

FIRST REGULAR SESSION

[PERFECTED]

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 70

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR FITZWATER.

0690S.03P

KRISTINA MARTIN, Secretary

## AN ACT

To repeal section 337.510, RSMo, and to enact in lieu thereof two new sections relating to professional counselors.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 337.510, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 337.510 and 337.550, to read as follows:

337.510. 1. **As used in this section, the following terms mean:**

(1) "License", license, certificate, registration, permit, accreditation, or military occupational specialty that enables a person to legally practice an occupation or profession in a particular jurisdiction;

(2) "Military", the Armed Forces of the United States, including the Air Force, Army, Coast Guard, Marine Corps, Navy, Space Force, National Guard and any other military branch that is designated by Congress as part of the Armed Forces of the United States, and all reserve components and auxiliaries. Such term also includes the military reserves and militia of any United States territory or state;

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

14           (3) "Nonresident military spouse", a nonresident  
15 spouse of an active duty member of the Armed Forces of the  
16 United States who has been transferred or is scheduled to be  
17 transferred to the state of Missouri, or who has been  
18 transferred or is scheduled to be transferred to an adjacent  
19 state and is or will be domiciled in the state of Missouri,  
20 or has moved to the state of Missouri on a permanent change-  
21 of-station basis;

22           (4) "Resident military spouse", a spouse of an active  
23 duty member of the Armed Forces of the United States who has  
24 been transferred or is scheduled to be transferred to the  
25 state of Missouri or an adjacent state and who is a  
26 permanent resident of the state of Missouri, who is  
27 domiciled in the state of Missouri, or who has Missouri as  
28 his or her home of record.

29           2. Each applicant for licensure as a professional  
30 counselor shall furnish evidence to the committee that the  
31 applicant is at least eighteen years of age, is a United  
32 States citizen or is legally present in the United States;  
33 and

34           (1) The applicant has completed a course of study as  
35 defined by the board rule leading to a master's,  
36 specialist's, or doctoral degree with a major in counseling,  
37 except any applicant who has held a license as a  
38 professional counselor in this state or currently holds a  
39 license as a professional counselor in another state shall  
40 not be required to have completed any courses related to  
41 career development; and

42           (2) The applicant has completed acceptable supervised  
43 counseling as defined by board rule. If the applicant has a  
44 master's degree with a major in counseling as defined by  
45 board rule, the applicant shall complete at least two years

46 of acceptable supervised counseling experience subsequent to  
47 the receipt of the master's degree. The composition and  
48 number of hours comprising the acceptable supervised  
49 counseling experience shall be defined by board rule. An  
50 applicant may substitute thirty semester hours of post  
51 master's graduate study for one of the two required years of  
52 acceptable supervised counseling experience if such hours  
53 are clearly related to counseling;

54 (3) After August 28, 2007, each applicant shall have  
55 completed a minimum of three hours of graduate level  
56 coursework in diagnostic systems either in the curriculum  
57 leading to a degree or as post master's graduate level  
58 course work;

59 (4) Upon examination, the applicant is possessed of  
60 requisite knowledge of the profession, including techniques  
61 and applications, research and its interpretation, and  
62 professional affairs and ethics.

63 [2. Any person holding a current license, certificate  
64 of registration, or permit from another state or territory  
65 of the United States to practice as a professional counselor  
66 who does not meet the requirements in section 324.009 and  
67 who is at least eighteen years of age, and is a United  
68 States citizen or is legally present in the United States  
69 may be granted a license without examination to engage in  
70 the practice of professional counseling in this state upon  
71 the application to the board, payment of the required fee as  
72 established by the board, and satisfying one of the  
73 following requirements:

74 (1) Approval by the American Association of State  
75 Counseling Boards (AASCB) or its successor organization  
76 according to the eligibility criteria established by AASCB.  
77 The successor organization shall be defined by board rule; or

78 (2) In good standing and currently certified by the  
79 National Board for Certified Counselors or its successor  
80 organization and has completed acceptable supervised  
81 counseling experience as defined by board rule. The  
82 successor organization shall be defined by board rule.]

83 3. (1) Any person who holds a valid current  
84 professional counselor license issued by another state, a  
85 branch or unit of the military, a territory of the United  
86 States, or the District of Columbia, and who has been  
87 licensed for at least one year in such other jurisdiction,  
88 may submit an application for a professional counselor  
89 license in Missouri along with proof of current licensure  
90 and proof of licensure for at least one year in the other  
91 jurisdiction, to the committee.

92 (2) The committee shall:

93 (a) Within six months of receiving an application  
94 described in subdivision (1) of this subsection, waive any  
95 examination, educational, or experience requirements for  
96 licensure in this state for the applicant if it determines  
97 that there were minimum education requirements and, if  
98 applicable, work experience and clinical supervision  
99 requirements in effect and the other state verifies that the  
100 person met those requirements in order to be licensed or  
101 certified in that state. The committee may require an  
102 applicant to take and pass an examination specific to the  
103 laws of this state; or

104 (b) Within thirty days of receiving an application  
105 described in subdivision (1) of this subsection from a  
106 nonresident military spouse or a resident military spouse,  
107 waive any examination, educational, or experience  
108 requirements for licensure in this state for the applicant  
109 and issue such applicant a license under this subsection if

110 such applicant otherwise meets the requirements of this  
111 section.

112 (3) (a) The committee shall not waive any  
113 examination, educational, or experience requirements for any  
114 applicant who has had his or her license revoked by a  
115 committee outside the state; who is currently under  
116 investigation, who has a complaint pending, or who is  
117 currently under disciplinary action, except as provided in  
118 paragraph (b) of this subdivision, with a committee outside  
119 the state; who does not hold a license in good standing with  
120 a committee outside the state; who has a criminal record  
121 that would disqualify him or her for licensure in Missouri;  
122 or who does not hold a valid current license in the other  
123 jurisdiction on the date the committee receives his or her  
124 application under this section.

125 (b) If another jurisdiction has taken disciplinary  
126 action against an applicant, the committee shall determine  
127 if the cause for the action was corrected and the matter  
128 resolved. If the matter has not been resolved by that  
129 jurisdiction, the committee may deny a license until the  
130 matter is resolved.

131 (4) Nothing in this subsection shall prohibit the  
132 committee from denying a license to an applicant under this  
133 subsection for any reason described in section 337.525.

134 (5) Any person who is licensed under the provisions of  
135 this subsection shall be subject to the committee's  
136 jurisdiction and all rules and regulations pertaining to the  
137 practice as a licensed professional counselor in this state.

138 (6) This subsection shall not be construed to waive  
139 any requirement for an applicant to pay any fees.

140 4. The committee shall issue a license to each person  
141 who files an application and fee and who furnishes evidence

142 satisfactory to the committee that the applicant has  
143 complied with the provisions of this act and has taken and  
144 passed a written, open-book examination on Missouri laws and  
145 regulations governing the practice of professional  
146 counseling as defined in section 337.500. The division  
147 shall issue a provisional professional counselor license to  
148 any applicant who meets all requirements of this section,  
149 but who has not completed the required acceptable supervised  
150 counseling experience and such applicant may reapply for  
151 licensure as a professional counselor upon completion of  
152 such acceptable supervised counseling experience.

153 [4.] 5. All persons licensed to practice professional  
154 counseling in this state shall pay on or before the license  
155 renewal date a renewal license fee and shall furnish to the  
156 committee satisfactory evidence of the completion of the  
157 requisite number of hours of continuing education as  
158 required by rule, including two hours of suicide assessment,  
159 referral, treatment, and management training, which shall be  
160 no more than forty hours biennially. The continuing  
161 education requirements may be waived by the committee upon  
162 presentation to the committee of satisfactory evidence of  
163 the illness of the licensee or for other good cause.

#### 337.550. SECTION 1: PURPOSE

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

10           This Compact is designed to achieve the following  
11 objectives:

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

15           B. Enhance the States' ability to protect the public's  
16 health and safety;

17           C. Encourage the cooperation of Member States in  
18 regulating multistate practice for Licensed Professional  
19 Counselors;

20           D. Support spouses of relocating Active Duty Military  
21 personnel;

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

24           F. Allow for the use of Telehealth technology to  
25 facilitate increased access to Professional Counseling  
26 services;

27           G. Support the uniformity of Professional Counseling  
28 licensure requirements throughout the States to promote  
29 public safety and public health benefits;

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

35           I. Eliminate the necessity for licenses in multiple  
36 States; and

37           J. Provide opportunities for interstate practice by  
38 Licensed Professional Counselors who meet uniform licensure  
39 requirements.

40           SECTION 2. DEFINITIONS

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

43 A. "Active Duty Military" means full-time duty status  
44 in the active uniformed service of the United States,  
45 including members of the National Guard and Reserve on  
46 active duty orders pursuant to 10 U.S.C. Chapters 1209 and  
47 1211.

48 B. "Adverse Action" means any administrative, civil,  
49 equitable or criminal action permitted by a State's laws  
50 which is imposed by a licensing board or other authority  
51 against a Licensed Professional Counselor, including actions  
52 against an individual's license or Privilege to Practice  
53 such as revocation, suspension, probation, monitoring of the  
54 licensee, limitation on the licensee's practice, or any  
55 other Encumbrance on licensure affecting a Licensed  
56 Professional Counselor's authorization to practice,  
57 including issuance of a cease and desist action.

58 C. "Alternative Program" means a non-disciplinary  
59 monitoring or practice remediation process approved by a  
60 Professional Counseling Licensing Board to address Impaired  
61 Practitioners.

62 D. "Continuing Competence/Education" means a  
63 requirement, as a condition of license renewal, to provide  
64 evidence of participation in, and/or completion of,  
65 educational and professional activities relevant to practice  
66 or area of work.

67 E. "Counseling Compact Commission" or "Commission"  
68 means the national administrative body whose membership  
69 consists of all States that have enacted the Compact.

70 F. "Current Significant Investigative Information"  
71 means:

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

78 2. Investigative Information that indicates that the  
79 Licensed Professional Counselor represents an immediate  
80 threat to public health and safety regardless of whether the  
81 Licensed Professional Counselor has been notified and had an  
82 opportunity to respond.

83 G. "Data System" means a repository of information  
84 about Licensees, including, but not limited to, continuing  
85 education, examination, licensure, investigative, Privilege  
86 to Practice and Adverse Action information.

87 H. "Encumbered License" means a license in which an  
88 Adverse Action restricts the practice of licensed  
89 Professional Counseling by the Licensee and said Adverse  
90 Action has been reported to the National Practitioners Data  
91 Bank (NPDB).

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

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

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

100 L. "Impaired Practitioner" means an individual who has  
101 a condition(s) that may impair their ability to practice as  
102 a Licensed Professional Counselor without some type of  
103 intervention and may include, but are not limited to,

104 alcohol and drug dependence, mental health impairment, and  
105 neurological or physical impairments.

106 M. "Investigative Information" means information,  
107 records, and documents received or generated by a  
108 Professional Counseling Licensing Board pursuant to an  
109 investigation.

110 N. "Jurisprudence Requirement" if required by a Member  
111 State, means the assessment of an individual's knowledge of  
112 the laws and Rules governing the practice of Professional  
113 Counseling in a State.

114 O. "Licensed Professional Counselor" means a counselor  
115 licensed by a Member State, regardless of the title used by  
116 that State, to independently assess, diagnose, and treat  
117 behavioral health conditions.

118 P. "Licensee" means an individual who currently holds  
119 an authorization from the State to practice as a Licensed  
120 Professional Counselor.

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

124 R. "Member State" means a State that has enacted the  
125 Compact.

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

129 T. "Professional Counseling" means the assessment,  
130 diagnosis, and treatment of behavioral health conditions by  
131 a Licensed Professional Counselor.

132 U. "Remote State" means a Member State other than the  
133 Home State, where a Licensee is exercising or seeking to  
134 exercise the Privilege to Practice.

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

137 W. "Single State License" means a Licensed  
138 Professional Counselor license issued by a Member State that  
139 authorizes practice only within the issuing State and does  
140 not include a Privilege to Practice in any other Member  
141 State.

142 X. "State" means any state, commonwealth, district, or  
143 territory of the United States of America that regulates the  
144 practice of Professional Counseling.

145 Y. "Telehealth" means the application of  
146 telecommunication technology to deliver Professional  
147 Counseling services remotely to assess, diagnose, and treat  
148 behavioral health conditions.

149 Z. "Unencumbered License" means a license that  
150 authorizes a Licensed Professional Counselor to engage in  
151 the full and unrestricted practice of Professional  
152 Counseling.

### 153 SECTION 3. STATE PARTICIPATION IN THE COMPACT

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

156 1. License and regulate Licensed Professional  
157 Counselors;

158 2. Require Licensees to pass a nationally recognized  
159 exam approved by the Commission;

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

164 a. Professional Counseling Orientation and Ethical  
165 Practice;

166 b. Social and Cultural Diversity;

- 167           c. Human Growth and Development;
- 168           d. Career Development;
- 169           e. Counseling and Helping Relationships;
- 170           f. Group Counseling and Group Work;
- 171           g. Diagnosis and Treatment; Assessment and Testing;
- 172           h. Research and Program Evaluation; and
- 173           i. Other areas as determined by the Commission.
- 174           4. Require Licensees to complete a supervised
- 175 postgraduate professional experience as defined by the
- 176 Commission;
- 177           5. Have a mechanism in place for receiving and
- 178 investigating complaints about Licensees.
- 179           B. A Member State shall:
- 180           1. Participate fully in the Commission's Data System,
- 181 including using the Commission's unique identifier as
- 182 defined in Rules;
- 183           2. Notify the Commission, in compliance with the terms
- 184 of the Compact and Rules, of any Adverse Action or the
- 185 availability of Investigative Information regarding a
- 186 Licensee;
- 187           3. Implement or utilize procedures for considering the
- 188 criminal history records of applicants for an initial
- 189 Privilege to Practice. These procedures shall include the
- 190 submission of fingerprints or other biometric-based
- 191 information by applicants for the purpose of obtaining an
- 192 applicant's criminal history record information from the
- 193 Federal Bureau of Investigation and the agency responsible
- 194 for retaining that State's criminal records;
- 195           a. A member state must fully implement a criminal
- 196 background check requirement, within a time frame
- 197 established by rule, by receiving the results of the Federal

198 Bureau of Investigation record search and shall use the  
199 results in making licensure decisions.

200       b. Communication between a Member State, the  
201 Commission and among Member States regarding the  
202 verification of eligibility for licensure through the  
203 Compact shall not include any information received from the  
204 Federal Bureau of Investigation relating to a federal  
205 criminal records check performed by a Member State under  
206 Public Law 92-544.

207       4. Comply with the Rules of the Commission;

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

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

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

217       C. Member States may charge a fee for granting the  
218 Privilege to Practice.

219       D. Individuals not residing in a Member State shall  
220 continue to be able to apply for a Member State's Single  
221 State License as provided under the laws of each Member  
222 State. However, the Single State License granted to these  
223 individuals shall not be recognized as granting a Privilege  
224 to Practice Professional Counseling in any other Member  
225 State.

226       E. Nothing in this Compact shall affect the  
227 requirements established by a Member State for the issuance  
228 of a Single State License.

229 F. A license issued to a Licensed Professional  
230 Counselor by a Home State to a resident in that State shall  
231 be recognized by each Member State as authorizing a Licensed  
232 Professional Counselor to practice Professional Counseling,  
233 under a Privilege to Practice, in each Member State.

234 SECTION 4. PRIVILEGE TO PRACTICE

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

- 237 1. Hold a license in the Home State;
- 238 2. Have a valid United States Social Security Number  
239 or National Practitioner Identifier;
- 240 3. Be eligible for a Privilege to Practice in any  
241 Member State in accordance with Section 4(D), (G) and (H);
- 242 4. Have not had any Encumbrance or restriction against  
243 any license or Privilege to Practice within the previous two  
244 (2) years;
- 245 5. Notify the Commission that the Licensee is seeking  
246 the Privilege to Practice within a Remote State(s);
- 247 6. Pay any applicable fees, including any State fee,  
248 for the Privilege to Practice;
- 249 7. Meet any Continuing Competence/Education  
250 requirements established by the Home State;
- 251 8. Meet any Jurisprudence Requirements established by  
252 the Remote State(s) in which the Licensee is seeking a  
253 Privilege to Practice; and
- 254 9. Report to the Commission any Adverse Action,  
255 Encumbrance, or restriction on license taken by any non-  
256 Member State within 30 days from the date the action is  
257 taken.

258 B. The Privilege to Practice is valid until the  
259 expiration date of the Home State license. The Licensee

260 must comply with the requirements of Section 4(A) to  
261 maintain the Privilege to Practice in the Remote State.

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

265 D. A Licensee providing Professional Counseling  
266 services in a Remote State is subject to that State's  
267 regulatory authority. A Remote State may, in accordance  
268 with due process and that State's laws, remove a Licensee's  
269 Privilege to Practice in the Remote State for a specific  
270 period of time, impose fines, and/or take any other  
271 necessary actions to protect the health and safety of its  
272 citizens. The Licensee may be ineligible for a Privilege to  
273 Practice in any Member State until the specific time for  
274 removal has passed and all fines are paid.

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

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

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

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

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

292 2. All fines have been paid; and

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

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

299 SECTION 5: OBTAINING A NEW HOME STATE LICENSE BASED ON  
300 A PRIVILEGE TO PRACTICE

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

304 B. If a Licensed Professional Counselor changes  
305 primary State of residence by moving between two Member  
306 States:

307 1. The Licensed Professional Counselor shall file an  
308 application for obtaining a new Home State license based on  
309 a Privilege to Practice, pay all applicable fees, and notify  
310 the current and new Home State in accordance with applicable  
311 Rules adopted by the Commission.

312 2. Upon receipt of an application for obtaining a new  
313 Home State license by virtue of a Privilege to Practice, the  
314 new Home State shall verify that the Licensed Professional  
315 Counselor meets the pertinent criteria outlined in Section 4  
316 via the Data System, without need for primary source  
317 verification except for:

318 a. a Federal Bureau of Investigation fingerprint based  
319 criminal background check if not previously performed or  
320 updated pursuant to applicable rules adopted by the  
321 Commission in accordance with Public Law 92-544;

322 b. other criminal background check as required by the  
323 new Home State; and

324 c. completion of any requisite Jurisprudence  
325 Requirements of the new Home State.

326 3. The former Home State shall convert the former Home  
327 State license into a Privilege to Practice once the new Home  
328 State has activated the new Home State license in accordance  
329 with applicable Rules adopted by the Commission.

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

334 5. The Licensed Professional Counselor shall pay all  
335 applicable fees to the new Home State in order to be issued  
336 a new Home State license.

337 C. If a Licensed Professional Counselor changes  
338 Primary State of Residence by moving from a Member State to  
339 a non-Member State, or from a non-Member State to a Member  
340 State, the State criteria shall apply for issuance of a  
341 Single State License in the new State.

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

346 E. Nothing in this Compact shall affect the  
347 requirements established by a Member State for the issuance  
348 of a Single State License.

349 SECTION 6. ACTIVE DUTY MILITARY PERSONNEL OR THEIR  
350 SPOUSES

351 Active Duty Military personnel, or their spouse, shall  
352 designate a Home State where the individual has a current  
353 license in good standing. The individual may retain the  
354 Home State designation during the period the service member  
355 is on active duty. Subsequent to designating a Home State,

356 the individual shall only change their Home State through  
357 application for licensure in the new State, or through the  
358 process outlined in Section 5.

359 SECTION 7. COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

360 A. Member States shall recognize the right of a  
361 Licensed Professional Counselor, licensed by a Home State in  
362 accordance with Section 3 and under Rules promulgated by the  
363 Commission, to practice Professional Counseling in any  
364 Member State via Telehealth under a Privilege to Practice as  
365 provided in the Compact and Rules promulgated by the  
366 Commission.

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

370 SECTION 8. ADVERSE ACTIONS

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

374 1. Take Adverse Action against a Licensed Professional  
375 Counselor's Privilege to Practice within that Member State,  
376 and

377 2. Issue subpoenas for both hearings and  
378 investigations that require the attendance and testimony of  
379 witnesses as well as the production of evidence. Subpoenas  
380 issued by a Licensing Board in a Member State for the  
381 attendance and testimony of witnesses or the production of  
382 evidence from another Member State shall be enforced in the  
383 latter State by any court of competent jurisdiction,  
384 according to the practice and procedure of that court  
385 applicable to subpoenas issued in proceedings pending before  
386 it. The issuing authority shall pay any witness fees,  
387 travel expenses, mileage, and other fees required by the

388 service statutes of the State in which the witnesses or  
389 evidence are located.

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

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

399 C. The Home State shall complete any pending  
400 investigations of a Licensed Professional Counselor who  
401 changes primary State of residence during the course of the  
402 investigations. The Home State shall also have the authority  
403 to take appropriate action(s) and shall promptly report the  
404 conclusions of the investigations to the administrator of  
405 the Data System. The administrator of the coordinated  
406 licensure information system shall promptly notify the new  
407 Home State of any Adverse Actions.

408 D. A Member State, if otherwise permitted by State  
409 law, may recover from the affected Licensed Professional  
410 Counselor the costs of investigations and dispositions of  
411 cases resulting from any Adverse Action taken against that  
412 Licensed Professional Counselor.

413 E. A Member State may take Adverse Action based on the  
414 factual findings of the Remote State, provided that the  
415 Member State follows its own procedures for taking the  
416 Adverse Action.

417 F. Joint Investigations:

418 1. In addition to the authority granted to a Member  
419 State by its respective Professional Counseling practice act

420 or other applicable State law, any Member State may  
421 participate with other Member States in joint investigations  
422 of Licensees.

423 2. Member States shall share any investigative,  
424 litigation, or compliance materials in furtherance of any  
425 joint or individual investigation initiated under the  
426 Compact.

427 G. If Adverse Action is taken by the Home State  
428 against the license of a Licensed Professional Counselor,  
429 the Licensed Professional Counselor's Privilege to Practice  
430 in all other Member States shall be deactivated until all  
431 Encumbrances have been removed from the State license. All  
432 Home State disciplinary orders that impose Adverse Action  
433 against the license of a Licensed Professional Counselor  
434 shall include a Statement that the Licensed Professional  
435 Counselor's Privilege to Practice is deactivated in all  
436 Member States during the pendency of the order.

437 H. If a Member State takes Adverse Action, it shall  
438 promptly notify the administrator of the Data System. The  
439 administrator of the Data System shall promptly notify the  
440 Home State of any Adverse Actions by Remote States.

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

444 SECTION 9. ESTABLISHMENT OF COUNSELING COMPACT  
445 COMMISSION

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

449 1. The Commission is an instrumentality of the Compact  
450 States.

451           2. Venue is proper and judicial proceedings by or  
452 against the Commission shall be brought solely and  
453 exclusively in a court of competent jurisdiction where the  
454 principal office of the Commission is located. The  
455 Commission may waive venue and jurisdictional defenses to  
456 the extent it adopts or consents to participate in  
457 alternative dispute resolution proceedings.

458           3. Nothing in this Compact shall be construed to be a  
459 waiver of sovereign immunity.

460           B. Membership, Voting, and Meetings

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

463           2. The delegate shall be either:

464           a. A current member of the Licensing Board at the time  
465 of appointment, who is a Licensed Professional Counselor or  
466 public member; or

467           b. An administrator of the Licensing Board.

468           3. Any delegate may be removed or suspended from  
469 office as provided by the law of the State from which the  
470 delegate is appointed.

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

473           5. Each delegate shall be entitled to one (1) vote  
474 with regard to the promulgation of Rules and creation of  
475 bylaws and shall otherwise have an opportunity to  
476 participate in the business and affairs of the Commission.

477           6. A delegate shall vote in person or by such other  
478 means as provided in the bylaws. The bylaws may provide for  
479 delegates' participation in meetings by telephone or other  
480 means of communication.

481           7. The Commission shall meet at least once during each  
482 calendar year. Additional meetings shall be held as set  
483 forth in the bylaws.

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

486           C. The Commission shall have the following powers and  
487 duties:

488           1. Establish the fiscal year of the Commission;

489           2. Establish bylaws;

490           3. Maintain its financial records in accordance with  
491 the bylaws;

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

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

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

500           7. Purchase and maintain insurance and bonds;

501           8. Borrow, accept, or contract for services of  
502 personnel, including, but not limited to, employees of a  
503 Member State;

504           9. Hire employees, elect or appoint officers, fix  
505 compensation, define duties, grant such individuals  
506 appropriate authority to carry out the purposes of the  
507 Compact, and establish the Commission's personnel policies  
508 and programs relating to conflicts of interest,  
509 qualifications of personnel, and other related personnel  
510 matters;

511           10. Accept any and all appropriate donations and  
512 grants of money, equipment, supplies, materials, and

513 services, and to receive, utilize, and dispose of the same;  
514 provided that at all times the Commission shall avoid any  
515 appearance of impropriety and/or conflict of interest;

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

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

524 13. Establish a budget and make expenditures;

525 14. Borrow money;

526 15. Appoint committees, including standing committees  
527 composed of members, State regulators, State legislators or  
528 their representatives, and consumer representatives, and  
529 such other interested persons as may be designated in this  
530 Compact and the bylaws;

531 16. Provide and receive information from, and  
532 cooperate with, law enforcement agencies;

533 17. Establish and elect an Executive Committee; and

534 18. Perform such other functions as may be necessary  
535 or appropriate to achieve the purposes of this Compact  
536 consistent with the State regulation of Professional  
537 Counseling licensure and practice.

538 D. The Executive Committee

539 1. The Executive Committee shall have the power to act  
540 on behalf of the Commission according to the terms of this  
541 Compact.

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

- 544           a. Seven voting members who are elected by the  
545 Commission from the current membership of the Commission; and
- 546           b. Up to four (4) ex-officio, nonvoting members from  
547 four (4) recognized national professional counselor  
548 organizations.
- 549           c. The ex-officio members will be selected by their  
550 respective organizations.
- 551           3. The Commission may remove any member of the  
552 Executive Committee as provided in bylaws.
- 553           4. The Executive Committee shall meet at least  
554 annually.
- 555           5. The Executive Committee shall have the following  
556 duties and responsibilities:
- 557           a. Recommend to the entire Commission changes to the  
558 Rules or bylaws, changes to this Compact legislation, fees  
559 paid by Compact Member States such as annual dues, and any  
560 Commission Compact fee charged to Licensees for the  
561 Privilege to Practice;
- 562           b. Ensure Compact administration services are  
563 appropriately provided, contractual or otherwise;
- 564           c. Prepare and recommend the budget;
- 565           d. Maintain financial records on behalf of the  
566 Commission;
- 567           e. Monitor Compact compliance of Member States and  
568 provide compliance reports to the Commission;
- 569           f. Establish additional committees as necessary; and
- 570           g. Other duties as provided in Rules or bylaws.
- 571           E. Meetings of the Commission
- 572           1. All meetings shall be open to the public, and  
573 public notice of meetings shall be given in the same manner  
574 as required under the Rulemaking provisions in Section 11.

575           2. The Commission or the Executive Committee or other  
576 committees of the Commission may convene in a closed, non-  
577 public meeting if the Commission or Executive Committee or  
578 other committees of the Commission must discuss:

579           a. Non-compliance of a Member State with its  
580 obligations under the Compact;

581           b. The employment, compensation, discipline or other  
582 matters, practices or procedures related to specific  
583 employees or other matters related to the Commission's  
584 internal personnel practices and procedures;

585           c. Current, threatened, or reasonably anticipated  
586 litigation;

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

589           e. Accusing any person of a crime or formally  
590 censuring any person;

591           f. Disclosure of trade secrets or commercial or  
592 financial information that is privileged or confidential;

593           g. Disclosure of information of a personal nature  
594 where disclosure would constitute a clearly unwarranted  
595 invasion of personal privacy;

596           h. Disclosure of investigative records compiled for  
597 law enforcement purposes;

598           i. Disclosure of information related to any  
599 investigative reports prepared by or on behalf of or for use  
600 of the Commission or other committee charged with  
601 responsibility of investigation or determination of  
602 compliance issues pursuant to the Compact; or

603           j. Matters specifically exempted from disclosure by  
604 federal or Member State statute.

605           3. If a meeting, or portion of a meeting, is closed  
606 pursuant to this provision, the Commission's legal counsel

607 or designee shall certify that the meeting may be closed and  
608 shall reference each relevant exempting provision.

609         4. The Commission shall keep minutes that fully and  
610 clearly describe all matters discussed in a meeting and  
611 shall provide a full and accurate summary of actions taken,  
612 and the reasons therefore, including a description of the  
613 views expressed. All documents considered in connection  
614 with an action shall be identified in such minutes. All  
615 minutes and documents of a closed meeting shall remain under  
616 seal, subject to release by a majority vote of the  
617 Commission or order of a court of competent jurisdiction.

618         F. Financing of the Commission

619         1. The Commission shall pay, or provide for the  
620 payment of, the reasonable expenses of its establishment,  
621 organization, and ongoing activities.

622         2. The Commission may accept any and all appropriate  
623 revenue sources, donations, and grants of money, equipment,  
624 supplies, materials, and services.

625         3. The Commission may levy on and collect an annual  
626 assessment from each Member State or impose fees on other  
627 parties to cover the cost of the operations and activities  
628 of the Commission and its staff, which must be in a total  
629 amount sufficient to cover its annual budget as approved  
630 each year for which revenue is not provided by other  
631 sources. The aggregate annual assessment amount shall be  
632 allocated based upon a formula to be determined by the  
633 Commission, which shall promulgate a Rule binding upon all  
634 Member States.

635         4. The Commission shall not incur obligations of any  
636 kind prior to securing the funds adequate to meet the same;  
637 nor shall the Commission pledge the credit of any of the

638 Member States, except by and with the authority of the  
639 Member State.

640 5. The Commission shall keep accurate accounts of all  
641 receipts and disbursements. The receipts and disbursements  
642 of the Commission shall be subject to the audit and  
643 accounting procedures established under its bylaws.  
644 However, all receipts and disbursements of funds handled by  
645 the Commission shall be audited yearly by a certified or  
646 licensed public accountant, and the report of the audit  
647 shall be included in and become part of the annual report of  
648 the Commission.

649 G. Qualified Immunity, Defense, and Indemnification

650 1. The members, officers, executive director,  
651 employees and representatives of the Commission shall be  
652 immune from suit and liability, either personally or in  
653 their official capacity, for any claim for damage to or loss  
654 of property or personal injury or other civil liability  
655 caused by or arising out of any actual or alleged act, error  
656 or omission that occurred, or that the person against whom  
657 the claim is made had a reasonable basis for believing  
658 occurred within the scope of Commission employment, duties  
659 or responsibilities; provided that nothing in this paragraph  
660 shall be construed to protect any such person from suit  
661 and/or liability for any damage, loss, injury, or liability  
662 caused by the intentional or willful or wanton misconduct of  
663 that person.

664 2. The Commission shall defend any member, officer,  
665 executive director, employee or representative of the  
666 Commission in any civil action seeking to impose liability  
667 arising out of any actual or alleged act, error, or omission  
668 that occurred within the scope of Commission employment,  
669 duties, or responsibilities, or that the person against whom

670 the claim is made had a reasonable basis for believing  
671 occurred within the scope of Commission employment, duties,  
672 or responsibilities; provided that nothing herein shall be  
673 construed to prohibit that person from retaining his or her  
674 own counsel; and provided further, that the actual or  
675 alleged act, error, or omission did not result from that  
676 person's intentional or willful or wanton misconduct.

677 3. The Commission shall indemnify and hold harmless  
678 any member, officer, executive director, employee, or  
679 representative of the Commission for the amount of any  
680 settlement or judgment obtained against that person arising  
681 out of any actual or alleged act, error, or omission that  
682 occurred within the scope of Commission employment, duties,  
683 or responsibilities, or that such person had a reasonable  
684 basis for believing occurred within the scope of Commission  
685 employment, duties, or responsibilities, provided that the  
686 actual or alleged act, error, or omission did not result  
687 from the intentional or willful or wanton misconduct of that  
688 person.

689 SECTION 10. DATA SYSTEM

690 A. The Commission shall provide for the development,  
691 maintenance, operation, and utilization of a coordinated  
692 database and reporting system containing licensure, Adverse  
693 Action, and Investigative Information on all licensed  
694 individuals in Member States.

695 B. Notwithstanding any other provision of State law to  
696 the contrary, a Member State shall submit a uniform data set  
697 to the Data System on all individuals to whom this Compact  
698 is applicable as required by the Rules of the Commission,  
699 including:

- 700 1. Identifying information;
- 701 2. Licensure data;

702           3. Adverse Actions against a license or Privilege to  
703 Practice;

704           4. Non-confidential information related to Alternative  
705 Program participation;

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

708           6. Current Significant Investigative Information; and

709           7. Other information that may facilitate the  
710 administration of this Compact, as determined by the Rules  
711 of the Commission.

712           C. Investigative Information pertaining to a Licensee  
713 in any Member State will only be available to other Member  
714 States.

715           D. The Commission shall promptly notify all Member  
716 States of any Adverse Action taken against a Licensee or an  
717 individual applying for a license. Adverse Action  
718 information pertaining to a Licensee in any Member State  
719 will be available to any other Member State.

720           E. Member States contributing information to the Data  
721 System may designate information that may not be shared with  
722 the public without the express permission of the  
723 contributing State.

724           F. Any information submitted to the Data System that  
725 is subsequently required to be expunged by the laws of the  
726 Member State contributing the information shall be removed  
727 from the Data System.

728           SECTION 11. RULEMAKING

729           A. The Commission shall promulgate reasonable Rules in  
730 order to effectively and efficiently achieve the purpose of  
731 the Compact. Notwithstanding the foregoing, in the event  
732 the Commission exercises its Rulemaking authority in a  
733 manner that is beyond the scope of the purposes of the

734 Compact, or the powers granted hereunder, then such an  
735 action by the Commission shall be invalid and have no force  
736 or effect.

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

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

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

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

754 1. On the website of the Commission or other publicly  
755 accessible platform; and

756 2. On the website of each Member State Professional  
757 Counseling Licensing Board or other publicly accessible  
758 platform or the publication in which each State would  
759 otherwise publish proposed Rules.

760 F. The Notice of Proposed Rulemaking shall include:

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

763 2. The text of the proposed Rule or amendment and the  
764 reason for the proposed Rule;

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

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

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

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

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

778           2. A State or federal governmental subdivision or  
779 agency; or

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

782           I. If a hearing is held on the proposed Rule or  
783 amendment, the Commission shall publish the place, time, and  
784 date of the scheduled public hearing. If the hearing is  
785 held via electronic means, the Commission shall publish the  
786 mechanism for access to the electronic hearing.

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

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

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

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

801           J. Following the scheduled hearing date, or by the  
802 close of business on the scheduled hearing date if the  
803 hearing was not held, the Commission shall consider all  
804 written and oral comments received.

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

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

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

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

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

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

828           4. Protect public health and safety.

829           N. The Commission or an authorized committee of the  
830 Commission may direct revisions to a previously adopted Rule  
831 or amendment for purposes of correcting typographical  
832 errors, errors in format, errors in consistency, or  
833 grammatical errors. Public notice of any revisions shall be  
834 posted on the website of the Commission. The revision shall  
835 be subject to challenge by any person for a period of thirty  
836 (30) days after posting. The revision may be challenged  
837 only on grounds that the revision results in a material  
838 change to a Rule. A challenge shall be made in writing and  
839 delivered to the chair of the Commission prior to the end of  
840 the notice period. If no challenge is made, the revision  
841 will take effect without further action. If the revision is  
842 challenged, the revision may not take effect without the  
843 approval of the Commission.

844           SECTION 12. OVERSIGHT, DISPUTE RESOLUTION, AND  
845 ENFORCEMENT

846           A. Oversight

847           1. The executive, legislative, and judicial branches  
848 of State government in each Member State shall enforce this  
849 Compact and take all actions necessary and appropriate to  
850 effectuate the Compact's purposes and intent. The  
851 provisions of this Compact and the Rules promulgated  
852 hereunder shall have standing as statutory law.

853           2. All courts shall take judicial notice of the  
854 Compact and the Rules in any judicial or administrative  
855 proceeding in a Member State pertaining to the subject  
856 matter of this Compact which may affect the powers,  
857 responsibilities, or actions of the Commission.

858           3. The Commission shall be entitled to receive service  
859 of process in any such proceeding and shall have standing to  
860 intervene in such a proceeding for all purposes. Failure to

861 provide service of process to the Commission shall render a  
862 judgment or order void as to the Commission, this Compact,  
863 or promulgated Rules.

864 B. Default, Technical Assistance, and Termination

865 1. If the Commission determines that a Member State  
866 has defaulted in the performance of its obligations or  
867 responsibilities under this Compact or the promulgated  
868 Rules, the Commission shall:

869 a. Provide written notice to the defaulting State and  
870 other Member States of the nature of the default, the  
871 proposed means of curing the default and/or any other action  
872 to be taken by the Commission; and

873 b. Provide remedial training and specific technical  
874 assistance regarding the default.

875 C. If a State in default fails to cure the default,  
876 the defaulting State may be terminated from the Compact upon  
877 an affirmative vote of a majority of the Member States, and  
878 all rights, privileges and benefits conferred by this  
879 Compact may be terminated on the effective date of  
880 termination. A cure of the default does not relieve the  
881 offending State of obligations or liabilities incurred  
882 during the period of default.

883 D. Termination of membership in the Compact shall be  
884 imposed only after all other means of securing compliance  
885 have been exhausted. Notice of intent to suspend or  
886 terminate shall be given by the Commission to the governor,  
887 the majority and minority leaders of the defaulting State's  
888 legislature, and each of the Member States.

889 E. A State that has been terminated is responsible for  
890 all assessments, obligations, and liabilities incurred  
891 through the effective date of termination, including

892 obligations that extend beyond the effective date of  
893 termination.

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

898 G. The defaulting State may appeal the action of the  
899 Commission by petitioning the U.S. District Court for the  
900 District of Columbia or the federal district where the  
901 Commission has its principal offices. The prevailing member  
902 shall be awarded all costs of such litigation, including  
903 reasonable attorney's fees.

904 H. Dispute Resolution

905 1. Upon request by a Member State, the Commission  
906 shall attempt to resolve disputes related to the Compact  
907 that arise among Member States and between member and non-  
908 Member States.

909 2. The Commission shall promulgate a Rule providing  
910 for both mediation and binding dispute resolution for  
911 disputes as appropriate.

912 I. Enforcement

913 1. The Commission, in the reasonable exercise of its  
914 discretion, shall enforce the provisions and Rules of this  
915 Compact.

916 2. By majority vote, the Commission may initiate legal  
917 action in the United States District Court for the District  
918 of Columbia or the federal district where the Commission has  
919 its principal offices against a Member State in default to  
920 enforce compliance with the provisions of the Compact and  
921 its promulgated Rules and bylaws. The relief sought may  
922 include both injunctive relief and damages. In the event  
923 judicial enforcement is necessary, the prevailing member

924 shall be awarded all costs of such litigation, including  
925 reasonable attorney's fees.

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

929 SECTION 13. DATE OF IMPLEMENTATION OF THE COUNSELING  
930 COMPACT COMMISSION AND ASSOCIATED RULES, WITHDRAWAL, AND  
931 AMENDMENT

932 A. The Compact shall come into effect on the date on  
933 which the Compact statute is enacted into law in the tenth  
934 Member State. The provisions, which become effective at  
935 that time, shall be limited to the powers granted to the  
936 Commission relating to assembly and the promulgation of  
937 Rules. Thereafter, the Commission shall meet and exercise  
938 Rulemaking powers necessary to the implementation and  
939 administration of the Compact.

940 B. Any State that joins the Compact subsequent to the  
941 Commission's initial adoption of the Rules shall be subject  
942 to the Rules as they exist on the date on which the Compact  
943 becomes law in that State. Any Rule that has been  
944 previously adopted by the Commission shall have the full  
945 force and effect of law on the day the Compact becomes law  
946 in that State.

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

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

952 2. Withdrawal shall not affect the continuing  
953 requirement of the withdrawing State's Professional  
954 Counseling Licensing Board to comply with the investigative

955 and Adverse Action reporting requirements of this act prior  
956 to the effective date of withdrawal.

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

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

#### 966 SECTION 14. CONSTRUCTION AND SEVERABILITY

967 This Compact shall be liberally construed so as to  
968 effectuate the purposes thereof. The provisions of this  
969 Compact shall be severable and if any phrase, clause,  
970 sentence or provision of this Compact is declared to be  
971 contrary to the constitution of any Member State or of the  
972 United States or the applicability thereof to any  
973 government, agency, person or circumstance is held invalid,  
974 the validity of the remainder of this Compact and the  
975 applicability thereof to any government, agency, person or  
976 circumstance shall not be affected thereby. If this Compact  
977 shall be held contrary to the constitution of any Member  
978 State, the Compact shall remain in full force and effect as  
979 to the remaining Member States and in full force and effect  
980 as to the Member State affected as to all severable matters.

#### 981 SECTION 15. BINDING EFFECT OF COMPACT AND OTHER LAWS

982 A. A Licensee providing Professional Counseling  
983 services in a Remote State under the Privilege to Practice  
984 shall adhere to the laws and regulations, including scope of  
985 practice, of the Remote State.

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

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

991           D. Any lawful actions of the Commission, including all  
992 Rules and bylaws properly promulgated by the Commission, are  
993 binding upon the Member States.

994           E. All permissible agreements between the Commission  
995 and the Member States are binding in accordance with their  
996 terms.

997           F. In the event any provision of the Compact exceeds  
998 the constitutional limits imposed on the legislature of any  
999 Member State, the provision shall be ineffective to the  
1000 extent of the conflict with the constitutional provision in  
1001 question in that Member State.

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