

**Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 22-0300.01 Brita Darling x2241

**SENATE BILL 22-077**

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**SENATE SPONSORSHIP**

**Ginal and Woodward,**

**HOUSE SPONSORSHIP**

**Larson and Young,**

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**Senate Committees**

Health & Human Services  
Finance

**House Committees**

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**A BILL FOR AN ACT**

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

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**Bill Summary**

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

The bill enacts the "Interstate Licensed Professional Counselors Compact", which, once effective, will allow licensed professional

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

counselors in any state that has joined the compact (member state) to provide:

- Licensed professional counselor services in each member state under a privilege to practice; and
- Telehealth services in each member state under a privilege to practice.

The bill authorizes the state board of licensed professional counselor examiners (board) to promulgate rules and to facilitate Colorado's participation in the compact, including notification to the Counseling Compact Commission (commission) established by the compact of any adverse action taken by the board against a Colorado licensed professional counselor. The commission includes a delegate from each member state and has the powers and duties set forth in the bill. The compact becomes effective on the date the compact is enacted in the tenth member state.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 43 to article  
3 60 of title 24 as follows:

4 PART 43

5 INTERSTATE LICENSED PROFESSIONAL  
6 COUNSELORS COMPACT

7 **24-60-4301. Short title.** THE SHORT TITLE OF THIS PART 43 IS THE  
8 "INTERSTATE LICENSED PROFESSIONAL COUNSELORS COMPACT".

9 **24-60-4302. Compact approved and ratified.** THE GENERAL  
10 ASSEMBLY HEREBY APPROVES AND RATIFIES, AND THE GOVERNOR SHALL  
11 ENTER INTO, A COMPACT ON BEHALF OF THE STATE OF COLORADO AND  
12 ANY OF THE UNITED STATES OR OTHER JURISDICTIONS LEGALLY JOINING  
13 THEREIN IN THE FORM SUBSTANTIALLY AS FOLLOWS:

14 **SECTION 1.**

15 **PURPOSE**

16 THE PURPOSE OF THIS COMPACT IS TO FACILITATE INTERSTATE  
17 PRACTICE OF LICENSED PROFESSIONAL COUNSELORS WITH THE GOAL OF

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

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

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

12 B. ENHANCE THE STATES' ABILITY TO PROTECT THE PUBLIC'S  
13 HEALTH AND SAFETY;

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

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

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

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

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

26 H. INVEST ALL MEMBER STATES WITH THE AUTHORITY TO HOLD  
27 A LICENSED PROFESSIONAL COUNSELOR ACCOUNTABLE FOR MEETING ALL

1 STATE PRACTICE LAWS IN THE STATE IN WHICH THE CLIENT IS LOCATED AT  
2 THE TIME CARE IS RENDERED THROUGH THE MUTUAL RECOGNITION OF  
3 MEMBER STATE LICENSES;

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

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

9 **SECTION 2.**

10 **DEFINITIONS**

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

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

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

26 C. "ALTERNATIVE PROGRAM" MEANS A NON-DISCIPLINARY  
27 MONITORING OR PRACTICE REMEDIATION PROCESS APPROVED BY A

1 PROFESSIONAL COUNSELING LICENSING BOARD TO ADDRESS IMPAIRED  
2 PRACTITIONERS.

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

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

10 F. "CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION" MEANS:

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

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

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

26 H. "ENCUMBERED LICENSE" MEANS A LICENSE IN WHICH AN  
27 ADVERSE ACTION RESTRICTS THE PRACTICE OF LICENSED PROFESSIONAL

1 COUNSELING BY THE LICENSEE AND SAID ADVERSE ACTION HAS BEEN  
2 REPORTED TO THE NATIONAL PRACTITIONERS DATA BANK (NPDB).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 Y. "TELEHEALTH" MEANS THE APPLICATION OF

1 TELECOMMUNICATION TECHNOLOGY TO DELIVER PROFESSIONAL  
2 COUNSELING SERVICES REMOTELY TO ASSESS, DIAGNOSE, AND TREAT  
3 BEHAVIORAL HEALTH CONDITIONS.

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

7 **SECTION 3.**

8 **STATE PARTICIPATION IN THE COMPACT**

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

10 1. LICENSE AND REGULATE LICENSED PROFESSIONAL  
11 COUNSELORS;

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

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

18 a. PROFESSIONAL COUNSELING ORIENTATION AND ETHICAL  
19 PRACTICE;

20 b. SOCIAL AND CULTURAL DIVERSITY;

21 c. HUMAN GROWTH AND DEVELOPMENT;

22 d. CAREER DEVELOPMENT;

23 e. COUNSELING AND HELPING RELATIONSHIPS;

24 f. GROUP COUNSELING AND GROUP WORK;

25 g. DIAGNOSIS AND TREATMENT; ASSESSMENT AND TESTING;

26 h. RESEARCH AND PROGRAM EVALUATION; AND

27 i. OTHER AREAS AS DETERMINED BY THE COMMISSION.



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

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

6           B. A MEMBER STATE SHALL:

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

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

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

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

26          b.     COMMUNICATION BETWEEN A MEMBER STATE, THE  
27 COMMISSION, AND AMONG MEMBER STATES REGARDING THE

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

5 4. COMPLY WITH THE RULES OF THE COMMISSION;

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

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

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

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

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

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

26 F. A LICENSE ISSUED TO A LICENSED PROFESSIONAL COUNSELOR  
27 BY A HOME STATE TO A RESIDENT IN THAT STATE SHALL BE RECOGNIZED

1 BY EACH MEMBER STATE AS AUTHORIZING A LICENSED PROFESSIONAL  
2 COUNSELOR TO PRACTICE PROFESSIONAL COUNSELING, UNDER A  
3 PRIVILEGE TO PRACTICE IN EACH MEMBER STATE.

4 **SECTION 4.**

5 **PRIVILEGE TO PRACTICE**

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

- 8 1. HOLD A LICENSE IN THE HOME STATE;
- 9 2. HAVE A VALID UNITED STATES SOCIAL SECURITY NUMBER OR  
10 NATIONAL PRACTITIONER IDENTIFIER;
- 11 3. BE ELIGIBLE FOR A PRIVILEGE TO PRACTICE IN ANY MEMBER  
12 STATE IN ACCORDANCE WITH SECTION 4(D), (G), AND (H);
- 13 4. HAVE NOT HAD ANY ENCUMBRANCE OR RESTRICTION AGAINST  
14 ANY LICENSE OR PRIVILEGE TO PRACTICE WITHIN THE PREVIOUS TWO (2)  
15 YEARS;
- 16 5. NOTIFY THE COMMISSION THAT THE LICENSEE IS SEEKING THE  
17 PRIVILEGE TO PRACTICE WITHIN A REMOTE STATE(S);
- 18 6. PAY ANY APPLICABLE FEES, INCLUDING ANY STATE FEE, FOR THE  
19 PRIVILEGE TO PRACTICE;
- 20 7. MEET ANY CONTINUING COMPETENCE/EDUCATION  
21 REQUIREMENTS ESTABLISHED BY THE HOME STATE;
- 22 8. MEET ANY JURISPRUDENCE REQUIREMENTS ESTABLISHED BY  
23 THE REMOTE STATE(S) IN WHICH THE LICENSEE IS SEEKING A PRIVILEGE  
24 TO PRACTICE; AND
- 25 9. REPORT TO THE COMMISSION ANY ADVERSE ACTION,  
26 ENCUMBRANCE, OR RESTRICTION ON LICENSE TAKEN BY ANY  
27 NON-MEMBER STATE WITHIN 30 DAYS FROM THE DATE THE ACTION IS

1 TAKEN.

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

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

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

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

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

25 F. ONCE AN ENCUMBERED LICENSE IN THE HOME STATE IS  
26 RESTORED TO GOOD STANDING, THE LICENSEE MUST MEET THE  
27 REQUIREMENTS OF SECTION 4(A) TO OBTAIN A PRIVILEGE TO PRACTICE IN

1 ANY REMOTE STATE.

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

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

7 2. ALL FINES HAVE BEEN PAID; AND

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

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

14 **SECTION 5:**

15 **OBTAINING A NEW HOME STATE LICENSE**

16 **BASED ON A PRIVILEGE TO PRACTICE**

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

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

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

27 2. UPON RECEIPT OF AN APPLICATION FOR OBTAINING A NEW HOME

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

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

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

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

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

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

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

24 C. IF A LICENSED PROFESSIONAL COUNSELOR CHANGES PRIMARY  
25 STATE OF RESIDENCE BY MOVING FROM A MEMBER STATE TO A  
26 NON-MEMBER STATE, OR FROM A NON-MEMBER STATE TO A MEMBER  
27 STATE, THE STATE CRITERIA SHALL APPLY FOR ISSUANCE OF A SINGLE

1 STATE LICENSE IN THE NEW STATE.

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

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

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

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

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

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

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

4                                   **SECTION 8.**

5                                   **ADVERSE ACTIONS**

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

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

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

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

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



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

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

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

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

22 F. JOINT INVESTIGATIONS:

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

27 2. MEMBER STATES SHALL SHARE ANY INVESTIGATIVE,

1 LITIGATION, OR COMPLIANCE MATERIALS IN FURTHERANCE OF ANY JOINT  
2 OR INDIVIDUAL INVESTIGATION INITIATED UNDER THE COMPACT.

3 G. IF ADVERSE ACTION IS TAKEN BY THE HOME STATE AGAINST  
4 THE LICENSE OF A LICENSED PROFESSIONAL COUNSELOR, THE LICENSED  
5 PROFESSIONAL COUNSELOR'S PRIVILEGE TO PRACTICE IN ALL OTHER  
6 MEMBER STATES SHALL BE DEACTIVATED UNTIL ALL ENCUMBRANCES  
7 HAVE BEEN REMOVED FROM THE STATE LICENSE. ALL HOME STATE  
8 DISCIPLINARY ORDERS THAT IMPOSE ADVERSE ACTION AGAINST THE  
9 LICENSE OF A LICENSED PROFESSIONAL COUNSELOR SHALL INCLUDE A  
10 STATEMENT THAT THE LICENSED PROFESSIONAL COUNSELOR'S PRIVILEGE  
11 TO PRACTICE IS DEACTIVATED IN ALL MEMBER STATES DURING THE  
12 PENDENCY OF THE ORDER.

13 H. IF A MEMBER STATE TAKES ADVERSE ACTION, IT SHALL  
14 PROMPTLY NOTIFY THE ADMINISTRATOR OF THE DATA SYSTEM. THE  
15 ADMINISTRATOR OF THE DATA SYSTEM SHALL PROMPTLY NOTIFY THE  
16 HOME STATE OF ANY ADVERSE ACTIONS BY REMOTE STATES.

17 I. NOTHING IN THIS COMPACT SHALL OVERRIDE A MEMBER  
18 STATE'S DECISION THAT PARTICIPATION IN AN ALTERNATIVE PROGRAM  
19 MAY BE USED IN LIEU OF ADVERSE ACTION.

20 **SECTION 9.**

21 **ESTABLISHMENT OF COUNSELING**

22 **COMPACT COMMISSION**

23 A. THE COMPACT MEMBER STATES HEREBY CREATE AND  
24 ESTABLISH A JOINT PUBLIC AGENCY KNOWN AS THE COUNSELING  
25 COMPACT COMMISSION:

26 1. THE COMMISSION IS AN INSTRUMENTALITY OF THE COMPACT  
27 STATES.

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

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

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

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

12          2. THE DELEGATE SHALL BE EITHER:

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

16           b. AN ADMINISTRATOR OF THE LICENSING BOARD.

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

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

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

26          6. A DELEGATE SHALL VOTE IN PERSON OR BY SUCH OTHER MEANS  
27 AS PROVIDED IN THE BYLAWS. THE BYLAWS MAY PROVIDE FOR DELEGATES'

1 PARTICIPATION IN MEETINGS BY TELEPHONE OR OTHER MEANS OF  
2 COMMUNICATION.

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

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

8 C. THE COMMISSION SHALL HAVE THE FOLLOWING POWERS AND  
9 DUTIES:

10 1. ESTABLISH THE FISCAL YEAR OF THE COMMISSION;

11 2. ESTABLISH BYLAWS;

12 3. MAINTAIN ITS FINANCIAL RECORDS IN ACCORDANCE WITH THE  
13 BYLAWS;

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

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

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

22 7. PURCHASE AND MAINTAIN INSURANCE AND BONDS;

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

25 9. HIRE EMPLOYEES, ELECT OR APPOINT OFFICERS, FIX  
26 COMPENSATION, DEFINE DUTIES, GRANT SUCH INDIVIDUALS APPROPRIATE  
27 AUTHORITY TO CARRY OUT THE PURPOSES OF THE COMPACT, AND

1 ESTABLISH THE COMMISSION'S PERSONNEL POLICIES AND PROGRAMS  
2 RELATING TO CONFLICTS OF INTEREST, QUALIFICATIONS OF PERSONNEL,  
3 AND OTHER RELATED PERSONNEL MATTERS;

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

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

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

16 13. ESTABLISH A BUDGET AND MAKE EXPENDITURES;

17 14. BORROW MONEY;

18 15. APPOINT COMMITTEES, INCLUDING STANDING COMMITTEES  
19 COMPOSED OF MEMBERS, STATE REGULATORS, STATE LEGISLATORS OR  
20 THEIR REPRESENTATIVES, AND CONSUMER REPRESENTATIVES, AND SUCH  
21 OTHER INTERESTED PERSONS AS MAY BE DESIGNATED IN THIS COMPACT  
22 AND THE BYLAWS;

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

25 17. ESTABLISH AND ELECT AN EXECUTIVE COMMITTEE; AND

26 18. PERFORM SUCH OTHER FUNCTIONS AS MAY BE NECESSARY OR  
27 APPROPRIATE TO ACHIEVE THE PURPOSES OF THIS COMPACT CONSISTENT

1 WITH THE STATE REGULATION OF PROFESSIONAL COUNSELING LICENSURE  
2 AND PRACTICE.

3 D. THE EXECUTIVE COMMITTEE

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

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

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

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

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

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

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

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

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

26 c. PREPARE AND RECOMMEND THE BUDGET;

27 d. MAINTAIN FINANCIAL RECORDS ON BEHALF OF THE

1 COMMISSION;

2 e. MONITOR COMPACT COMPLIANCE OF MEMBER STATES AND

3 PROVIDE COMPLIANCE REPORTS TO THE COMMISSION;

4 f. ESTABLISH ADDITIONAL COMMITTEES AS NECESSARY; AND

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

6 E. MEETINGS OF THE COMMISSION

7 1. ALL MEETINGS SHALL BE OPEN TO THE PUBLIC, AND PUBLIC

8 NOTICE OF MEETINGS SHALL BE GIVEN IN THE SAME MANNER AS REQUIRED

9 UNDER THE RULEMAKING PROVISIONS IN SECTION 11.

10 2. THE COMMISSION OR THE EXECUTIVE COMMITTEE OR OTHER

11 COMMITTEES OF THE COMMISSION MAY CONVENE IN A CLOSED,

12 NON-PUBLIC MEETING IF THE COMMISSION OR EXECUTIVE COMMITTEE OR

13 OTHER COMMITTEES OF THE COMMISSION MUST DISCUSS:

14 a. NON-COMPLIANCE OF A MEMBER STATE WITH ITS OBLIGATIONS

15 UNDER THE COMPACT;

16 b. THE EMPLOYMENT, COMPENSATION, DISCIPLINE, OR OTHER

17 MATTERS, PRACTICES, OR PROCEDURES RELATED TO SPECIFIC EMPLOYEES

18 OR OTHER MATTERS RELATED TO THE COMMISSION'S INTERNAL

19 PERSONNEL PRACTICES AND PROCEDURES;

20 c. CURRENT, THREATENED, OR REASONABLY ANTICIPATED

21 LITIGATION;

22 d. NEGOTIATION OF CONTRACTS FOR THE PURCHASE, LEASE, OR

23 SALE OF GOODS, SERVICES, OR REAL ESTATE;

24 e. ACCUSING ANY PERSON OF A CRIME OR FORMALLY CENSURING

25 ANY PERSON;

26 f. DISCLOSURE OF TRADE SECRETS OR COMMERCIAL OR FINANCIAL

27 INFORMATION THAT IS PRIVILEGED OR CONFIDENTIAL;

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

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

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

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

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

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

26           F. FINANCING OF THE COMMISSION

27           1. THE COMMISSION SHALL PAY, OR PROVIDE FOR THE PAYMENT



1 OF, THE REASONABLE EXPENSES OF ITS ESTABLISHMENT, ORGANIZATION,  
2 AND ONGOING ACTIVITIES.

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

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

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

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

27 G. QUALIFIED IMMUNITY, DEFENSE, AND INDEMNIFICATION

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

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

27          3. THE COMMISSION SHALL INDEMNIFY AND HOLD HARMLESS ANY

1 MEMBER, OFFICER, EXECUTIVE DIRECTOR, EMPLOYEE, OR REPRESENTATIVE  
2 OF THE COMMISSION FOR THE AMOUNT OF ANY SETTLEMENT OR JUDGMENT  
3 OBTAINED AGAINST THAT PERSON ARISING OUT OF ANY ACTUAL OR  
4 ALLEGED ACT, ERROR, OR OMISSION THAT OCCURRED WITHIN THE SCOPE  
5 OF COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES, OR THAT  
6 SUCH PERSON HAD A REASONABLE BASIS FOR BELIEVING OCCURRED  
7 WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES, OR  
8 RESPONSIBILITIES, PROVIDED THAT THE ACTUAL OR ALLEGED ACT, ERROR,  
9 OR OMISSION DID NOT RESULT FROM THE INTENTIONAL OR WILLFUL OR  
10 WANTON MISCONDUCT OF THAT PERSON.

11 **SECTION 10.**

12 **DATA SYSTEM**

13 A. THE COMMISSION SHALL PROVIDE FOR THE DEVELOPMENT,  
14 MAINTENANCE, OPERATION, AND UTILIZATION OF A COORDINATED  
15 DATABASE AND REPORTING SYSTEM CONTAINING LICENSURE, ADVERSE  
16 ACTION, AND INVESTIGATIVE INFORMATION ON ALL LICENSED  
17 INDIVIDUALS IN MEMBER STATES.

18 B. NOTWITHSTANDING ANY OTHER PROVISION OF STATE LAW TO  
19 THE CONTRARY, A MEMBER STATE SHALL SUBMIT A UNIFORM DATA SET  
20 TO THE DATA SYSTEM ON ALL INDIVIDUALS TO WHOM THIS COMPACT IS  
21 APPLICABLE AS REQUIRED BY THE RULES OF THE COMMISSION, INCLUDING:

- 22 1. IDENTIFYING INFORMATION;
- 23 2. LICENSURE DATA;
- 24 3. ADVERSE ACTIONS AGAINST A LICENSE OR PRIVILEGE TO  
25 PRACTICE;
- 26 4. NON-CONFIDENTIAL INFORMATION RELATED TO ALTERNATIVE  
27 PROGRAM PARTICIPATION;

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

3 6. CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION; AND

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

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

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

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

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

23 **SECTION 11.**

24 **RULEMAKING**

25 A. THE COMMISSION SHALL PROMULGATE REASONABLE RULES IN  
26 ORDER TO EFFECTIVELY AND EFFICIENTLY ACHIEVE THE PURPOSE OF THE  
27 COMPACT. NOTWITHSTANDING THE FOREGOING, IN THE EVENT THE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26           1. ALL PERSONS WISHING TO BE HEARD AT THE HEARING SHALL  
27 NOTIFY THE EXECUTIVE DIRECTOR OF THE COMMISSION OR OTHER

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

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

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

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

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

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

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

25 M. UPON DETERMINATION THAT AN EMERGENCY EXISTS, THE  
26 COMMISSION MAY CONSIDER AND ADOPT AN EMERGENCY RULE WITHOUT  
27 PRIOR NOTICE, OPPORTUNITY FOR COMMENT, OR HEARING, PROVIDED THAT

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

- 7 1. MEET AN IMMINENT THREAT TO PUBLIC HEALTH, SAFETY, OR  
8 WELFARE;
- 9 2. PREVENT A LOSS OF COMMISSION OR MEMBER STATE FUNDS;
- 10 3. MEET A DEADLINE FOR THE PROMULGATION OF AN  
11 ADMINISTRATIVE RULE THAT IS ESTABLISHED BY FEDERAL LAW OR RULE;  
12 OR
- 13 4. PROTECT PUBLIC HEALTH AND SAFETY.

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



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

**A. OVERSIGHT**

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

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

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

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

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

a. PROVIDE WRITTEN NOTICE TO THE DEFAULTING STATE AND

1 OTHER MEMBER STATES OF THE NATURE OF THE DEFAULT, THE PROPOSED  
2 MEANS OF CURING THE DEFAULT, AND ANY OTHER ACTION TO BE TAKEN BY  
3 THE COMMISSION; AND

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

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

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

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

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

27 G. THE DEFAULTING STATE MAY APPEAL THE ACTION OF THE

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

6 H. DISPUTE RESOLUTION

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

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

14 I. ENFORCEMENT

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

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

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

4                                   **SECTION 13.**

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

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

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

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

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

26           2. WITHDRAWAL SHALL NOT AFFECT THE CONTINUING  
27 REQUIREMENT OF THE WITHDRAWING STATE'S PROFESSIONAL

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

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

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

13 **SECTION 14.**

14 **CONSTRUCTION AND SEVERABILITY**

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

1 MATTERS.

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**SECTION 15.**

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**BINDING EFFECT OF COMPACT AND OTHER LAWS**

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

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

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

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

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

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

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

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(a) "LICENSE" MEANS A LICENSE ISSUED PURSUANT TO SECTION 12-245-604.

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

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

7 **24-60-4304. Notice to revisor of statutes - effective date of**  
8 **compact.** THIS PART 43 WILL TAKE EFFECT ON THE DATE THE COMPACT IS  
9 ENACTED INTO LAW IN THE TENTH COMPACT STATE. THE DIRECTOR OF THE  
10 DIVISION OF PROFESSIONS AND OCCUPATIONS IN THE DEPARTMENT OF  
11 REGULATORY AGENCIES SHALL NOTIFY THE REVISOR OF STATUTES IN  
12 WRITING WHEN THE CONDITION SPECIFIED IN THIS SECTION HAS OCCURRED  
13 BY E-MAILING THE NOTICE TO REVISOROFSTATUTES.GA@STATE.CO.US.  
14 THIS PART 43 TAKES EFFECT UPON THE DATE IDENTIFIED IN THE NOTICE  
15 THAT THE COMPACT IS ENACTED INTO LAW IN THE TENTH COMPACT STATE.

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

18 **12-245-607. Interstate compact - powers and duties of the**  
19 **board - rules - definitions.** (1) AS USED IN THIS SECTION:

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

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

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

27 (d) "DATA SYSTEM" HAS THE MEANING ESTABLISHED IN SECTION

1 24-60-4302.

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

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

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

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

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

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

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

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

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

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

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



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

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

27           (i) TO PARTICIPATE FULLY IN THE DATA SYSTEM CONSISTENT WITH

1 THE COMPACT REQUIREMENTS AND THE RULES OF THE COMMISSION; AND

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

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