

REFERENCE TITLE: licensed professional counselors; compact.

State of Arizona  
House of Representatives  
Fifty-sixth Legislature  
Second Regular Session  
2024

# HB 2280

Introduced by  
Representative Terech: Senator Marsh

AN ACT

AMENDING TITLE 32, CHAPTER 33, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 6.1; RELATING TO LICENSED PROFESSIONAL COUNSELORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 32, chapter 33, Arizona Revised Statutes, is  
3 amended by adding article 6.1, to read:

4 ARTICLE 6.1. LICENSED PROFESSIONAL COUNSELOR COMPACT

5 32-3306. Licensed professional counselors; licensure compact

6 THE COUNSELING COMPACT IS ENACTED INTO LAW AS FOLLOWS:

7 SECTION 1. PURPOSE

8 A. THE PURPOSE OF THIS COMPACT IS TO FACILITATE INTERSTATE PRACTICE  
9 OF LICENSED PROFESSIONAL COUNSELORS WITH THE GOAL OF IMPROVING PUBLIC  
10 ACCESS TO PROFESSIONAL COUNSELING SERVICES. THE PRACTICE OF PROFESSIONAL  
11 COUNSELING OCCURS IN THE STATE WHERE THE CLIENT IS LOCATED AT THE TIME OF  
12 THE COUNSELING SERVICES. THE COMPACT PRESERVES THE REGULATORY AUTHORITY  
13 OF STATES TO PROTECT PUBLIC HEALTH AND SAFETY THROUGH THE CURRENT SYSTEM  
14 OF STATE LICENSURE.

15 B. THIS COMPACT IS DESIGNED TO ACHIEVE THE FOLLOWING OBJECTIVES:

16 1. INCREASE PUBLIC ACCESS TO PROFESSIONAL COUNSELING SERVICES BY  
17 PROVIDING FOR THE MUTUAL RECOGNITION OF OTHER MEMBER STATE LICENSES.

18 2. ENHANCE THE STATES' ABILITY TO PROTECT THE PUBLIC'S HEALTH AND  
19 SAFETY.

20 3. ENCOURAGE THE COOPERATION OF MEMBER STATES IN REGULATING  
21 MULTISTATE PRACTICE FOR LICENSED PROFESSIONAL COUNSELORS.

22 4. SUPPORT SPOUSES OF RELOCATING ACTIVE DUTY MILITARY PERSONNEL.

23 5. ENHANCE THE EXCHANGE OF LICENSURE, INVESTIGATIVE AND  
24 DISCIPLINARY INFORMATION AMONG MEMBER STATES.

25 6. ALLOW FOR THE USE OF TELEHEALTH TECHNOLOGY TO FACILITATE  
26 INCREASED ACCESS TO PROFESSIONAL COUNSELING SERVICES.

27 7. SUPPORT THE UNIFORMITY OF PROFESSIONAL COUNSELING LICENSURE  
28 REQUIREMENTS THROUGHOUT THE STATES TO PROMOTE PUBLIC SAFETY AND PUBLIC  
29 HEALTH BENEFITS.

30 8. INVEST ALL MEMBER STATES WITH THE AUTHORITY TO HOLD A LICENSED  
31 PROFESSIONAL COUNSELOR ACCOUNTABLE FOR MEETING ALL STATE PRACTICE LAWS IN  
32 THE STATE IN WHICH THE CLIENT IS LOCATED AT THE TIME CARE IS RENDERED  
33 THROUGH THE MUTUAL RECOGNITION OF MEMBER STATE LICENSES.

34 9. ELIMINATE THE NECESSITY FOR LICENSES IN MULTIPLE STATES.

35 10. PROVIDE OPPORTUNITIES FOR INTERSTATE PRACTICE BY LICENSED  
36 PROFESSIONAL COUNSELORS WHO MEET UNIFORM LICENSURE REQUIREMENTS.

37 SECTION 2. DEFINITIONS

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

40 1. "ACTIVE DUTY MILITARY" MEANS FULL-TIME DUTY STATUS IN THE ACTIVE  
41 UNIFORMED SERVICE OF THE UNITED STATES, INCLUDING MEMBERS OF THE NATIONAL  
42 GUARD AND RESERVE ON ACTIVE DUTY ORDERS PURSUANT TO 10 UNITED STATES CODE  
43 CHAPTERS 1209 AND 1211.

44 2. "ADVERSE ACTION" MEANS ANY ADMINISTRATIVE, CIVIL, EQUITABLE OR  
45 CRIMINAL ACTION ALLOWED BY A STATE'S LAWS THAT IS IMPOSED BY A LICENSING

1 BOARD OR OTHER AUTHORITY AGAINST A LICENSED PROFESSIONAL COUNSELOR,  
2 INCLUDING ACTIONS AGAINST AN INDIVIDUAL'S LICENSE OR PRIVILEGE TO PRACTICE  
3 SUCH AS REVOCATION, SUSPENSION, PROBATION, MONITORING OF THE LICENSEE,  
4 LIMIT ON THE LICENSEE'S PRACTICE OR ANY OTHER ENCUMBRANCE ON LICENSURE  
5 AFFECTING A LICENSED PROFESSIONAL COUNSELOR'S AUTHORIZATION TO PRACTICE,  
6 INCLUDING ISSUANCE OF A CEASE AND DESIST ACTION.

7 3. "ALTERNATIVE PROGRAM" MEANS A NONDISCIPLINARY MONITORING OR  
8 PRACTICE REMEDIATION PROCESS APPROVED BY A PROFESSIONAL COUNSELING  
9 LICENSING BOARD TO ADDRESS IMPAIRED PRACTITIONERS.

10 4. "CONTINUING COMPETENCE/EDUCATION" MEANS A REQUIREMENT, AS A  
11 CONDITION OF LICENSE RENEWAL, TO PROVIDE EVIDENCE OF PARTICIPATION IN, OR  
12 COMPLETION OF, EDUCATIONAL AND PROFESSIONAL ACTIVITIES RELEVANT TO A  
13 PRACTICE OR AREA OF WORK.

14 5. "COUNSELING COMPACT COMMISSION" OR "COMMISSION" MEANS THE  
15 NATIONAL ADMINISTRATIVE BODY WHOSE MEMBERSHIP CONSISTS OF ALL STATES THAT  
16 HAVE ENACTED THE COMPACT.

17 6. "CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION" MEANS  
18 INVESTIGATIVE INFORMATION THAT EITHER:

19 (a) A LICENSING BOARD, AFTER A PRELIMINARY INQUIRY THAT INCLUDES  
20 NOTIFICATION AND AN OPPORTUNITY FOR THE LICENSED PROFESSIONAL COUNSELOR TO  
21 RESPOND, IF REQUIRED BY STATE LAW, HAS REASON TO BELIEVE IS NOT GROUNDLESS  
22 AND, IF PROVED TRUE, WOULD INDICATE MORE THAN A MINOR INFRACTION.

23 (b) INDICATES THAT THE LICENSED PROFESSIONAL COUNSELOR REPRESENTS  
24 AN IMMEDIATE THREAT TO PUBLIC HEALTH AND SAFETY REGARDLESS OF WHETHER THE  
25 LICENSED PROFESSIONAL COUNSELOR HAS BEEN NOTIFIED AND HAD AN OPPORTUNITY  
26 TO RESPOND.

27 7. "DATA SYSTEM" MEANS A REPOSITORY OF INFORMATION ABOUT LICENSEES,  
28 INCLUDING CONTINUING EDUCATION, EXAMINATION, LICENSURE, INVESTIGATIVE,  
29 PRIVILEGE TO PRACTICE AND ADVERSE ACTION INFORMATION.

30 8. "ENCUMBERED LICENSE" MEANS A LICENSE IN WHICH AN ADVERSE ACTION  
31 RESTRICTS THE PRACTICE OF LICENSED PROFESSIONAL COUNSELING BY THE LICENSEE  
32 AND THE ADVERSE ACTION HAS BEEN REPORTED TO THE NATIONAL PRACTITIONERS  
33 DATA BANK.

34 9. "ENCUMBRANCE" MEANS A REVOCATION OR SUSPENSION OF, OR ANY LIMIT  
35 ON, THE FULL AND UNRESTRICTED PRACTICE OF LICENSED PROFESSIONAL COUNSELING  
36 BY A LICENSING BOARD.

37 10. "EXECUTIVE COMMITTEE" MEANS A GROUP OF DIRECTORS ELECTED OR  
38 APPOINTED TO ACT ON BEHALF OF AND WITHIN THE POWERS GRANTED TO THEM BY THE  
39 COMMISSION.

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

42 12. "IMPAIRED PRACTITIONER" MEANS AN INDIVIDUAL WHO HAS A CONDITION  
43 THAT MAY IMPAIR THE INDIVIDUAL'S ABILITY TO PRACTICE AS A LICENSED  
44 PROFESSIONAL COUNSELOR WITHOUT SOME TYPE OF INTERVENTION AND THAT MAY

1 INCLUDE ALCOHOL OR DRUG DEPENDENCE, A MENTAL HEALTH IMPAIRMENT AND A  
2 NEUROLOGICAL OR PHYSICAL IMPAIRMENT.

3 13. "INVESTIGATIVE INFORMATION" MEANS INFORMATION, RECORDS AND  
4 DOCUMENTS RECEIVED OR GENERATED BY A PROFESSIONAL COUNSELING LICENSING  
5 BOARD PURSUANT TO AN INVESTIGATION.

6 14. "JURISPRUDENCE REQUIREMENT" MEANS, IF REQUIRED BY A MEMBER  
7 STATE, THE ASSESSMENT OF AN INDIVIDUAL'S KNOWLEDGE OF THE LAWS AND RULES  
8 GOVERNING THE PRACTICE OF PROFESSIONAL COUNSELING IN A STATE.

9 15. "LICENSED PROFESSIONAL COUNSELOR" MEANS A COUNSELOR WHO IS  
10 LICENSED BY A MEMBER STATE, REGARDLESS OF THE TITLE USED BY THAT STATE, TO  
11 INDEPENDENTLY ASSESS, DIAGNOSE AND TREAT BEHAVIORAL HEALTH CONDITIONS.

12 16. "LICENSEE" MEANS AN INDIVIDUAL WHO CURRENTLY HOLDS AN  
13 AUTHORIZATION FROM A STATE TO PRACTICE AS A LICENSED PROFESSIONAL  
14 COUNSELOR.

15 17. "LICENSING BOARD" MEANS THE AGENCY OF A STATE, OR THE  
16 EQUIVALENT, THAT IS RESPONSIBLE FOR LICENSING AND REGULATING LICENSED  
17 PROFESSIONAL COUNSELORS.

18 18. "MEMBER STATE" MEANS A STATE THAT HAS ENACTED THE COMPACT.

19 19. "PRIVILEGE TO PRACTICE" MEANS A LEGAL AUTHORIZATION THAT IS  
20 EQUIVALENT TO A LICENSE AND THAT AUTHORIZES THE PRACTICE OF PROFESSIONAL  
21 COUNSELING IN A REMOTE STATE.

22 20. "PROFESSIONAL COUNSELING" MEANS THE ASSESSMENT, DIAGNOSIS AND  
23 TREATMENT OF BEHAVIORAL HEALTH CONDITIONS BY A LICENSED PROFESSIONAL  
24 COUNSELOR.

25 21. "REMOTE STATE" MEANS A MEMBER STATE OTHER THAN THE HOME STATE  
26 WHERE A LICENSEE IS EXERCISING OR SEEKING TO EXERCISE THE PRIVILEGE TO  
27 PRACTICE.

28 22. "RULE" MEANS A REGULATION PROMULGATED BY THE COMMISSION THAT  
29 HAS THE FORCE OF LAW.

30 23. "SINGLE-STATE LICENSE" MEANS A LICENSED PROFESSIONAL COUNSELOR  
31 LICENSE ISSUED BY A MEMBER STATE THAT AUTHORIZES PRACTICE ONLY WITHIN THE  
32 ISSUING STATE AND DOES NOT INCLUDE A PRIVILEGE TO PRACTICE IN ANY OTHER  
33 MEMBER STATE.

34 24. "STATE" MEANS ANY STATE, COMMONWEALTH, DISTRICT OR TERRITORY OF  
35 THE UNITED STATES THAT REGULATES THE PRACTICE OF PROFESSIONAL COUNSELING.

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

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

42 SECTION 3. STATE PARTICIPATION IN THE COMPACT

43 A. TO PARTICIPATE IN THE COMPACT, A STATE MUST CURRENTLY DO ALL OF  
44 THE FOLLOWING:

- 45 1. LICENSE AND REGULATE LICENSED PROFESSIONAL COUNSELORS.

- 1           2. REQUIRE LICENSEES TO PASS A NATIONALLY RECOGNIZED EXAM APPROVED  
2 BY THE COMMISSION.
- 3           3. REQUIRE LICENSEES TO HAVE A SIXTY-SEMESTER-HOUR OR  
4 NINETY-QUARTER-HOUR MASTER'S DEGREE IN COUNSELING OR SIXTY SEMESTER HOURS  
5 OR NINETY QUARTER HOURS OF GRADUATE COURSEWORK, INCLUDING IN THE FOLLOWING  
6 TOPIC AREAS:
- 7           (a) PROFESSIONAL COUNSELING ORIENTATION AND ETHICAL PRACTICE.
  - 8           (b) SOCIAL AND CULTURAL DIVERSITY.
  - 9           (c) HUMAN GROWTH AND DEVELOPMENT.
  - 10          (d) CAREER DEVELOPMENT.
  - 11          (e) COUNSELING AND HELPING RELATIONSHIPS.
  - 12          (f) GROUP COUNSELING AND GROUP WORK.
  - 13          (g) DIAGNOSIS AND TREATMENT AND ASSESSMENT AND TESTING.
  - 14          (h) RESEARCH AND PROGRAM EVALUATION.
  - 15          (i) OTHER AREAS AS DETERMINED BY THE COMMISSION.
- 16          4. REQUIRE LICENSEES TO COMPLETE A SUPERVISED POSTGRADUATE  
17 PROFESSIONAL EXPERIENCE AS DEFINED BY THE COMMISSION.
- 18          5. HAVE A MECHANISM IN PLACE FOR RECEIVING AND INVESTIGATING  
19 COMPLAINTS ABOUT LICENSEES.
- 20          B. A MEMBER STATE SHALL DO ALL OF THE FOLLOWING:
- 21           1. PARTICIPATE FULLY IN THE COMMISSION'S DATA SYSTEM, INCLUDING  
22 USING THE COMMISSION'S UNIQUE IDENTIFIER AS DEFINED IN RULES.
  - 23           2. NOTIFY THE COMMISSION, IN COMPLIANCE WITH THE TERMS OF THE  
24 COMPACT AND RULES, OF ANY ADVERSE ACTION OR THE AVAILABILITY OF  
25 INVESTIGATIVE INFORMATION REGARDING A LICENSEE.
  - 26           3. IMPLEMENT OR USE PROCEDURES FOR CONSIDERING THE CRIMINAL HISTORY  
27 RECORDS OF APPLICANTS FOR AN INITIAL PRIVILEGE TO PRACTICE. THESE  
28 PROCEDURES SHALL INCLUDE THE SUBMISSION OF FINGERPRINTS OR OTHER  
29 BIOMETRIC-BASED INFORMATION BY APPLICANTS FOR THE PURPOSE OF OBTAINING AN  
30 APPLICANT'S CRIMINAL HISTORY RECORD INFORMATION FROM THE FEDERAL BUREAU OF  
31 INVESTIGATION AND THE AGENCY RESPONSIBLE FOR RETAINING THAT STATE'S  
32 CRIMINAL RECORDS AND SHALL INCLUDE THE FOLLOWING:
    - 33           (a) A MEMBER STATE MUST FULLY IMPLEMENT A CRIMINAL BACKGROUND CHECK  
34 REQUIREMENT WITHIN A TIME FRAME ESTABLISHED BY RULE BY RECEIVING THE  
35 RESULTS OF THE FEDERAL BUREAU OF INVESTIGATION RECORD SEARCH AND USING THE  
36 RESULTS IN MAKING LICENSURE DECISIONS.
    - 37           (b) COMMUNICATION BETWEEN A MEMBER STATE AND THE COMMISSION AND  
38 AMONG MEMBER STATES REGARDING THE VERIFICATION OF ELIGIBILITY FOR  
39 LICENSURE THROUGH THE COMPACT SHALL NOT INCLUDE ANY INFORMATION RECEIVED  
40 FROM THE FEDERAL BUREAU OF INVESTIGATION RELATING TO A FEDERAL CRIMINAL  
41 RECORDS CHECK PERFORMED BY A MEMBER STATE UNDER PUBLIC LAW 92-544.
  - 42           4. COMPLY WITH THE RULES OF THE COMMISSION.
  - 43           5. REQUIRE AN APPLICANT TO OBTAIN OR RETAIN A LICENSE IN THE HOME  
44 STATE AND MEET THE HOME STATE'S QUALIFICATIONS FOR LICENSURE OR LICENSURE  
45 RENEWAL, AS WELL AS ALL OTHER APPLICABLE STATE LAWS.

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

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

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

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

13           E. THIS COMPACT DOES NOT AFFECT THE REQUIREMENTS ESTABLISHED BY A  
14 MEMBER STATE FOR ISSUING A SINGLE-STATE LICENSE.

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

20                                   SECTION 4. PRIVILEGE TO PRACTICE

21           A. TO EXERCISE THE PRIVILEGE TO PRACTICE UNDER THE TERMS AND  
22 PROVISIONS OF THE COMPACT, THE LICENSEE SHALL MEET ALL OF THE FOLLOWING:

23           1. HOLD A LICENSE IN THE HOME STATE.

24           2. HAVE A VALID SOCIAL SECURITY NUMBER OR NATIONAL PRACTITIONER  
25 IDENTIFIER.

26           3. BE ELIGIBLE FOR A PRIVILEGE TO PRACTICE IN ANY MEMBER STATE IN  
27 ACCORDANCE WITH SUBSECTIONS D, G AND H OF THIS SECTION.

28           4. NOT HAVE HAD ANY ENCUMBRANCE OR RESTRICTION AGAINST ANY LICENSE  
29 OR PRIVILEGE TO PRACTICE WITHIN THE PREVIOUS TWO YEARS.

30           5. NOTIFY THE COMMISSION THAT THE LICENSEE IS SEEKING THE PRIVILEGE  
31 TO PRACTICE WITHIN A REMOTE STATE OR STATES.

32           6. PAY ANY APPLICABLE FEES, INCLUDING ANY STATE FEE, FOR THE  
33 PRIVILEGE TO PRACTICE.

34           7. MEET ANY CONTINUING COMPETENCE/EDUCATION REQUIREMENTS  
35 ESTABLISHED BY THE HOME STATE.

36           8. MEET ANY JURISPRUDENCE REQUIREMENTS ESTABLISHED BY THE REMOTE  
37 STATE OR STATES IN WHICH THE LICENSEE IS SEEKING A PRIVILEGE TO PRACTICE.

38           9. REPORT TO THE COMMISSION ANY ADVERSE ACTION, ENCUMBRANCE OR  
39 RESTRICTION TAKEN ON THE LICENSE BY ANY NONMEMBER STATE WITHIN THIRTY DAYS  
40 AFTER THE DATE THE ACTION IS TAKEN.

41           B. THE PRIVILEGE TO PRACTICE IS VALID UNTIL THE EXPIRATION DATE OF  
42 THE HOME STATE LICENSE. THE LICENSEE MUST COMPLY WITH THE REQUIREMENTS OF  
43 SUBSECTION A OF THIS SECTION TO MAINTAIN THE PRIVILEGE TO PRACTICE IN THE  
44 REMOTE STATE.

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

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

13 E. IF A HOME STATE LICENSE IS ENCUMBERED, THE LICENSEE SHALL LOSE  
14 THE PRIVILEGE TO PRACTICE IN ANY REMOTE STATE UNTIL BOTH OF THE FOLLOWING  
15 OCCUR:

16 1. THE HOME STATE LICENSE IS NO LONGER ENCUMBERED.

17 2. THE LICENSEE HAS NOT HAD ANY ENCUMBRANCE OR RESTRICTION AGAINST  
18 ANY LICENSE OR PRIVILEGE TO PRACTICE WITHIN THE PREVIOUS TWO YEARS.

19 F. ONCE AN ENCUMBERED LICENSE IN THE HOME STATE IS RESTORED TO GOOD  
20 STANDING, THE LICENSEE MUST MEET THE REQUIREMENTS OF SUBSECTION A OF THIS  
21 SECTION TO OBTAIN A PRIVILEGE TO PRACTICE IN ANY REMOTE STATE.

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

25 1. THE SPECIFIC PERIOD OF TIME FOR WHICH THE PRIVILEGE TO PRACTICE  
26 WAS REMOVED HAS ENDED.

27 2. ALL FINES AND CIVIL PENALTIES HAVE BEEN PAID.

28 3. THE LICENSEE HAS NOT HAD ANY ENCUMBRANCE OR RESTRICTION AGAINST  
29 ANY LICENSE OR PRIVILEGE TO PRACTICE WITHIN THE PREVIOUS TWO YEARS.

30 H. ONCE THE REQUIREMENTS OF SUBSECTION G OF THIS SECTION HAVE BEEN  
31 MET, THE LICENSEE MUST MEET THE REQUIREMENTS IN SUBSECTION A OF THIS  
32 SECTION TO OBTAIN A PRIVILEGE TO PRACTICE IN A REMOTE STATE.

33 SECTION 5. OBTAINING A NEW HOME STATE LICENSE BASED  
34 ON A PRIVILEGE TO PRACTICE

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

38 B. IF A LICENSED PROFESSIONAL COUNSELOR CHANGES THE PRIMARY STATE  
39 OF RESIDENCE BY MOVING BETWEEN TWO MEMBER STATES, ALL OF THE FOLLOWING  
40 MUST OCCUR:

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

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

7           (a) A FEDERAL BUREAU OF INVESTIGATION FINGERPRINT-BASED CRIMINAL  
8 BACKGROUND CHECK IF NOT PREVIOUSLY PERFORMED OR UPDATED PURSUANT TO  
9 APPLICABLE RULES ADOPTED BY THE COMMISSION IN ACCORDANCE WITH PUBLIC LAW  
10 92-544.

11           (b) ANY OTHER CRIMINAL BACKGROUND CHECK AS REQUIRED BY THE NEW HOME  
12 STATE.

13           (c) COMPLETION OF ANY REQUISITE JURISPRUDENCE REQUIREMENTS OF THE  
14 NEW HOME STATE.

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

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

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

25           C. IF A LICENSED PROFESSIONAL COUNSELOR CHANGES THE PRIMARY STATE  
26 OF RESIDENCE BY MOVING FROM A MEMBER STATE TO A NONMEMBER STATE, OR FROM A  
27 NONMEMBER STATE TO A MEMBER STATE, THE STATE CRITERIA APPLY FOR ISSUANCE  
28 OF A SINGLE-STATE LICENSE IN THE NEW STATE.

29           D. THIS COMPACT DOES NOT INTERFERE WITH A LICENSEE'S ABILITY TO  
30 HOLD A SINGLE-STATE LICENSE IN MULTIPLE STATES. FOR THE PURPOSES OF THIS  
31 COMPACT, A LICENSEE SHALL HAVE ONLY ONE HOME STATE LICENSE.

32           E. THIS COMPACT DOES NOT AFFECT THE REQUIREMENTS ESTABLISHED BY A  
33 MEMBER STATE FOR THE ISSUANCE OF A SINGLE-STATE LICENSE.

34           SECTION 6. ACTIVE DUTY MILITARY PERSONNEL AND THEIR SPOUSES

35           ACTIVE DUTY MILITARY PERSONNEL AND THEIR SPOUSES SHALL DESIGNATE A  
36 HOME STATE WHERE THE INDIVIDUAL HAS A CURRENT LICENSE IN GOOD STANDING.  
37 THE INDIVIDUAL MAY RETAIN THE HOME STATE DESIGNATION DURING THE PERIOD THE  
38 SERVICE MEMBER IS ON ACTIVE DUTY. AFTER DESIGNATING A HOME STATE, THE  
39 INDIVIDUAL SHALL CHANGE THE INDIVIDUAL'S HOME STATE ONLY BY APPLYING FOR  
40 LICENSURE IN THE NEW STATE OR THROUGH THE PROCESS OUTLINED IN SECTION 5 OF  
41 THIS COMPACT.

42           SECTION 7. COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

43           A. MEMBER STATES SHALL RECOGNIZE THE RIGHT OF A LICENSED  
44 PROFESSIONAL COUNSELOR WHO IS LICENSED BY A HOME STATE IN ACCORDANCE WITH  
45 SECTION 3 OF THIS COMPACT AND UNDER RULES PROMULGATED BY THE COMMISSION TO



1 PRACTICE PROFESSIONAL COUNSELING IN ANY MEMBER STATE VIA TELEHEALTH UNDER  
2 A PRIVILEGE TO PRACTICE AS PROVIDED IN THE COMPACT AND RULES PROMULGATED  
3 BY THE COMMISSION.

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

7 SECTION 8. ADVERSE ACTIONS

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

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

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

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

26 B. FOR PURPOSES OF TAKING ADVERSE ACTION, THE HOME STATE SHALL GIVE  
27 THE SAME PRIORITY AND EFFECT TO REPORTED CONDUCT RECEIVED FROM A MEMBER  
28 STATE AS IT WOULD IF THE CONDUCT HAD OCCURRED WITHIN THE HOME STATE AND  
29 SHALL APPLY ITS OWN STATE LAWS TO DETERMINE APPROPRIATE ACTION.

30 C. THE HOME STATE SHALL COMPLETE ANY PENDING INVESTIGATIONS OF A  
31 LICENSED PROFESSIONAL COUNSELOR WHO CHANGES THE PRIMARY STATE OF RESIDENCE  
32 DURING THE COURSE OF THE INVESTIGATIONS. THE HOME STATE SHALL ALSO HAVE  
33 THE AUTHORITY TO TAKE APPROPRIATE ACTION AND SHALL PROMPTLY REPORT THE  
34 CONCLUSIONS OF THE INVESTIGATIONS TO THE ADMINISTRATOR OF THE DATA SYSTEM.  
35 THE ADMINISTRATOR OF THE COORDINATED LICENSURE INFORMATION SYSTEM SHALL  
36 PROMPTLY NOTIFY THE NEW HOME STATE OF ANY ADVERSE ACTIONS.

37 D. A MEMBER STATE, IF OTHERWISE ALLOWED BY STATE LAW, MAY RECOVER  
38 FROM THE AFFECTED LICENSED PROFESSIONAL COUNSELOR THE COSTS OF  
39 INVESTIGATIONS AND DISPOSITIONS OF CASES RESULTING FROM ANY ADVERSE ACTION  
40 TAKEN AGAINST THAT LICENSED PROFESSIONAL COUNSELOR.

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

- 1 F. WITH RESPECT TO JOINT INVESTIGATIONS:
- 2 1. IN ADDITION TO THE AUTHORITY GRANTED TO A MEMBER STATE BY ITS
- 3 RESPECTIVE PROFESSIONAL COUNSELING PRACTICE ACT OR OTHER APPLICABLE STATE
- 4 LAW, ANY MEMBER STATE MAY PARTICIPATE WITH OTHER MEMBER STATES IN JOINT
- 5 INVESTIGATIONS OF LICENSEES.
- 6 2. MEMBER STATES SHALL SHARE ANY INVESTIGATIVE, LITIGATION OR
- 7 COMPLIANCE MATERIALS IN FURTHERANCE OF ANY JOINT OR INDIVIDUAL
- 8 INVESTIGATION INITIATED UNDER THIS COMPACT.
- 9 G. IF ADVERSE ACTION IS TAKEN BY THE HOME STATE AGAINST THE LICENSE
- 10 OF A LICENSED PROFESSIONAL COUNSELOR, THE LICENSED PROFESSIONAL
- 11 COUNSELOR'S PRIVILEGE TO PRACTICE IN ALL OTHER MEMBER STATES SHALL BE
- 12 DEACTIVATED UNTIL ALL ENCUMBRANCES HAVE BEEN REMOVED FROM THE HOME STATE
- 13 LICENSE. ALL HOME STATE DISCIPLINARY ORDERS THAT IMPOSE ADVERSE ACTION
- 14 AGAINST THE LICENSE OF A LICENSED PROFESSIONAL COUNSELOR SHALL INCLUDE A
- 15 STATEMENT THAT THE LICENSED PROFESSIONAL COUNSELOR'S PRIVILEGE TO PRACTICE
- 16 IS DEACTIVATED IN ALL MEMBER STATES DURING THE PENDENCY OF THE ORDER.
- 17 H. IF A MEMBER STATE TAKES ADVERSE ACTION, IT SHALL PROMPTLY NOTIFY
- 18 THE ADMINISTRATOR OF THE DATA SYSTEM. THE ADMINISTRATOR OF THE DATA
- 19 SYSTEM SHALL PROMPTLY NOTIFY THE HOME STATE OF ANY ADVERSE ACTIONS BY
- 20 REMOTE STATES.
- 21 I. THIS COMPACT DOES NOT OVERRIDE A MEMBER STATE'S DECISION THAT
- 22 PARTICIPATION IN AN ALTERNATIVE PROGRAM MAY BE USED INSTEAD OF ADVERSE
- 23 ACTION.
- 24 SECTION 9. ESTABLISHMENT OF COUNSELING COMPACT COMMISSION
- 25 A. THE COMPACT MEMBER STATES HEREBY CREATE AND ESTABLISH A JOINT
- 26 PUBLIC AGENCY KNOWN AS THE COUNSELING COMPACT COMMISSION, TO WHICH ALL OF
- 27 THE FOLLOWING APPLY:
- 28 1. THE COMMISSION IS AN INSTRUMENTALITY OF THE COMPACT STATES.
- 29 2. VENUE IS PROPER AND JUDICIAL PROCEEDINGS BY OR AGAINST THE
- 30 COMMISSION SHALL BE BROUGHT SOLELY AND EXCLUSIVELY IN A COURT OF COMPETENT
- 31 JURISDICTION WHERE THE PRINCIPAL OFFICE OF THE COMMISSION IS LOCATED. THE
- 32 COMMISSION MAY WAIVE VENUE AND JURISDICTIONAL DEFENSES TO THE EXTENT IT
- 33 ADOPTS OR CONSENTS TO PARTICIPATE IN ALTERNATIVE DISPUTE RESOLUTION
- 34 PROCEEDINGS.
- 35 3. THIS COMPACT SHALL NOT BE CONSTRUED TO WAIVE SOVEREIGN IMMUNITY.
- 36 B. MEMBERSHIP, VOTING AND MEETINGS OF THE COMMISSION ARE AS
- 37 FOLLOWS:
- 38 1. EACH MEMBER STATE SHALL HAVE AND BE LIMITED TO ONE DELEGATE
- 39 SELECTED BY THAT MEMBER STATE'S LICENSING BOARD.
- 40 2. THE DELEGATE SHALL BE EITHER:
- 41 (a) A CURRENT MEMBER OF THE LICENSING BOARD AT THE TIME OF
- 42 APPOINTMENT WHO IS A LICENSED PROFESSIONAL COUNSELOR OR PUBLIC MEMBER.
- 43 (b) AN ADMINISTRATOR OF THE LICENSING BOARD.

- 1           3. ANY DELEGATE MAY BE REMOVED OR SUSPENDED FROM OFFICE AS PROVIDED
- 2 BY THE LAW OF THE STATE FROM WHICH THE DELEGATE IS APPOINTED.
- 3           4. THE MEMBER STATE LICENSING BOARD SHALL FILL ANY VACANCY
- 4 OCCURRING ON THE COMMISSION WITHIN SIXTY DAYS.
- 5           5. EACH DELEGATE SHALL BE ENTITLED TO ONE VOTE WITH REGARD TO THE
- 6 PROMULGATION OF RULES AND CREATION OF BYLAWS AND SHALL OTHERWISE HAVE AN
- 7 OPPORTUNITY TO PARTICIPATE IN THE BUSINESS AND AFFAIRS OF THE COMMISSION.
- 8           6. A DELEGATE SHALL VOTE IN PERSON OR BY SUCH OTHER MEANS AS
- 9 PROVIDED IN THE BYLAWS. THE BYLAWS MAY PROVIDE FOR DELEGATES'
- 10 PARTICIPATION IN MEETINGS BY TELEPHONE OR OTHER MEANS OF COMMUNICATION.
- 11           7. THE COMMISSION SHALL MEET AT LEAST ONCE DURING EACH CALENDAR
- 12 YEAR. ADDITIONAL MEETINGS SHALL BE HELD AS SET FORTH IN THE BYLAWS.
- 13           8. THE COMMISSION SHALL BY RULE ESTABLISH A TERM OF OFFICE FOR
- 14 DELEGATES AND MAY BY RULE ESTABLISH TERM LIMITS.
- 15           C. THE COMMISSION SHALL HAVE THE FOLLOWING POWERS AND DUTIES:
- 16           1. ESTABLISH THE FISCAL YEAR OF THE COMMISSION.
- 17           2. ESTABLISH BYLAWS.
- 18           3. MAINTAIN ITS FINANCIAL RECORDS IN ACCORDANCE WITH THE BYLAWS.
- 19           4. MEET AND TAKE SUCH ACTIONS AS ARE CONSISTENT WITH THE PROVISIONS
- 20 OF THIS COMPACT AND THE BYLAWS.
- 21           5. PROMULGATE RULES THAT SHALL BE BINDING TO THE EXTENT AND IN THE
- 22 MANNER PROVIDED FOR IN THIS COMPACT.
- 23           6. BRING AND PROSECUTE LEGAL PROCEEDINGS OR ACTIONS IN THE NAME OF
- 24 THE COMMISSION, PROVIDED THAT THE STANDING OF ANY STATE LICENSING BOARD TO
- 25 SUE OR BE SUED UNDER APPLICABLE LAW IS NOT AFFECTED.
- 26           7. PURCHASE AND MAINTAIN INSURANCE AND BONDS.
- 27           8. BORROW, ACCEPT OR CONTRACT FOR SERVICES OF PERSONNEL, INCLUDING
- 28 EMPLOYEES OF A MEMBER STATE.
- 29           9. HIRE EMPLOYEES, ELECT OR APPOINT OFFICERS, FIX COMPENSATION,
- 30 DEFINE DUTIES, GRANT SUCH INDIVIDUALS APPROPRIATE AUTHORITY TO CARRY OUT
- 31 THE PURPOSES OF THIS COMPACT AND ESTABLISH THE COMMISSION'S PERSONNEL
- 32 POLICIES AND PROGRAMS RELATING TO CONFLICTS OF INTEREST, QUALIFICATIONS OF
- 33 PERSONNEL AND OTHER RELATED PERSONNEL MATTERS.
- 34           10. ACCEPT ANY AND ALL APPROPRIATE DONATIONS AND GRANTS OF MONEY,
- 35 EQUIPMENT, SUPPLIES, MATERIALS AND SERVICES AND RECEIVE, USE AND DISPOSE
- 36 OF THE SAME. THE COMMISSION SHALL AVOID AT ALL TIMES ANY APPEARANCE OF
- 37 IMPROPRIETY OR CONFLICT OF INTEREST.
- 38           11. LEASE, PURCHASE, ACCEPT APPROPRIATE GIFTS OR DONATIONS OF, OR
- 39 OTHERWISE OWN, HOLD, IMPROVE OR USE, ANY PROPERTY, REAL, PERSONAL OR
- 40 MIXED. THE COMMISSION SHALL AVOID AT ALL TIMES ANY APPEARANCE OF
- 41 IMPROPRIETY.
- 42           12. SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE, ABANDON OR
- 43 OTHERWISE DISPOSE OF ANY PROPERTY REAL, PERSONAL OR MIXED.

- 1           13. ESTABLISH A BUDGET AND MAKE EXPENDITURES.  
2           14. BORROW MONIES.  
3           15. APPOINT COMMITTEES, INCLUDING STANDING COMMITTEES, COMPOSED OF  
4 MEMBERS, STATE REGULATORS, STATE LEGISLATORS OR THEIR REPRESENTATIVES AND  
5 CONSUMER REPRESENTATIVES, AND SUCH OTHER INTERESTED PERSONS AS MAY BE  
6 DESIGNATED IN THIS COMPACT AND THE BYLAWS.  
7           16. PROVIDE AND RECEIVE INFORMATION FROM AND COOPERATE WITH LAW  
8 ENFORCEMENT AGENCIES.  
9           17. ESTABLISH AND ELECT AN EXECUTIVE COMMITTEE.  
10          18. PERFORM SUCH OTHER FUNCTIONS AS MAY BE NECESSARY OR APPROPRIATE  
11 TO ACHIEVE THE PURPOSES OF THIS COMPACT CONSISTENT WITH THE STATE  
12 REGULATION OF PROFESSIONAL COUNSELING LICENSURE AND PRACTICE.  
13          D. THE FOLLOWING APPLY TO THE EXECUTIVE COMMITTEE OF THE  
14 COMMISSION:  
15           1. THE EXECUTIVE COMMITTEE SHALL HAVE THE POWER TO ACT ON BEHALF OF  
16 THE COMMISSION ACCORDING TO THE TERMS OF THIS COMPACT.  
17           2. THE EXECUTIVE COMMITTEE SHALL BE COMPOSED OF UP TO ELEVEN  
18 MEMBERS, INCLUDING SEVEN VOTING MEMBERS WHO ARE ELECTED BY THE COMMISSION  
19 FROM THE CURRENT MEMBERSHIP OF THE COMMISSION AND UP TO FOUR EX OFFICIO,  
20 NONVOTING MEMBERS FROM FOUR RECOGNIZED NATIONAL PROFESSIONAL COUNSELOR  
21 ORGANIZATIONS WHO ARE SELECTED BY THEIR RESPECTIVE ORGANIZATIONS.  
22           3. THE COMMISSION MAY REMOVE ANY MEMBER OF THE EXECUTIVE COMMITTEE  
23 AS PROVIDED IN THE BYLAWS.  
24           4. THE EXECUTIVE COMMITTEE SHALL MEET AT LEAST ANNUALLY.  
25           5. THE EXECUTIVE COMMITTEE SHALL HAVE ALL OF THE FOLLOWING DUTIES  
26 AND RESPONSIBILITIES:  
27           (a) RECOMMEND TO THE ENTIRE COMMISSION CHANGES TO THE RULES OR  
28 BYLAWS, CHANGES TO THIS COMPACT LEGISLATION, FEES PAID BY COMPACT MEMBER  
29 STATES, SUCH AS ANNUAL DUES, AND ANY COMMISSION COMPACT FEE CHARGED TO  
30 LICENSEES FOR THE PRIVILEGE TO PRACTICE.  
31           (b) ENSURE THAT COMPACT ADMINISTRATION SERVICES ARE APPROPRIATELY  
32 PROVIDED, CONTRACTUAL OR OTHERWISE.  
33           (c) PREPARE AND RECOMMEND THE BUDGET.  
34           (d) MAINTAIN FINANCIAL RECORDS ON BEHALF OF THE COMMISSION.  
35           (e) MONITOR COMPACT COMPLIANCE OF MEMBER STATES AND PROVIDE  
36 COMPLIANCE REPORTS TO THE COMMISSION.  
37           (f) ESTABLISH ADDITIONAL COMMITTEES AS NECESSARY.  
38           (g) OTHER DUTIES AS PROVIDED IN RULES OR BYLAWS.  
39          E. THE FOLLOWING APPLY TO MEETINGS OF THE COMMISSION:  
40           1. ALL MEETINGS SHALL BE OPEN TO THE PUBLIC, AND PUBLIC NOTICE OF  
41 MEETINGS SHALL BE GIVEN IN THE SAME MANNER AS REQUIRED UNDER THE  
42 RULEMAKING PROVISIONS IN SECTION 11 OF THIS COMPACT.

1           2. THE COMMISSION, THE EXECUTIVE COMMITTEE AND OTHER COMMITTEES OF  
2 THE COMMISSION MAY CONVENE IN A CLOSED, NONPUBLIC MEETING IF THE  
3 COMMISSION, EXECUTIVE COMMITTEE OR OTHER COMMITTEE OF THE COMMISSION MUST  
4 DISCUSS ANY OF THE FOLLOWING:

5           (a) NONCOMPLIANCE OF A MEMBER STATE WITH ITS OBLIGATIONS UNDER THIS  
6 COMPACT.

7           (b) THE EMPLOYMENT, COMPENSATION, DISCIPLINE OR OTHER MATTERS,  
8 PRACTICES OR PROCEDURES RELATED TO SPECIFIC EMPLOYEES OR OTHER MATTERS  
9 RELATED TO THE COMMISSION'S INTERNAL PERSONNEL PRACTICES AND PROCEDURES.

10           (c) CURRENT, THREATENED OR REASONABLY ANTICIPATED LITIGATION.

11           (d) NEGOTIATION OF CONTRACTS FOR THE PURCHASE, LEASE OR SALE OF  
12 GOODS, SERVICES OR REAL ESTATE.

13           (e) ACCUSING ANY PERSON OF A CRIME OR FORMALLY CENSURING ANY  
14 PERSON.

15           (f) DISCLOSURE OF TRADE SECRETS OR COMMERCIAL OR FINANCIAL  
16 INFORMATION THAT IS PRIVILEGED OR CONFIDENTIAL.

17           (g) DISCLOSURE OF INFORMATION OF A PERSONAL NATURE WHERE DISCLOSURE  
18 WOULD CONSTITUTE A CLEARLY UNWARRANTED INVASION OF PERSONAL PRIVACY.

19           (h) DISCLOSURE OF INVESTIGATIVE RECORDS COMPILED FOR LAW  
20 ENFORCEMENT PURPOSES.

21           (i) DISCLOSURE OF INFORMATION RELATED TO ANY INVESTIGATIVE REPORTS  
22 PREPARED BY OR ON BEHALF OF OR FOR USE OF THE COMMISSION OR OTHER  
23 COMMITTEE CHARGED WITH RESPONSIBILITY OF INVESTIGATION OR DETERMINATION OF  
24 COMPLIANCE ISSUES PURSUANT TO THE COMPACT.

25           (j) MATTERS SPECIFICALLY EXEMPTED FROM DISCLOSURE BY FEDERAL OR  
26 MEMBER STATE STATUTE.

27           3. IF A MEETING OR PORTION OF A MEETING IS CLOSED PURSUANT TO THIS  
28 SUBSECTION, THE COMMISSION'S LEGAL COUNSEL OR DESIGNEE SHALL CERTIFY THAT  
29 THE MEETING MAY BE CLOSED AND SHALL REFERENCE EACH RELEVANT EXEMPTING  
30 PROVISION.

31           4. THE COMMISSION SHALL KEEP MINUTES THAT FULLY AND CLEARLY  
32 DESCRIBE ALL MATTERS DISCUSSED IN A MEETING AND SHALL PROVIDE A FULL AND  
33 ACCURATE SUMMARY OF ACTIONS TAKEN, AND THE REASONS THEREFORE, INCLUDING A  
34 DESCRIPTION OF THE VIEWS EXPRESSED. ALL DOCUMENTS CONSIDERED IN  
35 CONNECTION WITH AN ACTION SHALL BE IDENTIFIED IN THE MINUTES. ALL MINUTES  
36 AND DOCUMENTS OF A CLOSED MEETING SHALL REMAIN UNDER SEAL, SUBJECT TO  
37 RELEASE BY A MAJORITY VOTE OF THE COMMISSION OR AN ORDER OF A COURT OF  
38 COMPETENT JURISDICTION.

39           F. WITH RESPECT TO FINANCING, THE COMMISSION:

40           1. SHALL PAY, OR PROVIDE FOR THE PAYMENT OF, THE REASONABLE  
41 EXPENSES OF ITS ESTABLISHMENT, ORGANIZATION AND ONGOING ACTIVITIES.

42           2. MAY ACCEPT ANY AND ALL APPROPRIATE REVENUE SOURCES, DONATIONS  
43 AND GRANTS OF MONIES, EQUIPMENT, SUPPLIES, MATERIALS AND SERVICES.

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

9           4. SHALL NOT INCUR OBLIGATIONS OF ANY KIND BEFORE SECURING THE  
10 MONIES ADEQUATE TO MEET THOSE OBLIGATIONS OR PLEDGE THE CREDIT OF ANY OF  
11 THE MEMBER STATES, EXCEPT BY AND WITH THE AUTHORITY OF THE MEMBER STATE.

12           5. SHALL KEEP ACCURATE ACCOUNTS OF ALL RECEIPTS AND DISBURSEMENTS  
13 OF MONIES. THE RECEIPTS AND DISBURSEMENTS OF THE COMMISSION ARE SUBJECT  
14 TO THE AUDIT AND ACCOUNTING PROCEDURES ESTABLISHED UNDER ITS BYLAWS. ALL  
15 RECEIPTS AND DISBURSEMENTS OF MONIES HANDLED BY THE COMMISSION SHALL BE  
16 AUDITED YEARLY BY A CERTIFIED OR LICENSED PUBLIC ACCOUNTANT, AND THE  
17 REPORT OF THE AUDIT SHALL BE INCLUDED IN AND BECOME PART OF THE ANNUAL  
18 REPORT OF THE COMMISSION.

19           G. WITH RESPECT TO QUALIFIED IMMUNITY, DEFENSE AND INDEMNIFICATION:

20           1. THE MEMBERS, OFFICERS, EXECUTIVE DIRECTOR, EMPLOYEES AND  
21 REPRESENTATIVES OF THE COMMISSION SHALL BE IMMUNE FROM SUIT AND LIABILITY,  
22 EITHER PERSONALLY OR IN THEIR OFFICIAL CAPACITY, FOR ANY CLAIM FOR DAMAGE  
23 TO OR LOSS OF PROPERTY OR PERSONAL INJURY OR OTHER CIVIL LIABILITY CAUSED  
24 BY OR ARISING OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT  
25 OCCURRED, OR THAT THE PERSON AGAINST WHOM THE CLAIM IS MADE HAD A  
26 REASONABLE BASIS FOR BELIEVING OCCURRED, WITHIN THE SCOPE OF COMMISSION  
27 EMPLOYMENT, DUTIES OR RESPONSIBILITIES. THIS PARAGRAPH DOES NOT PROTECT  
28 ANY SUCH PERSON FROM SUIT OR LIABILITY FOR ANY DAMAGE, LOSS, INJURY OR  
29 LIABILITY CAUSED BY THAT PERSON'S INTENTIONAL OR WILFUL OR WANTON  
30 MISCONDUCT.

31           2. THE COMMISSION SHALL DEFEND ANY MEMBER, OFFICER, EXECUTIVE  
32 DIRECTOR, EMPLOYEE OR REPRESENTATIVE OF THE COMMISSION IN ANY CIVIL ACTION  
33 SEEKING TO IMPOSE LIABILITY ARISING OUT OF ANY ACTUAL OR ALLEGED ACT,  
34 ERROR OR OMISSION THAT OCCURRED, OR THAT THE PERSON AGAINST WHOM THE CLAIM  
35 IS MADE HAD A REASONABLE BASIS FOR BELIEVING OCCURRED, WITHIN THE SCOPE OF  
36 COMMISSION EMPLOYMENT, DUTIES OR RESPONSIBILITIES. THIS PARAGRAPH DOES  
37 NOT PROHIBIT THAT PERSON FROM RETAINING HIS OR HER OWN COUNSEL IF THE  
38 ACTUAL OR ALLEGED ACT, ERROR OR OMISSION DID NOT RESULT FROM THAT PERSON'S  
39 INTENTIONAL OR WILFUL OR WANTON MISCONDUCT.

40           3. THE COMMISSION SHALL INDEMNIFY AND HOLD HARMLESS ANY MEMBER,  
41 OFFICER, EXECUTIVE DIRECTOR, EMPLOYEE OR REPRESENTATIVE OF THE COMMISSION  
42 FOR THE AMOUNT OF ANY SETTLEMENT OR JUDGMENT OBTAINED AGAINST THAT PERSON  
43 ARISING OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT OCCURRED,  
44 OR THAT THE PERSON AGAINST WHOM THE CLAIM IS MADE HAD A REASONABLE BASIS  
45 FOR BELIEVING OCCURRED, WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES

1 OR RESPONSIBILITIES IF THE ACTUAL OR ALLEGED ACT, ERROR OR OMISSION DID  
2 NOT RESULT FROM THAT PERSON'S INTENTIONAL OR WILFUL OR WANTON MISCONDUCT.

3 SECTION 10. DATA SYSTEM

4 A. THE COMMISSION SHALL PROVIDE FOR THE DEVELOPMENT, MAINTENANCE,  
5 OPERATION AND USE OF A COORDINATED DATABASE AND REPORTING SYSTEM  
6 CONTAINING LICENSURE, ADVERSE ACTION AND INVESTIGATIVE INFORMATION ON ALL  
7 LICENSED INDIVIDUALS IN MEMBER STATES.

8 B. NOTWITHSTANDING ANY OTHER PROVISION OF STATE LAW TO THE  
9 CONTRARY, A MEMBER STATE SHALL SUBMIT A UNIFORM DATA SET TO THE DATA  
10 SYSTEM ON ALL INDIVIDUALS TO WHOM THIS COMPACT APPLIES AS REQUIRED BY THE  
11 RULES OF THE COMMISSION, INCLUDING ALL OF THE FOLLOWING:

- 12 1. IDENTIFYING INFORMATION.
- 13 2. LICENSURE DATA.
- 14 3. ADVERSE ACTIONS AGAINST A LICENSE OR PRIVILEGE TO PRACTICE.
- 15 4. NONCONFIDENTIAL INFORMATION RELATED TO ALTERNATIVE PROGRAM  
16 PARTICIPATION.
- 17 5. ANY DENIAL OF APPLICATION FOR LICENSURE AND THE REASONS FOR SUCH  
18 DENIAL.
- 19 6. CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION.
- 20 7. OTHER INFORMATION THAT MAY FACILITATE THE ADMINISTRATION OF THIS  
21 COMPACT, AS DETERMINED BY THE RULES OF THE COMMISSION.

22 C. INVESTIGATIVE INFORMATION PERTAINING TO A LICENSEE IN ANY MEMBER  
23 STATE SHALL BE AVAILABLE ONLY TO OTHER MEMBER STATES.

24 D. THE COMMISSION SHALL PROMPTLY NOTIFY ALL MEMBER STATES OF ANY  
25 ADVERSE ACTION TAKEN AGAINST A LICENSEE OR AN INDIVIDUAL APPLYING FOR A  
26 LICENSE. ADVERSE ACTION INFORMATION PERTAINING TO A LICENSEE IN ANY  
27 MEMBER STATE SHALL BE AVAILABLE TO ANY OTHER MEMBER STATE.

28 E. MEMBER STATES CONTRIBUTING INFORMATION TO THE DATA SYSTEM MAY  
29 DESIGNATE INFORMATION THAT MAY NOT BE SHARED WITH THE PUBLIC WITHOUT THE  
30 EXPRESS PERMISSION OF THE CONTRIBUTING STATE.

31 F. ANY INFORMATION SUBMITTED TO THE DATA SYSTEM THAT IS  
32 SUBSEQUENTLY REQUIRED TO BE EXPUNGED BY THE LAWS OF THE MEMBER STATE  
33 CONTRIBUTING THE INFORMATION SHALL BE REMOVED FROM THE DATA SYSTEM.

34 SECTION 11. RULEMAKING

35 A. THE COMMISSION SHALL PROMULGATE REASONABLE RULES IN ORDER TO  
36 EFFECTIVELY AND EFFICIENTLY ACHIEVE THE PURPOSE OF THE COMPACT. IF THE  
37 COMMISSION EXERCISES ITS RULEMAKING AUTHORITY IN A MANNER THAT IS BEYOND  
38 THE SCOPE OF THE PURPOSES OF THIS COMPACT OR THE POWERS GRANTED UNDER THE  
39 COMPACT, THE ACTION TAKEN BY THE COMMISSION IS INVALID AND HAS NO FORCE OR  
40 EFFECT.

41 B. THE COMMISSION SHALL EXERCISE ITS RULEMAKING POWERS PURSUANT TO  
42 THE CRITERIA SET FORTH IN THIS SECTION AND THE RULES ADOPTED PURSUANT TO  
43 THIS SECTION. RULES AND AMENDMENTS TO THE RULES SHALL BECOME BINDING AS  
44 OF THE DATE SPECIFIED IN EACH RULE OR AMENDMENT.

1 C. IF A MAJORITY OF THE LEGISLATURES OF THE MEMBER STATES REJECTS A  
2 RULE BY ENACTING A STATUTE OR RESOLUTION IN THE SAME MANNER USED TO ADOPT  
3 THE COMPACT WITHIN FOUR YEARS AFTER THE DATE OF ADOPTION OF THE RULE, THE  
4 RULE HAS NO FURTHER FORCE AND EFFECT IN ANY MEMBER STATE.

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

7 E. BEFORE PROMULGATING AND ADOPTING A FINAL RULE, THE COMMISSION  
8 SHALL FILE A NOTICE OF A PROPOSED RULEMAKING AT LEAST THIRTY DAYS BEFORE  
9 THE MEETING AT WHICH THE RULE WILL BE CONSIDERED AND VOTED ON. NOTICE  
10 MUST BE GIVEN ON BOTH:

- 11 1. THE COMMISSION'S WEBSITE OR OTHER PUBLICLY ACCESSIBLE PLATFORM.
- 12 2. THE WEBSITE OF EACH MEMBER STATE'S LICENSING BOARD OR OTHER  
13 PUBLICLY ACCESSIBLE PLATFORM OR THE PUBLICATION IN WHICH EACH STATE WOULD  
14 OTHERWISE PUBLISH PROPOSED RULES.

15 F. THE NOTICE OF PROPOSED RULEMAKING SHALL INCLUDE ALL OF THE  
16 FOLLOWING:

- 17 1. THE PROPOSED TIME, DATE AND LOCATION OF THE MEETING IN WHICH THE  
18 RULE WILL BE CONSIDERED AND VOTED ON.
- 19 2. THE TEXT OF THE PROPOSED RULE OR AMENDMENT AND THE REASON FOR  
20 THE PROPOSED RULE.
- 21 3. A REQUEST FOR COMMENTS ON THE PROPOSED RULE FROM ANY INTERESTED  
22 PERSON.
- 23 4. THE MANNER IN WHICH INTERESTED PERSONS MAY SUBMIT NOTICE TO THE  
24 COMMISSION OF THEIR INTENTION TO ATTEND THE PUBLIC HEARING AND ANY WRITTEN  
25 COMMENTS.

26 G. BEFORE ADOPTING A PROPOSED RULE, THE COMMISSION SHALL ALLOW  
27 PERSONS TO SUBMIT WRITTEN DATA, FACTS, OPINIONS AND ARGUMENTS, WHICH SHALL  
28 BE MADE AVAILABLE TO THE PUBLIC.

29 H. THE COMMISSION SHALL GRANT AN OPPORTUNITY FOR A PUBLIC HEARING  
30 BEFORE IT ADOPTS A RULE OR AMENDMENTS TO A RULE IF A HEARING IS REQUESTED  
31 BY ONE OF THE FOLLOWING:

- 32 1. AT LEAST TWENTY-FIVE PERSONS.
- 33 2. A STATE OR FEDERAL GOVERNMENTAL SUBDIVISION OR AGENCY.
- 34 3. AN ASSOCIATION HAVING AT LEAST TWENTY-FIVE MEMBERS.

35 I. IF A HEARING IS HELD ON THE PROPOSED RULE OR AMENDMENT TO A  
36 RULE, THE COMMISSION SHALL PUBLISH THE PLACE, TIME AND DATE OF THE  
37 SCHEDULED PUBLIC HEARING. IF THE HEARING IS HELD VIA ELECTRONIC MEANS,  
38 THE COMMISSION SHALL PUBLISH THE MECHANISM FOR ACCESS TO THE ELECTRONIC  
39 HEARING. THE FOLLOWING APPLY WITH RESPECT TO HEARINGS:

- 40 1. ALL PERSONS WISHING TO BE HEARD AT THE HEARING SHALL NOTIFY THE  
41 EXECUTIVE DIRECTOR OF THE COMMISSION OR OTHER DESIGNATED MEMBER IN WRITING  
42 OF THEIR DESIRE TO APPEAR AND TESTIFY AT THE HEARING AT LEAST FIVE  
43 BUSINESS DAYS BEFORE THE SCHEDULED DATE OF THE HEARING.



1           2. HEARINGS SHALL BE CONDUCTED IN A MANNER PROVIDING EACH PERSON  
2 WHO WISHES TO COMMENT WITH A FAIR AND REASONABLE OPPORTUNITY TO COMMENT  
3 ORALLY OR IN WRITING.

4           3. ALL HEARINGS SHALL BE RECORDED AND A COPY OF THE RECORDING MADE  
5 AVAILABLE ON REQUEST.

6           4. THIS SECTION DOES NOT REQUIRE A SEPARATE HEARING ON EACH RULE.  
7 RULES MAY BE GROUPED FOR THE CONVENIENCE OF THE COMMISSION AT HEARINGS  
8 REQUIRED BY THIS SECTION.

9           J. FOLLOWING THE SCHEDULED HEARING DATE, OR BY THE CLOSE OF  
10 BUSINESS ON THE SCHEDULED HEARING DATE IF THE HEARING WAS NOT HELD, THE  
11 COMMISSION SHALL CONSIDER ALL WRITTEN AND ORAL COMMENTS RECEIVED.

12           K. IF A WRITTEN NOTICE OF INTENT TO ATTEND THE PUBLIC HEARING BY  
13 INTERESTED PARTIES IS NOT RECEIVED, THE COMMISSION MAY PROCEED WITH  
14 PROMULGATION OF THE PROPOSED RULE WITHOUT A PUBLIC HEARING.

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

19           M. ON DETERMINING THAT AN EMERGENCY EXISTS, THE COMMISSION MAY  
20 CONSIDER AND ADOPT AN EMERGENCY RULE WITHOUT PRIOR NOTICE, AN OPPORTUNITY  
21 FOR COMMENT OR A HEARING, EXCEPT THAT THE USUAL RULEMAKING PROCEDURES  
22 PROVIDED IN THIS COMPACT AND IN THIS SECTION SHALL BE RETROACTIVELY  
23 APPLIED TO THE RULE AS SOON AS REASONABLY POSSIBLE BUT NOT LATER THAN  
24 NINETY DAYS AFTER THE EFFECTIVE DATE OF THE RULE. FOR THE PURPOSES OF  
25 THIS SUBSECTION, AN EMERGENCY RULE IS ONE THAT MUST BE ADOPTED IMMEDIATELY  
26 IN ORDER TO DO ONE OF THE FOLLOWING:

- 27           1. MEET AN IMMINENT THREAT TO PUBLIC HEALTH, SAFETY OR WELFARE.  
28           2. PREVENT A LOSS OF COMMISSION OR MEMBER STATE MONIES.  
29           3. MEET A DEADLINE FOR THE PROMULGATION OF AN ADMINISTRATIVE RULE  
30 THAT IS ESTABLISHED BY FEDERAL LAW OR RULE.  
31           4. PROTECT PUBLIC HEALTH AND SAFETY.

32           N. THE COMMISSION OR AN AUTHORIZED COMMITTEE OF THE COMMISSION MAY  
33 DIRECT REVISIONS TO A PREVIOUSLY ADOPTED RULE OR AMENDMENT FOR THE  
34 PURPOSES OF CORRECTING TYPOGRAPHICAL ERRORS, ERRORS IN FORMAT, ERRORS IN  
35 CONSISTENCY OR GRAMMATICAL ERRORS. PUBLIC NOTICE OF ANY REVISIONS SHALL  
36 BE POSTED ON THE COMMISSION'S WEBSITE. THE REVISION IS SUBJECT TO  
37 CHALLENGE BY ANY PERSON FOR A PERIOD OF THIRTY DAYS AFTER POSTING. THE  
38 REVISION MAY BE CHALLENGED ONLY ON GROUNDS THAT THE REVISION RESULTS IN A  
39 MATERIAL CHANGE TO A RULE. A CHALLENGE SHALL BE MADE IN WRITING AND  
40 DELIVERED TO THE CHAIRPERSON OF THE COMMISSION BEFORE THE END OF THE  
41 NOTICE PERIOD. IF NO CHALLENGE IS MADE, THE REVISION WILL TAKE EFFECT  
42 WITHOUT FURTHER ACTION. IF THE REVISION IS CHALLENGED, THE REVISION MAY  
43 NOT TAKE EFFECT WITHOUT THE APPROVAL OF THE COMMISSION.

1           SECTION 12. OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

2           A. OVERSIGHT IS AS FOLLOWS:

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

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

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

17           B. IF THE COMMISSION DETERMINES THAT A MEMBER STATE HAS DEFAULTED  
18 IN THE PERFORMANCE OF ITS OBLIGATIONS OR RESPONSIBILITIES UNDER THIS  
19 COMPACT OR THE PROMULGATED RULES, THE COMMISSION SHALL DO BOTH OF THE  
20 FOLLOWING:

21           1. PROVIDE WRITTEN NOTICE TO THE DEFAULTING STATE AND OTHER MEMBER  
22 STATES OF THE NATURE OF THE DEFAULT, THE PROPOSED MEANS OF CURING THE  
23 DEFAULT AND ANY OTHER ACTION TO BE TAKEN BY THE COMMISSION.

24           2. PROVIDE REMEDIAL TRAINING AND SPECIFIC TECHNICAL ASSISTANCE  
25 REGARDING THE DEFAULT.

26           C. IF A STATE IN DEFAULT FAILS TO CURE THE DEFAULT, THE DEFAULTING  
27 STATE MAY BE TERMINATED FROM THE COMPACT ON AN AFFIRMATIVE VOTE OF A  
28 MAJORITY OF THE MEMBER STATES, AND ALL RIGHTS, PRIVILEGES AND BENEFITS  
29 CONFERRED BY THIS COMPACT MAY BE TERMINATED ON THE EFFECTIVE DATE OF  
30 TERMINATION. A CURE OF THE DEFAULT DOES NOT RELIEVE THE OFFENDING STATE  
31 OF OBLIGATIONS OR LIABILITIES INCURRED DURING THE PERIOD OF DEFAULT.

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

37           E. A STATE THAT HAS BEEN TERMINATED IS RESPONSIBLE FOR ALL  
38 ASSESSMENTS, OBLIGATIONS AND LIABILITIES INCURRED THROUGH THE EFFECTIVE  
39 DATE OF TERMINATION, INCLUDING OBLIGATIONS THAT EXTEND BEYOND THE  
40 EFFECTIVE DATE OF TERMINATION.

41           F. THE COMMISSION SHALL NOT BEAR ANY COSTS RELATED TO A STATE THAT  
42 IS FOUND TO BE IN DEFAULT OR THAT HAS BEEN TERMINATED FROM THE COMPACT,  
43 UNLESS AGREED ON IN WRITING BETWEEN THE COMMISSION AND THE DEFAULTING  
44 STATE.

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

6 H. ON REQUEST BY A MEMBER STATE, THE COMMISSION SHALL ATTEMPT TO  
7 RESOLVE DISPUTES RELATED TO THE COMPACT THAT ARISE AMONG MEMBER STATES AND  
8 BETWEEN MEMBER AND NONMEMBER STATES. THE COMMISSION SHALL PROMULGATE A  
9 RULE PROVIDING FOR BOTH MEDIATION AND BINDING DISPUTE RESOLUTION FOR  
10 DISPUTES AS APPROPRIATE.

11 I. ENFORCEMENT PROVISIONS OF THIS COMPACT ARE AS FOLLOWS:

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

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

22 3. THE REMEDIES UNDER THIS SECTION ARE NOT THE EXCLUSIVE REMEDIES  
23 OF THE COMMISSION. THE COMMISSION MAY PURSUE ANY OTHER REMEDIES AVAILABLE  
24 UNDER FEDERAL OR STATE LAW.

25 SECTION 13. DATE OF IMPLEMENTATION OF THE COUNSELING  
26 COMPACT COMMISSION AND ASSOCIATED RULES, WITHDRAWAL  
27 AND AMENDMENT

28 A. THE COMPACT IS EFFECTIVE ON THE DATE THE COMPACT STATUTE IS  
29 ENACTED INTO LAW IN THE TENTH MEMBER STATE. THE PROVISIONS OF THE COMPACT  
30 BECOME EFFECTIVE AT THAT TIME AND ARE LIMITED TO THE POWERS GRANTED TO  
31 THE COMMISSION RELATING TO ASSEMBLY AND THE PROMULGATION OF RULES.  
32 THEREAFTER, THE COMMISSION SHALL MEET AND EXERCISE RULEMAKING POWERS  
33 NECESSARY TO IMPLEMENT AND ADMINISTER THE COMPACT.

34 B. ANY STATE THAT JOINS THE COMPACT AFTER THE COMMISSION'S INITIAL  
35 ADOPTION OF THE RULES IS SUBJECT TO THE RULES AS THEY EXIST ON THE DATE ON  
36 WHICH THE COMPACT BECOMES LAW IN THAT STATE. ANY RULE THAT HAS BEEN  
37 PREVIOUSLY ADOPTED BY THE COMMISSION SHALL HAVE THE FULL FORCE AND EFFECT  
38 OF LAW ON THE DAY THE COMPACT BECOMES LAW IN THAT STATE.

39 C. ANY MEMBER STATE MAY WITHDRAW FROM THIS COMPACT BY ENACTING A  
40 STATUTE REPEALING THE COMPACT. THE WITHDRAWAL OF A MEMBER STATE:

41 1. DOES NOT TAKE EFFECT UNTIL SIX MONTHS AFTER ENACTMENT OF THE  
42 REPEALING STATUTE.

1           2. DOES NOT AFFECT THE CONTINUING REQUIREMENT OF THE WITHDRAWING  
2 STATE'S PROFESSIONAL COUNSELING LICENSING BOARD TO COMPLY WITH THE  
3 INVESTIGATIVE AND ADVERSE ACTION REPORTING REQUIREMENTS OF THIS COMPACT  
4 BEFORE THE EFFECTIVE DATE OF THE WITHDRAWAL.

5           D. THIS COMPACT DOES NOT INVALIDATE OR PREVENT ANY PROFESSIONAL  
6 COUNSELING LICENSURE AGREEMENT OR OTHER COOPERATIVE ARRANGEMENT BETWEEN A  
7 MEMBER STATE AND A NONMEMBER STATE THAT DOES NOT CONFLICT WITH THE  
8 PROVISIONS OF THIS COMPACT.

9           E. THIS COMPACT MAY BE AMENDED BY THE MEMBER STATES. AN AMENDMENT  
10 TO THIS COMPACT DOES NOT BECOME EFFECTIVE AND BINDING ON ANY MEMBER STATE  
11 UNTIL IT IS ENACTED INTO THE LAWS OF ALL MEMBER STATES.

12                   SECTION 14. CONSTRUCTION AND SEVERABILITY

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

25                   SECTION 15. BINDING EFFECT OF COMPACT AND OTHER LAWS

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

29           B. THIS COMPACT DOES NOT PREVENT THE ENFORCEMENT OF ANY OTHER LAW  
30 OF A MEMBER STATE THAT IS NOT INCONSISTENT WITH THE COMPACT.

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

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

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

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