCH INDIVIDUALS APPROPRIATE**
3 **AUTHORITY TO CARRY OUT THE PURPOSES OF THE COMPACT, AND ESTABLISH THE**
4 **COMMISSION'S PERSONNEL POLICIES AND PROGRAMS RELATING TO CONFLICTS OF**
5 **INTEREST, QUALIFICATIONS OF PERSONNEL, AND OTHER RELATED PERSONNEL**
6 **MATTERS;**

7 **10. ACCEPT ANY AND ALL APPROPRIATE DONATIONS AND GRANTS OF**
8 **MONEY, EQUIPMENT, SUPPLIES, MATERIALS, AND SERVICES, AND RECEIVE, UTILIZE,**
9 **AND DISPOSE OF THE SAME; PROVIDED THAT AT ALL TIMES THE COMMISSION SHALL**
10 **AVOID ANY APPEARANCE OF IMPROPRIETY OR CONFLICT OF INTEREST;**

11 **11. LEASE, PURCHASE, ACCEPT APPROPRIATE GIFTS OR DONATIONS**
12 **OF, OR OTHERWISE OWN, HOLD, IMPROVE, OR USE, ANY PROPERTY REAL,**
13 **PERSONAL, OR MIXED; PROVIDED THAT AT ALL TIMES THE COMMISSION SHALL**
14 **AVOID ANY APPEARANCE OF IMPROPRIETY;**

15 **12. SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE,**
16 **ABANDON, OR OTHERWISE DISPOSE OF ANY PROPERTY REAL, PERSONAL, OR MIXED;**

17 **13. ESTABLISH A BUDGET AND MAKE EXPENDITURES;**

18 **14. BORROW MONEY;**

19 **15. APPOINT COMMITTEES INCLUDING STANDING COMMITTEES**
20 **COMPOSED OF MEMBERS, STATE REGULATORS, STATE LEGISLATORS OR THEIR**
21 **REPRESENTATIVES, AND CONSUMER REPRESENTATIVES, AND SUCH OTHER**
22 **INTERESTED PERSONS AS MAY BE DESIGNATED IN THIS COMPACT 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 CONSISTENT WITH**
28 **THE STATE REGULATION OF PROFESSIONAL COUNSELING LICENSURE AND**
29 **PRACTICE.**

30 **D. THE EXECUTIVE COMMITTEE.**

31 **1. THE EXECUTIVE COMMITTEE SHALL HAVE THE POWER TO ACT ON**
32 **BEHALF OF THE COMMISSION ACCORDING TO THE TERMS OF THIS COMPACT.**

1 **2. THE EXECUTIVE COMMITTEE SHALL BE COMPOSED OF UP TO**
2 **ELEVEN (11) MEMBERS:**

3 **A. SEVEN (7) VOTING MEMBERS WHO ARE ELECTED BY THE**
4 **COMMISSION FROM THE CURRENT MEMBERSHIP OF THE COMMISSION; AND**

5 **B. UP TO FOUR (4) EX-OFFICIO, NONVOTING MEMBERS FROM**
6 **FOUR (4) RECOGNIZED NATIONAL PROFESSIONAL COUNSELOR ORGANIZATIONS.**
7 **THE EX-OFFICIO MEMBERS WILL BE SELECTED BY THEIR RESPECTIVE**
8 **ORGANIZATIONS.**

9 **3. THE COMMISSION MAY REMOVE ANY MEMBER OF THE EXECUTIVE**
10 **COMMITTEE AS PROVIDED IN BYLAWS.**

11 **4. THE EXECUTIVE COMMITTEE SHALL MEET AT LEAST ANNUALLY.**

12 **5. THE EXECUTIVE COMMITTEE SHALL HAVE THE FOLLOWING**
13 **DUTIES AND RESPONSIBILITIES:**

14 **A. RECOMMEND TO THE ENTIRE COMMISSION CHANGES TO**
15 **THE RULES OR BYLAWS, CHANGES TO THIS COMPACT LEGISLATION, FEES PAID BY**
16 **COMPACT MEMBER STATES SUCH AS ANNUAL DUES, AND ANY COMMISSION**
17 **COMPACT FEE CHARGED TO LICENSEES FOR THE PRIVILEGE TO PRACTICE;**

18 **B. ENSURE COMPACT ADMINISTRATION SERVICES ARE**
19 **APPROPRIATELY PROVIDED, CONTRACTUAL OR OTHERWISE;**

20 **C. PREPARE AND RECOMMEND THE BUDGET;**

21 **D. MAINTAIN FINANCIAL RECORDS ON BEHALF OF THE**
22 **COMMISSION;**

23 **E. MONITOR COMPACT COMPLIANCE OF MEMBER STATES AND**
24 **PROVIDE COMPLIANCE REPORTS TO THE COMMISSION;**

25 **F. ESTABLISH ADDITIONAL COMMITTEES AS NECESSARY; AND**

26 **G. PERFORM OTHER DUTIES AS PROVIDED IN RULES OR**
27 **BYLAWS.**

28 **E. MEETINGS OF THE COMMISSION.**

1 1. ALL MEETINGS SHALL BE OPEN TO THE PUBLIC, AND PUBLIC
2 NOTICE OF MEETINGS SHALL BE GIVEN IN THE SAME MANNER AS REQUIRED UNDER
3 THE RULEMAKING PROVISIONS IN SECTION 11.

4 2. THE COMMISSION OR THE EXECUTIVE COMMITTEE OR OTHER
5 COMMITTEES OF THE COMMISSION MAY CONVENE IN A CLOSED, NON-PUBLIC
6 MEETING IF THE COMMISSION OR EXECUTIVE COMMITTEE OR OTHER COMMITTEES
7 OF THE COMMISSION MUST DISCUSS:

8 A. NON-COMPLIANCE OF A MEMBER STATE WITH ITS
9 OBLIGATIONS UNDER THE COMPACT;

10 B. THE EMPLOYMENT, COMPENSATION, DISCIPLINE, OR
11 OTHER MATTERS, PRACTICES, OR PROCEDURES RELATED TO SPECIFIC EMPLOYEES
12 OR OTHER MATTERS RELATED TO THE COMMISSION'S INTERNAL PERSONNEL
13 PRACTICES AND PROCEDURES;

14 C. CURRENT, THREATENED, OR REASONABLY ANTICIPATED
15 LITIGATION;

16 D. NEGOTIATION OF CONTRACTS FOR THE PURCHASE, LEASE,
17 OR SALE OF GOODS, SERVICES, OR REAL ESTATE;

18 E. ACCUSING ANY PERSON OF A CRIME OR FORMALLY
19 CENSURING ANY PERSON;

20 F. DISCLOSURE OF TRADE SECRETS OR COMMERCIAL OR
21 FINANCIAL INFORMATION THAT IS PRIVILEGED OR CONFIDENTIAL;

22 G. DISCLOSURE OF INFORMATION OF A PERSONAL NATURE
23 WHERE DISCLOSURE WOULD CONSTITUTE A CLEARLY UNWARRANTED INVASION OF
24 PERSONAL PRIVACY;

25 H. DISCLOSURE OF INVESTIGATIVE RECORDS COMPILED FOR
26 LAW ENFORCEMENT PURPOSES;

27 I. DISCLOSURE OF INFORMATION RELATED TO ANY
28 INVESTIGATIVE REPORTS PREPARED BY OR ON BEHALF OF OR FOR USE OF THE
29 COMMISSION OR OTHER COMMITTEE CHARGED WITH RESPONSIBILITY OF
30 INVESTIGATION OR DETERMINATION OF COMPLIANCE ISSUES PURSUANT TO THE
31 COMPACT; OR

32 J. MATTERS SPECIFICALLY EXEMPTED FROM DISCLOSURE BY
33 FEDERAL OR MEMBER STATE STATUTE.

1 **3. IF A MEETING, OR PORTION OF A MEETING, IS CLOSED PURSUANT**
2 **TO THIS PROVISION, THE COMMISSION'S LEGAL COUNSEL OR DESIGNEE SHALL**
3 **CERTIFY THAT THE MEETING MAY BE CLOSED AND SHALL REFERENCE EACH**
4 **RELEVANT EXEMPTING PROVISION.**

5 **4. THE COMMISSION SHALL KEEP MINUTES THAT FULLY AND**
6 **CLEARLY DESCRIBE ALL MATTERS DISCUSSED IN A MEETING AND SHALL PROVIDE A**
7 **FULL AND ACCURATE SUMMARY OF ACTIONS TAKEN, AND THE REASONS**
8 **THEREFORE, INCLUDING A DESCRIPTION OF THE VIEWS EXPRESSED. ALL**
9 **DOCUMENTS CONSIDERED IN CONNECTION WITH AN ACTION SHALL BE IDENTIFIED**
10 **IN SUCH MINUTES. ALL MINUTES AND DOCUMENTS OF A CLOSED MEETING SHALL**
11 **REMAIN UNDER SEAL, SUBJECT TO RELEASE BY A MAJORITY VOTE OF THE**
12 **COMMISSION OR ORDER OF A COURT OF COMPETENT JURISDICTION.**

13 **F. FINANCING OF THE COMMISSION.**

14 **1. THE COMMISSION SHALL PAY, OR PROVIDE FOR THE PAYMENT**
15 **OF, THE REASONABLE EXPENSES OF ITS ESTABLISHMENT, ORGANIZATION, AND**
16 **ONGOING ACTIVITIES.**

17 **2. THE COMMISSION MAY ACCEPT ANY AND ALL APPROPRIATE**
18 **REVENUE SOURCES, DONATIONS, AND GRANTS OF MONEY, EQUIPMENT, SUPPLIES,**
19 **MATERIALS, AND SERVICES.**

20 **3. THE COMMISSION MAY LEVY ON AND COLLECT AN ANNUAL**
21 **ASSESSMENT FROM EACH MEMBER STATE OR IMPOSE FEES ON OTHER PARTIES TO**
22 **COVER THE COST OF THE OPERATIONS AND ACTIVITIES OF THE COMMISSION AND**
23 **ITS STAFF, WHICH MUST BE IN A TOTAL AMOUNT SUFFICIENT TO COVER ITS ANNUAL**
24 **BUDGET AS APPROVED EACH YEAR FOR WHICH REVENUE IS NOT PROVIDED BY**
25 **OTHER SOURCES. THE AGGREGATE ANNUAL ASSESSMENT AMOUNT SHALL BE**
26 **ALLOCATED BASED UPON A FORMULA TO BE DETERMINED BY THE COMMISSION,**
27 **WHICH SHALL PROMULGATE A RULE BINDING UPON ALL MEMBER STATES.**

28 **4. THE COMMISSION SHALL NOT INCUR OBLIGATIONS OF ANY KIND**
29 **PRIOR TO SECURING THE FUNDS ADEQUATE TO MEET THE SAME; NOR SHALL THE**
30 **COMMISSION PLEDGE THE CREDIT OF ANY OF THE MEMBER STATES, EXCEPT BY AND**
31 **WITH THE AUTHORITY OF THE MEMBER STATE.**

32 **5. THE COMMISSION SHALL KEEP ACCURATE ACCOUNTS OF ALL**
33 **RECEIPTS AND DISBURSEMENTS. THE RECEIPTS AND DISBURSEMENTS OF THE**
34 **COMMISSION SHALL BE SUBJECT TO THE AUDIT AND ACCOUNTING PROCEDURES**
35 **ESTABLISHED UNDER ITS BYLAWS. HOWEVER, ALL RECEIPTS AND DISBURSEMENTS**
36 **OF FUNDS HANDLED BY THE COMMISSION SHALL BE AUDITED YEARLY BY A**

CERTIFIED OR LICENSED PUBLIC ACCOUNTANT, AND THE REPORT OF THE AUDIT SHALL BE INCLUDED IN AND BECOME PART OF THE ANNUAL REPORT OF THE COMMISSION.

G. QUALIFIED IMMUNITY, DEFENSE, AND INDEMNIFICATION.

1. THE MEMBERS, OFFICERS, EXECUTIVE DIRECTOR, EMPLOYEES, AND REPRESENTATIVES OF THE COMMISSION SHALL BE IMMUNE FROM SUIT AND LIABILITY, EITHER PERSONALLY OR IN THEIR OFFICIAL CAPACITY, FOR ANY CLAIM FOR DAMAGE TO OR LOSS OF PROPERTY OR PERSONAL INJURY OR OTHER CIVIL LIABILITY CAUSED BY OR ARISING OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION THAT OCCURRED, OR THAT THE PERSON AGAINST WHOM THE CLAIM IS MADE HAD A REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES; PROVIDED THAT NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO PROTECT ANY SUCH PERSON FROM SUIT OR LIABILITY FOR ANY DAMAGE, LOSS, INJURY, OR LIABILITY CAUSED BY THE INTENTIONAL OR WILLFUL OR WANTON MISCONDUCT OF THAT PERSON.

2. THE COMMISSION SHALL DEFEND ANY MEMBER, OFFICER, EXECUTIVE DIRECTOR, EMPLOYEE, OR REPRESENTATIVE OF THE COMMISSION IN ANY CIVIL ACTION SEEKING TO IMPOSE LIABILITY ARISING OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION THAT OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES, OR THAT THE PERSON AGAINST WHOM THE CLAIM IS MADE HAD A REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES; PROVIDED THAT NOTHING HEREIN SHALL BE CONSTRUED TO PROHIBIT THAT PERSON FROM RETAINING HIS OR HER OWN COUNSEL; AND PROVIDED FURTHER, THAT THE ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION DID NOT RESULT FROM THAT PERSON'S INTENTIONAL OR WILLFUL OR WANTON MISCONDUCT.

3. THE COMMISSION SHALL INDEMNIFY AND HOLD HARMLESS ANY MEMBER, OFFICER, EXECUTIVE DIRECTOR, EMPLOYEE, OR REPRESENTATIVE OF THE COMMISSION FOR THE AMOUNT OF ANY SETTLEMENT OR JUDGMENT OBTAINED AGAINST THAT PERSON ARISING OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION THAT OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES, OR THAT SUCH PERSON HAD A REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES, PROVIDED THAT THE ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION DID NOT RESULT FROM THE INTENTIONAL OR WILLFUL OR WANTON MISCONDUCT OF THAT PERSON.

SECTION 10. DATA SYSTEM.

1 **A. THE COMMISSION SHALL PROVIDE FOR THE DEVELOPMENT,**
2 **MAINTENANCE, OPERATION, AND UTILIZATION OF A COORDINATED DATABASE AND**
3 **REPORTING SYSTEM CONTAINING LICENSURE, ADVERSE ACTION, AND**
4 **INVESTIGATIVE INFORMATION ON ALL LICENSED INDIVIDUALS IN MEMBER STATES.**

5 **B. NOTWITHSTANDING ANY OTHER PROVISION OF STATE LAW TO THE**
6 **CONTRARY, A MEMBER STATE SHALL SUBMIT A UNIFORM DATA SET TO THE DATA**
7 **SYSTEM ON ALL INDIVIDUALS TO WHOM THIS COMPACT IS APPLICABLE AS**
8 **REQUIRED BY THE RULES OF THE COMMISSION, 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 THE**
20 **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 APPLYING**
25 **FOR A LICENSE. ADVERSE ACTION INFORMATION PERTAINING TO A LICENSEE IN**
26 **ANY MEMBER STATE WILL BE AVAILABLE TO ANY OTHER 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.**

1 **F. ANY INFORMATION SUBMITTED TO THE DATA SYSTEM THAT IS**
2 **SUBSEQUENTLY REQUIRED TO BE EXPUNGED BY THE LAWS OF THE MEMBER STATE**
3 **CONTRIBUTING THE INFORMATION SHALL BE REMOVED FROM THE 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 COMPACT.**
7 **NOTWITHSTANDING THE FOREGOING, IN THE EVENT THE COMMISSION EXERCISES**
8 **ITS RULEMAKING AUTHORITY IN A MANNER THAT IS BEYOND THE SCOPE OF THE**
9 **PURPOSES OF THE COMPACT, OR THE POWERS GRANTED HEREUNDER, THEN SUCH**
10 **AN ACTION BY THE COMMISSION SHALL BE INVALID AND HAVE NO FORCE OR**
11 **EFFECT.**

12 **B. THE COMMISSION SHALL EXERCISE ITS RULEMAKING POWERS**
13 **PURSUANT TO THE CRITERIA SET FORTH IN THIS SECTION AND THE RULES ADOPTED**
14 **THEREUNDER. RULES AND AMENDMENTS SHALL BECOME BINDING AS OF THE DATE**
15 **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 SAME**
18 **MANNER USED TO ADOPT THE COMPACT WITHIN FOUR (4) YEARS OF THE DATE OF**
19 **ADOPTION OF THE RULE, THEN SUCH RULE SHALL HAVE NO FURTHER FORCE AND**
20 **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 RULES**
24 **BY THE COMMISSION, AND AT LEAST THIRTY (30) DAYS IN ADVANCE OF THE**
25 **MEETING AT WHICH THE RULE WILL BE CONSIDERED AND VOTED UPON, THE**
26 **COMMISSION SHALL FILE A NOTICE OF PROPOSED RULEMAKING:**

27 **1. ON THE WEBSITE OF THE COMMISSION OR OTHER PUBLICLY**
28 **ACCESSIBLE PLATFORM; AND**

29 **2. ON THE WEBSITE OF EACH MEMBER STATE PROFESSIONAL**
30 **COUNSELING LICENSING BOARD OR OTHER PUBLICLY ACCESSIBLE PLATFORM OR**
31 **THE PUBLICATION IN WHICH EACH STATE WOULD OTHERWISE PUBLISH PROPOSED**
32 **RULES.**

33 **F. THE NOTICE OF PROPOSED RULEMAKING SHALL INCLUDE:**

1 1. THE PROPOSED TIME, DATE, AND LOCATION OF THE MEETING IN
2 WHICH THE RULE WILL BE CONSIDERED AND VOTED UPON;

3 2. THE TEXT OF THE PROPOSED RULE OR AMENDMENT AND THE
4 REASON FOR THE PROPOSED RULE;

5 3. A REQUEST FOR COMMENTS ON THE PROPOSED RULE FROM ANY
6 INTERESTED PERSON; AND

7 4. THE MANNER IN WHICH INTERESTED PERSONS MAY SUBMIT
8 NOTICE TO THE COMMISSION OF THEIR INTENTION TO ATTEND THE PUBLIC
9 HEARING AND ANY WRITTEN COMMENTS.

10 G. PRIOR TO ADOPTION OF A PROPOSED RULE, THE COMMISSION SHALL
11 ALLOW PERSONS TO SUBMIT WRITTEN DATA, FACTS, OPINIONS, AND ARGUMENTS,
12 WHICH SHALL BE MADE AVAILABLE TO THE PUBLIC.

13 H. THE COMMISSION SHALL GRANT AN OPPORTUNITY FOR A PUBLIC
14 HEARING BEFORE IT ADOPTS A RULE OR AMENDMENT IF A HEARING IS REQUESTED
15 BY:

16 1. AT LEAST TWENTY-FIVE (25) PERSONS;

17 2. A STATE OR FEDERAL GOVERNMENTAL SUBDIVISION OR AGENCY;
18 OR

19 3. AN ASSOCIATION HAVING AT LEAST TWENTY-FIVE (25) MEMBERS.

20 I. IF A HEARING IS HELD ON THE PROPOSED RULE OR AMENDMENT, THE
21 COMMISSION SHALL PUBLISH THE PLACE, TIME, AND DATE OF THE SCHEDULED
22 PUBLIC HEARING. IF THE HEARING IS HELD BY ELECTRONIC MEANS, THE
23 COMMISSION SHALL PUBLISH THE MECHANISM FOR ACCESS TO THE ELECTRONIC
24 HEARING.

25 1. ALL PERSONS WISHING TO BE HEARD AT THE HEARING SHALL
26 NOTIFY THE EXECUTIVE DIRECTOR OF THE COMMISSION OR OTHER DESIGNATED
27 MEMBER IN WRITING OF THEIR DESIRE TO APPEAR AND TESTIFY AT THE HEARING
28 NOT LESS THAN FIVE (5) BUSINESS DAYS BEFORE THE SCHEDULED DATE OF THE
29 HEARING.

30 2. HEARINGS SHALL BE CONDUCTED IN A MANNER PROVIDING EACH
31 PERSON WHO WISHES TO COMMENT A FAIR AND REASONABLE OPPORTUNITY TO
32 COMMENT ORALLY OR IN WRITING.

1 **3. ALL HEARINGS WILL BE RECORDED. A COPY OF THE RECORDING**
2 **WILL BE MADE AVAILABLE ON REQUEST.**

3 **4. NOTHING IN THIS SECTION SHALL BE CONSTRUED AS REQUIRING**
4 **A SEPARATE HEARING ON EACH RULE. RULES MAY BE GROUPED FOR THE**
5 **CONVENIENCE OF THE COMMISSION AT HEARINGS REQUIRED BY THIS SECTION.**

6 **J. FOLLOWING THE SCHEDULED HEARING DATE, OR BY THE CLOSE OF**
7 **BUSINESS ON THE SCHEDULED HEARING DATE IF THE HEARING WAS NOT HELD, THE**
8 **COMMISSION SHALL CONSIDER ALL WRITTEN AND ORAL COMMENTS RECEIVED.**

9 **K. IF NO WRITTEN NOTICE OF INTENT TO ATTEND THE PUBLIC HEARING BY**
10 **INTERESTED PARTIES IS RECEIVED, THE COMMISSION MAY PROCEED WITH**
11 **PROMULGATION OF THE PROPOSED RULE WITHOUT A PUBLIC HEARING.**

12 **L. THE COMMISSION SHALL, BY MAJORITY VOTE OF ALL MEMBERS, TAKE**
13 **FINAL ACTION ON THE PROPOSED RULE AND SHALL DETERMINE THE EFFECTIVE**
14 **DATE OF THE RULE, IF ANY, BASED ON THE RULEMAKING RECORD AND THE FULL**
15 **TEXT OF THE RULE.**

16 **M. UPON DETERMINATION THAT AN EMERGENCY EXISTS, THE**
17 **COMMISSION MAY CONSIDER AND ADOPT AN EMERGENCY RULE WITHOUT PRIOR**
18 **NOTICE, OPPORTUNITY FOR COMMENT, OR HEARING, PROVIDED THAT THE USUAL**
19 **RULEMAKING PROCEDURES PROVIDED IN THE COMPACT AND IN THIS SECTION**
20 **SHALL BE RETROACTIVELY APPLIED TO THE RULE AS SOON AS REASONABLY**
21 **POSSIBLE, IN NO EVENT LATER THAN NINETY (90) DAYS AFTER THE EFFECTIVE DATE**
22 **OF THE RULE. FOR THE PURPOSES OF THIS PROVISION, AN EMERGENCY RULE IS ONE**
23 **THAT MUST BE ADOPTED IMMEDIATELY IN ORDER TO:**

24 **1. MEET AN IMMINENT THREAT TO PUBLIC HEALTH, SAFETY, OR**
25 **WELFARE;**

26 **2. PREVENT A LOSS OF COMMISSION OR MEMBER STATE FUNDS;**

27 **3. MEET A DEADLINE FOR THE PROMULGATION OF AN**
28 **ADMINISTRATIVE RULE THAT IS ESTABLISHED BY FEDERAL LAW OR RULE; OR**

29 **4. PROTECT PUBLIC HEALTH AND SAFETY.**

30 **N. THE COMMISSION OR AN AUTHORIZED COMMITTEE OF THE**
31 **COMMISSION MAY DIRECT REVISIONS TO A PREVIOUSLY ADOPTED RULE OR**
32 **AMENDMENT FOR PURPOSES OF CORRECTING TYPOGRAPHICAL ERRORS, ERRORS IN**
33 **FORMAT, ERRORS IN CONSISTENCY, OR GRAMMATICAL ERRORS. PUBLIC NOTICE OF**
34 **ANY REVISIONS SHALL BE POSTED ON THE WEBSITE OF THE COMMISSION. THE**

1 REVISION SHALL BE SUBJECT TO CHALLENGE BY ANY PERSON FOR A PERIOD OF
2 THIRTY (30) DAYS AFTER POSTING. THE REVISION MAY BE CHALLENGED ONLY ON
3 GROUNDS THAT THE REVISION RESULTS IN A MATERIAL CHANGE TO A RULE. A
4 CHALLENGE SHALL BE MADE IN WRITING AND DELIVERED TO THE CHAIR OF THE
5 COMMISSION PRIOR TO THE END OF THE NOTICE PERIOD. IF NO CHALLENGE IS
6 MADE, THE REVISION WILL TAKE EFFECT WITHOUT FURTHER ACTION. IF THE
7 REVISION IS CHALLENGED, THE REVISION MAY NOT TAKE EFFECT WITHOUT THE
8 APPROVAL OF THE COMMISSION.

9 **SECTION 12. OVERSIGHT, DISPUTE RESOLUTION, AND**
10 **ENFORCEMENT.**

11 **A. OVERSIGHT.**

12 1. THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES OF
13 STATE GOVERNMENT IN EACH MEMBER STATE SHALL ENFORCE THIS COMPACT AND
14 TAKE ALL ACTIONS NECESSARY AND APPROPRIATE TO EFFECTUATE THE
15 COMPACT'S PURPOSES AND INTENT. THE PROVISIONS OF THIS COMPACT AND THE
16 RULES PROMULGATED HEREUNDER SHALL HAVE STANDING AS STATUTORY LAW.

17 2. ALL COURTS SHALL TAKE JUDICIAL NOTICE OF THE COMPACT
18 AND THE RULES IN ANY JUDICIAL OR ADMINISTRATIVE PROCEEDING IN A MEMBER
19 STATE PERTAINING TO THE SUBJECT MATTER OF THIS COMPACT WHICH MAY
20 AFFECT THE POWERS, RESPONSIBILITIES, OR ACTIONS OF THE COMMISSION.

21 3. THE COMMISSION SHALL BE ENTITLED TO RECEIVE SERVICE OF
22 PROCESS IN ANY SUCH PROCEEDING AND SHALL HAVE STANDING TO INTERVENE IN
23 SUCH A PROCEEDING FOR ALL PURPOSES. FAILURE TO PROVIDE SERVICE OF
24 PROCESS TO THE COMMISSION SHALL RENDER A JUDGMENT OR ORDER VOID AS TO
25 THE COMMISSION, THIS COMPACT, OR PROMULGATED RULES.

26 **B. DEFAULT, TECHNICAL ASSISTANCE, AND TERMINATION.**

27 1. IF THE COMMISSION DETERMINES THAT A MEMBER STATE HAS
28 DEFAULTED IN THE PERFORMANCE OF ITS OBLIGATIONS OR RESPONSIBILITIES
29 UNDER THIS COMPACT OR THE PROMULGATED RULES, THE COMMISSION SHALL:

30 A. PROVIDE WRITTEN NOTICE TO THE DEFAULTING
31 STATE AND OTHER MEMBER STATES OF THE NATURE OF THE DEFAULT, THE
32 PROPOSED MEANS OF CURING THE DEFAULT, OR ANY OTHER ACTION TO BE TAKEN
33 BY THE COMMISSION; AND

34 B. PROVIDE REMEDIAL TRAINING AND SPECIFIC
35 TECHNICAL ASSISTANCE REGARDING THE DEFAULT.

1 **C. IF A MEMBER STATE IN DEFAULT FAILS TO CURE THE DEFAULT, THE**
2 **DEFAULTING MEMBER STATE MAY BE TERMINATED FROM THE COMPACT UPON AN**
3 **AFFIRMATIVE VOTE OF A MAJORITY OF THE MEMBER STATES, AND ALL RIGHTS,**
4 **PRIVILEGES, AND BENEFITS CONFERRED BY THIS COMPACT MAY BE TERMINATED**
5 **ON THE EFFECTIVE DATE OF TERMINATION. A CURE OF THE DEFAULT DOES NOT**
6 **RELIEVE THE OFFENDING STATE OF OBLIGATIONS OR LIABILITIES INCURRED**
7 **DURING THE PERIOD OF DEFAULT.**

8 **D. TERMINATION OF MEMBERSHIP IN THE COMPACT SHALL BE IMPOSED**
9 **ONLY AFTER ALL OTHER MEANS OF SECURING COMPLIANCE HAVE BEEN**
10 **EXHAUSTED. NOTICE OF INTENT TO SUSPEND OR TERMINATE SHALL BE GIVEN BY**
11 **THE COMMISSION TO THE GOVERNOR, THE MAJORITY AND MINORITY LEADERS OF**
12 **THE DEFAULTING STATE'S LEGISLATURE, AND EACH OF THE MEMBER STATES.**

13 **E. A STATE THAT HAS BEEN TERMINATED IS RESPONSIBLE FOR ALL**
14 **ASSESSMENTS, OBLIGATIONS, AND LIABILITIES INCURRED THROUGH THE**
15 **EFFECTIVE DATE OF TERMINATION, INCLUDING OBLIGATIONS THAT EXTEND**
16 **BEYOND THE EFFECTIVE DATE OF TERMINATION.**

17 **F. THE COMMISSION SHALL NOT BEAR ANY COSTS RELATED TO A MEMBER**
18 **STATE THAT IS FOUND TO BE IN DEFAULT OR THAT HAS BEEN TERMINATED FROM**
19 **THE COMPACT, UNLESS AGREED UPON IN WRITING BETWEEN THE COMMISSION AND**
20 **THE DEFAULTING MEMBER STATE.**

21 **G. THE DEFAULTING MEMBER STATE MAY APPEAL THE ACTION OF THE**
22 **COMMISSION BY PETITIONING THE UNITED STATES DISTRICT COURT FOR THE**
23 **DISTRICT OF COLUMBIA OR THE FEDERAL DISTRICT WHERE THE COMMISSION HAS**
24 **ITS PRINCIPAL OFFICES. THE PREVAILING MEMBER SHALL BE AWARDED ALL COSTS**
25 **OF SUCH LITIGATION, INCLUDING REASONABLE ATTORNEY'S FEES.**

26 **H. DISPUTE RESOLUTION.**

27 **1. UPON REQUEST BY A MEMBER STATE, THE COMMISSION SHALL**
28 **ATTEMPT TO RESOLVE DISPUTES RELATED TO THE COMPACT THAT ARISE AMONG**
29 **MEMBER STATES AND BETWEEN MEMBER AND NON-MEMBER STATES.**

30 **2. THE COMMISSION SHALL PROMULGATE A RULE PROVIDING FOR**
31 **BOTH MEDIATION AND BINDING DISPUTE RESOLUTION FOR DISPUTES AS**
32 **APPROPRIATE.**

33 **I. ENFORCEMENT.**

1 1. THE COMMISSION, IN THE REASONABLE EXERCISE OF ITS
2 DISCRETION, SHALL ENFORCE THE PROVISIONS AND RULES OF THIS COMPACT.

3 2. BY MAJORITY VOTE, THE COMMISSION MAY INITIATE LEGAL
4 ACTION IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA
5 OR THE FEDERAL DISTRICT WHERE THE COMMISSION HAS ITS PRINCIPAL OFFICES
6 AGAINST A MEMBER STATE IN DEFAULT TO ENFORCE COMPLIANCE WITH THE
7 PROVISIONS OF THE COMPACT AND ITS PROMULGATED RULES AND BYLAWS. THE
8 RELIEF SOUGHT MAY INCLUDE BOTH INJUNCTIVE RELIEF AND DAMAGES. IN THE
9 EVENT JUDICIAL ENFORCEMENT IS NECESSARY, THE PREVAILING MEMBER SHALL
10 BE AWARDED ALL COSTS OF SUCH LITIGATION, INCLUDING REASONABLE
11 ATTORNEY'S FEES.

12 3. THE REMEDIES HEREIN SHALL NOT BE THE EXCLUSIVE REMEDIES
13 OF THE COMMISSION. THE COMMISSION MAY PURSUE ANY OTHER REMEDIES
14 AVAILABLE UNDER FEDERAL OR STATE LAW.

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

18 A. THE COMPACT SHALL COME INTO EFFECT ON THE DATE ON WHICH THE
19 COMPACT STATUTE IS ENACTED INTO LAW IN THE TENTH MEMBER STATE. THE
20 PROVISIONS, WHICH BECOME EFFECTIVE AT THAT TIME, SHALL BE LIMITED TO THE
21 POWERS GRANTED TO THE COMMISSION RELATING TO ASSEMBLY AND THE
22 PROMULGATION OF RULES. THEREAFTER, THE COMMISSION SHALL MEET AND
23 EXERCISE RULEMAKING POWERS NECESSARY TO THE IMPLEMENTATION AND
24 ADMINISTRATION OF THE COMPACT.

25 B. ANY STATE THAT JOINS THE COMPACT SUBSEQUENT TO THE
26 COMMISSION'S INITIAL ADOPTION OF THE RULES SHALL BE SUBJECT TO THE RULES
27 AS THEY EXIST ON THE DATE ON WHICH THE COMPACT BECOMES LAW IN THAT
28 STATE. ANY RULE THAT HAS BEEN PREVIOUSLY ADOPTED BY THE COMMISSION
29 SHALL HAVE THE FULL FORCE AND EFFECT OF LAW ON THE DAY THE COMPACT
30 BECOMES LAW IN THAT STATE.

31 C. ANY MEMBER STATE MAY WITHDRAW FROM THIS COMPACT BY
32 ENACTING A STATUTE REPEALING THE SAME.

33 1. A MEMBER STATE'S WITHDRAWAL SHALL NOT TAKE EFFECT
34 UNTIL SIX (6) MONTHS AFTER ENACTMENT OF THE REPEALING STATUTE.

35 2. WITHDRAWAL SHALL NOT AFFECT THE CONTINUING
36 REQUIREMENT OF THE WITHDRAWING STATE'S PROFESSIONAL COUNSELING

1 LICENSING BOARD TO COMPLY WITH THE INVESTIGATIVE AND ADVERSE ACTION
2 REPORTING REQUIREMENTS OF THIS COMPACT PRIOR TO THE EFFECTIVE DATE OF
3 WITHDRAWAL.

4 D. NOTHING CONTAINED IN THIS COMPACT SHALL BE CONSTRUED TO
5 INVALIDATE OR PREVENT ANY PROFESSIONAL COUNSELING LICENSURE
6 AGREEMENT OR OTHER COOPERATIVE ARRANGEMENT BETWEEN A MEMBER STATE
7 AND A NON-MEMBER STATE THAT DOES NOT CONFLICT WITH THE PROVISIONS OF
8 THIS COMPACT.

9 E. THIS COMPACT MAY BE AMENDED BY THE MEMBER STATES. NO
10 AMENDMENT TO THIS COMPACT SHALL BECOME EFFECTIVE AND BINDING UPON
11 ANY MEMBER STATE UNTIL IT IS ENACTED INTO THE LAWS OF ALL MEMBER STATES.

12 **SECTION 14. CONSTRUCTION AND SEVERABILITY.**

13 THIS COMPACT SHALL BE LIBERALLY CONSTRUED SO AS TO EFFECTUATE THE
14 PURPOSES THEREOF. THE PROVISIONS OF THIS COMPACT SHALL BE SEVERABLE
15 AND IF ANY PHRASE, CLAUSE, SENTENCE, OR PROVISION OF THIS COMPACT IS
16 DECLARED TO BE CONTRARY TO THE CONSTITUTION OF ANY MEMBER STATE OR OF
17 THE UNITED STATES OR THE APPLICABILITY THEREOF TO ANY GOVERNMENT,
18 AGENCY, PERSON, OR CIRCUMSTANCE IS HELD INVALID, THE VALIDITY OF THE
19 REMAINDER OF THIS COMPACT AND THE APPLICABILITY THEREOF TO ANY
20 GOVERNMENT, AGENCY, PERSON, OR CIRCUMSTANCE SHALL NOT BE AFFECTED
21 THEREBY. IF THIS COMPACT SHALL BE HELD CONTRARY TO THE CONSTITUTION OF
22 ANY MEMBER STATE, THE COMPACT SHALL REMAIN IN FULL FORCE AND EFFECT AS
23 TO THE REMAINING MEMBER STATES AND IN FULL FORCE AND EFFECT AS TO THE
24 MEMBER STATE AFFECTED AS TO ALL SEVERABLE MATTERS.

25 **SECTION 15. BINDING EFFECT OF COMPACT AND OTHER LAWS.**

26 A. A LICENSEE PROVIDING PROFESSIONAL COUNSELING SERVICES IN A
27 REMOTE STATE UNDER THE PRIVILEGE TO PRACTICE SHALL ADHERE TO THE LAWS
28 AND REGULATIONS, INCLUDING SCOPE OF PRACTICE, OF THE REMOTE STATE.

29 B. NOTHING HEREIN PREVENTS THE ENFORCEMENT OF ANY OTHER LAW
30 OF A MEMBER STATE THAT IS NOT INCONSISTENT WITH THE COMPACT.

31 C. ANY LAWS IN A MEMBER STATE IN CONFLICT WITH THE COMPACT ARE
32 SUPERSEDED TO THE EXTENT OF THE CONFLICT.

33 D. ANY LAWFUL ACTIONS OF THE COMMISSION, INCLUDING ALL RULES
34 AND BYLAWS PROPERLY PROMULGATED BY THE COMMISSION, ARE BINDING UPON
35 THE MEMBER STATES.

1 **E. ALL PERMISSIBLE AGREEMENTS BETWEEN THE COMMISSION AND THE**
2 **MEMBER STATES ARE BINDING IN ACCORDANCE WITH THEIR TERMS.**

3 **F. IN THE EVENT ANY PROVISION OF THE COMPACT EXCEEDS THE**
4 **CONSTITUTIONAL LIMITS IMPOSED ON THE LEGISLATURE OF ANY MEMBER STATE,**
5 **THE PROVISION SHALL BE INEFFECTIVE TO THE EXTENT OF THE CONFLICT WITH**
6 **THE CONSTITUTIONAL PROVISION IN QUESTION IN THAT MEMBER STATE.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not take effect
8 until a substantially similar act is passed by at least nine other states, as defined in §
9 17–6B–01 Section 13 (A) of the Health Occupations Article, as enacted by this Act. The
10 Maryland Department of Health shall notify the Department of Legislative Services within
11 10 days after nine states have enacted legislation that is substantially similar to this Act.

12 ~~SECTION 3. AND BE IT FURTHER ENACTED, That, subject to Section 2 of this~~
13 ~~Act, this Act shall take effect July 1, 2021.~~

14 SECTION 3. AND BE IT FURTHER ENACTED, That, subject to Section 2 of this
15 Act, this Act is an emergency measure, is necessary for the immediate preservation of the
16 public health or safety, has been passed by a ye and nay vote supported by three-fifths of
17 all the members elected to each of the two Houses of the General Assembly, and shall take
18 effect from the date it is enacted.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.