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To: Committee Members **Date:** June 1, 2023
From: Steve Sodergren, Executive Officer
Subject: **Overview and Discussion of the Social Work Interstate Licensing Compact and the Counseling Interstate Licensing Compact**

An interstate licensing compact is a legislatively enacted and legally binding contract between multiple states. To participate in a licensing compact, a state must enact model compact statutory language that is created by a compact organization. The goal of an interstate licensing compact is to increase the ability of a practitioner to practice in multiple states without having to apply for full licensure in another state that participates in the compact. Compacts usually require a practitioner to be licensed in their home state (their state or residence) before they can apply for, or obtain, a “privilege to practice” in a remote compact state. California has not participated in any licensing compacts in any of the healing arts professions as of this date.

The following is a brief overview of the licensure compacts under consideration by other states for the practice of social work and clinical counseling. Also included for comparison purposes is an overview of the endorsement process that the Board currently has in place for out-of-state licensed marriage and family therapist, licensed clinical social workers, and licensed professional clinical counselors.

Social Work Licensure Compact

In 2021, as part of an initiative to promote licensure portability for military spouses, the U.S. Department of Defense awarded a \$500,000 grant to the Council of State Government (CSG) for the development of an interstate licensure compact for social workers. The Social Work Licensure Compact project team approved the final draft of the Social Work Licensure Compact legislation in January 2023. This legislation will be distributed to the states for enactment during the 2023 legislative sessions. The Compact will go into effect once enacted into law by seven states.

Under the Social Work Licensure Compact model, a practitioner is required to apply for a multistate license through their home state. Once the multistate license is granted, the practitioner will be able to provide services in a remote state that is part of the compact. A licensee providing professional counseling in a remote state under the privilege to practice is required to adhere to the laws and regulations of the home state. There are three multistate licensing categories (Bachelor’s, Master’s and Clinical). The Board

would only recognize the Clinical multistate license. The cost of a multistate license is determined by each member state.

To participate in the Social Work Licensure Compact, a state must:

- License and regulate the practice of social work at either the clinical, master's or bachelor's category.
- Require that a licensee graduated from an accredited institution.
- Require that applicants for clinical licensure have completed a period of supervised practice.
- Have a mechanism for receiving and investigating complaints.
- Have procedures for considering the criminal history records of applicants.

An applicant for a clinical category multistate license must:

- Hold or be eligible for an active, unencumbered license in the home state.
- Pay any applicable fees, including any state fee, for the multistate license.
- Submit, in connection with an application for a multistate license, fingerprints or other biometric data for the purpose of a criminal history background check.
- Notify the home state of any adverse action, encumbrance, or restriction on any professional license taken by any member state or non-member state within 30 days from the date the action was taken.
- Fulfill a competency requirement, which can be satisfied by either the passage of a qualifying nation exam as determined by the commission, licensure and continual practice by the home state at the clinical category before such exam existed, or the substantial equivalency of these requirements which the commission may determine by rule.
- Obtain a master's degree in social work from an accredited program
- Fulfill a practice requirement which shall be satisfied by demonstrating completion or either: 3,000 hours of postgraduate supervised clinical practice, a minimum of two years of full-time postgraduate supervised clinical practice, or substantial equivalency of these requirements which the commission may determine by rule.

The model language does allow for the home state to require the completion of any jurisprudence requirements before issuing a multistate license.

While a remote state may take adverse actions against the social workers authorization to practice in their state, only a home state may take adverse action on the social worker's multistate license. Any adverse actions are required to be reported to the administrator of the compact's data system to alert other member states.

The following states have assisted in the development of the compact language: Arizona, Idaho, Iowa, New Hampshire, North Carolina, Oregon, South Carolina, Tennessee, Texas, Vermont, and Virginia.

Attached is the Social Work Licensure Compact Model Legislation that will need to be adopted by California legislature (Attachment A). Additional information can be found on the Social Work Licensure Compact website at www.swcompact.org.

Counseling Interstate Licensure Compact

In January 2019, the American Counseling Association (ACA) began coordinating with the National Center for Interstate Compacts to establish a multistate compact for Licensed Professional Counselors. The Counseling Interstate Licensure Compact was finalized in December 2020, and compact was activated after legislation was enacted by 10 states. In October 2022, the compact commission held its first meeting and elected officers to the Executive Committee. The commission's role is to promulgate rules to operationalize the compact, develop a budget, create a database, and designate the required national examination.

Under the Counseling Compact model, a practitioner must be licensed by their home state and will be required to request the privilege to practice for each state they plan to practice in outside their home state. A licensee providing professional counseling in a remote state under the privilege to practice is required to adhere to the laws and regulations of the home state. The cost to obtain a privilege to practice is determined by each member state.

To participate in the compact, a state must:

- License and regulate licensed professional clinical counselors.
- Require licensees to pass a nationally recognized examination approved by the commission.
- Require licensees to have a 60 semester-hour (or 90 quarter unit) master's degree that satisfies certain topic areas.
- Require the licensee to complete supervised postgraduate professional experience as defined by the commission.
- Have a mechanism for receiving complaints.
- Have procedures for considering the criminal history records of applicants.

To exercise the Privilege to Practice, the licensee shall:

- Hold a license in the home state.
- Have no encumbrances on any state license currently, and no adverse actions or restrictions against any license within the previous two years.
- Pass an FBI fingerprint-based criminal background check
- Meet any jurisprudence requirements for the member state in which they are seeking a privilege to practice.
- Pay and applicable fees, including state fee, for the Privilege to Practice.
- Report to the Commission any adverse action, encumbrance, or restriction taken by a non-member state within 30 days of the action taken.

Only a practitioner's home state may take adverse action against a home state license. A remote state may take adverse action against a practitioner's privilege to practice. Member states are required to report any adverse action to the compact data system, which will alert the home state. A member state may take adverse action based on the finding of the remote states.

The following states have enacted the compact legislation: Alabama, Arkansas, Colorado, Delaware, Florida, Georgia, Kansas, Kentucky, Louisiana, Maine, Mississippi, Montana, Nebraska, New Hampshire, North Dakota, North Carolina, Ohio, Oklahoma, Tennessee, Utah, Washington, West Virginia, and Wyoming.

Attached is the Counseling Compact Model Legislation that will need to be adopted by California legislature (Attachment B). Additional information may be found on the Counseling Compact website at www.counselingcompact.org.

California's Licensure by Credential

The Board currently has a licensure endorsement process which is referred to as "Licensure by Credential". An out-of-state licensee can qualify for a license by credential if:

- They have held a license as a Clinical Social Worker, Marriage and Family Therapist, or a Professional Clinical Counselor in another United States jurisdiction.
- The license is current and has been active and unrestricted for at least two years immediately before the date of application.
- The license is at the highest level of licensure for independent clinical practice in that jurisdiction.
- That they have a master's or doctoral degree from a qualifying accredited or approved institution.
- They complete additional coursework (12 hours in California Law & Ethics, 15 hours or 1 semester unit in California Cultures and the Social and Psychological Implications of Socioeconomic Position, 7 hours of Child Abuse Assessment and Reporting in California, 6 hours of coursework or applied experience in Suicide Risk Assessment and Intervention).
- Complete a criminal history background check.
- Pass a California Law and Ethics Examination.

The Board also has an expedited application process for military veterans and military spouses/domestic partners.

This "Licensure by Credential" process is greatly streamlined from the regular licensure process, which requires a clinical exam, specific content in the qualifying degree (some of which cannot be remediated after the degree is earned), and 3,000 hours of qualifying supervised professional experience.

The Board developed the “Licensure by Credential” process after forming a special License Portability Committee to carefully examine the issues faced by out-of-state applicants, and how to make it feasible for them to become licensed in California while maintaining public protection. The issue was discussed in depth over a period of several years and “Licensure by Credential” became effective on January 1, 2020 with the passage of SB 679 (Chapter 380, Statutes of 2019). To date, approximately 2,500 out-of-state licensees have successfully utilized the “Licensure by Credential” pathway.

Conclusions

The intent of the interstate compact is valid, especially because of the increased use of telehealth and the ability of practitioners to provide service remotely. However, board staff is concerned that the possible benefits of an interstate licensure compact are overshadowed by the concerns about the actual implementation of such an agreement.

On the plus side, the interstate compact may reduce the cost and effort for licensees who want to provide services in other jurisdictions. This in turn may reduce continuity of care issues by easing the ability of a licensee to meet with a client who may be traveling or relocating to another jurisdiction.

However, board staff concerns about interstate compacts are as follows:

- Lack of consumer protection or consistency in what a consumer can expect from their therapist. While the compacts require a practitioner to practice under the laws of the remote state, understanding the laws in each state may cause confusion and lead to possible consumer harm.
- The compact governing agency would have the ability to promulgate regulations which would have the force of law in compact states.
- Compact states would be forced to rely on a complex national database for licensing, complaint, and discipline information exchange. This system would be owned and operated by a nongovernmental agency.
- There would be additional costs to the Board associated with reporting to a database and monitoring and issuing privilege to practice licenses.
- By entering a compact, the Board would cede some of its regulatory control and licensee information to non-governmental out-of-state entities. There is a concern that compact states may have standards of practice that are quite different from the standards in California.

Based on the above, board staff does not recommend joining the compact at this time but recommends continued monitoring of the compacts to see if and how these issues are addressed in the future.

Attachments

Attachment A: Social Work Licensure Compact Model Legislation

Attachment B: Counseling Compact Model Legislation



Social Work Licensure Compact Model Legislation

This project is funded by the Department of Defense.

The following language must be enacted into law by a state to officially join the Social Work Licensure Compact.

No substantive changes should be made to the model language. Any substantive changes may jeopardize the enacting state's participation in the Compact.

The Council of State Governments National Center for Interstate Compacts reviews state compact legislation to ensure consistency with the model language. Please direct inquiries to Kaitlyn Bison at kbison@csg.org.

SOCIAL WORK LICENSURE COMPACT

SECTION 1: PURPOSE

The purpose of this Compact is to facilitate interstate practice of Regulated Social Workers by improving public access to competent Social Work Services. The Compact preserves the regulatory authority of States to protect public health and safety through the current system of State licensure.

This Compact is designed to achieve the following objectives:

- A. Increase public access to Social Work Services;
- B. Reduce overly burdensome and duplicative requirements associated with holding multiple licenses;
- C. Enhance the Member States' ability to protect the public's health and safety;
- D. Encourage the cooperation of Member States in regulating multistate practice;
- E. Promote mobility and address workforce shortages by eliminating the necessity for licenses in multiple States by providing for the mutual recognition of other Member State licenses;
- F. Support military families;
- G. Facilitate the exchange of licensure and disciplinary information among Member States;
- H. Authorize all Member States to hold a Regulated Social Worker accountable for abiding by a Member State's laws, regulations, and applicable professional standards in the Member State in which the client is located at the time care is rendered; and
- I. Allow for the use of telehealth to facilitate increased access to regulated Social Work Services.

SECTION 2. DEFINITIONS

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

- A. **“Active Military Member”** means any individual with full-time duty status in the active armed forces of the United States including members of the National Guard and Reserve.
- B. **“Adverse Action”** means any administrative, civil, equitable or criminal action permitted by a State's laws which is imposed by a Licensing Authority or other authority against a Regulated Social Worker, including actions against an individual's license or Multistate Authorization to Practice such as revocation,

- 36 suspension, probation, monitoring of the Licensee, limitation on the Licensee's
37 practice, or any other Encumbrance on licensure affecting a Regulated Social
38 Worker's authorization to practice, including issuance of a cease and desist
39 action.
- 40 C. **“Alternative Program”** means a non-disciplinary monitoring or practice
41 remediation process approved by a Licensing Authority to address practitioners
42 with an Impairment.
- 43 D. **“Charter Member States”** - Member States who have enacted legislation to
44 adopt this Compact where such legislation predates the effective date of this
45 Compact as described in Section 14.
- 46 E. **“Compact Commission” or “Commission”** means the government agency
47 whose membership consists of all States that have enacted this Compact, which
48 is known as the Social Work Licensure Compact Commission, as described in
49 Section 10, and which shall operate as an instrumentality of the Member States.
- 50 F. **“Current Significant Investigative Information”** means:
- 51 1. Investigative information that a Licensing Authority, after a preliminary
52 inquiry that includes notification and an opportunity for the Regulated
53 Social Worker to respond has reason to believe is not groundless and, if
54 proved true, would indicate more than a minor infraction as may be
55 defined by the Commission; or
- 56 2. Investigative information that indicates that the Regulated Social Worker
57 represents an immediate threat to public health and safety, as may be
58 defined by the Commission, regardless of whether the Regulated Social
59 Worker has been notified and has had an opportunity to respond.
- 60 G. **“Data System”** means a repository of information about Licensees, including,
61 continuing education, examination, licensure, Current Significant Investigative
62 Information, Disqualifying Event, Multistate License(s) and Adverse Action
63 information or other information as required by the Commission.
- 64 H. **“Domicile”** means the jurisdiction in which the Licensee resides and intends to
65 remain indefinitely.
- 66 I. **“Disqualifying Event”** means any Adverse Action or incident which results in an
67 Encumbrance that disqualifies or makes the Licensee ineligible to either obtain,
68 retain or renew a Multistate License.
- 69 J. **“Encumbrance”** means a revocation or suspension of, or any limitation on, the
70 full and unrestricted practice of Social Work licensed and regulated by a
71 Licensing Authority.

- 72 K. **“Executive Committee”** means a group of delegates elected or appointed to act
73 on behalf of, and within the powers granted to them by, the compact and
74 Commission.
- 75 L. **“Home State”** means the Member State that is the Licensee’s primary Domicile.
- 76 M. **“Impairment”** means a condition(s) that may impair a practitioner’s ability to
77 engage in full and unrestricted practice as a Regulated Social Worker without
78 some type of intervention and may include alcohol and drug dependence, mental
79 health impairment, and neurological or physical impairments.
- 80 N. **“Licensee(s)”** means an individual who currently holds a license from a State to
81 practice as a Regulated Social Worker.
- 82 O. **“Licensing Authority”** means the board or agency of a Member State, or
83 equivalent, that is responsible for the licensing and regulation of Regulated
84 Social Workers.
- 85 P. **“Member State”** means a state, commonwealth, district, or territory of the United
86 States of America that has enacted this Compact.
- 87 Q. **“Multistate Authorization to Practice”** means a legally authorized privilege to
88 practice, which is equivalent to a license, associated with a Multistate License
89 permitting the practice of Social Work in a Remote State.
- 90 R. **“Multistate License”** means a license to practice as a Regulated Social Worker
91 issued by a Home State Licensing Authority that authorizes the Regulated Social
92 Worker to practice in all Member States under Multistate Authorization to
93 Practice.
- 94 S. **“Qualifying National Exam”** means a national licensing examination approved
95 by the Commission.
- 96 T. **“Regulated Social Worker”** means any clinical, master’s or bachelor’s Social
97 Worker licensed by a Member State regardless of the title used by that Member
98 State.
- 99 U. **“Remote State”** means a Member State other than the Licensee’s Home State.
- 100 V. **“Rule(s)” or “Rule(s) of the Commission”** means a regulation or regulations
101 duly promulgated by the Commission, as authorized by the Compact, that has
102 the force of law.
- 103 W. **“Single State License”** means a Social Work license issued by any State that
104 authorizes practice only within the issuing State and does not include Multistate
105 Authorization to Practice in any Member State.
- 106 X. **“Social Work” or “Social Work Services”** means the application of social work
107 theory, knowledge, methods, ethics, and the professional use of self to restore or
108 enhance social, psychosocial, or biopsychosocial functioning of individuals,

109 couples, families, groups, organizations, and communities through the care and
110 services provided by a Regulated Social Worker as set forth in the Member
111 State’s statutes and regulations in the State where the services are being
112 provided.

113 Y. **“State”** means any state, commonwealth, district, or territory of the United States
114 of America that regulates the practice of Social Work.

115 Z. **“Unencumbered License”** means a license that authorizes a Regulated Social
116 Worker to engage in the full and unrestricted practice of Social Work.

117 **SECTION 3. STATE PARTICIPATION IN THE COMPACT**

118 A. To be eligible to participate in the compact, a potential Member State must
119 currently meet all of the following criteria:

120 1. License and regulate the practice of Social Work at either the clinical,
121 master’s, or bachelor’s category.

122 2. Require applicants for licensure to graduate from a program that is:

123 a. Operated by a college or university recognized by the Licensing
124 Authority;

125 b. Accredited, or in candidacy by an institution that subsequently
126 becomes accredited, by an accrediting agency recognized by either:

127 i. the Council for Higher Education Accreditation, or its successor;
128 or

129 ii. the United States Department of Education; and

130 c. Corresponds to the licensure sought as outlined in Section 4.

131 3. Require applicants for clinical licensure to complete a period of
132 supervised practice.

133 4. Have a mechanism in place for receiving, investigating, and adjudicating
134 complaints about Licensees.

135 B. To maintain membership in the Compact a Member State shall:

136 1. Require that applicants for a Multistate License pass a Qualifying
137 National Exam for the corresponding category of Multistate License
138 sought as outlined in Section 4.

139 2. Participate fully in the Commission’s Data System, including using the
140 Commission’s unique identifier as defined in Rules;

141 3. Notify the Commission, in compliance with the terms of the Compact and
142 Rules, of any Adverse Action or the availability of Current Significant
143 Investigative Information regarding a Licensee;

- 144 4. Implement procedures for considering the criminal history records of
145 applicants for a Multistate License. Such procedures shall include the
146 submission of fingerprints or other biometric-based information by
147 applicants for the purpose of obtaining an applicant's criminal history
148 record information from the Federal Bureau of Investigation and the
149 agency responsible for retaining that State's criminal records.
- 150 5. Comply with the Rules of the Commission;
- 151 6. Require an applicant to obtain or retain a license in the Home State and
152 meet the Home State's qualifications for licensure or renewal of
153 licensure, as well as all other applicable Home State laws;
- 154 7. Authorize a Licensee holding a Multistate License in any Member State
155 to practice in accordance with the terms of the Compact and Rules of the
156 Commission; and
- 157 8. Designate a delegate to participate in the Commission meetings.
- 158 C. A Member State meeting the requirements of Section 3.A. and 3.B of this
159 Compact shall designate the categories of Social Work licensure that are eligible
160 for issuance of a Multistate License for applicants in such Member State. To the
161 extent that any Member State does not meet the requirements for participation in
162 the Compact at any particular category of Social Work licensure, such Member
163 State may choose, but is not obligated to, issue a Multistate License to applicants
164 that otherwise meet the requirements of Section 4 for issuance of a Multistate
165 License in such category or categories of licensure.
- 166 D. The Home State may charge a fee for granting the Multistate License.

167 **SECTION 4. SOCIAL WORKER PARTICIPATION IN THE COMPACT**

- 168 A. To be eligible for a Multistate License under the terms and provisions of the
169 Compact, an applicant, regardless of category must:
- 170 1. Hold or be eligible for an active, Unencumbered License in the Home
171 State;
- 172 2. Pay any applicable fees, including any State fee, for the Multistate
173 License;
- 174 3. Submit, in connection with an application for a Multistate License,
175 fingerprints or other biometric data for the purpose of obtaining criminal
176 history record information from the Federal Bureau of Investigation and
177 the agency responsible for retaining that State's criminal records.
- 178 4. Notify the Home State of any Adverse Action, Encumbrance, or
179 restriction on any professional license taken by any Member State or
180 non-Member State within 30 days from the date the action is taken.

- 181 5. Meet any continuing competence requirements established by the Home
182 State;
- 183 6. Abide by the laws, regulations, and applicable standards in the Member
184 State where the client is located at the time care is rendered.
- 185 B. An applicant for a clinical-category Multistate License must meet all of the
186 following requirements:
- 187 1. Fulfill a competency requirement, which shall be satisfied by either:
- 188 a. Passage of a clinical-category Qualifying National Exam; or
- 189 b. Licensure of the applicant in their Home State at the clinical category,
190 beginning prior to such time as a Qualifying National Exam was
191 required by the Home State and accompanied by a period of
192 continuous Social Work licensure thereafter, all of which may be
193 further governed by the Rules of the Commission; or
- 194 c. The substantial equivalency of the foregoing competency
195 requirements which the Commission may determine by Rule.
- 196 2. Attain at least a master's degree in Social Work from a program that is:
- 197 a. Operated by a college or university recognized by the Licensing
198 Authority; and
- 199 b. Accredited, or in candidacy that subsequently becomes accredited,
200 by an accrediting agency recognized by either:
- 201 i. the Council for Higher Education Accreditation or its successor; or
- 202 ii. the United States Department of Education.
- 203 3. Fulfill a practice requirement, which shall be satisfied by demonstrating
204 completion of either:
- 205 a. A period of postgraduate supervised clinical practice equal to a
206 minimum of three thousand hours; or
- 207 b. A minimum of two years of full-time postgraduate supervised clinical
208 practice; or
- 209 c. The substantial equivalency of the foregoing practice requirements
210 which the Commission may determine by Rule.
- 211 C. An applicant for a master's-category Multistate License must meet all of the
212 following requirements:
- 213 1. Fulfill a competency requirement, which shall be satisfied by either:
- 214 a. Passage of a masters-category Qualifying National Exam;

- 215 b. Licensure of the applicant in their Home State at the master's
216 category, beginning prior to such time as a Qualifying National Exam
217 was required by the Home State at the master's category and
218 accompanied by a continuous period of Social Work licensure
219 thereafter, all of which may be further governed by the Rules of the
220 Commission; or
- 221 c. The substantial equivalency of the foregoing competency
222 requirements which the Commission may determine by Rule.
- 223 2. Attain at least a master's degree in Social Work from a program that is:
- 224 a. Operated by a college or university recognized by the Licensing
225 Authority; and
- 226 b. Accredited, or in candidacy that subsequently becomes accredited,
227 by an accrediting agency recognized by either:
- 228 i. the Council for Higher Education Accreditation or its
229 successor; or
- 230 ii. the United States Department of Education.
- 231 D. An applicant for a bachelor's-category Multistate License must meet all of the
232 following requirements:
- 233 1. Fulfill a competency requirement, which shall be satisfied by either:
- 234 a. Passage of a bachelor's-category Qualifying National Exam;
- 235 b. Licensure of the applicant in their Home State at the bachelor's
236 category, beginning prior to such time as a Qualifying National Exam
237 was required by the Home State and accompanied by a period of
238 continuous Social Work licensure thereafter, all of which may be
239 further governed by the Rules of the Commission; or
- 240 c. The substantial equivalency of the foregoing competency
241 requirements which the Commission may determine by Rule.
- 242 2. Attain at least a bachelor's degree in Social Work from a program that is:
- 243 a. Operated by a college or university recognized by the Licensing
244 Authority; and
- 245 b. Accredited, or in candidacy that subsequently becomes accredited,
246 by an accrediting agency recognized by either:
- 247 i. the Council for Higher Education Accreditation or its
248 successor; or
- 249 ii. the United States Department of Education.

- 250 E. The Multistate License for a Regulated Social Worker is subject to the renewal
251 requirements of the Home State. The Regulated Social Worker must maintain
252 compliance with the requirements of Section 4(A) to be eligible to renew a
253 Multistate License.
- 254 F. The Regulated Social Worker's services in a Remote State are subject to that
255 Member State's regulatory authority. A Remote State may, in accordance with
256 due process and that Member State's laws, remove a Regulated Social Worker's
257 Multistate Authorization to Practice in the Remote State for a specific period of
258 time, impose fines, and take any other necessary actions to protect the health
259 and safety of its citizens.
- 260 G. If a Multistate License is encumbered, the Regulated Social Worker's Multistate
261 Authorization to Practice shall be deactivated in all Remote States until the
262 Multistate License is no longer encumbered.
- 263 H. If a Multistate Authorization to Practice is encumbered in a Remote State, the
264 regulated Social Worker's Multistate Authorization to Practice may be
265 deactivated in that State until the Multistate Authorization to Practice is no longer
266 encumbered.

267 **SECTION 5: ISSUANCE OF A MULTISTATE LICENSE**

- 268 A. Upon receipt of an application for Multistate License, the Home State Licensing
269 Authority shall determine the applicant's eligibility for a Multistate License in
270 accordance with Section 4 of this Compact.
- 271 B. If such applicant is eligible pursuant to Section 4 of this Compact, the Home
272 State Licensing Authority shall issue a Multistate License that authorizes the
273 applicant or Regulated Social Worker to practice in all Member States under a
274 Multistate Authorization to Practice.
- 275 C. Upon issuance of a Multistate License, the Home State Licensing Authority shall
276 designate whether the Regulated Social Worker holds a Multistate License in the
277 Bachelors, Masters, or Clinical category of Social Work.
- 278 D. A Multistate License issued by a Home State to a resident in that State shall be
279 recognized by all Compact Member States as authorizing Social Work Practice
280 under a Multistate Authorization to Practice corresponding to each category of
281 licensure regulated in each Member State.

282 **SECTION 6: AUTHORITY OF INTERSTATE COMPACT COMMISSION AND MEMBER**
283 **STATE LICENSING AUTHORITIES**

- 284 A. Nothing in this Compact, nor any Rule of the Commission, shall be construed to
285 limit, restrict, or in any way reduce the ability of a Member State to enact and
286 enforce laws, regulations, or other rules related to the practice of Social Work in
287 that State, where those laws, regulations, or other rules are not inconsistent with
288 the provisions of this Compact.

- 289 B. Nothing in this Compact shall affect the requirements established by a Member
290 State for the issuance of a Single State License.
- 291 C. Nothing in this Compact, nor any Rule of the Commission, shall be construed to
292 limit, restrict, or in any way reduce the ability of a Member State to take Adverse
293 Action against a Licensee's Single State License to practice Social Work in that
294 State.
- 295 D. Nothing in this Compact, nor any Rule of the Commission, shall be construed to
296 limit, restrict, or in any way reduce the ability of a Remote State to take Adverse
297 Action against a Licensee's Multistate Authorization to Practice in that State.
- 298 E. Nothing in this Compact, nor any Rule of the Commission, shall be construed to
299 limit, restrict, or in any way reduce the ability of a Licensee's Home State to take
300 Adverse Action against a Licensee's Multistate License based upon information
301 provided by a Remote State.

302 **SECTION 7: REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME STATE**

- 303 A. A Licensee can hold a Multistate License, issued by their Home State, in only
304 one Member State at any given time.
- 305 B. If a Licensee changes their Home State by moving between two Member States:
- 306 1. The Licensee shall immediately apply for the reissuance of their
307 Multistate License in their new Home State. The Licensee shall pay all
308 applicable fees and notify the prior Home State in accordance with the
309 Rules of the Commission.
 - 310 2. Upon receipt of an application to reissue a Multistate License, the new
311 Home State shall verify that the Multistate License is active,
312 unencumbered and eligible for reissuance under the terms of the
313 Compact and the Rules of the Commission. The Multistate License
314 issued by the prior Home State will be deactivated and all Member
315 States notified in accordance with the applicable Rules adopted by the
316 Commission.
 - 317 3. Prior to the reissuance of the Multistate License, the new Home State
318 shall conduct procedures for considering the criminal history records of
319 the Licensee. Such procedures shall include the submission of
320 fingerprints or other biometric-based information by applicants for the
321 purpose of obtaining an applicant's criminal history record information
322 from the Federal Bureau of Investigation and the agency responsible for
323 retaining that State's criminal records.
 - 324 4. If required for initial licensure, the new Home State may require
325 completion of jurisprudence requirements in the new Home State.
 - 326 5. Notwithstanding any other provision of this Compact, if a Licensee does
327 not meet the requirements set forth in this Compact for the reissuance of
328 a Multistate License by the new Home State, then the Licensee shall be

329 subject to the new Home State requirements for the issuance of a Single
330 State License in that State.

331 C. If a Licensee changes their primary State of residence by moving from a Member
332 State to a non-Member State, or from a non-Member State to a Member State,
333 then the Licensee shall be subject to the State requirements for the issuance of a
334 Single State License in the new Home State.

335 D. Nothing in this Compact shall interfere with a Licensee's ability to hold a Single
336 State License in multiple States; however, for the purposes of this Compact, a
337 Licensee shall have only one Home State, and only one Multistate License.

338 E. Nothing in this Compact shall interfere with the requirements established by a
339 Member State for the issuance of a Single State License.

340 **SECTION 8. MILITARY FAMILIES**

341 An Active Military Member or their spouse shall designate a Home State where the individual
342 has a Multistate License. The individual may retain their Home State designation during the
343 period the service member is on active duty.

344 **SECTION 9. ADVERSE ACTIONS**

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

347 1. Take Adverse Action against a Regulated Social Worker's Multistate
348 Authorization to Practice only within that Member State, and issue
349 subpoenas for both hearings and investigations that require the
350 attendance and testimony of witnesses as well as the production of
351 evidence. Subpoenas issued by a Licensing Authority in a Member State
352 for the attendance and testimony of witnesses or the production of
353 evidence from another Member State shall be enforced in the latter State
354 by any court of competent jurisdiction, according to the practice and
355 procedure of that court applicable to subpoenas issued in proceedings
356 pending before it. The issuing Licensing Authority shall pay any witness
357 fees, travel expenses, mileage, and other fees required by the service
358 statutes of the State in which the witnesses or evidence are located.

359 2. Only the Home State shall have the power to take Adverse Action
360 against a Regulated Social Worker's Multistate License.

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

365 C. The Home State shall complete any pending investigations of a Regulated Social
366 Worker who changes their Home State during the course of the investigations.
367 The Home State shall also have the authority to take appropriate action(s) and
368 shall promptly report the conclusions of the investigations to the administrator of

- 369 the Data System. The administrator of the Data System shall promptly notify the
370 new Home State of any Adverse Actions.
- 371 D. A Member State, if otherwise permitted by State law, may recover from the
372 affected Regulated Social Worker the costs of investigations and dispositions of
373 cases resulting from any Adverse Action taken against that Regulated Social
374 Worker.
- 375 E. A Member State may take Adverse Action based on the factual findings of
376 another Member State, provided that the Member State follows its own
377 procedures for taking the Adverse Action.
- 378 F. Joint Investigations:
- 379 1. In addition to the authority granted to a Member State by its respective
380 Social Work practice act or other applicable State law, any Member
381 State may participate with other Member States in joint investigations of
382 Licensees.
- 383 2. Member States shall share any investigative, litigation, or compliance
384 materials in furtherance of any joint or individual investigation initiated
385 under the Compact.
- 386 G. If Adverse Action is taken by the Home State against the Multistate License of a
387 Regulated Social Worker, the Regulated Social Worker's Multistate Authorization
388 to Practice in all other Member States shall be deactivated until all
389 Encumbrances have been removed from the Multistate License. All Home State
390 disciplinary orders that impose Adverse Action against the license of a Regulated
391 Social Worker shall include a statement that the Regulated Social Worker's
392 Multistate Authorization to Practice is deactivated in all Member States until all
393 conditions of the decision, order or agreement are satisfied.
- 394 H. If a Member State takes Adverse Action, it shall promptly notify the administrator
395 of the Data System. The administrator of the Data System shall promptly notify
396 the Home State and all other Member State's of any Adverse Actions by Remote
397 States.
- 398 I. Nothing in this Compact shall override a Member State's decision that
399 participation in an Alternative Program may be used in lieu of Adverse Action.
- 400 J. Nothing in this Compact shall authorize a Member State to demand the issuance
401 of subpoenas for attendance and testimony of witnesses or the production of
402 evidence from another Member State for lawful actions within that Member State.
- 403 K. Nothing in this Compact shall authorize a Member State to impose discipline
404 against a Regulated Social Worker who holds a Multistate Authorization to
405 Practice for lawful actions within another Member State.
- 406

407 **SECTION 10. ESTABLISHMENT OF SOCIAL WORK LICENSURE COMPACT**
408 **COMMISSION**

409 A. The Compact Member States hereby create and establish a joint government
410 agency whose membership consists of all Member States that have enacted the
411 compact known as the Social Work Licensure Compact Commission. The
412 Commission is an instrumentality of the Compact States acting jointly and not an
413 instrumentality of any one State. The Commission shall come into existence on
414 or after the effective date of the Compact as set forth in Section 14.

415 B. Membership, Voting, and Meetings

416 1. Each Member State shall have and be limited to one (1) delegate
417 selected by that Member State's Licensing Authority.

418 2. The delegate shall be either:

419 a. A current member of the Licensing Authority at the time of
420 appointment, who is a Regulated Social Worker or public member
421 of the State Licensing Authority; or

422 b. An administrator of the Licensing Authority or their designee.

423 3. The Commission shall by Rule or bylaw establish a term of office for
424 delegates and may by Rule or bylaw establish term limits.

425 4. The Commission may recommend removal or suspension of any
426 delegate from office.

427 5. A Member State's Licensing Authority shall fill any vacancy of its
428 delegate occurring on the Commission within 60 days of the vacancy.

429 6. Each delegate shall be entitled to one vote on all matters before the
430 Commission requiring a vote by Commission delegates.

431 7. A delegate shall vote in person or by such other means as provided in
432 the bylaws. The bylaws may provide for delegates to meet by
433 telecommunication, videoconference, or other means of communication.

434 8. The Commission shall meet at least once during each calendar year.
435 Additional meetings may be held as set forth in the bylaws. The
436 Commission may meet by telecommunication, video conference or other
437 similar electronic means.

438 C. The Commission shall have the following powers:

439 1. Establish the fiscal year of the Commission;

440 2. Establish code of conduct and conflict of interest policies;

441 3. Establish and amend Rules and bylaws;

- 442 4. Maintain its financial records in accordance with the bylaws;
- 443 5. Meet and take such actions as are consistent with the provisions of this
444 Compact, the Commission's Rules, and the bylaws;
- 445 6. Initiate and conclude legal proceedings or actions in the name of the
446 Commission, provided that the standing of any Licensing Authority to sue
447 or be sued under applicable law shall not be affected;
- 448 7. Maintain and certify records and information provided to a Member State
449 as the authenticated business records of the Commission, and designate
450 an agent to do so on the Commission's behalf;
- 451 8. Purchase and maintain insurance and bonds;
- 452 9. Borrow, accept, or contract for services of personnel, including, but not
453 limited to, employees of a Member State;
- 454 10. Conduct an annual financial review
- 455 11. Hire employees, elect or appoint officers, fix compensation, define
456 duties, grant such individuals appropriate authority to carry out the
457 purposes of the Compact, and establish the Commission's personnel
458 policies and programs relating to conflicts of interest, qualifications of
459 personnel, and other related personnel matters;
- 460 12. Assess and collect fees;
- 461 13. Accept any and all appropriate gifts, donations, grants of money, other
462 sources of revenue, equipment, supplies, materials, and services, and
463 receive, utilize, and dispose of the same; provided that at all times the
464 Commission shall avoid any appearance of impropriety or conflict of
465 interest;
- 466 14. Lease, purchase, retain, own, hold, improve, or use any property, real,
467 personal, or mixed, or any undivided interest therein;
- 468 15. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise
469 dispose of any property real, personal, or mixed;
- 470 16. Establish a budget and make expenditures;
- 471 17. Borrow money;
- 472 18. Appoint committees, including standing committees, composed of
473 members, State regulators, State legislators or their representatives, and
474 consumer representatives, and such other interested persons as may be
475 designated in this Compact and the bylaws;
- 476 19. Provide and receive information from, and cooperate with, law
477 enforcement agencies;

- 478 20. Establish and elect an Executive Committee, including a chair and a vice
479 chair;
- 480 21. Determine whether a State's adopted language is materially different
481 from the model compact language such that the State would not qualify
482 for participation in the Compact; and
- 483 22. Perform such other functions as may be necessary or appropriate to
484 achieve the purposes of this Compact.

485 D. The Executive Committee

- 486 1. The Executive Committee shall have the power to act on behalf of the
487 Commission according to the terms of this Compact. The powers, duties,
488 and responsibilities of the Executive Committee shall include:
- 489 a. Oversee the day-to-day activities of the administration of the compact
490 including enforcement and compliance with the provisions of the
491 compact, its Rules and bylaws, and other such duties as deemed
492 necessary;
- 493 b. Recommend to the Commission changes to the Rules or bylaws,
494 changes to this Compact legislation, fees charged to Compact
495 Member States, fees charged to Licensees, and other fees;
- 496 c. Ensure Compact administration services are appropriately provided,
497 including by contract;
- 498 d. Prepare and recommend the budget;
- 499 e. Maintain financial records on behalf of the Commission;
- 500 f. Monitor Compact compliance of Member States and provide
501 compliance reports to the Commission;
- 502 g. Establish additional committees as necessary;
- 503 h. Exercise the powers and duties of the Commission during the interim
504 between Commission meetings, except for adopting or amending
505 Rules, adopting or amending bylaws, and exercising any other
506 powers and duties expressly reserved to the Commission by Rule or
507 bylaw; and
- 508 i. Other duties as provided in the Rules or bylaws of the Commission.
- 509 2. The Executive Committee shall be composed of up to eleven (11)
510 members:
- 511 a. The chair and vice chair of the Commission shall be voting members
512 of the Executive Committee; and

- 513 b. The Commission shall elect five voting members from the current
514 membership of the Commission.
- 515 c. Up to four (4) ex-officio, nonvoting members from four (4) recognized
516 national Social Work organizations.
- 517 d. The ex-officio members will be selected by their respective
518 organizations.
- 519 3. The Commission may remove any member of the Executive Committee
520 as provided in the Commission's bylaws.
- 521 4. The Executive Committee shall meet at least annually.
- 522 a. Executive Committee meetings shall be open to the public, except
523 that the Executive Committee may meet in a closed, non-public
524 meeting as provided in subsection F.2 below.
- 525 b. The Executive Committee shall give seven (7) days' notice of its
526 meetings, posted on its website and as determined to provide notice
527 to persons with an interest in the business of the Commission.
- 528 c. The Executive Committee may hold a special meeting in accordance
529 with subsection F.1.b. below.
- 530 E. The Commission shall adopt and provide to the Member States an annual report.
- 531 F. Meetings of the Commission
- 532 1. All meetings shall be open to the public, except that the Commission
533 may meet in a closed, non-public meeting as provided in subsection F.2
534 below.
- 535 a. Public notice for all meetings of the full Commission of meetings shall
536 be given in the same manner as required under the Rulemaking
537 provisions in Section 12, except that the Commission may hold a
538 special meeting as provided in subsection F.1.b below.
- 539 b. The Commission may hold a special meeting when it must meet to
540 conduct emergency business by giving 48 hours' notice to all
541 commissioners, on the Commission's website, and other means as
542 provided in the Commission's Rules. The Commission's legal
543 counsel shall certify that the Commission's need to meet qualifies as
544 an emergency.
- 545 2. The Commission or the Executive Committee or other committees of the
546 Commission may convene in a closed, non-public meeting for the
547 Commission or Executive Committee or other committees of the
548 Commission to receive legal advice or to discuss:

- 549 a. Non-compliance of a Member State with its obligations under the
550 Compact;
- 551 b. The employment, compensation, discipline or other matters,
552 practices or procedures related to specific employees;
- 553 c. Current or threatened discipline of a Licensee by the Commission or
554 by a Member State's Licensing Authority;
- 555 d. Current, threatened, or reasonably anticipated litigation;
- 556 e. Negotiation of contracts for the purchase, lease, or sale of goods,
557 services, or real estate;
- 558 f. Accusing any person of a crime or formally censuring any person;
- 559 g. Trade secrets or commercial or financial information that is privileged
560 or confidential;
- 561 h. Information of a personal nature where disclosure would constitute a
562 clearly unwarranted invasion of personal privacy;
- 563 i. Investigative records compiled for law enforcement purposes;
- 564 j. Information related to any investigative reports prepared by or on
565 behalf of or for use of the Commission or other committee charged
566 with responsibility of investigation or determination of compliance
567 issues pursuant to the Compact;
- 568 k. Matters specifically exempted from disclosure by federal or Member
569 State law; or
- 570 l. Other matters as promulgated by the Commission by Rule.
- 571 3. If a meeting, or portion of a meeting, is closed, the presiding officer shall
572 state that the meeting will be closed and reference each relevant
573 exempting provision, and such reference shall be recorded in the
574 minutes.
- 575 4. The Commission shall keep minutes that fully and clearly describe all
576 matters discussed in a meeting and shall provide a full and accurate
577 summary of actions taken, and the reasons therefore, including a
578 description of the views expressed. All documents considered in
579 connection with an action shall be identified in such minutes. All minutes
580 and documents of a closed meeting shall remain under seal, subject to
581 release only by a majority vote of the Commission or order of a court of
582 competent jurisdiction.
- 583 G. Financing of the Commission

- 584 1. The Commission shall pay, or provide for the payment of, the reasonable
585 expenses of its establishment, organization, and ongoing activities.
- 586 2. The Commission may accept any and all appropriate revenue sources
587 as provided in subsection C(13).
- 588 3. The Commission may levy on and collect an annual assessment from
589 each Member State and impose fees on Licensees of Member States to
590 whom it grants a Multistate License to cover the cost of the operations
591 and activities of the Commission and its staff, which must be in a total
592 amount sufficient to cover its annual budget as approved each year for
593 which revenue is not provided by other sources. The aggregate annual
594 assessment amount for Member States shall be allocated based upon a
595 formula that the Commission shall promulgate by Rule.
- 596 4. The Commission shall not incur obligations of any kind prior to securing
597 the funds adequate to meet the same; nor shall the Commission pledge
598 the credit of any of the Member States, except by and with the authority
599 of the Member State.
- 600 5. The Commission shall keep accurate accounts of all receipts and
601 disbursements. The receipts and disbursements of the Commission shall
602 be subject to the financial review and accounting procedures established
603 under its bylaws. However, all receipts and disbursements of funds
604 handled by the Commission shall be subject to an annual financial
605 review by a certified or licensed public accountant, and the report of the
606 financial review shall be included in and become part of the annual
607 report of the Commission.

608 H. Qualified Immunity, Defense, and Indemnification

- 609 1. The members, officers, executive director, employees and
610 representatives of the Commission shall be immune from suit and
611 liability, both personally and in their official capacity, for any claim for
612 damage to or loss of property or personal injury or other civil liability
613 caused by or arising out of any actual or alleged act, error, or omission
614 that occurred, or that the person against whom the claim is made had a
615 reasonable basis for believing occurred within the scope of Commission
616 employment, duties or responsibilities; provided that nothing in this
617 paragraph shall be construed to protect any such person from suit or
618 liability for any damage, loss, injury, or liability caused by the intentional
619 or willful or wanton misconduct of that person. The procurement of
620 insurance of any type by the Commission shall not in any way
621 compromise or limit the immunity granted hereunder.
- 622 2. The Commission shall defend any member, officer, executive director,
623 employee, and representative of the Commission in any civil action

624 seeking to impose liability arising out of any actual or alleged act, error,
625 or omission that occurred within the scope of Commission employment,
626 duties, or responsibilities, or as determined by the Commission that the
627 person against whom the claim is made had a reasonable basis for
628 believing occurred within the scope of Commission employment, duties,
629 or responsibilities; provided that nothing herein shall be construed to
630 prohibit that person from retaining their own counsel at their own
631 expense; and provided further, that the actual or alleged act, error, or
632 omission did not result from that person's intentional or willful or wanton
633 misconduct.

634 3. The Commission shall indemnify and hold harmless any member, officer,
635 executive director, employee, and representative of the Commission for
636 the amount of any settlement or judgment obtained against that person
637 arising out of any actual or alleged act, error, or omission that occurred
638 within the scope of Commission employment, duties, or responsibilities,
639 or that such person had a reasonable basis for believing occurred within
640 the scope of Commission employment, duties, or responsibilities,
641 provided that the actual or alleged act, error, or omission did not result
642 from the intentional or willful or wanton misconduct of that person.

643 4. Nothing herein shall be construed as a limitation on the liability of any
644 Licensee for professional malpractice or misconduct, which shall be
645 governed solely by any other applicable State laws.

646 5. Nothing in this Compact shall be interpreted to waive or otherwise
647 abrogate a Member State's state action immunity or state action
648 affirmative defense with respect to antitrust claims under the Sherman
649 Act, Clayton Act, or any other State or federal antitrust or anticompetitive
650 law or regulation.

651 6. Nothing in this Compact shall be construed to be a waiver of sovereign
652 immunity by the Member States or by the Commission.

653 **SECTION 11. DATA SYSTEM**

654 A. The Commission shall provide for the development, maintenance, operation, and
655 utilization of a coordinated Data System.

656 B. The Commission shall assign each applicant for a Multistate License a unique
657 identifier, as determined by the Rules of the Commission.

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

661 1. Identifying information;

662 2. Licensure data;

- 663 3. Adverse Actions against a license and information related thereto;
664 4. Non-confidential information related to Alternative Program participation,
665 the beginning and ending dates of such participation, and other
666 information related to such participation not made confidential under
667 Member State law;
668 5. Any denial of application for licensure, and the reason(s) for such denial;
669 6. The presence of Current Significant Investigative Information; and
670 7. Other information that may facilitate the administration of this Compact
671 or the protection of the public, as determined by the Rules of the
672 Commission.

673 D. The records and information provided to a Member State pursuant to this
674 Compact or through the Data System, when certified by the Commission or an
675 agent thereof, shall constitute the authenticated business records of the
676 Commission, and shall be entitled to any associated hearsay exception in any
677 relevant judicial, quasi-judicial or administrative proceedings in a Member State.

678 E. Current Significant Investigative Information pertaining to a Licensee in any
679 Member State will only be available to other Member States.

680 1. It is the responsibility of the Member States to report any Adverse Action
681 against a Licensee and to monitor the database to determine whether
682 Adverse Action has been taken against a Licensee. Adverse Action
683 information pertaining to a Licensee in any Member State will be
684 available to any other Member State.

685 F. Member States contributing information to the Data System may designate
686 information that may not be shared with the public without the express
687 permission of the contributing State.

688 G. Any information submitted to the Data System that is subsequently expunged
689 pursuant to federal law or the laws of the Member State contributing the
690 information shall be removed from the Data System.

691 **SECTION 12. RULEMAKING**

692 A. The Commission shall promulgate reasonable Rules in order to effectively and
693 efficiently implement and administer the purposes and provisions of the
694 Compact. A Rule shall be invalid and have no force or effect only if a court of
695 competent jurisdiction holds that the Rule is invalid because the Commission
696 exercised its rulemaking authority in a manner that is beyond the scope and
697 purposes of the Compact, or the powers granted hereunder, or based upon
698 another applicable standard of review.

699 B. The Rules of the Commission shall have the force of law in each Member State,
700 provided however that where the Rules of the Commission conflict with the laws

- 701 of the Member State that establish the Member State's laws, regulations, and
702 applicable standards that govern the practice of Social Work as held by a court of
703 competent jurisdiction, the Rules of the Commission shall be ineffective in that
704 State to the extent of the conflict.
- 705 C. The Commission shall exercise its Rulemaking powers pursuant to the criteria
706 set forth in this Section and the Rules adopted thereunder. Rules shall become
707 binding on the day following adoption or the date specified in the rule or
708 amendment, whichever is later.
- 709 D. If a majority of the legislatures of the Member States rejects a Rule or portion of a
710 Rule, by enactment of a statute or resolution in the same manner used to adopt
711 the Compact within four (4) years of the date of adoption of the Rule, then such
712 Rule shall have no further force and effect in any Member State.
- 713 E. Rules shall be adopted at a regular or special meeting of the Commission.
- 714 F. Prior to adoption of a proposed Rule, the Commission shall hold a public hearing
715 and allow persons to provide oral and written comments, data, facts, opinions,
716 and arguments.
- 717 G. Prior to adoption of a proposed Rule by the Commission, and at least thirty (30)
718 days in advance of the meeting at which the Commission will hold a public
719 hearing on the proposed Rule, the Commission shall provide a Notice of
720 Proposed Rulemaking:
- 721 1. On the website of the Commission or other publicly accessible platform;
 - 722 2. To persons who have requested notice of the Commission's notices of
723 proposed rulemaking, and
 - 724 3. In such other way(s) as the Commission may by Rule specify.
- 725 H. The Notice of Proposed Rulemaking shall include:
- 726 1. The time, date, and location of the public hearing at which the
727 Commission will hear public comments on the proposed Rule and, if
728 different, the time, date, and location of the meeting where the
729 Commission will consider and vote on the proposed Rule;
 - 730 2. If the hearing is held via telecommunication, video conference, or other
731 electronic means, the Commission shall include the mechanism for
732 access to the hearing in the Notice of Proposed Rulemaking;
 - 733 3. The text of the proposed Rule and the reason therefor;
 - 734 4. A request for comments on the proposed Rule from any interested
735 person; and
 - 736 5. The manner in which interested persons may submit written comments.

- 737 I. All hearings will be recorded. A copy of the recording and all written comments
738 and documents received by the Commission in response to the proposed Rule
739 shall be available to the public.
- 740 J. Nothing in this section shall be construed as requiring a separate hearing on each
741 Rule. Rules may be grouped for the convenience of the Commission at hearings
742 required by this section.
- 743 K. The Commission shall, by majority vote of all members, take final action on the
744 proposed Rule based on the Rulemaking record and the full text of the Rule.
- 745 1. The Commission may adopt changes to the proposed Rule provided the
746 changes do not enlarge the original purpose of the proposed Rule.
- 747 2. The Commission shall provide an explanation of the reasons for
748 substantive changes made to the proposed Rule as well as reasons for
749 substantive changes not made that were recommended by commenters.
- 750 3. The Commission shall determine a reasonable effective date for the
751 Rule. Except for an emergency as provided in Section 12.L, the effective
752 date of the rule shall be no sooner than 30 days after issuing the notice
753 that it adopted or amended the Rule.
- 754 L. Upon determination that an emergency exists, the Commission may consider and
755 adopt an emergency Rule with 48 hours' notice, with opportunity to comment,
756 provided that the usual Rulemaking procedures provided in the Compact and in
757 this section shall be retroactively applied to the Rule as soon as reasonably
758 possible, in no event later than ninety (90) days after the effective date of the
759 Rule. For the purposes of this provision, an emergency Rule is one that must be
760 adopted immediately in order to:
- 761 1. Meet an imminent threat to public health, safety, or welfare;
- 762 2. Prevent a loss of Commission or Member State funds;
- 763 3. Meet a deadline for the promulgation of a Rule that is established by
764 federal law or rule; or
- 765 4. Protect public health and safety.
- 766 M. The Commission or an authorized committee of the Commission may direct
767 revisions to a previously adopted Rule for purposes of correcting typographical
768 errors, errors in format, errors in consistency, or grammatical errors. Public notice
769 of any revisions shall be posted on the website of the Commission. The revision
770 shall be subject to challenge by any person for a period of thirty (30) days after
771 posting. The revision may be challenged only on grounds that the revision results
772 in a material change to a Rule. A challenge shall be made in writing and
773 delivered to the Commission prior to the end of the notice period. If no challenge
774 is made, the revision will take effect without further action. If the revision is

775 challenged, the revision may not take effect without the approval of the
776 Commission.

777 N. No Member State’s rulemaking requirements shall apply under this compact.

778 **SECTION 13. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT**

779 A. Oversight

780 1. The executive and judicial branches of State government in each
781 Member State shall enforce this Compact and take all actions necessary
782 and appropriate to implement the Compact.

783 2. Except as otherwise provided in this Compact, venue is proper and
784 judicial proceedings by or against the Commission shall be brought
785 solely and exclusively in a court of competent jurisdiction where the
786 principal office of the Commission is located. The Commission may
787 waive venue and jurisdictional defenses to the extent it adopts or
788 consents to participate in alternative dispute resolution proceedings.
789 Nothing herein shall affect or limit the selection or propriety of venue in
790 any action against a Licensee for professional malpractice, misconduct
791 or any such similar matter.

792 3. The Commission shall be entitled to receive service of process in any
793 proceeding regarding the enforcement or interpretation of the Compact
794 and shall have standing to intervene in such a proceeding for all
795 purposes. Failure to provide the Commission service of process shall
796 render a judgment or order void as to the Commission, this Compact, or
797 promulgated Rules.

798 B. Default, Technical Assistance, and Termination

799 1. If the Commission determines that a Member State has defaulted in the
800 performance of its obligations or responsibilities under this Compact or
801 the promulgated Rules, the Commission shall provide written notice to
802 the defaulting State. The notice of default shall describe the default, the
803 proposed means of curing the default, and any other action that the
804 Commission may take, and shall offer training and specific technical
805 assistance regarding the default.

806 2. The Commission shall provide a copy of the notice of default to the other
807 Member States.

808 C. If a State in default fails to cure the default, the defaulting State may be
809 terminated from the Compact upon an affirmative vote of a majority of the
810 delegates of the Member States, and all rights, privileges and benefits conferred
811 on that State by this Compact may be terminated on the effective date of
812 termination. A cure of the default does not relieve the offending State of
813 obligations or liabilities incurred during the period of default.

- 814 D. Termination of membership in the Compact shall be imposed only after all other
815 means of securing compliance have been exhausted. Notice of intent to suspend
816 or terminate shall be given by the Commission to the governor, the majority and
817 minority leaders of the defaulting State's legislature, the defaulting State's State
818 Licensing Authority and each of the Member States' Licensing Authority.
- 819 E. A State that has been terminated is responsible for all assessments, obligations,
820 and liabilities incurred through the effective date of termination, including
821 obligations that extend beyond the effective date of termination.
- 822 F. Upon the termination of a State's membership from this Compact, that State shall
823 immediately provide notice to all Licensees within that State of such termination.
824 The terminated State shall continue to recognize all licenses granted pursuant to
825 this Compact for a minimum of six (6) months after the date of said notice of
826 termination.
- 827 G. The Commission shall not bear any costs related to a State that is found to be in
828 default or that has been terminated from the Compact, unless agreed upon in
829 writing between the Commission and the defaulting State.
- 830 H. The defaulting State may appeal the action of the Commission by petitioning the
831 U.S. District Court for the District of Columbia or the federal district where the
832 Commission has its principal offices. The prevailing party shall be awarded all
833 costs of such litigation, including reasonable attorney's fees.

834 I. Dispute Resolution

- 835 1. Upon request by a Member State, the Commission shall attempt to
836 resolve disputes related to the Compact that arise among Member
837 States and between Member and non-Member States.
- 838 2. The Commission shall promulgate a Rule providing for both mediation
839 and binding dispute resolution for disputes as appropriate.

840 J. Enforcement

- 841 1. By majority vote as provided by Rule, the Commission may initiate legal
842 action against a Member State in default in the United States District
843 Court for the District of Columbia or the federal district where the
844 Commission has its principal offices to enforce compliance with the
845 provisions of the Compact and its promulgated Rules. The relief sought
846 may include both injunctive relief and damages. In the event judicial
847 enforcement is necessary, the prevailing party shall be awarded all costs
848 of such litigation, including reasonable attorney's fees. The remedies
849 herein shall not be the exclusive remedies of the Commission. The
850 Commission may pursue any other remedies available under federal or
851 the defaulting Member State's law.

- 852 2. A Member State may initiate legal action against the Commission in the
853 U.S. District Court for the District of Columbia or the federal district
854 where the Commission has its principal offices to enforce compliance
855 with the provisions of the Compact and its promulgated Rules. The relief
856 sought may include both injunctive relief and damages. In the event
857 judicial enforcement is necessary, the prevailing party shall be awarded
858 all costs of such litigation, including reasonable attorney's fees.
- 859 3. No person other than a Member State shall enforce this compact against
860 the Commission.

861 **SECTION 14. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT**

- 862 A. The Compact shall come into effect on the date on which the Compact statute is
863 enacted into law in the seventh Member State.
- 864 1. On or after the effective date of the Compact, the Commission shall
865 convene and review the enactment of each of the first seven Member
866 States ("Charter Member States") to determine if the statute enacted by
867 each such Charter Member State is materially different than the model
868 Compact statute.
- 869 a. A Charter Member State whose enactment is found to be
870 materially different from the model Compact statute shall be
871 entitled to the default process set forth in Section 13.
- 872 b. If any Member State is later found to be in default, or is
873 terminated or withdraws from the Compact, the Commission
874 shall remain in existence and the Compact shall remain in effect
875 even if the number of Member States should be less than seven.
- 876 2. Member States enacting the Compact subsequent to the seven initial
877 Charter Member States shall be subject to the process set forth in
878 Section 10(C)(21) to determine if their enactments are materially
879 different from the model Compact statute and whether they qualify for
880 participation in the Compact.
- 881 3. All actions taken for the benefit of the Commission or in furtherance of
882 the purposes of the administration of the Compact prior to the effective
883 date of the Compact or the Commission coming into existence shall be
884 considered to be actions of the Commission unless specifically
885 repudiated by the Commission.
- 886 4. Any State that joins the Compact subsequent to the Commission's initial
887 adoption of the Rules and bylaws shall be subject to the Rules and
888 bylaws as they exist on the date on which the Compact becomes law in
889 that State. Any Rule that has been previously adopted by the

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

892 B. Any Member State may withdraw from this Compact by enacting a statute
893 repealing the same.

894 1. A Member State's withdrawal shall not take effect until 180 days after
895 enactment of the repealing statute.

896 2. Withdrawal shall not affect the continuing requirement of the withdrawing
897 State's Licensing Authority to comply with the investigative and Adverse
898 Action reporting requirements of this Compact prior to the effective date
899 of withdrawal.

900 3. Upon the enactment of a statute withdrawing from this compact, a State
901 shall immediately provide notice of such withdrawal to all Licensees
902 within that State. Notwithstanding any subsequent statutory enactment to
903 the contrary, such withdrawing State shall continue to recognize all
904 licenses granted pursuant to this compact for a minimum of 180 days
905 after the date of such notice of withdrawal.

906 C. Nothing contained in this Compact shall be construed to invalidate or
907 prevent any licensure agreement or other cooperative arrangement between
908 a Member State and a non-Member State that does not conflict with the
909 provisions of this Compact.

910 D. This Compact may be amended by the Member States. No amendment to
911 this Compact shall become effective and binding upon any Member State
912 until it is enacted into the laws of all Member States.

913 **SECTION 15. CONSTRUCTION AND SEVERABILITY**

914 A. This Compact and the Commission's rulemaking authority shall be liberally
915 construed so as to effectuate the purposes, and the implementation and
916 administration of the Compact. Provisions of the Compact expressly authorizing
917 or requiring the promulgation of Rules shall not be construed to limit the
918 Commission's rulemaking authority solely for those purposes.

919 B. The provisions of this Compact shall be severable and if any phrase, clause,
920 sentence or provision of this Compact is held by a court of competent jurisdiction
921 to be contrary to the constitution of any Member State, a State seeking
922 participation in the Compact, or of the United States, or the applicability thereof to
923 any government, agency, person or circumstance is held to be unconstitutional
924 by a court of competent jurisdiction, the validity of the remainder of this Compact
925 and the applicability thereof to any other government, agency, person or
926 circumstance shall not be affected thereby.

927 C. Notwithstanding subsection B of this section, the Commission may deny a
928 State's participation in the Compact or, in accordance with the requirements of

929 Section 13.B, terminate a Member State's participation in the Compact, if it
930 determines that a constitutional requirement of a Member State is a material
931 departure from the Compact. Otherwise, if this Compact shall be held to be
932 contrary to the constitution of any Member State, the Compact shall remain in full
933 force and effect as to the remaining Member States and in full force and effect as
934 to the Member State affected as to all severable matters.

935 **SECTION 16. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS**

936 A. A Licensee providing services in a Remote State under a Multistate Authorization
937 to Practice shall adhere to the laws and regulations, including laws, regulations,
938 and applicable standards, of the Remote State where the client is located at the
939 time care is rendered.

940 B. Nothing herein shall prevent or inhibit the enforcement of any other law of a
941 Member State that is not inconsistent with the Compact.

942 C. Any laws, statutes, regulations, or other legal requirements in a Member State in
943 conflict with the Compact are superseded to the extent of the conflict.

944 D. All permissible agreements between the Commission and the Member States are
945 binding in accordance with their terms.

946



Counseling Compact Model Legislation

As approved by the Advisory Group on December 4, 2020

Special Note

The following language must be enacted by a state in order to officially join the Counseling Compact.

No substantive changes should be made to the model language. Substantive changes may jeopardize the enacting state's participation in the compact.

The Council of State Governments National Center for Interstate Compacts reviews state Compact legislation to ensure consistency with the model language. Please direct any inquiries to Isabel Eliassen at ieliassen@csg.org.

COUNSELING COMPACT MODEL LEGISLATION

1 SECTION 1: PURPOSE

2 The purpose of this Compact is to facilitate interstate practice of Licensed Professional
3 Counselors with the goal of improving public access to Professional Counseling services.

4 The practice of Professional Counseling occurs in the State where the client is located at the
5 time of the counseling services. The Compact preserves the regulatory authority of States to
6 protect public health and safety through the current system of State licensure.

7 This Compact is designed to achieve the following objectives:

- 8 A. Increase public access to Professional Counseling services by providing for the
9 mutual recognition of other Member State licenses;
- 10 B. Enhance the States' ability to protect the public's health and safety;
- 11 C. Encourage the cooperation of Member States in regulating multistate practice for
12 Licensed Professional Counselors;
- 13 D. Support spouses of relocating Active Duty Military personnel;
- 14 E. Enhance the exchange of licensure, investigative, and disciplinary information among
15 Member States;
- 16 F. Allow for the use of Telehealth technology to facilitate increased access to
17 Professional Counseling services;
- 18 G. Support the uniformity of Professional Counseling licensure requirements throughout
19 the States to promote public safety and public health benefits;
- 20 H. Invest all Member States with the authority to hold a Licensed Professional Counselor
21 accountable for meeting all State practice laws in the State in which the client is
22 located at the time care is rendered through the mutual recognition of Member State
23 licenses;
- 24 I. Eliminate the necessity for licenses in multiple States; and
- 25 J. Provide opportunities for interstate practice by Licensed Professional Counselors who
26 meet uniform licensure requirements.

27 **SECTION 2. DEFINITIONS**

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

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

33 B. **“Adverse Action”** means any administrative, civil, equitable or criminal action permitted
34 by a State’s laws which is imposed by a licensing board or other authority against a
35 Licensed Professional Counselor, including actions against an individual’s license or
36 Privilege to Practice such as revocation, suspension, probation, monitoring of the licensee,
37 limitation on the licensee’s practice, or any other Encumbrance on licensure affecting a
38 Licensed Professional Counselor’s authorization to practice, including issuance of a cease
39 and desist action.

40 C. **“Alternative Program”** means a non-disciplinary monitoring or practice remediation
41 process approved by a Professional Counseling Licensing Board to address Impaired
42 Practitioners.

43 D. **“Continuing Competence/Education”** means a requirement, as a condition of license
44 renewal, to provide evidence of participation in, and/or completion of, educational and
45 professional activities relevant to practice or area of work.

46 E. **“Counseling Compact Commission” or “Commission”** means the national
47 administrative body whose membership consists of all States that have enacted the
48 Compact.

49 F. **“Current Significant Investigative Information”** means:

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

54 2. Investigative Information that indicates that the Licensed Professional Counselor
55 represents an immediate threat to public health and safety regardless of whether

56 the Licensed Professional Counselor has been notified and had an opportunity to
57 respond.

58 G. **“Data System”** means a repository of information about Licensees, including, but not
59 limited to, continuing education, examination, licensure, investigative, Privilege to Practice
60 and Adverse Action information.

61 H. **“Encumbered License”** means a license in which an Adverse Action restricts the
62 practice of licensed Professional Counseling by the Licensee and said Adverse Action has
63 been reported to the National Practitioners Data Bank (NPDB).

64 I. **“Encumbrance”** means a revocation or suspension of, or any limitation on, the full and
65 unrestricted practice of Licensed Professional Counseling by a Licensing Board.

66 J. **“Executive Committee”** means a group of directors elected or appointed to act on behalf
67 of, and within the powers granted to them by, the Commission.

68 K. **“Home State”** means the Member State that is the Licensee’s primary State of residence.

69 L. **“Impaired Practitioner”** means an individual who has a condition(s) that may impair their
70 ability to practice as a Licensed Professional Counselor without some type of intervention
71 and may include, but are not limited to, alcohol and drug dependence, mental health
72 impairment, and neurological or physical impairments.

73 M. **“Investigative Information”** means information, records, and documents received or
74 generated by a Professional Counseling Licensing Board pursuant to an investigation.

75 N. **“Jurisprudence Requirement”** if required by a Member State, means the assessment of
76 an individual’s knowledge of the laws and Rules governing the practice of Professional
77 Counseling in a State.

78 O. **“Licensed Professional Counselor”** means a counselor licensed by a Member State,
79 regardless of the title used by that State, to independently assess, diagnose, and treat
80 behavioral health conditions.

81 P. **“Licensee”** means an individual who currently holds an authorization from the State to
82 practice as a Licensed Professional Counselor.

83 Q. **“Licensing Board”** means the agency of a State, or equivalent, that is responsible for the
84 licensing and regulation of Licensed Professional Counselors.

- 85 R. **“Member State”** means a State that has enacted the Compact.
- 86 S. **“Privilege to Practice”** means a legal authorization, which is equivalent to a license,
87 permitting the practice of Professional Counseling in a Remote State.
- 88 T. **“Professional Counseling”** means the assessment, diagnosis, and treatment of
89 behavioral health conditions by a Licensed Professional Counselor.
- 90 U. **“Remote State”** means a Member State other than the Home State, where a Licensee is
91 exercising or seeking to exercise the Privilege to Practice.
- 92 V. **“Rule”** means a regulation promulgated by the Commission that has the force of law.
- 93 W. **“Single State License”** means a Licensed Professional Counselor license issued by a
94 Member State that authorizes practice only within the issuing State and does not include a
95 Privilege to Practice in any other Member State.
- 96 X. **“State”** means any state, commonwealth, district, or territory of the United States of
97 America that regulates the practice of Professional Counseling.
- 98 Y. **“Telehealth”** means the application of telecommunication technology to deliver
99 Professional Counseling services remotely to assess, diagnose, and treat behavioral
100 health conditions.
- 101 Z. **“Unencumbered License”** means a license that authorizes a Licensed Professional
102 Counselor to engage in the full and unrestricted practice of Professional Counseling.

103 **SECTION 3. STATE PARTICIPATION IN THE COMPACT**

- 104 A. To Participate in the Compact, a State must currently:
- 105 1. License and regulate Licensed Professional Counselors;
- 106 2. Require Licensees to pass a nationally recognized exam approved by the
107 Commission;
- 108 3. Require Licensees to have a 60 semester-hour (or 90 quarter-hour) master’s
109 degree in counseling or 60 semester-hours (or 90 quarter-hours) of graduate
110 course work including the following topic areas:
- 111 a. Professional Counseling Orientation and Ethical Practice;

- 112 b. Social and Cultural Diversity;
- 113 c. Human Growth and Development;
- 114 d. Career Development;
- 115 e. Counseling and Helping Relationships;
- 116 f. Group Counseling and Group Work;
- 117 g. Diagnosis and Treatment; Assessment and Testing;
- 118 h. Research and Program Evaluation; and
- 119 i. Other areas as determined by the Commission.
- 120 4. Require Licensees to complete a supervised postgraduate professional experience
- 121 as defined by the Commission;
- 122 5. Have a mechanism in place for receiving and investigating complaints about
- 123 Licensees.
- 124 B. A Member State shall:
- 125 1. Participate fully in the Commission's Data System, including using the
- 126 Commission's unique identifier as defined in Rules;
- 127 2. Notify the Commission, in compliance with the terms of the Compact and Rules, of
- 128 any Adverse Action or the availability of Investigative Information regarding a
- 129 Licensee;
- 130 3. Implement or utilize procedures for considering the criminal history records of
- 131 applicants for an initial Privilege to Practice. These procedures shall include the
- 132 submission of fingerprints or other biometric-based information by applicants for
- 133 the purpose of obtaining an applicant's criminal history record information from the
- 134 Federal Bureau of Investigation and the agency responsible for retaining that
- 135 State's criminal records;
- 136 a. A member state must fully implement a criminal background check
- 137 requirement, within a time frame established by rule, by receiving the
- 138 results of the Federal Bureau of Investigation record search and shall use

- 139 the results in making licensure decisions.
- 140 b. Communication between a Member State, the Commission and among
141 Member States regarding the verification of eligibility for licensure through
142 the Compact shall not include any information received from the Federal
143 Bureau of Investigation relating to a federal criminal records check
144 performed by a Member State under Public Law 92-544.
- 145 4. Comply with the Rules of the Commission;
- 146 5. Require an applicant to obtain or retain a license in the Home State and meet
147 the Home State's qualifications for licensure or renewal of licensure, as well as
148 all other applicable State laws;
- 149 6. Grant the Privilege to Practice to a Licensee holding a valid Unencumbered
150 License in another Member State in accordance with the terms of the Compact
151 and Rules; and
- 152 7. Provide for the attendance of the State's commissioner to the Counseling
153 Compact Commission meetings.
- 154 C. Member States may charge a fee for granting the Privilege to Practice.
- 155 D. Individuals not residing in a Member State shall continue to be able to apply for a Member
156 State's Single State License as provided under the laws of each Member State. However,
157 the Single State License granted to these individuals shall not be recognized as granting a
158 Privilege to Practice Professional Counseling in any other Member State.
- 159 E. Nothing in this Compact shall affect the requirements established by a Member State for the
160 issuance of a Single State License.
- 161 F. A license issued to a Licensed Professional Counselor by a Home State to a resident in
162 that State shall be recognized by each Member State as authorizing a Licensed
163 Professional Counselor to practice Professional Counseling, under a Privilege to Practice,
164 in each Member State.

165 **SECTION 4. PRIVILEGE TO PRACTICE**

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

- 168 1. Hold a license in the Home State;
- 169 2. Have a valid United States Social Security Number or National Practitioner
170 Identifier;
- 171 3. Be eligible for a Privilege to Practice in any Member State in accordance with
172 Section 4(D), (G) and (H);
- 173 4. Have not had any Encumbrance or restriction against any license or Privilege to
174 Practice within the previous two (2) years;
- 175 5. Notify the Commission that the Licensee is seeking the Privilege to Practice within
176 a Remote State(s);
- 177 6. Pay any applicable fees, including any State fee, for the Privilege to Practice;
- 178 7. Meet any Continuing Competence/Education requirements established by the
179 Home State;
- 180 8. Meet any Jurisprudence Requirements established by the Remote State(s) in
181 which the Licensee is seeking a Privilege to Practice; and
- 182 9. Report to the Commission any Adverse Action, Encumbrance, or restriction on
183 license taken by any non-Member State within 30 days from the date the action is
184 taken.

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

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

190 D. A Licensee providing Professional Counseling services in a Remote State is subject to
191 that State's regulatory authority. A Remote State may, in accordance with due process
192 and that State's laws, remove a Licensee's Privilege to Practice in the Remote State for a

193 specific period of time, impose fines, and/or take any other necessary actions to protect
194 the health and safety of its citizens. The Licensee may be ineligible for a Privilege to
195 Practice in any Member State until the specific time for removal has passed and all fines
196 are paid.

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

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

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

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

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

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

209 2. All fines have been paid; and

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

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

214 **SECTION 5: OBTAINING A NEW HOME STATE LICENSE BASED ON A**
215 **PRIVILEGE TO PRACTICE**

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

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

- 220 1. The Licensed Professional Counselor shall file an application for obtaining a new
221 Home State license based on a Privilege to Practice, pay all applicable fees, and
222 notify the current and new Home State in accordance with applicable Rules adopted
223 by the Commission.
- 224 2. Upon receipt of an application for obtaining a new Home State license by virtue of a
225 Privilege to Practice, the new Home State shall verify that the Licensed Professional
226 Counselor meets the pertinent criteria outlined in Section 4 via the Data System,
227 without need for primary source verification except for:
- 228 a. a Federal Bureau of Investigation fingerprint based criminal background
229 check if not previously performed or updated pursuant to applicable rules
230 adopted by the Commission in accordance with Public Law 92-544;
- 231 b. other criminal background check as required by the new Home State; and
- 232 c. completion of any requisite Jurisprudence Requirements of the new Home
233 State.
- 234 3. The former Home State shall convert the former Home State license into a Privilege
235 to Practice once the new Home State has activated the new Home State license in
236 accordance with applicable Rules adopted by the Commission.
- 237 4. Notwithstanding any other provision of this Compact, if the Licensed Professional
238 Counselor cannot meet the criteria in Section 4, the new Home State may apply its
239 requirements for issuing a new Single State License.
- 240 5. The Licensed Professional Counselor shall pay all applicable fees to the new Home
241 State in order to be issued a new Home State license.
- 242 C. If a Licensed Professional Counselor changes Primary State of Residence by moving from a
243 Member State to a non-Member State, or from a non-Member State to a Member State, the
244 State criteria shall apply for issuance of a Single State License in the new State.
- 245 D. Nothing in this Compact shall interfere with a Licensee's ability to hold a Single State
246 License in multiple States, however for the purposes of this Compact, a Licensee shall have
247 only one Home State license.
- 248 E. Nothing in this Compact shall affect the requirements established by a Member State for the
249 issuance of a Single State License.

250 **SECTION 6. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES**

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

256 **SECTION 7. COMPACT PRIVILEGE TO PRACTICE TELEHEALTH**

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

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

263 **SECTION 8. ADVERSE ACTIONS**

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

- 266 1. Take Adverse Action against a Licensed Professional Counselor's Privilege to
267 Practice within that Member State, and
- 268 2. Issue subpoenas for both hearings and investigations that require the attendance
269 and testimony of witnesses as well as the production of evidence. Subpoenas
270 issued by a Licensing Board in a Member State for the attendance and testimony of
271 witnesses or the production of evidence from another Member State shall be
272 enforced in the latter State by any court of competent jurisdiction, according to the
273 practice and procedure of that court applicable to subpoenas issued in proceedings
274 pending before it. The issuing authority shall pay any witness fees, travel expenses,
275 mileage, and other fees required by the service statutes of the State in which the
276 witnesses or evidence are located.

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

- 279 B. For purposes of taking Adverse Action, the Home State shall give the same priority and
280 effect to reported conduct received from a Member State as it would if the conduct had
281 occurred within the Home State. In so doing, the Home State shall apply its own State
282 laws to determine appropriate action.
- 283 C. The Home State shall complete any pending investigations of a Licensed Professional
284 Counselor who changes primary State of residence during the course of the investigations.
285 The Home State shall also have the authority to take appropriate action(s) and shall
286 promptly report the conclusions of the investigations to the administrator of the Data
287 System. The administrator of the coordinated licensure information system shall promptly
288 notify the new Home State of any Adverse Actions.
- 289 D. A Member State, if otherwise permitted by State law, may recover from the affected
290 Licensed Professional Counselor the costs of investigations and dispositions of cases
291 resulting from any Adverse Action taken against that Licensed Professional Counselor.
- 292 E. A Member State may take Adverse Action based on the factual findings of the Remote
293 State, provided that the Member State follows its own procedures for taking the Adverse
294 Action.
- 295 F. Joint Investigations:
- 296 1. In addition to the authority granted to a Member State by its respective Professional
297 Counseling practice act or other applicable State law, any Member State may
298 participate with other Member States in joint investigations of Licensees.
- 299 2. Member States shall share any investigative, litigation, or compliance materials
300 in furtherance of any joint or individual investigation initiated under the
301 Compact.
- 302 G. If Adverse Action is taken by the Home State against the license of a Licensed
303 Professional Counselor, the Licensed Professional Counselor's Privilege to Practice in all
304 other Member States shall be deactivated until all Encumbrances have been removed from
305 the State license. All Home State disciplinary orders that impose Adverse Action against
306 the license of a Licensed Professional Counselor shall include a Statement that the
307 Licensed Professional Counselor's Privilege to Practice is deactivated in all Member States
308 during the pendency of the order.

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

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

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

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

- 317 1. The Commission is an instrumentality of the Compact States.
- 318 2. Venue is proper and judicial proceedings by or against the Commission shall be
319 brought solely and exclusively in a court of competent jurisdiction where the principal
320 office of the Commission is located. The Commission may waive venue and
321 jurisdictional defenses to the extent it adopts or consents to participate in alternative
322 dispute resolution proceedings.
- 323 3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

324 B. Membership, Voting, and Meetings

- 325 1. Each Member State shall have and be limited to one (1) delegate selected by that
326 Member State's Licensing Board.
- 327 2. The delegate shall be either:
- 328 a. A current member of the Licensing Board at the time of appointment, who is a
329 Licensed Professional Counselor or public member; or
- 330 b. An administrator of the Licensing Board.
- 331 3. Any delegate may be removed or suspended from office as provided by the law of
332 the State from which the delegate is appointed.
- 333 4. The Member State Licensing Board shall fill any vacancy occurring on the
334 Commission within 60 days.
- 335 5. Each delegate shall be entitled to one (1) vote with regard to the promulgation of

- 336 Rules and creation of bylaws and shall otherwise have an opportunity to participate
337 in the business and affairs of the Commission.
- 338 6. A delegate shall vote in person or by such other means as provided in the bylaws.
339 The bylaws may provide for delegates' participation in meetings by telephone or
340 other means of communication.
- 341 7. The Commission shall meet at least once during each calendar year. Additional
342 meetings shall be held as set forth in the bylaws.
- 343 8. The Commission shall by Rule establish a term of office for delegates and may by
344 Rule establish term limits.
- 345 C. The Commission shall have the following powers and duties:
- 346 1. Establish the fiscal year of the Commission;
- 347 2. Establish bylaws;
- 348 3. Maintain its financial records in accordance with the bylaws;
- 349 4. Meet and take such actions as are consistent with the provisions of this Compact
350 and the bylaws;
- 351 5. Promulgate Rules which shall be binding to the extent and in the manner provided
352 for in the Compact;
- 353 6. Bring and prosecute legal proceedings or actions in the name of the Commission,
354 provided that the standing of any State Licensing Board to sue or be sued under
355 applicable law shall not be affected;
- 356 7. Purchase and maintain insurance and bonds;
- 357 8. Borrow, accept, or contract for services of personnel, including, but not limited to,
358 employees of a Member State;
- 359 9. Hire employees, elect or appoint officers, fix compensation, define duties, grant such
360 individuals appropriate authority to carry out the purposes of the Compact, and
361 establish the Commission's personnel policies and programs relating to conflicts of
362 interest, qualifications of personnel, and other related personnel matters;

- 363 10. Accept any and all appropriate donations and grants of money, equipment, supplies,
364 materials, and services, and to receive, utilize, and dispose of the same; provided
365 that at all times the Commission shall avoid any appearance of impropriety and/or
366 conflict of interest;
- 367 11. Lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold,
368 improve or use, any property, real, personal or mixed; provided that at all times the
369 Commission shall avoid any appearance of impropriety;
- 370 12. Sell convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of
371 any property real, personal, or mixed;
- 372 13. Establish a budget and make expenditures;
- 373 14. Borrow money;
- 374 15. Appoint committees, including standing committees composed of members, State
375 regulators, State legislators or their representatives, and consumer representatives,
376 and such other interested persons as may be designated in this Compact and the
377 bylaws;
- 378 16. Provide and receive information from, and cooperate with, law enforcement
379 agencies;
- 380 17. Establish and elect an Executive Committee; and
- 381 18. Perform such other functions as may be necessary or appropriate to achieve the
382 purposes of this Compact consistent with the State regulation of Professional
383 Counseling licensure and practice.

384 D. The Executive Committee

- 385 1. The Executive Committee shall have the power to act on behalf of the Commission
386 according to the terms of this Compact.
- 387 2. The Executive Committee shall be composed of up to eleven (11) members:
- 388 a. Seven voting members who are elected by the Commission from the current
389 membership of the Commission; and
- 390 b. Up to four (4) ex-officio, nonvoting members from four (4) recognized national

- 391 professional counselor organizations.
- 392 c. The ex-officio members will be selected by their respective organizations.
- 393 3. The Commission may remove any member of the Executive Committee as provided
394 in bylaws.
- 395 4. The Executive Committee shall meet at least annually.
- 396 5. The Executive Committee shall have the following duties and responsibilities:
- 397 a. Recommend to the entire Commission changes to the Rules or bylaws,
398 changes to this Compact legislation, fees paid by Compact Member States
399 such as annual dues, and any Commission Compact fee charged to
400 Licensees for the Privilege to Practice;
- 401 b. Ensure Compact administration services are appropriately provided,
402 contractual or otherwise;
- 403 c. Prepare and recommend the budget;
- 404 d. Maintain financial records on behalf of the Commission;
- 405 e. Monitor Compact compliance of Member States and provide compliance
406 reports to the Commission;
- 407 f. Establish additional committees as necessary; and
- 408 g. Other duties as provided in Rules or bylaws.

409 E. Meetings of the Commission

- 410 1. All meetings shall be open to the public, and public notice of meetings shall be given
411 in the same manner as required under the Rulemaking provisions in Section 11.
- 412 2. The Commission or the Executive Committee or other committees of the
413 Commission may convene in a closed, non-public meeting if the Commission or
414 Executive Committee or other committees of the Commission must discuss:
- 415 a. Non-compliance of a Member State with its obligations under the Compact;

- 416 b. The employment, compensation, discipline or other matters, practices or
417 procedures related to specific employees or other matters related to the
418 Commission’s internal personnel practices and procedures;
- 419 c. Current, threatened, or reasonably anticipated litigation;
- 420 d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or
421 real estate;
- 422 e. Accusing any person of a crime or formally censuring any person;
- 423 f. Disclosure of trade secrets or commercial or financial information that is
424 privileged or confidential;
- 425 g. Disclosure of information of a personal nature where disclosure would
426 constitute a clearly unwarranted invasion of personal privacy;
- 427 h. Disclosure of investigative records compiled for law enforcement purposes;
- 428 i. Disclosure of information related to any investigative reports prepared by or
429 on behalf of or for use of the Commission or other committee charged with
430 responsibility of investigation or determination of compliance issues pursuant
431 to the Compact; or
- 432 j. Matters specifically exempted from disclosure by federal or Member State
433 statute.
- 434 3. If a meeting, or portion of a meeting, is closed pursuant to this provision, the
435 Commission’s legal counsel or designee shall certify that the meeting may be closed
436 and shall reference each relevant exempting provision.
- 437 4. The Commission shall keep minutes that fully and clearly describe all matters
438 discussed in a meeting and shall provide a full and accurate summary of actions
439 taken, and the reasons therefore, including a description of the views expressed. All
440 documents considered in connection with an action shall be identified in such
441 minutes. All minutes and documents of a closed meeting shall remain under seal,
442 subject to release by a majority vote of the Commission or order of a court of
443 competent jurisdiction.
- 444 F. Financing of the Commission

- 445 1. The Commission shall pay, or provide for the payment of, the reasonable expenses
446 of its establishment, organization, and ongoing activities.
- 447 2. The Commission may accept any and all appropriate revenue sources, donations,
448 and grants of money, equipment, supplies, materials, and services.
- 449 3. The Commission may levy on and collect an annual assessment from each Member
450 State or impose fees on other parties to cover the cost of the operations and
451 activities of the Commission and its staff, which must be in a total amount sufficient
452 to cover its annual budget as approved each year for which revenue is not provided
453 by other sources. The aggregate annual assessment amount shall be allocated
454 based upon a formula to be determined by the Commission, which shall promulgate
455 a Rule binding upon all Member States.
- 456 4. The Commission shall not incur obligations of any kind prior to securing the funds
457 adequate to meet the same; nor shall the Commission pledge the credit of any of the
458 Member States, except by and with the authority of the Member State.
- 459 5. The Commission shall keep accurate accounts of all receipts and disbursements.
460 The receipts and disbursements of the Commission shall be subject to the audit and
461 accounting procedures established under its bylaws. However, all receipts and
462 disbursements of funds handled by the Commission shall be audited yearly by a
463 certified or licensed public accountant, and the report of the audit shall be included in
464 and become part of the annual report of the Commission.

465 G. Qualified Immunity, Defense, and Indemnification

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

- 476 2. The Commission shall defend any member, officer, executive director, employee or
477 representative of the Commission in any civil action seeking to impose liability arising
478 out of any actual or alleged act, error, or omission that occurred within the scope of
479 Commission employment, duties, or responsibilities, or that the person against whom
480 the claim is made had a reasonable basis for believing occurred within the scope of
481 Commission employment, duties, or responsibilities; provided that nothing herein
482 shall be construed to prohibit that person from retaining his or her own counsel; and
483 provided further, that the actual or alleged act, error, or omission did not result from
484 that person's intentional or willful or wanton misconduct.
- 485 3. The Commission shall indemnify and hold harmless any member, officer, executive
486 director, employee, or representative of the Commission for the amount of any
487 settlement or judgment obtained against that person arising out of any actual or
488 alleged act, error, or omission that occurred within the scope of Commission
489 employment, duties, or responsibilities, or that such person had a reasonable basis
490 for believing occurred within the scope of Commission employment, duties, or
491 responsibilities, provided that the actual or alleged act, error, or omission did not
492 result from the intentional or willful or wanton misconduct of that person.

493 **SECTION 10. DATA SYSTEM**

- 494 A. The Commission shall provide for the development, maintenance, operation, and utilization
495 of a coordinated database and reporting system containing licensure, Adverse Action, and
496 Investigative Information on all licensed individuals in Member States.
- 497 B. Notwithstanding any other provision of State law to the contrary, a Member State shall
498 submit a uniform data set to the Data System on all individuals to whom this Compact is
499 applicable as required by the Rules of the Commission, including:
- 500 1. Identifying information;
- 501 2. Licensure data;
- 502 3. Adverse Actions against a license or Privilege to Practice;
- 503 4. Non-confidential information related to Alternative Program participation;
- 504 5. Any denial of application for licensure, and the reason(s) for such denial;

- 505 6. Current Significant Investigative Information; and
- 506 7. Other information that may facilitate the administration of this Compact, as
- 507 determined by the Rules of the Commission.
- 508 C. Investigative Information pertaining to a Licensee in any Member State will only be available
- 509 to other Member States.
- 510 D. The Commission shall promptly notify all Member States of any Adverse Action taken
- 511 against a Licensee or an individual applying for a license. Adverse Action information
- 512 pertaining to a Licensee in any Member State will be available to any other Member State.
- 513 E. Member States contributing information to the Data System may designate information that
- 514 may not be shared with the public without the express permission of the contributing State.
- 515 F. Any information submitted to the Data System that is subsequently required to be expunged
- 516 by the laws of the Member State contributing the information shall be removed from the
- 517 Data System.

518 **SECTION 11. RULEMAKING**

- 519 A. The Commission shall promulgate reasonable Rules in order to effectively and efficiently
- 520 achieve the purpose of the Compact. Notwithstanding the foregoing, in the event the
- 521 Commission exercises its Rulemaking authority in a manner that is beyond the scope of the
- 522 purposes of the Compact, or the powers granted hereunder, then such an action by the
- 523 Commission shall be invalid and have no force or effect.
- 524 B. The Commission shall exercise its Rulemaking powers pursuant to the criteria set forth in
- 525 this Section and the Rules adopted thereunder. Rules and amendments shall become
- 526 binding as of the date specified in each Rule or amendment.
- 527 C. If a majority of the legislatures of the Member States rejects a Rule, by enactment of a
- 528 statute or resolution in the same manner used to adopt the Compact within four (4) years of
- 529 the date of adoption of the Rule, then such Rule shall have no further force and effect in any
- 530 Member State.
- 531 D. Rules or amendments to the Rules shall be adopted at a regular or special meeting of the
- 532 Commission.

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

- 536 1. On the website of the Commission or other publicly accessible platform; and
- 537 2. On the website of each Member State Professional Counseling Licensing Board or
538 other publicly accessible platform or the publication in which each State would
539 otherwise publish proposed Rules.

540 F. The Notice of Proposed Rulemaking shall include:

- 541 1. The proposed time, date, and location of the meeting in which the Rule will be
542 considered and voted upon;
- 543 2. The text of the proposed Rule or amendment and the reason for the proposed Rule;
- 544 3. A request for comments on the proposed Rule from any interested person; and
- 545 4. The manner in which interested persons may submit notice to the Commission of
546 their intention to attend the public hearing and any written comments.

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

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

- 551 1. At least twenty-five (25) persons;
- 552 2. A State or federal governmental subdivision or agency; or
- 553 3. An association having at least twenty-five (25) members.

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

- 557 1. All persons wishing to be heard at the hearing shall notify the executive director of
558 the Commission or other designated member in writing of their desire to appear and

559 testify at the hearing not less than five (5) business days before the scheduled date
560 of the hearing.

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

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

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

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

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

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

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

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

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

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

586 4. Protect public health and safety.

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

597 **SECTION 12. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT**

598 A. Oversight

- 599 1. The executive, legislative, and judicial branches of State government in each
600 Member State shall enforce this Compact and take all actions necessary and
601 appropriate to effectuate the Compact's purposes and intent. The provisions of this
602 Compact and the Rules promulgated hereunder shall have standing as statutory law.
- 603 2. All courts shall take judicial notice of the Compact and the Rules in any judicial or
604 administrative proceeding in a Member State pertaining to the subject matter of this
605 Compact which may affect the powers, responsibilities, or actions of the
606 Commission.
- 607 3. The Commission shall be entitled to receive service of process in any such
608 proceeding and shall have standing to intervene in such a proceeding for all
609 purposes. Failure to provide service of process to the Commission shall render a
610 judgment or order void as to the Commission, this Compact, or promulgated Rules.

611 B. Default, Technical Assistance, and Termination

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

- 615 a. Provide written notice to the defaulting State and other Member States of the
616 nature of the default, the proposed means of curing the default and/or any
617 other action to be taken by the Commission; and
- 618 b. Provide remedial training and specific technical assistance regarding the
619 default.
- 620 C. If a State in default fails to cure the default, the defaulting State may be terminated from the
621 Compact upon an affirmative vote of a majority of the Member States, and all rights,
622 privileges and benefits conferred by this Compact may be terminated on the effective date of
623 termination. A cure of the default does not relieve the offending State of obligations or
624 liabilities incurred during the period of default.
- 625 D. Termination of membership in the Compact shall be imposed only after all other means of
626 securing compliance have been exhausted. Notice of intent to suspend or terminate shall be
627 given by the Commission to the governor, the majority and minority leaders of the defaulting
628 State's legislature, and each of the Member States.
- 629 E. A State that has been terminated is responsible for all assessments, obligations, and
630 liabilities incurred through the effective date of termination, including obligations that extend
631 beyond the effective date of termination.
- 632 F. The Commission shall not bear any costs related to a State that is found to be in default or
633 that has been terminated from the Compact, unless agreed upon in writing between the
634 Commission and the defaulting State.
- 635 G. The defaulting State may appeal the action of the Commission by petitioning the U.S.
636 District Court for the District of Columbia or the federal district where the Commission has its
637 principal offices. The prevailing member shall be awarded all costs of such litigation,
638 including reasonable attorney's fees.
- 639 H. Dispute Resolution
- 640 1. Upon request by a Member State, the Commission shall attempt to resolve disputes
641 related to the Compact that arise among Member States and between member and
642 non-Member States.

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

645 I. Enforcement

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

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

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

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

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

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

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

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

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

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

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

683 **SECTION 14. CONSTRUCTION AND SEVERABILITY**

684 This Compact shall be liberally construed so as to effectuate the purposes thereof. The
685 provisions of this Compact shall be severable and if any phrase, clause, sentence or provision
686 of this Compact is declared to be contrary to the constitution of any Member State or of the
687 United States or the applicability thereof to any government, agency, person or circumstance is
688 held invalid, the validity of the remainder of this Compact and the applicability thereof to any
689 government, agency, person or circumstance shall not be affected thereby. If this Compact shall
690 be held contrary to the constitution of any Member State, the Compact shall remain in full force
691 and effect as to the remaining Member States and in full force and effect as to the Member
692 State affected as to all severable matters.

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

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

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

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

- 701 D. Any lawful actions of the Commission, including all Rules and bylaws properly
702 promulgated by the Commission, are binding upon the Member States.
- 703 E. All permissible agreements between the Commission and the Member States are
704 binding in accordance with their terms.
- 705 F. In the event any provision of the Compact exceeds the constitutional limits imposed on the
706 legislature of any Member State, the provision shall be ineffective to the extent of the conflict
707 with the constitutional provision in question in that Member State.