

REFERENCE TITLE: licensed professional counselors; licensure compact

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HB 2687

Introduced by
Representative Terech

AN ACT

AMENDING TITLE 32, CHAPTER 33, ARTICLE 6, ARIZONA REVISED STATUTES, BY
ADDING SECTION 32-3302; 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, article 6, Arizona Revised
3 Statutes, is amended by adding section 32-3302, to read:

4 32-3302. Licensed professional counselors; licensure compact

5 THE COUNSELING COMPACT IS ENACTED INTO LAW AS FOLLOWS:

6 SECTION 1. PURPOSE

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

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

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

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

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

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

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

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

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

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

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

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

36 SECTION 2. DEFINITIONS

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

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

43 2. "ADVERSE ACTION" MEANS ANY ADMINISTRATIVE, CIVIL, EQUITABLE OR
44 CRIMINAL ACTION ALLOWED BY A STATE'S LAWS THAT IS IMPOSED BY A LICENSING
45 BOARD OR OTHER AUTHORITY AGAINST A LICENSED PROFESSIONAL COUNSELOR,

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

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

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

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

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

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

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

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

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

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

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

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

41 12. "IMPAIRED PRACTITIONER" MEANS AN INDIVIDUAL WHO HAS A CONDITION
42 THAT MAY IMPAIR THE INDIVIDUAL'S ABILITY TO PRACTICE AS A LICENSED
43 PROFESSIONAL COUNSELOR WITHOUT SOME TYPE OF INTERVENTION AND THAT MAY
44 INCLUDE ALCOHOL OR DRUG DEPENDENCE, A MENTAL HEALTH IMPAIRMENT AND A
45 NEUROLOGICAL OR PHYSICAL IMPAIRMENT.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 SECTION 3. STATE PARTICIPATION IN THE COMPACT

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

43 1. LICENSE AND REGULATE LICENSED PROFESSIONAL COUNSELORS.

44 2. REQUIRE LICENSEES TO PASS A NATIONALLY RECOGNIZED EXAM APPROVED
45 BY THE COMMISSION.

1 3. REQUIRE LICENSEES TO HAVE A SIXTY-SEMESTER-HOUR OR
2 NINETY-QUARTER-HOUR MASTER'S DEGREE IN COUNSELING OR SIXTY SEMESTER HOURS
3 OR NINETY QUARTER HOURS OF GRADUATE COURSEWORK, INCLUDING IN THE FOLLOWING
4 TOPIC AREAS:

- 5 (a) PROFESSIONAL COUNSELING ORIENTATION AND ETHICAL PRACTICE.
- 6 (b) SOCIAL AND CULTURAL DIVERSITY.
- 7 (c) HUMAN GROWTH AND DEVELOPMENT.
- 8 (d) CAREER DEVELOPMENT.
- 9 (e) COUNSELING AND HELPING RELATIONSHIPS.
- 10 (f) GROUP COUNSELING AND GROUP WORK.
- 11 (g) DIAGNOSIS AND TREATMENT AND ASSESSMENT AND TESTING.
- 12 (h) RESEARCH AND PROGRAM EVALUATION.
- 13 (i) OTHER AREAS AS DETERMINED BY THE COMMISSION.

14 4. REQUIRE LICENSEES TO COMPLETE A SUPERVISED POSTGRADUATE
15 PROFESSIONAL EXPERIENCE AS DEFINED BY THE COMMISSION.

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

18 B. A MEMBER STATE SHALL DO ALL OF THE FOLLOWING:

19 1. PARTICIPATE FULLY IN THE COMMISSION'S DATA SYSTEM, INCLUDING
20 USING THE COMMISSION'S UNIQUE IDENTIFIER AS DEFINED IN RULES.

21 2. NOTIFY THE COMMISSION, IN COMPLIANCE WITH THE TERMS OF THE
22 COMPACT AND RULES, OF ANY ADVERSE ACTION OR THE AVAILABILITY OF
23 INVESTIGATIVE INFORMATION REGARDING A LICENSEE.

24 3. IMPLEMENT OR USE PROCEDURES FOR CONSIDERING THE CRIMINAL HISTORY
25 RECORDS OF APPLICANTS FOR AN INITIAL PRIVILEGE TO PRACTICE. THESE
26 PROCEDURES SHALL INCLUDE THE SUBMISSION OF FINGERPRINTS OR OTHER
27 BIOMETRIC-BASED INFORMATION BY APPLICANTS FOR THE PURPOSE OF OBTAINING AN
28 APPLICANT'S CRIMINAL HISTORY RECORD INFORMATION FROM THE FEDERAL BUREAU OF
29 INVESTIGATION AND THE AGENCY RESPONSIBLE FOR RETAINING THAT STATE'S
30 CRIMINAL RECORDS AND SHALL INCLUDE THE FOLLOWING:

31 (a) A MEMBER STATE MUST FULLY IMPLEMENT A CRIMINAL BACKGROUND CHECK
32 REQUIREMENT WITHIN A TIME FRAME ESTABLISHED BY RULE BY RECEIVING THE
33 RESULTS OF THE FEDERAL BUREAU OF INVESTIGATION RECORD SEARCH AND USING THE
34 RESULTS IN MAKING LICENSURE DECISIONS.

35 (b) COMMUNICATION BETWEEN A MEMBER STATE AND THE COMMISSION AND
36 AMONG MEMBER STATES REGARDING THE VERIFICATION OF ELIGIBILITY FOR
37 LICENSURE THROUGH THE COMPACT SHALL NOT INCLUDE ANY INFORMATION RECEIVED
38 FROM THE FEDERAL BUREAU OF INVESTIGATION RELATING TO A FEDERAL CRIMINAL
39 RECORDS CHECK PERFORMED BY A MEMBER STATE UNDER PUBLIC LAW 92-544.

40 4. COMPLY WITH THE RULES OF THE COMMISSION.

41 5. REQUIRE AN APPLICANT TO OBTAIN OR RETAIN A LICENSE IN THE HOME
42 STATE AND MEET THE HOME STATE'S QUALIFICATIONS FOR LICENSURE OR LICENSURE
43 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.

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

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

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

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

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

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

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

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

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

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

SECTION 6. ACTIVE DUTY MILITARY PERSONNEL AND THEIR SPOUSES

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

SECTION 7. COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

A. MEMBER STATES SHALL RECOGNIZE THE RIGHT OF A LICENSED PROFESSIONAL COUNSELOR WHO IS LICENSED BY A HOME STATE IN ACCORDANCE WITH 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 TO
14 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

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

SECTION 10. DATA SYSTEM

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

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

1. IDENTIFYING INFORMATION.
2. Licensure DATA.
3. ADVERSE ACTIONS AGAINST A LICENSE OR PRIVILEGE TO PRACTICE.
4. NONCONFIDENTIAL INFORMATION RELATED TO ALTERNATIVE PROGRAM PARTICIPATION.
5. ANY DENIAL OF APPLICATION FOR Licensure AND THE REASONS FOR SUCH DENIAL.
6. CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION.
7. OTHER INFORMATION THAT MAY FACILITATE THE ADMINISTRATION OF THIS COMPACT, AS DETERMINED BY THE RULES OF THE COMMISSION.

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

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

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

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

SECTION 11. RULEMAKING

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

B. THE COMMISSION SHALL EXERCISE ITS RULEMAKING POWERS PURSUANT TO THE CRITERIA SET FORTH IN THIS SECTION AND THE RULES ADOPTED PURSUANT TO THIS SECTION. RULES AND AMENDMENTS TO THE RULES SHALL BECOME BINDING AS 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 THIS
25 SUBSECTION, AN EMERGENCY RULE IS ONE THAT MUST BE ADOPTED IMMEDIATELY IN
26 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.

SECTION 12. OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

A. OVERSIGHT IS AS FOLLOWS:

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

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

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

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

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

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

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

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

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

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

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

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

I. ENFORCEMENT PROVISIONS OF THIS COMPACT ARE AS FOLLOWS:

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

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

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

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

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

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

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

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

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

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

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

SECTION 14. CONSTRUCTION AND SEVERABILITY

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

SECTION 15. BINDING EFFECT OF COMPACT AND OTHER LAWS

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

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

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

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

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

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