

Counseling Compact – Summary of Key Provisions

Section 1: Purpose

The purpose of this compact is to facilitate interstate practice of licensed professional counseling with the goal of improving public access to professional counseling services.

The compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure.

The compact is designed to:

- Provide for the mutual recognition of other member state licenses.
- Enhance states' abilities to protect the public's health and safety.
- Encourage the cooperation of member states in regulating multistate practice for licensed professional counselors.
- Support active duty military personnel and their spouses.
- Enhance the exchange of licensure, investigative, and disciplinary information among member states.
- Allow for the use of telehealth technology to increase access to counseling services.
- Support the uniformity of professional counseling licensure requirements throughout the states.
- Eliminate the necessity for licenses in multiple states.
- Provide opportunities for interstate practice by licensed professional counselors who meet uniform licensure requirements.

Section 2: Definitions

Establishes the definitions of key terms as used throughout the compact, to alleviate confusion on the part of practitioners and jurisdictions. Defined terms are capitalized throughout the document.

Section 3: State Participation in the Compact

This section establishes the duties of the compact's member states.

A member state must:

- License and regulate licensed professional counselors.
- Require licensees to pass a nationally recognized exam approved by the compact commission.
- Require licensees to have a 60-hour master's degree in counseling or 60 hours of graduate coursework in relevant areas.
- Require licensees to complete a supervised postgraduate professional experience.
- Have a mechanism in place for receiving and investigating complaints about licensees.
- Participate fully in the compact commission's data collection system.
- Notify the commission of any adverse action against or current significant investigative information regarding a licensee.
- Conduct criminal background checks of applicants for an initial privilege to practice.
- Comply with the rules of the commission.
- Grant the privilege to practice to a licensee holding a valid, unencumbered license in another member state.
- Provide for the state's commissioner to attend the meetings of the compact commission.

Member states may charge a fee for granting the privilege to practice.

A single state license issued by a member state to an individual *not residing* in that state does *not* confer the privilege to practice in other member states.

Section 4: Privilege to Practice

To exercise the privilege to practice, a licensee shall:

- Hold a license in their home state, which is a member of the compact.
- Have no encumbrance or restriction against on any license or privilege to practice within the previous two years.
- Notify the commission of intent to seek the privilege to practice within a remote state.
- Meet any state jurisprudence requirements and pay any applicable fees.
- Report to the commission any adverse action, encumbrance, or restriction imposed on the licensee by a non-member state within 30 days from the date of the action.

The privilege to practice is valid until the expiration date of the home license.

A licensee loses the privilege to practice in all member states if the licensee's home license is encumbered or if the licensee' privilege to practice is revoked by a member state. Such licensee remains ineligible for the privilege to practice in any member state for two years from the date of the action.

Section 5: Converting Compact Privileges

This section addresses licensees who change their primary state of residence to another compact member state in which they hold a compact privilege. This section establishes requirements for licensees to convert their compact privilege to a license in their new primary state of residence in accordance with rules established by the compact commission, as well as requirements of the member states to facilitate the conversion.

Nothing in the compact prohibits a licensee from holding multiple single-state licenses.

Nothing in the compact affects a member state's ability to issue a single-state license.

Section 6: Active Duty Military Personnel or their Spouses

This section allows an active duty servicemember, or their spouse, to designate a home state where the individual has a current license in good standing. This state then serves as the individual's home state for as long as the servicemember is on active duty.

Section 7: Compact Privilege to Practice Telehealth

This section establishes that privilege to practice under the compact shall include provision of telehealth services to patients in remote states.

Licensees providing telehealth in a remote state shall adhere to the laws and regulations of that state.

Section 8: Adverse Actions

This section clarifies that *only* a counselor's home state may take adverse action against a *home* license.

However, remote states may take adverse action against a counselor's privilege to practice in that state and may issue enforceable subpoenas for witnesses and evidence from other member states.

Home states must take reported adverse action from any member state into account, in accordance with the home state's own laws.

Member states may initiate joint investigations of licensees and are required to share investigative materials in furtherance of any joint *or* single-state investigation of a licensee. Member states must report any adverse action to the compact data system, which then promptly alerts the home state of this adverse action. Any member state may take adverse action based on the factual findings of a remote state.

If a licensee changes their home state during an active investigation by their former home state, the former home state completes the investigation, takes appropriate action under its laws, and then reports its findings to the compact commission's data system. The data system administrator then notifies the licensee's new home state of any adverse action taken by the former home state.

Member states retain the right to require a licensee to participate in an alternative program for mental health-related concerns in lieu of adverse action.

Section 9: Establishment of Counseling Compact Commission

This section outlines the composition and powers of the compact commission and executive committee. The compact is not a waiver of sovereign immunity.

- Each member state is entitled to exactly one delegate selected by that state's licensing board from among the state board's members.
- Each delegate has one (1) vote on commission affairs, including rules and bylaws.
- Delegates terms are three years, with a limit of two terms.
- The commission may establish and maintain a code of ethics, bylaws, rules, a budget and financial records in order to carry out the compact.
- The commission shall elect an executive committee composed of up to eleven members: seven members of the commission and up to four ex-officio, nonvoting members from four recognized national professional counselor organizations.
- All commission meetings shall be open to the public unless confidential or privileged information must be discussed.
- Commission members and employees are immune from liability related to their positions except in cases of wanton misconduct.

Section 10: Data System

This section requires the sharing of licensee information by all compact states. A member state shall submit a uniform dataset to the data system on all counselors to whom this compact is applicable as required by the rules of the commission. This database will allow for the expedited sharing of adverse action or significant investigative information against compact counselors.

Adverse action information pertaining to a licensee in any member state will be available to any other member state, except that any submitted information that subsequently must be expunged from the submitting state's records will also be removed from the data system.

Investigative information pertaining to a licensee in a member state shall not be available to non-member states.

Section 11: Rulemaking

- Rules carry the force of law in all member states.
- A simple majority of member state legislatures may veto a rule of the commission.

- Changes to the rules require a 30-day notice of proposed rulemaking, with an opportunity for a public hearing if one is requested by 25 people or by a government agency.

Section 12: Oversight, Dispute Resolution, and Enforcement

Ensures compliance with the compact by member states. The procedures to be followed in the event of a failure by a member state to comply with the compact include

- A period of technical assistance in remedying the situation
- Improved dispute resolution processes; and
- Termination from the compact in the event no other means of compliance has been successful.

The commission shall attempt to resolve compact-related disputes that may arise between states.

Section 13: Date of Implementation of the Interstate Commission for Counseling Profession Compact, Practice and Associate Rules, Withdrawal, and Amendment

The compact takes effect on the date of enactment by the tenth state.

States that join after this date are subject to the rules of the commission as they exist on the date when the compact becomes law in that state.

Member states may enact a law to repeal their membership in the compact. A state's withdrawal takes effect 6 months after enactment of such law.

The member states may amend the compact, but changes do not take effect until enacted into the laws of all member states.

Section 14: Construction and Severability

The compact is to be liberally construed so as to effectuate the purposes thereof.

The compact's provisions are severable, meaning that:

- If a provision of the compact is declared to conflict with the United States constitution, all other provisions remain valid for all member states, and
- If a provision is held contrary to a member state's constitution, the compact retains its full force in all other states, and all other provisions remain valid in the affected state.

Section 15: Binding Effect of Compact and Other Laws

Reiterates that rules and bylaws of the commission are binding on member states.

In the event of a conflict between a law of a member state and the compact, the state law is superseded to the extent of the conflict.