

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 22-0300.01 Brita Darling x2241

SENATE BILL 22-077

SENATE SPONSORSHIP

Ginal and Woodward, Bridges, Buckner, Cooke, Fenberg, Hinrichsen, Hisey, Holbert, Kolker, Lee, Pettersen, Priola, Rankin, Rodriguez, Scott, Simpson, Smallwood, Winter, Zenzinger

HOUSE SPONSORSHIP

Larson and Young,

Senate Committees

Health & Human Services
Finance
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE ADOPTION OF AN INTERSTATE COMPACT TO ALLOW**
102 **A PERSON WHO IS A LICENSED PROFESSIONAL COUNSELOR IN**
103 **THE PERSON'S STATE OF RESIDENCE TO PRACTICE**
104 **PROFESSIONAL COUNSELING IN A COMPACT STATE IN WHICH THE**
105 **PERSON IS NOT LICENSED, AND, IN CONNECTION THEREWITH,**
106 **MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill enacts the "Interstate Licensed Professional Counselors

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
March 7, 2022

SENATE
Amended 2nd Reading
March 4, 2022

1 PRACTICE OF LICENSED PROFESSIONAL COUNSELORS WITH THE GOAL OF
2 IMPROVING PUBLIC ACCESS TO PROFESSIONAL COUNSELING SERVICES. THE
3 PRACTICE OF PROFESSIONAL COUNSELING OCCURS IN THE STATE WHERE
4 THE CLIENT IS LOCATED AT THE TIME OF THE COUNSELING SERVICES. THE
5 COMPACT PRESERVES THE REGULATORY AUTHORITY OF STATES TO
6 PROTECT PUBLIC HEALTH AND SAFETY THROUGH THE CURRENT SYSTEM OF
7 STATE LICENSURE.

8 THIS COMPACT IS DESIGNED TO ACHIEVE THE FOLLOWING
9 OBJECTIVES:

10 A. INCREASE PUBLIC ACCESS TO PROFESSIONAL COUNSELING
11 SERVICES BY PROVIDING FOR THE MUTUAL RECOGNITION OF OTHER
12 MEMBER 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
16 REGULATING MULTISTATE PRACTICE FOR LICENSED PROFESSIONAL
17 COUNSELORS;

18 D. SUPPORT SPOUSES OF RELOCATING ACTIVE DUTY MILITARY
19 PERSONNEL;

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

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

24 G. SUPPORT THE UNIFORMITY OF PROFESSIONAL COUNSELING
25 LICENSURE REQUIREMENTS THROUGHOUT THE STATES TO PROMOTE
26 PUBLIC SAFETY AND PUBLIC HEALTH BENEFITS;

27 H. INVEST ALL MEMBER STATES WITH THE AUTHORITY TO HOLD

1 A LICENSED PROFESSIONAL COUNSELOR ACCOUNTABLE FOR MEETING ALL
2 STATE PRACTICE LAWS IN THE STATE IN WHICH THE CLIENT IS LOCATED AT
3 THE TIME CARE IS RENDERED THROUGH THE MUTUAL RECOGNITION OF
4 MEMBER STATE LICENSES;

5 I. ELIMINATE THE NECESSITY FOR LICENSES IN MULTIPLE STATES;
6 AND

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

10 **SECTION 2.**

11 **DEFINITIONS**

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

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

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

27 C. "ALTERNATIVE PROGRAM" MEANS A NON-DISCIPLINARY

1 MONITORING OR PRACTICE REMEDIATION PROCESS APPROVED BY A
2 PROFESSIONAL COUNSELING LICENSING BOARD TO ADDRESS IMPAIRED
3 PRACTITIONERS.

4 D. "CONTINUING COMPETENCE/EDUCATION" MEANS A
5 REQUIREMENT, AS A CONDITION OF LICENSE RENEWAL, TO PROVIDE
6 EVIDENCE OF PARTICIPATION IN, OR COMPLETION OF, EDUCATIONAL AND
7 PROFESSIONAL ACTIVITIES RELEVANT TO PRACTICE OR AREA OF WORK.

8 E. "COUNSELING COMPACT COMMISSION" OR "COMMISSION"
9 MEANS THE NATIONAL ADMINISTRATIVE BODY WHOSE MEMBERSHIP
10 CONSISTS OF ALL STATES THAT HAVE ENACTED THE COMPACT.

11 F. "CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION" MEANS:

12 1. INVESTIGATIVE INFORMATION THAT A LICENSING BOARD, AFTER
13 A PRELIMINARY INQUIRY THAT INCLUDES NOTIFICATION AND AN
14 OPPORTUNITY FOR THE LICENSED PROFESSIONAL COUNSELOR TO
15 RESPOND, IF REQUIRED BY STATE LAW, HAS REASON TO BELIEVE IS NOT
16 GROUNDLESS AND, IF PROVED TRUE, WOULD INDICATE MORE THAN A
17 MINOR INFRACTION; OR

18 2. INVESTIGATIVE INFORMATION THAT INDICATES THAT THE
19 LICENSED PROFESSIONAL COUNSELOR REPRESENTS AN IMMEDIATE
20 THREAT TO PUBLIC HEALTH AND SAFETY REGARDLESS OF WHETHER THE
21 LICENSED PROFESSIONAL COUNSELOR HAS BEEN NOTIFIED AND HAD AN
22 OPPORTUNITY TO RESPOND.

23 G. "DATA SYSTEM" MEANS A REPOSITORY OF INFORMATION ABOUT
24 LICENSEES, INCLUDING, BUT NOT LIMITED TO, CONTINUING EDUCATION,
25 EXAMINATION, LICENSURE, INVESTIGATIVE, PRIVILEGE TO PRACTICE, AND
26 ADVERSE ACTION INFORMATION.

27 H. "ENCUMBERED LICENSE" MEANS A LICENSE IN WHICH AN

1 ADVERSE ACTION RESTRICTS THE PRACTICE OF LICENSED PROFESSIONAL
2 COUNSELING BY THE LICENSEE AND SAID ADVERSE ACTION HAS BEEN
3 REPORTED TO THE NATIONAL PRACTITIONERS DATA BANK (NPDB).

4 I. "ENCUMBRANCE" MEANS A REVOCATION OR SUSPENSION OF, OR
5 ANY LIMITATION ON, THE FULL AND UNRESTRICTED PRACTICE OF LICENSED
6 PROFESSIONAL COUNSELING BY A LICENSING BOARD.

7 J. "EXECUTIVE COMMITTEE" MEANS A GROUP OF DIRECTORS
8 ELECTED OR APPOINTED TO ACT ON BEHALF OF, AND WITHIN THE POWERS
9 GRANTED TO THEM BY, THE COMMISSION.

10 K. "HOME STATE" MEANS THE MEMBER STATE THAT IS THE
11 LICENSEE'S PRIMARY STATE OF RESIDENCE.

12 L. "IMPAIRED PRACTITIONER" MEANS AN INDIVIDUAL WHO HAS A
13 CONDITION THAT MAY IMPAIR THEIR ABILITY TO PRACTICE AS A LICENSED
14 PROFESSIONAL COUNSELOR WITHOUT SOME TYPE OF INTERVENTION AND
15 MAY INCLUDE, BUT IS NOT LIMITED TO, ALCOHOL AND DRUG DEPENDENCE,
16 MENTAL HEALTH IMPAIRMENT, AND NEUROLOGICAL OR PHYSICAL
17 IMPAIRMENTS.

18 M. "INVESTIGATIVE INFORMATION" MEANS INFORMATION,
19 RECORDS, AND DOCUMENTS RECEIVED OR GENERATED BY A PROFESSIONAL
20 COUNSELING LICENSING BOARD PURSUANT TO AN INVESTIGATION.

21 N. "JURISPRUDENCE REQUIREMENT", IF REQUIRED BY A MEMBER
22 STATE, MEANS THE ASSESSMENT OF AN INDIVIDUAL'S KNOWLEDGE OF THE
23 LAWS AND RULES GOVERNING THE PRACTICE OF PROFESSIONAL
24 COUNSELING IN A STATE.

25 O. "LICENSED PROFESSIONAL COUNSELOR" MEANS A COUNSELOR
26 LICENSED BY A MEMBER STATE, REGARDLESS OF THE TITLE USED BY THAT
27 STATE, TO INDEPENDENTLY ASSESS, DIAGNOSE, AND TREAT BEHAVIORAL

1 HEALTH CONDITIONS.

2 P. "LICENSEE" MEANS AN INDIVIDUAL WHO CURRENTLY HOLDS AN
3 AUTHORIZATION FROM THE STATE TO PRACTICE AS A LICENSED
4 PROFESSIONAL COUNSELOR.

5 Q. "LICENSING BOARD" MEANS THE AGENCY OF A STATE, OR
6 EQUIVALENT, THAT IS RESPONSIBLE FOR THE LICENSING AND REGULATION
7 OF LICENSED PROFESSIONAL COUNSELORS.

8 R. "MEMBER STATE" MEANS A STATE THAT HAS ENACTED THE
9 COMPACT.

10 S. "PRIVILEGE TO PRACTICE" MEANS A LEGAL AUTHORIZATION,
11 WHICH IS EQUIVALENT TO A LICENSE, PERMITTING THE PRACTICE OF
12 PROFESSIONAL COUNSELING IN A REMOTE STATE.

13 T. "PROFESSIONAL COUNSELING" MEANS THE ASSESSMENT,
14 DIAGNOSIS, AND TREATMENT OF BEHAVIORAL HEALTH CONDITIONS BY A
15 LICENSED PROFESSIONAL COUNSELOR.

16 U. "REMOTE STATE" MEANS A MEMBER STATE OTHER THAN THE
17 HOME STATE, WHERE A LICENSEE IS EXERCISING OR SEEKING TO EXERCISE
18 THE PRIVILEGE TO PRACTICE.

19 V. "RULE" MEANS A REGULATION PROMULGATED BY THE
20 COMMISSION THAT HAS THE FORCE OF LAW.

21 W. "SINGLE STATE LICENSE" MEANS A LICENSED PROFESSIONAL
22 COUNSELOR LICENSE ISSUED BY A MEMBER STATE THAT AUTHORIZES
23 PRACTICE ONLY WITHIN THE ISSUING STATE AND DOES NOT INCLUDE A
24 PRIVILEGE TO PRACTICE IN ANY OTHER MEMBER STATE.

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

1 i. OTHER AREAS AS DETERMINED BY THE COMMISSION.

2 4. REQUIRE LICENSEES TO COMPLETE A SUPERVISED
3 POSTGRADUATE PROFESSIONAL EXPERIENCE AS DEFINED BY THE
4 COMMISSION;

5 5. HAVE A MECHANISM IN PLACE FOR RECEIVING AND
6 INVESTIGATING COMPLAINTS ABOUT LICENSEES.

7 B. A MEMBER STATE SHALL:

8 1. PARTICIPATE FULLY IN THE COMMISSION'S DATA SYSTEM,
9 INCLUDING USING THE COMMISSION'S UNIQUE IDENTIFIER AS DEFINED IN
10 RULES;

11 2. NOTIFY THE COMMISSION, IN COMPLIANCE WITH THE TERMS OF
12 THE COMPACT AND RULES, OF ANY ADVERSE ACTION OR THE
13 AVAILABILITY OF INVESTIGATIVE INFORMATION REGARDING A LICENSEE;

14 3. IMPLEMENT OR UTILIZE PROCEDURES FOR CONSIDERING THE
15 CRIMINAL HISTORY RECORDS OF APPLICANTS FOR AN INITIAL PRIVILEGE TO
16 PRACTICE. THESE PROCEDURES SHALL INCLUDE THE SUBMISSION OF
17 FINGERPRINTS OR OTHER BIOMETRIC-BASED INFORMATION BY APPLICANTS
18 FOR THE PURPOSE OF OBTAINING AN APPLICANT'S CRIMINAL HISTORY
19 RECORD INFORMATION FROM THE FEDERAL BUREAU OF INVESTIGATION
20 AND THE AGENCY RESPONSIBLE FOR RETAINING THAT STATE'S CRIMINAL
21 RECORDS;

22 a. A MEMBER STATE MUST FULLY IMPLEMENT A CRIMINAL
23 BACKGROUND CHECK REQUIREMENT, WITHIN A TIME FRAME ESTABLISHED
24 BY RULE, BY RECEIVING THE RESULTS OF THE FEDERAL BUREAU OF
25 INVESTIGATION RECORD SEARCH AND SHALL USE THE RESULTS IN MAKING
26 LICENSURE DECISIONS.

27 b. COMMUNICATION BETWEEN A MEMBER STATE, THE

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

6 4. COMPLY WITH THE RULES OF THE COMMISSION;

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

11 6. GRANT THE PRIVILEGE TO PRACTICE TO A LICENSEE HOLDING
12 A VALID UNENCUMBERED LICENSE IN ANOTHER MEMBER STATE IN
13 ACCORDANCE WITH THE TERMS OF THE COMPACT AND RULES; AND

14 7. PROVIDE FOR THE ATTENDANCE OF THE STATE'S COMMISSIONER
15 TO THE COUNSELING COMPACT COMMISSION MEETINGS.

16 C. MEMBER STATES MAY CHARGE A FEE FOR GRANTING THE
17 PRIVILEGE TO PRACTICE.

18 D. INDIVIDUALS NOT RESIDING IN A MEMBER STATE SHALL
19 CONTINUE TO BE ABLE TO APPLY FOR A MEMBER STATE'S SINGLE STATE
20 LICENSE AS PROVIDED UNDER THE LAWS OF EACH MEMBER STATE.
21 HOWEVER, THE SINGLE STATE LICENSE GRANTED TO THESE INDIVIDUALS
22 SHALL NOT BE RECOGNIZED AS GRANTING A PRIVILEGE TO PRACTICE
23 PROFESSIONAL COUNSELING IN ANY OTHER MEMBER STATE.

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

27 F. A LICENSE ISSUED TO A LICENSED PROFESSIONAL COUNSELOR

1 BY A HOME STATE TO A RESIDENT IN THAT STATE SHALL BE RECOGNIZED
2 BY EACH MEMBER STATE AS AUTHORIZING A LICENSED PROFESSIONAL
3 COUNSELOR TO PRACTICE PROFESSIONAL COUNSELING, UNDER A
4 PRIVILEGE TO PRACTICE IN EACH MEMBER STATE.

5 **SECTION 4.**

6 **PRIVILEGE TO PRACTICE**

7 A. TO EXERCISE THE PRIVILEGE TO PRACTICE UNDER THE TERMS
8 AND PROVISIONS OF THE COMPACT, THE LICENSEE SHALL:

- 9 1. HOLD A LICENSE IN THE HOME STATE;
- 10 2. HAVE A VALID UNITED STATES SOCIAL SECURITY NUMBER OR
11 NATIONAL PRACTITIONER IDENTIFIER;
- 12 3. BE ELIGIBLE FOR A PRIVILEGE TO PRACTICE IN ANY MEMBER
13 STATE IN ACCORDANCE WITH SECTION 4(D), (G), AND (H);
- 14 4. HAVE NOT HAD ANY ENCUMBRANCE OR RESTRICTION AGAINST
15 ANY LICENSE OR PRIVILEGE TO PRACTICE WITHIN THE PREVIOUS TWO (2)
16 YEARS;
- 17 5. NOTIFY THE COMMISSION THAT THE LICENSEE IS SEEKING THE
18 PRIVILEGE TO PRACTICE WITHIN A REMOTE STATE(S);
- 19 6. PAY ANY APPLICABLE FEES, INCLUDING ANY STATE FEE, FOR THE
20 PRIVILEGE TO PRACTICE;
- 21 7. MEET ANY CONTINUING COMPETENCE/EDUCATION
22 REQUIREMENTS ESTABLISHED BY THE HOME STATE;
- 23 8. MEET ANY JURISPRUDENCE REQUIREMENTS ESTABLISHED BY
24 THE REMOTE STATE(S) IN WHICH THE LICENSEE IS SEEKING A PRIVILEGE
25 TO PRACTICE; AND
- 26 9. REPORT TO THE COMMISSION ANY ADVERSE ACTION,
27 ENCUMBRANCE, OR RESTRICTION ON LICENSE TAKEN BY ANY

1 NON-MEMBER STATE WITHIN 30 DAYS FROM THE DATE THE ACTION IS
2 TAKEN.

3 B. THE PRIVILEGE TO PRACTICE IS VALID UNTIL THE EXPIRATION
4 DATE OF THE HOME STATE LICENSE. THE LICENSEE MUST COMPLY WITH
5 THE REQUIREMENTS OF SECTION 4(A) TO MAINTAIN THE PRIVILEGE TO
6 PRACTICE IN THE REMOTE STATE.

7 C. A LICENSEE PROVIDING PROFESSIONAL COUNSELING IN A
8 REMOTE STATE UNDER THE PRIVILEGE TO PRACTICE SHALL ADHERE TO
9 THE LAWS AND REGULATIONS OF THE REMOTE STATE.

10 D. A LICENSEE PROVIDING PROFESSIONAL COUNSELING SERVICES
11 IN A REMOTE STATE IS SUBJECT TO THAT STATE'S REGULATORY
12 AUTHORITY. A REMOTE STATE MAY, IN ACCORDANCE WITH DUE PROCESS
13 AND THAT STATE'S LAWS, REMOVE A LICENSEE'S PRIVILEGE TO PRACTICE
14 IN THE REMOTE STATE FOR A SPECIFIC PERIOD OF TIME, IMPOSE FINES, OR
15 TAKE ANY OTHER NECESSARY ACTIONS TO PROTECT THE HEALTH AND
16 SAFETY OF ITS CITIZENS. THE LICENSEE MAY BE INELIGIBLE FOR A
17 PRIVILEGE TO PRACTICE IN ANY MEMBER STATE UNTIL THE SPECIFIC TIME
18 FOR REMOVAL HAS PASSED AND ALL FINES ARE PAID.

19 E. IF A HOME STATE LICENSE IS ENCUMBERED, THE LICENSEE
20 SHALL LOSE THE PRIVILEGE TO PRACTICE IN ANY REMOTE STATE UNTIL
21 THE FOLLOWING OCCUR:

- 22 1. THE HOME STATE LICENSE IS NO LONGER ENCUMBERED; AND
- 23 2. THE LICENSEE HAS NOT HAD ANY ENCUMBRANCE OR
24 RESTRICTION AGAINST ANY LICENSE OR PRIVILEGE TO PRACTICE WITHIN
25 THE PREVIOUS TWO (2) YEARS.

26 F. ONCE AN ENCUMBERED LICENSE IN THE HOME STATE IS
27 RESTORED TO GOOD STANDING, THE LICENSEE MUST MEET THE

1 REQUIREMENTS OF SECTION 4(A) TO OBTAIN A PRIVILEGE TO PRACTICE IN
2 ANY REMOTE STATE.

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

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

8 2. ALL FINES HAVE BEEN PAID; AND

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

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

15 **SECTION 5:**

16 **OBTAINING A NEW HOME STATE LICENSE**

17 **BASED ON A PRIVILEGE TO PRACTICE**

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

21 B. IF A LICENSED PROFESSIONAL COUNSELOR CHANGES PRIMARY
22 STATE 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
25 PRIVILEGE TO PRACTICE, PAY ALL APPLICABLE FEES, AND NOTIFY THE
26 CURRENT AND NEW HOME STATE IN ACCORDANCE WITH APPLICABLE
27 RULES ADOPTED BY THE COMMISSION.

1 2. UPON RECEIPT OF AN APPLICATION FOR OBTAINING A NEW HOME
2 STATE LICENSE BY VIRTUE OF A PRIVILEGE TO PRACTICE, THE NEW HOME
3 STATE SHALL VERIFY THAT THE LICENSED PROFESSIONAL COUNSELOR
4 MEETS THE PERTINENT CRITERIA OUTLINED IN SECTION 4 VIA THE DATA
5 SYSTEM, WITHOUT NEED FOR PRIMARY SOURCE VERIFICATION EXCEPT FOR:

6 a. A FEDERAL BUREAU OF INVESTIGATION FINGERPRINT BASED
7 CRIMINAL BACKGROUND CHECK IF NOT PREVIOUSLY PERFORMED OR
8 UPDATED PURSUANT TO APPLICABLE RULES ADOPTED BY THE COMMISSION
9 IN ACCORDANCE WITH PUBLIC LAW 92-544;

10 b. OTHER CRIMINAL BACKGROUND CHECK AS REQUIRED BY THE
11 NEW HOME STATE; AND

12 c. COMPLETION OF ANY REQUISITE JURISPRUDENCE
13 REQUIREMENTS OF THE NEW HOME STATE.

14 3. THE FORMER HOME STATE SHALL CONVERT THE FORMER HOME
15 STATE LICENSE INTO A PRIVILEGE TO PRACTICE ONCE THE NEW HOME
16 STATE HAS ACTIVATED THE NEW HOME STATE LICENSE IN ACCORDANCE
17 WITH APPLICABLE RULES ADOPTED BY THE COMMISSION.

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

22 5. THE LICENSED PROFESSIONAL COUNSELOR SHALL PAY ALL
23 APPLICABLE FEES TO THE NEW HOME STATE IN ORDER TO BE ISSUED A NEW
24 HOME STATE LICENSE.

25 C. IF A LICENSED PROFESSIONAL COUNSELOR CHANGES PRIMARY
26 STATE OF RESIDENCE BY MOVING FROM A MEMBER STATE TO A
27 NON-MEMBER STATE, OR FROM A NON-MEMBER STATE TO A MEMBER

1 STATE, THE STATE CRITERIA SHALL APPLY FOR ISSUANCE OF A SINGLE
2 STATE LICENSE IN THE NEW STATE.

3 D. NOTHING IN THIS COMPACT SHALL INTERFERE WITH A
4 LICENSEE'S ABILITY TO HOLD A SINGLE STATE LICENSE IN MULTIPLE
5 STATES, HOWEVER FOR THE PURPOSES OF THIS COMPACT, A LICENSEE
6 SHALL HAVE ONLY ONE HOME STATE LICENSE.

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

10 **SECTION 6.**
11 **ACTIVE DUTY MILITARY PERSONNEL**
12 **OR THEIR SPOUSES**

13 ACTIVE DUTY MILITARY PERSONNEL, OR THEIR SPOUSE, SHALL
14 DESIGNATE A HOME STATE WHERE THE INDIVIDUAL HAS A CURRENT
15 LICENSE IN GOOD STANDING. THE INDIVIDUAL MAY RETAIN THE HOME
16 STATE DESIGNATION DURING THE PERIOD THE SERVICE MEMBER IS ON
17 ACTIVE DUTY. SUBSEQUENT TO DESIGNATING A HOME STATE, THE
18 INDIVIDUAL SHALL ONLY CHANGE THEIR HOME STATE THROUGH
19 APPLICATION FOR LICENSURE IN THE NEW STATE, OR THROUGH THE
20 PROCESS OUTLINED IN SECTION 5.

21 **SECTION 7.**
22 **COMPACT PRIVILEGE TO PRACTICE TELEHEALTH**

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

1 COMPACT AND RULES PROMULGATED BY THE COMMISSION.

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

5 **SECTION 8.**

6 **ADVERSE ACTIONS**

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

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

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

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

27 B. FOR PURPOSES OF TAKING ADVERSE ACTION, THE HOME STATE

1 SHALL GIVE THE SAME PRIORITY AND EFFECT TO REPORTED CONDUCT
2 RECEIVED FROM A MEMBER STATE AS IT WOULD IF THE CONDUCT HAD
3 OCCURRED WITHIN THE HOME STATE. IN SO DOING, THE HOME STATE
4 SHALL APPLY ITS OWN STATE LAWS TO DETERMINE APPROPRIATE ACTION.

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

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

19 E. A MEMBER STATE MAY TAKE ADVERSE ACTION BASED ON THE
20 FACTUAL FINDINGS OF THE REMOTE STATE, PROVIDED THAT THE MEMBER
21 STATE FOLLOWS ITS OWN PROCEDURES FOR TAKING THE ADVERSE
22 ACTION.

23 F. JOINT INVESTIGATIONS:

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

1 STATES.

2 2. VENUE IS PROPER AND JUDICIAL PROCEEDINGS BY OR AGAINST
3 THE COMMISSION SHALL BE BROUGHT SOLELY AND EXCLUSIVELY IN A
4 COURT OF COMPETENT JURISDICTION WHERE THE PRINCIPAL OFFICE OF THE
5 COMMISSION IS LOCATED. THE COMMISSION MAY WAIVE VENUE AND
6 JURISDICTIONAL DEFENSES TO THE EXTENT IT ADOPTS OR CONSENTS TO
7 PARTICIPATE IN ALTERNATIVE DISPUTE RESOLUTION PROCEEDINGS.

8 3. NOTHING IN THIS COMPACT SHALL BE CONSTRUED TO BE A
9 WAIVER OF SOVEREIGN IMMUNITY.

10 B. MEMBERSHIP, VOTING, AND MEETINGS

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

13 2. THE DELEGATE SHALL BE EITHER:

14 a. A CURRENT MEMBER OF THE LICENSING BOARD AT THE TIME OF
15 APPOINTMENT, WHO IS A LICENSED PROFESSIONAL COUNSELOR OR PUBLIC
16 MEMBER; OR

17 b. AN ADMINISTRATOR OF THE LICENSING BOARD.

18 3. ANY DELEGATE MAY BE REMOVED OR SUSPENDED FROM OFFICE
19 AS PROVIDED BY THE LAW OF THE STATE FROM WHICH THE DELEGATE IS
20 APPOINTED.

21 4. THE MEMBER STATE LICENSING BOARD SHALL FILL ANY
22 VACANCY OCCURRING ON THE COMMISSION WITHIN 60 DAYS.

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

27 6. A DELEGATE SHALL VOTE IN PERSON OR BY SUCH OTHER MEANS

1 AS PROVIDED IN THE BYLAWS. THE BYLAWS MAY PROVIDE FOR DELEGATES'
2 PARTICIPATION IN MEETINGS BY TELEPHONE OR OTHER MEANS OF
3 COMMUNICATION.

4 7. THE COMMISSION SHALL MEET AT LEAST ONCE DURING EACH
5 CALENDAR YEAR. ADDITIONAL MEETINGS SHALL BE HELD AS SET FORTH IN
6 THE BYLAWS.

7 8. THE COMMISSION SHALL BY RULE ESTABLISH A TERM OF OFFICE
8 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 THE
20 NAME OF THE COMMISSION, PROVIDED THAT THE STANDING OF ANY STATE
21 LICENSING BOARD TO SUE OR BE SUED UNDER APPLICABLE LAW SHALL
22 NOT BE AFFECTED;

23 7. PURCHASE AND MAINTAIN INSURANCE AND BONDS;

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

26 9. HIRE EMPLOYEES, ELECT OR APPOINT OFFICERS, FIX
27 COMPENSATION, DEFINE DUTIES, GRANT SUCH INDIVIDUALS APPROPRIATE

1 AUTHORITY TO CARRY OUT THE PURPOSES OF THE COMPACT, AND
2 ESTABLISH THE COMMISSION'S PERSONNEL POLICIES AND PROGRAMS
3 RELATING TO CONFLICTS OF INTEREST, QUALIFICATIONS OF PERSONNEL,
4 AND OTHER RELATED PERSONNEL MATTERS;

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

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

14 12. SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE,
15 ABANDON, OR OTHERWISE DISPOSE OF ANY PROPERTY REAL, PERSONAL, OR
16 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
21 THEIR REPRESENTATIVES, AND CONSUMER REPRESENTATIVES, AND SUCH
22 OTHER INTERESTED PERSONS AS MAY BE DESIGNATED IN THIS COMPACT
23 AND THE BYLAWS;

24 16. PROVIDE AND RECEIVE INFORMATION FROM, AND COOPERATE
25 WITH, LAW ENFORCEMENT AGENCIES;

26 17. ESTABLISH AND ELECT AN EXECUTIVE COMMITTEE; AND

27 18. PERFORM SUCH OTHER FUNCTIONS AS MAY BE NECESSARY OR

1 APPROPRIATE TO ACHIEVE THE PURPOSES OF THIS COMPACT CONSISTENT
2 WITH THE STATE REGULATION OF PROFESSIONAL COUNSELING LICENSURE
3 AND PRACTICE.

4 D. THE EXECUTIVE COMMITTEE

5 1. THE EXECUTIVE COMMITTEE SHALL HAVE THE POWER TO ACT
6 ON BEHALF OF THE COMMISSION ACCORDING TO THE TERMS OF THIS
7 COMPACT.

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

10 a. SEVEN VOTING MEMBERS WHO ARE ELECTED BY THE
11 COMMISSION FROM THE CURRENT MEMBERSHIP OF THE COMMISSION; AND

12 b. UP TO FOUR (4) EX-OFFICIO, NONVOTING MEMBERS FROM FOUR
13 (4) RECOGNIZED NATIONAL PROFESSIONAL COUNSELOR ORGANIZATIONS,
14 SELECTED BY THEIR RESPECTIVE ORGANIZATIONS.

15 3. THE COMMISSION MAY REMOVE ANY MEMBER OF THE
16 EXECUTIVE COMMITTEE AS PROVIDED IN BYLAWS.

17 4. THE EXECUTIVE COMMITTEE SHALL MEET AT LEAST ANNUALLY.

18 5. THE EXECUTIVE COMMITTEE SHALL HAVE THE FOLLOWING
19 DUTIES AND RESPONSIBILITIES:

20 a. RECOMMEND TO THE ENTIRE COMMISSION CHANGES TO THE
21 RULES OR BYLAWS, CHANGES TO THIS COMPACT LEGISLATION, FEES PAID
22 BY COMPACT MEMBER STATES SUCH AS ANNUAL DUES, AND ANY
23 COMMISSION COMPACT FEE CHARGED TO LICENSEES FOR THE PRIVILEGE
24 TO PRACTICE;

25 b. ENSURE COMPACT ADMINISTRATION SERVICES ARE
26 APPROPRIATELY PROVIDED, CONTRACTUAL OR OTHERWISE;

27 c. PREPARE AND RECOMMEND THE BUDGET;

1 d. MAINTAIN FINANCIAL RECORDS ON BEHALF OF THE
2 COMMISSION;

3 e. MONITOR COMPACT COMPLIANCE OF MEMBER STATES AND
4 PROVIDE COMPLIANCE REPORTS TO THE COMMISSION;

5 f. ESTABLISH ADDITIONAL COMMITTEES AS NECESSARY; AND

6 g. OTHER DUTIES AS PROVIDED IN RULES OR BYLAWS.

7 E. MEETINGS OF THE COMMISSION

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

11 2. THE COMMISSION OR THE EXECUTIVE COMMITTEE OR OTHER
12 COMMITTEES OF THE COMMISSION MAY CONVENE IN A CLOSED,
13 NON-PUBLIC MEETING IF THE COMMISSION OR EXECUTIVE COMMITTEE OR
14 OTHER COMMITTEES OF THE COMMISSION MUST DISCUSS:

15 a. NON-COMPLIANCE OF A MEMBER STATE WITH ITS OBLIGATIONS
16 UNDER THE COMPACT;

17 b. THE EMPLOYMENT, COMPENSATION, DISCIPLINE, OR OTHER
18 MATTERS, PRACTICES, OR PROCEDURES RELATED TO SPECIFIC EMPLOYEES
19 OR OTHER MATTERS RELATED TO THE COMMISSION'S INTERNAL
20 PERSONNEL PRACTICES AND PROCEDURES;

21 c. CURRENT, THREATENED, OR REASONABLY ANTICIPATED
22 LITIGATION;

23 d. NEGOTIATION OF CONTRACTS FOR THE PURCHASE, LEASE, OR
24 SALE OF GOODS, SERVICES, OR REAL ESTATE;

25 e. ACCUSING ANY PERSON OF A CRIME OR FORMALLY CENSURING
26 ANY PERSON;

27 f. DISCLOSURE OF TRADE SECRETS OR COMMERCIAL OR FINANCIAL

1 INFORMATION THAT IS PRIVILEGED OR CONFIDENTIAL;

2 g. DISCLOSURE OF INFORMATION OF A PERSONAL NATURE WHERE
3 DISCLOSURE WOULD CONSTITUTE A CLEARLY UNWARRANTED INVASION OF
4 PERSONAL PRIVACY;

5 h. DISCLOSURE OF INVESTIGATIVE RECORDS COMPILED FOR LAW
6 ENFORCEMENT PURPOSES;

7 i. DISCLOSURE OF INFORMATION RELATED TO ANY INVESTIGATIVE
8 REPORTS PREPARED BY OR ON BEHALF OF OR FOR USE OF THE COMMISSION
9 OR OTHER COMMITTEE CHARGED WITH RESPONSIBILITY OF INVESTIGATION
10 OR DETERMINATION OF COMPLIANCE ISSUES PURSUANT TO THE COMPACT;

11 OR

12 j. MATTERS SPECIFICALLY EXEMPTED FROM DISCLOSURE BY
13 FEDERAL OR MEMBER STATE STATUTE.

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

18 4. THE COMMISSION SHALL KEEP MINUTES THAT FULLY AND
19 CLEARLY DESCRIBE ALL MATTERS DISCUSSED IN A MEETING AND SHALL
20 PROVIDE A FULL AND ACCURATE SUMMARY OF ACTIONS TAKEN, AND THE
21 REASONS THEREFORE, INCLUDING A DESCRIPTION OF THE VIEWS
22 EXPRESSED. ALL DOCUMENTS CONSIDERED IN CONNECTION WITH AN
23 ACTION SHALL BE IDENTIFIED IN SUCH MINUTES. ALL MINUTES AND
24 DOCUMENTS OF A CLOSED MEETING SHALL REMAIN UNDER SEAL, SUBJECT
25 TO RELEASE BY A MAJORITY VOTE OF THE COMMISSION OR ORDER OF A
26 COURT OF COMPETENT JURISDICTION.

27 F. FINANCING OF THE COMMISSION

1 1. THE COMMISSION SHALL PAY, OR PROVIDE FOR THE PAYMENT
2 OF, THE REASONABLE EXPENSES OF ITS ESTABLISHMENT, ORGANIZATION,
3 AND ONGOING ACTIVITIES.

4 2. THE COMMISSION MAY ACCEPT ANY AND ALL APPROPRIATE
5 REVENUE SOURCES, DONATIONS, AND GRANTS OF MONEY, EQUIPMENT,
6 SUPPLIES, MATERIALS, AND SERVICES.

7 3. THE COMMISSION MAY LEVY ON AND COLLECT AN ANNUAL
8 ASSESSMENT FROM EACH MEMBER STATE OR IMPOSE FEES ON OTHER
9 PARTIES TO COVER THE COST OF THE OPERATIONS AND ACTIVITIES OF THE
10 COMMISSION AND ITS STAFF, WHICH MUST BE IN A TOTAL AMOUNT
11 SUFFICIENT TO COVER ITS ANNUAL BUDGET AS APPROVED EACH YEAR FOR
12 WHICH REVENUE IS NOT PROVIDED BY OTHER SOURCES. THE AGGREGATE
13 ANNUAL ASSESSMENT AMOUNT SHALL BE ALLOCATED BASED UPON A
14 FORMULA TO BE DETERMINED BY THE COMMISSION, WHICH SHALL
15 PROMULGATE A RULE BINDING UPON ALL MEMBER STATES.

16 4. THE COMMISSION SHALL NOT INCUR OBLIGATIONS OF ANY KIND
17 PRIOR TO SECURING THE FUNDS ADEQUATE TO MEET THE SAME; NOR SHALL
18 THE COMMISSION PLEDGE THE CREDIT OF ANY OF THE MEMBER STATES,
19 EXCEPT BY AND WITH THE AUTHORITY OF THE MEMBER STATE.

20 5. THE COMMISSION SHALL KEEP ACCURATE ACCOUNTS OF ALL
21 RECEIPTS AND DISBURSEMENTS. THE RECEIPTS AND DISBURSEMENTS OF
22 THE COMMISSION SHALL BE SUBJECT TO THE AUDIT AND ACCOUNTING
23 PROCEDURES ESTABLISHED UNDER ITS BYLAWS. HOWEVER, ALL RECEIPTS
24 AND DISBURSEMENTS OF FUNDS HANDLED BY THE COMMISSION SHALL BE
25 AUDITED YEARLY BY A CERTIFIED OR LICENSED PUBLIC ACCOUNTANT, AND
26 THE REPORT OF THE AUDIT SHALL BE INCLUDED IN AND BECOME PART OF
27 THE ANNUAL REPORT OF THE COMMISSION.

1 G. QUALIFIED IMMUNITY, DEFENSE, AND INDEMNIFICATION

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

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

1 PROGRAM PARTICIPATION;

2 5. ANY DENIAL OF APPLICATION FOR LICENSURE, AND THE
3 REASON(S) FOR SUCH DENIAL;

4 6. CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION; AND

5 7. OTHER INFORMATION THAT MAY FACILITATE THE
6 ADMINISTRATION OF THIS COMPACT, AS DETERMINED BY THE RULES OF
7 THE COMMISSION.

8 C. INVESTIGATIVE INFORMATION PERTAINING TO A LICENSEE IN
9 ANY MEMBER STATE WILL ONLY BE AVAILABLE TO OTHER MEMBER
10 STATES.

11 D. THE COMMISSION SHALL PROMPTLY NOTIFY ALL MEMBER
12 STATES OF ANY ADVERSE ACTION TAKEN AGAINST A LICENSEE OR AN
13 INDIVIDUAL APPLYING FOR A LICENSE. ADVERSE ACTION INFORMATION
14 PERTAINING TO A LICENSEE IN ANY MEMBER STATE WILL BE AVAILABLE
15 TO ANY OTHER MEMBER STATE.

16 E. MEMBER STATES CONTRIBUTING INFORMATION TO THE DATA
17 SYSTEM MAY DESIGNATE INFORMATION THAT MAY NOT BE SHARED WITH
18 THE PUBLIC WITHOUT THE EXPRESS PERMISSION OF THE CONTRIBUTING
19 STATE.

20 F. ANY INFORMATION SUBMITTED TO THE DATA SYSTEM THAT IS
21 SUBSEQUENTLY REQUIRED TO BE EXPUNGED BY THE LAWS OF THE
22 MEMBER STATE CONTRIBUTING THE INFORMATION SHALL BE REMOVED
23 FROM THE DATA SYSTEM.

24 **SECTION 11.**

25 **RULEMAKING**

26 A. THE COMMISSION SHALL PROMULGATE REASONABLE RULES IN
27 ORDER TO EFFECTIVELY AND EFFICIENTLY ACHIEVE THE PURPOSE OF THE

1 COMPACT. NOTWITHSTANDING THE FOREGOING, IN THE EVENT THE
2 COMMISSION EXERCISES ITS RULEMAKING AUTHORITY IN A MANNER THAT
3 IS BEYOND THE SCOPE OF THE PURPOSES OF THE COMPACT, OR THE POWERS
4 GRANTED HEREUNDER, THEN SUCH AN ACTION BY THE COMMISSION SHALL
5 BE INVALID AND HAVE NO FORCE OR EFFECT.

6 B. THE COMMISSION SHALL EXERCISE ITS RULE-MAKING POWERS
7 PURSUANT TO THE CRITERIA SET FORTH IN THIS SECTION AND THE RULES
8 ADOPTED THEREUNDER. RULES AND AMENDMENTS SHALL BECOME
9 BINDING AS OF THE DATE SPECIFIED IN EACH RULE OR AMENDMENT.

10 C. IF A MAJORITY OF THE LEGISLATURES OF THE MEMBER STATES
11 REJECTS A RULE, BY ENACTMENT OF A STATUTE OR RESOLUTION IN THE
12 SAME MANNER USED TO ADOPT THE COMPACT WITHIN FOUR (4) YEARS OF
13 THE DATE OF ADOPTION OF THE RULE, THEN SUCH RULE SHALL HAVE NO
14 FURTHER FORCE AND EFFECT IN ANY MEMBER STATE.

15 D. RULES OR AMENDMENTS TO THE RULES SHALL BE ADOPTED AT
16 A REGULAR OR SPECIAL MEETING OF THE COMMISSION.

17 E. PRIOR TO PROMULGATION AND ADOPTION OF A FINAL RULE OR
18 RULES BY THE COMMISSION, AND AT LEAST THIRTY (30) DAYS IN
19 ADVANCE OF THE MEETING AT WHICH THE RULE WILL BE CONSIDERED AND
20 VOTED UPON, THE COMMISSION SHALL FILE A NOTICE OF PROPOSED
21 RULE-MAKING:

22 1. ON THE WEBSITE OF THE COMMISSION OR OTHER PUBLICLY
23 ACCESSIBLE PLATFORM; AND

24 2. ON THE WEBSITE OF EACH MEMBER STATE PROFESSIONAL
25 COUNSELING LICENSING BOARD OR OTHER PUBLICLY ACCESSIBLE
26 PLATFORM OR THE PUBLICATION IN WHICH EACH STATE WOULD
27 OTHERWISE PUBLISH PROPOSED RULES.

1 F. THE NOTICE OF PROPOSED RULE-MAKING SHALL INCLUDE:

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

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

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

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

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

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

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

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

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

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

27 1. ALL PERSONS WISHING TO BE HEARD AT THE HEARING SHALL

1 NOTIFY THE EXECUTIVE DIRECTOR OF THE COMMISSION OR OTHER
2 DESIGNATED MEMBER IN WRITING OF THEIR DESIRE TO APPEAR AND
3 TESTIFY AT THE HEARING NOT LESS THAN FIVE (5) BUSINESS DAYS BEFORE
4 THE SCHEDULED DATE OF THE HEARING.

5 2. HEARINGS SHALL BE CONDUCTED IN A MANNER PROVIDING EACH
6 PERSON WHO WISHES TO COMMENT A FAIR AND REASONABLE
7 OPPORTUNITY TO COMMENT ORALLY OR IN WRITING.

8 3. ALL HEARINGS WILL BE RECORDED. A COPY OF THE RECORDING
9 WILL BE MADE AVAILABLE ON REQUEST.

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

14 J. FOLLOWING THE SCHEDULED HEARING DATE, OR BY THE CLOSE
15 OF BUSINESS ON THE SCHEDULED HEARING DATE IF THE HEARING WAS NOT
16 HELD, THE COMMISSION SHALL CONSIDER ALL WRITTEN AND ORAL
17 COMMENTS RECEIVED.

18 K. IF NO WRITTEN NOTICE OF INTENT TO ATTEND THE PUBLIC
19 HEARING BY INTERESTED PARTIES IS RECEIVED, THE COMMISSION MAY
20 PROCEED WITH PROMULGATION OF THE PROPOSED RULE WITHOUT A
21 PUBLIC HEARING.

22 L. THE COMMISSION SHALL, BY MAJORITY VOTE OF ALL MEMBERS,
23 TAKE FINAL ACTION ON THE PROPOSED RULE AND SHALL DETERMINE THE
24 EFFECTIVE DATE OF THE RULE, IF ANY, BASED ON THE RULE-MAKING
25 RECORD AND THE FULL TEXT OF THE RULE.

26 M. UPON DETERMINATION THAT AN EMERGENCY EXISTS, THE
27 COMMISSION MAY CONSIDER AND ADOPT AN EMERGENCY RULE WITHOUT

1 PRIOR NOTICE, OPPORTUNITY FOR COMMENT, OR HEARING, PROVIDED THAT
2 THE USUAL RULE-MAKING PROCEDURES PROVIDED IN THE COMPACT AND
3 IN THIS SECTION SHALL BE RETROACTIVELY APPLIED TO THE RULE AS SOON
4 AS REASONABLY POSSIBLE, IN NO EVENT LATER THAN NINETY (90) DAYS
5 AFTER THE EFFECTIVE DATE OF THE RULE. FOR THE PURPOSES OF THIS
6 PROVISION, AN EMERGENCY RULE IS ONE THAT MUST BE ADOPTED
7 IMMEDIATELY IN ORDER TO:

8 1. MEET AN IMMINENT THREAT TO PUBLIC HEALTH, SAFETY, OR
9 WELFARE;

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

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

13 OR

14 4. PROTECT PUBLIC HEALTH AND SAFETY.

15 N. THE COMMISSION OR AN AUTHORIZED COMMITTEE OF THE
16 COMMISSION MAY DIRECT REVISIONS TO A PREVIOUSLY ADOPTED RULE OR
17 AMENDMENT FOR PURPOSES OF CORRECTING TYPOGRAPHICAL ERRORS,
18 ERRORS IN FORMAT, ERRORS IN CONSISTENCY, OR GRAMMATICAL ERRORS.
19 PUBLIC NOTICE OF ANY REVISIONS SHALL BE POSTED ON THE WEBSITE OF
20 THE COMMISSION. THE REVISION SHALL BE SUBJECT TO CHALLENGE BY
21 ANY PERSON FOR A PERIOD OF THIRTY (30) DAYS AFTER POSTING. THE
22 REVISION MAY BE CHALLENGED ONLY ON GROUNDS THAT THE REVISION
23 RESULTS IN A MATERIAL CHANGE TO A RULE. A CHALLENGE SHALL BE
24 MADE IN WRITING AND DELIVERED TO THE EXECUTIVE DIRECTOR OF THE
25 COMMISSION PRIOR TO THE END OF THE NOTICE PERIOD. IF NO CHALLENGE
26 IS MADE, THE REVISION WILL TAKE EFFECT WITHOUT FURTHER ACTION. IF
27 THE REVISION IS CHALLENGED, THE REVISION MAY NOT TAKE EFFECT

1 WITHOUT THE APPROVAL OF THE COMMISSION.

2 **SECTION 12.**
3 **OVERSIGHT, DISPUTE RESOLUTION,**
4 **AND ENFORCEMENT**

5 **A. OVERSIGHT**

6 1. THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES OF
7 STATE GOVERNMENT IN EACH MEMBER STATE SHALL ENFORCE THIS
8 COMPACT AND TAKE ALL ACTIONS NECESSARY AND APPROPRIATE TO
9 EFFECTUATE THE COMPACT'S PURPOSES AND INTENT. THE PROVISIONS OF
10 THIS COMPACT AND THE RULES PROMULGATED HEREUNDER SHALL HAVE
11 STANDING AS STATUTORY LAW.

12 2. ALL COURTS SHALL TAKE JUDICIAL NOTICE OF THE COMPACT
13 AND THE RULES IN ANY JUDICIAL OR ADMINISTRATIVE PROCEEDING IN A
14 MEMBER STATE PERTAINING TO THE SUBJECT MATTER OF THIS COMPACT
15 WHICH MAY AFFECT THE POWERS, RESPONSIBILITIES, OR ACTIONS OF THE
16 COMMISSION.

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

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

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

1 a. PROVIDE WRITTEN NOTICE TO THE DEFAULTING STATE AND
2 OTHER MEMBER STATES OF THE NATURE OF THE DEFAULT, THE PROPOSED
3 MEANS OF CURING THE DEFAULT, AND ANY OTHER ACTION TO BE TAKEN BY
4 THE COMMISSION; AND

5 b. PROVIDE REMEDIAL TRAINING AND SPECIFIC TECHNICAL
6 ASSISTANCE REGARDING THE DEFAULT.

7 C. IF A STATE IN DEFAULT FAILS TO CURE THE DEFAULT, THE
8 DEFAULTING STATE MAY BE TERMINATED FROM THE COMPACT UPON AN
9 AFFIRMATIVE VOTE OF A MAJORITY OF THE MEMBER STATES, AND ALL
10 RIGHTS, PRIVILEGES AND BENEFITS CONFERRED BY THIS COMPACT MAY BE
11 TERMINATED ON THE EFFECTIVE DATE OF TERMINATION. A CURE OF THE
12 DEFAULT DOES NOT RELIEVE THE OFFENDING STATE OF OBLIGATIONS OR
13 LIABILITIES INCURRED DURING THE PERIOD OF DEFAULT.

14 D. TERMINATION OF MEMBERSHIP IN THE COMPACT SHALL BE
15 IMPOSED ONLY AFTER ALL OTHER MEANS OF SECURING COMPLIANCE HAVE
16 BEEN EXHAUSTED. NOTICE OF INTENT TO SUSPEND OR TERMINATE SHALL
17 BE GIVEN BY THE COMMISSION TO THE GOVERNOR, THE MAJORITY AND
18 MINORITY LEADERS OF THE DEFAULTING STATE'S LEGISLATURE, AND EACH
19 OF THE MEMBER STATES.

20 E. A STATE THAT HAS BEEN TERMINATED IS RESPONSIBLE FOR ALL
21 ASSESSMENTS, OBLIGATIONS, AND LIABILITIES INCURRED THROUGH THE
22 EFFECTIVE DATE OF TERMINATION, INCLUDING OBLIGATIONS THAT EXTEND
23 BEYOND THE EFFECTIVE DATE OF TERMINATION.

24 F. THE COMMISSION SHALL NOT BEAR ANY COSTS RELATED TO A
25 STATE THAT IS FOUND TO BE IN DEFAULT OR THAT HAS BEEN TERMINATED
26 FROM THE COMPACT, UNLESS AGREED UPON IN WRITING BETWEEN THE
27 COMMISSION AND THE DEFAULTING STATE.

1 G. THE DEFAULTING STATE MAY APPEAL THE ACTION OF THE
2 COMMISSION BY PETITIONING THE U.S. DISTRICT COURT FOR THE
3 DISTRICT OF COLUMBIA OR THE FEDERAL DISTRICT WHERE THE
4 COMMISSION HAS ITS PRINCIPAL OFFICES. THE PREVAILING MEMBER SHALL
5 BE AWARDED ALL COSTS OF SUCH LITIGATION, INCLUDING REASONABLE
6 ATTORNEY'S FEES.

7 H. DISPUTE RESOLUTION

8 1. UPON REQUEST BY A MEMBER STATE, THE COMMISSION SHALL
9 ATTEMPT TO RESOLVE DISPUTES RELATED TO THE COMPACT THAT ARISE
10 AMONG MEMBER STATES AND BETWEEN MEMBER AND NON-MEMBER
11 STATES.

12 2. THE COMMISSION SHALL PROMULGATE A RULE PROVIDING FOR
13 BOTH MEDIATION AND BINDING DISPUTE RESOLUTION FOR DISPUTES AS
14 APPROPRIATE.

15 I. ENFORCEMENT

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

19 2. BY MAJORITY VOTE, THE COMMISSION MAY INITIATE LEGAL
20 ACTION IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
21 COLUMBIA OR THE FEDERAL DISTRICT WHERE THE COMMISSION HAS ITS
22 PRINCIPAL OFFICES AGAINST A MEMBER STATE IN DEFAULT TO ENFORCE
23 COMPLIANCE WITH THE PROVISIONS OF THE COMPACT AND ITS
24 PROMULGATED RULES AND BYLAWS. THE RELIEF SOUGHT MAY INCLUDE
25 BOTH INJUNCTIVE RELIEF AND DAMAGES. IN THE EVENT JUDICIAL
26 ENFORCEMENT IS NECESSARY, THE PREVAILING MEMBER SHALL BE
27 AWARDED ALL COSTS OF SUCH LITIGATION, INCLUDING REASONABLE

1 ATTORNEY'S FEES.

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

5 **SECTION 13.**
6 **DATE OF IMPLEMENTATION OF THE COUNSELING**
7 **COMPACT COMMISSION AND ASSOCIATED RULES,**
8 **WITHDRAWAL, AND AMENDMENT**

9 A. THE COMPACT SHALL COME INTO EFFECT ON THE DATE ON
10 WHICH THE COMPACT STATUTE IS ENACTED INTO LAW IN THE TENTH
11 MEMBER STATE. THE PROVISIONS, WHICH BECOME EFFECTIVE AT THAT
12 TIME, SHALL BE LIMITED TO THE POWERS GRANTED TO THE COMMISSION
13 RELATING TO ASSEMBLY AND THE PROMULGATION OF RULES.
14 THEREAFTER, THE COMMISSION SHALL MEET AND EXERCISE RULEMAKING
15 POWERS NECESSARY TO THE IMPLEMENTATION AND ADMINISTRATION OF
16 THE COMPACT.

17 B. ANY STATE THAT JOINS THE COMPACT SUBSEQUENT TO THE
18 COMMISSION'S INITIAL ADOPTION OF THE RULES SHALL BE SUBJECT TO THE
19 RULES AS THEY EXIST ON THE DATE ON WHICH THE COMPACT BECOMES
20 LAW IN THAT STATE. ANY RULE THAT HAS BEEN PREVIOUSLY ADOPTED BY
21 THE COMMISSION SHALL HAVE THE FULL FORCE AND EFFECT OF LAW ON
22 THE DAY THE COMPACT BECOMES LAW IN THAT STATE.

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

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

27 2. WITHDRAWAL SHALL NOT AFFECT THE CONTINUING

1 REQUIREMENT OF THE WITHDRAWING STATE'S PROFESSIONAL
2 COUNSELING LICENSING BOARD TO COMPLY WITH THE INVESTIGATIVE
3 AND ADVERSE ACTION REPORTING REQUIREMENTS OF THIS COMPACT
4 PRIOR TO THE EFFECTIVE DATE OF WITHDRAWAL.

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

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

14 SECTION 14.

15 CONSTRUCTION AND SEVERABILITY

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

1 EFFECT AS TO THE MEMBER STATE AFFECTED AS TO ALL SEVERABLE
2 MATTERS.

3 **SECTION 15.**

4 **BINDING EFFECT OF COMPACT AND OTHER LAWS**

5 A. A LICENSEE PROVIDING PROFESSIONAL COUNSELING SERVICES
6 IN A REMOTE STATE UNDER THE PRIVILEGE TO PRACTICE SHALL ADHERE
7 TO THE LAWS AND REGULATIONS, INCLUDING SCOPE OF PRACTICE, OF THE
8 REMOTE STATE.

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

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

14 D. ANY LAWFUL ACTIONS OF THE COMMISSION, INCLUDING ALL
15 RULES AND BYLAWS PROPERLY PROMULGATED BY THE COMMISSION, ARE
16 BINDING UPON THE MEMBER STATES.

17 E. ALL PERMISSIBLE AGREEMENTS BETWEEN THE COMMISSION
18 AND THE MEMBER STATES ARE BINDING IN ACCORDANCE WITH THEIR
19 TERMS.

20 F. IN THE EVENT ANY PROVISION OF THE COMPACT EXCEEDS THE
21 CONSTITUTIONAL LIMITS IMPOSED ON THE LEGISLATURE OF ANY MEMBER
22 STATE, THE PROVISION SHALL BE INEFFECTIVE TO THE EXTENT OF THE
23 CONFLICT WITH THE CONSTITUTIONAL PROVISION IN QUESTION IN THAT
24 MEMBER STATE.

25 **24-60-4303. Construction of terms.** (1) AS USED IN THIS PART
26 43, UNLESS THE CONTEXT OTHERWISE REQUIRES:

27 (a) "LICENSE" MEANS A LICENSE ISSUED PURSUANT TO SECTION

1 12-245-604.

2 (b) "LICENSED", "LICENSING", AND "LICENSURE" HAVE MEANINGS
3 THAT CORRESPOND TO THE DEFINITION ESTABLISHED IN SUBSECTION (1)(a)
4 OF THIS SECTION.

5 (c) "LICENSING BOARD" MEANS, WITH RESPECT TO COLORADO, THE
6 STATE BOARD OF LICENSED PROFESSIONAL COUNSELOR EXAMINERS
7 CREATED IN SECTION 12-245-602.

8 **24-60-4304. Notice to revisor of statutes - effective date of**
9 **compact.** THIS PART 43 WILL TAKE EFFECT ON THE DATE THE COMPACT IS
10 ENACTED INTO LAW IN THE TENTH COMPACT STATE. THE DIRECTOR OF THE
11 DIVISION OF PROFESSIONS AND OCCUPATIONS IN THE DEPARTMENT OF
12 REGULATORY AGENCIES SHALL NOTIFY THE REVISOR OF STATUTES IN
13 WRITING WHEN THE CONDITION SPECIFIED IN THIS SECTION HAS OCCURRED
14 BY E-MAILING THE NOTICE TO REVISOROFSTATUTES.GA@STATE.CO.US.
15 THIS PART 43 TAKES EFFECT UPON THE DATE IDENTIFIED IN THE NOTICE
16 THAT THE COMPACT IS ENACTED INTO LAW IN THE TENTH COMPACT STATE.

17 **SECTION 2.** In Colorado Revised Statutes, **add** 12-245-607 as
18 follows:

19 **12-245-607. Interstate compact - powers and duties of the**
20 **board - rules - definitions.** (1) AS USED IN THIS SECTION:

21 (a) "ADVERSE ACTION" HAS THE MEANING ESTABLISHED IN
22 SECTION 24-60-4302.

23 (b) "COMMISSION" MEANS THE COUNSELING COMPACT
24 COMMISSION ESTABLISHED IN SECTION 24-60-4302.

25 (c) "COMPACT" MEANS THE INTERSTATE LICENSED PROFESSIONAL
26 COUNSELORS COMPACT AUTHORIZED IN PART 43 OF ARTICLE 60 OF TITLE
27 24.

1 (d) "DATA SYSTEM" HAS THE MEANING ESTABLISHED IN SECTION
2 24-60-4302.

3 (e) "INVESTIGATIVE INFORMATION" HAS THE MEANING
4 ESTABLISHED IN SECTION 24-60-4302.

5 (f) "MEMBER STATE" MEANS A STATE THAT HAS ENACTED THE
6 COMPACT.

7 (g) "PRIVILEGE TO PRACTICE" HAS THE MEANING ESTABLISHED IN
8 SECTION 24-60-4302.

9 (h) "TELEHEALTH" HAS THE MEANING ESTABLISHED IN SECTION
10 24-60-4302 WITH REGARD TO DELIVERING PROFESSIONAL COUNSELING
11 SERVICES.

12 (2) IN ADDITION TO ANY POWERS AND DUTIES SPECIFIED IN THE
13 COMPACT FOR MEMBER STATES, THE BOARD HAS THE FOLLOWING POWERS
14 AND DUTIES WITH REGARD TO THE COMPACT:

15 (a) TO FACILITATE COLORADO'S PARTICIPATION IN THE COMPACT;

16 (b) TO COMPLY WITH THE RULES OF THE COMMISSION;

17 (c) TO PROMULGATE RULES IN ACCORDANCE WITH ARTICLE 4 OF
18 TITLE 24 AS NECESSARY FOR THE IMPLEMENTATION, ADMINISTRATION,
19 AND ENFORCEMENT OF THE COMPACT;

20 (d) TO APPOINT A PERSON TO SERVE AS A DELEGATE ON AND
21 ATTEND MEETINGS OF THE COMMISSION IN ACCORDANCE WITH THE TERMS
22 OF THE COMPACT;

23 (e) TO REGULATE TELEHEALTH IN ACCORDANCE WITH THE
24 COMPACT;

25 (f) TO NOTIFY THE COMMISSION, IN COMPLIANCE WITH THE TERMS
26 OF THE COMPACT AND COMMISSION RULES, OF ANY ADVERSE ACTION OR
27 THE AVAILABILITY OF INVESTIGATIVE INFORMATION REGARDING A

1 LICENSED PROFESSIONAL COUNSELOR;

2 (g) TO REQUIRE AN APPLICANT FOR A PRIVILEGE TO PRACTICE
3 UNDER THE COMPACT TO HAVE THE APPLICANT'S FINGERPRINTS TAKEN BY
4 A LOCAL LAW ENFORCEMENT AGENCY OR ANY THIRD PARTY APPROVED BY
5 THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF
6 OBTAINING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE
7 APPLICANT IS REQUIRED TO SUBMIT PAYMENT FOR THE FINGERPRINTS AND
8 FOR THE ACTUAL COSTS OF THE RECORD CHECK AT THE TIME THE
9 FINGERPRINTS ARE SUBMITTED TO THE COLORADO BUREAU OF
10 INVESTIGATION. UPON RECEIPT OF THE FINGERPRINTS AND RECEIPT OF THE
11 PAYMENT FOR COSTS, THE COLORADO BUREAU OF INVESTIGATION SHALL
12 CONDUCT A STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY
13 RECORD CHECK UTILIZING RECORDS OF THE COLORADO BUREAU OF
14 INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION AND SHALL
15 FORWARD THE RESULTS OF THE RECORD CHECK TO THE BOARD. THE
16 BOARD SHALL USE THE INFORMATION RESULTING FROM THE RECORD
17 CHECK TO INVESTIGATE AND DETERMINE WHETHER AN APPLICANT IS
18 QUALIFIED TO HOLD A PRIVILEGE TO PRACTICE PURSUANT TO THE
19 COMPACT. THE BOARD MAY VERIFY THE INFORMATION AN APPLICANT IS
20 REQUIRED TO SUBMIT. THE RESULTS OF THE RECORD CHECK ARE
21 CONFIDENTIAL. THE BOARD SHALL NOT RELEASE THE RESULTS OF THE
22 RECORD CHECK TO THE PUBLIC, THE COMMISSION, A MEMBER STATE, OR
23 OTHER STATE LICENSING BOARDS.

24 (h) TO GRANT THE PRIVILEGE TO PRACTICE TO A LICENSEE OF A
25 MEMBER STATE OF THE COMPACT IN ACCORDANCE WITH THE TERMS OF
26 THE COMPACT AND TO CHARGE A FEE TO INDIVIDUALS APPLYING FOR THE
27 PRIVILEGE TO PRACTICE;

1 (i) TO PARTICIPATE FULLY IN THE DATA SYSTEM CONSISTENT WITH
2 THE COMPACT REQUIREMENTS AND THE RULES OF THE COMMISSION; AND

3 (j) TO APPROVE PAYMENT OF ASSESSMENTS LEVIED BY THE
4 COMMISSION TO COVER THE COST OF OPERATIONS AND ACTIVITIES OF THE
5 COMMISSION AND ITS STAFF.

6 **SECTION 3. Appropriation.** (1) For the 2022-23 state fiscal
7 year, \$104,538 is appropriated to the department of regulatory agencies
8 for use by the division of professions and occupations. This appropriation
9 is from the division of professions and occupations cash fund created in
10 section 12-20-105 (3), C.R.S. To implement this act, the division may use
11 this appropriation as follows:

12 (a) \$18,338 for personal services, which amount is based on an
13 assumption that the division will require an additional 0.3 FTE; and

14 (b) \$86,200 for operating expenses.

15 **SECTION 4. Act subject to petition - effective date.** This act
16 takes effect at 12:01 a.m. on the day following the expiration of the
17 ninety-day period after final adjournment of the general assembly; except
18 that, if a referendum petition is filed pursuant to section 1 (3) of article V
19 of the state constitution against this act or an item, section, or part of this
20 act within such period, then the act, item, section, or part will not take
21 effect unless approved by the people at the general election to be held in
22 November 2022 and, in such case, will take effect on the date of the
23 official declaration of the vote thereon by the governor.