



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB2123

Introduced 2/10/2023, by Sen. Laura Fine

#### 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 26875 AWJ 53239 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 participation in, or completion of, educational and  
25 professional activities relevant 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 4. Comply with the Rules of the Commission;

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

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

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

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

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

26 E. Nothing in this Compact shall affect the requirements

1 established by a Member State for the issuance of a Single  
2 State License.

3 F. A license issued to a Licensed Professional Counselor  
4 by a Home State to a resident in that State shall be recognized  
5 by each Member State as authorizing a Licensed Professional  
6 Counselor to practice Professional Counseling, under a  
7 Privilege to Practice, in each Member State.

8 SECTION 4. PRIVILEGE TO PRACTICE

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

- 11 1. Hold a license in the Home State;
- 12 2. Have a valid United States social security number  
13 or National Provider Identifier;
- 14 3. Be eligible for a Privilege to Practice in any  
15 Member State in accordance with Section 4(D), (G) and (H);
- 16 4. Have not had any Encumbrance or restriction against  
17 any license or Privilege to Practice within the previous 2  
18 years;
- 19 5. Notify the Commission that the Licensee is seeking  
20 the Privilege to Practice within a Remote State(s);
- 21 6. Pay any applicable fees, including any State fee,  
22 for the Privilege to Practice;
- 23 7. Meet any Continuing Competence/Education  
24 requirements established by the Home State;
- 25 8. Meet any Jurisprudence Requirements established by

1 the Remote State(s) in which the Licensee is seeking a  
2 Privilege to Practice; and

3 9. Report to the Commission any Adverse Action,  
4 Encumbrance, or restriction on a license taken by any  
5 non-Member State within 30 days from the date the action  
6 is taken.

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

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

14 D. A Licensee providing Professional Counseling services  
15 in a Remote State is subject to that State's regulatory  
16 authority. A Remote State may, in accordance with due process  
17 and that State's laws, remove a Licensee's Privilege to  
18 Practice in the Remote State for a specific period of time,  
19 impose fines, or take any other necessary actions to protect  
20 the health and safety of its citizens. The Licensee may be  
21 ineligible for a Privilege to Practice in any Member State  
22 until the specific time for removal has passed and all fines  
23 are paid.

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

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

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

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

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

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

14           2. The licensee has paid all fines that have been  
15           imposed; and

16           3. The licensee has not had any Encumbrance or  
17           restriction against any license or Privilege to Practice  
18           within the previous 2 years.

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

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

24           A. A Licensed Professional Counselor may hold a Home State  
25           license, which allows for a Privilege to Practice in other

1 Member States, in only one Member State at a time.

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

4 1. The Licensed Professional Counselor shall file an  
5 application for obtaining a new Home State license based  
6 on a Privilege to Practice, pay all applicable fees, and  
7 notify the current and new Home State in accordance with  
8 applicable Rules adopted by the Commission.

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

15 a. a Federal Bureau of Investigation  
16 fingerprint-based criminal background check if not  
17 previously performed or updated pursuant to applicable  
18 rules adopted by the Commission in accordance with  
19 Public Law 92-544;

20 b. other criminal background check as required by  
21 the new Home State; and

22 c. completion of any requisite Jurisprudence  
23 Requirements of the new Home State.

24 3. The former Home State shall convert the former Home  
25 State license into a Privilege to Practice once the new  
26 Home State has activated the new Home State license in

1           accordance with applicable Rules adopted by the  
2           Commission.

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

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

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

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

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

23           SECTION 6. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

24           Active Duty Military personnel, or their spouse, shall  
25           designate a Home State where the individual has a current

1 license in good standing. The individual may retain the Home  
2 State designation during the period the service member is on  
3 active duty. Subsequent to designating a Home State, the  
4 individual shall only change their Home State through  
5 application for licensure in the new State, or through the  
6 process outlined in Section 5.

7 SECTION 7. COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

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

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

17 SECTION 8. ADVERSE ACTIONS

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

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

24 2. Issue subpoenas for both hearings and



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

13 Only the Home State shall have the power to take Adverse  
14 Action against a Licensed Professional Counselor's license  
15 issued by the Home State.

16 B. For purposes of taking Adverse Action, the Home State  
17 shall give the same priority and effect to reported conduct  
18 received from a Member State as it would if the conduct had  
19 occurred within the Home State. In so doing, the Home State  
20 shall apply its own State laws to determine appropriate  
21 action.

22 C. The Home State shall complete any pending  
23 investigations of a Licensed Professional Counselor who  
24 changes primary State of residence during the course of the  
25 investigations. The Home State shall also have the authority  
26 to take appropriate action(s) and shall promptly report the

1 conclusions of the investigations to the administrator of the  
2 Data System. The administrator of the coordinated licensure  
3 information system shall promptly notify the new Home State of  
4 any Adverse Actions.

5 D. A Member State, if otherwise permitted by State law,  
6 may recover from the affected Licensed Professional Counselor  
7 the costs of investigations and dispositions of cases  
8 resulting from any Adverse Action taken against that Licensed  
9 Professional Counselor.

10 E. A Member State may take Adverse Action based on the  
11 factual findings of the Remote State, provided that the Member  
12 State follows its own procedures for taking the Adverse  
13 Action.

14 F. Joint Investigations:

15 1. In addition to the authority granted to a Member  
16 State by its respective Professional Counseling practice  
17 act or other applicable State law, any Member State may  
18 participate with other Member States in joint  
19 investigations of Licensees.

20 2. Member States shall share any investigative,  
21 litigation, or compliance materials in furtherance of any  
22 joint or individual investigation initiated under the  
23 Compact.

24 G. If Adverse Action is taken by the Home State against the  
25 license of a Licensed Professional Counselor, the Licensed  
26 Professional Counselor's Privilege to Practice in all other

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

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

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

15 SECTION 9. ESTABLISHMENT OF COUNSELING COMPACT COMMISSION

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

19 1. The Commission is an instrumentality of the Compact  
20 States.

21 2. Venue is proper and judicial proceedings by or  
22 against the Commission shall be brought solely and  
23 exclusively in a court of competent jurisdiction where the  
24 principal office of the Commission is located. The  
25 Commission may waive venue and jurisdictional defenses to

1 the extent it adopts or consents to participate in  
2 alternative dispute resolution proceedings.

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

5 B. Membership, Voting, and Meetings

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

8 2. The delegate shall be either:

9 a. A current member of the Licensing Board at the  
10 time of appointment, who is a Licensed Professional  
11 Counselor or public member; or

12 b. An administrator of the Licensing Board.

13 3. Any delegate may be removed or suspended from  
14 office as provided by the law of the State from which the  
15 delegate is appointed.

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

18 5. Each delegate shall be entitled to one vote with  
19 regard to the promulgation of Rules and creation of bylaws  
20 and shall otherwise have an opportunity to participate in  
21 the business and affairs of the Commission.

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

26 7. The Commission shall meet at least once during each

1 calendar year. Additional meetings shall be held as set  
2 forth in the bylaws.

3 8. The Commission shall by Rule establish a term of  
4 office for delegates and may by Rule establish term  
5 limits.

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

8 1. Establish the fiscal year of the Commission;

9 2. Establish bylaws;

10 3. Maintain its financial records in accordance with  
11 the bylaws;

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

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

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

20 7. Purchase and maintain insurance and bonds;

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

24 9. Hire employees, elect or appoint officers, fix  
25 compensation, define duties, grant such individuals  
26 appropriate authority to carry out the purposes of the

1 Compact, and establish the Commission's personnel policies  
2 and programs relating to conflicts of interest,  
3 qualifications of personnel, and other related personnel  
4 matters;

5 10. Accept any and all appropriate donations and  
6 grants of money, equipment, supplies, materials, and  
7 services, and to receive, utilize, and dispose of the  
8 same; provided that at all times the Commission shall  
9 avoid any appearance of impropriety or conflict of  
10 interest;

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

16 12. Sell, convey, mortgage, pledge, lease, exchange,  
17 abandon, or otherwise dispose of any property real,  
18 personal, or mixed;

19 13. Establish a budget and make expenditures;

20 14. Borrow money;

21 15. Appoint committees, including standing committees  
22 composed of members, State regulators, State legislators  
23 or their representatives, consumer representatives, and  
24 such other interested persons as may be designated in this  
25 Compact and the bylaws;

26 16. Provide and receive information from, and

1 cooperate with, law enforcement agencies;

2 17. Establish and elect an Executive Committee; and

3 18. Perform such other functions as may be necessary  
4 or appropriate to achieve the purposes of this Compact  
5 consistent with the State regulation of Professional  
6 Counseling licensure and practice.

7 D. The Executive Committee

8 1. The Executive Committee shall have the power to act  
9 on behalf of the Commission according to the terms of this  
10 Compact.

11 2. The Executive Committee shall be composed of up to  
12 11 members:

13 a. Seven voting members who are elected by the  
14 Commission from the current membership of the  
15 Commission; and

16 b. Up to 4 ex officio, nonvoting members from 4  
17 recognized national professional counselor  
18 organizations.

19 c. The ex officio members will be selected by  
20 their respective organizations.

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

23 4. The Executive Committee shall meet at least  
24 annually.

25 5. The Executive Committee shall have the following  
26 duties and responsibilities:

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

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

8           c. Prepare and recommend the budget;

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

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

13           f. Establish additional committees as necessary;  
14 and

15           g. Perform other duties as provided in Rules or  
16 bylaws.

17 E. Meetings of the Commission

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

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

26           a. Noncompliance of a Member State with its



1 obligations under the Compact;

2 b. The employment, compensation, discipline or  
3 other matters, practices or procedures related to  
4 specific employees or other matters related to the  
5 Commission's internal personnel practices and  
6 procedures;

7 c. Current, threatened, or reasonably anticipated  
8 litigation;

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

11 e. Accusing any person of a crime or formally  
12 censuring any person;

13 f. Disclosure of trade secrets or commercial or  
14 financial information that is privileged or  
15 confidential;

16 g. Disclosure of information of a personal nature  
17 where disclosure would constitute a clearly  
18 unwarranted invasion of personal privacy;

19 h. Disclosure of investigative records compiled  
20 for law enforcement purposes;

21 i. Disclosure of information related to any  
22 investigative reports prepared by or on behalf of or  
23 for use of the Commission or other committee charged  
24 with responsibility of investigation or determination  
25 of compliance issues pursuant to the Compact; or

26 j. Matters specifically exempted from disclosure

1 by federal or Member State statute.

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

6 4. The Commission shall keep minutes that fully and  
7 clearly describe all matters discussed in a meeting and  
8 shall provide a full and accurate summary of actions  
9 taken, and the reasons therefor, including a description  
10 of the views expressed. All documents considered in  
11 connection with an action shall be identified in such  
12 minutes. All minutes and documents of a closed meeting  
13 shall remain under seal, subject to release by a majority  
14 vote of the Commission or order of a court of competent  
15 jurisdiction.

16 F. Financing of the Commission

17 1. The Commission shall pay, or provide for the  
18 payment of, the reasonable expenses of its establishment,  
19 organization, and ongoing activities.

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

23 3. The Commission may levy on and collect an annual  
24 assessment from each Member State or impose fees on other  
25 parties to cover the cost of the operations and activities  
26 of the Commission and its staff, which must be in a total

1 amount sufficient to cover its annual budget as approved  
2 each year for which revenue is not provided by other  
3 sources. The aggregate annual assessment amount shall be  
4 allocated based upon a formula to be determined by the  
5 Commission, which shall promulgate a Rule binding upon all  
6 Member States.

7 4. The Commission shall not incur obligations of any  
8 kind prior to securing the funds adequate to meet the  
9 same; nor shall the Commission pledge the credit of any of  
10 the Member States, except by and with the authority of the  
11 Member State.

12 5. The Commission shall keep accurate accounts of all  
13 receipts and disbursements. The receipts and disbursements  
14 of the Commission shall be subject to the audit and  
15 accounting procedures established under its bylaws.  
16 However, all receipts and disbursements of funds handled  
17 by the Commission shall be audited yearly by a certified  
18 or licensed public accountant, and the report of the audit  
19 shall be included in and become part of the annual report  
20 of the Commission.

21 G. Qualified Immunity, Defense, and Indemnification

22 1. The members, officers, executive director,  
23 employees and representatives of the Commission shall be  
24 immune from suit and liability, either personally or in  
25 their official capacity, for any claim for damage to or  
26 loss of property or personal injury or other civil

1 liability caused by or arising out of any actual or  
2 alleged act, error or omission that occurred, or that the  
3 person against whom the claim is made had a reasonable  
4 basis for believing occurred within the scope of  
5 Commission employment, duties or responsibilities;  
6 provided that nothing in this paragraph shall be construed  
7 to protect any such person from suit or liability for any  
8 damage, loss, injury, or liability caused by the  
9 intentional, willful, or wanton misconduct of that person.

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

24 3. The Commission shall indemnify and hold harmless  
25 any member, officer, executive director, employee, or  
26 representative of the Commission for the amount of any

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

10 SECTION 10. DATA SYSTEM

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

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

- 21 1. Identifying information;
- 22 2. Licensure data;
- 23 3. Adverse Actions against a license or Privilege to  
24 Practice;
- 25 4. Non-confidential information related to Alternative

1 Program participation;

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

4 6. Current Significant Investigative Information; and

5 7. Other information that may facilitate the  
6 administration of this Compact, as determined by the Rules  
7 of the Commission.

8 C. Investigative Information pertaining to a Licensee in  
9 any Member State will only be available to other Member  
10 States.

11 D. The Commission shall promptly notify all Member States  
12 of any Adverse Action taken against a Licensee or an  
13 individual applying for a license. Adverse Action information  
14 pertaining to a Licensee in any Member State will be available  
15 to any other Member State.

16 E. Member States contributing information to the Data  
17 System may designate information that may not be shared with  
18 the public without the express permission of the contributing  
19 State.

20 F. Any information submitted to the Data System that is  
21 subsequently required to be expunged by the laws of the Member  
22 State contributing the information shall be removed from the  
23 Data System.

24 SECTION 11. RULEMAKING

25 A. The Commission shall promulgate reasonable Rules in

1 order to effectively and efficiently achieve the purpose of  
2 the Compact. Notwithstanding the foregoing, in the event the  
3 Commission exercises its Rulemaking authority in a manner that  
4 is beyond the scope of the purposes of the Compact, or the  
5 powers granted hereunder, then such an action by the  
6 Commission shall be invalid and have no force or effect.

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

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

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

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

22 1. On the website of the Commission or other publicly  
23 accessible platform; and

24 2. On the website of each Member State Professional  
25 Counseling Licensing Board or other publicly accessible  
26 platform or the publication in which each State would

1 otherwise publish proposed Rules.

2 F. The Notice of Proposed Rulemaking shall include:

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

6 2. The text of the proposed Rule or amendment and the  
7 reason for the proposed Rule;

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

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

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

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

19 1. At least 25 persons;

20 2. A State or federal governmental subdivision or  
21 agency; or

22 3. An association having at least 25 members.

23 I. If a hearing is held on the proposed Rule or amendment,  
24 the Commission shall publish the place, time, and date of the  
25 scheduled public hearing. If the hearing is held via  
26 electronic means, the Commission shall publish the mechanism



1 for access to the electronic hearing.

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

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

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

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

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

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

24 L. The Commission shall, by majority vote of all members,  
25 take final action on the proposed Rule and shall determine the  
26 effective date of the Rule, if any, based on the Rulemaking

1 record and the full text of the Rule.

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

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

18 N. The Commission or an authorized committee of the  
19 Commission may direct revisions to a previously adopted Rule  
20 or amendment for purposes of correcting typographical errors,  
21 errors in format, errors in consistency, or grammatical  
22 errors. Public notice of any revision shall be posted on the  
23 website of the Commission. The revision shall be subject to  
24 challenge by any person for a period of 30 days after posting.  
25 The revision may be challenged only on grounds that the  
26 revision results in a material change to a Rule. A challenge

1 shall be made in writing and delivered to the chair of the  
2 Commission prior to the end of the notice period. If no  
3 challenge is made, the revision will take effect without  
4 further action. If the revision is challenged, the revision  
5 may not take effect without the approval of the Commission.

6 SECTION 12. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

7 A. Oversight

8 1. The executive, legislative, and judicial branches  
9 of State government in each Member State shall enforce  
10 this Compact and take all actions necessary and  
11 appropriate to effectuate the Compact's purposes and  
12 intent. The provisions of this Compact and the Rules  
13 promulgated hereunder shall have standing as statutory  
14 law.

15 2. All courts shall take judicial notice of the  
16 Compact and the Rules in any judicial or administrative  
17 proceeding in a Member State pertaining to the subject  
18 matter of this Compact which may affect the powers,  
19 responsibilities, or actions of the Commission.

20 3. The Commission shall be entitled to receive service  
21 of process in any such proceeding and shall have standing  
22 to intervene in such a proceeding for all purposes.  
23 Failure to provide service of process to the Commission  
24 shall render a judgment or order void as to the  
25 Commission, this Compact, or promulgated Rules.

1 B. Default, Technical Assistance, and Termination

2 1. If the Commission determines that a Member State  
3 has defaulted in the performance of its obligations or  
4 responsibilities under this Compact or the promulgated  
5 Rules, the Commission shall:

6 a. Provide written notice to the defaulting State  
7 and other Member States of the nature of the default,  
8 the proposed means of curing the default or any other  
9 action to be taken by the Commission; and

10 b. Provide remedial training and specific  
11 technical assistance regarding the default.

12 C. If a Member State in default fails to cure the default,  
13 the defaulting Member State may be terminated from the Compact  
14 upon an affirmative vote of a majority of the Member States,  
15 and all rights, privileges and benefits conferred by this  
16 Compact may be terminated on the effective date of  
17 termination. A cure of the default does not relieve the  
18 offending Member State of obligations or liabilities incurred  
19 during the period of default.

20 D. Termination of membership in the Compact shall be  
21 imposed only after all other means of securing compliance have  
22 been exhausted. Notice of intent to suspend or terminate shall  
23 be given by the Commission to the governor, the majority and  
24 minority leaders of the defaulting State's legislature, and  
25 each of the Member States.

26 E. A Member State that has been terminated is responsible

1 for all assessments, obligations, and liabilities incurred  
2 through the effective date of termination, including  
3 obligations that extend beyond the effective date of  
4 termination.

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

9 G. The defaulting Member State may appeal the action of  
10 the Commission by petitioning the U.S. District Court for the  
11 District of Columbia or the federal district where the  
12 Commission has its principal offices. The prevailing Member  
13 State shall be awarded all costs of such litigation, including  
14 reasonable attorney's fees.

15 H. Dispute Resolution

16 1. Upon request by a Member State, the Commission  
17 shall attempt to resolve disputes related to the Compact  
18 that arise among Member States and between Member and  
19 non-Member States.

20 2. The Commission shall promulgate a Rule providing  
21 for both mediation and binding dispute resolution for  
22 disputes as appropriate.

23 I. Enforcement

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

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

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

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

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

25          B. Any State that joins the Compact subsequent to the

1 Commission's initial adoption of the Rules shall be subject to  
2 the Rules as they exist on the date on which the Compact  
3 becomes law in that State. Any Rule that has been previously  
4 adopted by the Commission shall have the full force and effect  
5 of law on the day the Compact becomes law in that State.

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

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

10 2. Withdrawal shall not affect the continuing  
11 requirement of the withdrawing State's Professional  
12 Counseling Licensing Board to comply with the  
13 investigative and Adverse Action reporting requirements of  
14 this Compact prior to the effective date of withdrawal.

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

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

24 SECTION 14. CONSTRUCTION AND SEVERABILITY

25 This Compact shall be liberally construed so as to

1 effectuate the purposes thereof. The provisions of this  
2 Compact shall be severable and if any phrase, clause, sentence  
3 or provision of this Compact is declared to be contrary to the  
4 constitution of any Member State or of the United States or the  
5 applicability thereof to any government, agency, person or  
6 circumstance is held invalid, the validity of the remainder of  
7 this Compact and the applicability thereof to any government,  
8 agency, person or circumstance shall not be affected thereby.  
9 If this Compact shall be held contrary to the constitution of  
10 any Member State, the Compact shall remain in full force and  
11 effect as to the remaining Member States and in full force and  
12 effect as to the Member State affected as to all severable  
13 matters.

14 SECTION 15. BINDING EFFECT OF COMPACT AND OTHER LAWS

15 A. A Licensee providing Professional Counseling services  
16 in a Remote State under the Privilege to Practice shall adhere  
17 to the laws and regulations, including scope of practice, of  
18 the Remote State.

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

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

24 D. Any lawful actions of the Commission, including all  
25 Rules and bylaws properly promulgated by the Commission, are



1 binding upon the Member States.

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

4 F. In the event any provision of the Compact exceeds the  
5 constitutional limits imposed on the legislature of any Member  
6 State, the provision shall be ineffective to the extent of the  
7 conflict with the constitutional provision in question in that  
8 Member State.

9 Section 90. The Professional Counselor and Clinical  
10 Professional Counselor Licensing and Practice Act is amended  
11 by adding Section 12 as follows:

12 (225 ILCS 107/12 new)

13 Sec. 12. Counseling Compact.

14 (a) No later than 2 months after this Section's effective  
15 date under this amendatory Act of the 103rd General Assembly,  
16 the Board must submit a report to the General Assembly with  
17 recommendations of any statutory changes and budgetary changes  
18 needed to comply with the requirements of the Counseling  
19 Compact that will be entered into pursuant to the Counseling  
20 Compact Act.

21 (b) No later than 6 months after this Section's effective  
22 date under this amendatory Act of the 103rd General Assembly,  
23 the Board and the Department shall modify, if needed, the  
24 Board's and the Department's rules to comply with the

1 requirements of the Counseling Compact that will be entered  
2 into pursuant to the Counseling Compact Act.

3 Section 99. Effective date. This Section and Section 90  
4 take effect upon becoming law.