

**CALIFORNIA STATE BOARD OF BEHAVIORAL SCIENCES BILL ANALYSIS**

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**BILL NUMBER: AB 2566**

**VERSION: AMENDED APRIL 17, 2024**

**AUTHOR: WILSON**

**SPONSOR: CALIFORNIA ASSOCIATION FOR  
LICENSED PROFESSIONAL CLINICAL  
COUNSELORS (CALPCC)**

**POLICY & ADVOCACY COMMITTEE RECOMMENDATION: NONE**

**SUBJECT: HEALING ARTS: COUNSELING**

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**Summary:**

This bill would establish California as a member state in the Interstate Counseling Compact, which permits a licensed professional counselor in a member state to practice in other member states, if specified conditions are met. The bill would only become operative upon the Board voting in favor of joining the compact.

**Existing Law:**

- 1) Specifies requirements for licensure in California as a licensed professional clinical counselor (LPCC). For individuals who began their degree program on or after August 1, 2012, applicants for a license must complete a single, integrated master's or doctoral degree that is counseling or psychotherapy in content, that includes 60 graduate semester or 90 graduate quarter units. There are 13 specified core content areas covering specific topics that must be completed. Additional educational requirements are also prescribed in law. Applicants for an LPCC license must also complete at least 3,000 post degree supervised experience hours over a period of not less than 2 years and pass a California law and ethics exam and a clinical exam. (Business and Professions Code (BPC) §§4999.33, 4999.46 and 4999.53)
- 2) Provides a streamlined licensure process for out-of-state licensees licensed for at least the 2 previous years, who hold an equivalent license in another U.S. jurisdiction at the highest level of independent clinical practice. For these out-of-state licensees, instead of determining whether their past education and experience meets all California requirements, the Board will issue a license if all the following are met (BPC §4999.60):
  - The license has been unrestricted for at least the past two years. (The Board will review any past restrictions or disciplinary actions.)

- The qualifying degree is a master's or doctoral degree from an accredited or approved institution.
  - The applicant complies with fingerprint requirements.
  - The applicant completes the following coursework from an accredited or approved school, or an acceptable continuing education provider:
    - 12 hours of California law and ethics.
    - 15 hours of California cultures.
    - 7 hours of California-specific child abuse assessment and reporting.
    - 6 hours of coursework or experience in suicide risk assessment and intervention (required only if they cannot provide proof of previously having this coursework or experience previously).
  - The applicant passes the California law and ethics exam. (Passage of the clinical exam is waived for these applicants.)
- 3)** Provides that under the Federal Servicemembers Civil Relief Act, military members or their spouses who currently hold a valid license in good standing in another state may practice in California in that same profession if they are required to relocate here due to military orders. To do this, they must register with the Board and meet the following requirements (50 United States Code (USC) §4025a, BPC §115.10):
- Hold a professional or vocational license in good standing in another state, district, or territory of the United States in the same profession.
  - Relocate to California because of military orders for military service.
  - Have used the out-of-state license at some point during the two years immediately preceding relocation to California (e.g., performed at least one activity within the scope and under the authority of the out-of-state license).
  - Maintain in good standing all other valid and active out-of-state licenses in the same profession or vocation.
  - For spouses/domestic partners, maintain marriage or other legal union with a servicemember subject to military orders for military service.
- 4)** Permits a person with a current, active, and unrestricted license in another state in a profession equivalent to the Board's LPCC license, to obtain a temporary practice allowance to provide services to a client travelling in or relocating to California for a period of 30 consecutive days in a calendar year. To qualify for the temporary practice allowance, certain qualifications must be met, including the client being a current client with an established, ongoing client-provider relationship with the therapist before travelling to this state. The therapist must also register with the Board. (BPC §4999.23)

### **This Bill:**

- 1) Establishes California as a member of the Interstate Counseling Compact (Compact) in statute. Specifies that the purpose of the Compact is to facilitate interstate practice of licensed professional counselors (LPCs), with a goal of improving public access to their services. (BPC §4999.130(a))
- 2) Makes the Compact operative only upon certification that a majority of the Board of Behavioral Sciences (Board) has voted in favor of joining the compact during a regular meeting. (BPC §4999.15)
- 3) Provides that the practice of professional counseling occurs in the state where the client is located at the time of the counseling services. (BPC §4999.130(a))
- 4) States that the Compact is designed to achieve numerous objectives, including increasing public access to counseling services by providing mutual recognition of other states' licenses, encouraging the regulatory cooperation of member states, supporting spouses of relocating military members, and eliminating the need for licenses in multiple states. (BPC §4999.130(b))
- 5) Defines certain terms used in the Compact, including the following (BPC §4999.133):
  - Counseling Compact Commission, or "Commission" is defined as the national administrative body whose membership consists of all states that have enacted the Compact.
  - Data System is defined as the repository of information about licensees, including but not limited to continuing education, exam, licensure, investigative, privilege to practice, and adverse action information.
  - Licensed Professional Counselor is defined as a counselor licensed by a member state, regardless of the title used, to independently assess, diagnose, and treat behavioral health conditions.
  - Professional Counseling means the assessment, diagnosis, and treatment of behavioral health conditions by an LPC.
  - Member State means a state that has enacted the Compact.
  - Home State means the member state that is a licensee's primary state of residence.
  - Remote State means a member state other than the home state where a licensee is exercising or seeking the privilege to practice.
  - Privilege to Practice is defined as a legal authorization equivalent to a license, permitting the practice of professional counseling in a remote state.

## **State Responsibilities**

- 6)** Provides that to participate in the Compact, a state must (BPC §4999.140(a)(3)):
- License and regulate LPCs.
  - Require licensees to pass a nationally recognized exam approved by the Compact's commission.
  - Require a 60-semester hour or 90 quarter hour master's degree in counseling, or 60 semester hour or 90 quarter hours of graduate course work. The following topic areas must be covered:
    - Professional counseling orientation and ethical practice
    - Social and cultural diversity
    - Human growth and development
    - Career development
    - Counseling and helping relationships
    - Group counseling and group work
    - Diagnosis and treatment
    - Assessment and testing
    - Research and program evaluation
    - Other areas determined by the Compact Commission
  - Require licensees to complete supervised postgraduate experience.
  - Have a mechanism in place for receiving and investigating complaints.
- 7)** Requires the following of member states who join the Compact (BPC §4999.140(b)):
- a)** They must participate in the data system.
  - b)** They must notify the Commission of an adverse action or investigation of a licensee.
  - c)** They must have procedures for obtaining and considering the criminal history of an applicant for an initial privilege to practice (via fingerprints or other biometric based information) from the FBI and the state's criminal records agency.
  - d)** They must comply with the Commission's rules.
  - e)** They must require an applicant to obtain or retain a license in their home state and meet that state's qualifications and laws.
  - f)** They must grant a privilege to practice to a licensee holding a valid, unencumbered license in another member state in accordance with Compact rules.

- g)** They must attend the Compact Commission meetings.
- 8)** Permits member states to charge a fee for granting a privilege to practice. (BPC §4999.140(c))
- 9)** Requires that an individual living in another state can still apply for California's full single state license, but that single state license does not grant a privilege to practice in other member states. (BPC §4999.140(d))
- 10)** Requires a license issued as an LPC by a home state to a resident in that state must be recognized by each member state as authorizing that LPC to practice, under a privilege to practice, in each member state. (BPC §4999.140(f))

### **Licensee Responsibilities**

- 11)** Specifies that a licensee must abide by certain requirements to exercise the privilege to practice under the Compact, including the following (BPC §4999.150(a)):
- Hold a valid license in their home state.
  - Not have had any encumbrance or restriction against their license or privilege to practice within the past 2 years.
  - Notify the Commission they are seeking a privilege to practice in a remote state.
  - Pay any applicable fees, including the state's fee, for a privilege to practice there.
  - Meet any continuing competence or education requirements of their home state.
  - Meet any jurisprudence requirements of a remote state where they are seeking a privilege to practice.
  - Notify the Commission of any adverse action, encumbrance, or restriction on their license by a non-member state within 30 days.
- 12)** Specifies that the licensee's privilege to practice is valid until the expiration of the home state license. (BPC §4999.150(b))
- 13)** Requires a licensee providing services in a remote state under a privilege to practice to follow the laws of the remote state. (BPC §4999.150(c))
- 14)** Provides that an LPC may hold a home state license in only one member state at a time. They cannot identify two member states as home states. Specifies a

process they must follow to change the home state license if they move. (BPC §4999.153)

- 15) Provides that a licensee providing professional counseling services in a remote state under a privilege to practice shall adhere to the laws, regulations, and scope of practice of that state. (BPC §4999.199)

### **Disciplinary Action**

- 16) Permits a remote state, with due process, to remove a licensee's privilege to practice in the remote state for a specific time, impose fines, or take any other necessary actions to protect public health and safety. The licensee may then be ineligible for a privilege to practice in any member state until the time the license is no longer removed, and all fines are paid. (BPC §4999.150(d))
- 17) If the home state license is encumbered, the licensee loses the privilege to practice in all remote states until the home state license is no longer encumbered, and there have been no encumbrances or restrictions against their license or any of their privilege to practices within the past 2 years. They must then re-submit and meet the requirements for a privilege to practice. (BPC §4999.150(e) and (f))
- 18) If a privilege to practice in a remote state is removed, the individual may lose the privilege to practice in all remote states until the time specified for the privilege to practice to be removed has passed, all fines are paid, and there have been no encumbrances or restrictions against their license or any of their privileges to practice within the past 2 years. They must then re-submit and meet the requirements for a privilege to practice. (BPC §4999.150(g) and (h))
- 19) Provides a remote state the authority to take adverse action against a licensee's privilege to practice in that state, and to issue subpoenas for hearings and investigations. However, only the home state may take adverse action against a license issued by the home state. (BPC §4999.159(a))
- 20) Requires a home state to give the same priority to reported conduct from a member state as it would have the conduct occurred in the home state. The home state shall apply its own laws to determine the appropriate action. (BPC §4999.159(b))
- 21) Permits a member state to recover from an LPC the costs of investigations and dispositions of cases from any adverse action taken against that person. (BPC §4999.159(d)).
- 22) Permits a member state, when following its own procedures for taking action, to take adverse action based on factual findings of a remote state. (BPC §4999.159(e)).

- 23) Permits member states to participate with other member states in joint investigations of licensees. (BPC §4999.159(f)).

### **The Counseling Compact Commission**

- 24) Establishes a joint public agency of member states called the Counseling Compact Commission (Commission). (BPC §4999.160)
- 25) Provides that each member state has one delegate selected by its licensing board who may be either a current board member (either an LPCC member of public member) or board administrator. Each delegate is entitled to one vote regarding the adoption of rules and creation of bylaws of the Commission, which meets at least once annually. (BPC §4999.160)
- 26) Grants the Commission various powers and duties, including (BPC §4999.163):
- Establishing bylaws;
  - Meeting and taking actions consistent with the Compact and the bylaws;
  - Adopting rules that are binding;
  - Bringing and prosecuting legal proceedings in the name of the Commission;
  - Borrowing, accepting or contracting for services of personnel, including employees of a member state;
  - Establishing a budget, making expenditures, and borrowing money;
  - Appointing committees and establishing and electing an executive committee.
- 27) Requires that Commission meetings must be open to the public, with public notice given. However, permits the Commission to convene in a closed meeting for certain reasons. (BPC §4999.167)
- 28) Permits the Commission to levy and collect an annual assessment from each member state or impose fees on other parties to cover its budget. The annual assessment amount shall be adopted via a rule binding on all member states. (BPC §4999.169)
- 29) Sets forth a rulemaking process for the Commission to follow in adopting rules to achieve the purpose of the compact, which includes a notice of proposed rulemaking, a public comment period, and procedures for a hearing. Rules and amendments to them are binding once adopted. (BPC §4999.173)
- 30) Requires the Commission to provide a coordinated database and reporting system that contains licensure, adverse action, and investigative information on all licensed individuals in member states. (BPC §4999.175)

- 31) Requires member states to submit data to the system on all individuals the Compact is applicable to, including identifying information, licensure data, adverse actions, application denials and the reasoning, and current significant investigative information. Member states may designate information that is not to be shared publicly. (BPC §4999.175)
- 32) Requires the Commission to promptly notify member states of adverse action taken against a licensee or applicant, and the adverse action information must be available to the other member states. (BPC §4999.175)
- 33) Provides that the Commission must enforce the provisions and rules of the Compact and may initiate legal action against a member state to enforce compliance. (BPC §4999.187)
- 34) States that laws in a member state that are in conflict with the Compact are superseded, and that all lawful actions of the Commission are binding upon member states. (BPC §4999.199)

### **Comments:**

- 1) **Author's Intent.** The author states that the Compact will allow LPCCs in California to fully practice in other member states in person and via telehealth and will allow licensed counselors in other member states to do the same here in California. In their fact sheet for the bill, the author states the following:

*“The Counselor Compact provides greater access to mental health care in California, removes barriers to practice without sacrificing public protection, helps address healthcare workforce shortages, and allows California LPCCs to provide greater continuity of care to patients who travel or relocate, provides seamless ability for military personnel and spouses who relocate to practice, preserves and strengthens the regulatory oversight of the Board of Behavioral Sciences.*

*The Compact does not impact the scope of practice in any state. Licensed Counselors practicing under the Compact in another state must comply with the counseling Laws and Standards in that state in which they are practicing. Professional Counselors (LPCCs in California) are licensed in all 50 states with consistent licensing requirements. The Compact does not affect the BBS authority to protect public health and safety or regulate the LPCC profession.”*

- 2) **Current Members and Start Date.** As of this date, 34 states have officially joined the Compact. A map of states that have joined can be found [here](#).

The Commission indicates they hope to begin issuing privileges to practice in member states by the end of 2024.



**3) Who Qualifies as an LPC?** There is a title disparity between the bill (licensed professional counselors) and the Board’s license type (licensed professional clinical counselors). It is unclear if this is significant.

- 4999.133(u) in the bill defines professional counseling as the assessment, diagnosis, and treatment of behavioral health conditions by an LPC.
- 4999.133(p) defines an LPC as a counselor licensed by a member state, regardless of title, to independently assess, diagnose, and treat behavioral health conditions.

The broadness of 4999.133(p) raises the question of whether individuals who are not equivalent in scope and experience to LPCCs would be able to practice under the terms of the compact. The Board typically requires out-of-state LPCCs to be licensed at the highest level for independent clinical practice. Additionally, there are other types of licensed mental health professionals that independently assess, diagnose, and treat. Would they qualify as LPCs under the compact?

The Compact Commission provides some explanation of the reasoning behind this in a document on its website titled “The Counseling Compact and Professional Identity” (pg. 2), found [here](#).

**4) Potential Education Discrepancies.** To qualify for its LPCC license, the Board requires the qualifying doctoral or master’s degree to be a single, integrated degree program that is counseling or psychotherapy in content. This bill (in 4999.140(a)(3)) appears to permit 60 semester or 90 quarter units of graduate course work that is not necessarily gained in a completed master’s degree in counseling.

Additionally, the specific coursework topic areas that must be covered (4999.40(a)(3)) do not cover all the Board’s 13 required core content areas.

**5) California-Specific Coursework Requirements for Out-of-State Applicants.** Under the Board’s current license portability pathway to licensure (also known as Path A), an out-of-state licensee who has been equivalently licensed for at least 2 years in another state is eligible for a streamlined process to obtain a California license if they meet certain requirements, including passing the California law and ethics exam, and taking certain specific coursework: California law and ethics (12 hours), California cultures (15 hours), and child abuse reporting (7 hours, which must include content on California’s mandated reporting requirements).

The Board implemented this streamlined pathway to licensure via legislation, which became effective in January 2020. Since implemented, LPCCs who have utilized this pathway to licensure are as follows:

Application Received	FY 2019/2020	FY 2020/2021	FY 2021/2022	FY 2022/2023
LPCC Out-Of-State	128	211	282	341

This legislation was developed in a special License Portability Committee that the Board created, which met several times to explore the topic in-depth. One issue that the License Portability Committee found to especially critical was that California has a uniquely diverse population, which may not be found in other states. It also has some laws that reflect California’s values, for example regarding reproductive rights or LGBTQ+ rights, which may differ in other states. For this reason, the Committee felt strongly that out-of-state licensees should have certain supplemental coursework, of at least a continuing education course level, to ensure that out-of-state licensees had knowledge of these unique features so that they could practice with a diverse population safely and competently, and with knowledge of and in alignment with California law. This is why the three California-specific courses became required.

This bill permits jurisdictions to require applicants for a privilege to practice under the compact to meet jurisprudence requirements (i.e., a California law and ethics exam). However, under the Compact the Board would not be permitted to require these applicants to take any California-specific coursework.

- 6) **Fiscal Impact Unclear.** The estimated number of LPC licensees nationwide, and what percent of them may want to seek a privilege to practice in California, is unknown. This information is needed to estimate an accurate fiscal impact.

As of January 2024, the Board had 4,100 active LPCC licensees, and 4,400 total LPCC licensees (active, inactive, and delinquent).

New practitioners come with a potential cost to the Board if they face disciplinary action. The bill permits a state to act against a licensee’s privilege to practice with due process (BPC 4999.150(d)) It also permits a state to recover costs associated with investigations and disciplinary actions from the licensee (BPC 4999.159(d). However, at this time it is unknown if the Board would have the ability to fully recover costs of the increased number of complaints, investigations, and disciplinary actions against a licensee.

While this bill allows licensing boards to collect a fee for a privilege to practice, the allowable amount of that fee is unclear at this time and could in the future be dictated by rules established by Commission. If the Board receives applications from a large volume of individuals seeking a privilege to practice but cannot recover enough revenue to cover the costs of increased workload, it could run a deficit or require a higher fee from full license holders.

While the number of expected new practitioners is unclear, staff expects fiscal impacts related to the data system and required reporting, the need for the Board to run new regulations to comply with the Compact, and new staff in the licensing and enforcement units.

In addition, it appears the Commission could vote to have member boards incur additional costs. For example, the Commission may levy an annual assessment on member states, which is currently unspecified (BPC §4999.169).

- 7) **Delegation of Board's Authority.** The bill requires that member states to comply with the Compact Commission's rules and actions, which are binding. (4999.173, 4999.199). Each member board gets one delegate on the commission, who has one vote regarding adoption of rules, regardless of a state's market share or number of licensees. This could potentially affect the Board's ability to act autonomously to accomplish its public protection mission.

It is also currently unclear whether the Board could deny or place restrictions on a privilege to practice of an applicant with past disciplinary action who qualifies via their home state. BPC §4999.140(b)(3) states that member states must have procedures for considering the criminal history records of applicants for an initial privilege to practice. However, it is unclear if this is applicable to the home state only, or all places where the applicant seeks a privilege to practice. Additionally, (b)(6) of that section requires a member state to grant a privilege to practice to a licensee in accordance with the Compact's terms and rules. As not all rules of the Compact have been established yet, the implications of this are unclear.

- 8) **Supervision of Associates.** It is unclear from the language of the bill whether licensees holding a privilege to practice would be permitted to supervise associates. The Board would likely want to run regulations to answer this question, and others that would likely arise because of the compact.

However, DCA Legal pointed out that it is unclear if the compact language grants the Board the authority to run regulations related to the Compact. Although the Board may wish to restrict supervisors to California licensees only, BPC §4999.133(t) states that a privilege to practice is equivalent to a license. Therefore, it is unclear if the Board could restrict or place conditions on privilege to practice holders supervising California-registered associates.

- 5) **Related Legislation.** [AB 2501](#) (Bonta) would ratify the Psychology Interjurisdictional Compact, which would be applicable to the Board of Psychology.
- 6) **Resources.** The Compact has a website with a variety of information, including a map of states that have already joined, FAQs, and information on meetings of the Compact Commission's committees. That website can be found [here](#).

- 7) **Policy and Advocacy Committee Recommendation.** At its April 2024 meeting, the Policy and Advocacy Committee discussed the bill but opted not to recommend a position to the Board.
- 8) **Staff Recommendation.** Staff recommends that the Board consider taking an “oppose” position on this bill. This will allow the Compact Commission more time to establish rules and begin operations, which should provide greater clarity to some of questions that the bill currently does not address.
- 9) **Support and Opposition.**

Support:

- California Association for Licensed Professional Clinical Counselors (CALPCC) (Sponsor)
- American Counseling Association (ACA)
- American Association of State Counseling Boards
- American Mental Health Counselors Association
- National Career Development Association
- Alta Action
- Kaiser Permanente
- Steinberg Institute

Oppose: None at this time.

10) **History.**

04/18/24 Re-referred to Com. on APPR.

04/17/24 Read second time and amended.

04/16/24 From committee: Amend, and do pass as amended and re-refer to Com. on APPR. (Ayes 17. Noes 0.) (April 16).

04/09/24 Re-referred to Com. on B. & P.

04/08/24 From committee chair, with author's amendments: Amend, and re-refer to Com. on B. & P. Read second time and amended.

03/04/24 Referred to Com. on B. & P.

02/15/24 From printer. May be heard in committee March 16.

02/14/24 Read first time. To print.

AMENDED IN ASSEMBLY APRIL 17, 2024

AMENDED IN ASSEMBLY APRIL 8, 2024

california legislature—2023–24 regular session

**ASSEMBLY BILL**

**No. 2566**

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**Introduced by Assembly Member Wilson**

February 14, 2024

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An act to add *Section 4999.15 to, and to add Chapter 17* (commencing with Section 4999.130) to Division 2 ~~of~~ of the Business and Professions Code, relating to healing arts.

**legislative counsel's digest**

AB 2566, as amended, Wilson. Healing arts: counseling.

Existing law, the Licensed Professional Clinical Counselor Act, generally governs the provision of professional clinical counseling services in the state and prohibits a person from engaging in the practice of professional clinical counseling, as defined, without a license granted by the Board of Behavioral Sciences. Existing law authorizes a person who holds a license in another jurisdiction of the United States as a professional clinical counselor to provide professional clinical counseling services in this state for a period not to exceed 30 consecutive days in any calendar year, if specified conditions are met.

This bill would enact the Interstate Counseling Compact (the Compact), the purpose of which is to facilitate interstate practice of licensed professional counselors, as specified. The Compact would come into effect on the date on which the Compact statute is enacted into law in the 10th "Member State," defined as a state, commonwealth, district, or territory of the United States of America that has enacted the Compact. Under the Compact, a professional counselor licensed in

a Member State would be authorized to practice professional counseling in any other Member State, as specified. The Compact would establish a joint public agency known as the Counseling Compact Commission, as a instrumentality of the Member States to administer the provisions of the Compact, as specified. The Compact would require the commission to provide for the development, maintenance, operation, and utilization of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in Member States. The Compact would impose certain requirements on Member States, including requiring licensees to pass a nationally recognized exam approved by the Commission, and submitting certain information regarding licensees to the data system. *The bill would specify that the compact shall not become operative until the Director of Consumer Affairs certifies that a majority of the board has voted in favor of joining the compact, and would require the director to notify the Secretary of State and the Legislative Counsel Bureau of the date of that certification.*

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 4999.15 is added to the Business and
- 2     Professions Code, to read:
- 3     4999.15. Chapter 17 (commencing with Section 4999.130)
- 4     shall not become operative until the Director of Consumer Affairs
- 5     certifies that a majority of the board has voted in favor of joining
- 6     the compact during a regular meeting. The director shall notify
- 7     the Secretary of State and the Legislative Counsel Bureau of the
- 8     date of that certification.
- 9     SECTION 1.
- 10    SEC. 2. Chapter 17 (commencing with Section 4999.130) is
- 11    added to Division 2 of the Business and Professions Code, to read:

1 Chapter 17. Interstate Counseling Compact

2  
3 Article 1. General Provisions

4  
5 4999.130. (a) The purpose of this Compact is to facilitate  
6 interstate practice of Licensed Professional Counselors with the  
7 goal of improving public access to Professional Counseling  
8 services. The practice of Professional Counseling occurs in the  
9 state where the client is located at the time of the counseling  
10 services. The Compact preserves the regulatory authority of states  
11 to protect public health and safety through the current system of  
12 state licensure.

13 (b) This Compact is designed to achieve the following  
14 objectives:

15 (1) Increase public access to Professional Counseling services  
16 by providing for the mutual recognition of other Member State  
17 licenses.

18 (2) Enhance the state’s 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  
29 public health benefits.

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

35 (9) Eliminate the necessity for licenses in multiple states.

36 (10) Provide opportunities for interstate practice by Licensed  
37 Professional Counselors who meet uniform licensure requirements.

38 4999.133. As used in this Compact, and except as otherwise  
39 provided, the following definitions shall apply:

1 (a) “Active duty military” means full-time duty status in the  
2 active uniformed service of the United States, including members  
3 of the National Guard and Reserve on active duty orders pursuant  
4 to Chapter 1209 (commencing with Section 12301) and Chapter  
5 1211 (commencing with Section 12401) of Part II of Subtitle E of  
6 Title 10 of the United States Code.

7 (b) “Adverse action” means any administrative, civil, equitable,  
8 or criminal action permitted by a state’s laws that is imposed by  
9 a licensing board or other authority against a Licensed Professional  
10 Counselor, including actions against an individual’s license or  
11 Privilege to Practice such as revocation, suspension, probation,  
12 monitoring of the licensee, limitation on the licensee’s practice,  
13 or any other encumbrance on licensure affecting a Licensed  
14 Professional Counselor’s authorization to practice, including  
15 issuance of a cease and desist action.

16 (c) “Alternative program” means a nondisciplinary monitoring  
17 or practice remediation process approved by a Professional  
18 Counseling licensing board to address impaired practitioners.

19 (d) “Compact” means this chapter.

20 (e) “Continuing competence or education” means a requirement,  
21 as a condition of license renewal, to provide evidence of  
22 completion of educational and professional activities relevant to  
23 practice or area of work.

24 (f) “Counseling Compact Commission” or “Commission” means  
25 the national administrative body whose membership consists of  
26 all states that have enacted the Compact.

27 (g) “Current significant investigative information” means either  
28 of the following:

29 (1) Investigative information that a licensing board, after a  
30 preliminary inquiry that includes notification and an opportunity  
31 for the Licensed Professional Counselor to respond, if required by  
32 state law, has reason to believe is not groundless and, if proved  
33 true, would indicate more than a minor infraction.

34 (2) Investigative information that indicates that the Licensed  
35 Professional Counselor represents an immediate threat to public  
36 health and safety regardless of whether the Licensed Professional  
37 Counselor has been notified and had an opportunity to respond.

38 (h) “Data system” means a repository of information about  
39 licensees, including, but not limited to, continuing education,



1 examination, licensure, investigative, Privilege to Practice, and  
2 adverse action information.

3 (i) “Encumbered license” means a license in which an adverse  
4 action restricts the practice of Licensed Professional Counseling  
5 by the licensee and the adverse action has been reported to the  
6 National Practitioners Data Bank (NPDB).

7 (j) “Encumbrance” means a revocation or suspension of, or any  
8 limitation on, the full and unrestricted practice of Licensed  
9 Professional Counseling by a licensing board.

10 (k) “Executive committee” means a group of directors elected  
11 or appointed to act on behalf of, and within the powers granted to  
12 them by, the Commission.

13 (l) “Home State” means the Member State that is the licensee’s  
14 primary state of residence.

15 (m) “Impaired practitioner” means an individual who has a  
16 condition or conditions that may impair their ability to practice as  
17 a Licensed Professional Counselor without some type of  
18 intervention and may include, but are not limited to, alcohol and  
19 drug dependence, mental health impairment, and neurological or  
20 physical impairments.

21 (n) “Investigative information” means information, records, and  
22 documents received or generated by a Professional Counseling  
23 licensing board pursuant to an investigation.

24 (o) “Jurisprudence requirement” if required by a Member State,  
25 means the assessment of an individual’s knowledge of the laws  
26 and rules governing the practice of Professional Counseling in a  
27 state.

28 (p) “Licensed Professional Counselor” means a counselor  
29 licensed by a Member State, regardless of the title used by that  
30 state, to independently assess, diagnose, and treat behavioral health  
31 conditions.

32 (q) “Licensee” means an individual who currently holds an  
33 authorization from the state to practice as a Licensed Professional  
34 Counselor.

35 (r) “Licensing board” means the agency of a state, or equivalent,  
36 that is responsible for the licensing and regulation of Licensed  
37 Professional Counselors.

38 (s) “Member State” means a state that has enacted the Compact.

- 1 (t) “Privilege to Practice” means a legal authorization, that is
- 2 equivalent to a license, permitting the practice of Professional
- 3 Counseling in a Remote State.
- 4 (u) “Professional Counseling” means the assessment, diagnosis,
- 5 and treatment of behavioral health conditions by a Licensed
- 6 Professional Counselor.
- 7 (v) “Remote State” means a Member State other than the Home
- 8 State, where a licensee is exercising or seeking to exercise the
- 9 Privilege to Practice.
- 10 (w) “Rule” means a regulation adopted by the Commission that
- 11 has the force of law.
- 12 (x) “Single state license” means a Licensed Professional
- 13 Counselor license issued by a Member State that authorizes practice
- 14 only within the issuing state and does not include a Privilege to
- 15 Practice in any other Member State.
- 16 (y) “State” means any state, commonwealth, district, or territory
- 17 of the United States of America that regulates the practice of
- 18 Professional Counseling.
- 19 (z) “Telehealth” means the application of telecommunication
- 20 technology to deliver professional counseling services remotely
- 21 to assess, diagnose, and treat behavioral health conditions.
- 22 (aa) “Unencumbered license” means a license that authorizes
- 23 a Licensed Professional Counselor to engage in the full and
- 24 unrestricted practice of Professional Counseling.

25  
26 Article 2. State Participation in the Compact

- 27
- 28 4999.140. (a) To participate in the Compact, a State shall
- 29 currently:
- 30 (1) License and regulate Licensed Professional Counselors.
- 31 (2) Require licensees to pass a nationally recognized exam
- 32 approved by the Commission.
- 33 (3) Require licensees to have a 60 semester-hour (or 90
- 34 quarter-hour) master’s degree in counseling or 60 semester-hours
- 35 (or 90 quarter-hours) of graduate course work including the
- 36 following topic areas:
- 37 (A) Professional counseling orientation and ethical practice.
- 38 (B) Social and cultural diversity.
- 39 (C) Human growth and development.
- 40 (D) Career development.

- 1 (E) Counseling and helping relationships.
- 2 (F) Group counseling and group work.
- 3 (G) Diagnosis and treatment.
- 4 (H) Assessment and testing.
- 5 (I) Research and program evaluation.
- 6 (J) Other areas as determined by the Commission.
- 7 (4) Require licensees to complete a supervised postgraduate
- 8 professional experience as defined by the Commission.
- 9 (5) Have a mechanism in place for receiving and investigating
- 10 complaints about licensees.
- 11 (b) A Member State shall do all of the following:
- 12 (1) Participate fully in the Commission's data system, including
- 13 using the Commission's unique identifier as defined in rules.
- 14 (2) Notify the Commission, in compliance with the terms of the
- 15 Compact and rules, of any adverse action or the availability of
- 16 investigative information regarding a licensee.
- 17 (3) Implement or utilize procedures for considering the criminal
- 18 history records of applicants for an initial Privilege to Practice.
- 19 These procedures shall include the submission of fingerprints or
- 20 other biometric-based information by applicants for the purpose
- 21 of obtaining an applicant's criminal history record information
- 22 from the Federal Bureau of Investigation and the agency
- 23 responsible for retaining that state's criminal records.
- 24 (A) A Member State must fully implement a criminal
- 25 background check requirement, within a time frame established
- 26 by rule, by receiving the results of the Federal Bureau of
- 27 Investigation record search and shall use the results in making
- 28 licensure decisions.
- 29 (B) Communication between a Member State, the Commission,
- 30 and among Member States regarding the verification of eligibility
- 31 for licensure through the Compact shall not include any information
- 32 received from the Federal Bureau of Investigation relating to a
- 33 federal criminal records check performed by a Member State under
- 34 Public Law 92-544.
- 35 (4) Comply with the rules of the Commission.
- 36 (5) Require an applicant to obtain or retain a license in the Home
- 37 State and meet the Home State's qualifications for licensure or
- 38 renewal of licensure, 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  
3 the terms of the Compact and rules.

4 (7) Provide for the attendance of the State’s commissioner to  
5 the Counseling Compact Commission meetings.

6 (c) Member States may charge a fee for granting the Privilege  
7 to Practice.

8 (d) Individuals not residing in a Member State shall continue  
9 to be able to apply for a Member State’s single state license as  
10 provided under the laws of each Member State. However, the  
11 single state license granted to these individuals shall not be  
12 recognized as granting a Privilege to Practice Professional  
13 Counseling in any other Member State.

14 (e) Nothing in this Compact shall affect the requirements  
15 established by a Member State for the issuance of a single state  
16 license.

17 (f) A license issued to a Licensed Professional Counselor by a  
18 Home State to a resident in that state shall be recognized by each  
19 Member State as authorizing a Licensed Professional Counselor  
20 to practice Professional Counseling, under a Privilege to Practice,  
21 in each Member State.

22

23 Article 3. Privilege to Practice

24

25 4999.150. (a) To exercise the Privilege to Practice pursuant  
26 to the terms and provisions of the Compact, a licensee shall do all  
27 of the following:

28 (1) Hold a license in the Home State.

29 (2) Have a valid United States Social Security Number or  
30 National Practitioner Identifier.

31 (3) Be eligible for a Privilege to Practice in any Member State  
32 in accordance with subdivisions (d), (g), and (h).

33 (4) Have not had any encumbrance or restriction against any  
34 license or Privilege to Practice within the previous two years.

35 (5) Notify the Commission that the licensee is seeking the  
36 Privilege to Practice within a Remote State or States.

37 (6) Pay any applicable fees, including any state fee, for the  
38 Privilege to Practice.

39 (7) Meet any continuing competence or education requirements  
40 established by the Home State.

1 (8) Meet any jurisprudence requirements established by the  
2 Remote State or States in which the licensee is seeking a Privilege  
3 to Practice.

4 (9) Report to the Commission any adverse action, encumbrance,  
5 or restriction on a license taken by any non-Member State within  
6 30 days from the date that the action is taken.

7 (b) The Privilege to Practice is valid until the expiration date  
8 of the Home State license. The licensee must comply with the  
9 requirements of subdivision (a) to maintain the Privilege to Practice  
10 in the Remote State.

11 (c) A licensee providing Professional Counseling in a Remote  
12 State under the Privilege to Practice shall adhere to the laws and  
13 regulations of the Remote State.

14 (d) A licensee providing Professional Counseling services in a  
15 Remote State is subject to that state's regulatory authority. A  
16 Remote State may, in accordance with due process and that state's  
17 laws, remove a licensee's Privilege to Practice in the Remote State  
18 for a specific period of time, impose fines, or take any other  
19 necessary actions to protect the health and safety of its citizens.  
20 The licensee may be ineligible for a Privilege to Practice in any  
21 Member State until the specific time for removal has passed and  
22 all fines are paid.

23 (e) If a Home State license is encumbered, the licensee shall  
24 lose the Privilege to Practice in any Remote State until both of the  
25 following occur:

26 (1) The Home State license is no longer encumbered.

27 (2) Have not had any encumbrance or restriction against any  
28 license or Privilege to Practice within the previous two years.

29 (f) Once an encumbered license in the Home State is restored  
30 to good standing, the licensee shall meet the requirements of  
31 subdivision (a) to obtain a Privilege to Practice in any Remote  
32 State.

33 (g) If a licensee's Privilege to Practice in any Remote State is  
34 removed, the individual may lose the Privilege to Practice in all  
35 other Remote States until all of the following occur:

36 (1) The specific period of time for which the Privilege to  
37 Practice was removed has ended.

38 (2) All fines have been paid.

1 (3) The licensee has not had any encumbrance or restriction  
2 against any license or Privilege to Practice within the previous two  
3 years.

4 (h) Once the requirements of subdivision (g) have been met,  
5 the licensee shall meet the requirements in subdivision (a) to obtain  
6 a Privilege to Practice in a Remote State.

7 4999.153. (a) A Licensed Professional Counselor may hold a  
8 Home State license, which allows for a Privilege to Practice in  
9 other Member States, in only one Member State at a time.

10 (b) If a Licensed Professional Counselor changes primary state  
11 of residence by moving between two Member States, all of the  
12 following shall occur:

13 (1) The Licensed Professional Counselor shall file an application  
14 for obtaining a new Home State license based on a Privilege to  
15 Practice, pay all applicable fees, and notify the current and new  
16 Home State in accordance with applicable rules adopted by the  
17 Commission.

18 (2) Upon receipt of an application for obtaining a new home  
19 state license by virtue of a Privilege to Practice, the new Home  
20 State shall verify that the Licensed Professional Counselor meets  
21 the pertinent criteria outlined in Section 4999.150 via the data  
22 system, without need for primary source verification except for:

23 (A) A Federal Bureau of Investigation fingerprint-based criminal  
24 background check, if not previously performed or updated pursuant  
25 to applicable rules adopted by the Commission, in accordance with  
26 Public Law 92-544.

27 (B) Other criminal background check as required by the new  
28 Home State.

29 (C) Completion of any requisite jurisprudence requirements of  
30 the new Home State.

31 (3) The former Home State shall convert the former Home State  
32 license into a Privilege to Practice once the new Home State has  
33 activated the new Home State license in accordance with applicable  
34 rules adopted by the Commission.

35 (4) Notwithstanding any other provision of this Compact, if the  
36 Licensed Professional Counselor cannot meet the criteria in Section  
37 4999.150, the new Home State may apply its requirements for  
38 issuing a new single state license.

1 (5) The Licensed Professional Counselor shall pay all applicable  
2 fees to the new Home State in order to be issued a new Home State  
3 license.

4 (c) If a Licensed Professional Counselor changes primary state  
5 of residence by moving from a Member State to a non-Member  
6 State, or from a non-Member State to a Member State, the state  
7 criteria shall apply for issuance of a single state license in the new  
8 state.

9 (d) Nothing in this Compact shall interfere with a licensee's  
10 ability to hold a single state license in multiple states, however for  
11 the purposes of this Compact, a licensee shall have only one Home  
12 State license.

13 (e) Nothing in this Compact shall affect the requirements  
14 established by a Member State for the issuance of a single state  
15 license.

16 4999.155. Active duty military personnel, or their spouse, shall  
17 designate a Home State where the individual has a current license  
18 in good standing. The individual may retain the Home State  
19 designation during the period the service member is on active duty.  
20 After designating a Home State, the individual shall only change  
21 their Home State through application for licensure in the new state,  
22 or through the process outlined in Section 4999.153.

23 4999.157. (a) Member States shall recognize the right of a  
24 Licensed Professional Counselor, licensed by a Home State in  
25 accordance with Section 4999.140 and pursuant to rules adopted  
26 by the Commission, to practice Professional Counseling in any  
27 Member State via Telehealth under a Privilege to Practice as  
28 provided in the Compact and rules adopted by the Commission.

29 (b) A licensee providing Professional Counseling services in a  
30 Remote State under the Privilege to Practice shall adhere to the  
31 laws and regulations of the Remote State.

32 4999.159. (a) In addition to the other powers conferred by  
33 state law, a Remote State shall have the authority, in accordance  
34 with existing state due process law, to do all of the following:

35 (1) Take adverse action against a Licensed Professional  
36 Counselor's Privilege to Practice within that Member State.

37 (2) Issue subpoenas for both hearings and investigations that  
38 require the attendance and testimony of witnesses as well as the  
39 production of evidence. Subpoenas issued by a licensing board in  
40 a Member State for the attendance and testimony of witnesses or

1 the production of evidence from another Member State shall be  
2 enforced in the latter state by any court of competent jurisdiction,  
3 according to the practice and procedure of that court applicable to  
4 subpoenas issued in proceedings pending before it. The issuing  
5 authority shall pay any witness fees, travel expenses, mileage, and  
6 other fees required by the service statutes of the state in which the  
7 witnesses or evidence are located.

8 (3) Only the Home State shall have the power to take adverse  
9 action against a Licensed Professional Counselor's license issued  
10 by the Home State.

11 (b) For purposes of taking adverse action, the Home State shall  
12 give the same priority and effect to reported conduct received from  
13 a Member State as it would if the conduct had occurred within the  
14 Home State. In so doing, the Home State shall apply its own state  
15 laws to determine appropriate action.

16 (c) The Home State shall complete any pending investigations  
17 of a Licensed Professional Counselor who changes primary state  
18 of residence during the course of the investigations. The Home  
19 State shall also have the authority to take appropriate action or  
20 actions and shall promptly report the conclusions of the  
21 investigations to the administrator of the data system. The  
22 administrator of the coordinated licensure information system shall  
23 promptly notify the new Home State of any adverse actions.

24 (d) A Member State, if otherwise permitted by state law, may  
25 recover from the affected Licensed Professional Counselor the  
26 costs of investigations and dispositions of cases resulting from any  
27 adverse action taken against that Licensed Professional Counselor.

28 (e) A Member State may take adverse action based on the factual  
29 findings of the Remote State, provided that the Member State  
30 follows its own procedures for taking the adverse action.

31 (f) (1) In addition to the authority granted to a Member State  
32 by its respective professional counseling practice act or other  
33 applicable state law, any Member State may participate with other  
34 Member States in joint investigations of licensees.

35 (2) Member States shall share any investigative, litigation, or  
36 compliance materials in furtherance of any joint or individual  
37 investigation initiated under the Compact.

38 (3) If adverse action is taken by the Home State against the  
39 license of a Licensed Professional Counselor, the Licensed  
40 Professional Counselor's Privilege to Practice in all other Member



1 States shall be deactivated until all encumbrances have been  
2 removed from the state license. All Home State disciplinary orders  
3 that impose adverse action against the license of a Licensed  
4 Professional Counselor shall include a statement that the Licensed  
5 Professional Counselor's Privilege to Practice is deactivated in all  
6 Member States during the pendency of the order.

7 (4) If a Member State takes adverse action, it shall promptly  
8 notify the administrator of the data system. The administrator of  
9 the data system shall promptly notify the Home State of any  
10 adverse actions by Remote States.

11 (5) Nothing in this Compact shall override a Member State's  
12 decision that participation in an alternative program may be used  
13 in lieu of adverse action.

14

15 Article 4. Counseling Compact Commission

16

17 4999.160. (a) The Member States hereby create and establish  
18 a joint public agency known as the Counseling Compact  
19 Commission.

20 (1) The Commission is an instrumentality of the Member States.

21 (2) Venue is proper and judicial proceedings by or against the  
22 Commission shall be brought solely and exclusively in a court of  
23 competent jurisdiction where the principal office of the  
24 Commission is located. The Commission may waive venue and  
25 jurisdictional defenses to the extent it adopts or consents to  
26 participate in alternative dispute resolution proceedings.

27 (3) Nothing in this Compact shall be construed to be a waiver  
28 of sovereign immunity.

29 (b) (1) Each Member State shall have and be limited to one  
30 delegate selected by that Member State's licensing board.

31 (2) The delegate shall be either of the following:

32 (A) A current member of the licensing board at the time of  
33 appointment, who is a Licensed Professional Counselor or public  
34 member.

35 (B) An administrator of the licensing board.

36 (3) Any delegate may be removed or suspended from office as  
37 provided by the law of the state from which the delegate is  
38 appointed.

39 (c) The Member State licensing board shall fill any vacancy  
40 occurring on the Commission within 60 days.

- 1 (d) (1) Each delegate shall be entitled to one vote with regard
- 2 to the adoption of rules and creation of bylaws and shall otherwise
- 3 have an opportunity to participate in the business and affairs of
- 4 the Commission.
- 5 (2) A delegate shall vote in person or by such other means as
- 6 provided in the bylaws. The bylaws may provide for delegates’
- 7 participation in meetings by telephone or other means of
- 8 communication.
- 9 (e) The Commission shall meet at least once during each
- 10 calendar year. Additional meetings shall be held as set forth in the
- 11 bylaws.
- 12 (f) The Commission shall by rule establish a term of office for
- 13 delegates and may by rule establish term limits.
- 14 4999.163. The commission shall have all of the following
- 15 powers and duties:
- 16 (a) Establish the fiscal year of the Commission.
- 17 (b) Establish bylaws.
- 18 (c) Maintain its financial records in accordance with the bylaws.
- 19 (d) Meet and take those actions as are consistent with the
- 20 provisions of this Compact and the bylaws.
- 21 (e) Adopt rules that shall be binding to the extent and in the
- 22 manner provided for in the Compact.
- 23 (f) Bring and prosecute legal proceedings or actions in the name
- 24 of the Commission, provided that the standing of any State
- 25 licensing board to sue or be sued under applicable law shall not
- 26 be affected.
- 27 (g) Purchase and maintain insurance and bonds.
- 28 (h) Borrow, accept, or contract for services of personnel,
- 29 including, but not limited to, employees of a Member State.
- 30 (i) Hire employees, elect or appoint officers, fix compensation,
- 31 define duties, grant those individuals appropriate authority to carry
- 32 out the purposes of the Compact, and establish the Commission’s
- 33 personnel policies and programs relating to conflicts of interest,
- 34 qualifications of personnel, and other related personnel matters.
- 35 (j) Accept any and all appropriate donations and grants of
- 36 money, equipment, supplies, materials, and services, and to receive,
- 37 utilize, and dispose of the same, provided that at all times the
- 38 Commission shall avoid any appearance of impropriety or conflict
- 39 of interest.

1 (k) Lease, purchase, accept appropriate gifts or donations of, or  
2 otherwise to own, hold, improve or use, any property, real, personal  
3 or mixed, provided that at all times the Commission shall avoid  
4 any appearance of impropriety.

5 (l) Sell, convey, mortgage, pledge, lease, exchange, abandon,  
6 or otherwise dispose of any property real, personal, or mixed.

7 (m) Establish a budget and make expenditures.

8 (n) Borrow money.

9 (o) Appoint committees, including standing committees  
10 composed of members, state regulators, state legislators or their  
11 representatives, and consumer representatives, and such other  
12 interested persons as may be designated in this Compact and the  
13 bylaws.

14 (p) Provide and receive information from, and cooperate with,  
15 law enforcement agencies.

16 (q) Establish and elect an executive committee.

17 (r) Perform other functions as may be necessary or appropriate  
18 to achieve the purposes of this Compact consistent with the State  
19 regulation of professional counseling licensure and practice.

20 4999.165. (a) The executive committee shall have the power  
21 to act on behalf of the commission according to the terms of this  
22 Compact.

23 (b) The executive committee shall be composed of up to 11  
24 members, as follows:

25 (1) Seven voting members who are elected by the Commission  
26 from the current membership of the Commission.

27 (2) Up to four (4) ex officio, nonvoting members from four  
28 recognized national professional counselor organizations selected  
29 by their respective organizations.

30 (c) The Commission may remove any member of the executive  
31 committee as provided in bylaws.

32 (d) The executive committee shall meet at least annually.

33 (e) The executive committee shall have all of the following  
34 duties and responsibilities:

35 (1) Recommend to the entire Commission changes to the rules  
36 or bylaws, changes to this Compact, legislation, fees paid by  
37 Member States, such as annual dues, and any Commission Compact  
38 fee charged to licensees for the Privilege to Practice.

39 (2) Ensure Compact administration services are appropriately  
40 provided, contractual or otherwise.

- 1 (3) Prepare and recommend the budget.
- 2 (4) Maintain financial records on behalf of the Commission.
- 3 (5) Monitor Compact compliance of Member States and provide
- 4 compliance reports to the Commission.
- 5 (6) Establish additional committees as necessary.
- 6 (7) Other duties as provided in rules or bylaws.
- 7 4999.167. (a) Meetings of the Commission shall be open to
- 8 the public, and public notice of meetings shall be given in the same
- 9 manner as required under the rulemaking provisions in Section
- 10 4999.173.
- 11 (b) The Commission or the executive committee or other
- 12 committees of the Commission may convene in a closed, nonpublic
- 13 meeting if the Commission or executive committee or other
- 14 committees of the Commission must discuss any of the following:
- 15 (1) Noncompliance of a Member State with its obligations under
- 16 the Compact.
- 17 (2) The employment, compensation, discipline, or other matters,
- 18 practices, or procedures related to specific employees, or other
- 19 matters related to the Commission's internal personnel practices
- 20 and procedures.
- 21 (3) Current, threatened, or reasonably anticipated litigation.
- 22 (4) Negotiation of contracts for the purchase, lease, or sale of
- 23 goods, services, or real estate.
- 24 (5) Accusing any person of a crime or formally censuring any
- 25 person.
- 26 (6) Disclosure of trade secrets or commercial or financial
- 27 information that is privileged or confidential.
- 28 (7) Disclosure of information of a personal nature if disclosure
- 29 would constitute a clearly unwarranted invasion of personal
- 30 privacy.
- 31 (8) Disclosure of investigative records compiled for law
- 32 enforcement purposes.
- 33 (9) Disclosure of information related to any investigative reports
- 34 prepared by or on behalf of or for use of the Commission or other
- 35 committee charged with responsibility of investigation or
- 36 determination of compliance issues pursuant to the Compact.
- 37 (10) Matters specifically exempted from disclosure by federal
- 38 or Member State statute.
- 39 (c) If a meeting, or portion of a meeting, is closed pursuant to
- 40 this section, the Commission's legal counsel or designee shall

1 certify that the meeting may be closed and shall reference each  
2 relevant exempting provision.

3 (d) The Commission shall keep minutes that fully and clearly  
4 describe all matters discussed in a meeting and shall provide a full  
5 and accurate summary of actions taken, and the reasons therefore,  
6 including a description of the views expressed. All documents  
7 considered in connection with an action shall be identified in the  
8 minutes. All minutes and documents of a closed meeting shall  
9 remain under seal, subject to release by a majority vote of the  
10 Commission or order of a court of competent jurisdiction.

11 4999.169. (a) The Commission shall pay, or provide for the  
12 payment of, the reasonable expenses of its establishment,  
13 organization, and ongoing activities.

14 (b) The Commission may accept any and all appropriate revenue  
15 sources, donations, and grants of money, equipment, supplies,  
16 materials, and services.

17 (c) The Commission may levy on and collect an annual  
18 assessment from each Member State or impose fees on other parties  
19 to cover the cost of the operations and activities of the Commission  
20 and its staff, which must be in a total amount sufficient to cover  
21 its annual budget as approved each year for which revenue is not  
22 provided by other sources. The aggregate annual assessment  
23 amount shall be allocated based upon a formula to be determined  
24 by the Commission, which shall adopt a rule binding upon all  
25 Member States.

26 (d) The Commission shall not incur obligations of any kind  
27 before securing the funds adequate to meet the same, nor shall the  
28 Commission pledge the credit of any of the Member States, except  
29 by and with the authority of the Member State.

30 (e) The Commission shall keep accurate accounts of all receipts  
31 and disbursements. The receipts and disbursements of the  
32 Commission shall be subject to the audit and accounting procedures  
33 established under its bylaws. However, all receipts and  
34 disbursements of funds handled by the Commission shall be audited  
35 yearly by a certified or licensed public accountant, and the report  
36 of the audit shall be included in, and become part of, the annual  
37 report of the Commission.

38 4999.170. (a) The members, officers, executive director,  
39 employees, and representatives of the Commission shall be immune  
40 from suit and liability, either personally or in their official capacity,

1 for any claim for damage to or loss of property or personal injury  
2 or other civil liability caused by or arising out of any actual or  
3 alleged act, error, or omission that occurred, or that the person  
4 against whom the claim is made had a reasonable basis for  
5 believing occurred, within the scope of Commission employment,  
6 duties, or responsibilities, provided that nothing in this subdivision  
7 shall be construed to protect any such person from suit or liability  
8 for any damage, loss, injury, or liability caused by the intentional  
9 or willful or wanton misconduct of that person.

10 (b) The Commission shall defend any member, officer, executive  
11 director, employee, or representative of the Commission in any  
12 civil action seeking to impose liability arising out of any actual or  
13 alleged act, error, or omission that occurred within the scope of  
14 Commission employment, duties, or responsibilities, or that the  
15 person against whom the claim is made had a reasonable basis for  
16 believing occurred within the scope of Commission employment,  
17 duties, or responsibilities, provided that nothing herein shall be  
18 construed to prohibit that person from retaining their own counsel,  
19 and provided further, that the actual or alleged act, error, or  
20 omission did not result from that person's intentional or willful or  
21 wanton misconduct.

22 (c) The Commission shall indemnify and hold harmless any  
23 member, officer, executive director, employee, or representative  
24 of the Commission for the amount of any settlement or judgment  
25 obtained against that person arising out of any actual or alleged  
26 act, error, or omission that occurred within the scope of  
27 Commission employment, duties, or responsibilities, or that the  
28 person had a reasonable basis for believing occurred within the  
29 scope of Commission employment, duties, or responsibilities,  
30 provided that the actual or alleged act, error, or omission did not  
31 result from the intentional or willful or wanton misconduct of that  
32 person.

33 4999.173. (a) The Commission shall adopt reasonable rules  
34 in order to effectively and efficiently achieve the purpose of the  
35 Compact. Notwithstanding the foregoing, in the event that the  
36 Commission exercises its rulemaking authority in a manner that  
37 is beyond the scope of the purposes of the Compact, or the powers  
38 granted hereunder, then that action by the Commission shall be  
39 invalid and have no force or effect.

1 (b) The Commission shall exercise its rulemaking powers  
2 pursuant to the criteria set forth in this section and the rules adopted  
3 thereunder. Rules and amendments shall become binding as of the  
4 date specified in each rule or amendment.

5 (c) If a majority of the legislatures of the Member States rejects  
6 a rule, by enactment of a statute or resolution in the same manner  
7 used to adopt the Compact within four years of the date of adoption  
8 of the rule, then the rule shall have no further force and effect in  
9 any Member State.

10 (d) Rules or amendments to the rules shall be adopted at a  
11 regular or special meeting of the Commission.

12 (e) Before adoption of a final rule or rules by the Commission,  
13 and at least 30 days in advance of the meeting at which the rule  
14 will be considered and voted upon, the Commission shall file a  
15 Notice of Proposed Rulemaking, on both of the following:

16 (1) The website of the Commission or other publicly accessible  
17 platform.

18 (2) The website of each Member State professional counseling  
19 licensing board or other publicly accessible platform or the  
20 publication in which each state would otherwise publish proposed  
21 rules.

22 (f) The Notice of Proposed Rulemaking shall include all of the  
23 following:

24 (1) The proposed time, date, and location of the meeting in  
25 which the rule will be considered and voted upon.

26 (2) The text of the proposed rule or amendment and the reason  
27 for the proposed rule.

28 (3) A request for comments on the proposed rule from any  
29 interested person.

30 (4) The manner in which interested persons may submit notice  
31 to the Commission of their intention to attend the public hearing  
32 and any written comments.

33 (g) Before adoption of a proposed rule, the Commission shall  
34 allow persons to submit written data, facts, opinions, and  
35 arguments, which shall be made available to the public.

36 (h) The Commission shall grant an opportunity for a public  
37 hearing before it adopts a rule or amendment if a hearing is  
38 requested by the following:

39 (1) At least 25 persons.

40 (2) A state or federal governmental subdivision or agency.

1 (3) An association having at least 25 members.

2 (i) (1) If a hearing is held on the proposed rule or amendment,  
3 the Commission shall publish the place, time, and date of the  
4 scheduled public hearing. If the hearing is held via electronic  
5 means, the Commission shall publish the mechanism for access  
6 to the electronic hearing.

7 (2) All persons wishing to be heard at the hearing shall notify  
8 the executive director of the Commission or other designated  
9 member in writing of their desire to appear and testify at the  
10 hearing not less than five business days before the scheduled date  
11 of the hearing.

12 (3) Hearings shall be conducted in a manner providing each  
13 person who wishes to comment a fair and reasonable opportunity  
14 to comment orally or in writing.

15 (4) All hearings shall be recorded. A copy of the recording shall  
16 be made available on request.

17 (5) Nothing in this section shall be construed as requiring a  
18 separate hearing on each rule. Rules may be grouped for the  
19 convenience of the Commission at hearings required by this  
20 section.

21 (j) Following the scheduled hearing date, or by the close of  
22 business on the scheduled hearing date if the hearing was not held,  
23 the Commission shall consider all written and oral comments  
24 received.

25 (k) If no written notice of intent to attend the public hearing by  
26 interested parties is received, the Commission may proceed with  
27 adoption of the proposed rule without a public hearing.

28 (l) The Commission shall, by majority vote of all members, take  
29 final action on the proposed rule and shall determine the effective  
30 date of the rule, if any, based on the rulemaking record and the  
31 full text of the rule.

32 (m) Upon determination that an emergency exists, the  
33 Commission may consider and adopt an emergency rule without  
34 prior notice, opportunity for comment, or hearing, provided that  
35 the usual rulemaking procedures provided in the Compact and in  
36 this section shall be retroactively applied to the rule as soon as  
37 reasonably possible, in no event later than 90 days after the  
38 effective date of the rule. For the purposes of this provision, an  
39 emergency rule is one that must be adopted immediately in order  
40 to do any of the following:



- 1 (1) Meet an imminent threat to public health, safety, or welfare.
- 2 (2) Prevent a loss of Commission or Member State funds.
- 3 (3) Meet a deadline for the adoption of an administrative rule
- 4 that is established by federal law or rule.
- 5 (4) Protect public health and safety.
- 6 (n) The Commission or an authorized committee of the
- 7 Commission may direct revisions to a previously adopted rule or
- 8 amendment for purposes of correcting typographical errors, errors
- 9 in format, errors in consistency, or grammatical errors. Public
- 10 notice of any revisions shall be posted on the website of the
- 11 Commission. The revision shall be subject to challenge by any
- 12 person for a period of 30 days after posting. The revision may be
- 13 challenged only on grounds that the revision results in a material
- 14 change to a rule. A challenge shall be made in writing and delivered
- 15 to the chair of the Commission before the end of the notice period.
- 16 If no challenge is made, the revision shall take effect without
- 17 further action. If the revision is challenged, the revision shall not
- 18 take effect without the approval of the Commission.

19  
20 Article 5. Data System

- 21
- 22 4999.175. (a) The Commission shall provide for the
- 23 development, maintenance, operation, and utilization of a
- 24 coordinated database and reporting system containing licensure,
- 25 adverse action, and investigative information on all licensed
- 26 individuals in Member States.
- 27 (b) Notwithstanding any other provision of state law to the
- 28 contrary, a Member State shall submit a uniform dataset to the
- 29 data system on all individuals to whom this Compact is applicable
- 30 as required by the rules of the Commission, including all of the
- 31 following:
- 32 (1) Identifying information.
  - 33 (2) Licensure data.
  - 34 (3) Adverse actions against a license or Privilege to Practice.
  - 35 (4) Nonconfidential information related to alternative program
  - 36 participation.
  - 37 (5) Any denial of application for licensure, and the reason or
  - 38 reasons for the denial.
  - 39 (6) Current significant investigative information.

1 (7) Other information that may facilitate the administration of  
2 this Compact, as determined by the rules of the Commission.

3 (c) Investigative information pertaining to a licensee in any  
4 Member State shall only be available to other Member States.

5 (d) The Commission shall promptly notify all Member States  
6 of any adverse action taken against a licensee or an individual  
7 applying for a license. Adverse action information pertaining to a  
8 licensee in any Member State shall be available to any other  
9 Member State.

10 (e) Member States contributing information to the data system  
11 may designate information that shall not be shared with the public  
12 without the express permission of the contributing state.

13 (f) Any information submitted to the data system that is  
14 subsequently required to be expunged by the laws of the Member  
15 State contributing the information shall be removed from the data  
16 system.

17

18 Article 6. Oversight, Dispute Resolution, and Enforcement

19

20 4999.180. (a) The executive, legislative, and judicial branches  
21 of state government in each Member State shall enforce this  
22 Compact and take all actions necessary and appropriate to  
23 effectuate the Compact's purposes and intent. The provisions of  
24 this Compact and the rules adopted hereunder shall have standing  
25 as statutory law.

26 (b) All courts shall take judicial notice of the Compact and the  
27 rules in any judicial or administrative proceeding in a Member  
28 State pertaining to the subject matter of this Compact that may  
29 affect the powers, responsibilities, or actions of the Commission.

30 (c) The Commission shall be entitled to receive service of  
31 process in any such proceeding and shall have standing to intervene  
32 in the proceeding for all purposes. Failure to provide service of  
33 process to the Commission shall render a judgment or order void  
34 as to the Commission, this Compact, or adopted rules.

35 4999.183. (a) If the Commission determines that a Member  
36 State has defaulted in the performance of its obligations or  
37 responsibilities under this Compact or the adopted rules, the  
38 Commission shall do both of the following:

39 (1) Provide written notice to the defaulting state and other  
40 Member States of the nature of the default, the proposed means

1 of curing the default, or any other action to be taken by the  
2 Commission.

3 (2) Provide remedial training and specific technical assistance  
4 regarding the default.

5 (b) If a state in default fails to cure the default, the defaulting  
6 state may be terminated from the Compact upon an affirmative  
7 vote of a majority of the Member States, and all rights, privileges  
8 and benefits conferred by this Compact may be terminated on the  
9 effective date of termination. A cure of the default does not relieve  
10 the offending state of obligations or liabilities incurred during the  
11 period of default.

12 (c) Termination of membership in the Compact shall be imposed  
13 only after all other means of securing compliance have been  
14 exhausted. Notice of intent to suspend or terminate shall be given  
15 by the Commission to the governor, the majority and minority  
16 leaders of the defaulting state's legislature, and each of the Member  
17 States.

18 (d) A state that has been terminated is responsible for all  
19 assessments, obligations, and liabilities incurred through the  
20 effective date of termination, including obligations that extend  
21 beyond the effective date of termination.

22 (e) The Commission shall not bear any costs related to a State  
23 that is found to be in default or that has been terminated from the  
24 Compact, unless agreed upon in writing between the Commission  
25 and the defaulting state.

26 (f) The defaulting state may appeal the action of the Commission  
27 by petitioning the United States District Court for the District of  
28 Columbia or the federal district where the Commission has its  
29 principal offices. The prevailing member shall be awarded all costs  
30 of the litigation, including reasonable attorney's fees.

31 4999.185. (a) Upon request by a Member State, the  
32 Commission shall attempt to resolve disputes related to the  
33 Compact that arise among Member States and between Member  
34 and non-Member States.

35 (b) The Commission shall adopt a rule providing for both  
36 mediation and binding dispute resolution for disputes as  
37 appropriate.

38 4999.187. (a) The Commission, in the reasonable exercise of  
39 its discretion, shall enforce the provisions and rules of this  
40 Compact.

1 (b) By majority vote, the Commission may initiate legal action  
 2 in the United States District Court for the District of Columbia or  
 3 the federal district where the Commission has its principal offices  
 4 against a Member State in default to enforce compliance with the  
 5 provisions of the Compact and its adopted rules and bylaws.

6 (c) The relief sought may include both injunctive relief and  
 7 damages. In the event judicial enforcement is necessary, the  
 8 prevailing member shall be awarded all costs of the litigation,  
 9 including reasonable attorney’s fees.

10 (d) The remedies described in this section shall not be the  
 11 exclusive remedies of the Commission. The Commission may  
 12 pursue any other remedies available under federal or state law.

13

14 Article 7. Implementation, Withdrawal, and Amendment

15

16 4999.190. (a) The Compact shall come into effect on the date  
 17 on which the Compact statute is enacted into law in the 10th  
 18 Member State. The provisions, which become effective at that  
 19 time, shall be limited to the powers granted to the Commission  
 20 relating to assembly and the adoption of rules. Thereafter, the  
 21 Commission shall meet and exercise rulemaking powers necessary  
 22 to the implementation and administration of the Compact.

23 (b) Any state that joins the Compact after the Commission’s  
 24 initial adoption of the rules shall be subject to the rules as they  
 25 exist on the date on which the Compact becomes law in that state.  
 26 Any rule that has been previously adopted by the Commission  
 27 shall have the full force and effect of law on the day the Compact  
 28 becomes law in that state.

29 4999.193. (a) Any Member State may withdraw from this  
 30 Compact by enacting a statute repealing the same.

31 (b) A Member State’s withdrawal shall not take effect until six  
 32 months after enactment of the repealing statute.

33 (c) Withdrawal shall not affect the continuing requirement of  
 34 the withdrawing state’s professional counseling licensing board  
 35 to comply with the investigative and adverse action reporting  
 36 requirements of this act before the effective date of withdrawal.

37 4999.195. Nothing contained in this Compact shall be construed  
 38 to invalidate or prevent any professional counseling licensure  
 39 agreement or other cooperative arrangement between a Member

1 State and a non-Member State that does not conflict with the  
2 provisions of this Compact.

3 4999.197. This Compact may be amended by the Member  
4 States. No amendment to this Compact shall become effective and  
5 binding upon any Member State until it is enacted into the laws  
6 of all Member States.

7 4999.198. This Compact shall be liberally construed so as to  
8 effectuate the purposes thereof. The provisions of this Compact  
9 shall be severable and if any phrase, clause, sentence, or provision  
10 of this Compact is declared to be contrary to the constitution of  
11 any Member State or of the United States or the applicability  
12 thereof to any government, agency, person, or circumstance is held  
13 invalid, the validity of the remainder of this Compact and the  
14 applicability thereof to any government, agency, person, or  
15 circumstance shall not be affected thereby. If this Compact is held  
16 contrary to the constitution of any Member State, the Compact  
17 shall remain in full force and effect as to the remaining Member  
18 States and in full force and effect as to the Member State affected  
19 as to all severable matters.

20 4999.199. (a) A licensee providing professional counseling  
21 services in a Remote State under the Privilege to Practice shall  
22 adhere to the laws and regulations, including scope of practice, of  
23 the Remote State.

24 (b) Nothing herein prevents the enforcement of any other law  
25 of a Member State that is not inconsistent with the Compact.

26 (c) Any laws in a Member State that are in conflict with the  
27 Compact are superseded to the extent of the conflict.

28 (d) Any lawful actions of the Commission, including all rules  
29 and bylaws properly adopted by the Commission, are binding upon  
30 the Member States.

31 (e) All permissible agreements between the Commission and  
32 the Member States are binding in accordance with their terms.

33 (f) In the event that any provision of the Compact exceeds the  
34 constitutional limits imposed on the Legislature of any Member  
35 State, the provision shall be ineffective to the extent of the conflict  
36 with the constitutional provision in question in that Member State.

37 ~~SEC. 2.~~

38 *SEC. 3.* The Legislature finds and declares that Section 1 of  
39 this act, which adds Chapter 17 (commencing with Section  
40 4999.130) to the Business and Professions Code, imposes a

1 limitation on the public's right of access to the meetings of public  
2 bodies or the writings of public officials and agencies within the  
3 meaning of Section 3 of Article I of the California Constitution.  
4 Pursuant to that constitutional provision, the Legislature makes  
5 the following findings to demonstrate the interest protected by this  
6 limitation and the need for protecting that interest:

7 In order to protect the privacy rights of individuals, it is necessary  
8 that this act limit the public's right of access to that information.

O