



2024 Annual Business Meeting Documents

January 10, 2024

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Voting Documents

January 10, 2024

Counseling Compact 2024 Annual Commission Business Meeting

Public Notice Information

January 10, 2024, 9:00 a.m. MT

Location: Zoom Teleconference and in-person at the Westin La Paloma Resort in Tucson, Arizona

Meeting Agenda

9:00 a.m.	Welcome & Call to Order	Chair
	Roll Call	CSG
	Review and Adopt Agenda*	Chair
9:20 a.m.	Review and Adopt Minutes*	Chair
9:30 a.m.	Introduction to Executive Director	Chair
9:40 a.m.	Committee Reports	Committee Chairs
	<ul style="list-style-type: none"> • Executive Committee • Finance Committee • Rules Committee 	
9:55 a.m.	Compacts Training	CSG
10:20 a.m.	Commission Legal Training	Legal Counsel
10:45 a.m.	Break	
11:00 a.m.	Rule Hearing and Review of Comments on Proposed Rule	Rules Chair
11:20 a.m.	Vote on Proposed Rules*	Chair
11:40 a.m.	Overview of Election Procedure and Call for Nominations	Chair
11:50 a.m.	New Business	Chair
12:00 p.m.	Questions and Comments	Chair
12:30 p.m.	Adjourn*	Chair

* Indicates agenda item requires Commission vote. Votes on agenda items without an asterisk may occur if determined necessary at the meeting.

Counseling Compact 2023 Annual Business Meeting

Meeting Minutes

October 25, 2023

Meeting held virtually via Zoom.

Delegates Present:

Latofia Parker, Alabama
Justin Moore, Arkansas
Nate Brown, Colorado
Ashleigh Irving, Florida
Kimble Richardson, Indiana
Amy Mooney, Iowa
Laura Shaughnessy, Kansas
Andrea Brooks, Kentucky
Jamie Doming, Louisiana
Mary Drotleff, Maryland
Susan Meyerle, Nebraska
Lindsey Courtney, New Hampshire
Denauvo Robinson, North Carolina
Jenna Johnson, North Dakota
Brian Carnahan, Ohio
Kim Speakman, Tennessee
Jana Johansen, Utah
Brandon Williams, Washington
Tony Onorato, West Virginia
Greg Searls, Wyoming

Delegates Absent:

Alison Warren, Delaware
Tommy Black, Georgia
Kim Shaffer, Maine
LeeAnn Mordecai, Mississippi
Gloria Lindsey, Missouri

States with no delegate appointed:

Connecticut
Montana

States with future delegates attending (nonvoting):

Laura Layman, Vermont
Jamie Hoyle, Virginia
Johnie Fredman, Oklahoma

Executive Committee Ex-Officio Members Present

Lynn Linde
Beverly Smith
Matt Grayson
Kylie Dotson-Blake

Legal Counsel Present:

Nahale Kalfas, Council of State Governments (CSG)

CSG Staff Present:

Carl Sims
Isabel Eliassen
Dan Logsdon

CAMS Staff Present:

Julie Windsor
Jodie Markey

44 members of the public were also present.

Welcome/Call to Order

- J. Doming called the meeting to order at 12:02 pm ET.
- I. Eliassen reminded the meeting attendees that only state delegates were authorized to speak, make motions, and vote unless otherwise noted. State delegates had been appointed by their states and were on file with the commission.

Roll Call

- J. Doming invited delegates to introduce themselves in alphabetical order by state. Attendance was as listed above. A quorum was established with 20 of 25 voting members present. Staff members also introduced themselves.

Adoption of the Agenda

- J. Doming called for a motion to adopt the agenda.
- **Motion:** K. Speakman moved that the commission adopt the agenda. A. Irving seconded the motion. All present voted in favor, 0 opposed, and 0 abstained. The motion passed.

Adoption of Minutes

- J. Doming called for a motion to adopt the minutes.

- **Motion:** G. Searls moved that the commission adopt the minutes. J. Johansen seconded the motion. All present voted in favor, 0 opposed, and 3 abstained due to absence at the meeting where the minutes were taken. The motion passed.

Introduction to Secretariat

- J. Doming provided an introduction to Clear Association Management Service (CAMS), the organization the Counseling Compact has hired to serve as their secretariat. CAMS has considerable experience in the field of management.
- J. Markey and J. Windsor, representatives of CAMS, introduced themselves.
- J. Doming and the CAMS representatives provided an update on the hiring process for the executive director. Over 60 applications were received. The Executive Committee would be discussing the applicants at their next meeting.

Status Update on Data System and Timeline

- J. Doming called on C. Sims to provide the update.
- C. Sims explained the importance of the data system to the compact and how compacts typically acquired data systems. He summarized the work the Commission had done with U.S. Digital Response (USDR), a nonprofit doing pro bono work helping the Commission write an RFP and evaluate responses.
- C. Sims explained that the Commission had opted to join with two other compacts, the OT Compact and the ASLP Compact, in finding a vendor, as the three Commissions would be using extremely similar data systems.
- In the coming weeks, the responses to the RFP would be received, and USDR would help evaluate them. Then the three Executive Committees would meet to make a decision on the vendor.
- C. Sims mentioned that in addition to the funds combined from the three Commissions, the DOD had expressed interest in contributing some funds to the project. Grants were an additional funding possibility.
- No one had questions on the data system update.

Finance Committee Report

- K. Speakman walked the Commission through the draft budget.
- K. Richardson asked if the data system would include only information on those on the commission or from all participants in states. C. Sims answered that compact data systems typically would include all licensees who qualify.
- **Motion:** B. Carnahan moved that the commission adopt the minutes. D. Robinson seconded the motion. All present voted in favor, 0 opposed, and 0 abstained due to absence at the meeting where the minutes were taken. The motion passed.

Rules Committee Report

- J. Doming called on N. Brown to discuss the proposed draft rules.

Rule on Examination Requirements

- N. Brown introduced the Rule on Examination Requirements, explaining that the Rules Committee started with this rule due to concern about counselor identity.
- B. Williams asked about the inclusion of the Certified Rehabilitation Counselor Exam (CRCE), as it was not accepted by as many states. He additionally asked if compact states would need to recognize the CRCE for licensure. N. Brown stated that individual states would not need to change their licensure requirements. Additionally, the Rules Committee had thoroughly looked into the exam and found it substantively similar to the other two exams. A. Brooks added to N. Brown's answer, saying that the Committee heard from the organization which administered the exam. She was initially skeptical but was eventually convinced that the exam would require of those taking it the same areas of expertise and mastery that the other exams required.
- J. Moore asked if counselors who had been granted licenses before exams were required would need to take an exam now to participate in the compact. I. Eliassen answered that this was not the case, and that the compact provided for legacy licensees to participate.
- K. Richardson asked if the compact required states to use a certain name for counselors. I. Eliassen stated that the compact defined counselors in a way that allowed states to continue using their own internal licensure titles.
- L. Parker asked if any public comments had been received on this rule. I. Eliassen confirmed that no public comments had been received.
- W. Lane asked if someone lived in a state where they could not use the CRCE to become licensed, if they would be able to participate in the compact after taking that exam. I. Eliassen stated that if the person did follow their state's licensing requirements, they would not have a valid license and could not participate in the compact. However, if they were in a state where they could use the CRCE to obtain a license, they could use that license to participate in the compact.
- B. Williams asked if states that did not recognize the CRCE for state licensure would need to recognize compact privilege applications who had obtained home state licenses in other states via the CRCE. N. Kalfas stated that non-CRCE states would need to recognize such licensees if they applied for privileges, and that compacts were built on mutual trust between states.
- **Motion:** J. Moore moved that the commission adopt the rule. L. Parker seconded the motion. All present voted in favor, 0 opposed, and 1 abstained. The motion passed.

Rule on Definitions

- N. Brown introduced the Rule on Definitions. He explained that the purpose of this rule was to further define terms that were used ambiguously in the compact.
- I. Eliassen stated that a comment was received about this rule. The comment was related to the definition of Home State License and asked that the definition exclude the residence requirement. N. Kalfas explained that such a change was not possible, as that definition was written into the compact, and its inclusion in this rule was for the purpose of clarification only.
- B. Williams asked to see the definition of Home State License in the compact. The definition was shown onscreen.

- B. Williams asked about how Washington should apply the definition of minor infraction. N. Brown said that it would be the state's decision as to whether the infraction was related to the practice of counseling.
- **Motion:** K. Speakman moved that the commission adopt the rule. D. Robinson seconded the motion. All present voted in favor, 0 opposed, and 0 abstained due to absence at the meeting where the minutes were taken. The motion passed.

Bylaws

- N. Brown summarized the changes that were made to the bylaws: creating a standard size for committees, creation of committee vice chair positions, terms of appointment, handling vacancies, and adding a reimbursement policy.
- N. Kalfas stated that the need to gather information about those interested in serving on a committee resulted from a public comment received about the qualifications of committee members.
- B. Williams asked about term limits for commissioners who are from state agencies rather than board members. N. Kalfas stated that the term limits were for committee membership rather than serving as a commissioner.
- K. Speakman noted a typo regarding the number of members-at-large in the executive committee, which should have been listed as 3 rather than 4, and that the secretary would need to be added to the document.
- L. Parker noted that the bylaws might want to use the term "secretariat" rather than the name of the secretariat organization in order to remain evergreen.
- N. Kalfas said that the suggested amendments were not substantive and the Commission could adopt the bylaws as amended.
- **Motion:** G. Searls moved that the commission adopt the bylaws as amended. T. Onorato seconded the motion. All present voted in favor, 0 opposed, and 0. The motion passed.

Discussion and Vote on Annual Report

- J. Doming led the group in a review of the annual report, saying that the report looked at the Compact's history and progress.
- J. Doming called for a motion to approve the report.
- **Motion:** A. Irving moved that the commission adopt the report. L. Shaugnessy seconded the motion. All present voted in favor, 0 opposed, and 0 abstained. The motion passed.

Election of Member-at-Large

- J. Doming stated that due to the bylaws, rather than having an election, the Commission would have a call for nominations for 10 days. Then the Committee members would receive information on nominees and vote.
- I. Eliassen provided information about the workload of a member-at-large on the Executive Committee.
- J. Doming reminded commissioners to email their nominations to I. Eliassen.

Discussion of Future Meeting

- J. Doming said that the Executive Committee had discussed co-locating the 2024 Annual Business Meeting with the 2024 AASCB Conference in Tucson.
- I. Eliassen conducted a brief straw poll of commissioner availability to determine feasibility of holding the annual meeting on January 10, co-located with AASCB.

Delegate Questions and Public Comment

- K. Redmond asked if the CRCE allows compact users to practice independently without supervision. I. Eliassen stated that all compact practitioners must be able to practice independently as a requirement for joining the compact.
- B. Fier asked if the Commission had determined the required number of supervised hours. I. Eliassen said that the supervised hours requirement for a license in a home state was the only supervision requirement and that the Commission did not require additional hours.
- E. Groh asked if any states represented needed to reconcile additional obstacles before moving forward with the compact and if any of states needed to pass additional legislation in order to be permitted to engage in compact agreements. I. Eliassen responded that most states did not need to pass additional legislation. In order to join the compact, a state needed to already meet compact requirements. Some states had to adjust their credit hour requirements to meet the 60 credit hours required by the compact. Florida separated the compact fee into a different bill and had to get that bill passed. The only major obstacle at this point is operationalizing the data system, which would be resolved on a state-by-state basis. Additionally, if a state did not require a FBI background check, it would need to do so. N. Kalfas stated that the SHARE Act could potentially provide a federal solution to the background check issue if the bill was passed.

Meeting Closure

- Seeing no further questions, J. Doming called for a motion to adjourn the meeting.
- **Motion:** K. Speakman motioned to adjourn. A. Mooney seconded the motion. There were no objections and the meeting adjourned by declaration.

Counseling Compact Commission
Rules Document

Title of Rule: Rule on Data System Reporting Requirements

Vote on Rule: January 10, 2024

Public comment: Interested persons may electronically submit written comments on the proposed rule to counselingcompactrule@csg.org with the subject line “CCC rule comment” or by attending the meeting at which the rule will be discussed and voted on. Written comments on the proposed rule must be submitted by 2 pm ET the day before the meeting.

Effective: TBD (30 days from full commission approval)

Reason for Rule: To further define terms pursuant to Section 9.C.5, Section 10 and Section 11 of the Counseling Compact.

History for Rule: October 18, 2023: Rule introduced at Rules Committee meeting.
November 15, 2023: Rule approved by Rules Committee.
November 29, 2023: Rule approved by Executive Committee.
January 10, 2024: Rule considered by full Commission.

Chapter 4: Rulemaking on Data System Reporting Requirements

Authority: Section 9: Establishment of the Counseling Compact Commission
Section 10: Data System
Section 11: Rulemaking

1.0 Purpose: Pursuant to Section 9.C.5 and Section 11, the Counseling Compact Commission shall promulgate reasonable and lawful uniform rules to facilitate and coordinate implementation and administration of the Counseling Compact. This rule will become effective upon passage by the Counseling Compact Commission as provided in Section 10 of the Counseling Compact.

1.1 Uniform Data Set and Levels of Access:

- A. The Commission shall provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all individuals to whom this Compact is applicable.
- 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 is applicable as required by the rules of the Commission, including but not limited to:
 1. Identifying information – including but not limited to:
 - a. first name
 - b. middle name or middle initial if available
 - c. last name
 - d. suffix, if applicable
 - e. birth date (mm/dd/yyyy)
 - f. United States Social Security Number or National Practitioner Identifier
 - g. Home state address
 2. Licensure data – including but not limited to:
 - a. jurisdiction of licensure
 - b. license number
 - c. initial issuance date
 - d. most recent renewal date
 - e. expiration date
 - f. license status
 3. Adverse action(s) against a license or compact privilege to practice including but not limited to:
 - a. type of adverse action
 - b. whether the license was encumbered
 - c. status and change in status of adverse action
 - d. effective dates of adverse action
 - e. the existence of current significant investigative information
 - f. summary suspension and final disciplinary actions, as defined by the member state authority
 - g. non-confidential information related to alternative program participation including but not limited to current participation by the counselor in an alternative program
 - h. any denial of application for licensure, and the reason(s) for denial
 - i. other information that may facilitate the administration of this Compact, as determined by the rules of the Commission including but not limited to:
 - i. corrections to a licensee's data; or

- C. The member states shall have access, via the data system, to information including but not limited to the verification of compact privilege(s) to practice held by eligible licensees.
- D. The public shall have access, via the Commission's website, to information limited to the verification of compact privilege(s) held by individuals.
- E. The home state shall be responsible for verification of uniform requirements for participation as described in sections 3 and 4 of the Compact.
- F. The existence of Current Significant Investigative Information pertaining to a licensee in any member state shall only be available to other member states.
- G. If a member state takes adverse action, it shall notify the administrator of the Commission data system within ten (10) business days of the date action was taken. The administrator of the Commission data system shall notify the home state and any other member state in which the licensee holds a privilege to practice of any adverse actions within two (2) business days.
- H. Member states shall submit the data system information required above to the Commission at least one (1) time per week notwithstanding information specified in Subsection G of this rule.
- I. Except for the information listed in this rule as required, 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.
- J. In the event a counselor asserts that any coordinated licensure information system data is inaccurate, the burden shall be upon the counselor to provide evidence that substantiates such claim in a manner determined by the member state.
- K. 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.



Reference Documents Guide

January 10, 2024



Counseling Compact 2022 Annual Report

Approved at the 2023 Annual Business Meeting

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Commission Delegates – 2024 Annual Business Meeting

Alabama	Dr. Latofia Parker
Arkansas	Justin Moore
Colorado	Nate Brown
Connecticut	Not Appointed
Delaware	Alison Warren
Florida	Ashleigh Irving
Georgia	Tommy Black
Indiana	Kimble Richardson
Iowa	Dr. Amy Mooney
Kansas	Laura Shaughnessy
Kentucky	Dr. Andrea Brooks
Louisiana	Jamie S. Doming
Maine	Kim Shaffer
Maryland	Not Appointed
Mississippi	LeeAnn Mordecai
Missouri	Gloria Lindsey
Montana	Not Appointed
Nebraska	Susan Meyerle
New Hampshire	Lindsey Courtney
North Carolina	Dr. Denauvo Robinson
North Dakota	Jenna Johnson
Ohio	Brian Carnahan
Oklahoma	Dr. Johnie Fredman
Tennessee	Kimberly Speakman
Utah	Jana Johansen
Vermont	Lauren Layman
Virginia	Ms. Jaime Hoyle
Washington	Brandon Williams
West Virginia	Anthony Onorato
Wyoming	Not Appointed

Former Delegates

Nebraska	Kris Chiles
New Hampshire	Dr. Gary Goodnough
Wyoming	Greg Searls

About the Annual Report

The Annual Report is an overview of the various activities and growth of the Counseling Compact and its Commission during its inaugural year. From enacting its first rules and bylaws to hiring a permanent secretariat, the Commission advanced the Compact significantly.

Special thanks go to the American Counseling Association, the National Board for Certified Counselors, and the Council of State Governments for their contributions to the Compact. Additionally, the Compact would like to recognize the hard work of state commissioners and their help in moving the Compact forward.

About the Counseling Compact

The Counseling Compact is an interstate occupational licensure compact that facilitates the practice of professional counseling across state lines while maintaining public protection. The Compact allows licensed professional counselors to practice in other compact member states in person or via telehealth. It will help address increasing demand for mental health services.

Compact Development and History

2019

- The American Counseling Association contracts with The Council of State Governments to develop a compact for licensed professional counselors
- The Advisory group was formed and began meeting

2020

- The Drafting Team began meeting
- Stakeholder Review for the draft legislation occurred
- The Drafting Team reconvened to consider public comments received during the stakeholder review
- Advisory Group reconvened to review changes to the draft legislation
- Counseling Compact model legislation finalized and released to states for consideration of enactment

2021

- Two states join the compact

2022

- Fifteen more states join the compact
- Compact meets enactment threshold
- Compact Commission inaugural meeting held
- Legislative summit held for potential future member states

2023

- Monthly meetings of standing committees continue
- 12 additional states join the compact
- Legislative summit held for potential future member states
- Permanent secretariat hired
- Temporary legal counsel confirmed as permanent legal counsel
- Work begins on data system RFP

Status Update

At the end of the 2021 state legislative sessions, the Counseling Compact had just two member states. By the end of the 2022 state legislative sessions, the Counseling Compact had 17 member states, well exceeding the 10-state threshold for compact activation. The Compact now has 30 members, a map of which can be viewed on page 4.

In October of 2022, the Counseling Compact Commission convened for the first time. Since then, the Compact Commission has created three committees with standing monthly meetings (executive, finance, rules), passed rules and bylaws, and drafted a budget. Without the hard work of member state representatives and Compact staff, the Commission would not have been able to make such progress.

As with starting any operation from scratch, the operationalization of the compact has taken time. The Compact is not yet fully implemented, as privileges to practice are not being issued. The Commission is currently working to find an Executive Director and a vendor for the data system. The data system is what will allow for the transmission of licensee information between states, so it is a critical component of the Compact. The Commission hopes to proceed as quickly as possible so that practitioners can start using the Compact.

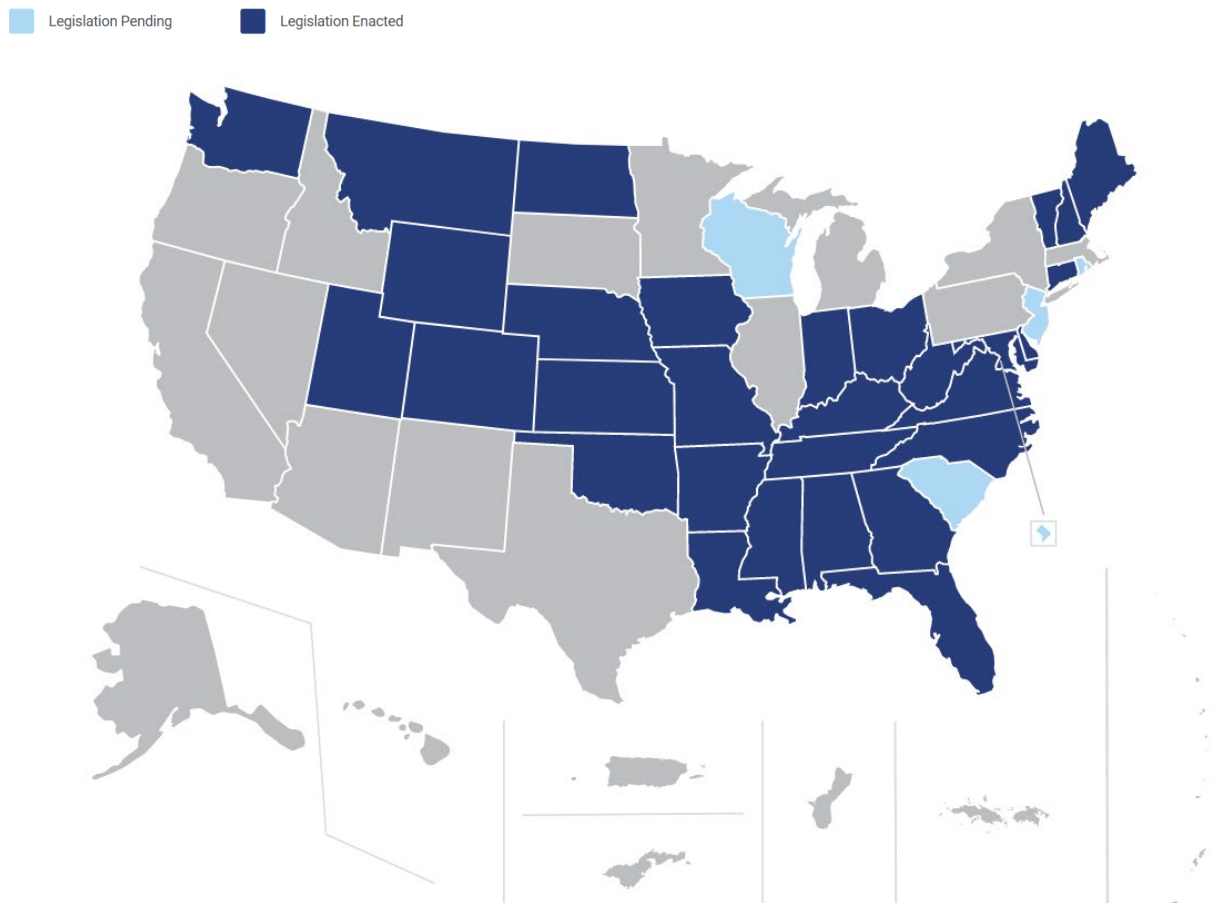
Legislative Update and Map

The American Counseling Association contracts with The Council of State Governments to provide education and outreach on the Counseling Compact.

By the end of the 2022 state legislative sessions, 17 states had enacted the Counseling Compact. By September 1, 2023, 30 states had enacted the Counseling Compact. The 13 states joining the compact in 2023 were Arkansas, Connecticut, Indiana, Iowa, Kansas, Missouri, Montana, North Dakota, Oklahoma, Virginia, Vermont, Washington, and Wyoming.

The Counseling Compact will continue outreach to potential member states in future legislative sessions.

Below is a map which includes compact member states and states with pending compact legislation.



Financial Report

This report was approved by the Finance Committee on September 6, 2023.

The Counseling Compact is currently funded by professional counseling organizations. These organizations include the American Counseling Association (ACA) and the National Board for Certified Counselors (NBCC). Once the compact is fully functional and counselors are able to apply for privileges, revenue from compact privileges will also support compact operations.

Revenue

The American Counseling Association agreed to provide up to \$1.2 million for three years. These funds will be held by ACA and the Commission must submit invoices for its expenditures.

The National Board for Certified Counselors agreed to provide \$150,000 to the Commission per year, in support of the startup costs and operational expenses of the Commission, payable in quarterly installments of \$37,500. Funds can be transferred to the Commission following the secretariat's opening of a bank account.

The Commission is authorized to charge fees to compact member states, but it has not yet determined if there will be an annual state assessment fee. The Commission is also authorized to charge fees for issuing compact privileges, but it has not yet determined what this fee will be.

Expenditures

The American Counseling Association has agreed to cover the initial funds necessary to operationalize the Commission through September 30, 2023. Thus, the Commission has not incurred any funds as of the writing of this report. The initial funds the Commission expects to incur include secretariat costs and legal and administrative staff.

The National Board of Certified Counselors has offered to cover the travel/lodging expenses for state delegates at the annual meeting if held in conjunction with the annual Counseling Summit.

Additional Information

The draft budget, as proposed by the Finance Committee and approved by the Executive Committee for full Commission consideration, is below. The draft budget is for Fiscal Year 1, which began on July 1, 2023.

Proposed Draft Budget

Fiscal Year 1 (July 2023-June 2024)

Expense Category	Budgeted Amount	Notes
Staff Support		
Salaries and Benefits (Executive Director)	\$90,000.00	1FTE; 2nd- 4th Quarter (estimate)
Contractual Services (Secretariat)	\$150,000.00	
Contractual Services (CSG - Interim Executive Director)	\$-	ACA contract with CSG to provide interim services through Quarter 1.
Communications		
Technology Access (includes email and Zoom)	\$10,000.00	Microsoft 365 Business Premium estimated \$528/year for two users; Zoom Business Plus estimated \$500/year for two users; cloud storage, etc.
Website Maintenance and Hosting (counselingcompact.org) (transition to counselingcompact.gov)	\$5,000.00	CSG to continue hosting? Placeholder, need an estimate
Database Maintenance and Hosting	\$50,000.00	Placeholder - not likely to occur in 1st FY; subsequent years this line will be only for cloud/server hosting and ongoing database maintenance
Supplies and Equipment		
Office Supplies and Equipment	\$10,000.00	Includes non-recurring set up expenses for Secretariat and Executive Director (purchasing laptop, O365, etc.)
Other Expenses		
Insurance (D&O policy for Commissioners)	\$10,000.00	Placeholder, need an estimate; will need to add cyber coverage after database is operational
Legal Contractual Services (CSG)	\$37,500.00	Estimate for 2nd-4th Quarter. ACA contract with CSG to provide interim services through Quarter 1.
IT Contractual Services (for building out the database)	\$95,000.00	Placeholder; talking to Covalent and Nursys; expenses should decrease over time as the database build is completed and it moves into ongoing maintenance
Annual Commission Meeting (conference hosting, travel, printing, etc.)	\$80,000.00	Placeholder - need to include hybrid AV requirements; consider co-locating conference w/ add'l conference
Total Expenses	\$367,500.00	

Revenue Category	Budgeted Amount	
Member Fees		
Licensee Compact Privilege Fees	\$-	For future use
State Member Fees	\$-	For future use
Late Renewal Fees	\$-	For future use
Other Revenue		
TBD		Funding Associations
TBD		Funding Associations
Total Revenue	\$-	
Change to Fund Balance	\$(367,500.00)	Some amount of surplus can be held in checking and excess amounts can be moved to interest-bearing accounts (CDs, etc.)

Compact Rules, Bylaws, and Other Governance Documents

In its first year, the Counseling Compact Commission approved several rules, bylaws, and other governance documents to help regulate the actions of the Commission. The model legislation provides the legal foundation and authority for the governance of the Compact and Compact Commission.

Approved Documents

Rule on Rulemaking

Bylaws

Commissioner Code of Conduct

Transition Timeline

Copies of these documents can be found at <https://counselingcompact.org/compact-commission/governance-documents/>.

Finance Committee

The Finance Committee provides financial oversight and ensures the Commission is operating within its budget and is developing financial resources to achieve its purposes.

Committee Members

Kim Speakman (TN)—Commission Treasurer, Committee Chair

Jamie Doming (LA)—Committee Ex-Officio, Commission Chair

Tom Black (GA)

Dr. Latofia Parker (AL)

Foley Nash (LA)

Brian Carnahan (OH)

Greg Searls (WY)

Finance Committee Meetings

Between the initial Commission meeting in October of 2022 and Finance Committee approval of this portion of the report on September 6, 2023, the Rules Committee met five times.

February 1, 2023

April 12, 2023

June 7, 2023

July 13, 2023

September 6, 2023

Finance Committee Documents

The Finance Committee approved the following documents:

- Proposed Draft Budget

Documents were forwarded to the Executive Committee for approval. The budget was forwarded from the Executive Committee to the full Commission for consideration.

Meeting agendas, minutes, and other documents can be found at:

<https://counselingcompact.org/compact-commission/meetings/>

Rules Committee

The Rules Committee develops compact rules, bylaw amendments, and policies for consideration by the Commission and for implementation by the states. It also reviews existing rules and recommends changes to the Commission.

Committee Members

Nate Brown (CO) — Chair

Ashleigh Irving (FL)

Angie Smith (GA)

Dr. Andrea Brooks (KY)

Mary Drotleff (MD)

LeeAnn Mordecai (MS)

Dr. Denauvo Robinson (NC)

Lindsey Courtney (NH)

Tony Onorato (WV)

Former Members

Gary Goodnough (NH)

Rules Committee Meetings

Between the initial Commission meeting in October of 2022 and Rules Committee approval of this portion of the report on August 23, 2023, the Rules Committee met seven times.

February 22, 2023

March 22, 2023

April 26, 2023

May 24, 2023

June 28, 2023

July 26, 2023

Aug 23, 2023

Rules Committee Documents

The Rules Committee approved the following documents.

- Proposed Draft Rule on Examination Requirements (April 26, 2023)
- Proposed Draft Rule on Definitions (July 26, 2023)
- Proposed Memorandum on Member State Requirements (April 26, 2023)

All documents were forwarded to the Executive Committee for approval. Rules were forwarded from the Executive Committee to the full Commission for consideration.

Meeting agendas, minutes, and other documents, including documents for meetings held after Rules Committee approval of this document, can be found at:

<https://counselingcompact.org/compact-commission/meetings/>

Additional Committees

Ad Hoc Committee on Data System

The Executive Committee authorized an ad-hoc committee to discuss the compact data system. This committee met once, on March 21, 2023. The committee consisted of commissioners and other knowledgeable state leaders.

Committee Membership:

Jamie Doming, Chair

Andrea Brooks

Brian Carnahan

Ashleigh Irving

Kim Speakman

Andy Miller

Other Committees

Compact Bylaws authorize additional committees, including a communications committee, compliance committee, and elections committee. These committees were not stood up during the inaugural year of the Commission.

Commission Delegates

Alabama	Dr. Latofia Parker
Arkansas	Justin Moore
Colorado	Nate Brown
Connecticut	Not Appointed
Delaware	Alison Warren
Florida	Ashleigh Irving
Georgia	Tommy Black
Indiana	Not Appointed
Iowa	Dr. Amy Mooney
Kansas	Laura Shaughnessy
Kentucky	Dr. Andrea Brooks
Louisiana	Jamie S. Doming
Maine	Kim Shaffer
Maryland	Not Appointed
Mississippi	LeeAnn Mordecai
Missouri	Gloria Lindsey
Montana	Not Appointed
Nebraska	Not Appointed
New Hampshire	Lindsey Courtney
North Carolina	Dr. Denauvo Robinson
North Dakota	Not Appointed
Ohio	Brian Carnahan
Oklahoma	Dr. Johnie Fredman
Tennessee	Kimberly Speakman
Utah	Jana Johansen
Vermont	Lauren Layman
Virginia	Ms. Jaime Hoyle, JD
Washington	Brandon Williams
West Virginia	Anthony Onorato
Wyoming	Greg Searls

Former Delegates

Nebraska	Kris Chiles
New Hampshire	Dr. Gary Goodnough



Counseling Compact Model Legislation

As approved by the Advisory Group on December 4, 2020

Special Note

The following language must be enacted by a state in order to officially join the Counseling Compact.

No substantive changes should be made to the model language. Substantive changes may jeopardize the enacting state's participation in the compact.

The Council of State Governments National Center for Interstate Compacts reviews state Compact legislation to ensure consistency with the model language. Please direct any inquiries to Isabel Eliassen at ieliassen@csg.org.

COUNSELING COMPACT MODEL LEGISLATION

1 SECTION 1: PURPOSE

2 The purpose of this Compact is to facilitate interstate practice of Licensed Professional
3 Counselors with the goal of improving public access to Professional Counseling services.

4 The practice of Professional Counseling occurs in the State where the client is located at the
5 time of the counseling services. The Compact preserves the regulatory authority of States to
6 protect public health and safety through the current system of State licensure.

7 This Compact is designed to achieve the following objectives:

- 8 A. Increase public access to Professional Counseling services by providing for the
9 mutual recognition of other Member State licenses;
- 10 B. Enhance the States' ability to protect the public's health and safety;
- 11 C. Encourage the cooperation of Member States in regulating multistate practice for
12 Licensed Professional Counselors;
- 13 D. Support spouses of relocating Active Duty Military personnel;
- 14 E. Enhance the exchange of licensure, investigative, and disciplinary information among
15 Member States;
- 16 F. Allow for the use of Telehealth technology to facilitate increased access to
17 Professional Counseling services;
- 18 G. Support the uniformity of Professional Counseling licensure requirements throughout
19 the States to promote public safety and public health benefits;
- 20 H. Invest all Member States with the authority to hold a Licensed Professional Counselor
21 accountable for meeting all State practice laws in the State in which the client is
22 located at the time care is rendered through the mutual recognition of Member State
23 licenses;
- 24 I. Eliminate the necessity for licenses in multiple States; and
- 25 J. Provide opportunities for interstate practice by Licensed Professional Counselors who
26 meet uniform licensure requirements.

27 **SECTION 2. DEFINITIONS**

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

30 A. **“Active Duty Military”** means full-time duty status in the active uniformed service of the
31 United States, including members of the National Guard and Reserve on active duty orders
32 pursuant to 10 U.S.C. Chapters 1209 and 1211.

33 B. **“Adverse Action”** means any administrative, civil, equitable or criminal action permitted
34 by a State’s laws which is imposed by a licensing board or other authority against a
35 Licensed Professional Counselor, including actions against an individual’s license or
36 Privilege to Practice such as revocation, suspension, probation, monitoring of the licensee,
37 limitation on the licensee’s practice, or any other Encumbrance on licensure affecting a
38 Licensed Professional Counselor’s authorization to practice, including issuance of a cease
39 and desist action.

40 C. **“Alternative Program”** means a non-disciplinary monitoring or practice remediation
41 process approved by a Professional Counseling Licensing Board to address Impaired
42 Practitioners.

43 D. **“Continuing Competence/Education”** means a requirement, as a condition of license
44 renewal, to provide evidence of participation in, and/or completion of, educational and
45 professional activities relevant to practice or area of work.

46 E. **“Counseling Compact Commission” or “Commission”** means the national
47 administrative body whose membership consists of all States that have enacted the
48 Compact.

49 F. **“Current Significant Investigative Information”** means:

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

54 2. Investigative Information that indicates that the Licensed Professional Counselor
55 represents an immediate threat to public health and safety regardless of whether

56 the Licensed Professional Counselor has been notified and had an opportunity to
57 respond.

58 G. **“Data System”** means a repository of information about Licensees, including, but not
59 limited to, continuing education, examination, licensure, investigative, Privilege to Practice
60 and Adverse Action information.

61 H. **“Encumbered License”** means a license in which an Adverse Action restricts the
62 practice of licensed Professional Counseling by the Licensee and said Adverse Action has
63 been reported to the National Practitioners Data Bank (NPDB).

64 I. **“Encumbrance”** means a revocation or suspension of, or any limitation on, the full and
65 unrestricted practice of Licensed Professional Counseling by a Licensing Board.

66 J. **“Executive Committee”** means a group of directors elected or appointed to act on behalf
67 of, and within the powers granted to them by, the Commission.

68 K. **“Home State”** means the Member State that is the Licensee’s primary State of residence.

69 L. **“Impaired Practitioner”** means an individual who has a condition(s) that may impair their
70 ability to practice as a Licensed Professional Counselor without some type of intervention
71 and may include, but are not limited to, alcohol and drug dependence, mental health
72 impairment, and neurological or physical impairments.

73 M. **“Investigative Information”** means information, records, and documents received or
74 generated by a Professional Counseling Licensing Board pursuant to an investigation.

75 N. **“Jurisprudence Requirement”** if required by a Member State, means the assessment of
76 an individual’s knowledge of the laws and Rules governing the practice of Professional
77 Counseling in a State.

78 O. **“Licensed Professional Counselor”** means a counselor licensed by a Member State,
79 regardless of the title used by that State, to independently assess, diagnose, and treat
80 behavioral health conditions.

81 P. **“Licensee”** means an individual who currently holds an authorization from the State to
82 practice as a Licensed Professional Counselor.

83 Q. **“Licensing Board”** means the agency of a State, or equivalent, that is responsible for the
84 licensing and regulation of Licensed Professional Counselors.

- 85 R. **“Member State”** means a State that has enacted the Compact.
- 86 S. **“Privilege to Practice”** means a legal authorization, which is equivalent to a license,
87 permitting the practice of Professional Counseling in a Remote State.
- 88 T. **“Professional Counseling”** means the assessment, diagnosis, and treatment of
89 behavioral health conditions by a Licensed Professional Counselor.
- 90 U. **“Remote State”** means a Member State other than the Home State, where a Licensee is
91 exercising or seeking to exercise the Privilege to Practice.
- 92 V. **“Rule”** means a regulation promulgated by the Commission that has the force of law.
- 93 W. **“Single State License”** means a Licensed Professional Counselor license issued by a
94 Member State that authorizes practice only within the issuing State and does not include a
95 Privilege to Practice in any other Member State.
- 96 X. **“State”** means any state, commonwealth, district, or territory of the United States of
97 America that regulates the practice of Professional Counseling.
- 98 Y. **“Telehealth”** means the application of telecommunication technology to deliver
99 Professional Counseling services remotely to assess, diagnose, and treat behavioral
100 health conditions.
- 101 Z. **“Unencumbered License”** means a license that authorizes a Licensed Professional
102 Counselor to engage in the full and unrestricted practice of Professional Counseling.

103 **SECTION 3. STATE PARTICIPATION IN THE COMPACT**

- 104 A. To Participate in the Compact, a State must currently:
- 105 1. License and regulate Licensed Professional Counselors;
- 106 2. Require Licensees to pass a nationally recognized exam approved by the
107 Commission;
- 108 3. Require Licensees to have a 60 semester-hour (or 90 quarter-hour) master’s
109 degree in counseling or 60 semester-hours (or 90 quarter-hours) of graduate
110 course work including the following topic areas:
- 111 a. Professional Counseling Orientation and Ethical Practice;

- 112 b. Social and Cultural Diversity;
- 113 c. Human Growth and Development;
- 114 d. Career Development;
- 115 e. Counseling and Helping Relationships;
- 116 f. Group Counseling and Group Work;
- 117 g. Diagnosis and Treatment; Assessment and Testing;
- 118 h. Research and Program Evaluation; and
- 119 i. Other areas as determined by the Commission.
- 120 4. Require Licensees to complete a supervised postgraduate professional experience
- 121 as defined by the Commission;
- 122 5. Have a mechanism in place for receiving and investigating complaints about
- 123 Licensees.
- 124 B. A Member State shall:
- 125 1. Participate fully in the Commission's Data System, including using the
- 126 Commission's unique identifier as defined in Rules;
- 127 2. Notify the Commission, in compliance with the terms of the Compact and Rules, of
- 128 any Adverse Action or the availability of Investigative Information regarding a
- 129 Licensee;
- 130 3. Implement or utilize procedures for considering the criminal history records of
- 131 applicants for an initial Privilege to Practice. These procedures shall include the
- 132 submission of fingerprints or other biometric-based information by applicants for
- 133 the purpose of obtaining an applicant's criminal history record information from the
- 134 Federal Bureau of Investigation and the agency responsible for retaining that
- 135 State's criminal records;
- 136 a. A member state must fully implement a criminal background check
- 137 requirement, within a time frame established by rule, by receiving the
- 138 results of the Federal Bureau of Investigation record search and shall use

- 139 the results in making licensure decisions.
- 140 b. Communication between a Member State, the Commission and among
141 Member States regarding the verification of eligibility for licensure through
142 the Compact shall not include any information received from the Federal
143 Bureau of Investigation relating to a federal criminal records check
144 performed by a Member State under Public Law 92-544.
- 145 4. Comply with the Rules of the Commission;
- 146 5. Require an applicant to obtain or retain a license in the Home State and meet
147 the Home State's qualifications for licensure or renewal of licensure, as well as
148 all other applicable State laws;
- 149 6. Grant the Privilege to Practice to a Licensee holding a valid Unencumbered
150 License in another Member State in accordance with the terms of the Compact
151 and Rules; and
- 152 7. Provide for the attendance of the State's commissioner to the Counseling
153 Compact Commission meetings.
- 154 C. Member States may charge a fee for granting the Privilege to Practice.
- 155 D. Individuals not residing in a Member State shall continue to be able to apply for a Member
156 State's Single State License as provided under the laws of each Member State. However,
157 the Single State License granted to these individuals shall not be recognized as granting a
158 Privilege to Practice Professional Counseling in any other Member State.
- 159 E. Nothing in this Compact shall affect the requirements established by a Member State for the
160 issuance of a Single State License.
- 161 F. A license issued to a Licensed Professional Counselor by a Home State to a resident in
162 that State shall be recognized by each Member State as authorizing a Licensed
163 Professional Counselor to practice Professional Counseling, under a Privilege to Practice,
164 in each Member State.

165 **SECTION 4. PRIVILEGE TO PRACTICE**

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

- 168 1. Hold a license in the Home State;
- 169 2. Have a valid United States Social Security Number or National Practitioner
170 Identifier;
- 171 3. Be eligible for a Privilege to Practice in any Member State in accordance with
172 Section 4(D), (G) and (H);
- 173 4. Have not had any Encumbrance or restriction against any license or Privilege to
174 Practice within the previous two (2) years;
- 175 5. Notify the Commission that the Licensee is seeking the Privilege to Practice within
176 a Remote State(s);
- 177 6. Pay any applicable fees, including any State fee, for the Privilege to Practice;
- 178 7. Meet any Continuing Competence/Education requirements established by the
179 Home State;
- 180 8. Meet any Jurisprudence Requirements established by the Remote State(s) in
181 which the Licensee is seeking a Privilege to Practice; and
- 182 9. Report to the Commission any Adverse Action, Encumbrance, or restriction on
183 license taken by any non-Member State within 30 days from the date the action is
184 taken.

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

188 C. A Licensee providing Professional Counseling in a Remote State under the Privilege to
189 Practice shall adhere to the laws and regulations of the Remote State.

190 D. A Licensee providing Professional Counseling services in a Remote State is subject to
191 that State's regulatory authority. A Remote State may, in accordance with due process
192 and that State's laws, remove a Licensee's Privilege to Practice in the Remote State for a

193 specific period of time, impose fines, and/or take any other necessary actions to protect
194 the health and safety of its citizens. The Licensee may be ineligible for a Privilege to
195 Practice in any Member State until the specific time for removal has passed and all fines
196 are paid.

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

199 1. The Home State license is no longer encumbered; and

200 2. Have not had any Encumbrance or restriction against any license or Privilege to
201 Practice within the previous two (2) years.

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

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

207 1. The specific period of time for which the Privilege to Practice was removed has
208 ended;

209 2. All fines have been paid; and

210 3. Have not had any Encumbrance or restriction against any license or Privilege to
211 Practice within the previous two (2) years.

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

214 **SECTION 5: OBTAINING A NEW HOME STATE LICENSE BASED ON A**
215 **PRIVILEGE TO PRACTICE**

216 A. A Licensed Professional Counselor may hold a Home State license, which allows for a
217 Privilege to Practice in other Member States, in only one Member State at a time.

218 B. If a Licensed Professional Counselor changes primary State of residence by moving
219 between two Member States:

- 220 1. The Licensed Professional Counselor shall file an application for obtaining a new
221 Home State license based on a Privilege to Practice, pay all applicable fees, and
222 notify the current and new Home State in accordance with applicable Rules adopted
223 by the Commission.
- 224 2. Upon receipt of an application for obtaining a new Home State license by virtue of a
225 Privilege to Practice, the new Home State shall verify that the Licensed Professional
226 Counselor meets the pertinent criteria outlined in Section 4 via the Data System,
227 without need for primary source verification except for:
- 228 a. a Federal Bureau of Investigation fingerprint based criminal background
229 check if not previously performed or updated pursuant to applicable rules
230 adopted by the Commission in accordance with Public Law 92-544;
- 231 b. other criminal background check as required by the new Home State; and
- 232 c. completion of any requisite Jurisprudence Requirements of the new Home
233 State.
- 234 3. The former Home State shall convert the former Home State license into a Privilege
235 to Practice once the new Home State has activated the new Home State license in
236 accordance with applicable Rules adopted by the Commission.
- 237 4. Notwithstanding any other provision of this Compact, if the Licensed Professional
238 Counselor cannot meet the criteria in Section 4, the new Home State may apply its
239 requirements for issuing a new Single State License.
- 240 5. The Licensed Professional Counselor shall pay all applicable fees to the new Home
241 State in order to be issued a new Home State license.
- 242 C. If a Licensed Professional Counselor changes Primary State of Residence by moving from a
243 Member State to a non-Member State, or from a non-Member State to a Member State, the
244 State criteria shall apply for issuance of a Single State License in the new State.
- 245 D. Nothing in this Compact shall interfere with a Licensee's ability to hold a Single State
246 License in multiple States, however for the purposes of this Compact, a Licensee shall have
247 only one Home State license.
- 248 E. Nothing in this Compact shall affect the requirements established by a Member State for the
249 issuance of a Single State License.

250 **SECTION 6. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES**

251 Active Duty Military personnel, or their spouse, shall designate a Home State where the
252 individual has a current license in good standing. The individual may retain the Home State
253 designation during the period the service member is on active duty. Subsequent to designating
254 a Home State, the individual shall only change their Home State through application for
255 licensure in the new State, or through the process outlined in Section 5.

256 **SECTION 7. COMPACT PRIVILEGE TO PRACTICE TELEHEALTH**

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

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

263 **SECTION 8. ADVERSE ACTIONS**

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

- 266 1. Take Adverse Action against a Licensed Professional Counselor's Privilege to
267 Practice within that Member State, and
- 268 2. Issue subpoenas for both hearings and investigations that require the attendance
269 and testimony of witnesses as well as the production of evidence. Subpoenas
270 issued by a Licensing Board in a Member State for the attendance and testimony of
271 witnesses or the production of evidence from another Member State shall be
272 enforced in the latter State by any court of competent jurisdiction, according to the
273 practice and procedure of that court applicable to subpoenas issued in proceedings
274 pending before it. The issuing authority shall pay any witness fees, travel expenses,
275 mileage, and other fees required by the service statutes of the State in which the
276 witnesses or evidence are located.
- 277 3. Only the Home State shall have the power to take Adverse Action against a
278 Licensed Professional Counselor's license issued by the Home State.

- 279 B. For purposes of taking Adverse Action, the Home State shall give the same priority and
280 effect to reported conduct received from a Member State as it would if the conduct had
281 occurred within the Home State. In so doing, the Home State shall apply its own State
282 laws to determine appropriate action.
- 283 C. The Home State shall complete any pending investigations of a Licensed Professional
284 Counselor who changes primary State of residence during the course of the investigations.
285 The Home State shall also have the authority to take appropriate action(s) and shall
286 promptly report the conclusions of the investigations to the administrator of the Data
287 System. The administrator of the coordinated licensure information system shall promptly
288 notify the new Home State of any Adverse Actions.
- 289 D. A Member State, if otherwise permitted by State law, may recover from the affected
290 Licensed Professional Counselor the costs of investigations and dispositions of cases
291 resulting from any Adverse Action taken against that Licensed Professional Counselor.
- 292 E. A Member State may take Adverse Action based on the factual findings of the Remote
293 State, provided that the Member State follows its own procedures for taking the Adverse
294 Action.
- 295 F. Joint Investigations:
- 296 1. In addition to the authority granted to a Member State by its respective Professional
297 Counseling practice act or other applicable State law, any Member State may
298 participate with other Member States in joint investigations of Licensees.
- 299 2. Member States shall share any investigative, litigation, or compliance materials
300 in furtherance of any joint or individual investigation initiated under the
301 Compact.
- 302 G. If Adverse Action is taken by the Home State against the license of a Licensed
303 Professional Counselor, the Licensed Professional Counselor's Privilege to Practice in all
304 other Member States shall be deactivated until all Encumbrances have been removed from
305 the State license. All Home State disciplinary orders that impose Adverse Action against
306 the license of a Licensed Professional Counselor shall include a Statement that the
307 Licensed Professional Counselor's Privilege to Practice is deactivated in all Member States
308 during the pendency of the order.

309 H. If a Member State takes Adverse Action, it shall promptly notify the administrator of the
310 Data System. The administrator of the Data System shall promptly notify the Home State
311 of any Adverse Actions by Remote States.

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

314 **SECTION 9. ESTABLISHMENT OF COUNSELING COMPACT COMMISSION**

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

- 317 1. The Commission is an instrumentality of the Compact States.
- 318 2. Venue is proper and judicial proceedings by or against the Commission shall be
319 brought solely and exclusively in a court of competent jurisdiction where the principal
320 office of the Commission is located. The Commission may waive venue and
321 jurisdictional defenses to the extent it adopts or consents to participate in alternative
322 dispute resolution proceedings.
- 323 3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

324 B. Membership, Voting, and Meetings

- 325 1. Each Member State shall have and be limited to one (1) delegate selected by that
326 Member State's Licensing Board.
- 327 2. The delegate shall be either:
- 328 a. A current member of the Licensing Board at the time of appointment, who is a
329 Licensed Professional Counselor or public member; or
- 330 b. An administrator of the Licensing Board.
- 331 3. Any delegate may be removed or suspended from office as provided by the law of
332 the State from which the delegate is appointed.
- 333 4. The Member State Licensing Board shall fill any vacancy occurring on the
334 Commission within 60 days.
- 335 5. Each delegate shall be entitled to one (1) vote with regard to the promulgation of

- 336 Rules and creation of bylaws and shall otherwise have an opportunity to participate
337 in the business and affairs of the Commission.
- 338 6. A delegate shall vote in person or by such other means as provided in the bylaws.
339 The bylaws may provide for delegates' participation in meetings by telephone or
340 other means of communication.
- 341 7. The Commission shall meet at least once during each calendar year. Additional
342 meetings shall be held as set forth in the bylaws.
- 343 8. The Commission shall by Rule establish a term of office for delegates and may by
344 Rule establish term limits.
- 345 C. The Commission shall have the following powers and duties:
- 346 1. Establish the fiscal year of the Commission;
- 347 2. Establish bylaws;
- 348 3. Maintain its financial records in accordance with the bylaws;
- 349 4. Meet and take such actions as are consistent with the provisions of this Compact
350 and the bylaws;
- 351 5. Promulgate Rules which shall be binding to the extent and in the manner provided
352 for in the Compact;
- 353 6. Bring and prosecute legal proceedings or actions in the name of the Commission,
354 provided that the standing of any State Licensing Board to sue or be sued under
355 applicable law shall not be affected;
- 356 7. Purchase and maintain insurance and bonds;
- 357 8. Borrow, accept, or contract for services of personnel, including, but not limited to,
358 employees of a Member State;
- 359 9. Hire employees, elect or appoint officers, fix compensation, define duties, grant such
360 individuals appropriate authority to carry out the purposes of the Compact, and
361 establish the Commission's personnel policies and programs relating to conflicts of
362 interest, qualifications of personnel, and other related personnel matters;

- 363 10. Accept any and all appropriate donations and grants of money, equipment, supplies,
364 materials, and services, and to receive, utilize, and dispose of the same; provided
365 that at all times the Commission shall avoid any appearance of impropriety and/or
366 conflict of interest;
- 367 11. Lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold,
368 improve or use, any property, real, personal or mixed; provided that at all times the
369 Commission shall avoid any appearance of impropriety;
- 370 12. Sell convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of
371 any property real, personal, or mixed;
- 372 13. Establish a budget and make expenditures;
- 373 14. Borrow money;
- 374 15. Appoint committees, including standing committees composed of members, State
375 regulators, State legislators or their representatives, and consumer representatives,
376 and such other interested persons as may be designated in this Compact and the
377 bylaws;
- 378 16. Provide and receive information from, and cooperate with, law enforcement
379 agencies;
- 380 17. Establish and elect an Executive Committee; and
- 381 18. Perform such other functions as may be necessary or appropriate to achieve the
382 purposes of this Compact consistent with the State regulation of Professional
383 Counseling licensure and practice.

384 D. The Executive Committee

- 385 1. The Executive Committee shall have the power to act on behalf of the Commission
386 according to the terms of this Compact.
- 387 2. The Executive Committee shall be composed of up to eleven (11) members:
- 388 a. Seven voting members who are elected by the Commission from the current
389 membership of the Commission; and
- 390 b. Up to four (4) ex-officio, nonvoting members from four (4) recognized national

- 391 professional counselor organizations.
- 392 c. The ex-officio members will be selected by their respective organizations.
- 393 3. The Commission may remove any member of the Executive Committee as provided
394 in bylaws.
- 395 4. The Executive Committee shall meet at least annually.
- 396 5. The Executive Committee shall have the following duties and responsibilities:
- 397 a. Recommend to the entire Commission changes to the Rules or bylaws,
398 changes to this Compact legislation, fees paid by Compact Member States
399 such as annual dues, and any Commission Compact fee charged to
400 Licensees for the Privilege to Practice;
- 401 b. Ensure Compact administration services are appropriately provided,
402 contractual or otherwise;
- 403 c. Prepare and recommend the budget;
- 404 d. Maintain financial records on behalf of the Commission;
- 405 e. Monitor Compact compliance of Member States and provide compliance
406 reports to the Commission;
- 407 f. Establish additional committees as necessary; and
- 408 g. Other duties as provided in Rules or bylaws.

409 E. Meetings of the Commission

- 410 1. All meetings shall be open to the public, and public notice of meetings shall be given
411 in the same manner as required under the Rulemaking provisions in Section 11.
- 412 2. The Commission or the Executive Committee or other committees of the
413 Commission may convene in a closed, non-public meeting if the Commission or
414 Executive Committee or other committees of the Commission must discuss:
- 415 a. Non-compliance of a Member State with its obligations under the Compact;

- 416 b. The employment, compensation, discipline or other matters, practices or
417 procedures related to specific employees or other matters related to the
418 Commission’s internal personnel practices and procedures;
- 419 c. Current, threatened, or reasonably anticipated litigation;
- 420 d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or
421 real estate;
- 422 e. Accusing any person of a crime or formally censuring any person;
- 423 f. Disclosure of trade secrets or commercial or financial information that is
424 privileged or confidential;
- 425 g. Disclosure of information of a personal nature where disclosure would
426 constitute a clearly unwarranted invasion of personal privacy;
- 427 h. Disclosure of investigative records compiled for law enforcement purposes;
- 428 i. Disclosure of information related to any investigative reports prepared by or
429 on behalf of or for use of the Commission or other committee charged with
430 responsibility of investigation or determination of compliance issues pursuant
431 to the Compact; or
- 432 j. Matters specifically exempted from disclosure by federal or Member State
433 statute.
- 434 3. If a meeting, or portion of a meeting, is closed pursuant to this provision, the
435 Commission’s legal counsel or designee shall certify that the meeting may be closed
436 and shall reference each relevant exempting provision.
- 437 4. The Commission shall keep minutes that fully and clearly describe all matters
438 discussed in a meeting and shall provide a full and accurate summary of actions
439 taken, and the reasons therefore, including a description of the views expressed. All
440 documents considered in connection with an action shall be identified in such
441 minutes. All minutes and documents of a closed meeting shall remain under seal,
442 subject to release by a majority vote of the Commission or order of a court of
443 competent jurisdiction.
- 444 F. Financing of the Commission

- 445 1. The Commission shall pay, or provide for the payment of, the reasonable expenses
446 of its establishment, organization, and ongoing activities.
- 447 2. The Commission may accept any and all appropriate revenue sources, donations,
448 and grants of money, equipment, supplies, materials, and services.
- 449 3. The Commission may levy on and collect an annual assessment from each Member
450 State or impose fees on other parties to cover the cost of the operations and
451 activities of the Commission and its staff, which must be in a total amount sufficient
452 to cover its annual budget as approved each year for which revenue is not provided
453 by other sources. The aggregate annual assessment amount shall be allocated
454 based upon a formula to be determined by the Commission, which shall promulgate
455 a Rule binding upon all Member States.
- 456 4. The Commission shall not incur obligations of any kind prior to securing the funds
457 adequate to meet the same; nor shall the Commission pledge the credit of any of the
458 Member States, except by and with the authority of the Member State.
- 459 5. The Commission shall keep accurate accounts of all receipts and disbursements.
460 The receipts and disbursements of the Commission shall be subject to the audit and
461 accounting procedures established under its bylaws. However, all receipts and
462 disbursements of funds handled by the Commission shall be audited yearly by a
463 certified or licensed public accountant, and the report of the audit shall be included in
464 and become part of the annual report of the Commission.

465 G. Qualified Immunity, Defense, and Indemnification

- 466 1. The members, officers, executive director, employees and representatives of the
467 Commission shall be immune from suit and liability, either personally or in their
468 official capacity, for any claim for damage to or loss of property or personal injury or
469 other civil liability caused by or arising out of any actual or alleged act, error or
470 omission that occurred, or that the person against whom the claim is made had a
471 reasonable basis for believing occurred within the scope of Commission
472 employment, duties or responsibilities; provided that nothing in this paragraph shall
473 be construed to protect any such person from suit and/or liability for any damage,
474 loss, injury, or liability caused by the intentional or willful or wanton misconduct of
475 that person.

- 476 2. The Commission shall defend any member, officer, executive director, employee or
477 representative of the Commission in any civil action seeking to impose liability arising
478 out of any actual or alleged act, error, or omission that occurred within the scope of
479 Commission employment, duties, or responsibilities, or that the person against whom
480 the claim is made had a reasonable basis for believing occurred within the scope of
481 Commission employment, duties, or responsibilities; provided that nothing herein
482 shall be construed to prohibit that person from retaining his or her own counsel; and
483 provided further, that the actual or alleged act, error, or omission did not result from
484 that person's intentional or willful or wanton misconduct.
- 485 3. The Commission shall indemnify and hold harmless any member, officer, executive
486 director, employee, or representative of the Commission for the amount of any
487 settlement or judgment obtained against that person arising out of any actual or
488 alleged act, error, or omission that occurred within the scope of Commission
489 employment, duties, or responsibilities, or that such person had a reasonable basis
490 for believing occurred within the scope of Commission employment, duties, or
491 responsibilities, provided that the actual or alleged act, error, or omission did not
492 result from the intentional or willful or wanton misconduct of that person.

493 **SECTION 10. DATA SYSTEM**

- 494 A. The Commission shall provide for the development, maintenance, operation, and utilization
495 of a coordinated database and reporting system containing licensure, Adverse Action, and
496 Investigative Information on all licensed individuals in Member States.
- 497 B. Notwithstanding any other provision of State law to the contrary, a Member State shall
498 submit a uniform data set to the Data System on all individuals to whom this Compact is
499 applicable as required by the Rules of the Commission, including:
- 500 1. Identifying information;
- 501 2. Licensure data;
- 502 3. Adverse Actions against a license or Privilege to Practice;
- 503 4. Non-confidential information related to Alternative Program participation;
- 504 5. Any denial of application for licensure, and the reason(s) for such denial;

- 505 6. Current Significant Investigative Information; and
- 506 7. Other information that may facilitate the administration of this Compact, as
- 507 determined by the Rules of the Commission.
- 508 C. Investigative Information pertaining to a Licensee in any Member State will only be available
- 509 to other Member States.
- 510 D. The Commission shall promptly notify all Member States of any Adverse Action taken
- 511 against a Licensee or an individual applying for a license. Adverse Action information
- 512 pertaining to a Licensee in any Member State will be available to any other Member State.
- 513 E. Member States contributing information to the Data System may designate information that
- 514 may not be shared with the public without the express permission of the contributing State.
- 515 F. Any information submitted to the Data System that is subsequently required to be expunged
- 516 by the laws of the Member State contributing the information shall be removed from the
- 517 Data System.

518 **SECTION 11. RULEMAKING**

- 519 A. The Commission shall promulgate reasonable Rules in order to effectively and efficiently
- 520 achieve the purpose of the Compact. Notwithstanding the foregoing, in the event the
- 521 Commission exercises its Rulemaking authority in a manner that is beyond the scope of the
- 522 purposes of the Compact, or the powers granted hereunder, then such an action by the
- 523 Commission shall be invalid and have no force or effect.
- 524 B. The Commission shall exercise its Rulemaking powers pursuant to the criteria set forth in
- 525 this Section and the Rules adopted thereunder. Rules and amendments shall become
- 526 binding as of the date specified in each Rule or amendment.
- 527 C. If a majority of the legislatures of the Member States rejects a Rule, by enactment of a
- 528 statute or resolution in the same manner used to adopt the Compact within four (4) years of
- 529 the date of adoption of the Rule, then such Rule shall have no further force and effect in any
- 530 Member State.
- 531 D. Rules or amendments to the Rules shall be adopted at a regular or special meeting of the
- 532 Commission.

533 E. Prior to promulgation and adoption of a final Rule or Rules by the Commission, and at least
534 thirty (30) days in advance of the meeting at which the Rule will be considered and voted
535 upon, the Commission shall file a Notice of Proposed Rulemaking:

- 536 1. On the website of the Commission or other publicly accessible platform; and
537 2. On the website of each Member State Professional Counseling Licensing Board or
538 other publicly accessible platform or the publication in which each State would
539 otherwise publish proposed Rules.

540 F. The Notice of Proposed Rulemaking shall include:

- 541 1. The proposed time, date, and location of the meeting in which the Rule will be
542 considered and voted upon;
543 2. The text of the proposed Rule or amendment and the reason for the proposed Rule;
544 3. A request for comments on the proposed Rule from any interested person; and
545 4. The manner in which interested persons may submit notice to the Commission of
546 their intention to attend the public hearing and any written comments.

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

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

- 551 1. At least twenty-five (25) persons;
552 2. A State or federal governmental subdivision or agency; or
553 3. An association having at least twenty-five (25) members.

554 I. If a hearing is held on the proposed Rule or amendment, the Commission shall publish the
555 place, time, and date of the scheduled public hearing. If the hearing is held via electronic
556 means, the Commission shall publish the mechanism for access to the electronic hearing.

- 557 1. All persons wishing to be heard at the hearing shall notify the executive director of
558 the Commission or other designated member in writing of their desire to appear and

559 testify at the hearing not less than five (5) business days before the scheduled date
560 of the hearing.

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

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

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

568 J. Following the scheduled hearing date, or by the close of business on the scheduled hearing
569 date if the hearing was not held, the Commission shall consider all written and oral
570 comments received.

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

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

576 M. Upon determination that an emergency exists, the Commission may consider and adopt an
577 emergency Rule without prior notice, opportunity for comment, or hearing, provided that the
578 usual Rulemaking procedures provided in the Compact and in this section shall be
579 retroactively applied to the Rule as soon as reasonably possible, in no event later than
580 ninety (90) days after the effective date of the Rule. For the purposes of this provision, an
581 emergency Rule is one that must be adopted immediately in order to:

582 1. Meet an imminent threat to public health, safety, or welfare;

583 2. Prevent a loss of Commission or Member State funds;

584 3. Meet a deadline for the promulgation of an administrative Rule that is established by
585 federal law or Rule; or

586 4. Protect public health and safety.

587 N. The Commission or an authorized committee of the Commission may direct revisions to a
588 previously adopted Rule or amendment for purposes of correcting typographical errors,
589 errors in format, errors in consistency, or grammatical errors. Public notice of any revisions
590 shall be posted on the website of the Commission. The revision shall be subject to challenge
591 by any person for a period of thirty (30) days after posting. The revision may be challenged
592 only on grounds that the revision results in a material change to a Rule. A challenge shall be
593 made in writing and delivered to the chair of the Commission prior to the end of the notice
594 period. If no challenge is made, the revision will take effect without further action. If the
595 revision is challenged, the revision may not take effect without the approval of the
596 Commission.

597 **SECTION 12. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT**

598 A. Oversight

- 599 1. The executive, legislative, and judicial branches of State government in each
600 Member State shall enforce this Compact and take all actions necessary and
601 appropriate to effectuate the Compact's purposes and intent. The provisions of this
602 Compact and the Rules promulgated hereunder shall have standing as statutory law.
- 603 2. All courts shall take judicial notice of the Compact and the Rules in any judicial or
604 administrative proceeding in a Member State pertaining to the subject matter of this
605 Compact which may affect the powers, responsibilities, or actions of the
606 Commission.
- 607 3. The Commission shall be entitled to receive service of process in any such
608 proceeding and shall have standing to intervene in such a proceeding for all
609 purposes. Failure to provide service of process to the Commission shall render a
610 judgment or order void as to the Commission, this Compact, or promulgated Rules.

611 B. Default, Technical Assistance, and Termination

- 612 1. If the Commission determines that a Member State has defaulted in the performance
613 of its obligations or responsibilities under this Compact or the promulgated Rules, the
614 Commission shall:

- 615 a. Provide written notice to the defaulting State and other Member States of the
616 nature of the default, the proposed means of curing the default and/or any
617 other action to be taken by the Commission; and
- 618 b. Provide remedial training and specific technical assistance regarding the
619 default.
- 620 C. If a State in default fails to cure the default, the defaulting State may be terminated from the
621 Compact upon an affirmative vote of a majority of the Member States, and all rights,
622 privileges and benefits conferred by this Compact may be terminated on the effective date of
623 termination. A cure of the default does not relieve the offending State of obligations or
624 liabilities incurred during the period of default.
- 625 D. Termination of membership in the Compact shall be imposed only after all other means of
626 securing compliance have been exhausted. Notice of intent to suspend or terminate shall be
627 given by the Commission to the governor, the majority and minority leaders of the defaulting
628 State's legislature, and each of the Member States.
- 629 E. A State that has been terminated is responsible for all assessments, obligations, and
630 liabilities incurred through the effective date of termination, including obligations that extend
631 beyond the effective date of termination.
- 632 F. The Commission shall not bear any costs related to a State that is found to be in default or
633 that has been terminated from the Compact, unless agreed upon in writing between the
634 Commission and the defaulting State.
- 635 G. The defaulting State may appeal the action of the Commission by petitioning the U.S.
636 District Court for the District of Columbia or the federal district where the Commission has its
637 principal offices. The prevailing member shall be awarded all costs of such litigation,
638 including reasonable attorney's fees.
- 639 H. Dispute Resolution
- 640 1. Upon request by a Member State, the Commission shall attempt to resolve disputes
641 related to the Compact that arise among Member States and between member and
642 non-Member States.

643 2. The Commission shall promulgate a Rule providing for both mediation and binding
644 dispute resolution for disputes as appropriate.

645 I. Enforcement

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

648 2. By majority vote, the Commission may initiate legal action in the United States
649 District Court for the District of Columbia or the federal district where the Commission
650 has its principal offices against a Member State in default to enforce compliance with
651 the provisions of the Compact and its promulgated Rules and bylaws. The relief
652 sought may include both injunctive relief and damages. In the event judicial
653 enforcement is necessary, the prevailing member shall be awarded all costs of such
654 litigation, including reasonable attorney's fees.

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

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

659 A. The Compact shall come into effect on the date on which the Compact statute is enacted
660 into law in the tenth Member State. The provisions, which become effective at that time,
661 shall be limited to the powers granted to the Commission relating to assembly and the
662 promulgation of Rules. Thereafter, the Commission shall meet and exercise Rulemaking
663 powers necessary to the implementation and administration of the Compact.

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

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

670 1. A Member State's withdrawal shall not take effect until six (6) months after
671 enactment of the repealing statute.

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

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

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

683 **SECTION 14. CONSTRUCTION AND SEVERABILITY**

684 This Compact shall be liberally construed so as to effectuate the purposes thereof. The
685 provisions of this Compact shall be severable and if any phrase, clause, sentence or provision
686 of this Compact is declared to be contrary to the constitution of any Member State or of the
687 United States or the applicability thereof to any government, agency, person or circumstance is
688 held invalid, the validity of the remainder of this Compact and the applicability thereof to any
689 government, agency, person or circumstance shall not be affected thereby. If this Compact shall
690 be held contrary to the constitution of any Member State, the Compact shall remain in full force
691 and effect as to the remaining Member States and in full force and effect as to the Member
692 State affected as to all severable matters.

693 **SECTION 15. BINDING EFFECT OF COMPACT AND OTHER LAWS**

694 A. A Licensee providing Professional Counseling services in a Remote State under the
695 Privilege to Practice shall adhere to the laws and regulations, including scope of practice, of
696 the Remote State.

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

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

- 701 D. Any lawful actions of the Commission, including all Rules and bylaws properly
702 promulgated by the Commission, are binding upon the Member States.
- 703 E. All permissible agreements between the Commission and the Member States are
704 binding in accordance with their terms.
- 705 F. In the event any provision of the Compact exceeds the constitutional limits imposed on the
706 legislature of any Member State, the provision shall be ineffective to the extent of the conflict
707 with the constitutional provision in question in that Member State.

1 **Counseling Compact**

2 **Counseling Compact Commission**

3

4 **Title of Rule:** Rule on Rulemaking

5 **History of Rule:** Drafted September 23, 2022

6 Adopted at public meeting on October 25, 2022

7 **Reason for Rule:** To further outline and clarify the rule promulgation process of the

8 Counseling Compact Commission.

9 **Effective Date:** November 25, 2022

10

11

12 **Chapter 1:** Rulemaking

13 **Authority:** Section 13: Date of Implementation of the Interstate Commission for

14 Counseling Practice and Associated Rules, Withdrawal, and Amendment

15 Section 9: Establishment of the Counseling Compact Commission

16 Section 11: Rulemaking

17 **1.0 Purpose:** Pursuant to Section 11, the Counseling Compact Commission shall

18 promulgate reasonable and lawful uniform rules to facilitate and

19 coordinate implementation and administration of the Counseling Compact.

20 This Rule will become effective upon passage by the Counseling Compact

21 Commission as provided in Section 11 of the Counseling Compact.

22 **1.1 Definition(s):** (a) “**Commission**” means: the Counseling Compact Commission, which

23 is the national administrative body whose membership consists of all

24 states that have enacted the Compact.

25 (b) “**Compact**” means: Counseling Compact.

26 (c) “**Delegate**” means: the appointed delegate from each state as described

27 in Section 9 of the Compact and further rules promulgated by the

28 Commission pursuant to the criteria set forth in Section 11.

29 (d) “**Member state**” means a state, the District of Columbia, or United

30 States territory that has enacted this Compact legislation and which has

31 not withdrawn pursuant to Section 13 or has not been discharged pursuant

32 to Section 12 due to non-compliance with the provisions of Section 3.

33 (d) “**Rule**” means: a regulation, principle or directive promulgated by the
34 Commission pursuant to the criteria set forth in Section 11 that has the
35 force and effect of statutory law in a Member state and includes the
36 amendment, repeal, or suspension of an existing Rule.

37 (e) “**Rules Committee**” means: a committee that is established as a
38 standing committee to develop reasonable and lawful uniform rules for
39 consideration by the Commission and subsequent implementation by the
40 states and to review existing rules and recommend necessary changes to
41 the Commission for consideration.

42 (f) “**Scope of Practice**” means: the procedures, actions, and processes a
43 Licensed Professional Counselor is permitted to undertake in that state and
44 the circumstances under which the Licensed Professional Counselor is
45 permitted to undertake those procedures, actions and processes. Such
46 procedures, actions and processes and the circumstances under which they
47 may be undertaken may be established through official means, including,
48 but not limited to, statute, rules and regulations, case law, and other
49 processes available to the State Regulatory Authority or other government
50 agency.
51

52 (g) “**State**” means: any state, commonwealth, district, or territory of the
53 United States of America that regulates the practice of Professional
54 Counseling.

55 **1.2 Proposed rules or amendments:** rules shall be adopted by majority vote of the Member
56 States of the Commission pursuant to the criteria set forth in Section 11 and in the following
57 manner:

58 (a) New rules and amendments to existing rules proposed pursuant to Section 9 and
59 Section 11 and the Commission Bylaws shall be submitted to the Commission office for
60 referral to the Rules Committee in any of the following ways:

- 61 (1) Any Delegate may submit a proposed Rule or rule amendment for referral to
62 the Rules Committee during the next scheduled Commission meeting.
63 (2) Standing Committees of the Commission may propose rules or rule
64 amendments by majority vote of that Committee.
65 (3) The Commission or an authorized committee of the Commission may direct
66 revisions to a previously adopted Rule or amendment for purposes of correcting
67 typographical errors, errors in format, errors in consistency, or grammatical
68 errors. Public notice of any revisions shall be posted on the website of the
69 Commission. The revision shall be subject to challenge by any person for a period
70 of thirty (30) days after posting. The revision may be challenged only on grounds
71 that the revision results in a material change to a Rule. A challenge shall be made
72 in writing and delivered to the Chair of the Commission prior to the end of the
73 notice period. If no challenge is made, the revision will take effect without further

74 action. If the revision is challenged, the revision may not take effect without the
75 approval of the Commission.
76

77 **1.3 The Rules Committee:** shall prepare a draft of all proposed rules and provide the draft to the
78 Executive Committee to provide to all Delegates for review and comments. Based on the
79 comments made by the Delegates, the Rules Committee shall prepare a final draft of the
80 proposed rule(s) or amendments for consideration by the Commission not later than 30 days
81 prior to the next Commission meeting.

82 **1.4 Prior to promulgation and adoption of a final Rule:** In accordance with Section 11 of the
83 Compact, the Commission shall publish the text of the proposed rule or amendment prepared by
84 the Rules Committee not later than 30 days prior to the meeting at which the vote is scheduled,
85 on the official website of the Commission and on the website of each Member state licensing
86 board or other publicly accessible platform or the publication in which each state would
87 otherwise publish proposed rules. All written comments received by the Rules Committee on
88 proposed rules shall be made available to the public upon request. In addition to the text of the
89 proposed Rule or amendment, the reason for the proposed rule shall be provided.

90 **1.5 The Notice of Proposed Rulemaking shall include:**

- 91 (a) The proposed time, date and location of the meeting in which the Rule shall be
92 considered and voted upon,
- 93 (b) The text of the proposed Rule or amendment and the reason for the proposed Rule.
- 94 (c) A request for comments on the proposed Rule from any interested person; and
- 95 (d) The manner in which interested persons (d) may submit notice to the Commission of their
96 intention to attend the public meeting and any written comments.
97

98 **1.6 Public Hearings:** The Commission shall grant an opportunity for a public hearing before it
99 adopts a Rule or amendment if a hearing is requested by:

- 100 1. At least twenty-five (25) persons;
- 101 2. A state or federal governmental subdivision or agency; or
- 102 3. An association having at least twenty-five (25) members.

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

105 If a hearing is held on the proposed rule or amendment, the Commission shall publish the place,
106 time, and date of the scheduled public hearing. If the hearing is held via electronic means, the
107 Commission shall publish the mechanism for access to the electronic hearing.

- 108 1. All persons wishing to be heard at the hearing shall notify the executive director of the
109 Commission or other designated member in writing of their desire to appear and testify at
110 the hearing not less than five (5) business days before the scheduled date of the hearing.

- 111 2. Hearings shall be conducted in a manner providing each person who wishes to comment
112 a fair and reasonable opportunity to comment orally or in writing.
113 3. All hearings shall be recorded. A copy of the recording shall be made available on
114 request.
115 4. Nothing in this section shall be construed as requiring a separate hearing on each Rule.
116 Rules may be grouped for the convenience of the Commission at hearings required by
117 this section.

118 Following the scheduled hearing date, or by the close of business on the scheduled hearing date
119 if the hearing was not held, the Commission shall consider all written and oral comments
120 received.

121 **1.7 Final adoption of Rule:** The Commission shall, by majority vote of all Member States, take
122 final action on the proposed Rule and shall determine the effective date of the rule, if any, based
123 on the rulemaking record and the full text of the rule.

- 124 1. If a majority of the legislatures of the Member States rejects a Rule, by enactment of a
125 statute or resolution in the same manner used to adopt the Compact within 4 years of the
126 date of adoption of the Rule, the Rule shall have no further force and effect in any
127 Member state.
128 2. Rules or amendments to the rules shall be adopted at a regular or special meeting of the
129 Commission.

130 **1.8 Status of Rules upon adoption of Compact additional Member states and applicability:**

131 Any state that joins the Compact subsequent to the Commission's initial adoption of the rules
132 shall be subject to the rules as they exist on the date on which the Compact becomes law in that
133 state. Any Rule that has been previously adopted by the Commission shall have the full force and
134 effect of law on the day the Compact becomes law in that state.

135 No Member State's rulemaking requirements shall apply under this Compact.

136 The Rules of the Commission shall have the force of law in each Member State, provided
137 however that where the Rules of the Commission conflict with the laws of the Member State that
138 establish the Member State's Scope of Practice as held by a court of competent jurisdiction, the
139 rules of the Commission shall be ineffective in that State to the extent of the conflict.
140

141 **1.9 Emergency Rulemaking:** Upon determination that an emergency exists, the Commission
142 may consider and adopt an emergency Rule without prior notice, opportunity for comment, or
143 hearing, provided that the usual rulemaking procedures provided in the Compact and in this
144 section shall be retroactively applied to the rule as soon as reasonably possible, in no event later
145 than ninety (90) days after the effective date of the rule. For the purposes of this provision, an
146 emergency rule is one that must be adopted immediately in order to:

- 147 1. Meet an imminent threat to public health, safety, or welfare,

- 148 2. Prevent a loss of Commission or Member state funds; or
149 3. Meet a deadline for the promulgation of an administrative Rule that is established by
150 federal law or rule.

151 **2.0 Non-substantive Rule Revisions:** The Commission or an authorized committee of the
152 Commission may direct revisions to a previously adopted Rule or amendment for purposes of
153 correcting typographical errors, errors in format, errors in consistency, or grammatical errors.
154 Public notice of any revisions shall be posted on the website of the Commission. The revision
155 shall be subject to challenge by any person for a period of thirty (30) days after posting. The
156 revision may be challenged only on grounds that the revision results in a material change to a
157 Rule. A challenge shall be made in writing and delivered to the Commission prior to the end
158 of the notice period. If no challenge is made, the revision will take effect without further
159 action. If the revision is challenged, the revision may not take effect without the approval of
160 the Commission.

161

162 The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in Section
163 11 of the Compact and the rules adopted thereunder. Rules and amendments shall become
164 binding as of the date specified in each Rule or amendment.

Counseling Compact Commission
Rules Document

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- Title of Rule:** Rule on Definitions
- Vote on Rule:** This rule will be discussed and voted on at the Annual Business Meeting of 2023 (October 25, 2023).
- Public comment:** Interested persons may electronically submit written comments on the proposed rule to counselingcompactrule@csg.org with the subject line “CCC rule comment” or by attending the meeting at which the rule will be discussed and voted on. Written comments on the proposed rule must be submitted by 2 pm ET on October 23.
- Effective:** November 24, 2023 (30 days from full commission approval)
- History for Rule:** May 24, 2023: Rule Introduced at Rules Committee Meeting.
June 28, 2023: Rule Approved as Amended at Rules Committee Meeting.
Sent to Executive Committee for consideration.
July 26, 2023: Rule Approved at Executive Committee Meeting.
October 25, 2023: Rule Approved by Full Commission.
-

- Chapter 2:** Rulemaking on Definitions
- Authority:** Section 2: Definitions, Subsections F and H
Section 9: Establishment of the Counseling Compact Commission
Section 11: Rulemaking

1.0 Purpose: Pursuant to Section 9.C.5 and Section 11, the Counseling Compact Commission shall promulgate reasonable and lawful uniform rules to facilitate and coordinate implementation and administration of the Counseling Compact. This rule will become effective upon passage by the Counseling Compact Commission as provided in Section 11 of the Counseling Compact.

1.1 Definition(s): (a) “Home State License” as distinguished from a single-state license means an active, unencumbered license issued by the primary state of residence which allows the licensee to be eligible to become authorized to practice in all compact member states via a privilege to practice.

33 **(b) “Initial Privilege to Practice”** occurs when a compact applicant is
34 deemed by their home state to be eligible to receive compact privileges to
35 practice in a remote state.

36 **(c) “Minor Infraction”** means an infraction not related to the practice of
37 counseling as determined by each state’s regulatory authority in which the
38 licensee remains unencumbered and does not prevent the licensee from
39 retaining or renewing a home state license or privilege to practice and is
40 not reportable to the National Practitioners Data Bank.

41 **(d) “Unencumbered License”** means a license issued to a Licensed
42 Professional Counselor that is currently in good standing and not restricted
43 by any terms, conditions, limitations or sanctions attached to it or imposed
44 by a state licensing board or authority.

Counseling Compact Commission
Rules Document

Title of Rule: Rule on Examination Requirements

Vote on Rule: This rule will be discussed and voted on at the Annual Business Meeting of 2023 (October 25, 2023).

Public comment: Interested persons may electronically submit written comments on the proposed rule to counselingcompactrule@csg.org with the subject line “Counseling Compact Rule Comment” or by attending the meeting at which the rule will be discussed and voted on. Written comments on the proposed rule must be submitted by 2pm ET the day before the meeting.

Effective: November 24, 2023 (30 days from full commission approval)

Reason for Rule: To further define accepted examinations pursuant to Section 3A2 and Section 10 of the Counseling Compact.

History for Rule: March 22, 2023: Rule Proposed at Rules Committee Meeting
May 24, 2023: Rule Approved as Amended at Rules Committee Meeting. Sent to Executive Committee for consideration.
August 9, 2023: Rule Approved at Executive Committee Meeting.
October 25, 2023: Rule Approved by Full Commission.

Chapter 3: Rule on Examination Requirements

Authority: Section 3: State Participation in the Compact
Section 11: Rulemaking

1.0 Purpose: Pursuant to Section 3A2 and Section 11, the Counseling Compact Commission shall promulgate reasonable and lawful uniform rules to facilitate and coordinate implementation and administration of the Counseling Compact and to clarify issues of compliance. This rule will become effective upon passage by the Counseling Compact Commission as provided in Section 10 of the Counseling Compact.

1.1 Uniform Data Set and Levels of Access:

- A. The nationally recognized exam that states must require for a Licensed Professional Counselor to be eligible to participate in the Counseling Compact is a counseling exam that is any one or more of the following:
 1. The National Counselor Examination (NCE), which is currently administered by the National Board for Certified Counselors, or its successor;
 2. The National Clinical Mental Health Counseling Examination (NCMHCE), which is currently administered by the National Board for Certified Counselors, or its successor; or
 3. The Certified Rehabilitation Counselor Exam (CRCE), which is currently administered by the Commission on Rehabilitation Counselor Certification, or its successor.

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Article I: Commission Purpose, Function and Bylaws

Section 1. Purpose.

Pursuant to the terms of the Counseling Compact, (the “Compact”), Counseling Compact Commission (the “Commission”) is established as a joint public interstate agency of the member states to fulfill the Compact objectives through a means of joint cooperative action among the member states. This is accomplished by developing a comprehensive process that facilitates the exchange of information in the areas of licensure and investigative authority of Licensing Boards of Licensed Professional Counselors and providing for mutual recognition of Professional Counseling licenses by all member states, through the issuance of privileges to practice, thereby enhancing the portability and mobility of licenses and ensuring and promoting public protection.

Section 2. Functions.

In pursuit of the fundamental objectives set forth in the Compact, the Commission shall, as necessary or required, exercise all of the powers and fulfill all of the duties delegated to it by the member states. The Commission’s activities shall include, but are not limited to, all powers and duties as outlined in Section 8.C. of the Compact and as otherwise provided by the Compact, or as determined by the Commission to be warranted by, and consistent with, the objectives and provisions of the Compact. The provisions of the Compact shall be reasonably and liberally construed to accomplish the purposes of the Compact.

Section 3. Bylaws.

As required by the Compact, these Bylaws shall govern the management and operations of the Commission. As adopted and subsequently amended, these Bylaws shall remain subject to the terms of the Compact.

Article II: Membership

The Commission membership shall be comprised as provided by the Compact. Each member state shall have and be limited to one delegate selected by that Member States’ Licensing Board. The delegates shall be current members of the Licensing Board or the Administrator of the Licensing Board. The delegate shall be a current member of the Licensing Board, who is a Licensed Professional Counselor or Public Member of the Licensing Board or an Administrator of a Licensing Board. Each member state shall forward the name of its delegate to the Chair of the Commission or designee by executing the nomination form which affirms that they are the appropriate appointing authority.

A delegate may designate a person to serve in place of the delegate as the delegate’s temporary representative with respect to Commission business, including attending Commission meetings and voting. A delegate must notify the Chair of the Commission or designee of the identity of the temporary

representative and the scope and duration of the representation, prior to each meeting wherein the temporary representative will be serving on behalf of the delegate. The temporary representative's service must be limited in scope and the Commission may determine the number of meetings at which the delegate may have an absence during their term. A temporary representative shall not be allowed to vote on behalf of a delegate who has been elected to the executive committee with regard to executive committee business. A temporary representative shall be allowed to vote on behalf of the delegate on all other Commission business as long as that temporary representative has signed the Code of Conduct and the Commission has been notified by the delegate that the temporary representative will temporarily serve in their place.

The Chair of the Commission shall promptly advise the member state of the need to appoint a new delegate whenever a vacancy occurs. Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed. The member state board shall fill any vacancy occurring on the Commission with a successor delegate who is a current member or administrator of a Licensing Board, within no longer than 90 days.

Article III: Executive Committee

Section 1: Composition

The Commission shall establish an Executive Committee, which shall be empowered to act on behalf of the Commission between Commission meetings, except for rulemaking or amendment of the Compact. The Commission shall determine the procedures, duties and budget of the Executive Committee. The power of the Executive Committee to act on behalf of the Commission shall be subject to the Bylaws, Compact or the Commission.

The Executive Committee shall consist of seven (7) voting members who are elected by the Commission from the current membership of the Commission and four (4) ex-officios, nonvoting members from four (4) recognized national counselor organizations. The ex-officio members shall be selected by their respective organizations. Of the seven (7) voting members elected to the Executive Committee, four (4) members shall be designated as Chair, Vice Chair, Secretary and Treasurer of the Commission and the remaining three (3) Members of the Executive Committee shall serve a term of two years or until a successor is elected. The three (3) remaining voting members of the Executive Committee shall be members-at-large chosen from the current membership of the Commission and elected by the Commission. No person shall serve more than two (2) terms consecutively in the same office.

The election of the Executive Committee shall be as follows:

1. Chair: The chair shall be elected in odd numbered years;
2. Vice Chair: The vice chair shall be elected in even numbered years;
3. Treasurer: The treasurer shall be elected in even numbered years;
4. Secretary: The secretary shall be elected in odd numbered years;

5. Members-at-Large (3 positions): The members-at-large shall be two members elected in odd numbered years; one member elected in even numbered years.

The Executive Committee shall give seven (7) days' notice of its meetings, posted on its website and as otherwise determined by the Commission to provide notice to persons interested in the business of the Commission.

The Commission may determine the number of meetings at which the delegate may have an absence during their term.

Section 2. Duties and Qualifications.

The Commission's officers shall perform all duties of their respective offices as the Compact and these Bylaws provide. Their duties shall include, but are not limited to, the following:

- a. Chair: The Chair, with the assistance of the Executive Director of the Compact, shall call and preside at Commission and Executive Committee meetings; prepare agendas for the meetings; act on Commission's behalf between Commission meetings.
- b. Vice Chair: The Vice Chair, with the assistance of the Executive Director of the Compact, shall perform the duties of the Chair in their absence or at the Chair's direction. In the event of a vacancy in the Chair's office, the Vice Chair shall serve until the Commission elects a new Chair.
- c. Treasurer: The Treasurer, with the assistance of the Executive Director of the Compact, shall monitor the Commission's fiscal policies and procedures and serve as chair of the Finance Committee.
- d. Secretary: The Secretary, with the assistance of the Executive Director of the Compact, shall keep minutes of all Commission meetings and shall act as the custodian of all documents and records pertaining to the status of the Compact and business of the Commission. The Commission may allow for the Executive Director, if hired, to serve as Secretary of the Commission provided that the Executive Director will not be a member of the Commission.

The Executive Committee shall:

- a. Recommend to the entire Commission changes to the rules or bylaws, changes to this Compact legislation, fees paid by Compact member states such as annual dues, and any commission Compact fee charged to licensees for the compact privilege;
- b. Ensure Compact administration services are appropriately provided, contractual or otherwise;
- c. Prepare and recommend the budget in consultation with the Treasurer;
- d. Maintain financial records on behalf of the Commission;

- e. Monitor Compact compliance of member states and provide compliance reports to the Commission;
- f. Establish additional committees as necessary; and
- g. Perform other duties as provided in rules or bylaws and administer the affairs of the Commission in a manner consistent with the Bylaws and purpose of the Commission.

Section 4. Removal of Executive Committee Members.

Any Executive Committee member may be removed from office for good cause by a two-third (2/3rd) majority vote of the Commission.

Section 5. Vacancies and Elections

Upon the resignation, removal, or death of a member of the Executive Committee, such vacancy shall be announced to the Commission by the Chair or designee.

After the inaugural commission meeting and elections, which shall not be subject to this provision, an Elections Committee shall send a call for nominations 30 days prior to the election, shall announce a slate of candidates to the Commission 20 days prior to the election, shall announce voting by electronic ballot 10 days prior to the election and shall verify and report the results of the election to the Commission.

Any election resulting in a tie vote will be decided by runoff election between the Delegates with the highest votes. No Commissioner shall be nominated or eligible to serve on the Executive Committee if from a member state in default of its obligations under the Compact.

Article IV: Commission Personnel

Section 1. Duties of the Executive Director.

The Commission, through its Executive Committee, may contract for an Executive Director of the Compact. As the Commission's principal administrator, the Executive Director shall also perform such other duties as may be delegated by the Commission or required by the Compact and the Bylaws, including, but not limited to, the following:

1. Serve at its discretion and act as Secretary to the Commission, but shall not be a Member of the Commission;
2. Hire and supervise such other staff as may be authorized by the Commission;
3. Establish and manage the Commission's office or offices as determined by the Commission;
4. Recommend general policies and program initiatives for the Commission's consideration;

5. Recommend for the Commission's consideration administrative personnel policies governing the recruitment, hiring, management, compensation and dismissal of Commission staff;
6. Implement and monitor administration of all policies, programs, and initiatives adopted by the Commission;
7. Prepare draft annual budgets, in consultation with the Treasurer, for the Commission's consideration;
8. Monitor the Commission's financial performance for compliance with approved budgets and policies, and maintain accurate records of the Commission's financial account(s);
9. Execute contracts on behalf of the Commission as directed;
10. Receive service of process on behalf of the Commission;
11. Prepare and disseminate all required reports and notices directed by the Commission;
12. Assist the members of the Executive Committee in the performance of its duties;
13. Speak on behalf and represent the Commission;
14. In collaboration with legal counsel, ensure the legal integrity of the Commission; and
15. Report about policy, regulatory, political, legal or other developments of relevance to the Commission's operation.

Article V: Meetings of the Full Commission

Section 1. Meetings and Notice. The Commission shall meet at least once a year at a time and place as determined by the Delegates. Additional meetings shall be held as determined by the Executive Committee. Members may participate in meetings in person or by electronic means as is necessary. Special meetings of the full Commission may be scheduled at the discretion of the Chair or shall be called upon the request of a majority of Delegates.

All Delegates shall be given notice of Commission meetings at least thirty (30) days prior to the scheduled date. Agendas shall be provided to all Delegates no later than seven (7) days prior to any meeting of the full Commission. If an amendment to an agenda is made after an agenda has been noticed, but forty-eight (48) hours prior to a regular meeting, or twenty-four (24) hours prior to a special meeting, then the agenda is amended upon the posting of the amended agenda. Additionally, the full Commission or any Committee of the Commission may vote to accept an agenda as amended by majority vote.

All Commission meetings shall be open to the public, except as set forth in Commission Rules or as otherwise provided by the Compact. Prior public notice of full Commission meetings shall be as follows: publication of notice of each meeting of the full Commission will be posted at least thirty (30) days prior to the meeting on the Commission's website or another website designated by the Commission. Interested parties may sign up to receive meeting links on the meetings page of the Comm and

distribution. A meeting may be closed to the public if the Commission determines by a majority vote of the Delegates that there exists at least one of the conditions for closing a meeting, as provided by the Compact or authorized Rules or as certified by legal counsel to the Commission.

Section 2. Quorum.

A majority of Delegates shall constitute a quorum for the transaction of business, except as otherwise required in these Bylaws. The presence of a quorum must be established before any vote of the Commission can be taken.

Section 3. Voting.

Each Delegate is entitled to one vote. A Delegate shall vote on their own behalf and shall not delegate the vote to another Delegate, except as permitted by a designation allowed under Article II. Any question submitted for a vote of the Commission shall be determined by a simple majority, except as otherwise required by the Compact or the Bylaws.

Section 4. Procedure.

The rules contained in the then current edition of Robert's Rules of Order Newly Revised shall govern the parliamentary procedures of the commission and its committees in all cases not provided for in these Bylaws or in any policies and procedures or any special rules of order which are duly adopted by the Commission.

Section 5. Public Participation in Meetings.

Upon prior written request to the Commission any person who desires to present a statement on a matter on the agenda shall be afforded an opportunity to present an oral statement at an open meeting. The Chair may, depending on the circumstances, allow any person who desires an opportunity to present a statement on a matter that is on the agenda even in the absence of a prior written request to the Commission. The Chair may limit the time and manner of public statements at any open meeting.

Article VI : Committees

Section 1. Committees.

1. Creation of Committees:

1. The Executive Committee shall determine need for the creation of a committee and appointment of its members as needed and provide a list of charges to the committee.

2. A committee shall be designated as either Ad Hoc or Standing.
3. Committees are established in the Bylaws; an addition of a standing committee requires a Bylaws amendment. Committees shall have 7-9 voting members unless greater or fewer members are deemed necessary by the Executive Committee in consultation with the committee or its chair.

2. Appointment of Committee Members:

1. The Executive Committee shall direct the secretariat staff or Executive Director to request volunteers from party states to serve as committee members, which may include board staff, members, counsel, or commissioners.
2. The Executive Committee shall appoint chairs, interim chairs, vice chairs, and members to committees to provide the expertise needed to fulfill committee charges.
 1. Volunteers for committee membership shall be required to provide personal bios and all relevant experience and interest with respect to the committee position and duties.
 2. Committees may recommend a member of the committee to the Executive Committee to serve as chair and vice chair (excepting Executive and Finance Committees).
3. An Executive Committee member may not serve in a voting capacity on any committee other than the Executive Committee unless deemed necessary by the Executive Committee to achieve the purposes of the Compact. The Executive Committee shall make all reasonable efforts to ensure diversity of membership among Committee members.
4. In consultation with committee chairs, the Executive Director shall staff the committee and shall provide other staff or consultants as needed to provide support and expertise.
5. The chair or designee will be responsible for reporting on the progress and/or recommendations of the committee at Executive Committee and full Commission meetings, as requested by the Executive Committee.

3. Terms of Appointment

1. As long as they remain eligible to serve, chairs, vice chairs, and committee members will be appointed to a two-year term, which can be renewed once or for the duration of the committee, whichever comes first.
 1. Members who do not wish to be reappointed must notify the Executive Director within two months of the conclusion of the member's first term; and
 2. Two term limits may be waived by the Executive Committee as deemed necessary to achieve the purposes of the Compact.
2. A vacancy on a committee may be filled by the Executive Committee at its discretion.
3. The party state shall notify the Executive Director when committee members are no longer affiliated with their party state.
4. The Executive Committee shall make all reasonable efforts to ensure diversity of membership among Committee members.

4. Establishment of Committees

1. Rules Committee: A Rules Committee shall be established as a standing committee to develop uniform Compact rules and bylaw amendments and policies for consideration by the Commission

and concurrent implementation by the states and to review existing rules and recommend necessary changes to the Commission for consideration.

2. Compliance Committee: A Compliance Committee shall be established as a standing committee to monitor a member state's compliance with the terms of the Compact and its authorized rules.
3. Finance Committee: A Finance Committee shall be established as a standing committee to provide financial oversight and ensure the Commission is operating within its budget and is developing financial resources to achieve its purposes.
4. Elections Committee: An Elections Committee shall be established as a standing committee to:
 - a. Inform the Commissioners on the responsibilities of the office;
 - b. Encourage participation by the Commissioners in the elections process;
 - c. Announce nominations deadline and anticipated vacancies of the Executive Committee of the Commission;
 - d. Communicate with incumbents to determine if they wish to run for re-election.
 - e. Accept qualified nominees and prepare a slate of candidates for the election of the officers or members at large of the Executive Committee;
 - f. Present a list of candidates to the Commission including the terms of office expiration dates; and
 - g. Tally and verify the election results and report to the Commission.
5. Communications Committee: A Communications Committee shall be a standing committee to, in consultation with the Chair of the Commission and the Executive Director:
 - a. Onboard new member state delegates and administrative staff;
 - b. Create press releases;
 - c. Suggest updates to the website and informational items to media sources;
 - d. Create additional public relations documents and provide presentations regarding the work of the Commission if needed.

Other standing and ad hoc committees may be created by the Commission as they are determined to be necessary by the Commission by 2/3 vote. The composition, procedures, duties, budget and tenure of all committees (if not outlined in bylaws) shall be determined through bylaws approved by the Commission. The Commission may dissolve any committee it determines is no longer needed.

After review of the bios of the eligible, interested candidates, the Executive Committee shall appoint the chair of each committee and establish the composition of each committee, except that the Treasurer shall serve as the chair of the Finance Committee and the Chair of the Commission shall chair the Executive Committee. The Executive Committee may establish or appoint Committees and determine duties of Committees on behalf of the Commission and in accordance with the Compact and Bylaws. The Commission may dissolve any committee it determines is no longer needed.

All Committees shall give seven (7) days' notice of their meetings, posted on the Commission website and as otherwise determined by the Commission to provide notice to persons interested in the business of the Commission.

These committees are not subject to the notice requirements of Section 11.E of the Counseling Compact Article V of these Bylaws.

Article VII: Finance

Section 1. Fiscal Year.

The Commission's fiscal year shall begin on July 1 and end on June 30 of each year. Membership fees, in an amount to be determined by the commission, shall be paid on a date to be determined by the commission, unless otherwise specified.

Section 2. Budget.

The Commission shall operate on an annual budget cycle and shall, in any given year, adopt budgets for the following fiscal year or years as provided by the Compact and determined by the Commission.

Section 3. Accounting and Audit.

The Commission, with the assistance of the Executive Director, shall keep accurate and timely accounts of its internal receipts and disbursements of the Commission funds. The receipts and disbursements of Commission funds are to be audited annually by an independent certified or licensed accountant. The independent audit report shall be made available to the public.

Section 4. Travel and Expense Reimbursement.

Subject to pre-approval and the availability of budgeted funds and unless otherwise provided by the Commission, Delegates shall be reimbursed for any actual and necessary expenses incurred pursuant to their attendance at a convened meeting of the Commission or its committees as provided by the Compact in accordance with U.S. General Services Administration (GSA) Travel Management Policy. (<https://www.gsa.gov/policy-regulations/policy/travel-management-policy>)

Reimbursement for items and occurrences not addressed by GSA's Travel Management Policy will be determined by the Secretariat in consultation with the Commission's Treasurer.

Article VIII: Adoption and Amendment of Bylaws

Any Bylaw may be adopted, amended or repealed by a majority vote of the Delegates, provided that written notice and the full text of the proposed action is provided to all Delegates at least thirty (30) days prior to the meeting at which the action is to be considered. Failing the required notice, a two-third (2/3rd) majority vote of the Delegates shall be required for such action.

Article IX: Qualified Immunity, Defense, and Indemnification

Section 1. Immunity

The Commission, its Delegates, officers, Executive Director, and employees shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to any actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided, that any such person shall not be protected from suit or liability, or both, for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of any such person.

Section 2. Defense

Subject to the provisions of the Compact and Rules promulgated thereunder, the Commission shall defend the Delegate of a Member State, his or her representatives or employees, or the Commission, and its representatives or employees in any civil action seeking to impose liability against such person arising out of or relating to any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties, or responsibilities or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided, that the actual or alleged act, error, or omission did not result from gross negligence or intentional wrongdoing on the part of such person.

Section 3. Indemnification

The Commission shall indemnify and hold the Delegate of a Member State, his or her representatives or employees, or the Commission, and its representatives or employees, harmless in the amount of any settlement or judgement obtained against such person arising out of or relating to any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided, that the actual or alleged act, error, or omission did not result from gross negligence or intentional wrongdoing on the part if such person.

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 upon in writing between the Commission and the defaulting State.

Article X: Withdrawal

Member states may withdraw from the Compact only as provided by the Compact.

Article XI: Dissolution of the Commission

The Compact shall dissolve effective upon the date of the withdrawal or the termination by default of a member state, which reduces membership in the Compact to one member state as provided by the Compact.

Upon dissolution, the Compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Commission shall be concluded in an orderly manner and according to applicable law.

Counseling Compact Commission Administrative Policy

Code of Conduct

Approved by the Commission October 2022

I. Introduction

As a joint government entity created by the enactment of the Counseling Compact (Compact) by the member states, the Counseling Compact Commission (Commission) affords great deference to its member states in selecting Counseling Compact Commission Delegates (Delegates) to represent them. The diverse personal, educational, and professional backgrounds of Delegates are one of the Commission's greatest assets. However, this diversity means that some Delegates may have personal pecuniary interests which are affected by the outcomes of management and other decisions which must be made concerning the administration of the Compact Commission at times. This policy was implemented to ensure transparency, accountability, and integrity in the Commission's decision-making process.

II. Code of Conduct

Delegates and their Temporary Representatives appointed by the states are responsible for upholding the integrity of the Commission and its member states. No Delegate or Temporary Representative shall engage in criminal or unethical conduct prejudicial to the Commission, any other Delegate, or any other state.

No Delegate or Temporary Representative shall vote or participate in debate upon a matter in which they have a direct or indirect financial or other personal interest resulting in a personal benefit that conflicts with the fair and impartial conduct of official duties. The Executive Committee shall have the sole authority to consider allegations of breaches of this code, including appeals from Delegates alleged to be in violation herewith. In the case of a breach, the Executive Committee may direct the Chair to notify the appropriate appointing authority in the Delegate's home state.

III. Definition

A Conflict of Interest is a set of circumstances that creates a risk that professional judgement or actions regarding a primary interest will be unduly influenced by a secondary personal interest economic or otherwise.

IV. Disclosure of Conflicts of Interest

1. All Delegates and Temporary Representatives are required to complete a Code of Conduct form. The form constitutes an agreement by each Delegate and Temporary Representative to disclose personal interests that may impact the ability of a Delegate or Temporary Representative to conduct business in a "fair and impartial" manner and that the Delegate or Temporary Representative will recuse from debating or

voting on such a matter in fulfilling the duties of an OT Compact Delegate or Temporary Representative.

2. Completed Code of Conduct forms must be submitted to the Executive Director by January 31 of each year, regardless of whether there have been any changes in status from the previous year. If a Delegate or Temporary Representative is appointed after January 31, a completed Code of Conduct form must be submitted prior to participation in a Commission meeting. For the first year of implementation of this policy, all Delegates and Temporary Representatives must complete the form prior to the October 2022 Inaugural Meeting.
3. Completed Code of Conduct forms are public documents which may be disclosed by the Commission upon request.

V. Delegate and Temporary Representative Recusal

Prior to the discussion of an issue in which a Delegate or Temporary Representative believes a conflict of interest may exist, the Delegate or Temporary Representative must announce to the Committee or Commission meeting that they are recusing themselves from participating in the caucus and voting. Once recused, the Delegate or Temporary Representative will not be able to participate in the debate or the vote concerning the matter which led to the recusal.

VI. Concerns over Financial Disclosure and Conflict of Interest

Concerns over conflicts of interest should be brought to the attention of the Chair of the Commission for consideration by the Executive Committee. The Executive Committee will determine if any of the provisions of the Commission's Policy on Conflicts of Interest have been violated and decide the appropriate action, if any.

VII. Notification of Home State Appointing Authority

If any of the following conditions are met, the Commission may notify the appropriate appointing authority in the home state of the Delegate or Temporary Representative regarding its concern about the ability of the Delegate or Temporary Representative to perform his/her duties in a fair and impartial manner.

1. The Delegate or Temporary Representative has a substantial financial conflict of interest in the outcome of the matter, such as the awarding of a contract for services or employment;
2. The Delegate or Temporary Representative has a substantial positional conflict of interest in the outcome of the matter, such as a leadership position for another organization whose purpose is contrary to that of the Commission;

3. The Delegate or Temporary Representative has been found in violation of criminal or civil state or federal statute or regulation;
4. The Executive Committee determines that a Delegate or Temporary Representative is not performing their duties consistent with this policy.

Code of Conduct Form

Delegates or Temporary Representatives appointed by the states are responsible for upholding the integrity of the Commission and its member states. No Delegate or Temporary Representatives shall engage in criminal or unethical conduct prejudicial to the Commission, any other Delegate, or any other state. No Delegate or Temporary Representative shall have a direct or indirect financial interest that conflicts with the fair and impartial conduct of official duties. The Executive Committee, in consultation with Legal Counsel to the Commission, shall have the sole authority to consider allegations of breaches of this code, including appeals from Delegates alleged to be in violation herewith. In the case of a breach, the Executive Committee may direct the Chair to notify the appropriate appointing authority in the Delegate or Temporary Representative's home state.

I, _____,
(print name)

_____ for the State of _____
(title—delegate or temporary representative)

hereby swear or affirm that I have read and understand the Counseling Compact Commission Code of Conduct and will comply with said policy in all matters pertaining to my duties and obligations as a Delegate, Temporary Representative, or Officer of the Commission, including my obligation to recuse myself from consideration, debate or voting on any matter that conflicts with the fair and impartial conduct of my official duties.

(Signature)

Dated this ___ day of _____, 20__.