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CL/MM

Title 45.  
Chapter 8B.  
Article 1. (New)  
Licensing  
C.45:8B-1  
to 45:8B-113  
(various P.L.s)  
Article 2. (New)  
Interstate  
Counseling  
Compact  
§1  
C.45:8B-114

P.L. 2023, CHAPTER 324, *approved January 16, 2024*  
Assembly, No. 5311

1 **AN ACT** concerning counseling services and supplementing Title 45  
2 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. The State of New Jersey enacts and enters into the Counseling  
8 Compact with all other jurisdictions that legally join the compact in  
9 the form substantially as follows:

10

11 Section 1. Purpose

12

13 The purpose of this compact is to facilitate interstate practice of  
14 licensed professional counselors with the goal of improving public  
15 access to professional counseling services. The practice of  
16 professional counseling occurs in the state where the client is  
17 located at the time of the counseling services. The compact  
18 preserves the regulatory authority of states to protect public health  
19 and safety through the current system of state licensure. This  
20 compact is designed to achieve the following objectives:

21 a. increase public access to professional counseling services by  
22 providing for the mutual recognition of other member state licenses;

23 b. enhance the states' ability to protect the public's health and  
24 safety;

25 c. encourage the cooperation of member states in regulating  
26 multistate practice for licensed professional counselors;

27 d. support spouses of relocating active duty military personnel;

28 e. enhance the exchange of licensure, investigative, and  
29 disciplinary information among member states;

30 f. allow for the use of telehealth technology to facilitate  
31 increased access to professional counseling services;

- 1 g. support the uniformity of professional counseling licensure  
2 requirements throughout the states to promote public safety and  
3 public health benefits;
- 4 h. invest all member states with the authority to hold a licensed  
5 professional counselor accountable for meeting all state practice  
6 laws in the state in which the client is located at the time care is  
7 rendered through the mutual recognition of member state licenses;
- 8 i. eliminate the necessity for licenses in multiple states; and
- 9 j. provide opportunities for interstate practice by licensed  
10 professional counselors who meet uniform licensure requirements.

11

## 12 Section 2. Definitions

13

14 As used in this compact, and except as otherwise provided:

15 “Active duty military” means full-time duty status in the active  
16 uniformed service of the United States, including members of the  
17 National Guard and Reserve on active duty orders pursuant to 10  
18 U.S.C. chapters 1209 and 1211.19 “Adverse action” means any administrative, civil, equitable, or  
20 criminal action permitted by a State’s laws which is imposed by a  
21 licensing board or other authority against a licensed professional  
22 counselor, including actions against an individual’s license or  
23 privilege to practice such as revocation, suspension, probation,  
24 monitoring of the licensee, limitation on the licensee’s practice, or  
25 any other encumbrance on licensure affecting a licensed  
26 professional counselor’s authorization to practice, including  
27 issuance of a cease and desist action.28 “Alternative program” means a non-disciplinary monitoring or  
29 practice remediation process approved by a professional counseling  
30 licensing board to address impaired practitioners.31 “Continuing competence/education” means a requirement, as a  
32 condition of license renewal, to provide evidence of participation  
33 in, or completion of, educational, and professional activities  
34 relevant to practice or area of work.35 “Counseling compact commission” or “commission” means the  
36 national administrative body whose membership consists of all  
37 states that have enacted the compact.

38 “Current significant investigative information” means:

39 (1) investigative information that a licensing board, after a  
40 preliminary inquiry that includes notification and an opportunity for  
41 the licensed professional counselor to respond, if required by state  
42 law, has reason to believe is not groundless and, if proved true,  
43 would indicate more than a minor infraction; or44 (2) investigative information that indicates that the licensed  
45 professional counselor represents an immediate threat to public  
46 health and safety regardless of whether the licensed professional  
47 counselor has been notified and had an opportunity to respond.

1       “Data system” means a repository of information about  
2 licensees, including, but not limited to, continuing education,  
3 examination, licensure, investigative, privilege to practice, and  
4 adverse action information.

5       “Encumbered license” means a license in which an adverse  
6 action restricts the practice of licensed professional counseling by  
7 the licensee and the adverse action has been reported to the national  
8 practitioners data bank.

9       “Encumbrance” means a revocation or suspension of, or any  
10 limitation on, the full and unrestricted practice of licensed  
11 professional counseling by a licensing board.

12       “Executive committee” means a group of directors elected or  
13 appointed to act on behalf of, and within the powers granted to them  
14 by, the commission.

15       “Home state” means the member state that is the licensee’s  
16 primary state of residence.

17       “Impaired practitioner” means an individual who has a condition  
18 that may impair the individual’s ability to practice as a licensed  
19 professional counselor without some type of intervention, which  
20 conditions may include, but are not limited to, alcohol and drug  
21 dependence, mental health impairment, and neurological or physical  
22 impairments.

23       “Investigative information” means information, records, and  
24 documents received or generated by a professional counseling  
25 licensing board pursuant to an investigation.

26       “Jurisprudence requirement,” if required by a member state,  
27 means the assessment of an individual’s knowledge of the laws and  
28 rules governing the practice of professional counseling in a state.

29       “Licensed professional counselor” means a counselor licensed by  
30 a member state, regardless of the title used by that state, to  
31 independently assess, diagnose, and treat behavioral health  
32 conditions.

33       “Licensee” means an individual who currently holds an  
34 authorization from the state to practice as a licensed professional  
35 counselor.

36       “Licensing board” means the agency of a state, or an equivalent  
37 entity, that is responsible for the licensing and regulation of  
38 licensed professional counselors.

39       “Member state” means a state that has enacted the compact.

40       “Privilege to practice” means a legal authorization, which is  
41 equivalent to a license, permitting the practice of professional  
42 counseling in a remote state.

43       “Professional counseling” means the assessment, diagnosis, and  
44 treatment of behavioral health conditions by a licensed professional  
45 counselor.

46       “Remote state” means a member state other than the home state,  
47 where a licensee is exercising or seeking to exercise the privilege to  
48 practice.

1 “Rule” means a regulation promulgated by the commission that  
2 has the force of law.

3 “Single state license” means a licensed professional counselor  
4 license issued by a member state that authorizes practice only  
5 within the issuing state and does not include a privilege to practice  
6 in any other member state.

7 “State” means any state, commonwealth, district, or territory of  
8 the United States of America that regulates the practice of  
9 professional counseling.

10 “Telehealth” means the application of telecommunication  
11 technology to deliver professional counseling services remotely to  
12 assess, diagnose, and treat behavioral health conditions.

13 “Unencumbered license” means a license that authorizes a  
14 licensed professional counselor to engage in the full and  
15 unrestricted practice of professional counseling.

16

### 17 Section 3. State participation in the Compact

18

19 a. To participate in the compact, a state shall currently:

20 (1) license and regulate licensed professional counselors;

21 (2) require licensees to pass a nationally recognized exam  
22 approved by the commission;

23 (3) require licensees to have a 60 semester-hour, or 90 quarter-  
24 hour, master’s degree in counseling or 60 semester-hours, or 90  
25 quarter-hours, of graduate course work including the following  
26 topic areas:

27 (a) professional counseling orientation and ethical practice;

28 (b) social and cultural diversity;

29 (c) human growth and development;

30 (d) career development;

31 (e) counseling and helping relationships;

32 (f) group counseling and group work;

33 (g) diagnosis and treatment;

34 assessment and testing;

35 (h) research and program evaluation; and

36 (i) other areas as determined by the commission;

37 (4) require licensees to complete a supervised postgraduate  
38 professional experience as defined by the commission; and

39 (5) have a mechanism in place for receiving and investigating  
40 complaints about licensees.

41 b. A member state shall:

42 (1) participate fully in the commission’s data system, including  
43 using the commission’s unique identifier as defined in rules;

44 (2) notify the commission, in compliance with the terms of the  
45 compact and rules, of any adverse action or the availability of  
46 investigative information regarding a licensee;

47 (3) implement or utilize procedures for considering the criminal  
48 history records of applicants for an initial privilege to practice.

1 these procedures shall include the submission of fingerprints or  
2 other biometric-based information by applicants for the purpose of  
3 obtaining an applicant's criminal history record information from  
4 the Federal Bureau of Investigation and the agency responsible for  
5 retaining that state's criminal records;

6 (a) A member state shall fully implement a criminal background  
7 check requirement, within a time frame established by rule, by  
8 receiving the results of the Federal Bureau of Investigation record  
9 search and shall use the results in making licensure decisions; and

10 (b) Communication between a member state, the commission  
11 and among member states regarding the verification of eligibility  
12 for licensure through the compact shall not include any information  
13 received from the Federal Bureau of Investigation relating to a  
14 federal criminal records check performed by a member state under  
15 the federal public law 92-544;

16 (4) comply with the rules of the commission;

17 (5) require an applicant to obtain or retain a license in the home  
18 state and meet the home state's qualifications for licensure or  
19 renewal of licensure, as well as all other applicable state laws;

20 (6) grant the privilege to practice to a licensee holding a valid  
21 unencumbered license in another member state in accordance with  
22 the terms of the compact and rules; and

23 (7) provide for the attendance of the state's commissioner to the  
24 counseling compact commission meetings.

25 c. Member states may charge a fee for granting the privilege to  
26 practice.

27 d. Individuals not residing in a member state shall continue to  
28 be able to apply for a member state's single state license as  
29 provided under the laws of each member state; however, the single  
30 state license granted to these individuals shall not be recognized as  
31 granting a privilege to practice professional counseling in any other  
32 member state.

33 e. Nothing in this compact shall affect the requirements  
34 established by a member state for the issuance of a single state  
35 license.

36 f. A license issued to a licensed professional counselor by a  
37 home state to a resident in that state shall be recognized by each  
38 member state as authorizing a licensed professional counselor to  
39 practice professional counseling, under a privilege to practice, in  
40 each member state.

41

#### 42 Section 4. Privilege to Practice

43

44 a. To exercise the privilege to practice under the terms and  
45 provisions of the compact, the licensee shall:

46 (1) hold a license in the home state;

47 (2) have a valid United States social security number or national  
48 practitioner identifier;

1 (3) be eligible for a privilege to practice in any member state in  
2 accordance with subsections d., g., and h. of this section;

3 (4) have not had any encumbrance or restriction against any  
4 license or privilege to practice within the previous two years;

5 (5) notify the commission that the licensee is seeking the  
6 privilege to practice within a remote state;

7 (6) pay any applicable fees, including any state fee, for the  
8 privilege to practice;

9 (7) meet any continuing competence/education requirements  
10 established by the home state;

11 (8) meet any jurisprudence requirements established by the  
12 remote state in which the licensee is seeking a privilege to practice;  
13 and

14 (9) report to the commission any adverse action, encumbrance,  
15 or restriction on license taken by any non-member state within 30  
16 days from the date the action is taken.

17 b. The privilege to practice is valid until the expiration date of  
18 the home state license. The licensee shall comply with the  
19 requirements of subsection a. of this section to maintain the  
20 privilege to practice in the remote state.

21 c. A licensee providing professional counseling in a remote  
22 state under the privilege to practice shall adhere to the laws and  
23 regulations of the remote state.

24 d. A licensee providing professional counseling services in a  
25 remote state is subject to that state's regulatory authority. A remote  
26 state may, in accordance with due process and that state's laws,  
27 remove a licensee's privilege to practice in the remote state for a  
28 specific period of time, impose fines, or take any other necessary  
29 actions to protect the health and safety of its citizens. The licensee  
30 may be ineligible for a privilege to practice in any member state  
31 until the specific time for removal has passed and all fines are paid.

32 e. If a home state license is encumbered, the licensee shall lose  
33 the privilege to practice in any remote state until the following  
34 occur:

35 (1) the home state license is no longer encumbered; and

36 (2) the licensee has not had any encumbrance or restriction  
37 against any license or privilege to practice within the previous two  
38 years.

39 f. Once an encumbered license in the home state is restored to  
40 good standing, the licensee shall meet the requirements of  
41 subsection a. of this section to obtain a privilege to practice in any  
42 remote state.

43 g. If a licensee's privilege to practice in any remote state is  
44 removed, the individual may lose the privilege to practice in all  
45 other remote states until the following occur:

46 (1) the specific period of time for which the privilege to practice  
47 was removed has ended;

48 (2) all fines have been paid; and

1 (3) the licensee has not had any encumbrance or restriction  
2 against any license or privilege to practice within the previous two  
3 years.

4 h. Once the requirements of subsection g. of this section have  
5 been met, the licensee shall meet the requirements in subsection a.  
6 of this section to obtain a privilege to practice in a remote state.

7  
8 Section 5. Obtaining a New Home State License Based on a  
9 Privilege to Practice

10

11 a. A licensed professional counselor may hold a home state  
12 license, which allows for a privilege to practice in other member  
13 states, in only one member state at a time.

14 b. If a licensed professional counselor changes primary state of  
15 residence by moving between two member states:

16 (1) the licensed professional counselor shall file an application  
17 for obtaining a new home state license based on a privilege to  
18 practice, pay all applicable fees, and notify the current and new  
19 home state in accordance with applicable rules adopted by the  
20 commission; and

21 (2) upon receipt of an application for obtaining a new home state  
22 license by virtue of a privilege to practice, the new home state shall  
23 verify that the licensed professional counselor meets the pertinent  
24 criteria outlined in section 4 of this compact via the data system,  
25 without need for primary source verification, except for:

26 (a) a Federal Bureau of Investigation fingerprint based criminal  
27 background check if not previously performed or updated pursuant  
28 to applicable rules adopted by the commission in accordance with  
29 federal Public Law 92-544;

30 (b) other criminal background checks as required by the new  
31 home state; and

32 (c) completion of any requisite jurisprudence requirements of  
33 the new home state.

34 (3) the former home state shall convert the former home state  
35 license into a privilege to practice once the new home state has  
36 activated the new home state license in accordance with applicable  
37 rules adopted by the commission;

38 (4) notwithstanding any other provision of this compact, if the  
39 licensed professional counselor cannot meet the criteria in provided  
40 in section 4 of this compact, the new home state may apply its  
41 requirements for issuing a new single state license; and

42 (5) the licensed professional counselor shall pay all applicable  
43 fees to the new home state in order to be issued a new home state  
44 license.

45 c. If a licensed professional counselor changes primary state of  
46 residence by moving from a member state to a non-member state, or  
47 from a non-member state to a member state, the state criteria shall  
48 apply for issuance of a single state license in the new state.

1 d. Nothing in this compact shall interfere with a licensee's  
2 ability to hold a single state license in multiple states; however for  
3 the purposes of this compact, a licensee shall have only one home  
4 state license.

5 e. Nothing in this compact shall affect the requirements  
6 established by a member state for the issuance of a single state  
7 license.

8

9 Section 6. Active Duty Military Personnel or their Spouses

10

11 Active Duty Military personnel, or their spouses, shall designate  
12 a home state where the service member or spouse has a current  
13 license in good standing. The service member or spouse may retain  
14 the home state designation during the period the service member is  
15 on active duty. Subsequent to designating a home state, the service  
16 member or spouse shall only change the service member's or  
17 spouse's home state through application for licensure in the new  
18 state, or through the process outlined in section 5 of this compact.

19

20 Section 7. Compact Privilege to Practice Telehealth

21

22 a. Member states shall recognize the right of a licensed  
23 professional counselor, licensed by a home state in accordance with  
24 section 3 of this compact and under rules promulgated by the  
25 commission, to practice professional counseling in any member  
26 state via telehealth under a privilege to practice as provided in the  
27 compact and rules promulgated by the commission.

28 b. A licensee providing professional counseling services in a  
29 remote state under the privilege to practice shall adhere to the laws  
30 and regulations of the remote state.

31

32 Section 8. Adverse Actions

33

34 a. In addition to the other powers conferred by state law, a  
35 remote state shall have the authority, in accordance with existing  
36 state due process law, to:

37 (1) take adverse action against a licensed professional  
38 counselor's privilege to practice within that member state;

39 (2) issue subpoenas for both hearings and investigations that  
40 require the attendance and testimony of witnesses as well as the  
41 production of evidence. Subpoenas issued by a licensing board in a  
42 member state for the attendance and testimony of witnesses or the  
43 production of evidence from another member state shall be enforced  
44 in the latter state by any court of competent jurisdiction, according  
45 to the practice and procedure of that court applicable to subpoenas  
46 issued in proceedings pending before it. The issuing authority shall  
47 pay any witness fees, travel expenses, mileage, and other fees

1 required by the service statutes of the state in which the witnesses  
2 or evidence are located; and

3 (3) only the home state shall have the power to take adverse  
4 action against a licensed professional counselor's license issued by  
5 the home state.

6 b. For purposes of taking adverse action, the home state shall  
7 give the same priority and effect to reported conduct received from  
8 a member state as it would if the conduct had occurred within the  
9 home state. In so doing, the home state shall apply its own state  
10 laws to determine appropriate action.

11 c. The home state shall complete any pending investigation of  
12 a licensed professional counselor who changes primary state of  
13 residence during the course of the investigation. The home state  
14 shall also have the authority to take appropriate action and shall  
15 promptly report the conclusion of any investigation to the  
16 administrator of the data system. The administrator of the  
17 coordinated licensure information system shall promptly notify the  
18 new home state of any adverse actions.

19 d. A member state, if otherwise permitted by state law, may  
20 recover from the affected licensed professional counselor the costs  
21 of investigations and dispositions of cases resulting from any  
22 adverse action taken against that licensed professional counselor.

23 e. A member state may take adverse action based on the factual  
24 findings of the remote state, provided that the member state follows  
25 its own procedures for taking the adverse action.

26 f. In addition to the authority granted to a member state by its  
27 respective professional counseling practice act or other applicable  
28 state law, any member state may participate with other member  
29 states in joint investigations of licensees. Member states shall share  
30 any investigative, litigation, or compliance materials in furtherance  
31 of any joint or individual investigation initiated under this compact.

32 g. If adverse action is taken by a home state against the license  
33 of a licensed professional counselor, the licensed professional  
34 counselor's privilege to practice in all other member states shall be  
35 deactivated until all encumbrances have been removed from the  
36 state license. All home state disciplinary orders that impose  
37 adverse action against the license of a licensed professional  
38 counselor shall include a statement that the licensed professional  
39 counselor's privilege to practice is deactivated in all member states  
40 during the pendency of the order.

41 h. If a member state takes adverse action, it shall promptly  
42 notify the administrator of the data system. The administrator of the  
43 data system shall promptly notify the home state of any adverse  
44 actions by remote states.

45 i. Nothing in this compact shall override a member state's  
46 decision that participation in an alternative program may be used in  
47 lieu of adverse action.

1 Section 9. Establishment of Counseling Compact Commission

2

3 a. The compact member states hereby create and establish a  
4 joint public agency known as the Counseling Compact Commission.

5 (1) The commission is an instrumentality of the compact states.

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

12 (3) Nothing in this compact shall be construed to be a waiver of  
13 sovereign immunity.

14 b. (1) Each member state shall have and be limited to one  
15 delegate selected by that member state's licensing board.

16 (2) The delegate shall be either:

17 (a) a current member of the licensing board at the time of  
18 appointment, who is a licensed professional counselor or public  
19 member; or

20 (b) an administrator of the licensing board.

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

24 (4) The member state licensing board shall fill any vacancy  
25 occurring on the commission within 60 days.

26 (5) Each delegate shall be entitled to one vote with regard to the  
27 promulgation of rules and the creation of bylaws and shall  
28 otherwise have an opportunity to participate in the business and  
29 affairs of the commission.

30 (6) A delegate shall vote in person or by such other means as  
31 provided in the bylaws. The bylaws may provide for delegates'  
32 participation in meetings by telephone or other means of  
33 communication.

34 (7) The commission shall meet at least once during each calendar  
35 year. Additional meetings shall be held as set forth in the bylaws.

36 (8) The commission shall by rule establish a term of office for  
37 delegates and may by rule establish term limits.

38 c. The commission shall have the following powers and duties:

39 (1) establish the fiscal year of the commission;

40 (2) establish bylaws;

41 (3) maintain its financial records in accordance with the bylaws;

42 (4) meet and take such actions as are consistent with the  
43 provisions of this compact and the bylaws;

44 (5) promulgate rules which shall be binding to the extent and in  
45 the manner provided for in the compact;

46 (6) bring and prosecute legal proceedings or actions in the name  
47 of the commission, provided that the standing of any state licensing  
48 board to sue or be sued under applicable law shall not be affected;

- 1 (7) purchase and maintain insurance and bonds;
- 2 (8) borrow, accept, or contract for services of personnel,  
3 including, but not limited to, employees of a member state;
- 4 (9) hire employees, elect or appoint officers, fix compensation,  
5 define duties, grant such individuals appropriate authority to carry  
6 out the purposes of the compact, and establish the commission's  
7 personnel policies and programs relating to conflicts of interest,  
8 qualifications of personnel, and other related personnel matters;
- 9 (10) accept any and all appropriate donations and grants of  
10 money, equipment, supplies, materials, and services, and to receive,  
11 utilize, and dispose of the same; provided that at all times the  
12 commission shall avoid any appearance of impropriety or conflict  
13 of interest;
- 14 (11) lease, purchase, accept appropriate gifts or donations of, or  
15 otherwise own, hold, improve or use, any property, real, personal,  
16 or mixed; provided that at all times the commission shall avoid any  
17 appearance of impropriety;
- 18 (12) sell convey, mortgage, pledge, lease, exchange, abandon, or  
19 otherwise dispose of any property real, personal, or mixed;
- 20 (13) establish a budget and make expenditures;
- 21 (14) borrow money;
- 22 (15) appoint committees, including standing committees  
23 composed of members, state regulators, state legislators or their  
24 representatives, and consumer representatives, and such other  
25 interested persons as may be designated in this compact and the  
26 bylaws;
- 27 (16) provide and receive information from, and cooperate with,  
28 law enforcement agencies;
- 29 (17) establish and elect an executive committee consistent with  
30 the requirements of subsection d. of this section; and
- 31 (18) perform such other functions as may be necessary or  
32 appropriate to achieve the purposes of this compact consistent with  
33 the state regulation of professional counseling licensure and  
34 practice.
- 35 d. (1) The executive committee shall have the power to act on  
36 behalf of the commission according to the terms of this compact.
- 37 (2) The executive committee shall be composed of up to 11  
38 members, as follows:
- 39 (a) seven voting members who shall be elected by the  
40 commission from the current membership of the commission; and
- 41 (b) up to four ex-officio, nonvoting members from four  
42 recognized national professional counselor organizations, who shall  
43 be selected by their respective organizations.
- 44 (3) The commission may remove any member of the executive  
45 committee as provided in bylaws.
- 46 (4) The executive committee shall meet at least annually.
- 47 (5) The executive committee shall have the following duties and  
48 responsibilities:

- 1 (a) recommending to the entire commission changes to the rules  
2 or bylaws, changes to this compact legislation, fees paid by  
3 compact member states such as annual dues, and any commission  
4 compact fee charged to licensees for the privilege to practice;
- 5 (b) ensuring compact administration services are appropriately  
6 provided, contractual or otherwise;
- 7 (c) preparing and recommending the budget;
- 8 (d) maintaining financial records on behalf of the commission;
- 9 (e) monitoring compact compliance of member states and  
10 providing compliance reports to the commission;
- 11 (f) establishing additional committees as necessary; and
- 12 (g) performing other duties as provided in rules or bylaws.
- 13 e. (1) All meetings of the commission shall be open to the  
14 public, and public notice of meetings shall be given in the same  
15 manner as required under the rulemaking provisions in section 11 of  
16 this compact.
- 17 (2) The commission or the executive committee or other  
18 committees of the commission may convene in a closed, non-public  
19 meeting in order for the commission, executive committee, or other  
20 committee of the commission to discuss:
- 21 (a) non-compliance of a member state with its obligations under  
22 the compact;
- 23 (b) the employment, compensation, discipline, or other matters,  
24 practices, or procedures related to specific employees or other  
25 matters related to the commission's internal personnel practices and  
26 procedures;
- 27 (c) current, threatened, or reasonably anticipated litigation;
- 28 (d) negotiation of contracts for the purchase, lease, or sale of  
29 goods, services, or real estate;
- 30 (e) accusing any person of a crime or formally censuring any  
31 person;
- 32 (f) disclosure of trade secrets or commercial or financial  
33 information that is privileged or confidential;
- 34 (g) disclosure of information of a personal nature where  
35 disclosure would constitute a clearly unwarranted invasion of  
36 personal privacy;
- 37 (h) disclosure of investigative records compiled for law  
38 enforcement purposes;
- 39 (i) disclosure of information related to any investigative reports  
40 prepared by or on behalf of or for use of the commission or other  
41 committee charged with responsibility of investigation or  
42 determination of compliance issues pursuant to the compact; and
- 43 (j) matters specifically exempted from disclosure by federal or  
44 member state statute.
- 45 (3) If a meeting, or portion of a meeting, is closed pursuant to  
46 paragraph (2) of this subsection, the commission's legal counsel or  
47 designee shall certify that the meeting may be closed and shall  
48 reference each relevant exempting provision.

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

9 f. (1) The commission shall pay, or provide for the payment of,  
10 the reasonable expenses of its establishment, organization, and  
11 ongoing activities.

12 (2) The commission may accept any and all appropriate revenue  
13 sources, donations, and grants of money, equipment, supplies,  
14 materials, and services.

15 (3) The commission may levy on and collect an annual  
16 assessment from each member state or impose fees on other parties  
17 to cover the cost of the operations and activities of the commission  
18 and its staff, which shall be in a total amount sufficient to cover its  
19 annual budget as approved each year for which revenue is not  
20 provided by other sources. The aggregate annual assessment amount  
21 shall be allocated based upon a formula to be determined by the  
22 commission, which shall promulgate a rule binding upon all  
23 member states.

24 (4) The commission shall not incur obligations of any kind prior  
25 to securing the funds adequate to meet the same; nor shall the  
26 commission pledge the credit of any of the member states, except  
27 by and with the authority of the member state.

28 (5) The commission shall keep accurate accounts of all receipts  
29 and disbursements. The receipts and disbursements of the  
30 commission shall be subject to the audit and accounting procedures  
31 established under its bylaws. However, all receipts and  
32 disbursements of funds handled by the commission shall be audited  
33 yearly by a certified or licensed public accountant, and the report of  
34 the audit shall be included in and become part of the annual report  
35 of the commission.

36 g. (1) The members, officers, executive director, employees  
37 and representatives of the commission shall be immune from suit  
38 and liability, either personally or in their official capacity, for any  
39 claim for damage to or loss of property or personal injury or other  
40 civil liability caused by or arising out of any actual or alleged act,  
41 error, or omission that occurred, or that the person against whom  
42 the claim is made had a reasonable basis for believing occurred  
43 within the scope of commission employment, duties, or  
44 responsibilities; provided that nothing in this paragraph shall be  
45 construed to protect any such person from suit or liability for any  
46 damage, loss, injury, or liability caused by the intentional, willful,  
47 or wanton misconduct of that person.

1 (2) The commission shall defend any member, officer, executive  
2 director, employee, or representative of the commission in any civil  
3 action seeking to impose liability arising out of any actual or  
4 alleged act, error, or omission that occurred within the scope of  
5 commission employment, duties, or responsibilities, or that the  
6 person against whom the claim is made had a reasonable basis for  
7 believing occurred within the scope of commission employment,  
8 duties, or responsibilities; provided that nothing herein shall be  
9 construed to prohibit that person from retaining his or her own  
10 counsel; and provided further, that the actual or alleged act, error,  
11 or omission did not result from that person's intentional, willful, or  
12 wanton misconduct.

13 (3) The commission shall indemnify and hold harmless any  
14 member, officer, executive director, employee, or representative of  
15 the commission for the amount of any settlement or judgment  
16 obtained against that person arising out of any actual or alleged act,  
17 error, or omission that occurred within the scope of commission  
18 employment, duties, or responsibilities, or that such person had a  
19 reasonable basis for believing occurred within the scope of  
20 commission employment, duties, or responsibilities, provided that  
21 the actual or alleged act, error, or omission did not result from the  
22 intentional or willful or wanton misconduct of that person.

23

#### 24 Section 10. Data System

25

26 a. The commission shall provide for the development,  
27 maintenance, operation, and utilization of a coordinated database  
28 and reporting system containing licensure, adverse action, and  
29 investigative information on all licensed individuals in member  
30 states.

31 b. Notwithstanding any other provision of state law to the  
32 contrary, a member state shall submit a uniform data set to the data  
33 system on all individuals to whom this compact is applicable as  
34 required by the rules of the commission, including:

35 (1) identifying information;

36 (2) licensure data;

37 (3) adverse actions against a license or privilege to practice;

38 (4) non-confidential information related to alternative program  
39 participation;

40 (5) any denial of an application for licensure, and the reason for  
41 such denial;

42 (6) current significant investigative information; and

43 (7) other information that may facilitate the administration of  
44 this compact, as determined by the rules of the commission.

45 c. Investigative information pertaining to a licensee in any  
46 member state shall only be available to other member states.

47 d. The commission shall promptly notify all member states of  
48 any adverse action taken against a licensee or an individual

1 applying for a license. Adverse action information pertaining to a  
2 licensee in any member state shall be available to any other member  
3 state.

4 e. Member states contributing information to the data system  
5 may designate information that may not be shared with the public  
6 without the express permission of the contributing state.

7 f. Any information submitted to the data system that is  
8 subsequently required to be expunged by the laws of the member  
9 state contributing the information shall be removed from the data  
10 system.

11

#### 12 Section 11. Rulemaking

13

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

21 b. The commission shall exercise its rulemaking powers  
22 pursuant to the criteria set forth in this section and the rules adopted  
23 thereunder. Rules and amendments shall become binding as of the  
24 date specified in each rule or amendment.

25 c. If a majority of the legislatures of the member states rejects  
26 a rule, by enactment of a statute or resolution in the same manner  
27 used to adopt the compact within four years of the date of adoption  
28 of the rule, then the rule shall have no further force and effect in  
29 any member state.

30 d. Rules or amendments to the rules shall be adopted at a  
31 regular or special meeting of the commission.

32 e. Prior to promulgation and adoption of a final rule or rules by  
33 the commission, and at least 30 days in advance of the meeting at  
34 which the rule will be considered and voted upon, the commission  
35 shall file a notice of proposed rulemaking:

36 (1) on the website of the commission or other publicly accessible  
37 platform; and

38 (2) on the website of each member state professional counseling  
39 licensing board or other publicly accessible platform or the  
40 publication in which each state would otherwise publish proposed  
41 rules.

42 f. The notice of proposed rulemaking shall include:

43 (1) the proposed time, date, and location of the meeting in which  
44 the rule will be considered and voted upon;

45 (2) the text of the proposed rule or amendment and the reason  
46 for the proposed rule;

47 (3) a request for comments on the proposed rule from any  
48 interested person; and

1 (4) the manner in which interested persons may submit notice to  
2 the commission of their intention to attend the public hearing and  
3 any written comments.

4 g. Prior to adoption of a proposed rule, the commission shall  
5 allow persons to submit written data, facts, opinions, and  
6 arguments, which shall be made available to the public.

7 h. The commission shall grant an opportunity for a public  
8 hearing before it adopts a rule or amendment if a hearing is  
9 requested by:

10 (1) at least 25 persons;

11 (2) a state or federal governmental subdivision or agency; or

12 (3) an association having at least 25 members.

13 i. If a hearing is held on a proposed rule or amendment  
14 pursuant to subsection h. of this section, the commission shall  
15 publish the place, time, and date of the scheduled public hearing. If  
16 the hearing is held via electronic means, the commission shall  
17 publish the mechanism for access to the electronic hearing.

18 (1) All persons wishing to be heard at the hearing shall notify the  
19 executive director of the commission or other designated member in  
20 writing of their desire to appear and testify at the hearing not less  
21 than five business days before the scheduled date of the hearing.

22 (2) Hearings shall be conducted in a manner providing each  
23 person who wishes to comment a fair and reasonable opportunity to  
24 comment orally or in writing.

25 (3) All hearings shall be recorded. A copy of the recording shall  
26 be made available on request.

27 (4) Nothing in this section shall be construed as requiring a  
28 separate hearing on each rule. Rules may be grouped for the  
29 convenience of the commission at hearings required by this section.

30 j. Following the scheduled hearing date, or by the close of  
31 business on the scheduled hearing date if the hearing was not held,  
32 the commission shall consider all written and oral comments  
33 received.

34 k. If no written notice of intent to attend a public hearing by  
35 interested parties is received, the commission may proceed with  
36 promulgation of the proposed rule without a public hearing.

37 l. The commission shall, by majority vote of all members, take  
38 final action on the proposed rule and shall determine the effective  
39 date of the rule, if any, based on the rulemaking record and the full  
40 text of the rule.

41 m. Upon determination that an emergency exists, the  
42 commission may consider and adopt an emergency rule without  
43 prior notice, opportunity for comment, or hearing, provided that the  
44 usual rulemaking procedures provided in the compact and in this  
45 section shall be retroactively applied to the rule as soon as  
46 reasonably possible, but in no event later than 90 days after the  
47 effective date of the rule. For the purposes of this subsection, an  
48 emergency rule is one that shall be adopted immediately in order to:

- 1 (1) meet an imminent threat to public health, safety, or welfare;  
2 (2) prevent a loss of commission or member state funds;  
3 (3) meet a deadline for the promulgation of an administrative  
4 rule that is established by federal law or rule; or  
5 (4) protect public health and safety.
- 6 n. The commission or an authorized committee of the  
7 commission may direct revisions to a previously adopted rule or  
8 amendment for purposes of correcting typographical errors, errors  
9 in format, errors in consistency, or grammatical errors. Public  
10 notice of any revisions shall be posted on the website of the  
11 commission. The revision shall be subject to challenge by any  
12 person for a period of 30 days after posting. The revision may be  
13 challenged only on grounds that the revision results in a material  
14 change to a rule. A challenge shall be made in writing and  
15 delivered to the chair of the commission prior to the end of the  
16 notice period. If no challenge is made, the revision shall take effect  
17 without further action. If the revision is challenged, the revision  
18 may not take effect without the approval of the commission.

19

## 20 Section 12. Oversight, Dispute Resolution, and Enforcement

21

22 a. (1) The executive, legislative, and judicial branches of state  
23 government in each member state shall enforce this compact and  
24 take all actions necessary and appropriate to effectuate the  
25 compact's purposes and intent. The provisions of this compact and  
26 the rules promulgated hereunder shall have standing as statutory  
27 law.

28 (2) All courts shall take judicial notice of the compact and the  
29 rules in any judicial or administrative proceeding in a member state  
30 pertaining to the subject matter of this compact which may affect  
31 the powers, responsibilities, or actions of the commission.

32 (3) The commission shall be entitled to receive service of  
33 process in any such proceeding and shall have standing to intervene  
34 in such a proceeding for all purposes. Failure to provide service of  
35 process to the commission shall render a judgment or order void as  
36 to the commission, this compact, or promulgated rules.

37 b. (1) If the commission determines that a member state has  
38 defaulted in the performance of its obligations or responsibilities  
39 under this compact or the promulgated rules, the commission shall:

40 (a) provide written notice to the defaulting state and other  
41 member states of the nature of the default, the proposed means of  
42 curing the default, or any other action to be taken by the  
43 commission; and

44 (b) provide remedial training and specific technical assistance  
45 regarding the default.

46 c. If a state in default fails to cure the default, the defaulting  
47 state may be terminated from the compact upon an affirmative vote  
48 of a majority of the member states, and all rights, privileges, and

1 benefits conferred by this compact may be terminated on the  
2 effective date of the termination. A cure of a default shall not  
3 relieve the offending state of obligations or liabilities incurred  
4 during the period of default.

5 d. Termination of membership in the compact shall be imposed  
6 only after all other means of securing compliance have been  
7 exhausted. Notice of intent to suspend or terminate shall be given  
8 by the commission to the governor, the majority and minority  
9 leaders of the defaulting state's legislature, and each of the member  
10 states.

11 e. A state that has been terminated is responsible for all  
12 assessments, obligations, and liabilities incurred through the  
13 effective date of termination, including obligations that extend  
14 beyond the effective date of termination.

15 f. The commission shall not bear any costs related to a state  
16 that is found to be in default or that has been terminated from the  
17 compact, unless agreed upon in writing between the commission  
18 and the defaulting state.

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

24 h. (1) Upon request by a member state, the commission shall  
25 attempt to resolve disputes related to the compact that arise among  
26 member states and between member and non-member states.

27 (2) The commission shall promulgate a rule providing for both  
28 mediation and binding dispute resolution for disputes as  
29 appropriate.

30 i. (1) The commission, in the reasonable exercise of its  
31 discretion, shall enforce the provisions and rules of this compact.

32 (2) By majority vote, the commission may initiate legal action in  
33 the United States District Court for the District of Columbia or the  
34 federal district where the commission has its principal offices  
35 against a member state in default to enforce compliance with the  
36 provisions of the compact and its promulgated rules and bylaws.  
37 The relief sought may include both injunctive relief and damages.  
38 In the event judicial enforcement is necessary, the prevailing  
39 member shall be awarded all costs of the litigation, including  
40 reasonable attorney's fees.

41 (3) The remedies herein shall not be the exclusive remedies of  
42 the commission. The commission may pursue any other remedies  
43 available under federal or state law.

44

45 Section 13. Date of Implementation of the Counseling Compact  
46 Commission and Associated Rules, Withdrawal, and Amendment.

1 a. The compact shall come into effect on the date on which the  
2 compact statute is enacted into law in the 10th member state. The  
3 provisions, which become effective at that time, shall be limited to  
4 the powers granted to the commission relating to assembly and the  
5 promulgation of rules. Thereafter, the commission shall meet and  
6 exercise rulemaking powers necessary to the implementation and  
7 administration of the compact.

8 b. Any state that joins the compact subsequent to the  
9 commission's initial adoption of the rules shall be subject to the  
10 rules as they exist on the date on which the compact becomes law in  
11 that state. Any rule that has been previously adopted by the  
12 commission shall have the full force and effect of law on the day  
13 the compact becomes law in that state.

14 c. Any member state may withdraw from this compact by  
15 enacting a statute repealing the same.

16 (1) A member state's withdrawal shall not take effect until six  
17 months after enactment of the repealing statute.

18 (2) Withdrawal shall not affect the continuing requirement of the  
19 withdrawing state's professional counseling licensing board to  
20 comply with the investigative and adverse action reporting  
21 requirements of this compact prior to the effective date of  
22 withdrawal.

23 d. Nothing contained in this compact shall be construed to  
24 invalidate or prevent any professional counseling licensure  
25 agreement or other cooperative arrangement between a member  
26 state and a non-member state that does not conflict with the  
27 provisions of this compact.

28 e. This compact may be amended by the member states. No  
29 amendment to this compact shall become effective and binding  
30 upon any member state until it is enacted into the laws of all  
31 member states.

#### 32 33 Section 14. Construction and Severability

34  
35 This compact shall be liberally construed so as to effectuate the  
36 purposes thereof. The provisions of this compact shall be severable  
37 and if any phrase, clause, sentence or provision of this compact is  
38 declared to be contrary to the constitution of any member state or of  
39 the United States or the applicability thereof to any government,  
40 agency, person, or circumstance is held invalid, the validity of the  
41 remainder of this compact and the applicability thereof to any  
42 government, agency, person, or circumstance shall not be affected  
43 thereby. If this compact shall be held contrary to the constitution of  
44 any member state, the compact shall remain in full force and effect  
45 as to the remaining member states and in full force and effect as to  
46 the member state affected as to all severable matters.

1 Section 15. Binding Effect of Compact and Other Laws

2

3 a. A licensee providing professional counseling services in a  
4 remote state under the privilege to practice shall adhere to the laws  
5 and regulations, including scope of practice, of the remote state.

6 b. Nothing herein prevents the enforcement of any other law of  
7 a member state that is not inconsistent with the compact.

8 c. Any laws in a member state in conflict with the compact are  
9 superseded to the extent of the conflict.

10 d. Any lawful actions of the commission, including all rules  
11 and bylaws properly promulgated by the commission, are binding  
12 upon the member states.

13 e. All permissible agreements between the commission and the  
14 member states are binding in accordance with their terms.

15 f. In the event any provision of the compact exceeds the  
16 constitutional limits imposed on the legislature of any member  
17 state, the provision shall be ineffective to the extent of the conflict  
18 with the constitutional provision in question in that member state.

19

20 2. This act shall take effect immediately.

21

22

23

STATEMENT

24

25 This bill enters New Jersey into the Counseling Compact. The  
26 Counseling Compact (compact) is an interstate compact, or a  
27 contract among states, allowing professional counselors licensed  
28 and residing in a compact member state to practice in other compact  
29 member states without need for multiple licenses.

30 The purpose of this compact is to facilitate interstate practice of  
31 licensed professional counselors with the goal of improving public  
32 access to professional counseling services. The practice of  
33 professional counseling occurs in the state where the client is  
34 located at the time of the counseling services. The compact  
35 preserves the regulatory authority of states to protect public health  
36 and safety through the current system of state licensure. In  
37 addition, the compact is designed to achieve the following  
38 objectives: 1) increase public access to professional counseling  
39 services by providing for the mutual recognition of other member  
40 state licenses; 2) enhance the states' ability to protect the public's  
41 health and safety; 3) encourage the cooperation of member states in  
42 regulating multistate practice for licensed professional counselors;  
43 4) support spouses of relocating active duty military personnel; 5)  
44 enhance the exchange of licensure, investigative, and disciplinary  
45 information among member states; 6) allow for the use of telehealth  
46 technology to facilitate increased access to professional counseling  
47 services; 7) support the uniformity of professional counseling  
48 licensure requirements throughout the states to promote public

1 safety and public health benefits; 8) invest all member states with  
2 the authority to hold a licensed professional counselor accountable  
3 for meeting all state practice laws in the state in which the client is  
4 located at the time care is rendered through the mutual recognition  
5 of member state licenses; 9) eliminate the necessity for licenses in  
6 multiple states; and 10) provide opportunities for interstate practice  
7 by licensed professional counselors who meet uniform licensure  
8 requirements.

9 The compact is administered by a commission comprising  
10 representatives of each of the member states. The commission has  
11 certain powers to promulgate rules and bylaws, create a budget,  
12 conduct investigations, assess member fees, and to generally  
13 enforce the provisions of the compact. The compact sets forth  
14 procedures for investigating and disciplining professional  
15 counselors for misconduct, as well as for communicating to member  
16 states information concerning a professional counselor who is under  
17 investigation, has lost the right to practice under the compact, or  
18 who has regained the right to practice under the compact.

19 The compact provides that it takes effect when it has been  
20 adopted in 10 states. Currently, 16 states have joined the compact:  
21 Alabama, Colorado, Florida, Georgia, Kentucky, Louisiana, Maine,  
22 Maryland, Mississippi, Nebraska, New Hampshire, North Carolina,  
23 Ohio, Tennessee, Utah, and West Virginia.

24

25

26

27

28 Enters New Jersey into Counseling Compact.

# ASSEMBLY, No. 5311

## STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MARCH 20, 2023

**Sponsored by:**

**Assemblyman ANTHONY S. VERRELLI**

**District 15 (Hunterdon and Mercer)**

**Assemblywoman ANGELA V. MCKNIGHT**

**District 31 (Hudson)**

**Assemblywoman MICHELE MATSIKLOUDIS**

**District 21 (Morris, Somerset and Union)**

**Senator JEAN STANFIELD**

**District 8 (Atlantic, Burlington and Camden)**

**Senator SHIRLEY K. TURNER**

**District 15 (Hunterdon and Mercer)**

**Co-Sponsored by:**

**Assemblymen Umba, Torrissi, Benson, Assemblywomen Speight, Jasey, Reynolds-Jackson, Assemblyman Stanley, Assemblywoman Lampitt, Assemblymen Wimberly, Tully, Assemblywomen Swain, Lopez, Park, Carter, Assemblyman Sampson, Senators O'Scanlon, Schepisi, A.M.Bucco, Diegnan and Gopal**

**SYNOPSIS**

Enters New Jersey into Counseling Compact.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 1/8/2024)

1 AN ACT concerning counseling services and supplementing Title 45  
2 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. The State of New Jersey enacts and enters into the Counseling  
8 Compact with all other jurisdictions that legally join the compact in  
9 the form substantially as follows:

10

11 Section 1. Purpose

12

13 The purpose of this compact is to facilitate interstate practice of  
14 licensed professional counselors with the goal of improving public  
15 access to professional counseling services. The practice of  
16 professional counseling occurs in the state where the client is  
17 located at the time of the counseling services. The compact  
18 preserves the regulatory authority of states to protect public health  
19 and safety through the current system of state licensure. This  
20 compact is designed to achieve the following objectives:

21

a. increase public access to professional counseling services by  
22 providing for the mutual recognition of other member state licenses;

23

b. enhance the states' ability to protect the public's health and  
24 safety;

25

c. encourage the cooperation of member states in regulating  
26 multistate practice for licensed professional counselors;

27

d. support spouses of relocating active duty military personnel;

28

e. enhance the exchange of licensure, investigative, and  
29 disciplinary information among member states;

30

f. allow for the use of telehealth technology to facilitate  
31 increased access to professional counseling services;

32

g. support the uniformity of professional counseling licensure  
33 requirements throughout the states to promote public safety and  
34 public health benefits;

35

h. invest all member states with the authority to hold a licensed  
36 professional counselor accountable for meeting all state practice  
37 laws in the state in which the client is located at the time care is  
38 rendered through the mutual recognition of member state licenses;

39

i. eliminate the necessity for licenses in multiple states; and

40

j. provide opportunities for interstate practice by licensed  
41 professional counselors who meet uniform licensure requirements.

42

43 Section 2. Definitions

44

45 As used in this compact, and except as otherwise provided:

46

“Active duty military” means full-time duty status in the active  
47 uniformed service of the United States, including members of the

1 National Guard and Reserve on active duty orders pursuant to 10  
2 U.S.C. chapters 1209 and 1211.

3 “Adverse action” means any administrative, civil, equitable, or  
4 criminal action permitted by a State’s laws which is imposed by a  
5 licensing board or other authority against a licensed professional  
6 counselor, including actions against an individual’s license or  
7 privilege to practice such as revocation, suspension, probation,  
8 monitoring of the licensee, limitation on the licensee’s practice, or  
9 any other encumbrance on licensure affecting a licensed  
10 professional counselor’s authorization to practice, including  
11 issuance of a cease and desist action.

12 “Alternative program” means a non-disciplinary monitoring or  
13 practice remediation process approved by a professional counseling  
14 licensing board to address impaired practitioners.

15 “Continuing competence/education” means a requirement, as a  
16 condition of license renewal, to provide evidence of participation  
17 in, or completion of, educational, and professional activities  
18 relevant to practice or area of work.

19 “Counseling compact commission” or “commission” means the  
20 national administrative body whose membership consists of all  
21 states that have enacted the compact.

22 “Current significant investigative information” means:

23 (1) investigative information that a licensing board, after a  
24 preliminary inquiry that includes notification and an opportunity for  
25 the licensed professional counselor to respond, if required by state  
26 law, has reason to believe is not groundless and, if proved true,  
27 would indicate more than a minor infraction; or

28 (2) investigative information that indicates that the licensed  
29 professional counselor represents an immediate threat to public  
30 health and safety regardless of whether the licensed professional  
31 counselor has been notified and had an opportunity to respond.

32 “Data system” means a repository of information about  
33 licensees, including, but not limited to, continuing education,  
34 examination, licensure, investigative, privilege to practice, and  
35 adverse action information.

36 “Encumbered license” means a license in which an adverse  
37 action restricts the practice of licensed professional counseling by  
38 the licensee and the adverse action has been reported to the national  
39 practitioners data bank.

40 “Encumbrance” means a revocation or suspension of, or any  
41 limitation on, the full and unrestricted practice of licensed  
42 professional counseling by a licensing board.

43 “Executive committee” means a group of directors elected or  
44 appointed to act on behalf of, and within the powers granted to them  
45 by, the commission.

46 “Home state” means the member state that is the licensee’s  
47 primary state of residence.

1       “Impaired practitioner” means an individual who has a condition  
2 that may impair the individual’s ability to practice as a licensed  
3 professional counselor without some type of intervention, which  
4 conditions may include, but are not limited to, alcohol and drug  
5 dependence, mental health impairment, and neurological or physical  
6 impairments.

7       “Investigative information” means information, records, and  
8 documents received or generated by a professional counseling  
9 licensing board pursuant to an investigation.

10       “Jurisprudence requirement,” if required by a member state,  
11 means the assessment of an individual’s knowledge of the laws and  
12 rules governing the practice of professional counseling in a state.

13       “Licensed professional counselor” means a counselor licensed by  
14 a member state, regardless of the title used by that state, to  
15 independently assess, diagnose, and treat behavioral health  
16 conditions.

17       “Licensee” means an individual who currently holds an  
18 authorization from the state to practice as a licensed professional  
19 counselor.

20       “Licensing board” means the agency of a state, or an equivalent  
21 entity, that is responsible for the licensing and regulation of  
22 licensed professional counselors.

23       “Member state” means a state that has enacted the compact.

24       “Privilege to practice” means a legal authorization, which is  
25 equivalent to a license, permitting the practice of professional  
26 counseling in a remote state.

27       “Professional counseling” means the assessment, diagnosis, and  
28 treatment of behavioral health conditions by a licensed professional  
29 counselor.

30       “Remote state” means a member state other than the home state,  
31 where a licensee is exercising or seeking to exercise the privilege to  
32 practice.

33       “Rule” means a regulation promulgated by the commission that  
34 has the force of law.

35       “Single state license” means a licensed professional counselor  
36 license issued by a member state that authorizes practice only  
37 within the issuing state and does not include a privilege to practice  
38 in any other member state.

39       “State” means any state, commonwealth, district, or territory of  
40 the United States of America that regulates the practice of  
41 professional counseling.

42       “Telehealth” means the application of telecommunication  
43 technology to deliver professional counseling services remotely to  
44 assess, diagnose, and treat behavioral health conditions.

45       “Unencumbered license” means a license that authorizes a  
46 licensed professional counselor to engage in the full and  
47 unrestricted practice of professional counseling.

1 Section 3. State participation in the Compact

2

3 a. To participate in the compact, a state shall currently:

4 (1) license and regulate licensed professional counselors;

5 (2) require licensees to pass a nationally recognized exam  
6 approved by the commission;

7 (3) require licensees to have a 60 semester-hour, or 90 quarter-  
8 hour, master's degree in counseling or 60 semester-hours, or 90  
9 quarter-hours, of graduate course work including the following  
10 topic areas:

11 (a) professional counseling orientation and ethical practice;

12 (b) social and cultural diversity;

13 (c) human growth and development;

14 (d) career development;

15 (e) counseling and helping relationships;

16 (f) group counseling and group work;

17 (g) diagnosis and treatment; assessment and testing;

18 (h) research and program evaluation; and

19 (i) other areas as determined by the commission;

20 (4) require licensees to complete a supervised postgraduate  
21 professional experience as defined by the commission; and

22 (5) have a mechanism in place for receiving and investigating  
23 complaints about licensees.

24 b. A member state shall:

25 (1) participate fully in the commission's data system, including  
26 using the commission's unique identifier as defined in rules;

27 (2) notify the commission, in compliance with the terms of the  
28 compact and rules, of any adverse action or the availability of  
29 investigative information regarding a licensee;

30 (3) implement or utilize procedures for considering the criminal  
31 history records of applicants for an initial privilege to practice.  
32 these procedures shall include the submission of fingerprints or  
33 other biometric-based information by applicants for the purpose of  
34 obtaining an applicant's criminal history record information from  
35 the Federal Bureau of Investigation and the agency responsible for  
36 retaining that state's criminal records;

37 (a) A member state shall fully implement a criminal background  
38 check requirement, within a time frame established by rule, by  
39 receiving the results of the Federal Bureau of Investigation record  
40 search and shall use the results in making licensure decisions; and

41 (b) Communication between a member state, the commission  
42 and among member states regarding the verification of eligibility  
43 for licensure through the compact shall not include any information  
44 received from the Federal Bureau of Investigation relating to a  
45 federal criminal records check performed by a member state under  
46 the federal public law 92-544;

47 (4) comply with the rules of the commission;

- 1 (5) require an applicant to obtain or retain a license in the home  
2 state and meet the home state's qualifications for licensure or  
3 renewal of licensure, as well as all other applicable state laws;
- 4 (6) grant the privilege to practice to a licensee holding a valid  
5 unencumbered license in another member state in accordance with  
6 the terms of the compact and rules; and
- 7 (7) provide for the attendance of the state's commissioner to the  
8 counseling compact commission meetings.
- 9 c. Member states may charge a fee for granting the privilege to  
10 practice.
- 11 d. Individuals not residing in a member state shall continue to  
12 be able to apply for a member state's single state license as  
13 provided under the laws of each member state; however, the single  
14 state license granted to these individuals shall not be recognized as  
15 granting a privilege to practice professional counseling in any other  
16 member state.
- 17 e. Nothing in this compact shall affect the requirements  
18 established by a member state for the issuance of a single state  
19 license.
- 20 f. A license issued to a licensed professional counselor by a  
21 home state to a resident in that state shall be recognized by each  
22 member state as authorizing a licensed professional counselor to  
23 practice professional counseling, under a privilege to practice, in  
24 each member state.

25

26 Section 4. Privilege to Practice

27

- 28 a. To exercise the privilege to practice under the terms and  
29 provisions of the compact, the licensee shall:
- 30 (1) hold a license in the home state;
- 31 (2) have a valid United States social security number or national  
32 practitioner identifier;
- 33 (3) be eligible for a privilege to practice in any member state in  
34 accordance with subsections d., g., and h. of this section;
- 35 (4) have not had any encumbrance or restriction against any  
36 license or privilege to practice within the previous two years;
- 37 (5) notify the commission that the licensee is seeking the  
38 privilege to practice within a remote state;
- 39 (6) pay any applicable fees, including any state fee, for the  
40 privilege to practice;
- 41 (7) meet any continuing competence/education requirements  
42 established by the home state;
- 43 (8) meet any jurisprudence requirements established by the  
44 remote state in which the licensee is seeking a privilege to practice;  
45 and
- 46 (9) report to the commission any adverse action, encumbrance,  
47 or restriction on license taken by any non-member state within 30  
48 days from the date the action is taken.

1       b. The privilege to practice is valid until the expiration date of  
2 the home state license. The licensee shall comply with the  
3 requirements of subsection a. of this section to maintain the  
4 privilege to practice in the remote state.

5       c. A licensee providing professional counseling in a remote  
6 state under the privilege to practice shall adhere to the laws and  
7 regulations of the remote state.

8       d. A licensee providing professional counseling services in a  
9 remote state is subject to that state's regulatory authority. A remote  
10 state may, in accordance with due process and that state's laws,  
11 remove a licensee's privilege to practice in the remote state for a  
12 specific period of time, impose fines, or take any other necessary  
13 actions to protect the health and safety of its citizens. The licensee  
14 may be ineligible for a privilege to practice in any member state  
15 until the specific time for removal has passed and all fines are paid.

16       e. If a home state license is encumbered, the licensee shall lose  
17 the privilege to practice in any remote state until the following  
18 occur:

19       (1) the home state license is no longer encumbered; and

20       (2) the licensee has not had any encumbrance or restriction  
21 against any license or privilege to practice within the previous two  
22 years.

23       f. Once an encumbered license in the home state is restored to  
24 good standing, the licensee shall meet the requirements of  
25 subsection a. of this section to obtain a privilege to practice in any  
26 remote state.

27       g. If a licensee's privilege to practice in any remote state is  
28 removed, the individual may lose the privilege to practice in all  
29 other remote states until the following occur:

30       (1) the specific period of time for which the privilege to practice  
31 was removed has ended;

32       (2) all fines have been paid; and

33       (3) the licensee has not had any encumbrance or restriction  
34 against any license or privilege to practice within the previous two  
35 years.

36       h. Once the requirements of subsection g. of this section have  
37 been met, the licensee shall meet the requirements in subsection a.  
38 of this section to obtain a privilege to practice in a remote state.

39

40       Section 5. Obtaining a New Home State License Based on a  
41 Privilege to Practice

42

43       a. A licensed professional counselor may hold a home state  
44 license, which allows for a privilege to practice in other member  
45 states, in only one member state at a time.

46       b. If a licensed professional counselor changes primary state of  
47 residence by moving between two member states:

1 (1) the licensed professional counselor shall file an application  
2 for obtaining a new home state license based on a privilege to  
3 practice, pay all applicable fees, and notify the current and new  
4 home state in accordance with applicable rules adopted by the  
5 commission; and

6 (2) upon receipt of an application for obtaining a new home state  
7 license by virtue of a privilege to practice, the new home state shall  
8 verify that the licensed professional counselor meets the pertinent  
9 criteria outlined in section 4 of this compact via the data system,  
10 without need for primary source verification, except for:

11 (a) a Federal Bureau of Investigation fingerprint based criminal  
12 background check if not previously performed or updated pursuant  
13 to applicable rules adopted by the commission in accordance with  
14 federal Public Law 92-544;

15 (b) other criminal background checks as required by the new  
16 home state; and

17 (c) completion of any requisite jurisprudence requirements of  
18 the new home state.

19 (3) the former home state shall convert the former home state  
20 license into a privilege to practice once the new home state has  
21 activated the new home state license in accordance with applicable  
22 rules adopted by the commission;

23 (4) notwithstanding any other provision of this compact, if the  
24 licensed professional counselor cannot meet the criteria in provided  
25 in section 4 of this compact, the new home state may apply its  
26 requirements for issuing a new single state license; and

27 (5) the licensed professional counselor shall pay all applicable  
28 fees to the new home state in order to be issued a new home state  
29 license.

30 c. If a licensed professional counselor changes primary state of  
31 residence by moving from a member state to a non-member state, or  
32 from a non-member state to a member state, the state criteria shall  
33 apply for issuance of a single state license in the new state.

34 d. Nothing in this compact shall interfere with a licensee's  
35 ability to hold a single state license in multiple states; however for  
36 the purposes of this compact, a licensee shall have only one home  
37 state license.

38 e. Nothing in this compact shall affect the requirements  
39 established by a member state for the issuance of a single state  
40 license.

41  
42 Section 6. Active Duty Military Personnel or their Spouses  
43

44 Active Duty Military personnel, or their spouses, shall designate  
45 a home state where the service member or spouse has a current  
46 license in good standing. The service member or spouse may retain  
47 the home state designation during the period the service member is  
48 on active duty. Subsequent to designating a home state, the service

1 member or spouse shall only change the service member's or  
2 spouse's home state through application for licensure in the new  
3 state, or through the process outlined in section 5 of this compact.

4

5 Section 7. Compact Privilege to Practice Telehealth

6

7 a. Member states shall recognize the right of a licensed  
8 professional counselor, licensed by a home state in accordance with  
9 section 3 of this compact and under rules promulgated by the  
10 commission, to practice professional counseling in any member  
11 state via telehealth under a privilege to practice as provided in the  
12 compact and rules promulgated by the commission.

13 b. A licensee providing professional counseling services in a  
14 remote state under the privilege to practice shall adhere to the laws  
15 and regulations of the remote state.

16

17 Section 8. Adverse Actions

18

19 a. In addition to the other powers conferred by state law, a  
20 remote state shall have the authority, in accordance with existing  
21 state due process law, to:

22 (1) take adverse action against a licensed professional  
23 counselor's privilege to practice within that member state;

24 (2) issue subpoenas for both hearings and investigations that  
25 require the attendance and testimony of witnesses as well as the  
26 production of evidence. Subpoenas issued by a licensing board in a  
27 member state for the attendance and testimony of witnesses or the  
28 production of evidence from another member state shall be enforced  
29 in the latter state by any court of competent jurisdiction, according  
30 to the practice and procedure of that court applicable to subpoenas  
31 issued in proceedings pending before it. The issuing authority shall  
32 pay any witness fees, travel expenses, mileage, and other fees  
33 required by the service statutes of the state in which the witnesses  
34 or evidence are located; and

35 (3) only the home state shall have the power to take adverse  
36 action against a licensed professional counselor's license issued by  
37 the home state.

38 b. For purposes of taking adverse action, the home state shall  
39 give the same priority and effect to reported conduct received from  
40 a member state as it would if the conduct had occurred within the  
41 home state. In so doing, the home state shall apply its own state  
42 laws to determine appropriate action.

43 c. The home state shall complete any pending investigation of  
44 a licensed professional counselor who changes primary state of  
45 residence during the course of the investigation. The home state  
46 shall also have the authority to take appropriate action and shall  
47 promptly report the conclusion of any investigation to the  
48 administrator of the data system. The administrator of the

1 coordinated licensure information system shall promptly notify the  
2 new home state of any adverse actions.

3 d. A member state, if otherwise permitted by state law, may  
4 recover from the affected licensed professional counselor the costs  
5 of investigations and dispositions of cases resulting from any  
6 adverse action taken against that licensed professional counselor.

7 e. A member state may take adverse action based on the factual  
8 findings of the remote state, provided that the member state follows  
9 its own procedures for taking the adverse action.

10 f. In addition to the authority granted to a member state by its  
11 respective professional counseling practice act or other applicable  
12 state law, any member state may participate with other member  
13 states in joint investigations of licensees. Member states shall share  
14 any investigative, litigation, or compliance materials in furtherance  
15 of any joint or individual investigation initiated under this compact.

16 g. If adverse action is taken by a home state against the license  
17 of a licensed professional counselor, the licensed professional  
18 counselor's privilege to practice in all other member states shall be  
19 deactivated until all encumbrances have been removed from the  
20 state license. All home state disciplinary orders that impose  
21 adverse action against the license of a licensed professional  
22 counselor shall include a statement that the licensed professional  
23 counselor's privilege to practice is deactivated in all member states  
24 during the pendency of the order.

25 h. If a member state takes adverse action, it shall promptly  
26 notify the administrator of the data system. The administrator of the  
27 data system shall promptly notify the home state of any adverse  
28 actions by remote states.

29 i. Nothing in this compact shall override a member state's  
30 decision that participation in an alternative program may be used in  
31 lieu of adverse action.

32

33 Section 9. Establishment of Counseling Compact Commission

34

35 a. The compact member states hereby create and establish a  
36 joint public agency known as the Counseling Compact Commission.

37 (1) The commission is an instrumentality of the compact states.

38 (2) Venue is proper and judicial proceedings by or against the  
39 commission shall be brought solely and exclusively in a court of  
40 competent jurisdiction where the principal office of the commission  
41 is located. The commission may waive venue and jurisdictional  
42 defenses to the extent it adopts or consents to participate in  
43 alternative dispute resolution proceedings.

44 (3) Nothing in this compact shall be construed to be a waiver of  
45 sovereign immunity.

46 b. (1) Each member state shall have and be limited to one  
47 delegate selected by that member state's licensing board.

48 (2) The delegate shall be either:

- 1 (a) a current member of the licensing board at the time of
- 2 appointment, who is a licensed professional counselor or public
- 3 member; or
- 4 (b) an administrator of the licensing board.
- 5 (3) Any delegate may be removed or suspended from office as
- 6 provided by the law of the state from which the delegate is
- 7 appointed.
- 8 (4) The member state licensing board shall fill any vacancy
- 9 occurring on the commission within 60 days.
- 10 (5) Each delegate shall be entitled to one vote with regard to the
- 11 promulgation of rules and the creation of bylaws and shall
- 12 otherwise have an opportunity to participate in the business and
- 13 affairs of the commission.
- 14 (6) A delegate shall vote in person or by such other means as
- 15 provided in the bylaws. The bylaws may provide for delegates'
- 16 participation in meetings by telephone or other means of
- 17 communication.
- 18 (7) The commission shall meet at least once during each calendar
- 19 year. Additional meetings shall be held as set forth in the bylaws.
- 20 (8) The commission shall by rule establish a term of office for
- 21 delegates and may by rule establish term limits.
- 22 c. The commission shall have the following powers and duties:
- 23 (1) establish the fiscal year of the commission;
- 24 (2) establish bylaws;
- 25 (3) maintain its financial records in accordance with the bylaws;
- 26 (4) meet and take such actions as are consistent with the
- 27 provisions of this compact and the bylaws;
- 28 (5) promulgate rules which shall be binding to the extent and in
- 29 the manner provided for in the compact;
- 30 (6) bring and prosecute legal proceedings or actions in the name
- 31 of the commission, provided that the standing of any state licensing
- 32 board to sue or be sued under applicable law shall not be affected;
- 33 (7) purchase and maintain insurance and bonds;
- 34 (8) borrow, accept, or contract for services of personnel,
- 35 including, but not limited to, employees of a member state;
- 36 (9) hire employees, elect or appoint officers, fix compensation,
- 37 define duties, grant such individuals appropriate authority to carry
- 38 out the purposes of the compact, and establish the commission's
- 39 personnel policies and programs relating to conflicts of interest,
- 40 qualifications of personnel, and other related personnel matters;
- 41 (10) accept any and all appropriate donations and grants of
- 42 money, equipment, supplies, materials, and services, and to receive,
- 43 utilize, and dispose of the same; provided that at all times the
- 44 commission shall avoid any appearance of impropriety or conflict
- 45 of interest;
- 46 (11) lease, purchase, accept appropriate gifts or donations of, or
- 47 otherwise own, hold, improve or use, any property, real, personal,

- 1 or mixed; provided that at all times the commission shall avoid any  
2 appearance of impropriety;
- 3 (12) sell convey, mortgage, pledge, lease, exchange, abandon, or  
4 otherwise dispose of any property real, personal, or mixed;
- 5 (13) establish a budget and make expenditures;
- 6 (14) borrow money;
- 7 (15) appoint committees, including standing committees  
8 composed of members, state regulators, state legislators or their  
9 representatives, and consumer representatives, and such other  
10 interested persons as may be designated in this compact and the  
11 bylaws;
- 12 (16) provide and receive information from, and cooperate with,  
13 law enforcement agencies;
- 14 (17) establish and elect an executive committee consistent with  
15 the requirements of subsection d. of this section; and
- 16 (18) perform such other functions as may be necessary or  
17 appropriate to achieve the purposes of this compact consistent with  
18 the state regulation of professional counseling licensure and  
19 practice.
- 20 d. (1) The executive committee shall have the power to act on  
21 behalf of the commission according to the terms of this compact.
- 22 (2) The executive committee shall be composed of up to 11  
23 members, as follows:
- 24 (a) seven voting members who shall be elected by the  
25 commission from the current membership of the commission; and
- 26 (b) up to four ex-officio, nonvoting members from four  
27 recognized national professional counselor organizations, who shall  
28 be selected by their respective organizations.
- 29 (3) The commission may remove any member of the executive  
30 committee as provided in bylaws.
- 31 (4) The executive committee shall meet at least annually.
- 32 (5) The executive committee shall have the following duties and  
33 responsibilities:
- 34 (a) recommending to the entire commission changes to the rules  
35 or bylaws, changes to this compact legislation, fees paid by  
36 compact member states such as annual dues, and any commission  
37 compact fee charged to licensees for the privilege to practice;
- 38 (b) ensuring compact administration services are appropriately  
39 provided, contractual or otherwise;
- 40 (c) preparing and recommending the budget;
- 41 (d) maintaining financial records on behalf of the commission;
- 42 (e) monitoring compact compliance of member states and  
43 providing compliance reports to the commission;
- 44 (f) establishing additional committees as necessary; and
- 45 (g) performing other duties as provided in rules or bylaws.
- 46 e. (1) All meetings of the commission shall be open to the  
47 public, and public notice of meetings shall be given in the same

1 manner as required under the rulemaking provisions in section 11 of  
2 this compact.

3 (2) The commission or the executive committee or other  
4 committees of the commission may convene in a closed, non-public  
5 meeting in order for the commission, executive committee, or other  
6 committee of the commission to discuss:

7 (a) non-compliance of a member state with its obligations under  
8 the compact;

9 (b) the employment, compensation, discipline, or other matters,  
10 practices, or procedures related to specific employees or other  
11 matters related to the commission's internal personnel practices and  
12 procedures;

13 (c) current, threatened, or reasonably anticipated litigation;

14 (d) negotiation of contracts for the purchase, lease, or sale of  
15 goods, services, or real estate;

16 (e) accusing any person of a crime or formally censuring any  
17 person;

18 (f) disclosure of trade secrets or commercial or financial  
19 information that is privileged or confidential;

20 (g) disclosure of information of a personal nature where  
21 disclosure would constitute a clearly unwarranted invasion of  
22 personal privacy;

23 (h) disclosure of investigative records compiled for law  
24 enforcement purposes;

25 (i) disclosure of information related to any investigative reports  
26 prepared by or on behalf of or for use of the commission or other  
27 committee charged with responsibility of investigation or  
28 determination of compliance issues pursuant to the compact; and

29 (j) matters specifically exempted from disclosure by federal or  
30 member state statute.

31 (3) If a meeting, or portion of a meeting, is closed pursuant to  
32 paragraph (2) of this subsection, the commission's legal counsel or  
33 designee shall certify that the meeting may be closed and shall  
34 reference each relevant exempting provision.

35 (4) The commission shall keep minutes that fully and clearly  
36 describe all matters discussed in a meeting and shall provide a full  
37 and accurate summary of actions taken, and the reasons therefor,  
38 including a description of the views expressed. All documents  
39 considered in connection with an action shall be identified in such  
40 minutes. All minutes and documents of a closed meeting shall  
41 remain under seal, subject to release by a majority vote of the  
42 commission or order of a court of competent jurisdiction.

43 f. (1) The commission shall pay, or provide for the payment of,  
44 the reasonable expenses of its establishment, organization, and  
45 ongoing activities.

46 (2) The commission may accept any and all appropriate revenue  
47 sources, donations, and grants of money, equipment, supplies,  
48 materials, and services.

1 (3) The commission may levy on and collect an annual  
2 assessment from each member state or impose fees on other parties  
3 to cover the cost of the operations and activities of the commission  
4 and its staff, which shall be in a total amount sufficient to cover its  
5 annual budget as approved each year for which revenue is not  
6 provided by other sources. The aggregate annual assessment amount  
7 shall be allocated based upon a formula to be determined by the  
8 commission, which shall promulgate a rule binding upon all  
9 member states.

10 (4) The commission shall not incur obligations of any kind prior  
11 to securing the funds adequate to meet the same; nor shall the  
12 commission pledge the credit of any of the member states, except  
13 by and with the authority of the member state.

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

22 g. (1) The members, officers, executive director, employees  
23 and representatives of the commission shall be immune from suit  
24 and liability, either personally or in their official capacity, for any  
25 claim for damage to or loss of property or personal injury or other  
26 civil liability caused by or arising out of any actual or alleged act,  
27 error, or omission that occurred, or that the person against whom  
28 the claim is made had a reasonable basis for believing occurred  
29 within the scope of commission employment, duties, or  
30 responsibilities; provided that nothing in this paragraph shall be  
31 construed to protect any such person from suit or liability for any  
32 damage, loss, injury, or liability caused by the intentional, willful,  
33 or wanton misconduct of that person.

34 (2) The commission shall defend any member, officer, executive  
35 director, employee, or representative of the commission in any civil  
36 action seeking to impose liability arising out of any actual or  
37 alleged act, error, or omission that occurred within the scope of  
38 commission employment, duties, or responsibilities, or that the  
39 person against whom the claim is made had a reasonable basis for  
40 believing occurred within the scope of commission employment,  
41 duties, or responsibilities; provided that nothing herein shall be  
42 construed to prohibit that person from retaining his or her own  
43 counsel; and provided further, that the actual or alleged act, error,  
44 or omission did not result from that person's intentional, willful, or  
45 wanton misconduct.

46 (3) The commission shall indemnify and hold harmless any  
47 member, officer, executive director, employee, or representative of  
48 the commission for the amount of any settlement or judgment

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

8  
9 Section 10. Data System

10  
11 a. The commission shall provide for the development,  
12 maintenance, operation, and utilization of a coordinated database  
13 and reporting system containing licensure, adverse action, and  
14 investigative information on all licensed individuals in member  
15 states.

16 b. Notwithstanding any other provision of state law to the  
17 contrary, a member state shall submit a uniform data set to the data  
18 system on all individuals to whom this compact is applicable as  
19 required by the rules of the commission, including:

20 (1) identifying information;

21 (2) licensure data;

22 (3) adverse actions against a license or privilege to practice;

23 (4) non-confidential information related to alternative program  
24 participation;

25 (5) any denial of an application for licensure, and the reason for  
26 such denial;

27 (6) current significant investigative information; and

28 (7) other information that may facilitate the administration of  
29 this compact, as determined by the rules of the commission.

30 c. Investigative information pertaining to a licensee in any  
31 member state shall only be available to other member states.

32 d. The commission shall promptly notify all member states of  
33 any adverse action taken against a licensee or an individual  
34 applying for a license. Adverse action information pertaining to a  
35 licensee in any member state shall be available to any other member  
36 state.

37 e. Member states contributing information to the data system  
38 may designate information that may not be shared with the public  
39 without the express permission of the contributing state.

40 f. Any information submitted to the data system that is  
41 subsequently required to be expunged by the laws of the member  
42 state contributing the information shall be removed from the data  
43 system.

44  
45 Section 11. Rulemaking

46  
47 a. The commission shall promulgate reasonable rules in order  
48 to effectively and efficiently achieve the purpose of the compact.

1 Notwithstanding the foregoing, in the event the commission  
2 exercises its rulemaking authority in a manner that is beyond the  
3 scope of the purposes of the compact, or the powers granted  
4 hereunder, then such an action by the commission shall be invalid  
5 and have no force or effect.

6 b. The commission shall exercise its rulemaking powers  
7 pursuant to the criteria set forth in this section and the rules adopted  
8 thereunder. Rules and amendments shall become binding as of the  
9 date specified in each rule or amendment.

10 c. If a majority of the legislatures of the member states rejects  
11 a rule, by enactment of a statute or resolution in the same manner  
12 used to adopt the compact within four years of the date of adoption  
13 of the rule, then the rule shall have no further force and effect in  
14 any member state.

15 d. Rules or amendments to the rules shall be adopted at a  
16 regular or special meeting of the commission.

17 e. Prior to promulgation and adoption of a final rule or rules by  
18 the commission, and at least 30 days in advance of the meeting at  
19 which the rule will be considered and voted upon, the commission  
20 shall file a notice of proposed rulemaking:

21 (1) on the website of the commission or other publicly accessible  
22 platform; and

23 (2) on the website of each member state professional counseling  
24 licensing board or other publicly accessible platform or the  
25 publication in which each state would otherwise publish proposed  
26 rules.

27 f. The notice of proposed rulemaking shall include:

28 (1) the proposed time, date, and location of the meeting in which  
29 the rule will be considered and voted upon;

30 (2) the text of the proposed rule or amendment and the reason  
31 for the proposed rule;

32 (3) a request for comments on the proposed rule from any  
33 interested person; and

34 (4) the manner in which interested persons may submit notice to  
35 the commission of their intention to attend the public hearing and  
36 any written comments.

37 g. Prior to adoption of a proposed rule, the commission shall  
38 allow persons to submit written data, facts, opinions, and  
39 arguments, which shall be made available to the public.

40 h. The commission shall grant an opportunity for a public  
41 hearing before it adopts a rule or amendment if a hearing is  
42 requested by:

43 (1) at least 25 persons;

44 (2) a state or federal governmental subdivision or agency; or

45 (3) an association having at least 25 members.

46 i. If a hearing is held on a proposed rule or amendment  
47 pursuant to subsection h. of this section, the commission shall  
48 publish the place, time, and date of the scheduled public hearing. If

1 the hearing is held via electronic means, the commission shall  
2 publish the mechanism for access to the electronic hearing.

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

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

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

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

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

19 k. If no written notice of intent to attend a public hearing by  
20 interested parties is received, the commission may proceed with  
21 promulgation of the proposed rule without a public hearing.

22 l. The commission shall, by majority vote of all members, take  
23 final action on the proposed rule and shall determine the effective  
24 date of the rule, if any, based on the rulemaking record and the full  
25 text of the rule.

26 m. Upon determination that an emergency exists, the  
27 commission may consider and adopt an emergency rule without  
28 prior notice, opportunity for comment, or hearing, provided that the  
29 usual rulemaking procedures provided in the compact and in this  
30 section shall be retroactively applied to the rule as soon as  
31 reasonably possible, but in no event later than 90 days after the  
32 effective date of the rule. For the purposes of this subsection, an  
33 emergency rule is one that shall be adopted immediately in order to:

- 34 (1) meet an imminent threat to public health, safety, or welfare;  
35 (2) prevent a loss of commission or member state funds;  
36 (3) meet a deadline for the promulgation of an administrative  
37 rule that is established by federal law or rule; or  
38 (4) protect public health and safety.

39 n. The commission or an authorized committee of the  
40 commission may direct revisions to a previously adopted rule or  
41 amendment for purposes of correcting typographical errors, errors  
42 in format, errors in consistency, or grammatical errors. Public  
43 notice of any revisions shall be posted on the website of the  
44 commission. The revision shall be subject to challenge by any  
45 person for a period of 30 days after posting. The revision may be  
46 challenged only on grounds that the revision results in a material  
47 change to a rule. A challenge shall be made in writing and  
48 delivered to the chair of the commission prior to the end of the

1 notice period. If no challenge is made, the revision shall take effect  
2 without further action. If the revision is challenged, the revision  
3 may not take effect without the approval of the commission.  
4

5 Section 12. Oversight, Dispute Resolution, and Enforcement  
6

7 a. (1) The executive, legislative, and judicial branches of state  
8 government in each member state shall enforce this compact and  
9 take all actions necessary and appropriate to effectuate the  
10 compact's purposes and intent. The provisions of this compact and  
11 the rules promulgated hereunder shall have standing as statutory  
12 law.

13 (2) All courts shall take judicial notice of the compact and the  
14 rules in any judicial or administrative proceeding in a member state  
15 pertaining to the subject matter of this compact which may affect  
16 the powers, responsibilities, or actions of the commission.

17 (3) The commission shall be entitled to receive service of  
18 process in any such proceeding and shall have standing to intervene  
19 in such a proceeding for all purposes. Failure to provide service of  
20 process to the commission shall render a judgment or order void as  
21 to the commission, this compact, or promulgated rules.

22 b. (1) If the commission determines that a member state has  
23 defaulted in the performance of its obligations or responsibilities  
24 under this compact or the promulgated rules, the commission shall:

25 (a) provide written notice to the defaulting state and other  
26 member states of the nature of the default, the proposed means of  
27 curing the default, or any other action to be taken by the  
28 commission; and

29 (b) provide remedial training and specific technical assistance  
30 regarding the default.

31 c. If a state in default fails to cure the default, the defaulting  
32 state may be terminated from the compact upon an affirmative vote  
33 of a majority of the member states, and all rights, privileges, and  
34 benefits conferred by this compact may be terminated on the  
35 effective date of the termination. A cure of a default shall not  
36 relieve the offending state of obligations or liabilities incurred  
37 during the period of default.

38 d. Termination of membership in the compact shall be imposed  
39 only after all other means of securing compliance have been  
40 exhausted. Notice of intent to suspend or terminate shall be given  
41 by the commission to the governor, the majority and minority  
42 leaders of the defaulting state's legislature, and each of the member  
43 states.

44 e. A state that has been terminated is responsible for all  
45 assessments, obligations, and liabilities incurred through the  
46 effective date of termination, including obligations that extend  
47 beyond the effective date of termination.

1 f. The commission shall not bear any costs related to a state  
2 that is found to be in default or that has been terminated from the  
3 compact, unless agreed upon in writing between the commission  
4 and the defaulting state.

5 g. The defaulting State may appeal the action of the  
6 commission by petitioning the U.S. District Court for the District of  
7 Columbia or the federal district where the commission has its  
8 principal offices. The prevailing member shall be awarded all costs  
9 of the litigation, including reasonable attorney's fees.

10 h. (1) Upon request by a member state, the commission shall  
11 attempt to resolve disputes related to the compact that arise among  
12 member states and between member and non-member states.

13 (2) The commission shall promulgate a rule providing for both  
14 mediation and binding dispute resolution for disputes as  
15 appropriate.

16 i. (1) The commission, in the reasonable exercise of its  
17 discretion, shall enforce the provisions and rules of this compact.

18 (2) By majority vote, the commission may initiate legal action in  
19 the United States District Court for the District of Columbia or the  
20 federal district where the commission has its principal offices  
21 against a member state in default to enforce compliance with the  
22 provisions of the compact and its promulgated rules and bylaws.  
23 The relief sought may include both injunctive relief and damages.  
24 In the event judicial enforcement is necessary, the prevailing  
25 member shall be awarded all costs of the litigation, including  
26 reasonable attorney's fees.

27 (3) The remedies herein shall not be the exclusive remedies of  
28 the commission. The commission may pursue any other remedies  
29 available under federal or state law.

30

31 Section 13. Date of Implementation of the Counseling Compact  
32 Commission and Associated Rules, Withdrawal, and Amendment.

33

34 a. The compact shall come into effect on the date on which the  
35 compact statute is enacted into law in the 10th member state. The  
36 provisions, which become effective at that time, shall be limited to  
37 the powers granted to the commission relating to assembly and the  
38 promulgation of rules. Thereafter, the commission shall meet and  
39 exercise rulemaking powers necessary to the implementation and  
40 administration of the compact.

41 b. Any state that joins the compact subsequent to the  
42 commission's initial adoption of the rules shall be subject to the  
43 rules as they exist on the date on which the compact becomes law in  
44 that state. Any rule that has been previously adopted by the  
45 commission shall have the full force and effect of law on the day  
46 the compact becomes law in that state.

47 c. Any member state may withdraw from this compact by  
48 enacting a statute repealing the same.

1 (1) A member state's withdrawal shall not take effect until six  
2 months after enactment of the repealing statute.

3 (2) Withdrawal shall not affect the continuing requirement of the  
4 withdrawing state's professional counseling licensing board to  
5 comply with the investigative and adverse action reporting  
6 requirements of this compact prior to the effective date of  
7 withdrawal.

8 d. Nothing contained in this compact shall be construed to  
9 invalidate or prevent any professional counseling licensure  
10 agreement or other cooperative arrangement between a member  
11 state and a non-member state that does not conflict with the  
12 provisions of this compact.

13 e. This compact may be amended by the member states. No  
14 amendment to this compact shall become effective and binding  
15 upon any member state until it is enacted into the laws of all  
16 member states.

17

#### 18 Section 14. Construction and Severability

19

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

32

#### 33 Section 15. Binding Effect of Compact and Other Laws

34

35 a. A licensee providing professional counseling services in a  
36 remote state under the privilege to practice shall adhere to the laws  
37 and regulations, including scope of practice, of the remote state.

38 b. Nothing herein prevents the enforcement of any other law of  
39 a member state that is not inconsistent with the compact.

40 c. Any laws in a member state in conflict with the compact are  
41 superseded to the extent of the conflict.

42 d. Any lawful actions of the commission, including all rules  
43 and bylaws properly promulgated by the commission, are binding  
44 upon the member states.

45 e. All permissible agreements between the commission and the  
46 member states are binding in accordance with their terms.

47 f. In the event any provision of the compact exceeds the  
48 constitutional limits imposed on the legislature of any member

1 state, the provision shall be ineffective to the extent of the conflict  
2 with the constitutional provision in question in that member state.

3

4 2. This act shall take effect immediately.

5

6

7

STATEMENT

8

9 This bill enters New Jersey into the Counseling Compact. The  
10 Counseling Compact (compact) is an interstate compact, or a  
11 contract among states, allowing professional counselors licensed  
12 and residing in a compact member state to practice in other compact  
13 member states without need for multiple licenses.

14 The purpose of this compact is to facilitate interstate practice of  
15 licensed professional counselors with the goal of improving public  
16 access to professional counseling services. The practice of  
17 professional counseling occurs in the state where the client is  
18 located at the time of the counseling services. The compact  
19 preserves the regulatory authority of states to protect public health  
20 and safety through the current system of state licensure. In  
21 addition, the compact is designed to achieve the following  
22 objectives: 1) increase public access to professional counseling  
23 services by providing for the mutual recognition of other member  
24 state licenses; 2) enhance the states' ability to protect the public's  
25 health and safety; 3) encourage the cooperation of member states in  
26 regulating multistate practice for licensed professional counselors;  
27 4) support spouses of relocating active duty military personnel; 5)  
28 enhance the exchange of licensure, investigative, and disciplinary  
29 information among member states; 6) allow for the use of telehealth  
30 technology to facilitate increased access to professional counseling  
31 services; 7) support the uniformity of professional counseling  
32 licensure requirements throughout the states to promote public  
33 safety and public health benefits; 8) invest all member states with  
34 the authority to hold a licensed professional counselor accountable  
35 for meeting all state practice laws in the state in which the client is  
36 located at the time care is rendered through the mutual recognition  
37 of member state licenses; 9) eliminate the necessity for licenses in  
38 multiple states; and 10) provide opportunities for interstate practice  
39 by licensed professional counselors who meet uniform licensure  
40 requirements.

41 The compact is administered by a commission comprising  
42 representatives of each of the member states. The commission has  
43 certain powers to promulgate rules and bylaws, create a budget,  
44 conduct investigations, assess member fees, and to generally  
45 enforce the provisions of the compact. The compact sets forth  
46 procedures for investigating and disciplining professional  
47 counselors for misconduct, as well as for communicating to member  
48 states information concerning a professional counselor who is under

1 investigation, has lost the right to practice under the compact, or  
2 who has regained the right to practice under the compact.

3 The compact provides that it takes effect when it has been  
4 adopted in 10 states. Currently, 16 states have joined the compact:  
5 Alabama, Colorado, Florida, Georgia, Kentucky, Louisiana, Maine,  
6 Maryland, Mississippi, Nebraska, New Hampshire, North Carolina,  
7 Ohio, Tennessee, Utah, and West Virginia.

# ASSEMBLY HEALTH COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 5311

# STATE OF NEW JERSEY

DATED: NOVEMBER 20, 2023

The Assembly Health Committee reports favorably Assembly Bill No. 5311.

This bill enters New Jersey into the Counseling Compact (compact). The compact is an interstate compact, or a contract among states, allowing professional counselors licensed and residing in a compact member state to practice in other compact member states without the need for multiple licenses.

The purpose of this compact is to facilitate interstate practice of licensed professional counselors with the goal of improving public access to professional counseling services. The practice of professional counseling occurs in the state where the client is located at the time of the counseling services. The compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure. In addition, the compact is designed to achieve the following objectives: 1) increase public access to professional counseling services by providing for the mutual recognition of other member state licenses; 2) enhance the states' ability to protect the public's health and safety; 3) encourage the cooperation of member states in regulating multistate practice for licensed professional counselors; 4) support spouses of relocating active duty military personnel; 5) enhance the exchange of licensure, investigative, and disciplinary information among member states; 6) allow for the use of telehealth technology to facilitate increased access to professional counseling services; 7) support the uniformity of professional counseling licensure requirements throughout the states to promote public safety and public health benefits; 8) invest all member states with the authority to hold a licensed professional counselor accountable for meeting all state practice laws in the state in which the client is located at the time care is rendered through the mutual recognition of member state licenses; 9) eliminate the necessity for licenses in multiple states; and 10) provide opportunities for interstate practice by licensed professional counselors who meet uniform licensure requirements.

The compact is administered by a commission comprising representatives of each of the member states. The commission has certain powers to promulgate rules and bylaws, create a budget, conduct investigations, assess member fees, and to generally enforce the provisions of the compact. The compact sets forth procedures for

investigating and disciplining professional counselors for misconduct, as well as for communicating to member states information concerning a professional counselor who is under investigation, has lost the right to practice under the compact, or who has regained the right to practice under the compact.

The compact provides that it takes effect when it has been adopted in 10 states. As of September 1, 2023, 30 states have enacted the compact. The 13 states joining the compact in 2023 were Arkansas, Connecticut, Indiana, Iowa, Kansas, Missouri, Montana, North Dakota, Oklahoma, Virginia, Vermont, Washington, and Wyoming.

SENATE HEALTH, HUMAN SERVICES AND SENIOR  
CITIZENS COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 5311**

**STATE OF NEW JERSEY**

DATED: DECEMBER 14, 2023

The Senate Health, Human Services and Senior Citizens Committee reports favorably Assembly Bill No. 5311.

This bill enters New Jersey into the Counseling Compact. The Counseling Compact (compact) is an interstate compact, or a contract among states, allowing professional counselors licensed and residing in a compact member state to practice in other compact member states without need for multiple licenses.

The purpose of this compact is to facilitate interstate practice of licensed professional counselors with the goal of improving public access to professional counseling services. The practice of professional counseling occurs in the state where the client is located at the time of the counseling services. The compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure. In addition, the compact is designed to achieve the following objectives: 1) increase public access to professional counseling services by providing for the mutual recognition of other member state licenses; 2) enhance the states' ability to protect the public's health and safety; 3) encourage the cooperation of member states in regulating multistate practice for licensed professional counselors; 4) support spouses of relocating active duty military personnel; 5) enhance the exchange of licensure, investigative, and disciplinary information among member states; 6) allow for the use of telehealth technology to facilitate increased access to professional counseling services; 7) support the uniformity of professional counseling licensure requirements throughout the states to promote public safety and public health benefits; 8) invest all member states with the authority to hold a licensed professional counselor accountable for meeting all state practice laws in the state in which the client is located at the time care is rendered through the mutual recognition of member state licenses; 9) eliminate the necessity for licenses in multiple states; and 10) provide opportunities for interstate practice by licensed professional counselors who meet uniform licensure requirements.

The compact is administered by a commission comprising representatives of each of the member states. The commission has

certain powers to promulgate rules and bylaws, create a budget, conduct investigations, assess member fees, and to generally enforce the provisions of the compact. The compact sets forth procedures for investigating and disciplining professional counselors for misconduct, as well as for communicating to member states information concerning a professional counselor who is under investigation, has lost the right to practice under the compact, or who has regained the right to practice under the compact.

The compact provides that it takes effect when it has been adopted in 10 states. Currently, 30 states have joined the compact: Alabama, Arkansas, Connecticut, Colorado, Delaware, Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Mississippi, Missouri, Montana, Nebraska, New Hampshire, North Carolina, North Dakota, Ohio, Oklahoma, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, and Wyoming.

As reported by the committee, Assembly Bill No. 5311 is identical to Senate Bill No. 3061, which was also reported by the committee on this date.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 5311

# STATE OF NEW JERSEY

DATED: JANUARY 4, 2024

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 5311.

This bill enters New Jersey into the Counseling Compact. The Counseling Compact (compact) is an interstate compact, or a contract among states, allowing professional counselors licensed and residing in a compact member state to practice in other compact member states without need for multiple licenses.

The purpose of this compact is to facilitate interstate practice of licensed professional counselors with the goal of improving public access to professional counseling services. The practice of professional counseling occurs in the state where the client is located at the time of the counseling services. The compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure. In addition, the compact is designed to achieve the following objectives: 1) increase public access to professional counseling services by providing for the mutual recognition of other member state licenses; 2) enhance the states' ability to protect the public's health and safety; 3) encourage the cooperation of member states in regulating multistate practice for licensed professional counselors; 4) support spouses of relocating active duty military personnel; 5) enhance the exchange of licensure, investigative, and disciplinary information among member states; 6) allow for the use of telehealth technology to facilitate increased access to professional counseling services; 7) support the uniformity of professional counseling licensure requirements throughout the states to promote public safety and public health benefits; 8) invest all member states with the authority to hold a licensed professional counselor accountable for meeting all state practice laws in the state in which the client is located at the time care is rendered through the mutual recognition of member state licenses; 9) eliminate the necessity for licenses in multiple states; and 10) provide opportunities for interstate practice by licensed professional counselors who meet uniform licensure requirements.

The compact is administered by a commission comprising representatives of each of the member states. The commission has certain powers to promulgate rules and bylaws, create a budget, conduct investigations, assess member fees, and to generally enforce the provisions of the compact. The compact sets forth procedures for

investigating and disciplining professional counselors for misconduct, as well as for communicating to member states information concerning a professional counselor who is under investigation, has lost the right to practice under the compact, or who has regained the right to practice under the compact.

The compact provides that it takes effect when it has been adopted in 10 states. Currently, 30 states have joined the compact: Alabama, Arkansas, Connecticut, Colorado, Delaware, Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Mississippi, Missouri, Montana, Nebraska, New Hampshire, North Carolina, North Dakota, Ohio, Oklahoma, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, and Wyoming.

As reported by the committee, Assembly Bill No. 5311 is identical to Senate Bill No. 3061, which was also reported by the committee on this date.

**FISCAL IMPACT:**

The Office of Legislative Services (OLS) concludes that annual State expenditures will increase by an indeterminate amount under the bill, which will enter the State into the interstate Counseling Compact. The OLS cannot quantify the net fiscal impact of the bill, given a lack of information on the impact that the State's participation in the compact may have on operating costs for the Professional Counselor Examiners Committee of the State Board of Marriage and Family Therapy Examiners, which licenses professional counselors.

Factors that will influence the State's operational costs under the bill include the amount of the annual fee that the State may be charged as a compact member, and the costs for the State to align its professional counselor licensing data with the licensure data system that all compact member states utilize.

Annual State revenues may fall by a marginal amount, depending upon the number of licensed professional counselors living in a remote compact member state who may seek to convert a State license to a privilege to practice. To the extent that the State's fee for a privilege to practice as a professional counselor equals or nears the fee charged for a State license, State revenues may be only marginally affected.

**LEGISLATIVE FISCAL ESTIMATE**  
**ASSEMBLY, No. 5311**  
**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

DATED: DECEMBER 8, 2023

**SUMMARY**

**Synopsis:** Enters New Jersey into Counseling Compact.

**Type of Impact:** Annual increase in State expenditures; Annual decrease in State revenues.

**Agencies Affected:** Division of Consumer Affairs – Department of Law and Public Safety.

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b><u>Annual</u></b>
<b>State Expenditure Increase</b>	Indeterminate
<b>State Revenue Decrease</b>	Indeterminate

- The Office of Legislative Services (OLS) concludes that annual State expenditures will increase by an indeterminate amount under the bill, which will enter the State into the interstate Counseling Compact. The OLS cannot quantify the net fiscal impact of the bill, given a lack of information on the impact that the State’s participation in the compact may have on operating costs for the Professional Counselor Examiners Committee of the State Board of Marriage and Family Therapy Examiners, which licenses professional counselors.
- Factors that will influence the State’s operational costs under the bill include the amount of the annual fee that the State may be charged as a compact member, and the costs for the State to align its professional counselor licensing data with the licensure data system that all compact member states utilize.
- Annual State revenues may fall by a marginal amount, depending upon the number of licensed professional counselors living in a remote compact member state who may seek to convert a State license to a privilege to practice. To the extent that the State’s fee for a privilege to practice as a professional counselor equals or nears the fee charged for a State license, State revenues may be only marginally affected.

## **BILL DESCRIPTION**

This bill enters New Jersey into the interstate Counseling Compact, which would allow professional counselors, who are licensed and residing in a compact member state, to practice in other compact member states without the need for multiple licenses. The purpose of this compact is to facilitate interstate practice of licensed professional counselors with the goal of improving public access to professional counseling services, while also preserving the State's regulatory authority over the profession through the State licensure process.

Under the compact, the State would be required to grant the privilege to practice to a licensed professional counselor who holds an unrestricted license, in accordance with the rules of the compact, in a compact member state.

The bill provides that a compact member state may charge applicants a fee for granting the privilege to practice. Licensed professional counselors, moreover, are required to pay any applicable fees, including any fees assessed by a compact member state for the privilege to practice. A compact member state is also authorized to regulate, in accordance with the state's laws, a licensee who is providing professional counselor services remotely, under a privilege to practice; such regulatory action may include the imposition of fines or other adverse actions, as necessary to protect the health and safety of the state's residents.

Compact member states, additionally, will recognize the ability of a licensed professional counselor, who is licensed by another compact member state, to practice professional counseling in any member state via telehealth under a privilege to practice.

Although the bill maintains a home state's power to take adverse action against a license issued by that home state, it also authorizes a remote state to investigate and take adverse actions against a privilege to practice issued by that remote state. If allowed under state law, a remote state may recover from a licensee any investigative costs related to an adverse action taken against the licensee.

The bill additionally establishes the Counseling Compact Commission as an instrumentality of the compact member states. The commission is endowed with broad authorities, which include the power to: establish bylaws and promulgate rules; hire staff; contract for services; accept donations and grants, including of equipment and services; lease, purchase, own, and accept appropriate gifts or donations of property; sell, lease, or otherwise dispose of any property; establish a budget and make expenditures; and borrow money. Each compact member state will have one representative on the commission, who will be selected by the state's licensing board.

The bill explicitly provides that the compact commission may assess an annual fee from each member state or impose fees on other parties, in an amount equal to the total cost of the compact's operations, less any revenue provided by outside sources. The bill further directs that the aggregate annual assessment amount will be allocated based on a formula to be established in regulations promulgated by the commission.

The compact took effect in April 2022, once it had been adopted in ten states. As of September 1, 2023, 30 states have enacted the compact.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received. According to the Division of Consumer Affairs in the Department of Law and Public Safety, the division's fiscal note is under review as of the date of publication of this fiscal analysis.

***OFFICE OF LEGISLATIVE SERVICES***

The OLS determines that annual State expenditures will increase by an indeterminate amount, and State revenues may fall by a marginal amount, under the bill. The OLS cannot quantify the net fiscal impact of the bill on the Professional Counselor Examiners Committee of the State Board of Marriage and Family Therapy Examiners, given a lack of sufficient information regarding:

1) Increases in committee and board operating expenses to join the compact and regulate additional out-of-state professional counselors who are granted a privilege to practice in the State. The Division of Consumer Affairs does not have information on the number of professional counselors residing in compact member states who may apply for a privilege to practice in the State. As such, the extent to which the board's operational costs to process privilege to practice applications, monitor counselors with a privilege to practice in the State, and provide compact member states with information regarding State licensed professional counselors cannot be determined.

The committee also may incur one-time costs to align its existing data system for licensed professional counselors with the requirements of the compact's data system. Without information regarding the extent to which the committee's existing system aligns with the requirements of the compact's data system, the OLS cannot determine the costs associated with the data system requirements established under the bill.

Another factor affecting the State's costs to join the compact is the annual fee that the compact commission may assess from member states. A representative of the Counseling Compact noted that, as of late 2023, the compact commission does not plan to assess an annual fee from member states because financial contributions and grants from outside sources are sufficient to cover the compact's current operating costs. In future years, however, the compact commission may charge member states an annual fee in order to cover the compact's annual operational costs.

2) Decreases in State revenues from professional counselor licensing fees charged to professional counselors, currently living in a compact member state, who may relinquish their existing State in favor of a privilege to practice under the compact. The OLS cannot determine with any certainty, using publicly available sources, the number of licensed professional counselors living in a compact member state who may seek to convert a State license to a privilege to practice. The number could be reduced by the fact that neither New York nor Pennsylvania have adopted the compact or have pending legislation to join the compact; Delaware is the only state bordering New Jersey that has joined the compact. However, the fact that the bill allows professional counselors, who reside in a compact member state, to apply for a privilege to practice via telemedicine in a remote compact state could significantly reduce the number of out-of-state professional counselors seeking State licensure.

The revenue impact of such a shift by out-of-state professional counselors will be determined by the amount of the fee that the State may charge for a privilege to practice, as permitted under the bill. Given that professional counselor licenses are renewed biennially, on December 1<sup>st</sup> of every even numbered year, State revenues would not be affected until FY 2025. To the extent that the State's fee for a privilege to practice matches or nears the \$250 charged for an initial or renewal license, State revenues may be only marginally affected.

As of October 2023, the committee regulated 7,264 licensed professional counselors. However, it is unclear how many of these licensed professional counselors have active versus inactive licenses, and how many hold a New Jersey home state license versus those who are issued a New Jersey license under reciprocity with another state that the committee has identified as having licensing requirements similar to those of New Jersey.

Additionally, licensed professional counselors are authorized under current law to engage in telemedicine and telehealth, provided the services meet the standard of care applicable for the same services when provided in person. Authorization to engage in telemedicine and telehealth extends to a licensed professional counselor who is located in the State and provides professional counseling services to a client located either in the State or in another state, and to a State licensed professional counselor who is located outside of the State and provides such services to a client located in the State.

New Jersey currently participates in four interstate professional licensing compacts for health professionals: the Nurse Licensure Compact, the Interstate Medical Licensure Compact, the Psychology Interjurisdictional Compact, and the Physical Therapy Licensure Compact. Moreover, five additional bills that would enter the State into various health professional interstate licensure compacts have been introduced during the current legislative session.

*Section: Human Services*

*Analyst: Anne Cappabianca  
Senior Fiscal Analyst*

*Approved: Thomas Koenig  
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

**SENATE, No. 3061**

**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

INTRODUCED SEPTEMBER 29, 2022

**Sponsored by:**

**Senator JEAN STANFIELD**

**District 8 (Atlantic, Burlington and Camden)**

**Senator SHIRLEY K. TURNER**

**District 15 (Hunterdon and Mercer)**

**Co-Sponsored by:**

**Senators O'Scanlon, Schepisi, A.M.Bucco, Diegnan and Gopal**

**SYNOPSIS**

Enters New Jersey into Counseling Compact.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 1/8/2024)**

1 AN ACT concerning counseling services and supplementing Title 45  
2 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. The State of New Jersey enacts and enters into the Counseling  
8 Compact with all other jurisdictions that legally join the compact in  
9 the form substantially as follows:

10

11 Section 1. Purpose

12

13 The purpose of this compact is to facilitate interstate practice of  
14 licensed professional counselors with the goal of improving public  
15 access to professional counseling services. The practice of  
16 professional counseling occurs in the state where the client is  
17 located at the time of the counseling services. The compact  
18 preserves the regulatory authority of states to protect public health  
19 and safety through the current system of state licensure. This  
20 compact is designed to achieve the following objectives:

21

a. increase public access to professional counseling services by  
22 providing for the mutual recognition of other member state licenses;

23

b. enhance the states' ability to protect the public's health and  
24 safety;

25

c. encourage the cooperation of member states in regulating  
26 multistate practice for licensed professional counselors;

27

d. support spouses of relocating active duty military personnel;

28

e. enhance the exchange of licensure, investigative, and  
29 disciplinary information among member states;

30

f. allow for the use of telehealth technology to facilitate  
31 increased access to professional counseling services;

32

g. support the uniformity of professional counseling licensure  
33 requirements throughout the states to promote public safety and  
34 public health benefits;

35

h. invest all member states with the authority to hold a licensed  
36 professional counselor accountable for meeting all state practice  
37 laws in the state in which the client is located at the time care is  
38 rendered through the mutual recognition of member state licenses;

39

i. eliminate the necessity for licenses in multiple states; and

40

j. provide opportunities for interstate practice by licensed  
41 professional counselors who meet uniform licensure requirements.

42

43 Section 2. Definitions

44

45 As used in this compact, and except as otherwise provided:

46

“Active duty military” means full-time duty status in the active  
47 uniformed service of the United States, including members of the

1 National Guard and Reserve on active duty orders pursuant to 10  
2 U.S.C. chapters 1209 and 1211.

3 “Adverse action” means any administrative, civil, equitable, or  
4 criminal action permitted by a State’s laws which is imposed by a  
5 licensing board or other authority against a licensed professional  
6 counselor, including actions against an individual’s license or  
7 privilege to practice such as revocation, suspension, probation,  
8 monitoring of the licensee, limitation on the licensee’s practice, or  
9 any other encumbrance on licensure affecting a licensed  
10 professional counselor’s authorization to practice, including  
11 issuance of a cease and desist action.

12 “Alternative program” means a non-disciplinary monitoring or  
13 practice remediation process approved by a professional counseling  
14 licensing board to address impaired practitioners.

15 “Continuing competence/education” means a requirement, as a  
16 condition of license renewal, to provide evidence of participation  
17 in, or completion of, educational, and professional activities  
18 relevant to practice or area of work.

19 “Counseling compact commission” or “commission” means the  
20 national administrative body whose membership consists of all  
21 states that have enacted the compact.

22 “Current significant investigative information” means:

23 (1) investigative information that a licensing board, after a  
24 preliminary inquiry that includes notification and an opportunity for  
25 the licensed professional counselor to respond, if required by state  
26 law, has reason to believe is not groundless and, if proved true,  
27 would indicate more than a minor infraction; or

28 (2) investigative information that indicates that the licensed  
29 professional counselor represents an immediate threat to public  
30 health and safety regardless of whether the licensed professional  
31 counselor has been notified and had an opportunity to respond.

32 “Data system” means a repository of information about  
33 licensees, including, but not limited to, continuing education,  
34 examination, licensure, investigative, privilege to practice, and  
35 adverse action information.

36 “Encumbered license” means a license in which an adverse  
37 action restricts the practice of licensed professional counseling by  
38 the licensee and the adverse action has been reported to the national  
39 practitioners data bank.

40 “Encumbrance” means a revocation or suspension of, or any  
41 limitation on, the full and unrestricted practice of licensed  
42 professional counseling by a licensing board.

43 “Executive committee” means a group of directors elected or  
44 appointed to act on behalf of, and within the powers granted to them  
45 by, the commission.

46 “Home state” means the member state that is the licensee’s  
47 primary state of residence.

1       “Impaired practitioner” means an individual who has a condition  
2 that may impair the individual’s ability to practice as a licensed  
3 professional counselor without some type of intervention, which  
4 conditions may include, but are not limited to, alcohol and drug  
5 dependence, mental health impairment, and neurological or physical  
6 impairments.

7       “Investigative information” means information, records, and  
8 documents received or generated by a professional counseling  
9 licensing board pursuant to an investigation.

10       “Jurisprudence requirement,” if required by a member state,  
11 means the assessment of an individual’s knowledge of the laws and  
12 rules governing the practice of professional counseling in a state.

13       “Licensed professional counselor” means a counselor licensed by  
14 a member state, regardless of the title used by that state, to  
15 independently assess, diagnose, and treat behavioral health  
16 conditions.

17       “Licensee” means an individual who currently holds an  
18 authorization from the state to practice as a licensed professional  
19 counselor.

20       “Licensing board” means the agency of a state, or an equivalent  
21 entity, that is responsible for the licensing and regulation of  
22 licensed professional counselors.

23       “Member state” means a state that has enacted the compact.

24       “Privilege to practice” means a legal authorization, which is  
25 equivalent to a license, permitting the practice of professional  
26 counseling in a remote state.

27       “Professional counseling” means the assessment, diagnosis, and  
28 treatment of behavioral health conditions by a licensed professional  
29 counselor.

30       “Remote state” means a member state other than the home state,  
31 where a licensee is exercising or seeking to exercise the privilege to  
32 practice.

33       “Rule” means a regulation promulgated by the commission that  
34 has the force of law.

35       “Single state license” means a licensed professional counselor  
36 license issued by a member state that authorizes practice only  
37 within the issuing state and does not include a privilege to practice  
38 in any other member state.

39       “State” means any state, commonwealth, district, or territory of  
40 the United States of America that regulates the practice of  
41 professional counseling.

42       “Telehealth” means the application of telecommunication  
43 technology to deliver professional counseling services remotely to  
44 assess, diagnose, and treat behavioral health conditions.

45       “Unencumbered license” means a license that authorizes a  
46 licensed professional counselor to engage in the full and  
47 unrestricted practice of professional counseling.

1 Section 3. State participation in the Compact

2

3 a. To participate in the compact, a state shall currently:

4 (1) license and regulate licensed professional counselors;

5 (2) require licensees to pass a nationally recognized exam  
6 approved by the commission;

7 (3) require licensees to have a 60 semester-hour, or 90 quarter-  
8 hour, master's degree in counseling or 60 semester-hours, or 90  
9 quarter-hours, of graduate course work including the following  
10 topic areas:

11 (a) professional counseling orientation and ethical practice;

12 (b) social and cultural diversity;

13 (c) human growth and development;

14 (d) career development;

15 (e) counseling and helping relationships;

16 (f) group counseling and group work;

17 (g) diagnosis and treatment; assessment and testing;

18 (h) research and program evaluation; and

19 (i) other areas as determined by the commission;

20 (4) require licensees to complete a supervised postgraduate  
21 professional experience as defined by the commission; and

22 (5) have a mechanism in place for receiving and investigating  
23 complaints about licensees.

24 b. A member state shall:

25 (1) participate fully in the commission's data system, including  
26 using the commission's unique identifier as defined in rules;

27 (2) notify the commission, in compliance with the terms of the  
28 compact and rules, of any adverse action or the availability of  
29 investigative information regarding a licensee;

30 (3) implement or utilize procedures for considering the criminal  
31 history records of applicants for an initial privilege to practice.  
32 these procedures shall include the submission of fingerprints or  
33 other biometric-based information by applicants for the purpose of  
34 obtaining an applicant's criminal history record information from  
35 the Federal Bureau of Investigation and the agency responsible for  
36 retaining that state's criminal records;

37 (a) A member state shall fully implement a criminal background  
38 check requirement, within a time frame established by rule, by  
39 receiving the results of the Federal Bureau of Investigation record  
40 search and shall use the results in making licensure decisions; and

41 (b) Communication between a member state, the commission and  
42 among member states regarding the verification of eligibility for  
43 licensure through the compact shall not include any information  
44 received from the Federal Bureau of Investigation relating to a  
45 federal criminal records check performed by a member state under  
46 the federal public law 92-544;

47 (4) comply with the rules of the commission;

1 (5) require an applicant to obtain or retain a license in the home  
2 state and meet the home state's qualifications for licensure or  
3 renewal of licensure, as well as all other applicable state laws;

4 (6) grant the privilege to practice to a licensee holding a valid  
5 unencumbered license in another member state in accordance with  
6 the terms of the compact and rules; and

7 (7) provide for the attendance of the state's commissioner to the  
8 counseling compact commission meetings.

9 c. Member states may charge a fee for granting the privilege to  
10 practice.

11 d. Individuals not residing in a member state shall continue to be  
12 able to apply for a member state's single state license as provided  
13 under the laws of each member state; however, the single state  
14 license granted to these individuals shall not be recognized as  
15 granting a privilege to practice professional counseling in any other  
16 member state.

17 e. Nothing in this compact shall affect the requirements  
18 established by a member state for the issuance of a single state  
19 license.

20 f. A license issued to a licensed professional counselor by a  
21 home state to a resident in that state shall be recognized by each  
22 member state as authorizing a licensed professional counselor to  
23 practice professional counseling, under a privilege to practice, in  
24 each member state.

25

26 Section 4. Privilege to Practice

27

28 a. To exercise the privilege to practice under the terms and  
29 provisions of the compact, the licensee shall:

30 (1) hold a license in the home state;

31 (2) have a valid United States social security number or national  
32 practitioner identifier;

33 (3) be eligible for a privilege to practice in any member state in  
34 accordance with subsections d., g., and h. of this section;

35 (4) have not had any encumbrance or restriction against any  
36 license or privilege to practice within the previous two years;

37 (5) notify the commission that the licensee is seeking the  
38 privilege to practice within a remote state;

39 (6) pay any applicable fees, including any state fee, for the  
40 privilege to practice;

41 (7) meet any continuing competence/education requirements  
42 established by the home state;

43 (8) meet any jurisprudence requirements established by the  
44 remote state in which the licensee is seeking a privilege to practice;  
45 and

46 (9) report to the commission any adverse action, encumbrance,  
47 or restriction on license taken by any non-member state within 30  
48 days from the date the action is taken.

1       b. The privilege to practice is valid until the expiration date of  
2 the home state license. The licensee shall comply with the  
3 requirements of subsection a. of this section to maintain the  
4 privilege to practice in the remote state.

5       c. A licensee providing professional counseling in a remote state  
6 under the privilege to practice shall adhere to the laws and  
7 regulations of the remote state.

8       d. A licensee providing professional counseling services in a  
9 remote state is subject to that state's regulatory authority. A remote  
10 state may, in accordance with due process and that state's laws,  
11 remove a licensee's privilege to practice in the remote state for a  
12 specific period of time, impose fines, or take any other necessary  
13 actions to protect the health and safety of its citizens. The licensee  
14 may be ineligible for a privilege to practice in any member state  
15 until the specific time for removal has passed and all fines are paid.

16       e. If a home state license is encumbered, the licensee shall lose  
17 the privilege to practice in any remote state until the following  
18 occur:

19       (1) the home state license is no longer encumbered; and

20       (2) the licensee has not had any encumbrance or restriction  
21 against any license or privilege to practice within the previous two  
22 years.

23       f. Once an encumbered license in the home state is restored to  
24 good standing, the licensee shall meet the requirements of  
25 subsection a. of this section to obtain a privilege to practice in any  
26 remote state.

27       g. If a licensee's privilege to practice in any remote state is  
28 removed, the individual may lose the privilege to practice in all  
29 other remote states until the following occur:

30       (1) the specific period of time for which the privilege to practice  
31 was removed has ended;

32       (2) all fines have been paid; and

33       (3) the licensee has not had any encumbrance or restriction  
34 against any license or privilege to practice within the previous two  
35 years.

36       h. Once the requirements of subsection g. of this section have  
37 been met, the licensee shall meet the requirements in subsection a.  
38 of this section to obtain a privilege to practice in a remote state.

39  
40       Section 5. Obtaining a New Home State License Based on a  
41 Privilege to Practice

42  
43       a. A licensed professional counselor may hold a home state  
44 license, which allows for a privilege to practice in other member  
45 states, in only one member state at a time.

46       b. If a licensed professional counselor changes primary state of  
47 residence by moving between two member states:

1 (1) the licensed professional counselor shall file an application  
2 for obtaining a new home state license based on a privilege to  
3 practice, pay all applicable fees, and notify the current and new  
4 home state in accordance with applicable rules adopted by the  
5 commission; and

6 (2) upon receipt of an application for obtaining a new home state  
7 license by virtue of a privilege to practice, the new home state shall  
8 verify that the licensed professional counselor meets the pertinent  
9 criteria outlined in section 4 of this compact via the data system,  
10 without need for primary source verification, except for:

11 (a) a Federal Bureau of Investigation fingerprint based criminal  
12 background check if not previously performed or updated pursuant  
13 to applicable rules adopted by the commission in accordance with  
14 federal Public Law 92-544;

15 (b) other criminal background checks as required by the new  
16 home state; and

17 (c) completion of any requisite jurisprudence requirements of the  
18 new home state.

19 (3) the former home state shall convert the former home state  
20 license into a privilege to practice once the new home state has  
21 activated the new home state license in accordance with applicable  
22 rules adopted by the commission;

23 (4) notwithstanding any other provision of this compact, if the  
24 licensed professional counselor cannot meet the criteria in provided  
25 in section 4 of this compact, the new home state may apply its  
26 requirements for issuing a new single state license; and

27 (5) the licensed professional counselor shall pay all applicable  
28 fees to the new home state in order to be issued a new home state  
29 license.

30 c. If a licensed professional counselor changes primary state of  
31 residence by moving from a member state to a non-member state, or  
32 from a non-member state to a member state, the state criteria shall  
33 apply for issuance of a single state license in the new state.

34 d. Nothing in this compact shall interfere with a licensee's ability  
35 to hold a single state license in multiple states; however for the  
36 purposes of this compact, a licensee shall have only one home state  
37 license.

38 e. Nothing in this compact shall affect the requirements  
39 established by a member state for the issuance of a single state  
40 license.

41

42 Section 6. Active Duty Military Personnel or their Spouses

43

44 Active Duty Military personnel, or their spouses, shall designate  
45 a home state where the service member or spouse has a current  
46 license in good standing. The service member or spouse may retain  
47 the home state designation during the period the service member is  
48 on active duty. Subsequent to designating a home state, the service

1 member or spouse shall only change the service member's or  
2 spouse's home state through application for licensure in the new  
3 state, or through the process outlined in section 5 of this compact.

4

5 Section 7. Compact Privilege to Practice Telehealth

6

7 a. Member states shall recognize the right of a licensed  
8 professional counselor, licensed by a home state in accordance with  
9 section 3 of this compact and under rules promulgated by the  
10 commission, to practice professional counseling in any member  
11 state via telehealth under a privilege to practice as provided in the  
12 compact and rules promulgated by the commission.

13 b. A licensee providing professional counseling services in a  
14 remote state under the privilege to practice shall adhere to the laws  
15 and regulations of the remote state.

16

17 Section 8. Adverse Actions

18

19 a. In addition to the other powers conferred by state law, a  
20 remote state shall have the authority, in accordance with existing  
21 state due process law, to:

22 (1) take adverse action against a licensed professional  
23 counselor's privilege to practice within that member state;

24 (2) issue subpoenas for both hearings and investigations that  
25 require the attendance and testimony of witnesses as well as the  
26 production of evidence. Subpoenas issued by a licensing board in a  
27 member state for the attendance and testimony of witnesses or the  
28 production of evidence from another member state shall be enforced  
29 in the latter state by any court of competent jurisdiction, according  
30 to the practice and procedure of that court applicable to subpoenas  
31 issued in proceedings pending before it. The issuing authority shall  
32 pay any witness fees, travel expenses, mileage, and other fees  
33 required by the service statutes of the state in which the witnesses  
34 or evidence are located; and

35 (3) only the home state shall have the power to take adverse  
36 action against a licensed professional counselor's license issued by  
37 the home state.

38 b. For purposes of taking adverse action, the home state shall  
39 give the same priority and effect to reported conduct received from  
40 a member state as it would if the conduct had occurred within the  
41 home state. In so doing, the home state shall apply its own state  
42 laws to determine appropriate action.

43 c. The home state shall complete any pending investigation of a  
44 licensed professional counselor who changes primary state of  
45 residence during the course of the investigation. The home state  
46 shall also have the authority to take appropriate action and shall  
47 promptly report the conclusion of any investigation to the  
48 administrator of the data system. The administrator of the

1 coordinated licensure information system shall promptly notify the  
2 new home state of any adverse actions.

3 d. A member state, if otherwise permitted by state law, may  
4 recover from the affected licensed professional counselor the costs  
5 of investigations and dispositions of cases resulting from any  
6 adverse action taken against that licensed professional counselor.

7 e. A member state may take adverse action based on the factual  
8 findings of the remote state, provided that the member state follows  
9 its own procedures for taking the adverse action.

10 f. In addition to the authority granted to a member state by its  
11 respective professional counseling practice act or other applicable  
12 state law, any member state may participate with other member  
13 states in joint investigations of licensees. Member states shall share  
14 any investigative, litigation, or compliance materials in furtherance  
15 of any joint or individual investigation initiated under this compact.

16 g. If adverse action is taken by a home state against the license of  
17 a licensed professional counselor, the licensed professional  
18 counselor's privilege to practice in all other member states shall be  
19 deactivated until all encumbrances have been removed from the  
20 state license. All home state disciplinary orders that impose  
21 adverse action against the license of a licensed professional  
22 counselor shall include a statement that the licensed professional  
23 counselor's privilege to practice is deactivated in all member states  
24 during the pendency of the order.

25 h. If a member state takes adverse action, it shall promptly notify  
26 the administrator of the data system. The administrator of the data  
27 system shall promptly notify the home state of any adverse actions  
28 by remote states.

29 i. Nothing in this compact shall override a member state's  
30 decision that participation in an alternative program may be used in  
31 lieu of adverse action.

32

33 Section 9. Establishment of Counseling Compact Commission

34

35 a. The compact member states hereby create and establish a joint  
36 public agency known as the Counseling Compact Commission.

37 (1) The commission is an instrumentality of the compact states.

38 (2) Venue is proper and judicial proceedings by or against the  
39 commission shall be brought solely and exclusively in a court of  
40 competent jurisdiction where the principal office of the commission  
41 is located. The commission may waive venue and jurisdictional  
42 defenses to the extent it adopts or consents to participate in  
43 alternative dispute resolution proceedings.

44 (3) Nothing in this compact shall be construed to be a waiver of  
45 sovereign immunity.

46 b. (1) Each member state shall have and be limited to one  
47 delegate selected by that member state's licensing board.

48 (2) The delegate shall be either:

- 1 (a) a current member of the licensing board at the time of  
2 appointment, who is a licensed professional counselor or public  
3 member; or
- 4 (b) an administrator of the licensing board.
- 5 (3) Any delegate may be removed or suspended from office as  
6 provided by the law of the state from which the delegate is  
7 appointed.
- 8 (4) The member state licensing board shall fill any vacancy  
9 occurring on the commission within 60 days.
- 10 (5) Each delegate shall be entitled to one vote with regard to the  
11 promulgation of rules and the creation of bylaws and shall  
12 otherwise have an opportunity to participate in the business and  
13 affairs of the commission.
- 14 (6) A delegate shall vote in person or by such other means as  
15 provided in the bylaws. The bylaws may provide for delegates'  
16 participation in meetings by telephone or other means of  
17 communication.
- 18 (7) The commission shall meet at least once during each calendar  
19 year. Additional meetings shall be held as set forth in the bylaws.
- 20 (8) The commission shall by rule establish a term of office for  
21 delegates and may by rule establish term limits.
- 22 c. The commission shall have the following powers and duties:
- 23 (1) establish the fiscal year of the commission;
- 24 (2) establish bylaws;
- 25 (3) maintain its financial records in accordance with the bylaws;
- 26 (4) meet and take such actions as are consistent with the  
27 provisions of this compact and the bylaws;
- 28 (5) promulgate rules which shall be binding to the extent and in  
29 the manner provided for in the compact;
- 30 (6) bring and prosecute legal proceedings or actions in the name  
31 of the commission, provided that the standing of any state licensing  
32 board to sue or be sued under applicable law shall not be affected;
- 33 (7) purchase and maintain insurance and bonds;
- 34 (8) borrow, accept, or contract for services of personnel,  
35 including, but not limited to, employees of a member state;
- 36 (9) hire employees, elect or appoint officers, fix compensation,  
37 define duties, grant such individuals appropriate authority to carry  
38 out the purposes of the compact, and establish the commission's  
39 personnel policies and programs relating to conflicts of interest,  
40 qualifications of personnel, and other related personnel matters;
- 41 (10) accept any and all appropriate donations and grants of  
42 money, equipment, supplies, materials, and services, and to receive,  
43 utilize, and dispose of the same; provided that at all times the  
44 commission shall avoid any appearance of impropriety or conflict  
45 of interest;
- 46 (11) lease, purchase, accept appropriate gifts or donations of, or  
47 otherwise own, hold, improve or use, any property, real, personal,

- 1 or mixed; provided that at all times the commission shall avoid any  
2 appearance of impropriety;
- 3 (12) sell convey, mortgage, pledge, lease, exchange, abandon, or  
4 otherwise dispose of any property real, personal, or mixed;
- 5 (13) establish a budget and make expenditures;
- 6 (14) borrow money;
- 7 (15) appoint committees, including standing committees  
8 composed of members, state regulators, state legislators or their  
9 representatives, and consumer representatives, and such other  
10 interested persons as may be designated in this compact and the  
11 bylaws;
- 12 (16) provide and receive information from, and cooperate with,  
13 law enforcement agencies;
- 14 (17) establish and elect an executive committee consistent with  
15 the requirements of subsection d. of this section; and
- 16 (18) perform such other functions as may be necessary or  
17 appropriate to achieve the purposes of this compact consistent with  
18 the state regulation of professional counseling licensure and  
19 practice.
- 20 d. (1) The executive committee shall have the power to act on  
21 behalf of the commission according to the terms of this compact.
- 22 (2) The executive committee shall be composed of up to 11  
23 members, as follows:
- 24 (a) seven voting members who shall be elected by the  
25 commission from the current membership of the commission; and
- 26 (b) up to four ex-officio, nonvoting members from four  
27 recognized national professional counselor organizations, who shall  
28 be selected by their respective organizations.
- 29 (3) The commission may remove any member of the executive  
30 committee as provided in bylaws.
- 31 (4) The executive committee shall meet at least annually.
- 32 (5) The executive committee shall have the following duties and  
33 responsibilities:
- 34 (a) recommending to the entire commission changes to the rules  
35 or bylaws, changes to this compact legislation, fees paid by  
36 compact member states such as annual dues, and any commission  
37 compact fee charged to licensees for the privilege to practice;
- 38 (b) ensuring compact administration services are appropriately  
39 provided, contractual or otherwise;
- 40 (c) preparing and recommending the budget;
- 41 (d) maintaining financial records on behalf of the commission;
- 42 (e) monitoring compact compliance of member states and  
43 providing compliance reports to the commission;
- 44 (f) establishing additional committees as necessary; and
- 45 (g) performing other duties as provided in rules or bylaws.
- 46 e. (1) All meetings of the commission shall be open to the public,  
47 and public notice of meetings shall be given in the same manner as

1 required under the rulemaking provisions in section 11 of this  
2 compact.

3 (2) The commission or the executive committee or other  
4 committees of the commission may convene in a closed, non-public  
5 meeting in order for the commission, executive committee, or other  
6 committee of the commission to discuss:

7 (a) non-compliance of a member state with its obligations under  
8 the compact;

9 (b) the employment, compensation, discipline, or other matters,  
10 practices, or procedures related to specific employees or other  
11 matters related to the commission's internal personnel practices and  
12 procedures;

13 (c) current, threatened, or reasonably anticipated litigation;

14 (d) negotiation of contracts for the purchase, lease, or sale of  
15 goods, services, or real estate;

16 (e) accusing any person of a crime or formally censuring any  
17 person;

18 (f) disclosure of trade secrets or commercial or financial  
19 information that is privileged or confidential;

20 (g) disclosure of information of a personal nature where  
21 disclosure would constitute a clearly unwarranted invasion of  
22 personal privacy;

23 (h) disclosure of investigative records compiled for law  
24 enforcement purposes;

25 (i) disclosure of information related to any investigative reports  
26 prepared by or on behalf of or for use of the commission or other  
27 committee charged with responsibility of investigation or  
28 determination of compliance issues pursuant to the compact; and

29 (j) matters specifically exempted from disclosure by federal or  
30 member state statute.

31 (3) If a meeting, or portion of a meeting, is closed pursuant to  
32 paragraph (2) of this subsection, the commission's legal counsel or  
33 designee shall certify that the meeting may be closed and shall  
34 reference each relevant exempting provision.

35 (4) The commission shall keep minutes that fully and clearly  
36 describe all matters discussed in a meeting and shall provide a full  
37 and accurate summary of actions taken, and the reasons therefor,  
38 including a description of the views expressed. All documents  
39 considered in connection with an action shall be identified in such  
40 minutes. All minutes and documents of a closed meeting shall  
41 remain under seal, subject to release by a majority vote of the  
42 commission or order of a court of competent jurisdiction.

43 f. (1) The commission shall pay, or provide for the payment of,  
44 the reasonable expenses of its establishment, organization, and  
45 ongoing activities.

46 (2) The commission may accept any and all appropriate revenue  
47 sources, donations, and grants of money, equipment, supplies,  
48 materials, and services.

1 (3) The commission may levy on and collect an annual  
2 assessment from each member state or impose fees on other parties  
3 to cover the cost of the operations and activities of the commission  
4 and its staff, which shall be in a total amount sufficient to cover its  
5 annual budget as approved each year for which revenue is not  
6 provided by other sources. The aggregate annual assessment amount  
7 shall be allocated based upon a formula to be determined by the  
8 commission, which shall promulgate a rule binding upon all  
9 member states.

10 (4) The commission shall not incur obligations of any kind prior  
11 to securing the funds adequate to meet the same; nor shall the  
12 commission pledge the credit of any of the member states, except  
13 by and with the authority of the member state.

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

22 g. (1) The members, officers, executive director, employees and  
23 representatives of the commission shall be immune from suit and  
24 liability, either personally or in their official capacity, for any claim  
25 for damage to or loss of property or personal injury or other civil  
26 liability caused by or arising out of any actual or alleged act, error,  
27 or omission that occurred, or that the person against whom the  
28 claim is made had a reasonable basis for believing occurred within  
29 the scope of commission employment, duties, or responsibilities;  
30 provided that nothing in this paragraph shall be construed to protect  
31 any such person from suit or liability for any damage, loss, injury,  
32 or liability caused by the intentional, willful, or wanton misconduct  
33 of that person.

34 (2) The commission shall defend any member, officer, executive  
35 director, employee, or representative of the commission in any civil  
36 action seeking to impose liability arising out of any actual or  
37 alleged act, error, or omission that occurred within the scope of  
38 commission employment, duties, or responsibilities, or that the  
39 person against whom the claim is made had a reasonable basis for  
40 believing occurred within the scope of commission employment,  
41 duties, or responsibilities; provided that nothing herein shall be  
42 construed to prohibit that person from retaining his or her own  
43 counsel; and provided further, that the actual or alleged act, error,  
44 or omission did not result from that person's intentional, willful, or  
45 wanton misconduct.

46 (3) The commission shall indemnify and hold harmless any  
47 member, officer, executive director, employee, or representative of  
48 the commission for the amount of any settlement or judgment

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

8  
9 Section 10. Data System

10  
11 a. The commission shall provide for the development,  
12 maintenance, operation, and utilization of a coordinated database  
13 and reporting system containing licensure, adverse action, and  
14 investigative information on all licensed individuals in member  
15 states.

16 b. Notwithstanding any other provision of state law to the  
17 contrary, a member state shall submit a uniform data set to the data  
18 system on all individuals to whom this compact is applicable as  
19 required by the rules of the commission, including:

20 (1) identifying information;

21 (2) licensure data;

22 (3) adverse actions against a license or privilege to practice;

23 (4) non-confidential information related to alternative program  
24 participation;

25 (5) any denial of an application for licensure, and the reason for  
26 such denial;

27 (6) current significant investigative information; and

28 (7) other information that may facilitate the administration of  
29 this compact, as determined by the rules of the commission.

30 c. Investigative information pertaining to a licensee in any  
31 member state shall only be available to other member states.

32 d. The commission shall promptly notify all member states of  
33 any adverse action taken against a licensee or an individual  
34 applying for a license. Adverse action information pertaining to a  
35 licensee in any member state shall be available to any other member  
36 state.

37 e. Member states contributing information to the data system  
38 may designate information that may not be shared with the public  
39 without the express permission of the contributing state.

40 f. Any information submitted to the data system that is  
41 subsequently required to be expunged by the laws of the member  
42 state contributing the information shall be removed from the data  
43 system.

44  
45 Section 11. Rulemaking

46  
47 a. The commission shall promulgate reasonable rules in order to  
48 effectively and efficiently achieve the purpose of the compact.

1 Notwithstanding the foregoing, in the event the commission  
2 exercises its rulemaking authority in a manner that is beyond the  
3 scope of the purposes of the compact, or the powers granted  
4 hereunder, then such an action by the commission shall be invalid  
5 and have no force or effect.

6 b. The commission shall exercise its rulemaking powers pursuant  
7 to the criteria set forth in this section and the rules adopted  
8 thereunder. Rules and amendments shall become binding as of the  
9 date specified in each rule or amendment.

10 c. If a majority of the legislatures of the member states rejects a  
11 rule, by enactment of a statute or resolution in the same manner  
12 used to adopt the compact within four years of the date of adoption  
13 of the rule, then the rule shall have no further force and effect in  
14 any member state.

15 d. Rules or amendments to the rules shall be adopted at a regular  
16 or special meeting of the commission.

17 e. Prior to promulgation and adoption of a final rule or rules by  
18 the commission, and at least 30 days in advance of the meeting at  
19 which the rule will be considered and voted upon, the commission  
20 shall file a notice of proposed rulemaking:

21 (1) on the website of the commission or other publicly accessible  
22 platform; and

23 (2) on the website of each member state professional counseling  
24 licensing board or other publicly accessible platform or the  
25 publication in which each state would otherwise publish proposed  
26 rules.

27 f. The notice of proposed rulemaking shall include:

28 (1) the proposed time, date, and location of the meeting in which  
29 the rule will be considered and voted upon;

30 (2) the text of the proposed rule or amendment and the reason for  
31 the proposed rule;

32 (3) a request for comments on the proposed rule from any  
33 interested person; and

34 (4) the manner in which interested persons may submit notice to  
35 the commission of their intention to attend the public hearing and  
36 any written comments.

37 g. Prior to adoption of a proposed rule, the commission shall  
38 allow persons to submit written data, facts, opinions, and  
39 arguments, which shall be made available to the public.

40 h. The commission shall grant an opportunity for a public  
41 hearing before it adopts a rule or amendment if a hearing is  
42 requested by:

43 (1) at least 25 persons;

44 (2) a state or federal governmental subdivision or agency; or

45 (3) an association having at least 25 members.

46 i. If a hearing is held on a proposed rule or amendment pursuant  
47 to subsection h. of this section, the commission shall publish the  
48 place, time, and date of the scheduled public hearing. If the hearing

1 is held via electronic means, the commission shall publish the  
2 mechanism for access to the electronic hearing.

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

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

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

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

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

19 k. If no written notice of intent to attend a public hearing by  
20 interested parties is received, the commission may proceed with  
21 promulgation of the proposed rule without a public hearing.

22 l. The commission shall, by majority vote of all members, take  
23 final action on the proposed rule and shall determine the effective  
24 date of the rule, if any, based on the rulemaking record and the full  
25 text of the rule.

26 m. Upon determination that an emergency exists, the commission  
27 may consider and adopt an emergency rule without prior notice,  
28 opportunity for comment, or hearing, provided that the usual  
29 rulemaking procedures provided in the compact and in this section  
30 shall be retroactively applied to the rule as soon as reasonably  
31 possible, but in no event later than 90 days after the effective date  
32 of the rule. For the purposes of this subsection, an emergency rule  
33 is one that shall be adopted immediately in order to:

- 34 (1) meet an imminent threat to public health, safety, or welfare;  
35 (2) prevent a loss of commission or member state funds;  
36 (3) meet a deadline for the promulgation of an administrative  
37 rule that is established by federal law or rule; or  
38 (4) protect public health and safety.

39 n. The commission or an authorized committee of the  
40 commission may direct revisions to a previously adopted rule or  
41 amendment for purposes of correcting typographical errors, errors  
42 in format, errors in consistency, or grammatical errors. Public  
43 notice of any revisions shall be posted on the website of the  
44 commission. The revision shall be subject to challenge by any  
45 person for a period of 30 days after posting. The revision may be  
46 challenged only on grounds that the revision results in a material  
47 change to a rule. A challenge shall be made in writing and  
48 delivered to the chair of the commission prior to the end of the

1 notice period. If no challenge is made, the revision shall take effect  
2 without further action. If the revision is challenged, the revision  
3 may not take effect without the approval of the commission.

4

5 Section 12. Oversight, Dispute Resolution, and Enforcement

6

7 a. (1) The executive, legislative, and judicial branches of state  
8 government in each member state shall enforce this compact and  
9 take all actions necessary and appropriate to effectuate the  
10 compact's purposes and intent. The provisions of this compact and  
11 the rules promulgated hereunder shall have standing as statutory  
12 law.

13 (2) All courts shall take judicial notice of the compact and the  
14 rules in any judicial or administrative proceeding in a member state  
15 pertaining to the subject matter of this compact which may affect  
16 the powers, responsibilities, or actions of the commission.

17 (3) The commission shall be entitled to receive service of  
18 process in any such proceeding and shall have standing to intervene  
19 in such a proceeding for all purposes. Failure to provide service of  
20 process to the commission shall render a judgment or order void as  
21 to the commission, this compact, or promulgated rules.

22 b. (1) If the commission determines that a member state has  
23 defaulted in the performance of its obligations or responsibilities  
24 under this compact or the promulgated rules, the commission shall:

25 (a) provide written notice to the defaulting state and other  
26 member states of the nature of the default, the proposed means of  
27 curing the default, or any other action to be taken by the  
28 commission; and

29 (b) provide remedial training and specific technical assistance  
30 regarding the default.

31 c. If a state in default fails to cure the default, the defaulting state  
32 may be terminated from the compact upon an affirmative vote of a  
33 majority of the member states, and all rights, privileges, and  
34 benefits conferred by this compact may be terminated on the  
35 effective date of the termination. A cure of a default shall not  
36 relieve the offending state of obligations or liabilities incurred  
37 during the period of default.

38 d. Termination of membership in the compact shall be imposed  
39 only after all other means of securing compliance have been  
40 exhausted. Notice of intent to suspend or terminate shall be given  
41 by the commission to the governor, the majority and minority  
42 leaders of the defaulting state's legislature, and each of the member  
43 states.

44 e. A state that has been terminated is responsible for all  
45 assessments, obligations, and liabilities incurred through the  
46 effective date of termination, including obligations that extend  
47 beyond the effective date of termination.

1 f. The commission shall not bear any costs related to a state that  
2 is found to be in default or that has been terminated from the  
3 compact, unless agreed upon in writing between the commission  
4 and the defaulting state.

5 g. The defaulting State may appeal the action of the commission  
6 by petitioning the U.S. District Court for the District of Columbia  
7 or the federal district where the commission has its principal  
8 offices. The prevailing member shall be awarded all costs of the  
9 litigation, including reasonable attorney's fees.

10 h. (1) Upon request by a member state, the commission shall  
11 attempt to resolve disputes related to the compact that arise among  
12 member states and between member and non-member states.

13 (2) The commission shall promulgate a rule providing for both  
14 mediation and binding dispute resolution for disputes as  
15 appropriate.

16 i. (1) The commission, in the reasonable exercise of its  
17 discretion, shall enforce the provisions and rules of this compact.

18 (2) By majority vote, the commission may initiate legal action in  
19 the United States District Court for the District of Columbia or the  
20 federal district where the commission has its principal offices  
21 against a member state in default to enforce compliance with the  
22 provisions of the compact and its promulgated rules and bylaws.  
23 The relief sought may include both injunctive relief and damages.  
24 In the event judicial enforcement is necessary, the prevailing  
25 member shall be awarded all costs of the litigation, including  
26 reasonable attorney's fees.

27 (3) The remedies herein shall not be the exclusive remedies of  
28 the commission. The commission may pursue any other remedies  
29 available under federal or state law.

30  
31 Section 13. Date of Implementation of the Counseling Compact  
32 Commission and Associated Rules, Withdrawal, and Amendment.

33  
34 a. The compact shall come into effect on the date on which the  
35 compact statute is enacted into law in the 10th member state. The  
36 provisions, which become effective at that time, shall be limited to  
37 the powers granted to the commission relating to assembly and the  
38 promulgation of rules. Thereafter, the commission shall meet and  
39 exercise rulemaking powers necessary to the implementation and  
40 administration of the compact.

41 b. Any state that joins the compact subsequent to the  
42 commission's initial adoption of the rules shall be subject to the  
43 rules as they exist on the date on which the compact becomes law in  
44 that state. Any rule that has been previously adopted by the  
45 commission shall have the full force and effect of law on the day  
46 the compact becomes law in that state.

47 c. Any member state may withdraw from this compact by  
48 enacting a statute repealing the same.

1 (1) A member state's withdrawal shall not take effect until six  
2 months after enactment of the repealing statute.

3 (2) Withdrawal shall not affect the continuing requirement of the  
4 withdrawing state's professional counseling licensing board to  
5 comply with the investigative and adverse action reporting  
6 requirements of this compact prior to the effective date of  
7 withdrawal.

8 d. Nothing contained in this compact shall be construed to  
9 invalidate or prevent any professional counseling licensure  
10 agreement or other cooperative arrangement between a member  
11 state and a non-member state that does not conflict with the  
12 provisions of this compact.

13 e. This compact may be amended by the member states. No  
14 amendment to this compact shall become effective and binding  
15 upon any member state until it is enacted into the laws of all  
16 member states.

17

18 Section 14. Construction and Severability

19

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

32

33 Section 15. Binding Effect of Compact and Other Laws

34

35 a. A licensee providing professional counseling services in a  
36 remote state under the privilege to practice shall adhere to the laws  
37 and regulations, including scope of practice, of the remote state.

38 b. Nothing herein prevents the enforcement of any other law of a  
39 member state that is not inconsistent with the compact.

40 c. Any laws in a member state in conflict with the compact are  
41 superseded to the extent of the conflict.

42 d. Any lawful actions of the commission, including all rules and  
43 bylaws properly promulgated by the commission, are binding upon  
44 the member states.

45 e. All permissible agreements between the commission and the  
46 member states are binding in accordance with their terms.

47 f. In the event any provision of the compact exceeds the  
48 constitutional limits imposed on the legislature of any member

1 state, the provision shall be ineffective to the extent of the conflict  
2 with the constitutional provision in question in that member state.

3

4 2. This act shall take effect immediately.

5

6

7

STATEMENT

8

9 This bill enters New Jersey into the Counseling Compact. The  
10 Counseling Compact (compact) is an interstate compact, or a  
11 contract among states, allowing professional counselors licensed  
12 and residing in a compact member state to practice in other compact  
13 member states without need for multiple licenses.

14 The purpose of this compact is to facilitate interstate practice of  
15 licensed professional counselors with the goal of improving public  
16 access to professional counseling services. The practice of  
17 professional counseling occurs in the state where the client is  
18 located at the time of the counseling services. The compact  
19 preserves the regulatory authority of states to protect public health  
20 and safety through the current system of state licensure. In  
21 addition, the compact is designed to achieve the following  
22 objectives: 1) increase public access to professional counseling  
23 services by providing for the mutual recognition of other member  
24 state licenses; 2) enhance the states' ability to protect the public's  
25 health and safety; 3) encourage the cooperation of member states in  
26 regulating multistate practice for licensed professional counselors;  
27 4) support spouses of relocating active duty military personnel; 5)  
28 enhance the exchange of licensure, investigative, and disciplinary  
29 information among member states; 6) allow for the use of telehealth  
30 technology to facilitate increased access to professional counseling  
31 services; 7) support the uniformity of professional counseling  
32 licensure requirements throughout the states to promote public  
33 safety and public health benefits; 8) invest all member states with  
34 the authority to hold a licensed professional counselor accountable  
35 for meeting all state practice laws in the state in which the client is  
36 located at the time care is rendered through the mutual recognition  
37 of member state licenses; 9) eliminate the necessity for licenses in  
38 multiple states; and 10) provide opportunities for interstate practice  
39 by licensed professional counselors who meet uniform licensure  
40 requirements.

41 The compact is administered by a commission comprising  
42 representatives of each of the member states. The commission has  
43 certain powers to promulgate rules and bylaws, create a budget,  
44 conduct investigations, assess member fees, and to generally  
45 enforce the provisions of the compact. The compact sets forth  
46 procedures for investigating and disciplining professional  
47 counselors for misconduct, as well as for communicating to member  
48 states information concerning a professional counselor who is under

**S3061 STANFIELD, TURNER**

22

1 investigation, has lost the right to practice under the compact, or  
2 who has regained the right to practice under the compact.

3 The compact provides that it takes effect when it has been  
4 adopted in 10 states. Currently, 16 states have joined the compact:  
5 Alabama, Colorado, Florida, Georgia, Kentucky, Louisiana, Maine,  
6 Maryland, Mississippi, Nebraska, New Hampshire, North Carolina,  
7 Ohio, Tennessee, Utah, and West Virginia.

SENATE HEALTH, HUMAN SERVICES AND SENIOR  
CITIZENS COMMITTEE

STATEMENT TO

**SENATE, No. 3061**

**STATE OF NEW JERSEY**

DATED: DECEMBER 14, 2023

The Senate Health, Human Services and Senior Citizens Committee reports favorably Senate Bill No. 3061.

This bill enters New Jersey into the Counseling Compact. The Counseling Compact (compact) is an interstate compact, or a contract among states, allowing professional counselors licensed and residing in a compact member state to practice in other compact member states without need for multiple licenses.

The purpose of this compact is to facilitate interstate practice of licensed professional counselors with the goal of improving public access to professional counseling services. The practice of professional counseling occurs in the state where the client is located at the time of the counseling services. The compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure. In addition, the compact is designed to achieve the following objectives: 1) increase public access to professional counseling services by providing for the mutual recognition of other member state licenses; 2) enhance the states' ability to protect the public's health and safety; 3) encourage the cooperation of member states in regulating multistate practice for licensed professional counselors; 4) support spouses of relocating active duty military personnel; 5) enhance the exchange of licensure, investigative, and disciplinary information among member states; 6) allow for the use of telehealth technology to facilitate increased access to professional counseling services; 7) support the uniformity of professional counseling licensure requirements throughout the states to promote public safety and public health benefits; 8) invest all member states with the authority to hold a licensed professional counselor accountable for meeting all state practice laws in the state in which the client is located at the time care is rendered through the mutual recognition of member state licenses; 9) eliminate the necessity for licenses in multiple states; and 10) provide opportunities for interstate practice by licensed professional counselors who meet uniform licensure requirements.

The compact is administered by a commission comprising representatives of each of the member states. The commission has

certain powers to promulgate rules and bylaws, create a budget, conduct investigations, assess member fees, and to generally enforce the provisions of the compact. The compact sets forth procedures for investigating and disciplining professional counselors for misconduct, as well as for communicating to member states information concerning a professional counselor who is under investigation, has lost the right to practice under the compact, or who has regained the right to practice under the compact.

The compact provides that it takes effect when it has been adopted in 10 states. Currently, 30 states have joined the compact: Alabama, Arkansas, Connecticut, Colorado, Delaware, Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Mississippi, Missouri, Montana, Nebraska, New Hampshire, North Carolina, North Dakota, Ohio, Oklahoma, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, and Wyoming.

As reported by the committee, Senate Bill No. 3061 is identical to Assembly Bill No. 5311, which was also reported by the committee on this date.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### SENATE, No. 3061

# STATE OF NEW JERSEY

DATED: JANUARY 4, 2024

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 3061.

This bill enters New Jersey into the Counseling Compact. The Counseling Compact (compact) is an interstate compact, or a contract among states, allowing professional counselors licensed and residing in a compact member state to practice in other compact member states without need for multiple licenses.

The purpose of this compact is to facilitate interstate practice of licensed professional counselors with the goal of improving public access to professional counseling services. The practice of professional counseling occurs in the state where the client is located at the time of the counseling services. The compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure. In addition, the compact is designed to achieve the following objectives: 1) increase public access to professional counseling services by providing for the mutual recognition of other member state licenses; 2) enhance the states' ability to protect the public's health and safety; 3) encourage the cooperation of member states in regulating multistate practice for licensed professional counselors; 4) support spouses of relocating active duty military personnel; 5) enhance the exchange of licensure, investigative, and disciplinary information among member states; 6) allow for the use of telehealth technology to facilitate increased access to professional counseling services; 7) support the uniformity of professional counseling licensure requirements throughout the states to promote public safety and public health benefits; 8) invest all member states with the authority to hold a licensed professional counselor accountable for meeting all state practice laws in the state in which the client is located at the time care is rendered through the mutual recognition of member state licenses; 9) eliminate the necessity for licenses in multiple states; and 10) provide opportunities for interstate practice by licensed professional counselors who meet uniform licensure requirements.

The compact is administered by a commission comprising representatives of each of the member states. The commission has certain powers to promulgate rules and bylaws, create a budget, conduct investigations, assess member fees, and to generally

enforce the provisions of the compact. The compact sets forth procedures for investigating and disciplining professional counselors for misconduct, as well as for communicating to member states information concerning a professional counselor who is under investigation, has lost the right to practice under the compact, or who has regained the right to practice under the compact.

The compact provides that it takes effect when it has been adopted in 10 states. Currently, 30 states have joined the compact: Alabama, Arkansas, Connecticut, Colorado, Delaware, Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Mississippi, Missouri, Montana, Nebraska, New Hampshire, North Carolina, North Dakota, Ohio, Oklahoma, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, and Wyoming.

As reported by the committee, Senate Bill No. 3061 is identical to Assembly Bill No. 5311, which was also reported by the committee on this date.

#### FISCAL IMPACT:

The Office of Legislative Services (OLS) concludes that annual State expenditures will increase by an indeterminate amount under the bill, which will enter the State into the interstate Counseling Compact. The OLS cannot quantify the net fiscal impact of the bill, given a lack of information on the impact that the State's participation in the compact may have on operating costs for the Professional Counselor Examiners Committee of the State Board of Marriage and Family Therapy Examiners, which licenses professional counselors.

Factors that will influence the State's operational costs under the bill include the amount of the annual fee that the State may be charged as a compact member, and the costs for the State to align its professional counselor licensing data with the licensure data system that all compact member states utilize.

Annual State revenues may fall by a marginal amount, depending upon the number of licensed professional counselors living in a remote compact member state who may seek to convert a State license to a privilege to practice. To the extent that the State's fee for a privilege to practice as a professional counselor equals or nears the fee charged for a State license, State revenues may be only marginally affected.

**LEGISLATIVE FISCAL ESTIMATE**  
**SENATE, No. 3061**  
**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

DATED: JANUARY 8, 2024

**SUMMARY**

**Synopsis:** Enters New Jersey into Counseling Compact.

**Type of Impact:** Annual increase in State expenditures; Annual decrease in State revenues.

**Agencies Affected:** Division of Consumer Affairs – Department of Law and Public Safety.

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b><u>Annual</u></b>
<b>State Expenditure Increase</b>	Indeterminate
<b>State Revenue Decrease</b>	Indeterminate

- The Office of Legislative Services (OLS) concludes that annual State expenditures will increase by an indeterminate amount under the bill, which will enter the State into the interstate Counseling Compact. The OLS cannot quantify the net fiscal impact of the bill, given a lack of information on the impact that the State’s participation in the compact may have on operating costs for the Professional Counselor Examiners Committee of the State Board of Marriage and Family Therapy Examiners, which licenses professional counselors.
- Factors that will influence the State’s operational costs under the bill include the amount of the annual fee that the State may be charged as a compact member, and the costs for the State to align its professional counselor licensing data with the licensure data system that all compact member states utilize.
- Annual State revenues may fall by a marginal amount, depending upon the number of licensed professional counselors living in a remote compact member state who may seek to convert a State license to a privilege to practice. To the extent that the State’s fee for a privilege to practice as a professional counselor equals or nears the fee charged for a State license, State revenues may be only marginally affected.

## **BILL DESCRIPTION**

This bill enters New Jersey into the interstate Counseling Compact, which would allow professional counselors, who are licensed and residing in a compact member state, to practice in other compact member states without the need for multiple licenses. The purpose of this compact is to facilitate interstate practice of licensed professional counselors with the goal of improving public access to professional counseling services, while also preserving the State's regulatory authority over the profession through the State licensure process.

Under the compact, the State would be required to grant the privilege to practice to a licensed professional counselor who holds an unrestricted license, in accordance with the rules of the compact, in a compact member state.

The bill provides that a compact member state may charge applicants a fee for granting the privilege to practice. Licensed professional counselors, moreover, are required to pay any applicable fees, including any fees assessed by a compact member state for the privilege to practice. A compact member state is also authorized to regulate, in accordance with the state's laws, a licensee who is providing professional counselor services remotely, under a privilege to practice; such regulatory action may include the imposition of fines or other adverse actions, as necessary to protect the health and safety of the state's residents.

Compact member states, additionally, will recognize the ability of a licensed professional counselor, who is licensed by another compact member state, to practice professional counseling in any member state via telehealth under a privilege to practice.

Although the bill maintains a home state's power to take adverse action against a license issued by that home state, it also authorizes a remote state to investigate and take adverse actions against a privilege to practice issued by that remote state. If allowed under state law, a remote state may recover from a licensee any investigative costs related to an adverse action taken against the licensee.

The bill additionally establishes the Counseling Compact Commission as an instrumentality of the compact member states. The commission is endowed with broad authorities, which include the power to: establish bylaws and promulgate rules; hire staff; contract for services; accept donations and grants, including of equipment and services; lease, purchase, own, and accept appropriate gifts or donations of property; sell, lease, or otherwise dispose of any property; establish a budget and make expenditures; and borrow money. Each compact member state will have one representative on the commission, who will be selected by the state's licensing board.

The bill explicitly provides that the compact commission may assess an annual fee from each member state or impose fees on other parties, in an amount equal to the total cost of the compact's operations, less any revenue provided by outside sources. The bill further directs that the aggregate annual assessment amount will be allocated based on a formula to be established in regulations promulgated by the commission.

The compact took effect in April 2022, once it had been adopted in ten states. As of September 1, 2023, 30 states have enacted the compact.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

**OFFICE OF LEGISLATIVE SERVICES**

The OLS determines that annual State expenditures will increase by an indeterminate amount, and State revenues may fall by a marginal amount, under the bill. The OLS cannot quantify the net fiscal impact of the bill on the Professional Counselor Examiners Committee of the State Board of Marriage and Family Therapy Examiners, given a lack of sufficient information regarding:

1) Increases in committee and board operating expenses to join the compact and regulate additional out-of-state professional counselors who are granted a privilege to practice in the State. The Division of Consumer Affairs does not have information on the number of professional counselors residing in compact member states who may apply for a privilege to practice in the State. As such, the extent to which the board's operational costs to process privilege to practice applications, monitor counselors with a privilege to practice in the State, and provide compact member states with information regarding State licensed professional counselors cannot be determined.

The committee also may incur one-time costs to align its existing data system for licensed professional counselors with the requirements of the compact's data system. Without information regarding the extent to which the committee's existing system aligns with the requirements of the compact's data system, the OLS cannot determine the costs associated with the data system requirements established under the bill.

Another factor affecting the State's costs to join the compact is the annual fee that the compact commission may assess from member states. A representative of the Counseling Compact noted that, as of late 2023, the compact commission does not plan to assess an annual fee from member states because financial contributions and grants from outside sources are sufficient to cover the compact's current operating costs. In future years, however, the compact commission may charge member states an annual fee in order to cover the compact's annual operational costs.

2) Decreases in State revenues from professional counselor licensing fees charged to professional counselors, currently living in a compact member state, who may relinquish their existing State license in favor of a privilege to practice under the compact. The OLS cannot determine with any certainty, using publicly available sources, the number of licensed professional counselors living in a compact member state who may seek to convert a State license to a privilege to practice. The number could be reduced by the fact that neither New York nor Pennsylvania have adopted the compact or have pending legislation to join the compact; Delaware is the only state bordering New Jersey that has joined the compact. However, the fact that the bill allows professional counselors, who reside in a compact member state, to apply for a privilege to practice via telemedicine in a remote compact state could significantly reduce the number of out-of-state professional counselors seeking State licensure.

The revenue impact of such a shift by out-of-state professional counselors will be determined by the amount of the fee that the State may charge for a privilege to practice, as permitted under the bill. Given that professional counselor licenses are renewed biennially, on December 1st of every even numbered year, State revenues would not be affected until FY 2025. To the extent that the State's fee for a privilege to practice matches or nears the \$250 charged for an initial or renewal license, State revenues may be only marginally affected.

As of October 2023, the committee regulated 7,264 licensed professional counselors. However, it is unclear how many of these licensed professional counselors have active versus inactive licenses, and how many hold a New Jersey home state license versus those who are issued a New Jersey license under reciprocity with another state that the committee has identified as having licensing requirements similar to those of New Jersey.

*Section: Human Services*

*Analyst: Anne Cappabianca  
Senior Fiscal Analyst*

*Approved: Thomas Koenig  
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# Governor Murphy Takes Action on Legislation

01/16/2024

**TRENTON** – Today, Governor Murphy signed the following bills into law:

**SCS for S-281/ACS for A-3791 (Greenstein, Turner/Sumter, Reynolds-Jackson) – w/STATEMENT** - Concerns automatic fire sprinkler systems within newly constructed townhouses

[Copy of Statement](#)

**S-539wGR/A-2140 (Ruiz, Pou/Reynolds-Jackson, Wimberly, Mosquera)** - Permits online purchase of eligible foods using WIC funds and use of WIC funds for grocery delivery charges

**S-659/A-2014 (Oroho, Greenstein/Conaway, Wirths, Umba)** - “Manufacturing in Higher Education Act”; requires various State entities to promote manufacturing career pathways for students and provides assistance to manufacturing industry

**S-1110/A-3936 (Polistina, Singleton/Guardian, Swift, McClellan)** - Authorizes CRDA to finance transportation projects between Atlantic City Airport and Atlantic City Tourism District

**S-1662/A-3526 (Ruiz, Codey/Lampitt, Benson, Saucikie)** - Requires NJ Youth Suicide Prevention Advisory Council to prepare report regarding suicide prevention instruction in public schools

**S-1680wGR/A-2257 (Pou, Ruiz/Murphy, Quijano, Wimberly)** - Designates each community college in State as provider of allowable services under SNAP employment and training program

**S-2076/ACS for A-3319 (Zwicker, Greenstein/McKnight, Lampitt)** - Establishes “Twelfth Grade Postsecondary Transition Year Pilot Program” in Department of Education

**S-2535wGR/A-4048 (Polistina, Pou/Benson, McKnight, Reynolds-Jackson, Carter)** - Requires health benefits coverage of hearing aids and cochlear implants

**S-2841/A-4292 (Scutari, Bramnick/Carter)** - Raises minimum amount of liability coverage for commercial motor vehicles and autocabs

**SCS for S-3080/ACS for-398 (Ruiz, Burgess/Caputo, Giblin, Tucker)** - Establishes position of Youth Disconnection Prevention and Recovery Ombudsperson; establishes “School Disconnection Prevention Task Force”; appropriates \$200,000

**S-3102/A-4715 (Smith, Singleton/Stanley, Benson)** - Establishes uptime requirement for electric vehicle charging station incentive programs

**S-3176/A-4760 (Greenstein, Smith/Swain, Haider, Tully)** - Requires DEP and Drinking Water Quality Institute to perform study concerning regulation and treatment of perfluoroalkyl and polyfluoroalkyl substances

**SCS for S-3632 and 3649w/GR/ACS for A-1948 (Johnson, Cryan/Haider, Conaway, Quijano)** - Requires labeling of non-flushable disposable wipes

**S-3758/A-5343 (Cryan/Karabinchak)** - Changes deadline for unaffiliated mail-in voters to declare their political party before primary election

**S-3837/A-5438 (Pou, Cruz-Perez/Pintor Marin, Wimberly)** - Clarifies process for administrative appropriations to UEZs

**S-3897/A-5578 (Ruiz, Sarlo/Jasey, Carter, Reynolds-Jackson)** - Authorizes Higher Education Student Assistance Authority to award annual summer tuition aid grants

**S-4040/A-5881 (Polistina, Lagana/Tully, Guardian, Swift)** - Concerns jurisdiction and operations of regional municipal courts

**S-4084/A-5851 (Ruiz, Cruz-Perez/Moriarty, Calabrese, Moen)** - Concerns temporary registration certificates and license plates

**S-4130/A-5849 (Codey/Jasey, Tucker)** - Special legislation to change name of “Township of South Orange Village” to “South Orange Village”; changes titles of certain municipal officials; permits nonpartisan municipal elections to be moved to November; permits stipend for governing body members

**S-4206/A-5856 (Sarlo/Calabrese)** - Changes number of signatures required on primary election petition to nominate certain municipal candidates in certain municipalities

**S-4209/A-5879 (Sarlo/Pintor Marin)** - Eliminates vote on school budgets for Type II school districts in April elections, except for separate proposals to spend above cap

**S-4268/A-5911 (Scutari/Danielsen)** - Permits certain special State officers to represent cannabis businesses

**A-203/S-2884 (Rooney, Benson, Caputo/A.M. Bucco)** - Authorizes creation of special license plates commemorating horse as State animal

**A-1100/S-995 (Calabrese, Mukherji, McKnight/Ruiz, Stack)** - Requires entities to remove abandoned lines and mark information on certain lines

**A-1107/S-770 (Chaparro, Murphy, Mukherji/Pou, Beach)** - Directs Chief Technology Officer to conduct study on impacts of redacting handwritten signatures published on State websites; allows for protocols for such redactions to be established by rules and regulations

**ACS for A-1255/SS for S-1794 (Stanley, Conaway, Benson/Gopal, Singer)** - Updates requirements and standards for authorization and prior authorization of health care services

**A-1727/S-3300 (Speight, Reynolds-Jackson, Verrelli/Stanfield, Ruiz)** - Requires Attorney General to perform outreach and provide services to victims of human trafficking under certain circumstances

**A-1729/S-3550 (Speight, Reynolds-Jackson, McKnight/Greenstein, Ruiz)** - Requires AG to address human trafficking in underserved communities

**A-1755/S-2505 (McKeon, Calabrese, Conaway/Smith, Greenstein)** - Requires installation of operational automatic rain sensor or smart sprinkler as condition of sale of certain real properties, and on certain commercial, retail, and industrial properties and common interest communities within specified timeframes

**A-2146wGR/S-855 (Reynolds-Jackson, Wimberly, Sumter/Singleton, Beach)** - Creates State business assistance program to establish contracting agency procurement goals for socially and economically disadvantaged business enterprises

**A-2581/S-2503 (Lampitt, Park/Beach)** - Provides that certain cosmetology and hairstyling courses may be taught using distance learning technology

**A-3142/S-1564 (Moen, Moriarty, Benson/Singleton, Corrado)** - Authorizes grants to purchase and rehabilitate abandoned homes for homeless veterans

**A-3211/S-2302 (Speight, Haider, Swain/Gopal, Ruiz)** - Establishes “New Jersey Feminine Hygiene Products for the Homeless Act”

**A-3980/S-2706 (Speight, McKnight, Atkins/Zwicker, Turner)** - Grants child placed in resource family care and resource family parents the right to be notified when case manager or supervisor is assigned to child; grants child in resource family care right to be notified of certain property and benefits

**A-4033wGR/S-2657 (Coughlin, Wimberly/Sarlo, Ruiz)** - Extends deadline for completion of school district’s annual audit

**A-4049/S-3495 (McKnight, Reynolds-Jackson, Benson/Vitale, Johnson)** - Provides for presumptive eligibility for home and community-based services and services provided through program of all-inclusive care for the elderly under Medicaid

**A-4105/S-4202 (Lopez, Jimenez, Quijano/Vitale, Turner)** - Establishes Interagency Council on Homelessness

**A-4183/S-4264 (Haider/Singleton)** - Concerns local unit filing requirement for certain shared services agreements

**A-4212/S-2762 (Pintor Marin, Reynolds-Jackson, Verrelli/Ruiz, Cunningham)** - Establishes Center for Career Relevant Education and Talent Evaluation of New Jersey at Thomas Edison State University

**A-4337/S-4156 (Conaway, Atkins, Rooney/Singleton, Pou)** - Requires Department of Health to provide information to Statewide 2-1-1 telephone system regarding the location of safe disposal sites for hypodermic syringes and needles and prescription drugs

**ACS for A-4496/SCS for S-3247 (Coughlin, Lampitt, Karabinchak, Wimberly/Zwicker, Greenstein)** - Revises various provisions of law governing construction of school facilities projects and operations of New Jersey Schools Development Authority; establishes "Charter School and Renaissance School Project Facilities Loan Program" in EDA

**A-4522/S-3234 (Moen, McKnight, Quijano/Singer, Singleton)** - Requires certain disclosures by sellers of single-family homes with solar panels installed

**A-4691/S-1530 (Swain, DeAngelo, Speight/Greenstein, Zwicker)** - Requires hazard mitigation plans to include climate change-related threat assessments and hazard prevention and mitigation strategies

**A-4723/S-2740 (McKeon, Moriarty, Rooney/Codey, Scutari)** - Requires motor vehicle dealer to offer to delete personal information in motor vehicles in certain situations

**A-4791/S-3184 (Kennedy, Haider, McKeon/Diegnan, Sarlo)** - Establishes "Resiliency and Environmental System Investment Charge Program"

**ACS for A-4794/S-3224 (Benson, Mukherji/Singleton, Turner)** - Requires request for proposal to establish demonstration projects to develop electric vehicle charging depots serviced by distributed energy resource charging centers for certain electric vehicle use

**A-4814/S-1023 (Moen, Wimberly/Singleton, Gopal)** - Removes expected family contribution from calculation of financial need under circumstances in which public institutions of higher education may reduce student's institutional financial aid

**ACS for A-4821 and 4823wGR/S-3283 (Karabinchak, Conaway, Schaer/Greenstein, Zwicker)** - Directs DEP to take certain actions concerning identification and testing of microplastics in drinking water, and requires DEP and BPU to study and promote use of microplastics removal technologies

**A-4955/S-3531 (S. Kean, Thomson/Singer, Gopal)** - Designates portion of State Highway Route 71 as "John Tarantino Highway"

**A-5094/S-3476 (Spearman/Beach, Greenstein)** - Concerns licensing of security officer companies

**A-5227/S-3662 (Danielsen, Space/Smith, Oroho)** - Expands eligibility for "fishing buddy license" fee

**A-5285/SCS for S-3708 (Greenwald, Haider, Lopez/Greenstein, A.M. Bucco)** - Requires copies of certain law enforcement records to be provided to victims of domestic violence upon request

**A-5293/S-3746 (Greenwald, McKnight, Rooney/Gopal, Ruiz)** - Concerns New Jersey Civic Information Consortium

**A-5311/S-3061 (Verrelli, McKnight, Matsikoudis/Stanfield, Turner)** - Enters New Jersey into Counseling Compact

**A-5391/S-3765 (DeAngelo/Diegnan, Corrado)** - Imposes conditions on drivers approaching disabled vehicles

**A-5412/S-3850 (Greenwald, Swain, Jasey/Gopal, Singer)** - Establishes nonpublic school transportation program to provide funding to consortiums of nonpublic schools that will assume responsibility for mandated nonpublic school busing

**A-5416wGR/S-3883 (Wimberly, Giblin, Haider/Greenstein, Turner)** - Requires State Board of Education to authorize alternate route to expedite teacher certification of persons employed as paraprofessionals in school districts

**A-5442/S-3793 (Karabinchak, Conaway, McKeon/Smith, Greenstein)** - Directs BPU to conduct study to determine feasibility, marketability, and costs of implementing large-scale geothermal heat pump systems in State

**A-5462/S-3867 (Coughlin, McKnight, Speight/Vitale, Turner)** - Revises law establishing Office of Food Security Advocate, and establishes certain conditions for use of monies appropriated to emergency food organizations

**ACS for A-5495/SCS for S-3846 (Danielsen/Scutari, A.M. Bucco)** - Clarifies types of firearms allowed to be carried or transported while hunting

**A-5516/S-4047 (Reynolds-Jackson, Verrelli, Conaway/Burgess, Turner)** - Requires certain health care professionals to undergo bias training

**A-5565/S-3971 (S. Kean, Thomson/Gopal)** - Provides that 10-year term does not apply to lease of certain municipal properties unless they are waterfront properties or related to waterfront concessions

**A-5567/S-3807 (Torrissi, Calabrese/A.M. Bucco, Sarlo)** - Extends period of usefulness of fire engines for bonding purposes from 10 to 20 years; eliminates exclusion of passenger cars and station wagons

**A-5582/S-3781 (Swain, Simonsen/Lagana, Cryan)** - Establishes grant program for NJ YouthBuild programs through DOLWD; makes appropriation

**A-5610wGR/S-3954 (Greenwald, Spearman, Chaparro/Beach, A.M. Bucco)** - Revises penalties for possession or consumption of alcoholic beverages by underage persons

**A-5748/S-4166 (Spearman, Moen, Moriarty/Cruz-Perez, Madden)** - Amends definition of "participating county" under County Option Hospital Fee Program

**A-5755/S-4183 (Carter, Sumter, Wimberly, Quijano/Scutari, Singleton)** - Enhances notice requirements and occupancy restrictions for hotels and multiple dwellings following determination of potentially hazardous condition

**A-5799/S-1472 (Moen, Moriarty/Beach, Stack)** - Authorizes DOT to establish and administer toll collection and enforcement system on behalf of NJ toll authorities and to enter into reciprocal agreements for enforcement of toll violations with toll authorities from other states

**A-5806/S-4165 (Moriarty, Sauickie/Greenstein, Oroho)** - Appropriates \$48 million from constitutionally dedicated CBT revenues to DEP for State acquisition of lands for recreation and conservation purposes, including Blue Acres projects, and Green Acres Program administrative costs

**A-5807/S-4138 (Freiman/Johnson, Schepisi)** - Appropriates \$58 million from constitutionally dedicated CBT revenues for recreation and conservation purposes to DEP for State capital and park development projects

**A-5808/S-4135 (Park, Freiman, Lopez/Beach, Turner)** - Appropriates \$15,564,293 from constitutionally dedicated CBT revenues to NJ Historic Trust for grants for certain historic preservation projects and associated administrative expenses

**A-5809/S-4097 (Swain, Lopez, Sauickie/Zwicker, Gopal)** - Amends lists of projects eligible to receive loans for environmental infrastructure projects from NJ Infrastructure Bank for FY 2024

**A-5810/S-4098 (Sampson, Sauickie, Lopez/Greenstein, Stanfield)** - Amends lists of environmental infrastructure projects approved for long-term funding by DEP under FY 2024 environmental infrastructure funding program

**A-5828/S-4201 (Lopez/Vitale)** - Authorizes State Treasurer to sell as surplus certain real property and improvements in Township of Woodbridge in Middlesex County

**A-5835/S-4134 (Greenwald, Lampitt/Beach, Turner)** - Authorizes regional authority to develop and operate regional rehabilitation and reentry center

**A-5836/S-4212 (DeAngelo, Sumter, Wimberly/Gopal, Greenstein)** - Makes supplemental appropriation of \$650,000 to New Jersey Division of State Police for trooper recruitment and retention

**A-5910/S-4266 (Egan/Codey)** - Increases annual salary of certain public employees and officers

**AJR-200/SJR-138 (Park, Freiman, Calabrese/Lagana)** - Designates November 22 of each year as Kimchi Day

Governor Murphy pocket vetoed the following bills:

**S-2989/A-1739 (Pou, Singer/McKeon, Quijano, Flynn)** - Makes certain for-profit debt adjusters eligible for licensing to conduct business in State

**S-3172/A-4689 (Gopal, Turner/Lampitt, Matsikoudis, McKnight)** - Establishes teacher certification route for candidates with Montessori teaching credentials

**S-3287/ACS for A-4852 and 1170 (Turner/Reynolds-Jackson, Jasey, Dunn, Wimberly, Calabrese, Spearman, Verrilli)** - Requires institutions of higher education to maintain supply and develop policy governing use of naloxone hydrochloride nasal spray for opioid overdose emergencies

**A-1476/S-930 (Benson, Dancer/Holzapfel, Diegnan)** - Exempts certain motor vehicles that are owned by certain nutrition programs and certain nonprofit organizations that offer social services from motor vehicle registration fees

**A-3642/S-665 (Wirths, Murphy, Benson, Oroho/Greenstein)** - Requires MVC to place designation on motor vehicle's registration information indicating registrant is deaf

**A-3945/S-1660 (Quijano, Reynolds-Jackson, Carter/Ruiz, Singleton)** - Establishes "Male Teachers of Color Mentorship Pilot Program"; appropriates \$95,000

**A-4177/S-2478 (Mosquera, Swain, McKnight, Tucker, Dunn/Ruiz, Vitale)** - Extends duration of law requiring certain provider subsidy payments for child care services be based on enrollment

**A-4396/S-2927 (Lampitt, Jasey, Caputo/Codey)** - Establishes timelines for review and approval by Commissioner of Education of annual certified audits submitted by approved private schools for students with disabilities

**A-4621/S-3156 (Mosquera, Greenwald, Swain/Madden)** - Requires issuance of report on certain information and data on processing of applications for professional and occupational licenses and mandates review of training and call intake in Division of Consumer Affairs.

**A-4740/S-2970 (Mukherji, DeAngelo, McKnight/Cruz-Perez, Turner)** - Provides employee access to employee's employment records on file with DOLWD

**A-5294/S-1825 (Greenwald, Swain, Rooney/Steinhardt, Sarlo, Doherty)** - Exempts sales of investment metal bullion and investment coins from sales and use tax

**A-5893/S-4228 (Karabinchak, Calabrese, Sauckie/Gopal, Sarlo)** - Extends annual horse racing purse subsidies through State fiscal year 2029