

HOUSE BILL NO. 4591

June 10, 2025, Introduced by Reps. Bohnak, Pavlov, Prestin, Markkanen and Cavitt and referred to Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 18101 (MCL 333.18101), as amended by 2019 PA
96, and by adding sections 16190a and 18105a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 16190a. (1) The counseling compact is enacted into law**
2 **and entered into by this state as a party with all jurisdictions**
3 **that legally join in the compact, in the form substantially as**
4 **follows:**

SECTION 1. PURPOSE

The purpose of this Compact is to facilitate interstate practice of Licensed Professional Counselors with the goal of improving public access to Professional Counseling services. The practice of Professional Counseling occurs in the State where the client is located at the time of the counseling services. The Compact preserves the regulatory authority of States to protect public health and safety through the current system of State licensure. This Compact is designed to achieve the following objectives:

A. Increase public access to Professional Counseling services by providing for the mutual recognition of other Member State licenses;

B. Enhance the States' ability to protect the public's health and safety;

C. Encourage the cooperation of Member States in regulating multistate practice for Licensed Professional Counselors;

D. Support spouses of relocating Active Duty Military personnel;

E. Enhance the exchange of licensure, investigative, and disciplinary information among Member States;

F. Allow for the use of Telehealth technology to facilitate increased access to Professional Counseling services;

G. Support the uniformity of Professional Counseling licensure requirements throughout the States to promote public safety and public health benefits;

H. Invest all Member States with the authority to hold a Licensed Professional Counselor accountable for meeting all State practice laws in the State in which the client is located at the

1 time care is rendered through the mutual recognition of Member
2 State licenses;

3 I. Eliminate the necessity for licenses in multiple States;
4 and

5 J. Provide opportunities for interstate practice by Licensed
6 Professional Counselors who meet uniform licensure requirements.

7 SECTION 2. DEFINITIONS

8 As used in this Compact, and except as otherwise provided, the
9 following definitions shall apply:

10 A. "Active Duty Military" means full-time duty status in the
11 active uniformed service of the United States, including members of
12 the National Guard and Reserve on active duty orders pursuant to 10
13 USC Chapters 1209 and 1211.

14 B. "Adverse Action" means any administrative, civil, equitable
15 or criminal action permitted by a State's laws which is imposed by
16 a licensing board or other authority against a Licensed
17 Professional Counselor, including actions against an individual's
18 license or Privilege to Practice such as revocation, suspension,
19 probation, monitoring of the licensee, limitation on the licensee's
20 practice, or any other Encumbrance on licensure affecting a
21 Licensed Professional Counselor's authorization to practice,
22 including issuance of a cease and desist action.

23 C. "Alternative Program" means a nondisciplinary monitoring or
24 practice remediation process approved by a Professional Counseling
25 Licensing Board to address Impaired Practitioners.

26 D. "Continuing Competence/Education" means a requirement, as a
27 condition of license renewal, to provide evidence of participation
28 in, and/or completion of, educational and professional activities
29 relevant to practice or area of work.

1 E. "Counseling Compact Commission" or "Commission" means the
2 national administrative body whose membership consists of all
3 States that have enacted the Compact.

4 F. "Current Significant Investigative Information" means:

5 1. Investigative Information that a Licensing Board, after a
6 preliminary inquiry that includes notification and an opportunity
7 for the Licensed Professional Counselor to respond, if required by
8 State law, has reason to believe is not groundless and, if proved
9 true, would indicate more than a minor infraction; or

10 2. Investigative Information that indicates that the Licensed
11 Professional Counselor represents an immediate threat to public
12 health and safety regardless of whether the Licensed Professional
13 Counselor has been notified and had an opportunity to respond.

14 G. "Data System" means a repository of information about
15 Licensees, including, but not limited to, continuing education,
16 examination, licensure, investigative, Privilege to Practice and
17 Adverse Action information.

18 H. "Encumbered License" means a license in which an Adverse
19 Action restricts the practice of licensed Professional Counseling
20 by the Licensee and said Adverse Action has been reported to the
21 National Practitioners Data Bank (NPDB).

22 I. "Encumbrance" means a revocation or suspension of, or any
23 limitation on, the full and unrestricted practice of Licensed
24 Professional Counseling by a Licensing Board.

25 J. "Executive Committee" means a group of directors elected or
26 appointed to act on behalf of, and within the powers granted to
27 them by, the Commission.

28 K. "Home State" means the Member State that is the Licensee's
29 primary State of residence.

1 L. "Impaired Practitioner" means an individual who has a
2 condition(s) that may impair their ability to practice as a
3 Licensed Professional Counselor without some type of intervention
4 and may include, but are not limited to, alcohol and drug
5 dependence, mental health impairment, and neurological or physical
6 impairments.

7 M. "Investigative Information" means information, records, and
8 documents received or generated by a Professional Counseling
9 Licensing Board pursuant to an investigation.

10 N. "Jurisprudence Requirement", if required by a Member State,
11 means the assessment of an individual's knowledge of the laws and
12 Rules governing the practice of Professional Counseling in a State.

13 O. "Licensed Professional Counselor" means a counselor
14 licensed by a Member State, regardless of the title used by that
15 State, to independently assess, diagnose, and treat behavioral
16 health conditions.

17 P. "Licensee" means an individual who currently holds an
18 authorization from the State to practice as a Licensed Professional
19 Counselor.

20 Q. "Licensing Board" means the agency of a State, or
21 equivalent, that is responsible for the licensing and regulation of
22 Licensed Professional Counselors.

23 R. "Member State" means a State that has enacted the Compact.

24 S. "Privilege to Practice" means a legal authorization, which
25 is equivalent to a license, permitting the practice of Professional
26 Counseling in a Remote State.

27 T. "Professional Counseling" means the assessment, diagnosis,
28 and treatment of behavioral health conditions by a Licensed
29 Professional Counselor.

1 U. "Remote State" means a Member State other than the Home
2 State, where a Licensee is exercising or seeking to exercise the
3 Privilege to Practice.

4 V. "Rule" means a regulation promulgated by the Commission
5 that has the force of law.

6 W. "Single State License" means a Licensed Professional
7 Counselor license issued by a Member State that authorizes practice
8 only within the issuing State and does not include a Privilege to
9 Practice in any other Member State.

10 X. "State" means any state, commonwealth, district, or
11 territory of the United States of America that regulates the
12 practice of Professional Counseling.

13 Y. "Telehealth" means the application of telecommunication
14 technology to deliver Professional Counseling services remotely to
15 assess, diagnose, and treat behavioral health conditions.

16 Z. "Unencumbered License" means a license that authorizes a
17 Licensed Professional Counselor to engage in the full and
18 unrestricted practice of Professional Counseling.

19 SECTION 3. STATE PARTICIPATION IN THE COMPACT

20 A. To Participate in the Compact, a State must currently:

- 21 1. License and regulate Licensed Professional Counselors;
22 2. Require Licensees to pass a nationally recognized exam
23 approved by the Commission;
24 3. Require Licensees to have a 60 semester-hour (or 90
25 quarter-hour) master's degree in counseling or 60 semester-hours
26 (or 90 quarter-hours) of graduate course work including the
27 following topic areas:

- 28 a. Professional Counseling Orientation and Ethical Practice;
29 b. Social and Cultural Diversity;

- c. Human Growth and Development;
- d. Career Development;
- e. Counseling and Helping Relationships;
- f. Group Counseling and Group Work;
- g. Diagnosis and Treatment; Assessment and Testing;
- h. Research and Program Evaluation; and
- i. Other areas as determined by the Commission.

4. Require Licensees to complete a supervised postgraduate professional experience as defined by the Commission;

5. Have a mechanism in place for receiving and investigating complaints about Licensees.

B. A Member State shall:

1. Participate fully in the Commission's Data System, including using the Commission's unique identifier as defined in Rules;

2. Notify the Commission, in compliance with the terms of the Compact and Rules, of any Adverse Action or the availability of Investigative Information regarding a Licensee;

3. Implement or utilize procedures for considering the criminal history records of applicants for an initial Privilege to Practice. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that State's criminal records;

a. A member state must fully implement a criminal background check requirement, within a time frame established by rule, by receiving the results of the Federal Bureau of Investigation record search and shall use the results in making licensure decisions.

1 b. Communication between a Member State, the Commission and
2 among Member States regarding the verification of eligibility for
3 licensure through the Compact shall not include any information
4 received from the Federal Bureau of Investigation relating to a
5 federal criminal records check performed by a Member State under
6 Public Law 92-544.

7 4. Comply with the Rules of the Commission;

8 5. Require an applicant to obtain or retain a license in the
9 Home State and meet the Home State's qualifications for licensure
10 or renewal of licensure, as well as all other applicable State
11 laws;

12 6. Grant the Privilege to Practice to a Licensee holding a
13 valid Unencumbered License in another Member State in accordance
14 with the terms of the Compact and Rules; and

15 7. Provide for the attendance of the State's commissioner to
16 the Counseling Compact Commission meetings.

17 C. Member States may charge a fee for granting the Privilege
18 to Practice.

19 D. Individuals not residing in a Member State shall continue
20 to be able to apply for a Member State's Single State License as
21 provided under the laws of each Member State. However, the Single
22 State License granted to these individuals shall not be recognized
23 as granting a Privilege to Practice Professional Counseling in any
24 other Member State.

25 E. Nothing in this Compact shall affect the requirements
26 established by a Member State for the issuance of a Single State
27 License.

28 F. A license issued to a Licensed Professional Counselor by a
29 Home State to a resident in that State shall be recognized by each

1 Member State as authorizing a Licensed Professional Counselor to
2 practice Professional Counseling, under a Privilege to Practice, in
3 each Member State.

4 SECTION 4. PRIVILEGE TO PRACTICE

5 A. To exercise the Privilege to Practice under the terms and
6 provisions of the Compact, the Licensee shall:

7 1. Hold a license in the Home State;

8 2. Have a valid United States Social Security Number or
9 National Practitioner Identifier;

10 3. Be eligible for a Privilege to Practice in any Member State
11 in accordance with Section 4(D), (G) and (H);

12 4. Have not had any Encumbrance or restriction against any
13 license or Privilege to Practice within the previous 2 years;

14 5. Notify the Commission that the Licensee is seeking the
15 Privilege to Practice within a Remote State(s);

16 6. Pay any applicable fees, including any State fee, for the
17 Privilege to Practice;

18 7. Meet any Continuing Competence/Education requirements
19 established by the Home State;

20 8. Meet any Jurisprudence Requirements established by the
21 Remote State(s) in which the Licensee is seeking a Privilege to
22 Practice; and

23 9. Report to the Commission any Adverse Action, Encumbrance,
24 or restriction on license taken by any non-Member State within 30
25 days from the date the action is taken.

26 B. The Privilege to Practice is valid until the expiration
27 date of the Home State license. The Licensee must comply with the
28 requirements of Section 4(A) to maintain the Privilege to Practice
29 in the Remote State.

1 C. A Licensee providing Professional Counseling in a Remote
2 State under the Privilege to Practice shall adhere to the laws and
3 regulations 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
6 Remote State may, in accordance with due process and that State's
7 laws, remove a Licensee's Privilege to Practice in the Remote State
8 for a specific period of time, impose fines, and/or take any other
9 necessary actions to protect the health and safety of its citizens.
10 The Licensee may be ineligible for a Privilege to Practice in any
11 Member State until the specific time for removal has passed and all
12 fines are paid.

13 E. If a Home State license is encumbered, the Licensee shall
14 lose the Privilege to Practice in any Remote State until the
15 following occur:

- 16 1. The Home State license is no longer encumbered; and
17 2. Have not had any Encumbrance or restriction against any
18 license or Privilege to Practice within the previous 2 years.

19 F. Once an Encumbered License in the Home State is restored to
20 good standing, the Licensee must meet the requirements of Section
21 4(A) to obtain a Privilege to Practice in any Remote State.

22 G. If a Licensee's Privilege to Practice in any Remote State
23 is removed, the individual may lose the Privilege to Practice in
24 all other Remote States until the following occur:

- 25 1. The specific period of time for which the Privilege to
26 Practice was removed has ended;
27 2. All fines have been paid; and
28 3. Have not had any Encumbrance or restriction against any
29 license or Privilege to Practice within the previous 2 years.

1 H. Once the requirements of Section 4(G) have been met, the
2 Licensee must meet the requirements in Section 4(A) to obtain a
3 Privilege to Practice in a Remote State.

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

6 A. A Licensed Professional Counselor may hold a Home State
7 license, which allows for a Privilege to Practice in other Member
8 States, in only 1 Member State at a time.

9 B. If a Licensed Professional Counselor changes primary State
10 of residence by moving between 2 Member States:

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

16 2. Upon receipt of an application for obtaining a new Home
17 State license by virtue of a Privilege to Practice, the new Home
18 State shall verify that the Licensed Professional Counselor meets
19 the pertinent criteria outlined in Section 4 via the Data System,
20 without need for primary source verification except for:

21 a. A Federal Bureau of Investigation fingerprint-based
22 criminal background check if not previously performed or updated
23 pursuant to applicable rules adopted by the Commission in
24 accordance with Public Law 92-544;

25 b. Other criminal background check as required by the new Home
26 State; and

27 c. Completion of any requisite Jurisprudence Requirements of
28 the new Home State.

29 3. The former Home State shall convert the former Home State

1 license into a Privilege to Practice once the new Home State has
2 activated the new Home State license in accordance with applicable
3 Rules adopted by the Commission.

4 4. Notwithstanding any other provision of this Compact, if the
5 Licensed Professional Counselor cannot meet the criteria in Section
6 4, the new Home State may apply its requirements for issuing a new
7 Single State License.

8 5. The Licensed Professional Counselor shall pay all
9 applicable fees to the new Home State in order to be issued a new
10 Home State license.

11 C. If a Licensed Professional Counselor changes Primary State
12 of Residence by moving from a Member State to a non-Member State,
13 or from a non-Member State to a Member State, the State criteria
14 shall apply for issuance of a Single State License in the new
15 State.

16 D. Nothing in this Compact shall interfere with a Licensee's
17 ability to hold a Single State License in multiple States. However
18 for the purposes of this Compact, a Licensee shall have only 1 Home
19 State license.

20 E. Nothing in this Compact shall affect the requirements
21 established by a Member State for the issuance of a Single State
22 License.

23 SECTION 6. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

24 Active Duty Military personnel, or their spouse, shall
25 designate a Home State where the individual has a current license
26 in good standing. The individual may retain the Home State
27 designation during the period the service member is on active duty.
28 Subsequent to designating a Home State, the individual shall only
29 change their Home State through application for licensure in the

1 new State or through the process outlined in Section 5.

2 SECTION 7. COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

3 A. Member States shall recognize the right of a Licensed
4 Professional Counselor, licensed by a Home State in accordance with
5 Section 3 and under Rules promulgated by the Commission, to
6 practice Professional Counseling in any Member State via Telehealth
7 under a Privilege to Practice as provided in the Compact and Rules
8 promulgated by the Commission.

9 B. A Licensee providing Professional Counseling services in a
10 Remote State under the Privilege to Practice shall adhere to the
11 laws and regulations of the Remote State.

12 SECTION 8. ADVERSE ACTIONS

13 A. In addition to the other powers conferred by State law, a
14 Remote State shall have the authority, in accordance with existing
15 State due process law, to:

16 1. Take Adverse Action against a Licensed Professional
17 Counselor's Privilege to Practice within that Member State; and

18 2. Issue subpoenas for both hearings and investigations that
19 require the attendance and testimony of witnesses as well as the
20 production of evidence. Subpoenas issued by a Licensing Board in a
21 Member State for the attendance and testimony of witnesses or the
22 production of evidence from another Member State shall be enforced
23 in the latter State by any court of competent jurisdiction,
24 according to the practice and procedure of that court applicable to
25 subpoenas issued in proceedings pending before it. The issuing
26 authority shall pay any witness fees, travel expenses, mileage, and
27 other fees required by the service statutes of the State in which
28 the witnesses or evidence are located;

29 3. Only the Home State shall have the power to take Adverse

1 Action against a Licensed Professional Counselor's license issued
2 by the Home State.

3 B. For purposes of taking Adverse Action, the Home State shall
4 give the same priority and effect to reported conduct received from
5 a Member State as it would if the conduct had occurred within the
6 Home State. In so doing, the Home State shall apply its own State
7 laws to determine appropriate action.

8 C. The Home State shall complete any pending investigations of
9 a Licensed Professional Counselor who changes primary State of
10 residence during the course of the investigations. The Home State
11 shall also have the authority to take appropriate action(s) and
12 shall promptly report the conclusions of the investigations to the
13 administrator of the Data System. The administrator of the
14 coordinated licensure information system shall promptly notify the
15 new Home State of any Adverse Actions.

16 D. A Member State, if otherwise permitted by State law, may
17 recover from the affected Licensed Professional Counselor the costs
18 of investigations and dispositions of cases resulting from any
19 Adverse Action taken against that Licensed Professional Counselor.

20 E. A Member State may take Adverse Action based on the factual
21 findings of the Remote State, provided that the Member State
22 follows its own procedures for taking the Adverse Action.

23 F. Joint Investigations:

24 1. In addition to the authority granted to a Member State by
25 its respective Professional Counseling practice act or other
26 applicable State law, any Member State may participate with other
27 Member States in joint investigations of Licensees.

28 2. Member States shall share any investigative, litigation, or
29 compliance materials in furtherance of any joint or individual

1 investigation initiated under the Compact.

2 G. If Adverse Action is taken by the Home State against the
3 license of a Licensed Professional Counselor, the Licensed
4 Professional Counselor's Privilege to Practice in all other Member
5 States shall be deactivated until all Encumbrances have been
6 removed from the State license. All Home State disciplinary orders
7 that impose Adverse Action against the license of a Licensed
8 Professional Counselor shall include a Statement that the Licensed
9 Professional Counselor's Privilege to Practice is deactivated in
10 all Member States during the pendency of the order.

11 H. If a Member State takes Adverse Action, it shall promptly
12 notify the administrator of the Data System. The administrator of
13 the Data System shall promptly notify the Home State of any Adverse
14 Actions by Remote States.

15 I. Nothing in this Compact shall override a Member State's
16 decision that participation in an Alternative Program may be used
17 in lieu of Adverse Action.

18 SECTION 9. ESTABLISHMENT OF COUNSELING COMPACT COMMISSION

19 A. The Compact Member States hereby create and establish a
20 joint public agency known as the Counseling Compact Commission:

21 1. The Commission is an instrumentality of the Compact States.

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

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

1 B. Membership, Voting, and Meetings:

2 1. Each Member State shall have and be limited to 1 delegate
3 selected by that Member State's Licensing Board.

4 2. The delegate shall be either:

5 a. A current member of the Licensing Board at the time of
6 appointment, who is a Licensed Professional Counselor or public
7 member; or

8 b. An administrator of the Licensing Board.

9 3. Any delegate may be removed or suspended from office as
10 provided by the law of the State from which the delegate is
11 appointed.

12 4. The Member State Licensing Board shall fill any vacancy
13 occurring on the Commission within 60 days.

14 5. Each delegate shall be entitled to 1 vote with regard to
15 the promulgation of Rules and creation of bylaws and shall
16 otherwise have an opportunity to participate in the business and
17 affairs of the Commission.

18 6. A delegate shall vote in person or by such other means as
19 provided in the bylaws. The bylaws may provide for delegates'
20 participation in meetings by telephone or other means of
21 communication.

22 7. The Commission shall meet at least once during each
23 calendar year. Additional meetings shall be held as set forth in
24 the bylaws.

25 8. The Commission shall by Rule establish a term of office for
26 delegates and may by Rule establish term limits.

27 C. The Commission shall have the following powers and duties:

28 1. Establish the fiscal year of the Commission;

29 2. Establish bylaws;

1 3. Maintain its financial records in accordance with the
2 bylaws;

3 4. Meet and take such actions as are consistent with the
4 provisions of this Compact and the bylaws;

5 5. Promulgate Rules which shall be binding to the extent and
6 in the manner provided for in the Compact;

7 6. Bring and prosecute legal proceedings or actions in the
8 name of the Commission, provided that the standing of any State
9 Licensing Board to sue or be sued under applicable law shall not be
10 affected;

11 7. Purchase and maintain insurance and bonds;

12 8. Borrow, accept, or contract for services of personnel,
13 including, but not limited to, employees of a Member State;

14 9. Hire employees, elect or appoint officers, fix
15 compensation, define duties, grant such individuals appropriate
16 authority to carry out the purposes of the Compact, and establish
17 the Commission's personnel policies and programs relating to
18 conflicts of interest, qualifications of personnel, and other
19 related personnel matters;

20 10. Accept any and all appropriate donations and grants of
21 money, equipment, supplies, materials, and services, and to
22 receive, utilize, and dispose of the same; provided that at all
23 times the Commission shall avoid any appearance of impropriety
24 and/or conflict of interest;

25 11. Lease, purchase, accept appropriate gifts or donations of,
26 or otherwise to own, hold, improve or use, any property, real,
27 personal or mixed; provided that at all times the Commission shall
28 avoid any appearance of impropriety;

29 12. Sell, convey, mortgage, pledge, lease, exchange, abandon,

1 or otherwise dispose of any property real, personal, or mixed;

2 13. Establish a budget and make expenditures;

3 14. Borrow money;

4 15. Appoint committees, including standing committees composed
5 of members, State regulators, State legislators or their
6 representatives, and consumer representatives, and such other
7 interested persons as may be designated in this Compact and the
8 bylaws;

9 16. Provide and receive information from, and cooperate with,
10 law enforcement agencies;

11 17. Establish and elect an Executive Committee; and

12 18. Perform such other functions as may be necessary or
13 appropriate to achieve the purposes of this Compact consistent with
14 the State regulation of Professional Counseling licensure and
15 practice.

16 D. The Executive Committee:

17 1. The Executive Committee shall have the power to act on
18 behalf of the Commission according to the terms of this Compact.

19 2. The Executive Committee shall be composed of up to 11
20 members:

21 a. Seven voting members who are elected by the Commission from
22 the current membership of the Commission; and

23 b. Up to 4 ex-officio, nonvoting members from 4 recognized
24 national professional counselor organizations.

25 c. The ex-officio members will be selected by their respective
26 organizations.

27 3. The Commission may remove any member of the Executive
28 Committee as provided in bylaws.

29 4. The Executive Committee shall meet at least annually.

1 5. The Executive Committee shall have the following duties and
2 responsibilities:

3 a. Recommend to the entire Commission changes to the Rules or
4 bylaws, changes to this Compact legislation, fees paid by Compact
5 Member States such as annual dues, and any Commission Compact fee
6 charged to Licensees for the Privilege to Practice;

7 b. Ensure Compact administration services are appropriately
8 provided, contractual or otherwise;

9 c. Prepare and recommend the budget;

10 d. Maintain financial records on behalf of the Commission;

11 e. Monitor Compact compliance of Member States and provide
12 compliance reports to the Commission;

13 f. Establish additional committees as necessary; and

14 g. Other duties as provided in Rules or bylaws.

15 E. Meetings of the Commission:

16 1. All meetings shall be open to the public, and public notice
17 of meetings shall be given in the same manner as required under the
18 Rulemaking provisions in Section 11.

19 2. The Commission or the Executive Committee or other
20 committees of the Commission may convene in a closed, nonpublic
21 meeting if the Commission or Executive Committee or other
22 committees of the Commission must discuss:

23 a. Noncompliance of a Member State with its obligations under
24 the Compact;

25 b. The employment, compensation, discipline or other matters,
26 practices or procedures related to specific employees or other
27 matters related to the Commission's internal personnel practices
28 and procedures;

29 c. Current, threatened, or reasonably anticipated litigation;

1 d. Negotiation of contracts for the purchase, lease, or sale
2 of goods, services, or real estate;

3 e. Accusing any person of a crime or formally censuring any
4 person;

5 f. Disclosure of trade secrets or commercial or financial
6 information that is privileged or confidential;

7 g. Disclosure of information of a personal nature where
8 disclosure would constitute a clearly unwarranted invasion of
9 personal privacy;

10 h. Disclosure of investigative records compiled for law
11 enforcement purposes;

12 i. Disclosure of information related to any investigative
13 reports prepared by or on behalf of or for use of the Commission or
14 other committee charged with responsibility of investigation or
15 determination of compliance issues pursuant to the Compact; or

16 j. Matters specifically exempted from disclosure by federal or
17 Member State statute.

18 3. If a meeting, or portion of a meeting, is closed pursuant
19 to this provision, the Commission's legal counsel or designee shall
20 certify that the meeting may be closed and shall reference each
21 relevant exempting provision.

22 4. The Commission shall keep minutes that fully and clearly
23 describe all matters discussed in a meeting and shall provide a
24 full and accurate summary of actions taken, and the reasons
25 therefore, including a description of the views expressed. All
26 documents considered in connection with an action shall be
27 identified in such minutes. All minutes and documents of a closed
28 meeting shall remain under seal, subject to release by a majority
29 vote of the Commission or order of a court of competent

1 jurisdiction.

2 F. Financing of the Commission:

3 1. The Commission shall pay, or provide for the payment of,
4 the reasonable expenses of its establishment, organization, and
5 ongoing activities.

6 2. The Commission may accept any and all appropriate revenue
7 sources, donations, and grants of money, equipment, supplies,
8 materials, and services.

9 3. The Commission may levy on and collect an annual assessment
10 from each Member State or impose fees on other parties to cover the
11 cost of the operations and activities of the Commission and its
12 staff, which must be in a total amount sufficient to cover its
13 annual budget as approved each year for which revenue is not
14 provided by other sources. The aggregate annual assessment amount
15 shall be allocated based upon a formula to be determined by the
16 Commission, which shall promulgate a Rule binding upon all Member
17 States.

18 4. The Commission shall not incur obligations of any kind
19 prior to securing the funds adequate to meet the same; nor shall
20 the Commission pledge the credit of any of the Member States,
21 except by and with the authority of the Member State.

22 5. The Commission shall keep accurate accounts of all receipts
23 and disbursements. The receipts and disbursements of the Commission
24 shall be subject to the audit and accounting procedures established
25 under its bylaws. However, all receipts and disbursements of funds
26 handled by the Commission shall be audited yearly by a certified or
27 licensed public accountant, and the report of the audit shall be
28 included in and become part of the annual report of the Commission.

29 G. Qualified Immunity, Defense, and Indemnification

1 1. The members, officers, executive director, employees and
2 representatives of the Commission shall be immune from suit and
3 liability, either personally or in their official capacity, for any
4 claim for damage to or loss of property or personal injury or other
5 civil liability caused by or arising out of any actual or alleged
6 act, error or omission that occurred, or that the person against
7 whom the claim is made had a reasonable basis for believing
8 occurred within the scope of Commission employment, duties or
9 responsibilities; provided that nothing in this paragraph shall be
10 construed to protect any such person from suit and/or liability for
11 any damage, loss, injury, or liability caused by the intentional or
12 willful or wanton misconduct of that person.

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

25 3. The Commission shall indemnify and hold harmless any
26 member, officer, executive director, employee, or representative of
27 the Commission for the amount of any settlement or judgment
28 obtained against that person arising out of any actual or alleged
29 act, error, or omission that occurred within the scope of

1 Commission employment, duties, or responsibilities, or that such
2 person had a reasonable basis for believing occurred within the
3 scope of Commission employment, duties, or responsibilities,
4 provided that the actual or alleged act, error, or omission did not
5 result from the intentional or willful or wanton misconduct of that
6 person.

7 SECTION 10. DATA SYSTEM

8 A. The Commission shall provide for the development,
9 maintenance, operation, and utilization of a coordinated database
10 and reporting system containing licensure, Adverse Action, and
11 Investigative Information on all licensed individuals in Member
12 States.

13 B. Notwithstanding any other provision of State law to the
14 contrary, a Member State shall submit a uniform data set to the
15 Data System on all individuals to whom this Compact is applicable
16 as required by the Rules of the Commission, including:

- 17 1. Identifying information;
- 18 2. Licensure data;
- 19 3. Adverse Actions against a license or Privilege to Practice;
- 20 4. Nonconfidential information related to Alternative Program
21 participation;
- 22 5. Any denial of application for licensure, and the reason(s)
23 for such denial;
- 24 6. Current Significant Investigative Information; and
- 25 7. Other information that may facilitate the administration of
26 this Compact, as determined by the Rules of the Commission.

27 C. Investigative Information pertaining to a Licensee in any
28 Member State will only be available to other Member States.

29 D. The Commission shall promptly notify all Member States of

1 any Adverse Action taken against a Licensee or an individual
2 applying for a license. Adverse Action information pertaining to a
3 Licensee in any Member State will be available to any other Member
4 State.

5 E. Member States contributing information to the Data System
6 may designate information that may not be shared with the public
7 without the express permission of the contributing State.

8 F. Any information submitted to the Data System that is
9 subsequently required to be expunged by the laws of the Member
10 State contributing the information shall be removed from the Data
11 System.

12 SECTION 11. RULEMAKING

13 A. The Commission shall promulgate reasonable Rules in order
14 to effectively and efficiently achieve the purpose of the Compact.
15 Notwithstanding the foregoing, in the event the Commission
16 exercises its Rulemaking authority in a manner that is beyond the
17 scope of the purposes of the Compact, or the powers granted
18 hereunder, then such an action by the Commission shall be invalid
19 and have no force or effect.

20 B. The Commission shall exercise its Rulemaking powers
21 pursuant to the criteria set forth in this Section and the Rules
22 adopted thereunder. Rules and amendments shall become binding as of
23 the date specified in each Rule or amendment.

24 C. If a majority of the legislatures of the Member States
25 rejects a Rule, by enactment of a statute or resolution in the same
26 manner used to adopt the Compact within 4 years of the date of
27 adoption of the Rule, then such Rule shall have no further force
28 and effect in any Member State.

29 D. Rules or amendments to the Rules shall be adopted at a

1 regular or special meeting of the Commission.

2 E. Prior to promulgation and adoption of a final Rule or Rules
3 by the Commission, and at least 30 days in advance of the meeting
4 at which the Rule will be considered and voted upon, the Commission
5 shall file a Notice of Proposed Rulemaking:

6 1. On the website of the Commission or other publicly
7 accessible platform; and

8 2. On the website of each Member State Professional Counseling
9 Licensing Board or other publicly accessible platform or the
10 publication in which each State would otherwise publish proposed
11 Rules.

12 F. The Notice of Proposed Rulemaking shall include:

13 1. The proposed time, date, and location of the meeting in
14 which the Rule will be considered and voted upon;

15 2. The text of the proposed Rule or amendment and the reason
16 for the proposed Rule;

17 3. A request for comments on the proposed Rule from any
18 interested person; and

19 4. The manner in which interested persons may submit notice to
20 the Commission of their intention to attend the public hearing and
21 any written comments.

22 G. Prior to adoption of a proposed Rule, the Commission shall
23 allow persons to submit written data, facts, opinions, and
24 arguments, which shall be made available to the public.

25 H. The Commission shall grant an opportunity for a public
26 hearing before it adopts a Rule or amendment if a hearing is
27 requested by:

28 1. At least 25 persons;

29 2. A State or federal governmental subdivision or agency; or

1 3. An association having at least 25 members.

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

7 1. All persons wishing to be heard at the hearing shall notify
8 the executive director of the Commission or other designated member
9 in writing of their desire to appear and testify at the hearing not
10 less than 5 business days before the scheduled date of the hearing.

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

14 3. All hearings will be recorded. A copy of the recording will
15 be made available on request.

16 4. Nothing in this section shall be construed as requiring a
17 separate hearing on each Rule. Rules may be grouped for the
18 convenience of the Commission at hearings required by this section.

19 J. Following the scheduled hearing date, or by the close of
20 business on the scheduled hearing date if the hearing was not held,
21 the Commission shall consider all written and oral comments
22 received.

23 K. If no written notice of intent to attend the public hearing
24 by interested parties is received, the Commission may proceed with
25 promulgation of the proposed Rule without a public hearing.

26 L. The Commission shall, by majority vote of all members, take
27 final action on the proposed Rule and shall determine the effective
28 date of the Rule, if any, based on the Rulemaking record and the
29 full text of the Rule.

1 M. Upon determination that an emergency exists, the Commission
2 may consider and adopt an emergency Rule without prior notice,
3 opportunity for comment, or hearing, provided that the usual
4 Rulemaking procedures provided in the Compact and in this section
5 shall be retroactively applied to the Rule as soon as reasonably
6 possible, in no event later than 90 days after the effective date
7 of the Rule. For the purposes of this provision, an emergency Rule
8 is one that must be adopted immediately in order to:

- 9 1. Meet an imminent threat to public health, safety, or
10 welfare;
11 2. Prevent a loss of Commission or Member State funds;
12 3. Meet a deadline for the promulgation of an administrative
13 Rule that is established by federal law or Rule; or
14 4. Protect public health and safety.

15 N. The Commission or an authorized committee of the Commission
16 may direct revisions to a previously adopted Rule or amendment for
17 purposes of correcting typographical errors, errors in format,
18 errors in consistency, or grammatical errors. Public notice of any
19 revisions shall be posted on the website of the Commission. The
20 revision shall be subject to challenge by any person for a period
21 of 30 days after posting. The revision may be challenged only on
22 grounds that the revision results in a material change to a Rule. A
23 challenge shall be made in writing and delivered to the chair of
24 the Commission prior to the end of the notice period. If no
25 challenge is made, the revision will take effect without further
26 action. If the revision is challenged, the revision may not take
27 effect without the approval of the Commission.

28 SECTION 12. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

29 A. Oversight:

1 1. The executive, legislative, and judicial branches of State
2 government in each Member State shall enforce this Compact and take
3 all actions necessary and appropriate to effectuate the Compact's
4 purposes and intent. The provisions of this Compact and the Rules
5 promulgated hereunder shall have standing as statutory law.

6 2. All courts shall take judicial notice of the Compact and
7 the Rules in any judicial or administrative proceeding in a Member
8 State pertaining to the subject matter of this Compact which may
9 affect the powers, responsibilities, or actions of the Commission.

10 3. The Commission shall be entitled to receive service of
11 process in any such proceeding and shall have standing to intervene
12 in such a proceeding for all purposes. Failure to provide service
13 of process to the Commission shall render a judgment or order void
14 as to the Commission, this Compact, or promulgated Rules.

15 B. Default, Technical Assistance, and Termination:

16 1. If the Commission determines that a Member State has
17 defaulted in the performance of its obligations or responsibilities
18 under this Compact or the promulgated Rules, the Commission shall:

19 a. Provide written notice to the defaulting State and other
20 Member States of the nature of the default, the proposed means of
21 curing the default and/or any action to be taken by the Commission;
22 and

23 b. Provide remedial training and specific technical assistance
24 regarding the default.

25 C. If a State in default fails to cure the default, the
26 defaulting State may be terminated from the Compact upon an
27 affirmative vote of a majority of the Member States, and all
28 rights, privileges and benefits conferred by this Compact may be
29 terminated on the effective date of termination. A cure of the

1 default does not relieve the offending State of obligations or
2 liabilities incurred during the period of default.

3 D. Termination of membership in the Compact shall be imposed
4 only after all other means of securing compliance have been
5 exhausted. Notice of intent to suspend or terminate shall be given
6 by the Commission to the governor, the majority and minority
7 leaders of the defaulting State's legislature, and each of the
8 Member States.

9 E. A State that has been terminated is responsible for all
10 assessments, obligations, and liabilities incurred through the
11 effective date of termination, including obligations that extend
12 the effective date of termination.

13 F. The Commission shall not bear any costs related to a State
14 that is found to be in default or that has been terminated from the
15 Compact, unless agreed upon in writing between the Commission and
16 the defaulting State.

17 G. The defaulting State may appeal the action of the
18 Commission by petitioning the United States District Court for the
19 District of Columbia or the federal district where the Commission
20 has its principal offices. The prevailing member shall be awarded
21 all costs of such litigation, including reasonable attorney fees.

22 H. Dispute Resolution

23 1. Upon request by a Member State, the Commission shall
24 attempt to resolve disputes related to the Compact that arise among
25 Member States and between member and non-Member States.

26 2. The Commission shall promulgate a Rule providing for both
27 mediation and binding dispute resolution for disputes as
28 appropriate.

29 I. Enforcement

1 1. The Commission, in the reasonable exercise of its
2 discretion, shall enforce the provisions and Rules of this Compact.

3 2. By majority vote, the Commission may initiate legal action
4 in the United States District Court for the District of Columbia or
5 the federal district where the Commission has its principal offices
6 against a Member State in default to enforce compliance with the
7 provisions of the Compact and its promulgated Rules and bylaws. The
8 relief sought may include both injunctive relief and damages. In
9 the event judicial enforcement is necessary, the prevailing member
10 shall be awarded all costs of such litigation, including reasonable
11 attorney fees.

12 3. The remedies herein shall not be the exclusive remedies of
13 the Commission. The Commission may pursue any other remedies
14 available under federal or State law.

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

17 A. The Compact shall come into effect on the date on which the
18 Compact statute is enacted into law in the tenth Member State. The
19 provisions, which become effective at that time, shall be limited
20 to the powers granted to the Commission relating to assembly and
21 the promulgation of Rules. Thereafter, the Commission shall meet
22 and exercise Rulemaking powers necessary to the implementation and
23 administration of the Compact.

24 B. Any State that joins the Compact subsequent to the
25 Commission's initial adoption of the Rules shall be subject to the
26 Rules as they exist on the date on which the Compact law in that
27 State. Any Rule that has been previously adopted by the Commission
28 shall have the full force and effect of law on the day the Compact
29 becomes law in that State.

1 C. Any Member State may withdraw from this Compact by enacting
2 a statute repealing the same.

3 1. A Member State's withdrawal shall not take effect until 6
4 months after enactment of the repealing statute.

5 2. Withdrawal shall not affect the continuing requirement of
6 the withdrawing State's Professional Counseling Licensing Board to
7 comply with the investigative and Adverse Action reporting
8 requirements of this act prior to the effective date of withdrawal.

9 D. Nothing contained in this Compact shall be construed to
10 invalidate or prevent any Professional Counseling licensure
11 agreement or other cooperative arrangement between a Member State
12 and a non-Member State that does not conflict with the provisions
13 of this Compact.

14 E. This Compact may be amended by the Member States. No
15 amendment to this Compact shall become effective and binding upon
16 any Member State until it is enacted into the laws of all Member
17 States.

18 SECTION 14. CONSTRUCTION AND SEVERABILITY

19 This Compact shall be liberally construed so as to effectuate
20 the purposes thereof. The provisions of this Compact shall be
21 severable and if any phrase, clause, sentence or provision of this
22 Compact is declared to be contrary to the constitution of any
23 Member State or of the United States or the applicability thereof
24 to any government, agency, person or circumstance is held invalid,
25 the validity of the remainder of this Compact and the applicability
26 thereof to any government, agency, person or circumstance shall not
27 be affected thereby. If this Compact shall be held contrary to the
28 constitution of any Member State, the Compact shall remain in full
29 force and effect as to the remaining Member States and in full

1 force and effect as to the Member State affected as to all
2 severable matters.

3 SECTION 15. BINDING EFFECT OF COMPACT AND OTHER LAWS

4 A. A Licensee providing Professional Counseling services in a
5 Remote State under the Privilege to Practice shall adhere to the
6 laws and regulations, including scope of practice, of the Remote
7 State.

8 B. Nothing herein prevents the enforcement of any other law of
9 a Member State that is not inconsistent with the Compact.

10 C. Any laws in a Member State in conflict with the Compact are
11 superseded to the extent of the conflict.

12 D. Any lawful actions of the Commission, including all Rules
13 and bylaws properly promulgated by the Commission, are binding upon
14 the Member States.

15 E. All permissible agreements between the Commission and the
16 Member States are binding in accordance with their terms.

17 F. In the event any provision of the Compact exceeds the
18 constitutional limits imposed on the legislature of any Member
19 State, the provision shall be ineffective to the extent of the
20 conflict with the constitutional provision in question in that
21 Member State.

22 (2) Subsection (1) may be known as the "counseling compact".

23 Sec. 18101. As used in this part:

24 (a) "Clinical counseling principles, methods, or procedures"
25 means 1 or more of the following:

26 (i) Psychotherapy, the diagnosis and treatment planning for
27 mental and emotional disorders, and evaluation.

28 (ii) Selecting, administering, scoring, and interpreting
29 assessments, tests, and appraisals that are designed to assess an

1 individual's aptitudes, interests, attitudes, abilities,
2 achievements, and personal characteristics in order to use
3 appraisal and diagnostic results in helping processes.

4 (iii) Psychoeducational consulting. As used in this
5 subparagraph, "psychoeducational consulting" means assisting a
6 consultee that is working with an individual, small group, or
7 organization by identifying problems, strengths, and weaknesses and
8 making recommendations for the implementation of preventative or
9 remedial strategies.

10 (iv) Counseling techniques. As used in this subparagraph:

11 (A) "Counseling techniques" means the application of basic
12 counseling and psychotherapy skills and theories in the counseling
13 process for the purposes of establishing and maintaining the
14 counseling relationship; diagnosing the problem; formulating a
15 preventative, treatment, or rehabilitative plan; and facilitating
16 appropriate interventions.

17 (B) "Diagnosing the problem" means the identification of the
18 problem through the application of recognized counseling techniques
19 and psychotherapy skills and theories, including the use of the
20 classifications and diagnoses in the Diagnostic and Statistical
21 Manual for Mental Disorders, obtained through the successful
22 completion of a qualified program. Diagnosing the problem does not
23 include the identification of other medical or physical conditions.

24 (v) Behavioral modification techniques. As used in this
25 subparagraph, "behavioral modification techniques" means assisting
26 clients in identifying maladaptive or harmful behaviors and
27 replacing them with adaptive and helpful behaviors.

28 (vi) Referral. As used in this subparagraph, "referral"
29 includes determining the need for referral to 1 or more statutorily

1 regulated mental health professionals whose expertise, skills, and
2 competence are appropriate to the problems of the individual,
3 informing the individual of the referral, and communicating as
4 appropriate with the professional to whom the individual has been
5 referred.

6 (vii) Preventative techniques. As used in this subparagraph,
7 "preventative techniques" means assisting a client in maintaining
8 mental and emotional well-being and preventing emotional distress
9 and mental illness.

10 (viii) Establishing a counseling plan for the treatment of 1 or
11 more of the following disorders of an individual, couple, group, or
12 family:

13 (A) An emotional disorder.

14 (B) A mental disorder.

15 (C) An addiction disorder.

16 (D) A physical disorder that requires a counseling
17 intervention.

18 (ix) Promoting mental health wellness. As used in this
19 subparagraph, "mental health wellness" means the achievement of
20 social, career, and emotional development across an individual's
21 life span.

22 (x) Preventing and treating mental and emotional disorders. As
23 used in this subparagraph, "preventing and treating mental and
24 emotional disorders" includes the use of crisis intervention.

25 (b) "Licensed professional counselor" means an individual who
26 is licensed **or authorized** under this article to engage in the
27 practice of counseling without supervision.

28 (c) "Limited licensed counselor" means an individual who has
29 been granted a limited license under this article to engage in the

1 practice of counseling under the supervision of a licensed
 2 professional counselor who meets the requirement of section 18106.

3 (d) Except as otherwise provided in subdivision (e), "practice
 4 of counseling" or "counseling" means the rendering to individuals,
 5 groups, families, organizations, or the general public in
 6 accordance with accepted and established ethics a service involving
 7 clinical counseling principles, methods, or procedures for the
 8 purpose of achieving social, personal, career, and emotional
 9 development and with the goal of promoting and enhancing healthy
 10 self-actualizing and satisfying lifestyles whether the services are
 11 rendered in an educational, business, health, private practice, or
 12 human services setting.

13 (e) The practice of counseling does not include the practice
 14 of psychology except for those preventive techniques, counseling
 15 techniques, or behavior modification techniques for which the
 16 licensed professional counselor or limited licensed counselor has
 17 been specifically trained. The practice of counseling does not
 18 include the practice of medicine or osteopathic medicine and
 19 surgery, including, but not limited to, the differential diagnosis
 20 of medical conditions or disorders, prescribing drugs, or
 21 administering electroconvulsive therapy. A counselor shall not hold
 22 ~~himself or herself~~ **the counselor** out as any of the following:

23 (i) A psychologist as defined in section 18201.

24 (ii) A marriage and family therapist as defined in section
 25 16901.

26 (iii) A licensed bachelor's social worker or a licensed master's
 27 social worker as those terms are defined in section 18501.

28 (f) "Qualified program" means any of the following:

29 (i) A program that is accredited by the Council for the

1 Accreditation of Counseling and Related Educational Programs,
2 includes coursework and training in the diagnosis and treatment of
3 mental and emotional disorders, and is approved by the department
4 in consultation with the board.

5 (ii) A program that is not accredited by the Council for the
6 Accreditation of Counseling and Related Educational Programs,
7 includes coursework and training in the diagnosis and treatment of
8 mental and emotional disorders and all other coursework
9 requirements of the Council for the Accreditation of Counseling and
10 Related Educational Programs, including practicum and internship
11 requirements, and is approved by the department in consultation
12 with the board.

13 **Sec. 18105a. (1) An individual who holds a compact privilege**
14 **to practice professional counseling as a counselor under the**
15 **counseling compact is authorized to engage in the practice of**
16 **counseling under this article.**

17 (2) For purposes of this article, including the obligations of
18 an individual who is licensed as a licensed professional counselor,
19 an individual who holds a compact privilege to practice
20 professional counseling as a counselor under the counseling compact
21 is considered a licensed professional counselor who is licensed
22 under this part.

23 **Enacting section 1. This amendatory act takes effect 1 year**
24 **after the date it is enacted into law.**