

Requested by Representative DIEHL

**PROPOSED AMENDMENTS TO
HOUSE BILL 4071**

1 On page 1 of the printed bill, line 2, after the semicolon insert “creating
2 new provisions; amending ORS 675.805, 675.825 and 676.177;”.

3 After line 3, insert:
4

5 **“TEMPORARY AUTHORIZATIONS”**
6

7 On page 2, delete lines 10 and 11 and insert:
8

9 **“COUNSELING COMPACT**
10

11 **“SECTION 3. The provisions of the Counseling Compact are as fol-
12 lows:**

13 “

14 **COUNSELING COMPACT**

15 **SECTION 1: PURPOSE**

16 **The purpose of this Compact is to facilitate interstate practice of**
17 **licensed professional counselors with the goal of improving public ac-**
18 **cess to professional counseling services. The practice of professional**
19 **counseling occurs in the state where the client is located at the time**
20 **of the counseling services. The Compact preserves the regulatory au-**
21 **thority of states to protect public health and safety through the cur-**

1 **rent system of state licensure.**

2 **This Compact is designed to achieve the following objectives:**

3 **A. Increase public access to professional counseling services by**
4 **providing for the mutual recognition of other member state licenses;**

5 **B. Enhance the states' ability to protect the public's health and**
6 **safety;**

7 **C. Encourage the cooperation of member states in regulating**
8 **multistate practice for licensed professional counselors;**

9 **D. Support spouses of relocating active duty military personnel;**

10 **E. Enhance the exchange of licensure, investigative and disciplinary**
11 **information among member states;**

12 **F. Allow for the use of telehealth technology to facilitate increased**
13 **access to professional counseling services;**

14 **G. Support the uniformity of professional counseling licensure re-**
15 **quirements throughout the states to promote public safety and public**
16 **health benefits;**

17 **H. Invest all member states with the authority to hold a licensed**
18 **professional counselor accountable for meeting all state practice laws**
19 **in the state in which the client is located at the time care is rendered**
20 **through the mutual recognition of member state licenses;**

21 **I. Eliminate the necessity for licenses in multiple states; and**

22 **J. Provide opportunities for interstate practice by licensed profes-**
23 **sional counselors who meet uniform licensure requirements.**

24 **SECTION 2. DEFINITIONS**

25 **As used in this Compact, and except as otherwise provided, the**
26 **following definitions shall apply:**

27 **A. "Active duty military" means full-time duty status in the active**
28 **uniformed services of the United States, including members of the**
29 **National Guard and Reserve on active duty orders pursuant to 10**
30 **U.S.C. chapters 1209 and 1211.**

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

10 **C. “Alternative program” means a non-disciplinary monitoring or**
11 **practice remediation process approved by a professional counseling li-**
12 **censing board to address impaired practitioners.**

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

17 **E. “Counseling Compact Commission” or “Commission” means the**
18 **national administrative body whose membership consists of all states**
19 **that have enacted the Compact.**

20 **F. “Current significant investigative information” means:**

21 **1. Investigative information that a licensing board, after a prelimi-**
22 **nary inquiry that includes notification and an opportunity for the li-**
23 **censed professional counselor to respond, if required by state law, has**
24 **reason to believe is not groundless and, if proved true, would indicate**
25 **more than a minor infraction; or**

26 **2. Investigative information that indicates that the licensed profes-**
27 **sional counselor represents an immediate threat to public health and**
28 **safety regardless of whether the licensed professional counselor has**
29 **been notified and had an opportunity to respond.**

30 **G. “Data system” means a repository of information about**

1 **licensees, including, but not limited to, continuing education, exam-**
2 **ination, licensure, investigative, privilege to practice and adverse**
3 **action information.**

4 **H. “Encumbered license” means a license in which an adverse**
5 **action restricts the practice of licensed professional counseling by the**
6 **licensee and said adverse action has been reported to the National**
7 **Practitioner Data Bank (NPDB).**

8 **I. “Encumbrance” means a revocation or suspension of, or any**
9 **limitation on, the full and unrestricted practice of licensed profes-**
10 **sional counseling by a licensing board.**

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

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

16 **L. “Impaired practitioner” means an individual who has a condition**
17 **that may impair their ability to practice as a licensed professional**
18 **counselor without some type of intervention, including, but not lim-**
19 **ited to, alcohol and drug dependence, mental health impairment and**
20 **neurological or physical impairments.**

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

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

27 **O. “Licensed professional counselor” means a counselor licensed by**
28 **a member state, regardless of the title used by that state, to inde-**
29 **pendently assess, diagnose and treat behavioral health conditions.**

30 **P. “Licensee” means an individual who currently holds an authori-**

1 zation from the state to practice as a licensed professional counselor.

2 **Q. “Licensing board” means the agency of a state, or equivalent,**
3 **that is responsible for the licensing and regulation of licensed profes-**
4 **sional counselors.**

5 **R. “Member state” means a state that has enacted the Compact.**

6 **S. “Privilege to practice” means a legal authorization, which is**
7 **equivalent to a license, permitting the practice of professional coun-**
8 **seling in a remote state.**

9 **T. “Professional counseling” means the assessment, diagnosis and**
10 **treatment of behavioral health conditions by a licensed professional**
11 **counselor.**

12 **U. “Remote state” means a member state other than the home state**
13 **where a licensee is exercising or seeking to exercise the privilege to**
14 **practice.**

15 **V. “Rule” means a regulation promulgated by the Commission that**
16 **has the force of law.**

17 **W. “Single state license” means a licensed professional counselor**
18 **license issued by a member state that authorizes practice only within**
19 **the issuing state and does not include a privilege to practice in any**
20 **other member state.**

21 **X. “State” means any state, commonwealth, district or territory of**
22 **the United States of America that regulates the practice of profes-**
23 **sional counseling.**

24 **Y. “Telehealth” means the application of telecommunication tech-**
25 **nology to deliver professional counseling services remotely to assess,**
26 **diagnose and treat behavioral health conditions.**

27 **Z. “Unencumbered license” means a license that authorizes a li-**
28 **censed professional counselor to engage in the full and unrestricted**
29 **practice of professional counseling.**

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

- 1 **A. To participate in the Compact, a state must currently:**
- 2 **1. License and regulate licensed professional counselors;**
- 3 **2. Require licensees to pass a nationally recognized exam approved**
4 **by the Commission;**
- 5 **3. Require licensees to have a 60 semester-hour, or 90 quarter-hour,**
6 **master’s degree in counseling or 60 semester-hours, or 90 quarter-**
7 **hours, of graduate course work including in the following topic areas:**
- 8 **a. Professional counseling orientation and ethical practice;**
- 9 **b. Social and cultural diversity;**
- 10 **c. Human growth and development;**
- 11 **d. Career development;**
- 12 **e. Counseling and helping relationships;**
- 13 **f. Group counseling and group work;**
- 14 **g. Diagnosis and treatment, assessment and testing;**
- 15 **h. Research and program evaluation; and**
- 16 **i. Other areas as determined by the Commission.**
- 17 **4. Require licensees to complete a supervised postgraduate profes-**
18 **sional experience as defined by the Commission; and**
- 19 **5. Have a mechanism in place for receiving and investigating com-**
20 **plaints about licensees.**
- 21 **B. A member state shall:**
- 22 **1. Participate fully in the Commission’s data system, including us-**
23 **ing the Commission’s unique identifier as defined in the rules of the**
24 **Commission;**
- 25 **2. Notify the Commission, in compliance with the terms of the**
26 **Compact and rules, of any adverse action or the availability of inves-**
27 **tigative information regarding a licensee;**
- 28 **3. Implement or utilize procedures for considering the criminal**
29 **history records of applicants for an initial privilege to practice. These**
30 **procedures shall include the submission of fingerprints or other**

1 **biometric-based information by applicants for the purpose of obtaining**
2 **an applicant's criminal history record information from the Federal**
3 **Bureau of Investigation and the agency responsible for retaining that**
4 **state's criminal records;**

5 **a. A member state must fully implement a criminal background**
6 **check requirement, within a time frame established by rule, by re-**
7 **ceiving the results of the Federal Bureau of Investigation record**
8 **search and shall use the results in making licensure decisions;**

9 **b. Communication between a member state, the Commission and**
10 **among member states regarding the verification of eligibility for**
11 **licensure through the Compact may not include any information re-**
12 **ceived from the Federal Bureau of Investigation relating to a federal**
13 **criminal records check performed by a member state under Public Law**
14 **92-544;**

15 **4. Comply with the rules of the Commission;**

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

19 **6. Grant the privilege to practice to a licensee holding a valid un-**
20 **encumbered license in another member state in accordance with the**
21 **terms of the Compact and rules; and**

22 **7. Provide for the attendance of the state's commissioner to the**
23 **Counseling Compact Commission meetings.**

24 **C. Member states may charge a fee for granting the privilege to**
25 **practice.**

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

1 state.

2 E. Nothing in this Compact shall affect the requirements estab-
3 lished by a member state for the issuance of a single state license.

4 F. A license issued to a licensed professional counselor by a home
5 state to a resident in that state shall be recognized by each member
6 state as authorizing a licensed professional counselor to practice pro-
7 fessional counseling, under a privilege to practice, in each member
8 state.

9 **SECTION 4. PRIVILEGE TO PRACTICE**

10 A. To exercise the privilege to practice under the terms and pro-
11 visions of the Compact, the licensee shall:

12 1. Hold a license in the home state;

13 2. Have a valid United States Social Security Number or National
14 Practitioner Identifier number;

15 3. Be eligible for a privilege to practice in any member state in ac-
16 cordance with Section 4(D), (G) and (H) of this Compact;

17 4. Have not had any encumbrance or restriction against any license
18 or privilege to practice within the previous two years;

19 5. Notify the Commission that the licensee is seeking the privilege
20 to practice within a remote state;

21 6. Pay any applicable fees, including any state fee, for the privilege
22 to practice;

23 7. Meet any continuing competence/education requirements estab-
24 lished by the home state;

25 8. Meet any jurisprudence requirements established by the remote
26 state in which the licensee is seeking a privilege to practice; and

27 9. Report to the Commission any adverse action, encumbrance or
28 restriction on license taken by any non-member state within 30 days
29 from the date the action is taken.

30 B. The privilege to practice is valid until the expiration date of the

1 **home state license. The licensee must comply with the requirements**
2 **of Section 4(A) of this Compact to maintain the privilege to practice**
3 **in the remote state.**

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

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

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

- 17 **1. The home state license is no longer encumbered; and**
- 18 **2. The licensee has not had any encumbrance or restriction against**
19 **any license or privilege to practice within the previous two years.**

20 **F. Once an encumbered license in the home state is restored to**
21 **good standing, the licensee must meet the requirements of Section**
22 **4(A) of this Compact to obtain a privilege to practice in any remote**
23 **state.**

24 **G. If a licensee's privilege to practice in any remote state is re-**
25 **moved, the individual may lose the privilege to practice in all other**
26 **remote states until the following occur:**

- 27 **1. The specific period of time for which the privilege to practice was**
28 **removed has ended;**
- 29 **2. All fines have been paid; and**
- 30 **3. The licensee has not had any encumbrance or restriction against**

1 any license or privilege to practice within the previous two years.

2 H. Once the requirements of Section 4(G) of this Compact have been
3 met, the licensee must meet the requirements in Section 4(A) of this
4 Compact to obtain a privilege to practice in a remote state.

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

7 A. A licensed professional counselor may hold a home state license
8 which allows for a privilege to practice in other member states in only
9 one member state at a time.

10 B. If a licensed professional counselor changes their primary state
11 of residence by moving between two member states:

12 1. The licensed professional counselor shall file an application for
13 obtaining a new home state license based on a privilege to practice,
14 pay all applicable fees and notify the current and new home state in
15 accordance with applicable rules adopted by the Commission.

16 2. Upon receipt of an application for obtaining a new home state
17 license by virtue of a privilege to practice, the new home state shall
18 verify that the licensed professional counselor meets the pertinent
19 criteria outlined in Section 4 of this Compact via the data system,
20 without need for primary source verification except for:

21 a. A Federal Bureau of Investigation fingerprint-based criminal
22 background check if not previously performed or updated pursuant to
23 applicable rules adopted by the Commission in accordance with Public
24 Law 92-544;

25 b. Other criminal background check as required by the new home
26 state; and

27 c. Completion of any requisite jurisprudence requirements of the
28 new home state.

29 3. The former home state shall convert the former home state li-
30 cense into a privilege to practice once the new home state has acti-

1 vated the new home state license in accordance with applicable rules
2 adopted by the Commission.

3 4. Notwithstanding any other provision of this Compact, if the li-
4 censed professional counselor cannot meet the criteria in Section 4 of
5 this Compact, the new home state may apply its requirements for is-
6 suing a new single state license.

7 5. The licensed professional counselor shall pay all applicable fees
8 to the new home state in order to be issued a new home state license.

9 C. If a licensed professional counselor changes their primary state
10 of residence by moving from a member state to a non-member state,
11 or from a non-member state to a member state, the state criteria shall
12 apply for issuance of a single state license in the new state.

13 D. Nothing in this Compact shall interfere with a licensee's ability
14 to hold a single state license in multiple states. However, for the
15 purposes of this Compact, a licensee shall have only one home state
16 license.

17 E. Nothing in this Compact shall affect the requirements estab-
18 lished by a member state for the issuance of a single state license.

19 SECTION 6. ACTIVE DUTY MILITARY PERSONNEL OR THEIR 20 SPOUSE

21 Active duty military personnel, or their spouse, shall designate a
22 home state where the individual has a current license in good stand-
23 ing. The individual may retain the home state designation during the
24 period the service member is on active duty. Subsequent to designat-
25 ing a home state, the individual shall only change their home state
26 through application for licensure in the new state, or through the
27 process outlined in Section 5 of this Compact.

28 SECTION 7. COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

29 A. Member states shall recognize the right of a licensed professional
30 counselor, licensed by a home state in accordance with Section 3 of

1 this Compact and under rules promulgated by the Commission, to
2 practice professional counseling in any member state via telehealth
3 under a privilege to practice as provided in this Compact and rules
4 promulgated by the Commission.

5 B. A licensee providing professional counseling services in a remote
6 state under the privilege to practice shall adhere to the laws and reg-
7 ulations of the remote state.

8 SECTION 8. ADVERSE ACTIONS

9 A. In addition to the other powers conferred by state law, a remote
10 state shall have the authority, in accordance with existing state due
11 process law, to:

12 1. Take adverse action against a licensed professional counselor's
13 privilege to practice within that member state; and

14 2. Issue subpoenas for both hearings and investigations that require
15 the attendance and testimony of witnesses as well as the production
16 of evidence. Subpoenas issued by a licensing board in a member state
17 for the attendance and testimony of witnesses or the production of
18 evidence from another member state shall be enforced in the latter
19 state by any court of competent jurisdiction according to the practice
20 and procedure of that court applicable to subpoenas issued in pro-
21 ceedings pending before it. The issuing authority shall pay any witness
22 fees, travel expenses, mileage and other fees required by the service
23 statutes of the state in which the witnesses or evidence are located.

24 3. Only the home state shall have the power to take adverse action
25 against a licensed professional counselor's license issued by the home
26 state.

27 B. For purposes of taking adverse action, the home state shall give
28 the same priority and effect to reported conduct received from a
29 member state as it would if the conduct had occurred within the home
30 state. In so doing, the home state shall apply its own state laws to

1 **determine appropriate action.**

2 **C. The home state shall complete any pending investigations of a**
3 **licensed professional counselor who changes primary state of residence**
4 **during the course of the investigations. The home state shall also have**
5 **the authority to take appropriate action and shall promptly report the**
6 **conclusions of the investigations to the administrator of the data**
7 **system. The administrator of the data system shall promptly notify**
8 **the new home state of any adverse actions.**

9 **D. A member state, if otherwise permitted by state law, may re-**
10 **cover from the affected licensed professional counselor the costs of**
11 **investigations and dispositions of cases resulting from any adverse**
12 **action taken against that licensed professional counselor.**

13 **E. A member state may take adverse action based on the factual**
14 **findings of the remote state, provided that the member state follows**
15 **its own procedures for taking the adverse action.**

16 **F. Joint Investigations.**

17 **1. In addition to the authority granted to a member state by its**
18 **respective professional counseling practice act or other applicable**
19 **state law, any member state may participate with other member states**
20 **in joint investigations of licensees.**

21 **2. Member states shall share any investigative, litigation or com-**
22 **pliance materials in furtherance of any joint or individual investi-**
23 **gation initiated under the Compact.**

24 **G. If adverse action is taken by the home state against the license**
25 **of a licensed professional counselor, the licensed professional**
26 **counselor's privilege to practice in all other member states shall be**
27 **deactivated until all encumbrances have been removed from the home**
28 **state license. All home state disciplinary orders that impose adverse**
29 **action against the license of a licensed professional counselor shall**
30 **include a statement that the licensed professional counselor's privilege**

1 to practice is deactivated in all member states during the pendency
2 of the order.

3 H. If a member state takes adverse action, it shall promptly notify
4 the administrator of the data system. The administrator of the data
5 system shall promptly notify the home state of any adverse actions
6 by remote states.

7 I. Nothing in this Compact shall override a member state's decision
8 that participation in an alternative program may be used in lieu of
9 adverse action.

10 SECTION 9. ESTABLISHMENT OF COUNSELING COMPACT
11 COMMISSION

12 A. The Compact member states hereby create and establish a joint
13 public agency known as the Counseling Compact Commission:

14 1. The Commission is an instrumentality of the Compact member
15 states.

16 2. Venue is proper and judicial proceedings by or against the Com-
17 mission shall be brought solely and exclusively in a court of competent
18 jurisdiction where the principal offices of the Commission are located.
19 The Commission may waive venue and jurisdictional defenses to the
20 extent it adopts or consents to participate in alternative dispute re-
21 solution proceedings.

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

24 B. Membership, Voting and Meetings

25 1. Each member state shall have and be limited to one delegate se-
26 lected by that member state's licensing board.

27 2. The delegate shall be either:

28 a. A current member of the licensing board at the time of appoint-
29 ment, who is a licensed professional counselor or public member; or

30 b. An administrator of the licensing board.

1 **3. Any delegate may be removed or suspended from office as pro-**
2 **vided by the law of the state from which the delegate is appointed.**

3 **4. The member state licensing board shall fill any vacancy occur-**
4 **ring on the Commission within 60 days.**

5 **5. Each delegate shall be entitled to one vote with regard to the**
6 **promulgation of rules and creation of bylaws and shall otherwise have**
7 **an opportunity to participate in the business and affairs of the Com-**
8 **mission.**

9 **6. A delegate shall vote in person or by such other means as pro-**
10 **vided in the bylaws. The bylaws may provide for delegates' partic-**
11 **ipation in meetings by telephone or other means of communication.**

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

14 **8. The Commission shall by rule establish a term of office for de-**
15 **legates and may by rule establish term limits.**

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

17 **1. Establish the fiscal year of the Commission;**

18 **2. Establish bylaws;**

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

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

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

24 **6. Bring and prosecute legal proceedings or actions in the name of**
25 **the Commission, provided that the standing of any state licensing**
26 **board to sue or be sued under applicable law shall not be affected;**

27 **7. Purchase and maintain insurance and bonds;**

28 **8. Borrow, accept or contract for services of personnel, including,**
29 **but not limited to, employees of a member state;**

30 **9. Hire employees, elect or appoint officers, fix compensation, define**

1 duties, grant to employees and officers appropriate authority to carry
2 out the purposes of the Compact and establish the Commission's per-
3 sonnel policies and programs relating to conflicts of interest, quali-
4 fications of personnel and other related personnel matters;

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

9 11. Lease, purchase or accept appropriate gifts or donations of, or
10 otherwise own, hold, improve or use, any property, real, personal or
11 mixed, provided that at all times the Commission shall avoid any ap-
12 pearance of impropriety;

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

15 13. Establish a budget and make expenditures;

16 14. Borrow money;

17 15. Appoint committees, including standing committees composed
18 of members, state regulators, state legislators or their representatives
19 and consumer representatives and such other interested persons as
20 may be designated in this Compact and the bylaws;

21 16. Provide and receive information from, and cooperate with, law
22 enforcement agencies;

23 17. Establish and elect an Executive Committee; and

24 18. Perform such other functions as may be necessary or appropri-
25 ate to achieve the purposes of this Compact consistent with the state
26 regulation of professional counseling licensure and practice.

27 **D. The Executive Committee**

28 1. The Executive Committee shall have the power to act on behalf
29 of the Commission according to the terms of this Compact.

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

1 **a. Seven voting members who are elected by the Commission from**
2 **the current membership of the Commission; and**

3 **b. Up to four ex-officio, non-voting members from four recognized**
4 **national professional counselor organizations.**

5 **c. The ex-officio members will be selected by their respective or-**
6 **ganizations.**

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

9 **4. The Executive Committee shall meet at least annually.**

10 **5. The Executive Committee shall have the following duties and**
11 **responsibilities:**

12 **a. Recommend to the entire Commission changes to the rules or**
13 **bylaws, changes to this Compact legislation, fees paid by Compact**
14 **member states such as annual dues and any Compact Commission fee**
15 **charged to licensees for the privilege to practice;**

16 **b. Ensure Compact administration services are appropriately pro-**
17 **vided, contractual or otherwise;**

18 **c. Prepare and recommend the budget;**

19 **d. Maintain financial records on behalf of the Commission;**

20 **e. Monitor Compact compliance of member states and provide**
21 **compliance reports to the Commission;**

22 **f. Establish additional committees as necessary; and**

23 **g. Other duties as provided in rules or bylaws.**

24 **E. Meetings of the Commission**

25 **1. All meetings shall be open to the public and public notice of**
26 **meetings shall be given in the same manner as required under the**
27 **rulemaking provisions in Section 11 of this Compact.**

28 **2. The Commission or the Executive Committee or other commit-**
29 **tees of the Commission may convene in a closed, non-public meeting**
30 **if the Commission or Executive Committee or other committees of the**

- 1 **Commission must discuss:**
- 2 **a. Non-compliance of a member state with its obligations under the**
- 3 **Compact;**
- 4 **b. The employment, compensation, discipline or other matters,**
- 5 **practices or procedures related to specific employees or other matters**
- 6 **related to the Commission’s internal personnel practices and proce-**
- 7 **dures;**
- 8 **c. Current, threatened or reasonably anticipated litigation;**
- 9 **d. Negotiation of contracts for the purchase, lease or sale of goods,**
- 10 **services or real estate;**
- 11 **e. Accusing any person of a crime or formally censuring any per-**
- 12 **son;**
- 13 **f. Disclosure of trade secrets or commercial or financial informa-**
- 14 **tion that is privileged or confidential;**
- 15 **g. Disclosure of information of a personal nature where disclosure**
- 16 **would constitute a clearly unwarranted invasion of personal privacy;**
- 17 **h. Disclosure of investigative records compiled for law enforcement**
- 18 **purposes;**
- 19 **i. Disclosure of information related to any investigative reports**
- 20 **prepared by or on behalf of or for use of the Commission or other**
- 21 **committee charged with responsibility of investigation or determi-**
- 22 **nation of compliance issues pursuant to the Compact; or**
- 23 **j. Matters specifically exempted from disclosure by federal or**
- 24 **member state statute.**
- 25 **3. If a meeting, or portion of a meeting, is closed pursuant to this**
- 26 **provision, the Commission’s legal counsel or designee shall certify that**
- 27 **the meeting may be closed and shall reference each relevant exempt-**
- 28 **ing provision.**
- 29 **4. The Commission shall keep minutes that fully and clearly de-**
- 30 **scribe all matters discussed in a meeting and shall provide a full and**

1 accurate summary of actions taken, and the reasons therefor, includ-
2 ing a description of the views expressed. All documents considered in
3 connection with an action shall be identified in such minutes. All
4 minutes and documents of a closed meeting shall remain under seal,
5 subject to release by a majority vote of the Commission or order of a
6 court of competent jurisdiction.

7 **F. Financing of the Commission**

8 1. The Commission shall pay, or provide for the payment of, the
9 reasonable expenses of its establishment, organization and ongoing
10 activities.

11 2. The Commission may accept any and all appropriate revenue
12 sources, donations and grants of money, equipment, supplies, materi-
13 als and services.

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

22 b. An assessment levied, or any other financial obligation imposed,
23 under this Compact is effective against the State of Oregon only to the
24 extent that moneys necessary to pay the assessment or meet the fi-
25 nancial obligation have been deposited in the Oregon Board of Li-
26 censed Professional Counselors and Therapists Account established
27 under ORS 675.805.

28 4. The Commission shall not incur obligations of any kind prior to
29 securing the funds adequate to meet the same, nor shall the Commis-
30 sion pledge the credit of any of the member states, except by and with

1 the authority of the member state.

2 5. The Commission shall keep accurate accounts of all receipts and
3 disbursements. The receipts and disbursements of the Commission
4 shall be subject to the audit and accounting procedures established
5 under its bylaws. However, all receipts and disbursements of funds
6 handled by the Commission shall be audited yearly by a certified or
7 licensed public accountant, and the report of the audit shall be in-
8 cluded in and become part of the annual report of the Commission.

9 **G. Qualified Immunity, Defense and Indemnification**

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

21 2. The Commission shall defend any member, officer, executive di-
22 rector, employee or representative of the Commission in any civil
23 action seeking to impose liability arising out of any actual or alleged
24 act, error or omission that occurred within the scope of Commission
25 employment, duties or responsibilities, or that the person against
26 whom the claim is made had a reasonable basis for believing occurred
27 within the scope of Commission employment, duties or responsibilities,
28 provided that nothing herein shall be construed to prohibit that person
29 from retaining their own counsel, and provided further that the actual
30 or alleged act, error or omission did not result from that person's in-

1 **tentional or willful or wanton misconduct.**

2 **3. The Commission shall indemnify and hold harmless any member,**
3 **officer, executive director, employee or representative of the Commis-**
4 **sion for the amount of any settlement or judgment obtained against**
5 **that person arising out of any actual or alleged act, error or omission**
6 **that occurred within the scope of Commission employment, duties or**
7 **responsibilities, or that such person had a reasonable basis for believ-**
8 **ing occurred within the scope of Commission employment, duties or**
9 **responsibilities, provided that the actual or alleged act, error or**
10 **omission did not result from the intentional or willful or wanton**
11 **misconduct of that person.**

12 **SECTION 10. DATA SYSTEM**

13 **A. The Commission shall provide for the development, mainte-**
14 **nance, operation and utilization of a coordinated database and re-**
15 **porting system containing licensure, adverse action and investigative**
16 **information on all licensed individuals in member states.**

17 **B. Notwithstanding any other provision of state law to the con-**
18 **trary, a member state shall submit a uniform data set to the data**
19 **system on all individuals to whom this Compact is applicable as re-**
20 **quired by the rules of the Commission, including:**

21 **1. Identifying information;**

22 **2. Licensure data;**

23 **3. Adverse actions against a license or privilege to practice;**

24 **4. Non-confidential information related to alternative program par-**
25 **ticipation;**

26 **5. Any denial of application for licensure and the reason for such**
27 **denial;**

28 **6. Current significant investigative information; and**

29 **7. Other information that may facilitate the administration of this**
30 **Compact, as determined by the rules of the Commission.**

1 **C. Investigative information pertaining to a licensee in any member**
2 **state will only be available to other member states.**

3 **D. The Commission shall promptly notify all member states of any**
4 **adverse action taken against a licensee or an individual applying for**
5 **a license. Adverse action information pertaining to a licensee in any**
6 **member state will be available to any other member state.**

7 **E. Member states contributing information to the data system may**
8 **designate information that may not be shared with the public without**
9 **the express permission of the contributing state.**

10 **F. Any information submitted to the data system that is subse-**
11 **quently required to be expunged by the laws of the member state**
12 **contributing the information shall be removed from the data system.**

13 **SECTION 11. RULEMAKING**

14 **A. The Commission shall promulgate reasonable rules in order to**
15 **effectively and efficiently achieve the purpose of the Compact. Not-**
16 **withstanding the foregoing, in the event the Commission exercises its**
17 **rulemaking authority in a manner that is beyond the scope of the**
18 **purposes of the Compact, or the powers granted hereunder, then such**
19 **an action by the Commission shall be invalid and have no force or ef-**
20 **fect.**

21 **B.1. The Commission shall exercise its rulemaking powers pursuant**
22 **to the criteria set forth in this section and the rules adopted there-**
23 **under. Rules and amendments shall become binding as of the date**
24 **specified in each rule or amendment.**

25 **2. Notwithstanding Section 11(B)(1) of this Compact, the Oregon**
26 **Board of Licensed Professional Counselors and Therapists shall review**
27 **the rules of the Commission. The board may approve and adopt the**
28 **rules of the Commission as rules of the board. The State of Oregon is**
29 **subject to a rule of the Commission only if the rule of the Commission**
30 **is adopted by the board.**

1 **C. If a majority of the legislatures of the member states rejects a**
2 **rule by enactment of a statute or resolution in the same manner used**
3 **to adopt the Compact within four years of the date of adoption of the**
4 **rule, then such rule shall have no further force and effect in any**
5 **member state.**

6 **D. Rules or amendments to the rules shall be adopted at a regular**
7 **or special meeting of the Commission.**

8 **E. Prior to promulgation and adoption of a final rule or rules by the**
9 **Commission, and at least 30 days in advance of the meeting at which**
10 **the rule will be considered and voted upon, the Commission shall file**
11 **a notice of proposed rulemaking:**

12 **1. On the website of the Commission or other publicly accessible**
13 **platform; and**

14 **2. On the website of each member state professional counseling li-**
15 **censing board or other publicly accessible platform or the publication**
16 **in which each state would otherwise publish proposed rules.**

17 **F. The notice of proposed rulemaking shall include:**

18 **1. The proposed time, date and location of the meeting in which the**
19 **rule will be considered and voted upon;**

20 **2. The text of the proposed rule or amendment and the reason for**
21 **the proposed rule;**

22 **3. A request for comments on the proposed rule from any interested**
23 **person; and**

24 **4. The manner in which interested persons may submit notice to**
25 **the Commission of their intention to attend the public hearing and any**
26 **written comments.**

27 **G. Prior to adoption of a proposed rule, the Commission shall allow**
28 **persons to submit written data, facts, opinions and arguments, which**
29 **shall be made available to the public.**

30 **H. The Commission shall grant an opportunity for a public hearing**

1 before it adopts a rule or amendment if a hearing is requested by:

2 1. At least 25 persons;

3 2. A state or federal governmental subdivision or agency; or

4 3. An association having at least 25 members.

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

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

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

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

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

22 J. Following the scheduled hearing date, or by the close of business
23 on the scheduled hearing date if the hearing was not held, the Com-
24 mission shall consider all written and oral comments received.

25 K. If no written notice of intent to attend the public hearing by
26 interested parties is received, the Commission may proceed with
27 promulgation of the proposed rule without a public hearing.

28 L. The Commission shall, by majority vote of all members, take
29 final action on the proposed rule and shall determine the effective date
30 of the rule, if any, based on the rulemaking record and the full text

1 of the rule.

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

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

15 N. The Commission or an authorized committee of the Commission
16 may direct revisions to a previously adopted rule or amendment for
17 purposes of correcting typographical errors, errors in format, errors
18 in consistency or grammatical errors. Public notice of any revisions
19 shall be posted on the website of the Commission. The revision shall
20 be subject to challenge by any person for a period of 30 days after
21 posting. The revision may be challenged only on grounds that the re-
22 vision results in a material change to a rule. A challenge shall be made
23 in writing and delivered to the chair of the Commission prior to the
24 end of the notice period. If no challenge is made, the revision will take
25 effect without further action. If the revision is challenged, the revision
26 may not take effect without the approval of the Commission.

27 SECTION 12. OVERSIGHT, DISPUTE RESOLUTION AND
28 ENFORCEMENT

29 A. Oversight

- 30 1. The executive, legislative and judicial branches of state govern-

1 **ment in each member state shall enforce this Compact and take all**
2 **actions necessary and appropriate to effectuate the Compact's pur-**
3 **poses and intent. The provisions of this Compact and, subject to Sec-**
4 **tion 11(B)(2) of this Compact, the rules promulgated hereunder, shall**
5 **have standing as statutory law.**

6 **2. All courts shall take judicial notice of the Compact and the rules**
7 **in any judicial or administrative proceeding in a member state per-**
8 **taining to the subject matter of this Compact which may affect the**
9 **powers, responsibilities or actions of the Commission.**

10 **3. The Commission shall be entitled to receive service of process in**
11 **any such proceeding and shall have standing to intervene in such a**
12 **proceeding for all purposes. Failure to provide service of process to the**
13 **Commission shall render a judgment or order void as to the Commis-**
14 **sion, this Compact or promulgated rules.**

15 **B. Default, Technical Assistance and Termination**

16 **1. If the Commission determines that a member state has defaulted**
17 **in the performance of its obligations or responsibilities under this**
18 **Compact or the promulgated rules, the Commission shall:**

19 **a. Provide written notice to the defaulting state and other member**
20 **states of the nature of the default, the proposed means of curing the**
21 **default and any other action to be taken by the Commission; and**

22 **b. Provide remedial training and specific technical assistance re-**
23 **garding the default.**

24 **C. If a state in default fails to cure the default, the defaulting state**
25 **may be terminated from the Compact upon an affirmative vote of a**
26 **majority of the member states, and all rights, privileges and benefits**
27 **conferred by this Compact may be terminated on the effective date of**
28 **termination. A cure of the default does not relieve the offending state**
29 **of obligations or liabilities incurred during the period of default.**

30 **D. Termination of membership in the Compact shall be imposed**

1 only after all other means of securing compliance have been ex-
2 hausted. Notice of intent to suspend or terminate shall be given by the
3 Commission to the governor, the majority and minority leaders of the
4 defaulting state's legislature and each of the member states.

5 E. A state that has been terminated is responsible for all assess-
6 ments, obligations and liabilities incurred through the effective date
7 of termination, including obligations that extend beyond the effective
8 date of termination.

9 F. The Commission shall not bear any costs related to a state that
10 is found to be in default or that has been terminated from the Com-
11 pact, unless agreed upon in writing between the Commission and the
12 defaulting state.

13 G. The defaulting state may appeal the action of the Commission
14 by petitioning the U.S. District Court for the District of Columbia or
15 the federal district where the Commission has its principal offices. The
16 prevailing member shall be awarded all costs of such litigation, in-
17 cluding reasonable attorney fees.

18 H. Dispute Resolution

19 1. Upon request by a member state, the Commission shall attempt
20 to resolve disputes related to the Compact that arise among member
21 states and between member and non-member states.

22 2. The Commission shall promulgate a rule providing for both me-
23 diation and binding dispute resolution for disputes as appropriate.

24 I. Enforcement

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

27 2. By majority vote, the Commission may initiate legal action in the
28 U.S. District Court for the District of Columbia or the federal district
29 where the Commission has its principal offices against a member state
30 in default to enforce compliance with the provisions of the Compact

1 and its promulgated rules and bylaws. The relief sought may include
2 both injunctive relief and damages. In the event judicial enforcement
3 is necessary, the prevailing member shall be awarded all costs of such
4 litigation, including reasonable attorney fees.

5 3. The remedies herein shall not be the exclusive remedies of the
6 Commission. The Commission may pursue any other remedies avail-
7 able under federal or state law.

8 SECTION 13. DATE OF IMPLEMENTATION OF THE COUNSELING
9 COMPACT COMMISSION AND ASSOCIATED RULES, WITHDRAWAL
10 AND AMENDMENT

11 A. The Compact shall come into effect on the date on which the
12 Compact statute is enacted into law in the 10th member state. The
13 provisions, which become effective at that time, shall be limited to the
14 powers granted to the Commission relating to assembly and the
15 promulgation of rules. Thereafter, the Commission shall meet and
16 exercise rulemaking powers necessary to the implementation and ad-
17 ministration of the Compact.

18 B. Any state that joins the Compact subsequent to the
19 Commission's initial adoption of the rules shall be subject to the rules
20 as they exist on the date on which the Compact becomes law in that
21 state. Any rule that has been previously adopted by the Commission
22 shall have the full force and effect of law on the day the Compact be-
23 comes law in that state.

24 C. Any member state may withdraw from this Compact by enacting
25 a statute repealing the same.

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

28 2. Withdrawal shall not affect the continuing requirement of the
29 withdrawing state's professional counseling licensing board to comply
30 with the investigative and adverse action reporting requirements of

1 **this act prior to the effective date of withdrawal.**

2 **D. Nothing contained in this Compact shall be construed to invali-**
3 **date or prevent any professional counseling licensure agreement or**
4 **other cooperative arrangement between a member state and a non-**
5 **member state that does not conflict with the provisions of this Com-**
6 **pact.**

7 **E. This Compact may be amended by the member states. No**
8 **amendment to this Compact shall become effective and binding upon**
9 **any member state until it is enacted into the laws of all member**
10 **states.**

11 **SECTION 14. CONSTRUCTION AND SEVERABILITY**

12 **This Compact shall be liberally construed so as to effectuate the**
13 **purposes thereof. The provisions of this Compact shall be severable**
14 **and if any phrase, clause, sentence or provision of this Compact is**
15 **declared to be contrary to the constitution of any member state or of**
16 **the United States or the applicability thereof to any government,**
17 **agency, person or circumstance is held invalid, the validity of the re-**
18 **mainder of this Compact and the applicability thereof to any govern-**
19 **ment, agency, person or circumstance shall not be affected thereby.**
20 **If this Compact shall be held contrary to the constitution of any**
21 **member state, the Compact shall remain in full force and effect as to**
22 **the remaining member states and in full force and effect as to the**
23 **member state affected as to all severable matters.**

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

25 **A. A licensee providing professional counseling services in a remote**
26 **state under the privilege to practice shall adhere to the laws and reg-**
27 **ulations, including scope of practice, of the remote state.**

28 **B. Nothing herein prevents the enforcement of any other law of a**
29 **member state that is not inconsistent with the Compact.**

30 **C. Any laws in a member state in conflict with the Compact are**

1 **superseded to the extent of the conflict.**

2 **D.1. Any lawful actions of the Commission, including all rules and**
3 **bylaws properly promulgated by the Commission, are binding upon the**
4 **member states.**

5 **2. Notwithstanding Section 15(D)(1) of this Compact, the Oregon**
6 **Board of Licensed Professional Counselors and Therapists shall review**
7 **the rules of the Commission. The board may approve and adopt the**
8 **rules of the Commission as rules of the board. The State of Oregon is**
9 **subject to a rule of the Commission only if the rule of the Commission**
10 **is adopted by the board.**

11 **E. All permissible agreements between the Commission and the**
12 **member states are binding in accordance with their terms.**

13 **F. In the event any provision of the Compact exceeds the constitu-**
14 **tional limits imposed on the legislature of any member state, the**
15 **provision shall be ineffective to the extent of the conflict with the**
16 **constitutional provision in question in that member state.**

17 “
18 **“SECTION 4. The Legislative Assembly of the State of Oregon**
19 **hereby ratifies the Counseling Compact set forth in section 3 of this**
20 **2024 Act.**

21 **“SECTION 5. ORS 675.805 is amended to read:**

22 **“675.805. All moneys received by the Oregon Board of Licensed Profes-**
23 **sional Counselors and Therapists under ORS 675.715 to 675.835 shall be paid**
24 **into the General Fund in the State Treasury and placed to the credit of the**
25 **Oregon Board of Licensed Professional Counselors and Therapists Account,**
26 **which is hereby established. Such moneys are appropriated continuously to**
27 **the board and shall be used only for the administration and enforcement of**
28 **ORS 675.172, 675.715 to 675.835, 676.850 and 676.866 and for the purpose of**
29 **meeting the financial obligations imposed on the State of Oregon as**
30 **a result of this state’s participation in the Counseling Compact estab-**

1 **lished under section 3 of this 2024 Act.**

2 **“SECTION 6.** ORS 675.825 is amended to read:

3 “675.825. (1) A person may not:

4 “(a) Attempt to obtain or obtain a license or license renewal by bribery
5 or fraudulent representation.

6 “(b) Engage in or purport to the public to be engaged in the practice of
7 professional counseling under the title ‘licensed professional counselor’ un-
8 less the person is a licensee.

9 “(c) Engage in or purport to the public to be engaged in the practice of
10 marriage and family therapy under the title of ‘licensed marriage and family
11 therapist’ unless the person is a licensee.

12 “(d) Engage in the practice of professional counseling or marriage and
13 family therapy unless:

14 “(A) The person is a licensee, registered associate or graduate student
15 pursuing a graduate degree in counseling or marriage and family therapy;
16 or

17 “(B) The person is exempted from the licensing requirements of ORS
18 675.715 to 675.835 by subsection (3) of this section.

19 “(e) Provide counseling or therapy services of a psychotherapeutic nature
20 if the person’s license to practice as a professional counselor or as a mar-
21 riage and family therapist has been revoked by the Oregon Board of Licensed
22 Professional Counselors and Therapists because the person engaged in sexual
23 activity with a client.

24 “(2) A licensed psychologist whose license, or a regulated social worker
25 whose authorization to practice regulated social work, was issued prior to
26 October 1, 1991, may use the title ‘marriage and family therapist.’

27 “(3) The licensing requirements of ORS 675.715 to 675.835 do not apply to
28 a person who is:

29 “(a) Licensed, certified, registered or similarly regulated under the laws
30 of this state and who is performing duties within the authorized scope of

1 practice of the license, certification, registration or regulation.

2 “(b) A recognized member of the clergy, provided that the person is acting
3 in the person’s ministerial capacity.

4 “(c) Employed by a local, state or federal agency, a public university
5 listed in ORS 352.002 or any agency licensed or certified by the state to
6 provide mental health or health services, if the person’s activities constitut-
7 ing professional counseling or marriage and family therapy are performed
8 within the scope of the person’s employment.

9 “(d) Authorized to provide addiction treatment services under rules of the
10 Department of Human Services.

11 “(e) **Authorized to practice pursuant to privilege to practice as de-**
12 **defined in section 3 of this 2024 Act.**

13 “(4) Nothing in ORS 675.715 to 675.835 limits or prevents the practice of
14 a person’s profession or restricts a person from providing counseling services
15 or services related to marriage and family if the person:

16 “(a) Does not meet the requirements of ORS 675.715 (1)(b); or

17 “(b) Does not practice:

18 “(A) Marriage and family therapy as defined in ORS 675.705 (7)(a); or

19 “(B) Professional counseling as defined in ORS 675.705 (8)(a).

20 “(5) Each violation of this section is a separate violation.

21 “(6) The board may levy a civil penalty not to exceed \$2,500 for each
22 separate violation of this section.

23 “**SECTION 7.** ORS 676.177 is amended to read:

24 “676.177. (1) Notwithstanding any other provision of ORS 676.165 to
25 676.180 and except as provided in subsection (5) of this section, a health
26 professional regulatory board, upon a determination by the board that it
27 possesses otherwise confidential information that reasonably relates to the
28 regulatory or enforcement function of another public entity, may disclose
29 that information to the other public entity.

30 “(2) Any public entity that receives information pursuant to subsection

1 (1) of this section shall agree to take all reasonable steps to maintain the
2 confidentiality of the information, except that the public entity may use or
3 disclose the information to the extent necessary to carry out the regulatory
4 or enforcement functions of the public entity.

5 “(3) For purposes of this section, ‘public entity’ means:

6 “(a) A board or agency of this state, or a board or agency of another state
7 with regulatory or enforcement functions similar to the functions of a health
8 professional regulatory board of this state;

9 “(b) A district attorney;

10 “(c) The Department of Justice;

11 “(d) A state or local public body of this state that licenses, franchises or
12 provides emergency medical services; or

13 “(e) A law enforcement agency of this state, another state or the federal
14 government.

15 “(4) Notwithstanding subsections (1) to (3) of this section[,]:

16 “(a) The Oregon Board of Physical Therapy may disclose information
17 described in subsection (1) of this section to the Physical Therapy Compact
18 Commission established in ORS 688.240.

19 “(b) **The Oregon Board of Licensed Professional Counselors and**
20 **Therapists may disclose information described in subsection (1) of this**
21 **section to the Counseling Compact Commission established in section**
22 **3 of this 2024 Act.**

23 “(5) A health professional regulatory board may not disclose the infor-
24 mation described in subsection (1) of this section to another public entity if
25 the information relates to the provision of or referral for reproductive or
26 gender-affirming health care services.

27 “**SECTION 8. (1) The amendments to ORS 675.805 by section 5 of this**
28 **2024 Act apply to moneys received by the Oregon Board of Licensed**
29 **Professional Counselors and Therapists on or after the operative date**
30 **specified in section 9 of this 2024 Act.**

1 **“(2) The amendments to ORS 675.825 by section 6 of this 2024 Act**
2 **apply to individuals authorized to practice by privilege to practice on**
3 **or after the operative date specified in section 9 of this 2024 Act.**

4 **“(3) The amendments to ORS 676.177 by section 7 of this 2024 Act**
5 **apply to information disclosed on or after the operative date specified**
6 **in section 9 of this 2024 Act.**

7 **“SECTION 9. (1) Sections 3 and 4 of this 2024 Act and the amend-**
8 **ments to ORS 675.805, 675.825 and 676.177 by sections 5 to 7 of this 2024**
9 **Act become operative on January 1, 2025.**

10 **“(2) The Oregon Board of Licensed Professional Counselors and**
11 **Therapists may take any action before the operative date specified in**
12 **subsection (1) of this section that is necessary to enable the board to**
13 **exercise, on or after the operative date specified in subsection (1) of**
14 **this section, all of the duties, functions and powers conferred on the**
15 **board by sections 3 and 4 of this 2024 Act and the amendments to ORS**
16 **675.805, 675.825 and 676.177 by sections 5 to 7 of this 2024 Act.**

17

18

“CAPTIONS

19

20 **“SECTION 10. The unit captions used in this 2024 Act are provided**
21 **only for the convenience of the reader and do not become part of the**
22 **statutory law of this state or express any legislative intent in the**
23 **enactment of this 2024 Act.**

24

25

“EFFECTIVE DATE

26

27 **“SECTION 11. This 2024 Act takes effect on the 91st day after the**
28 **date on which the 2024 regular session of the Eighty-second Legislative**
29 **Assembly adjourns sine die.”.**

30