

**BEHAVIORAL SCIENCES REGULATORY BOARD
BOARD MEETING AGENDA
January 6, 2023**

Due to the COVID-19 pandemic, the Board office is practicing social distancing. The office space does not allow for a meeting while practicing social distancing, therefore, the meeting will be conducted virtually on the Zoom platform. If there are any technical issues during the meeting, you may call the Board office at, 785-296-3240.

You may view the meeting here: <https://youtu.be/mCH0ke8-L9E>

To join the meeting by conference call: 877-278-8686 (Pin: 327072)

The Behavioral Sciences Regulatory Board may take items out of order as necessary to accommodate the time restrictions of Board members and visitors. All times and items are subject to change

Monday, January 6, 2023

10:00 a.m. Call to Order and Roll Call

- I. Opening Remarks, Board Chair**
- II. Agenda Approval**
- III. Public Comment**
 - A. Elizabeth Pfalzgraf, National Association of Social Workers (NASW) Kansas Chapter – Board President; Becky Fast, Kansas Chapter of NASW; and Dr. Tonya Ricklefs, Chair of Kansas Council of Social Work Educators and Board President-Elect for the NASW Kansas Chapter**
 - B. Stacy Conner, Assistant Professor and Coordinator for the Master’s Program in the Department of Family and Human Services, Washburn University**
- IV. Approve Minutes from Previous Board Meetings on November 14, 2022, and November 28, 2022**
- V. Executive Director’s Report**
- VI. Staff Reports**
- VII. Complaint Review Committee Report**
- VIII. Professions Reports**
 - A. Licensed Psychology**
 - B. Social Work**
 - C. Professional Counseling**
 - D. Master’s Level Psychology**
 - E. Marriage and Family Therapy**
 - F. Addiction Counseling**
 - G. Behavior Analysis**

10-Minute Break

IX. Old Business

- A. Discussion on Professional Counseling Multi-State Compact Legislation**
- B. Continued Discussion on Social Work License Examination**
- C. Follow up on Executive Director Annual Evaluation**

X. Possible Executive Session

XI. New Business

- A. Consideration of MOU for Legal Services from Kansas Department for Aging and Disability Services (KDADS)**
- B. Appointment of Board Members for Hearing Panel**
- C. Consideration of Possible Changes to Statutes and Regulations**
 - i. Reciprocity Statutes**
 - 1. Consideration of Changes for Professions**
 - ii. Temporary Licenses**
 - 1. General Temporary Licenses**
 - 2. Reinstatement Temporary Licenses**
 - 3. Social Work Candidacy Temporary Licenses**
 - iii. Addiction Counseling**
 - 1. Two New Student Temporary Licenses**
 - a. Student Temporary LAC**
 - b. Graduate Student Temporary LMAC**
 - iv. Professional Counseling**
 - 1. Remove Physical Presence Requirement from “In Residence” Definition for Professional Counseling in K.A.R. 102-3-3a**
 - v. Marriage and Family Therapy**
 - 1. Add New Language Concerning Practicum in K.S.A. 65-6404**
 - vi. Psychology**
 - 1. Change License Standard from Good Moral Character to Merit the Public Trust in K.S.A. 74-5310**
 - 2. Remove Language Requiring Continuing Education Hours for Individuals Holding Temporary License in K.S.A. 74-5316**
 - vii. Social Work**
 - 1. Add Language to Allow Continuing Education Hours for Mentoring or Coaching Individuals Taking Licensing Examination in K.A.R. 102-2-4a**
- D. Guidance from Board to BSRB Staff on Interpreting License Education Regulations for Programs that Fall Out of Compliance Briefly with Ratio of Core Faculty to Students**

XII. Items Continued to Future Meetings

- A. Consideration of Alternate Application Review Service**
- B. Consideration of Impaired Provider Program**
- C. Review of Proposed Changes to Unprofessional Conduct Regulations by Advisory Committees**

XIII. Adjournment

**BEHAVIORAL SCIENCES REGULATORY BOARD
BOARD MEETING REVISED AGENDA
January 6, 2023**

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10:00 a.m. Call to Order and Roll Call

- I. Opening Remarks, Board Chair**
- II. Agenda Approval**
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- C. Review of Proposed Changes to Unprofessional Conduct Regulations by Advisory Committees**

XIII. Adjournment

**BEHAVIORAL SCIENCES REGULATORY BOARD
BOARD MEETING MINUTES
NOVEMBER 14, 2022**

I. Call to Order and Roll Call. The meeting was called to order by Vice Chair David Anderson at 10:00 a.m.

Board Members. Board Members present by Zoom: David Anderson, Donna Hoener-Queal, Jim Kilmartin, Richard Nobles, Johnna Norton, Cynthia Schendel, Laura Shaughnessy, Ric Steele, and Deb Stidham. Mary Jones, Jacqueline Lightcap, and Andrea Perdomo-Morales were absent.

Staff. BSRB Staff present via Zoom: David Fye, Leslie Allen, and Cindy D'Ercole. Assistant Attorney General Laine Barnard was present by Zoom.

II. Agenda Approval: Jim Kilmartin moved to approve the agenda as written. Cynthia Schendel seconded. The motion passed.

III. Public Comment

A. Comment on Professional Counseling Multi-State Compact. Andrew Secor, President of the Kansas Counseling Association (KCA), providing information on a multi-state compact for professional counseling and encouraged the Board to support legislation adding Kansas to the multi-state compact if such legislation was considered by the 2023 Legislature.

B. Presentation on Alternate Licensing Application Processing. Tammi Lee, Vice President of Business Services and Partnerships Division with the Center for Credentialing and Processing (CCE), presented information on license processing services offered by CCE, primarily for applicants who did not attend a program accredited by the nationally recognized accrediting body. CCE currently provides reviews for five states (Colorado, Iowa, South Carolina, Michigan, and Florida). The earliest reviews began in 2006. Ms. Lee noted the reviewers are trained on the licensing statutes and regulations. Reviewers would be available for hearings if needed and there will be no added cost for that service. The turnaround time for review is normally less than two weeks. Ms. Lee noted the cost per reviews totaled \$150 per review of professional counseling applicants and \$100 per review for addiction counseling applicants.

IV. Minutes Review and Approval for Previous Board Meetings. Deb Stidham moved to approve the minutes from the Board meeting on September 12, 2022. Richard Nobles Seconded. The motion passed. Jim Kilmartin moved to approve the minutes for the Board meeting on October 24, 2022, with clarifying language that some impaired provider programs allow licensees to enter a program anonymously, so long as the reason for entering the program does not impact their practice. Cynthia Schendel seconded. The motion passed.

V. Executive Director's Report

A. Outreach. The BSRB continues to stream Board meetings and Advisory Committee meetings on the BSRB YouTube channel. The Executive Director and Assistant Director have been speaking to students at different schools in Kansas, providing helpful information as those students approach graduating and seek licensure. Those meetings are currently being held over Zoom, though the

Executive Director noted he hopes to resume meeting with students in-person at some time in the future. The BSRB is still under the guidance of the Governor's COVID-19 policy, concerning providing adequate spacing for in-person meetings.

- B. Revenue and Expenditures.** From July 2022 to October 2022, BSRB revenue totaled about \$344,000, compared to about \$315,000 at this point in time last fiscal year. The Executive Director noted that expenditures this fiscal year are higher than at this point last fiscal year, due to increase staffing at the agency.
- C. Expert Review Process.** When in certain cases when an applicant doesn't receive their education from a program that has been accredited by a nationally accredited body, the materials for the applicant must be sent to an expert review to review that the program and the coursework meet the requirements for licensure. The BSRB is seeking to expand the number of expert reviewers. Board members were requested to provide names of any potential experts to the Executive Director for follow up.
- D. Summary of Off-Site Board Planning Meeting.** The Executive Director summarized discussions and actions by the Board at the annual off-site planning meeting that was held in Olathe, Kansas, on October 24, 2022.
- E. Legislative Updates.** The Executive Director noted he recently attended a meeting of the Robert G. (Bob) Bethell Joint Committee on Home and Community Based Services and KanCare Oversight and was asked to present testimony on actions by the Board address workforce concerns. The Executive Director presented information on the Board's proposal to request legislation for a new type of temporary license for graduates from social work programs in candidacy for accreditation by the Council on Social Work Education (CSWE), similar to a model currently utilized in Minnesota. Additionally, the Executive Director provided a summary of recent testimony he presented to the Joint Committee on Administrative Rules and Regulations, involving BSRB regulation changes that were in the process of being implemented.
- F. PSYPACT.** The Executive Director noted he received a message from representatives of the Psychological Interjurisdictional Compact (PSYPACT), noting that Kansas was in compliance with requirements from the PSYPACT Commission. One of the requirements for jurisdictions in PSYPACT is to require background checks within 10 years of joining the compact. The Executive Director noted the BSRB does not currently perform background checks, but many multi-state compacts include this requirement, so the Executive Director will be speaking with representatives from law enforcement to collect information on how this could be implemented.
- G. Kansas Fights Addiction Grant Review Board.** The Executive Director noted several individuals requested to be considered by the Board as the Board's permanent appointee to serve on the Kansas Fights Addiction Grant Review Board, so those materials have been provided to Board members for review and an agenda item is included in this meeting for the Board to select that appointee.
- H. Social Work Compact.** The Executive Director noted that the draft language for the social work compact was out for comment. It was noted that the drafters of the language have communicated that they hope to have a final version of the language available for states to consider during the 2023 legislative session.
- I. ASPPB Annual Meeting.** The Executive Director attended the annual meeting of the Association of State and Provincial Psychology Boards (ASPPB). It was noted that the American Psychological Association (APA) is working on accreditation standards for master's level psychology programs and

the goal is to have language available for review by the fall of 2023. Also, there was an update on the national examination for psychology. On October 28, 2022, it was announced that the ASPPB Board had voted that effective no later than January 1, 2026, the EPPP will be one examination with 2 parts. EPPP-1 and EPPP-2. Any jurisdiction wishing to continue using the EPPP as of that date will be required to make applicants take the two-part exam. The BSRB received several emails expressing support for the BSRB to vote no on the passing of this requirement. The Executive Director noted that jurisdictions were not able to vote on this issue. The Executive Director noted he responded to the individuals who had sent emails of concern. It was noted that there would be separate fees for each part of the exam, currently the cost of the EPPP-1 is \$600 and the cost of the EPPP-2 is \$450. Board members expressed concerns, including concerns regarding the cost to applicants, the requirement of two examinations, licensure in other states, requirements of multi-state compacts, and other matters.

- VI. Staff Reports.** The Executive Director reported that the number of permanent licenses continues to grow. As of November 2022, the number of permanent licenses under the board totaled 14,714.
- VII. Complaint Review Committee Report.** Cindy D’Ercole, Lead Investigator for the BSRB, noted that due to the number of cases before the Complaint Review Committee and the complexity of those cases, a special November meeting would be held on November 15, 2022. Based on the number of open cases LMLP is receiving the most alleged violations. The Executive Director noted that at the off-site Board meeting, Board members requested statistics showing the number of violations per the number of permanent license holders, to show which professions received proportionally more or less complaints. The Executive Director noted the profession currently receiving proportionally more complaints than other professions is the master’s level psychology profession, though he noted there was a very small sample size. The Executive Director noted he is attempting to create a document with assistance from legal counsel and BSRB investigators, to show the types of violations by profession, while appropriately protecting confidentiality involved in some of these cases.
- VIII. Professions Reports**
- A. Licensed Psychology.** The Licensed Psychology Advisory Committee met on October 11, 2022. The members completed review of the unprofessional conduct regulations and will bring recommendations back to the Board. The Advisory Committee recently discussed accreditation standards. The current regulations follow past APA standards of accreditation and has not been updated with APA accreditation standard changes over time. Additionally, there is another accrediting body recognized in some jurisdictions, that is being evaluated by the Advisory Committee.
- B. Social Work.** The Social Work Advisory Committee met on October 17, 2022. There was public comment by Representative Susan Ruiz, expressing concerns regarding disparities in examination passage rates by applicants seeking social work licensure. Additionally, representatives from the Association of Social Work Boards (ASWB), presented information on the exam score report and the racial disparities in the passage rates. It was noted that CSWE’s request that licensing Boards temporary pause requiring passage of a national examination would not be possible at this time, because the statutes of the BSRB require passage of a national examination as a requirement of licensure. At the off-site planning meeting, there was a discussion on clinical supervision and requiring Board-approved supervisors. The Advisory Committee will meet again on December 20, 2022.
- C. Professional Counseling.** The Professional Counseling Advisory Committee met on Oct 3, 2022, and reviewed recommendations by an Unprofessional Conduct Regulation Review Subcommittee. The Advisory Committee will finish reviewing those recommendations at the next meeting. Four new advisory committee members were recommended. The Advisory Committee discussed a multi-state compact for professional counseling and recommended the Board support legislation for Kansas to become a member

of that compact, should such legislation be introduced during the 2023 legislative session. Laura Shaughnessy, Chair of the Advisory Committee, requested discussion of the compact be included on the agenda for the Board meeting in January 2023, to allow time for Board members to review information and watch the August 2022 Professional Counseling Advisory Committee meeting, which included a presentation on the compact by representatives of the American Counseling Association and the Council of State Governments.

- D. Master's Level Psychology.** The Master's Level Psychology Advisory Committee met on October 19, 2022. There was continued discussion on the types of testing and types of assessment being taught in graduate programs and whether those matters could be effectively taught in an online program. There was also discussion on psychometricians and their role. The current BSRB regulations are silent regarding the profession. Discussion on this topic was due to discussion on workforce issues causing long waits for services. Also, the Advisory Committee discussed possible language for a regulation addressing care of clients in crisis after-hours. The next meeting will be on December 21, 2022.
- E. Marriage and Family Therapy.** The Marriage and Family therapy did not meet in October 2022. The Advisory Committee previously requested the creation of a subcommittee to create a supervision manual. The Supervision Manual Subcommittee met on October 4, 2022, and will meet again on December 5, 2022.
- F. Addiction Counseling.** The Addiction Counseling Advisory Committee met on September 16, 2022. Eric Thomason, Director of Behavioral Health for the Community Mental Health Center of Southeast Kansas, presented information on creating a new entry-level license for individuals that would not meet all license requirements, but could work in certain facilities under supervision while completing the remaining classes to meet the requirements. The Advisory Committee is considering two type of student temporary licenses. The Advisory Committee scheduled an additional meeting on November 3, 2022, to continue working on these topics and will meet again December 16, 2022.
- G. Behavior Analysis.** The Behavioral Analyst Advisory Committee met on October 5, 2022. Advisory Committee members continued to discuss unprofessional conduct regulations, including comparing to the Behavioral Analyst Credentialing Board code of ethics. There was a discussion on the language for K.S.A. 65-750a on the disciplinary remedies the profession. The language is significantly different from other professions and only allows for the most remedies such as denying, suspending, and revoking.

10-Minute Break

IX. Old Business

- A. BSRB Investigation Policy – Consideration of Changes.** The Executive Director summarized proposed changes to the BSRB Investigation Policy, beginning on page 12. Jim Kilmartin moved to accept proposed changes to the Investigation Policy. Cynthia Schendel seconded. The motion passed. The Executive Director noted he would provide the Board with a revised copy of the Investigation Policy at the Board meeting in January 2023.
- B. Change in CRC Membership.** The Executive Director noted one of the previous changes to the Investigation Policy modified the composition of the Complaint Review Committee (CRC), so that one public member would serve on the CRC, but the other position previously reserved for a second public member, could be a public Board member or a Board member of a profession not currently on the CRC. The Executive Director noted that Johnna Norton had requested to end her term on the CRC. The Executive Director requested a motion from the Board to add a new agenda item concern a change in

CRC membership. Cynthia Schendel moved to add this item to the agenda. Deb Stidham seconded. The motion passed. Jim Kilmartin volunteered to serve on the CRC. It was noted that the change would be effective for the December CRC meeting. The Vice Chair of the Board appointed Jim Kilmartin to the CRC.

- C. Discussion on K.A.R. 102-1-15(g) for Licensed Psychology Profession and Possible Language for Other Professions.** The Executive Director noted the Licensed Psychology profession is the sole profession that currently includes language in regulation that at the end of an applicant's renewal period, if the licensee has not completed their continuing education hours necessary for renewal, they can request a six-month extension to complete their CEUs if there is a showing of good cause and a plan for completing the CEUs submitted and approved by the Board. This topic was previously brought before the Board to discuss by Advisory Committees to see if this is language would be helpful for other professions. There was a consensus to adopt this language for other professions, so long as the 6-month time period was shortened to 3 months, this extension cannot be used for back-to-back licensure period, and the standard of good cause is changed to extenuating circumstances. Cynthia Schendel moved to recommend introduction of this language for all professions. Laura Shaughnessy seconded. The motion passed.
- D. Discussion on Custodianship of Records in an Emergency Situation When a Practitioner is no Longer Able to Provide Care.** The Executive Director noted this topic could be discussed further as a new item to be added to the unprofessional conduct regulations. There was a discussion of adding a practitioner's name to renewals but there are concerns about the workload that will add to BSRB Staff. The Board requested the BSRB consult with legal counsel on this item prior to the issue being revisited by the Board.
- E. Possible Delegation Motions Relating to K.S.A. 74-7501 to K.S.A. 74-7511.** The Executive Director noted that the statutes for the BSRB include the term "Board" repeatedly, though some of those tasks have been delegated to the Executive Director and it would be helpful for the Board to pass delegation motions to reflect this practice.
- i. K.S.A. 74-7501(d).** In K.S.A. 74-7501(d), the current terminology in that statute states that the Board may employ clerical personnel and other assistants all of whom shall be in the classified service under the Kansas Civil Service Act. The Board may make and enter contracts and employment with such professional personnel as necessary in the Board's judgment. The Executive Director noted the Expectations of Board Members document notes these responsibilities are delegated by the Board to the Executive Director, so the Executive Director asked the Board to pass a delegation motion to reflect this practice. Deb Stidham moved to clarify that the use of the term "Board" in that context would be a delegation of authority by the Board of the Behavioral Sciences Regulatory Board to the Executive Director of the BSRB to act on the behalf of the Board. Ric Steele Seconded. The motion passed.
 - ii. K.S.A. 74-7506.** In K.S.A. 74-7506, the statute includes language on expenditures from the BSRB fee fund. The language in that statute is that all expenditures from the BSRB Fee Fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the Chairperson of the Behavioral Sciences Regulatory Board or by a person or the person designated by the Chairperson. The Executive Director for the Behavioral Sciences Regulatory Board noted in his role approving certain expenditures, it would be helpful to have a delegation motion noting that he should be considered an individual designated by the Chairperson to approve vouchers related to expenditures from the

BSRB Fee Fund as described. Jim Kilmartin moved to approve the new language. Richard Nobles seconded. The motion passed.

- iii. **K.S.A. 74-7507.** In K.S.A. 74-7507, the statute states the Behavioral Sciences Regulatory Board has the following duties, powers, and functions, including appointing an Executive Director and the other employees. The Executive Director noted that while the Board appoints the Executive Director, it would be helpful for the Board to pass a delegation motion reflecting that the hiring of other employees was delegated by the Board of the Behavioral Sciences Regulatory Board to the Executive Director of the BSRB to act on behalf of the Board. Cynthia Schendel moved to approve the language Change. Ric Steel seconded. The motion passed.

X. New Business

- A. Appointment of Advisory Committee Members.** The Vice Chair of the Board appointed the following members to the Professional Counseling Advisory Committee: (1) Melissa Briggs; (2) Michael Countryman; (3) Acha Goris; and (4) Vanesa Perez.
- B. Appointment of Board Members to Hearing Panels.** At the Board's meeting on October 24, 2022, the Board elected to begin using 5-member hearing panels for individuals who request hearings on license decisions. These hearing panels will be composed of five Board members, including one Board member for that profession, if there is a Board member for that profession on the Board; one public Board member; and the remaining three members of the hearing panel could be any Board members. The first hearing panel for a professional counseling hearing will include Mary Jones, Laura Shaughnessy, Jim Kilmartin, Richard Nobels, and Deb Stidham. Ric Steele moved to appoint the members for the first hearing panel. Deb Stidham seconded. The motion passed. The second hearing panel is for a professional counseling applicant. The members of that hearing panel will include David Anderson, Laura Shaughnessy, Johnna Norton, Jacqueline Lightcap, and Cynthia Schendel. Laura Shaughnessy moved to approve the panel. Johnna Norton Seconded. The motion passed. The third hearing panel is for a Clinical Psychotherapist applicant. The members of that hearing are Mary Jones, Dave Anderson, Donna Hoener-Queal, Ric Steele, and Andrea Perdomo-Morales. Laura Shaughnessy moved to approve the panel. Cynthia Schendel seconded. The motion passed. The Executive Director will poll members of each panel to select dates and times for the hearings.
- C. Appointment of Permanent Member to Kansas Fights Addiction Grant Review Board.** The Board discussed individuals who had requested consideration to be appointed as the BSRB appointee to the Kansas Fights Addiction Grant Review Board (K FAGRB) by the BSRB Board. There is a request to make terms so one person is serving many years. Deb Stidham moved to appoint Jason Hess to the K FAGRB, for a term beginning on November 14, 2022; reappointment to the K FAGRB would be considered at the Board's meeting in July 2024, with following terms on the K FAGRB lasting two fiscal years. Cynthia Schendel seconded. The motion passed.
- D. Consideration of Professional Counseling Advisory Committee Recommendation to Change Definition of "Related Field".** The Professional Counseling Advisory Committee recommended adding the definition of related fields to their regulations. There was an error when voting in the definition used by marriage and family therapy but removing two items that were included in the definition. Human Development Family Studies and Social Work were to be removed. Unfortunately, it was not included in the vote. Deb Stidham motioned to adopt the
- E. Consideration of Final Adoption of Changes to Regulations Following Public Comment on November 8, 2022, with One Typographically/Clerical Correction to Statute.** The Executive

Director noted that within he proposed changes to regulations, there is a new definition of “related field” for the professional counseling profession. The Executive Director clarified that the Advisory Committee submitted a definition, based on the definition used by the Marriage and Family Therapy profession, but with two items removed from the definition (social work and human development and family studies), however due to an error, the definition brought to the Board, and voted on by the Board included identical language to the marriage and family therapy definition of “related field.” To avoid delay in the implementation of other regulations, the Executive Director advised the Board to implement these changes, then the BSRB could pursue further changes to the regulation to reflect the definition originally recommended by the professional counseling advisory committee. The Board was supportive of this course of action. Also, the Executive Director noted that the regulations that were submitted for public comment included one typographical error, incorrectly referencing a statute without an “(a)” following the statute. The Executive Director noted representatives from the Attorney General’s office and the Secretary of State’s office noted error was not significant enough to delay the implementation and it could be corrected prior to publication, but wanted to ensure the Board was aware of the error prior to the Board voting to approve the regulations. Richard Nobles moved to adopt the proposed changes to all regulations. Cynthia Schendel Seconded. By rollcall vote, David Anderson, Jim Kilmartin, Richard Nobles, Johnna Norton, Cynthia Schendel, Laura Shaughnessy, Ric Steele, and Deb Stidham voted in favor of the proposed changes to the following regulations: K.A.R. 102-1-1; K.A.R. 102-1-5; K.A.R. 102-2-1a; K.A.R. 102-2-8; K.A.R. 102-2-12; K.A.R. 102-3-1a; K.A.R. 102-3-3a; K.A.R. 102-3-7a; K.A.R. 102-4-1a; K.A.R. 102-4-7a; K.A.R. 102-5-1; K.A.R. 102-5-7a; K.A.R. 102-7-1; and K.A.R. 102-7-6.

- F. Modification to Definition of “Related Field” for Professional Counseling Profession.** Deb Stidham moved to change the definition of “related field” in K.A.R. 102-3-1a, to remove “social work” and “human development and family studies,” consistent with the recommendation from the Professional Counseling Advisory Committee. Richard Nobles seconded. The motion passed.
- G. Consideration of New Recommended Changes to Regulations from Advisory Committees**
- i. Removal of Physical Presence Requirement from “In Residence” Definition for Addiction Counseling, Marriage and Family Therapy, and Social Work.** The Executive Director noted the Addiction Counseling Advisory Committee, the Marriage and Family Therapy Advisory Committee, and the Social Work Advisory Committee recommended the Board remove program requirements for licensure in regulation that some of an applicant’s education be received while the applicant was physical present at the institution and to clarify that the face-to-face requirement in front of core faculty could be met either in person or by screen. Jim Kilmartin moved to approve the recommendations. Deb Stidham Seconded. The motion passed.
 - ii. Adding Standard of Review of Applicants for Licensed Specialist Clinical Social Worker who Lack Clinical Practicum.** The Executive Director noted that during the 2021 legislative session, an amendment was added in a legislative committee, later enacted in 2021 HB 2208, which removed the authority of the BSRB to evaluate applicants for a clinical level social work license if those individuals had not completed a clinical practicum. Language was added back to the statutes in 2022 SB 453, allowing the Board to consider other postgraduate experience in place of this requirement. The Social Work Advisory Committee recommended the Board adopt language establishing criteria to allow the BSRB to evaluate these applicants who had not completed a clinical practicum, including a requirement of other postgraduate experience including not less than 200 hours of direct client contact, in place of the

clinical practicum. Cynthia Schendel moved approved the changes. Deb Stidham seconded. The motion passed.

H. Process for Executive Director Annual Evaluation. The Expectations of Board Members document indicates that the performance of the Executive Director will be evaluated by the Board on an annual basis. By consensus, the Board was supportive of using the evaluation form used during the past evaluation, Board members would send input on the Executive Director's performance to the Chair of the Board, and the Chair of the Board would meet with the Executive Director to review this information.

I. Due to time constraints, other items were postponed to future Board meetings.

XI. Adjournment. Jim Kilmartin moved to adjourn the meeting. Laura Shaughnessy seconded. The motion passed.

DRAFT

BEHAVIORAL SCIENCES REGULATORY BOARD
BOARD MEETING MINUTES
NOVEMBER 28, 2022
Draft Minutes

- I. Call to Order and Roll Call.** The meeting was called to order by Chair Mary Jones at 12:00 p.m.

Board Members. Board Members present by Zoom: Mary Jones, David Anderson, Donna Hoener-Queal, Jim Kilmartin, Jacqueline Lightcap, Richard Nobles, Johnna Norton, Cynthia Schendel, Laura Shaughnessy, Ric Steele, and Deb Stidham. Andrea Perdomo-Morales was absent.

Staff. BSRB Staff present by Zoom: David Fye and Leslie Allen were present by Zoom. Assistant Attorney General Laine Barnard was present by Zoom.

- II. Discussion on Board Legal Services:** The Executive Director stated the BSRB received an e-mail and letter from Dennis Depew, Deputy Attorney General for Civil Litigation, from the Attorney General's office, on November 16, 2022, informing the agency that the Attorney General's office would be terminating the FY 2023 contract for legal services effective December 31, 2022. The Executive Director noted that no reason for the termination of the contract was provided, other than the Attorney General's office citing language in the contract which allowed either party to terminate the agreement so long as 30-day notice was provided. Upon receiving this message, the Executive Director sent an e-mail to Mr. Depew requesting a meeting with the Chair of the Board of the BSRB and a representative from the Attorney General's Office to discuss any reasons the contract was terminated and to discuss any potential issues, but Mr. Depew declined to meet. Members of the Board discussed that the BSRB will need short-term interim legal counsel until a permanent replacement is identified. Board members discussed contracting with Steve Kearney for short-term legal needs of the agency. These services would include possible further investigation into the cancelation of services by the Attorney General's office, and guidance to the BSRB on next steps to resolve this issue. It was noted that the rate for Steve Kearney's legal services would be at a rate of \$250 per hour, while two other individuals were listed in the agreement to provide services at a lower billable rate. The contract would be capped at \$5,000 for total services, to avoid any issues with contracts that are not competitively bid. The Executive Director noted the agency could reprioritize certain planned expenditures to accommodate this new expense for the agency. Cynthia Schendel moved to authorize the Chair to sign a temporary contract for legal services with Steve Kearney. Laura Shaughnessy seconded. The motion passed. Cynthia Schendel, David Anderson, Mary Jones, Deb Stidham, and Donna Hoener-Queal volunteered to provide assistance with researching legal solutions for the BSRB for legal counsel. Deb Stidham moved for these five individuals to work with the Executive Director in this process. Cynthia Schendel seconded. The motion passed.

- III. Adjournment.** David Anderson moved to approve the agenda as written. Deb Stidham seconded. The motion passed.

Executive Director's Report

Agency Updates

- Outreach
- Update on Revenues and Expenditures

Legislative Updates

- Special Committee on Mental Health Beds on December 21, 2022
- 2023 Legislative Session Begins Monday, January 9, 2023
- State of the State Address on Wednesday, January 11, 2023
- BSRB Budget Will Be Reviewed and Approved by Both House and Senate
- Legislation Will Be Requested on Behalf of the Board of the BSRB
- Direction from Board on Considering Bills Involving the BSRB

Other Updates

- Update on the Psychology Interjurisdictional Compact (PSYPACT)
- Update on the Kansas Fights Addiction Grant Review Board
- Updated Investigation Policy for the BSRB
- Update on Social Work Multi-State Compact Draft Language
- Updates from Annual Meeting of the Association of Social Work Boards (ASWB)

Advisory Committees / Other Meetings Facilitated Since Last Full Board Meeting on Nov 14, 2022

- November 15 – Complaint Review Committee (CRC) Special Meeting
- November 22 – License Application Review Meeting Under the Kansas Administrative Procedures Act (KAPA)
- November 28 – Board Meeting
- December 5 – Marriage and Family Therapy Advisory Committee's Supervision Manual Subcommittee Meeting
- December 8 – Professional Counseling Advisory Committee Meeting
- December 9 – Marriage and Family Therapy Advisory Committee Meeting
- December 12 – License Application Review Meeting Under the KAPA
- December 12 – Complaint Review Committee Meeting
- December 13 – Licensed Psychology Advisory Committee Meeting
- December 16 – Addiction Counseling Advisory Committee Meeting
- December 20 – Social Work Advisory Committee Meeting
- January 5, 2023 – Master's Level Psychology Advisory Committee Meeting

Other Meetings Attended

- November 17-19 - ASWB Annual Meeting
- December 19 – American Association of State Counseling Boards (AASCB) By-Law Revision Subcommittee Meeting
- December 21 – Legislative Special Committee on Mental Health Beds Meeting

From: [Jason Hess](#)
To: [Fye, David \[BSRB\]](#)
Subject: KFAB Update
Date: Wednesday, January 4, 2023 2:04:23 PM

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Good afternoon David,

Here is a basic summary of the Kansas Fights Addiction Board's work to date.

There have been two official meetings of the Board. The most recent meeting conducted on December 2, 2022 was spent reviewing a draft plan put together by the Sunflower Foundation for 2023. The work in 2023 will take a three-pronged approach to include (1) completion of a comprehensive needs assessment to help inform the development of a more dynamic, long-term funding approach, (2) development of a framework to support a short-term (12-16 months) grantmaking strategy, allowing the board to be responsive to the immediate needs of communities and organizations across the state, and (3) development of a plan to devote a portion of the board's designated meeting time in 2023 to hearing from partners in the field and others related to ongoing needs, new and emerging data and potential funding opportunities.

The goal of this approach is to assist the board in beginning to design a general structure for how work in these three areas might move forward in 2023. The board next meets on January 20, 2023.

Please feel free to reach out with any questions.

Thanks,

Jason Hess
Executive Director
Heartland RADAC
Phone: 913-789-6404
Fax: 913-789-0954

**Behavioral Sciences Regulatory Board
History of Permanent Licenses July 2015 to Current**

	July 2015	July 2016	July 2017	July 2018	Jan 2019	July 2019	Jan 2020	Mar 2020	July 2021	Sept 2021	Nov 2021	Jan 2022	Mar 2022	May 2022	July 2022	Sept 2022	Nov 2022	Jan 2023
LP	897	967	926	984	928	949	996	1,006	988	1,016	1,035	1,046	1,040	1,054	952	962	987	999
LASW	22	21	21	19	18	17	15	13	9	8	9	8	7	7	5	5	5	4
LBSW	1,756	1,754	1,764	1,725	1,668	1,638	1,601	1,577	1,466	1,427	1,413	1,393	1,389	1,377	1,346	1,327	1,313	1,295
LMSW	3,519	3,684	3,774	3,862	3,854	3,927	3,881	3,861	3,970	4,016	4,022	4,006	4,003	3,980	4,012	4,028	4,021	4,023
LSCSW	1,966	2,009	2,033	2,088	2,115	2,172	2,260	2,274	2,474	2,509	2,553	2,566	2,593	2,634	2,680	2,720	2,752	2,769
LPC	648	733	760	813	829	847	880	882	937	953	961	956	963	957	981	1,002	1,006	1,012
LCPC	500	546	561	619	661	704	747	747	843	896	929	947	978	945	1,034	1,047	1,077	1,088
LMLP	288	304	303	302	305	295	289	291	294	296	298	304	309	309	308	310	311	315
LCP	291	298	294	297	287	288	294	293	282	284	284	286	286	287	289	281	278	276
LMFT	354	350	340	347	335	324	330	327	335	324	319	329	326	330	330	318	312	319
LCMFT	444	499	535	566	587	611	618	620	681	703	719	726	736	745	754	763	773	776
LAC	930	919	729	620	612	618	572	569	578	520	520	521	524	522	522	523	526	530
LMAC	-	-	262	343	352	363	376	375	427	432	433	432	434	436	431	418	414	421
LCAC	537	528	541	527	546	566	546	541	570	536	537	542	547	551	556	561	566	568
LaBA	-	-	15	18	13	14	14	14	12	11	13	13	15	16	17	15	19	21
LBA	-	-	129	175	176	199	224	229	263	270	288	292	304	325	333	347	354	363
Total																		
Permanent Licenses	12,152	12,612	12,987	13,305	13,286	13,532	13,643	13,619	14,129	14,201	14,333	14,367	14,454	14,475	14,550	14,627	14,714	14,779

Note : In March 2020, the state of Kansas began to experience the COVID-19 pandemic. During this time, the Governor released Executive Orders which delayed enforcement of expiration of licenses until the end of May 2021.

**Behavioral Sciences Regulatory Board
History of Permanent Licenses July 2015 to Current**

	July 2015	July 2016	July 2017	July 2018	Jan 2019	July 2019	Jan 2020	Mar 2020	July 2021	Sept 2021	Nov 2021	Jan 2022	Mar 2022	May 2022	July 2022	Sept 2022	Nov 2022	Jan 2023
Total LPs	897	967	926	984	928	949	996	1,006	988	1,016	1,035	1,046	1,040	1,054	952	962	987	999
Total SWs	7,263	7,468	7,592	7,694	7,655	7,754	7,757	7,725	7,919	7,960	7,997	7,973	7,992	7,998	8,043	8,080	8,091	8,091
Total PCs	1,148	1,279	1,321	1,432	1,490	1,551	1,627	1,629	1,780	1,849	1,890	1,903	1,941	1,902	2,015	2,049	2,083	2,100
Total LMLPs/LCPs	579	602	597	599	592	583	583	584	576	580	582	590	595	596	597	591	589	591
Total MFTs	798	849	875	913	922	935	948	947	1,016	1,027	1,038	1,055	1,062	1,075	1,084	1,081	1,085	1,095
Total ACs	1,467	1,447	1,532	1,490	1,510	1,547	1,494	1,485	1,575	1,488	1,490	1,495	1,505	1,509	1,509	1,502	1,506	1,519
Total BAs	-	-	144	193	189	213	238	243	275	281	301	305	319	341	350	362	373	384
Total Permanent Licenses	12,152	12,612	12,987	13,305	13,286	13,532	13,643	13,619	14,129	14,201	14,333	14,367	14,454	14,475	14,550	14,627	14,714	14,779

Note : In March 2020, the state of Kansas began to experience the COVID-19 pandemic. During this time, the Governor released Executive Orders which delayed enforcement of expiration of licenses until the end of May 2021.

RAV Statistics for FY 2023

July 2022	
Received	11
Closed	9
Total # of Cases	102

January 2023	
Received	
Closed	
Total # of Cases	

August 2022	
Received	26
Closed	30
Total # of Cases	98

February 2023	
Received	
Closed	
Total # of Cases	

September 2022	
Received	10
Closed	8
Total # of Cases	100

March 2023	
Received	
Closed	
Total # of Cases	

October 2022	
Received	25
Closed	14
Total # of Cases	111

April 2023	
Received	
Closed	
Total # of Cases	

November 2022	
Received	7
Closed	7
Total # of Cases	111

May 2023	
Received	
Closed	
Total # of Cases	

December 2022	
Received	18
Closed	37
Total # of Cases	92

June 2022	
Received	
Closed	
Total # of Cases	

Cases Open by FY

FY 2017	0	FY 2018	3	FY 2019	0
FY 2020	1	FY 2021	4	FY 2022	16
FY 2023	68				

RAV Statistics for FY 2023

December 2022

Cases OPEN by License FY 2023

Profession	# Open	Percentage	Permanent Licenses	RAV/Licensees
LP	13	14.13%	999	0.0130
LMLP	4	4.35%	315	0.0127
LCP	2	2.17%	276	0.0072
LMFT	3	3.26%	319	0.0094
LCMFT	11	11.96%	776	0.0142
LPC	14	15.22%	1,012	0.0138
LCPC	7	7.61%	1,088	0.0064
LBSW/LASW	2	2.17%	1,299	0.0015
LMSW	16	17.39%	4,023	0.0040
LSCSW	12	13.04%	2,769	0.0043
LAC	5	5.43%	530	0.0094
LMAC	2	2.17%	421	0.0048
LCAC	0	0.00%	568	N/A
LBA/LaBa	0	0.00%	384	N/A
No License	1	1.09%	N/A	N/A
Total	92	100.00%	14,779	0.0062

Cases Received for FY 2023 by License

Profession	# Received	Percentage	Permanent Licenses	RAV/Licensees
LP	15	15.46%	999	0.0150
LMLP	9	9.28%	315	0.0286
LCP	4	4.12%	276	0.0145
LMFT	2	2.06%	319	0.0063
LCMFT	10	10.31%	776	0.0129
LPC	11	11.34%	1,012	0.0109
LCPC	4	4.12%	1,088	0.0037
LBSW/LASW	1	1.03%	1,299	0.0008
LMSW	15	15.46%	4,023	0.0037
LSCSW	9	9.28%	2,769	0.0033
LAC	4	4.12%	530	0.0075
LMAC	2	2.06%	421	0.0048
LCAC	1	1.03%	568	0.0018
LBA/LaBa	0	0.00%	384	N/A
No License	10	10.31%	N/A	N/A
Total	97	100.00%	14,779	0.0066



Counseling Compact Model Legislation

As approved by the Advisory Group on December 4, 2020

Special Note

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

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

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

COUNSELING COMPACT MODEL LEGISLATION

1 SECTION 1: PURPOSE

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

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

7 This Compact is designed to achieve the following objectives:

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

27 **SECTION 2. DEFINITIONS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

165 **SECTION 4. PRIVILEGE TO PRACTICE**

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

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

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

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

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

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

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

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

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

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

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

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

209 2. All fines have been paid; and

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

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

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

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

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

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

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

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

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

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

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

263 **SECTION 8. ADVERSE ACTIONS**

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

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

277 3. Only the Home State shall have the power to take Adverse Action against a
278 Licensed Professional Counselor's license issued by the Home State.

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

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

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

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

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

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

324 B. Membership, Voting, and Meetings

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

336 Rules and creation of bylaws and shall otherwise have an opportunity to participate
337 in the business and affairs of the Commission.

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

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

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

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

346 1. Establish the fiscal year of the Commission;

347 2. Establish bylaws;

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

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

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

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

356 7. Purchase and maintain insurance and bonds;

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

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

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

384 D. The Executive Committee

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

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

409 E. Meetings of the Commission

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

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

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

465 G. Qualified Immunity, Defense, and Indemnification

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

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

493 **SECTION 10. DATA SYSTEM**

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

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

518 **SECTION 11. RULEMAKING**

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

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

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

540 F. The Notice of Proposed Rulemaking shall include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

586 4. Protect public health and safety.

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

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

598 A. Oversight

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

611 B. Default, Technical Assistance, and Termination

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

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

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

645 I. Enforcement

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

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

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

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

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

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

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

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

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

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

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

683 **SECTION 14. CONSTRUCTION AND SEVERABILITY**

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

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

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

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

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

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

Behavioral Sciences Regulatory Board
Addiction Counseling Student Licenses
Draft Proposal

Student Temporary Licensed Addiction Counselor Proposal (S-TLAC)

Duration: 2 -years with one 2-year renewal with submission of required documentation

Education: Completion of at least 60 credit hours with an emphasis in addiction counseling or related field

Signed attestation indicating applicant's intention to pursue licensure as a Licensed Addiction Counselor, with a plan to complete the education requirements toward an addiction counseling license within 48 months

Employment: Signed attestation from a supervisor or other official employed by a licensed alcohol/drug treatment facility/CCBHC/CMHC indicating:

Proof of employment in a direct service position; or

The agency's intention to offer employment as a temporary Licensed Addiction Counselor or other direct service position

Supervision: Completed education plan signed by an official of the university or college and a supervision plan from at a Licensed Addiction Counselor or master's level BSRB licensed individual employed by the agency

While employed as a Student Temporary LAC, supervision shall consist of a minimum of 4 hours per month of individual supervision, meeting at least twice a month. Group supervision may count for no more than 2 hours per month.

To qualify for one 2-year renewal, the following documentation must be submitted:

1. Evidence of following the Education plan as evidenced by required course completion and remaining in good standing with the university;
2. Any changes or updates to plan submitted and signed by the institution of higher education and supervisor for course completion and employment; and
3. Evidence of supervisor and student signed supervision logs as identified above.

Scope of Work: Same as LAC

Graduate Student Temporary Licensed Master Addiction Counselor (S-TLMAC)

Duration: 2-years with one 2-year renewal with submission of required documentation

Education: Completion of at least a bachelor's degree in addiction counseling or a related field.

Enrolled and accepted into a master's program in addiction counseling or related field at an institution of higher education.

Signed attestation indicating intention to pursue licensure as a Licensed Master's Addiction Counselor with a plan to complete all requirements in 48 months.

Employment: Signed attestation from a supervisor or other official employed by a licensed alcohol/drug treatment facility/CCBHC/CMHC indicating:

Proof of employment in a direct service position; or

The agency's intention to offer employment as a temporary licensed master addiction counselor or in a direct service capacity

Supervision: Completed education plan signed by an official from the university and a supervision plan from a Licensed Master's Addiction Counselor or other master's level individual as approved by the Board

While employed as a Student Temporary LMAC, supervision shall consist of a minimum of 4 hours per month of individual supervision, meeting at least twice a month. Group supervision may count for no more than 2 hours per month.

To qualify for one 2-year renewal, the following documentation must be submitted:

1. Evidence of following the Education plan as evidenced by required course completion and remaining in good standing with the university;
2. Any changes or updates to plan submitted and signed by the institution of higher education and supervisor for course completion and employment;
3. Evidence of supervisor and student signed supervision logs as identified above; and
4. Completion of a course on the diagnosis of mental health and/or substance use disorders with a passing grade.

Scope of work: Same as LMAC without the ability to diagnose until successful passage of the course identified in #4. Any diagnosis rendered by the student must be signed off by the supervisor or other master's level or above licensed individual