



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

**HB4642**

Introduced 2/6/2024, by Rep. Lindsey LaPointe

#### SYNOPSIS AS INTRODUCED:

New Act  
225 ILCS 107/12 new

Creates the Counseling Compact Act. Provides that the State of Illinois enters into the Counseling Compact. Specifies that the Compact's purpose is to facilitate interstate practice of licensed professional counselors with the goal of improving public access to professional counseling services. Sets out provisions concerning the privilege to practice, obtaining a new home state license, active duty military personnel, telehealth, adverse actions, Counseling Compact Commission, data systems, rulemaking, oversight, dispute resolution, and enforcement. Contains other provisions concerning the Commission, the Compact, and the procedures governing participating in and construction of the Compact. Amends the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act. Requires the Professional Counselor Licensing and Disciplinary Board to submit a report to the General Assembly with recommendations of any statutory changes and budgetary changes needed to comply with the requirements of the Counseling Compact. Requires the Board and Department of Financial and Professional Regulation to modify, if needed, Board and Department rules to comply with the requirements of the Counseling Compact. Provides that the changes to the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act are effective immediately.

LRB103 37884 AWJ 68015 b

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Counseling Compact Act.

6 Section 5. Counseling Compact. The State of Illinois  
7 enters into the Counseling Compact in substantially the  
8 following form with all other states joining the Compact:

9 SECTION 1: PURPOSE

10 The purpose of this Compact is to facilitate interstate  
11 practice of Licensed Professional Counselors with the goal of  
12 improving public access to Professional Counseling services.  
13 The practice of Professional Counseling occurs in the State  
14 where the client is located at the time of the counseling  
15 services. The Compact preserves the regulatory authority of  
16 States to protect public health and safety through the current  
17 system of State licensure.

18 This Compact is designed to achieve the following  
19 objectives:

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

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

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

6           D. Support spouses of relocating Active Duty Military  
7 personnel;

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

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

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

16          H. Invest all Member States with the authority to hold  
17 a Licensed Professional Counselor accountable for meeting  
18 all State practice laws in the State in which the client is  
19 located at the time care is rendered through the mutual  
20 recognition of Member State licenses;

21          I. Eliminate the necessity for licenses in multiple  
22 States; and

23          J. Provide opportunities for interstate practice by  
24 Licensed Professional Counselors who meet uniform  
25 licensure requirements.

1 SECTION 2. DEFINITIONS

2 As used in this Compact, and except as otherwise provided,  
3 the following definitions apply:

4 A. "Active Duty Military" means full-time duty status in  
5 the active uniformed service of the United States, including  
6 members of the National Guard and Reserve on active duty  
7 orders pursuant to 10 U.S.C. Chapters 1209 and 1211.

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

18 C. "Alternative Program" means a non-disciplinary  
19 monitoring or practice remediation process approved by a  
20 Professional Counseling Licensing Board to address Impaired  
21 Practitioners.

22 D. "Continuing Competence/Education" means a requirement,  
23 as a condition of license renewal, to provide evidence of  
24 completion of educational and professional activities relevant  
25 to practice or area of work.

26 E. "Counseling Compact Commission" or "Commission" means

1 the national administrative body whose membership consists of  
2 all States that have enacted the Compact.

3 F. "Current Significant Investigative Information" means:

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

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

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

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

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

26 J. "Executive Committee" means a group of directors

1 elected or appointed to act on behalf of, and within the powers  
2 granted to them by, the Commission.

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

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

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

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

18 O. "Licensed Professional Counselor" means a counselor  
19 licensed by a Member State, regardless of the title used by  
20 that State, to independently assess, diagnose, and treat  
21 behavioral health conditions.

22 P. "Licensee" means an individual who currently holds an  
23 authorization from the State to practice as a Licensed  
24 Professional Counselor.

25 Q. "Licensing Board" means the agency of a State, or  
26 equivalent, that is responsible for the licensing and

1 regulation of Licensed Professional Counselors.

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

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

7 T. "Professional Counseling" means the assessment,  
8 diagnosis, and treatment of behavioral health conditions by a  
9 Licensed Professional Counselor.

10 U. "Remote State" means a Member State other than the Home  
11 State, where a Licensee is exercising or seeking to exercise  
12 the Privilege to Practice.

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

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

19 X. "State" means any state, commonwealth, district, or  
20 territory of the United States of America that regulates the  
21 practice of Professional Counseling.

22 Y. "Telehealth" means the application of telecommunication  
23 technology to deliver Professional Counseling services  
24 remotely to assess, diagnose, and treat behavioral health  
25 conditions.

26 Z. "Unencumbered License" means a license that authorizes

1 a Licensed Professional Counselor to engage in the full and  
2 unrestricted practice of Professional Counseling.

3 SECTION 3. STATE PARTICIPATION IN THE COMPACT

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

5 1. License and regulate Licensed Professional  
6 Counselors;

7 2. Require Licensees to pass a nationally recognized  
8 exam approved by the Commission;

9 3. Require Licensees to have a 60 semester-hour (or 90  
10 quarter-hour) master's degree in counseling or 60 semester  
11 hours (or 90 quarter hours) of graduate coursework  
12 including the following topic areas:

13 a. Professional Counseling Orientation and Ethical  
14 Practice;

15 b. Social and Cultural Diversity;

16 c. Human Growth and Development;

17 d. Career Development;

18 e. Counseling and Helping Relationships;

19 f. Group Counseling and Group Work;

20 g. Diagnosis and Treatment;

21 h. Assessment and Testing;

22 i. Research and Program Evaluation; and

23 j. Other areas as determined by the Commission.

24 4. Require Licensees to complete a supervised  
25 postgraduate professional experience as defined by the



1 Commission;

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

4 B. A Member State shall:

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

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

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

20 a. A Member State must fully implement a criminal  
21 background check requirement, within a time frame  
22 established by rule, by receiving the results of the  
23 Federal Bureau of Investigation record search and  
24 shall use the results in making licensure decisions.

25 b. Communication between a Member State, the  
26 Commission and among Member States regarding the

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

6 c. A Licensing Board may conduct national  
7 background checks by submitting fingerprints to the  
8 Federal Bureau of Investigation through the Member  
9 State's statewide policing authority. However, reports  
10 from the background checks may not be shared with  
11 entities outside of the Member State. Applicants shall  
12 be responsible for all fees associated with the  
13 performance of the background checks.

14 4. Comply with the Rules of the Commission;

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

19 6. Grant the Privilege to Practice to a Licensee  
20 holding a valid Unencumbered License in another Member  
21 State in accordance with the terms of the Compact and  
22 Rules; and

23 7. Provide for the attendance of the State's  
24 commissioner to the Counseling Compact Commission  
25 meetings.

26 C. Member States may charge a fee for granting the

1 Privilege to Practice.

2 D. Individuals not residing in a Member State shall  
3 continue to be able to apply for a Member State's Single State  
4 License as provided under the laws of each Member State.  
5 However, the Single State License granted to these individuals  
6 shall not be recognized as granting a Privilege to Practice  
7 Professional Counseling in any other Member State.

8 E. Nothing in this Compact shall affect the requirements  
9 established by a Member State for the issuance of a Single  
10 State License.

11 F. A license issued to a Licensed Professional Counselor  
12 by a Home State to a resident in that State shall be recognized  
13 by each Member State as authorizing a Licensed Professional  
14 Counselor to practice Professional Counseling, under a  
15 Privilege to Practice, in each Member State.

16 SECTION 4. PRIVILEGE TO PRACTICE

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

- 19 1. Hold a license in the Home State;
- 20 2. Have a valid United States social security number  
21 or National Provider Identifier;
- 22 3. Be eligible for a Privilege to Practice in any  
23 Member State in accordance with Section 4(D), (G) and (H);
- 24 4. Have not had any Encumbrance or restriction against  
25 any license or Privilege to Practice within the previous 2

1 years;

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

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

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

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

11 9. Report to the Commission any Adverse Action,  
12 Encumbrance, or restriction on a license taken by any  
13 non-Member State within 30 days from the date the action  
14 is taken.

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

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

22 D. A Licensee providing Professional Counseling services  
23 in a Remote State is subject to that State's regulatory  
24 authority. A Remote State may, in accordance with due process  
25 and that State's laws, remove a Licensee's Privilege to  
26 Practice in the Remote State for a specific period of time,

1 impose fines, or take any other necessary actions to protect  
2 the health and safety of its citizens. The Licensee may be  
3 ineligible for a Privilege to Practice in any Member State  
4 until the specific time for removal has passed and all fines  
5 are paid.

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

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

10 2. The licensee has not had any Encumbrance or  
11 restriction against any license or Privilege to Practice  
12 within the previous 2 years.

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

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

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

22 2. The licensee has paid all fines that have been  
23 imposed; and

24 3. The licensee has not had any Encumbrance or  
25 restriction against any license or Privilege to Practice  
26 within the previous 2 years.

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

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

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

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

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

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

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

1 Public Law 92-544;

2 b. other criminal background check as required by  
3 the new Home State; and

4 c. completion of any requisite Jurisprudence  
5 Requirements of the new Home State.

6 3. The former Home State shall convert the former Home  
7 State license into a Privilege to Practice once the new  
8 Home State has activated the new Home State license in  
9 accordance with applicable Rules adopted by the  
10 Commission.

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

16 5. The Licensed Professional Counselor shall pay all  
17 applicable fees to the new Home State in order to be issued  
18 a new Home State license.

19 C. If a Licensed Professional Counselor changes Primary  
20 State of Residence by moving from a Member State to a  
21 non-Member State, or from a non-Member State to a Member  
22 State, the State criteria shall apply for issuance of a Single  
23 State License in the new State.

24 D. Nothing in this Compact shall interfere with a  
25 Licensee's ability to hold a Single State License in multiple  
26 States. However, for the purposes of this Compact, a Licensee

1 shall have only one Home State license.

2 E. Nothing in this Compact shall affect the requirements  
3 established by a Member State for the issuance of a Single  
4 State License.

5 SECTION 6. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

6 Active Duty Military personnel, or their spouse, shall  
7 designate a Home State where the individual has a current  
8 license in good standing. The individual may retain the Home  
9 State designation during the period the service member is on  
10 active duty. Subsequent to designating a Home State, the  
11 individual shall only change their Home State through  
12 application for licensure in the new State, or through the  
13 process outlined in Section 5.

14 SECTION 7. COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

15 A. Member States shall recognize the right of a Licensed  
16 Professional Counselor, licensed by a Home State in accordance  
17 with Section 3 and under Rules promulgated by the Commission,  
18 to practice Professional Counseling in any Member State via  
19 Telehealth under a Privilege to Practice as provided in the  
20 Compact and Rules promulgated by the Commission.

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



1 SECTION 8. ADVERSE ACTIONS

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

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

8 2. Issue subpoenas for both hearings and  
9 investigations that require the attendance and testimony  
10 of witnesses as well as the production of evidence.  
11 Subpoenas issued by a Licensing Board in a Member State  
12 for the attendance and testimony of witnesses or the  
13 production of evidence from another Member State shall be  
14 enforced in the latter State by any court of competent  
15 jurisdiction, according to the practice and procedure of  
16 that court applicable to subpoenas issued in proceedings  
17 pending before it. The issuing authority shall pay any  
18 witness fees, travel expenses, mileage, and other fees  
19 required by the service statutes of the State in which the  
20 witnesses or evidence are located.

21 Only the Home State shall have the power to take Adverse  
22 Action against a Licensed Professional Counselor's license  
23 issued by the Home State.

24 B. For purposes of taking Adverse Action, the Home State  
25 shall give the same priority and effect to reported conduct  
26 received from a Member State as it would if the conduct had

1 occurred within the Home State. In so doing, the Home State  
2 shall apply its own State laws to determine appropriate  
3 action.

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

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

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

22 F. Joint Investigations:

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

1 investigations of Licensees.

2 2. Member States shall share any investigative,  
3 litigation, or compliance materials in furtherance of any  
4 joint or individual investigation initiated under the  
5 Compact.

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

16 H. If a Member State takes Adverse Action, it shall  
17 promptly notify the administrator of the Data System. The  
18 administrator of the Data System shall promptly notify the  
19 Home State of any Adverse Actions by Remote States.

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

23 SECTION 9. ESTABLISHMENT OF COUNSELING COMPACT COMMISSION

24 A. The Compact Member States hereby create and establish a  
25 joint public agency known as the Counseling Compact

1 Commission:

2 1. The Commission is an instrumentality of the Compact  
3 States.

4 2. Venue is proper and judicial proceedings by or  
5 against the Commission shall be brought solely and  
6 exclusively in a court of competent jurisdiction where the  
7 principal office of the Commission is located. The  
8 Commission may waive venue and jurisdictional defenses to  
9 the extent it adopts or consents to participate in  
10 alternative dispute resolution proceedings.

11 3. Nothing in this Compact shall be construed to be a  
12 waiver of sovereign immunity.

13 B. Membership, Voting, and Meetings

14 1. Each Member State shall have and be limited to one  
15 delegate selected by that Member State's Licensing Board.

16 2. The delegate shall be either:

17 a. A current member of the Licensing Board at the  
18 time of appointment, who is a Licensed Professional  
19 Counselor or public member; or

20 b. An administrator of the Licensing Board.

21 3. Any delegate may be removed or suspended from  
22 office as provided by the law of the State from which the  
23 delegate is appointed.

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

26 5. Each delegate shall be entitled to one vote with

1 regard to the promulgation of Rules and creation of bylaws  
2 and shall otherwise have an opportunity to participate in  
3 the business and affairs of the Commission.

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

8 7. The Commission shall meet at least once during each  
9 calendar year. Additional meetings shall be held as set  
10 forth in the bylaws.

11 8. The Commission shall by Rule establish a term of  
12 office for delegates and may by Rule establish term  
13 limits.

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

16 1. Establish the fiscal year of the Commission;

17 2. Establish bylaws;

18 3. Maintain its financial records in accordance with  
19 the bylaws;

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

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

24 6. Bring and prosecute legal proceedings or actions in  
25 the name of the Commission, provided that the standing of  
26 any State Licensing Board to sue or be sued under

1 applicable law shall not be affected;

2 7. Purchase and maintain insurance and bonds;

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

6 9. Hire employees, elect or appoint officers, fix  
7 compensation, define duties, grant such individuals  
8 appropriate authority to carry out the purposes of the  
9 Compact, and establish the Commission's personnel policies  
10 and programs relating to conflicts of interest,  
11 qualifications of personnel, and other related personnel  
12 matters;

13 10. Accept any and all appropriate donations and  
14 grants of money, equipment, supplies, materials, and  
15 services, and to receive, utilize, and dispose of the  
16 same; provided that at all times the Commission shall  
17 avoid any appearance of impropriety or conflict of  
18 interest;

19 11. Lease, purchase, accept appropriate gifts or  
20 donations of, or otherwise to own, hold, improve or use,  
21 any property, real, personal or mixed; provided that at  
22 all times the Commission shall avoid any appearance of  
23 impropriety;

24 12. Sell, convey, mortgage, pledge, lease, exchange,  
25 abandon, or otherwise dispose of any property real,  
26 personal, or mixed;

- 1           13. Establish a budget and make expenditures;
- 2           14. Borrow money;
- 3           15. Appoint committees, including standing committees  
4 composed of members, State regulators, State legislators  
5 or their representatives, consumer representatives, and  
6 such other interested persons as may be designated in this  
7 Compact and the bylaws;
- 8           16. Provide and receive information from, and  
9 cooperate with, law enforcement agencies;
- 10          17. Establish and elect an Executive Committee; and
- 11          18. Perform such other functions as may be necessary  
12 or appropriate to achieve the purposes of this Compact  
13 consistent with the State regulation of Professional  
14 Counseling licensure and practice.

15          D. The Executive Committee

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

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

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

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

1           c. The ex officio members will be selected by  
2           their respective organizations.

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

5           4. The Executive Committee shall meet at least  
6           annually.

7           5. The Executive Committee shall have the following  
8           duties and responsibilities:

9           a. Recommend to the entire Commission changes to  
10          the Rules or bylaws, changes to this Compact  
11          legislation, fees paid by Compact Member States such  
12          as annual dues, and any Commission Compact fee charged  
13          to Licensees for the Privilege to Practice;

14          b. Ensure Compact administration services are  
15          appropriately provided, contractual or otherwise;

16          c. Prepare and recommend the budget;

17          d. Maintain financial records on behalf of the  
18          Commission;

19          e. Monitor Compact compliance of Member States and  
20          provide compliance reports to the Commission;

21          f. Establish additional committees as necessary;  
22          and

23          g. Perform other duties as provided in Rules or  
24          bylaws.

25          E. Meetings of the Commission

26          1. All meetings shall be open to the public, and



1 public notice of meetings shall be given in the same  
2 manner as required under the Rulemaking provisions in  
3 Section 11.

4 2. The Commission or the Executive Committee or other  
5 committees of the Commission may convene in a closed,  
6 nonpublic meeting if the Commission or Executive Committee  
7 or other committees of the Commission must discuss:

8 a. Noncompliance of a Member State with its  
9 obligations under the Compact;

10 b. The employment, compensation, discipline or  
11 other matters, practices or procedures related to  
12 specific employees or other matters related to the  
13 Commission's internal personnel practices and  
14 procedures;

15 c. Current, threatened, or reasonably anticipated  
16 litigation;

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

19 e. Accusing any person of a crime or formally  
20 censuring any person;

21 f. Disclosure of trade secrets or commercial or  
22 financial information that is privileged or  
23 confidential;

24 g. Disclosure of information of a personal nature  
25 where disclosure would constitute a clearly  
26 unwarranted invasion of personal privacy;

1           h. Disclosure of investigative records compiled  
2 for law enforcement purposes;

3           i. Disclosure of information related to any  
4 investigative reports prepared by or on behalf of or  
5 for use of the Commission or other committee charged  
6 with responsibility of investigation or determination  
7 of compliance issues pursuant to the Compact; or

8           j. Matters specifically exempted from disclosure  
9 by federal or Member State statute.

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

14          4. The Commission shall keep minutes that fully and  
15 clearly describe all matters discussed in a meeting and  
16 shall provide a full and accurate summary of actions  
17 taken, and the reasons therefor, including a description  
18 of the views expressed. All documents considered in  
19 connection with an action shall be identified in such  
20 minutes. All minutes and documents of a closed meeting  
21 shall remain under seal, subject to release by a majority  
22 vote of the Commission or order of a court of competent  
23 jurisdiction.

24          F. Financing of the Commission

25          1. The Commission shall pay, or provide for the  
26 payment of, the reasonable expenses of its establishment,

1 organization, and ongoing activities.

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

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

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

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

1 shall be included in and become part of the annual report  
2 of the Commission.

3 G. Qualified Immunity, Defense, and Indemnification

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

18 2. The Commission shall defend any member, officer,  
19 executive director, employee or representative of the  
20 Commission in any civil action seeking to impose liability  
21 arising out of any actual or alleged act, error, or  
22 omission that occurred within the scope of Commission  
23 employment, duties, or responsibilities, or that the  
24 person against whom the claim is made had a reasonable  
25 basis for believing occurred within the scope of  
26 Commission employment, duties, or responsibilities;

1 provided that nothing herein shall be construed to  
2 prohibit that person from retaining his or her own  
3 counsel; and provided further, that the actual or alleged  
4 act, error, or omission did not result from that person's  
5 intentional, willful, or wanton misconduct.

6 3. The Commission shall indemnify and hold harmless  
7 any member, officer, executive director, employee, or  
8 representative of the Commission for the amount of any  
9 settlement or judgment obtained against that person  
10 arising out of any actual or alleged act, error, or  
11 omission that occurred within the scope of Commission  
12 employment, duties, or responsibilities, or that such  
13 person had a reasonable basis for believing occurred  
14 within the scope of Commission employment, duties, or  
15 responsibilities, provided that the actual or alleged act,  
16 error, or omission did not result from the intentional,  
17 willful, or wanton misconduct of that person.

18 SECTION 10. DATA SYSTEM

19 A. The Commission shall provide for the development,  
20 maintenance, operation, and utilization of a coordinated  
21 database and reporting system containing licensure, Adverse  
22 Action, and Investigative Information on all licensed  
23 individuals in Member States.

24 B. Notwithstanding any other provision of State law to the  
25 contrary, a Member State shall submit a uniform data set to the

1 Data System on all individuals to whom this Compact is  
2 applicable, as required by the Rules of the Commission,  
3 including:

4 1. Identifying information;

5 2. Licensure data;

6 3. Adverse Actions against a license or Privilege to  
7 Practice;

8 4. Non-confidential information related to Alternative  
9 Program participation;

10 5. Any denial of application for licensure, and the  
11 reason(s) for such denial;

12 6. Current Significant Investigative Information; and

13 7. Other information that may facilitate the  
14 administration of this Compact, as determined by the Rules  
15 of the Commission.

16 C. Investigative Information pertaining to a Licensee in  
17 any Member State will only be available to other Member  
18 States.

19 D. The Commission shall promptly notify all Member States  
20 of any Adverse Action taken against a Licensee or an  
21 individual applying for a license. Adverse Action information  
22 pertaining to a Licensee in any Member State will be available  
23 to any other Member State.

24 E. Member States contributing information to the Data  
25 System may designate information that may not be shared with  
26 the public without the express permission of the contributing

1 State.

2 F. Any information submitted to the Data System that is  
3 subsequently required to be expunged by the laws of the Member  
4 State contributing the information shall be removed from the  
5 Data System.

6 SECTION 11. RULEMAKING

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

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

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

23 D. Rules or amendments to the Rules shall be adopted at a  
24 regular or special meeting of the Commission.

25 E. Prior to promulgation and adoption of a final Rule or

1 Rules by the Commission, and at least 30 days in advance of the  
2 meeting at which the Rule will be considered and voted upon,  
3 the Commission shall file a Notice of Proposed Rulemaking:

4 1. On the website of the Commission or other publicly  
5 accessible platform; and

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

10 F. The Notice of Proposed Rulemaking shall include:

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

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

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

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

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

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



- 1           1. At least 25 persons;
- 2           2. A State or federal governmental subdivision or
- 3           agency; or
- 4           3. An association having at least 25 members.

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

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

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

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

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

24           J. Following the scheduled hearing date, or by the close  
25           of business on the scheduled hearing date if the hearing was  
26           not held, the Commission shall consider all written and oral

1 comments received.

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

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

10 M. Upon determination that an emergency exists, the  
11 Commission may consider and adopt an emergency Rule without  
12 prior notice, opportunity for comment, or hearing, provided  
13 that the usual Rulemaking procedures provided in the Compact  
14 and in this section shall be retroactively applied to the Rule  
15 as soon as reasonably possible, in no event later than 90 days  
16 after the effective date of the Rule. For the purposes of this  
17 provision, an emergency Rule is one that must be adopted  
18 immediately in order to:

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

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

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

25 4. Protect public health and safety.

26 N. The Commission or an authorized committee of the

1 Commission may direct revisions to a previously adopted Rule  
2 or amendment for purposes of correcting typographical errors,  
3 errors in format, errors in consistency, or grammatical  
4 errors. Public notice of any revision shall be posted on the  
5 website of the Commission. The revision shall be subject to  
6 challenge by any person for a period of 30 days after posting.  
7 The revision may be challenged only on grounds that the  
8 revision results in a material change to a Rule. A challenge  
9 shall be made in writing and delivered to the chair of the  
10 Commission prior to the end of the notice period. If no  
11 challenge is made, the revision will take effect without  
12 further action. If the revision is challenged, the revision  
13 may not take effect without the approval of the Commission.

14 SECTION 12. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

15 A. Oversight

16 1. The executive, legislative, and judicial branches  
17 of State government in each Member State shall enforce  
18 this Compact and take all actions necessary and  
19 appropriate to effectuate the Compact's purposes and  
20 intent. The provisions of this Compact and the Rules  
21 promulgated hereunder shall have standing as statutory  
22 law.

23 2. All courts shall take judicial notice of the  
24 Compact and the Rules in any judicial or administrative  
25 proceeding in a Member State pertaining to the subject

1 matter of this Compact which may affect the powers,  
2 responsibilities, or actions of the Commission.

3 3. The Commission shall be entitled to receive service  
4 of process in any such proceeding and shall have standing  
5 to intervene in such a proceeding for all purposes.  
6 Failure to provide service of process to the Commission  
7 shall render a judgment or order void as to the  
8 Commission, this Compact, or promulgated Rules.

9 B. Default, Technical Assistance, and Termination

10 1. If the Commission determines that a Member State  
11 has defaulted in the performance of its obligations or  
12 responsibilities under this Compact or the promulgated  
13 Rules, the Commission shall:

14 a. Provide written notice to the defaulting State  
15 and other Member States of the nature of the default,  
16 the proposed means of curing the default or any other  
17 action to be taken by the Commission; and

18 b. Provide remedial training and specific  
19 technical assistance regarding the default.

20 C. If a Member State in default fails to cure the default,  
21 the defaulting Member State may be terminated from the Compact  
22 upon an affirmative vote of a majority of the Member States,  
23 and all rights, privileges and benefits conferred by this  
24 Compact may be terminated on the effective date of  
25 termination. A cure of the default does not relieve the  
26 offending Member State of obligations or liabilities incurred

1 during the period of default.

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

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

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

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

23 H. Dispute Resolution

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

1 non-Member States.

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

5 I. Enforcement

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

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

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

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

25 A. The Compact shall come into effect on the date on which

1 the Compact statute is enacted into law in the tenth Member  
2 State. The provisions, which become effective at that time,  
3 shall be limited to the powers granted to the Commission  
4 relating to assembly and the promulgation of Rules.  
5 Thereafter, the Commission shall meet and exercise Rulemaking  
6 powers necessary to the implementation and administration of  
7 the Compact.

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

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

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

18 2. Withdrawal shall not affect the continuing  
19 requirement of the withdrawing State's Professional  
20 Counseling Licensing Board to comply with the  
21 investigative and Adverse Action reporting requirements of  
22 this Compact prior to the effective date of withdrawal.

23 D. Nothing contained in this Compact shall be construed to  
24 invalidate or prevent any Professional Counseling licensure  
25 agreement or other cooperative arrangement between a Member  
26 State and a non-Member State that does not conflict with the

1 provisions of this Compact.

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

6 SECTION 14. CONSTRUCTION AND SEVERABILITY

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

21 SECTION 15. BINDING EFFECT OF COMPACT AND OTHER LAWS

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



1 the Remote State.

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

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

7 D. Any lawful actions of the Commission, including all  
8 Rules and bylaws properly promulgated by the Commission, are  
9 binding upon the Member States.

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

12 F. In the event any provision of the Compact exceeds the  
13 constitutional limits imposed on the legislature of any Member  
14 State, the provision shall be ineffective to the extent of the  
15 conflict with the constitutional provision in question in that  
16 Member State.

17 Section 90. The Professional Counselor and Clinical  
18 Professional Counselor Licensing and Practice Act is amended  
19 by adding Section 12 as follows:

20 (225 ILCS 107/12 new)

21 Sec. 12. Counseling Compact.

22 (a) No later than 2 months after this Section's effective  
23 date under this amendatory Act of the 103rd General Assembly,  
24 the Board must submit a report to the General Assembly with

1 recommendations of any statutory changes and budgetary changes  
2 needed to comply with the requirements of the Counseling  
3 Compact that will be entered into pursuant to the Counseling  
4 Compact Act.

5 (b) No later than 6 months after this Section's effective  
6 date under this amendatory Act of the 103rd General Assembly,  
7 the Board and the Department shall modify, if needed, the  
8 Board's and the Department's rules to comply with the  
9 requirements of the Counseling Compact that will be entered  
10 into pursuant to the Counseling Compact Act.

11 Section 99. Effective date. This Section and Section 90  
12 take effect upon becoming law.