

Requested by Representative DIEHL

**PROPOSED AMENDMENTS TO  
HOUSE BILL 4071**

1 On page 1 of the printed bill, line 2, delete “and prescribing an effective  
2 date” and insert “creating new provisions; and amending ORS 675.520,  
3 675.523, 675.597, 675.805, 675.825 and 676.177”.

4 Delete lines 4 through 27 and delete page 2 and insert:

5 **SECTION 1. The provisions of the Social Work Licensure Compact**  
6 **are as follows:**

7 “  
8 **SOCIAL WORK LICENSURE COMPACT**

9

10 **SECTION 1: PURPOSE**

11 **The purpose of this Compact is to facilitate interstate practice of**  
12 **regulated social workers by improving public access to competent so-**  
13 **cial work services. The Compact preserves the regulatory authority**  
14 **of states to protect public health and safety through the current sys-**  
15 **tem of state licensure.**

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

17 **A. Increase public access to social work services;**

18 **B. Reduce overly burdensome and duplicative requirements associ-**  
19 **ated with holding multiple licenses;**

20 **C. Enhance the member states’ ability to protect the public’s health**  
21 **and safety;**

1       **D. Encourage the cooperation of member states in regulating**  
2 **multistate practice;**

3       **E. Promote mobility and address workforce shortages by eliminat-**  
4 **ing the necessity for licenses in multiple states by providing for the**  
5 **mutual recognition of other member state licenses;**

6       **F. Support military families;**

7       **G. Facilitate the exchange of licensure and disciplinary information**  
8 **among member states;**

9       **H. Authorize all member states to hold a regulated social worker**  
10 **accountable for abiding by a member state’s laws, regulations and**  
11 **applicable professional standards in the member state in which the**  
12 **client is located at the time care is rendered; and**

13       **I. Allow for the use of telehealth to facilitate increased access to**  
14 **regulated social work services.**

15       **SECTION 2. DEFINITIONS**

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

18       **A. “Active military member” means any individual with full-time**  
19 **duty status in the active armed forces of the United States including**  
20 **members of the National Guard and Reserve.**

21       **B. “Adverse action” means any administrative, civil, equitable or**  
22 **criminal action permitted by a state’s laws which is imposed by a li-**  
23 **censing authority or other authority against a regulated social worker,**  
24 **including actions against an individual’s license or multistate author-**  
25 **ization to practice such as revocation, suspension, probation, moni-**  
26 **toring of the licensee, limitation on the licensee’s practice or any**  
27 **other encumbrance on licensure affecting a regulated social worker’s**  
28 **authorization to practice, including issuance of a cease and desist**  
29 **action.**

30       **C. “Alternative program” means a non-disciplinary monitoring or**

1 practice remediation process approved by a licensing authority to ad-  
2 dress practitioners with an impairment.

3 D. "Charter member states" means member states who have en-  
4 acted legislation to adopt this Compact where such legislation predates  
5 the effective date of this Compact as described in Section 14 of this  
6 Compact.

7 E. "Compact Commission" or "Commission" means the government  
8 agency known as the Social Work Licensure Compact Commission, as  
9 described in Section 10 of this Compact, whose membership consists  
10 of all states that have enacted this Compact, and which shall operate  
11 as an instrumentality of the member states.

12 F. "Current significant investigative information" means:

13 1. Investigative information that a licensing authority, after a pre-  
14 liminary inquiry that includes notification and an opportunity for the  
15 regulated social worker to respond, has reason to believe is not  
16 groundless and, if proved true, would indicate more than a minor in-  
17 fraction as may be defined by the Commission; or

18 2. Investigative information that indicates that the regulated social  
19 worker represents an immediate threat to public health and safety,  
20 as may be defined by the Commission, regardless of whether the reg-  
21 ulated social worker has been notified and has had an opportunity to  
22 respond.

23 G. "Data system" means a repository of information about  
24 licensees, including continuing education, examination, licensure,  
25 current significant investigative information, disqualifying event,  
26 multistate license and adverse action information or other information  
27 as required by the Commission.

28 H. "Disqualifying event" means any adverse action or incident  
29 which results in an encumbrance that disqualifies or makes the  
30 licensee ineligible to obtain, retain or renew a multistate license.

1 I. "Domicile" means the jurisdiction in which the licensee resides  
2 and intends to remain indefinitely.

3 J. "Encumbrance" means a revocation or suspension of, or any  
4 limitation on, the full and unrestricted practice of social work licensed  
5 and regulated by a licensing authority.

6 K. "Executive Committee" means a group of delegates elected or  
7 appointed to act on behalf of, and within the powers granted to them  
8 by, the Compact and Commission.

9 L. "Home state" means the member state that is the licensee's  
10 primary domicile.

11 M. "Impairment" means a condition that may impair a  
12 practitioner's ability to engage in full and unrestricted practice as a  
13 regulated social worker without some type of intervention and may  
14 include alcohol and drug dependence, mental health impairment and  
15 neurological or physical impairments.

16 N. "Licensee" means an individual who currently holds a license  
17 from a state to practice as a regulated social worker.

18 O. "Licensing authority" means the board or agency of a member  
19 state or equivalent that is responsible for the licensing and regulation  
20 of regulated social workers.

21 P. "Member state" means a state, commonwealth, district or terri-  
22 tory of the United States of America that has enacted this Compact.

23 Q. "Multistate authorization to practice" means a legally authorized  
24 privilege to practice, which is equivalent to a license, associated with  
25 a multistate license permitting the practice of social work in a remote  
26 state.

27 R. "Multistate license" means a license to practice as a regulated  
28 social worker issued by a home state licensing authority that author-  
29 izes the regulated social worker to practice in all member states under  
30 multistate authorization to practice.

1       **S. “Qualifying national exam” means a national licensing exam-**  
2 **ination approved by the Commission.**

3       **T. “Regulated social worker” means any clinical, master’s or**  
4 **bachelor’s social worker licensed by a member state regardless of the**  
5 **title used by that member state.**

6       **U. “Remote state” means a member state other than the licensee’s**  
7 **home state.**

8       **V. “Rule” or “rule of the Commission” means a regulation or reg-**  
9 **ulations duly promulgated by the Commission, as authorized by the**  
10 **Compact, that has the force of law.**

11       **W. “Single state license” means a social work license issued by any**  
12 **state that authorizes practice only within the issuing state and does**  
13 **not include multistate authorization to practice in any member state.**

14       **X. “Social work” or “social work services” means the application**  
15 **of social work theory, knowledge, methods, ethics and the professional**  
16 **use of self to restore or enhance social, psychosocial or biopsychosocial**  
17 **functioning of individuals, couples, families, groups, organizations and**  
18 **communities through the care and services provided by a regulated**  
19 **social worker as set forth in the member state’s statutes and regu-**  
20 **lations in the state where the services are being provided.**

21       **Y. “State” means any state, commonwealth, district or territory of**  
22 **the United States of America that regulates the practice of social**  
23 **work.**

24       **Z. “Unencumbered license” means a license that authorizes a reg-**  
25 **ulated social worker to engage in the full and unrestricted practice of**  
26 **social work.**

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

28       **A. To be eligible to participate in the Compact, a potential member**  
29 **state must currently meet all of the following criteria:**

30       **1. License and regulate the practice of social work at either the**

1 **clinical, master's or bachelor's category.**

2 **2. Require applicants for licensure to graduate from a program that**  
3 **is:**

4 **a. Operated by a college or university recognized by the licensing**  
5 **authority;**

6 **b. Accredited, or in candidacy that subsequently becomes accred-**  
7 **ited, by an accrediting agency recognized by either:**

8 **i. The Council for Higher Education Accreditation, or its successor;**  
9 **or**

10 **ii. The United States Department of Education; and**

11 **c. Corresponds to the licensure sought as outlined in Section 4 of**  
12 **this Compact.**

13 **3. Require applicants for clinical licensure to complete a period of**  
14 **supervised practice.**

15 **4. Have a mechanism in place for receiving, investigating and ad-**  
16 **judicating complaints about licensees.**

17 **B. To maintain membership in the Compact a member state shall:**

18 **1. Require that applicants for a multistate license pass a qualifying**  
19 **national exam for the corresponding category of multistate license**  
20 **sought as outlined in Section 4 of this Compact.**

21 **2. Participate fully in the Commission's data system, including us-**  
22 **ing the Commission's unique identifier as defined in the rules of the**  
23 **Commission.**

24 **3. Notify the Commission, in compliance with the terms of the**  
25 **Compact and rules, of any adverse action or the availability of current**  
26 **significant investigative information regarding a licensee.**

27 **4. Implement procedures for considering the criminal history re-**  
28 **ords of applicants for a multistate license. Such procedures shall in-**  
29 **clude the submission of fingerprints or other biometric-based**  
30 **information by applicants for the purpose of obtaining an applicant's**

1 **criminal history record information from the Federal Bureau of In-**  
2 **vestigation and the agency responsible for retaining that state's**  
3 **criminal records.**

4 **5. Comply with the rules of the Commission.**

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

8 **7. Authorize a licensee holding a multistate license in any member**  
9 **state to practice in accordance with the terms of the Compact and**  
10 **rules of the Commission.**

11 **8. Designate a delegate to participate in the Commission meetings.**

12 **C. A member state meeting the requirements of Section 3.A and 3.B**  
13 **of this Compact shall designate the categories of social work licensure**  
14 **that are eligible for issuance of a multistate license for applicants in**  
15 **such member state. To the extent that any member state does not**  
16 **meet the requirements for participation in the Compact at any par-**  
17 **ticular category of social work licensure, such member state may**  
18 **choose, but is not obligated to, issue a multistate license to applicants**  
19 **that otherwise meet the requirements of Section 4 of this Compact for**  
20 **issuance of a multistate license in such category or categories of**  
21 **licensure.**

22 **D. The home state may charge a fee for granting the multistate li-**  
23 **cense.**

24 **SECTION 4. SOCIAL WORKER PARTICIPATION IN THE COM-**  
25 **PACT**

26 **A. To be eligible for a multistate license under the terms and pro-**  
27 **visions of the Compact, an applicant, regardless of category must:**

28 **1. Hold or be eligible for an active, unencumbered license in the**  
29 **home state;**

30 **2. Pay any applicable fees, including any state fee, for the multi-**

1 state license;

2 3. Submit, in connection with an application for a multistate li-  
3 cense, fingerprints or other biometric data for the purpose of obtaining  
4 criminal history record information from the Federal Bureau of In-  
5 vestigation and the agency responsible for retaining that state's  
6 criminal records;

7 4. Notify the home state of any adverse action, encumbrance or  
8 restriction on any professional license taken by any member state or  
9 non-member state within 30 days from the date the action is taken;

10 5. Meet any continuing competence requirements established by the  
11 home state; and

12 6. Abide by the laws, regulations and applicable standards in the  
13 member state where the client is located at the time care is rendered.

14 B. An applicant for a clinical-category multistate license must meet  
15 all of the following requirements:

16 1. Fulfill a competency requirement, which shall be satisfied by ei-  
17 ther:

18 a. Passage of a clinical-category qualifying national exam;

19 b. Licensure of the applicant in their home state at the clinical  
20 category, beginning prior to such time as a qualifying national exam  
21 was required by the home state and accompanied by a period of con-  
22 tinuous social work licensure thereafter, all of which may be further  
23 governed by the rules of the Commission; or

24 c. The substantial equivalency of the foregoing competency re-  
25 quirements which the Commission may determine by rule.

26 2. Attain at least a master's degree in social work from a program  
27 that is:

28 a. Operated by a college or university recognized by the licensing  
29 authority; and

30 b. Accredited, or in candidacy that subsequently becomes accred-



1 **ited, by an accrediting agency recognized by either:**  
2 **i. The Council for Higher Education Accreditation or its successor;**  
3 **or**  
4 **ii. The United States Department of Education.**  
5 **3. Fulfill a practice requirement, which shall be satisfied by dem-**  
6 **onstrating completion of either:**  
7 **a. A period of postgraduate supervised clinical practice equal to a**  
8 **minimum of 3,000 hours;**  
9 **b. A minimum of two years of full-time postgraduate supervised**  
10 **clinical practice; or**  
11 **c. The substantial equivalency of the foregoing practice require-**  
12 **ments which the Commission may determine by rule.**  
13 **C. An applicant for a master's-category multistate license must**  
14 **meet all of the following requirements:**  
15 **1. Fulfill a competency requirement, which shall be satisfied by ei-**  
16 **ther:**  
17 **a. Passage of a masters-category qualifying national exam;**  
18 **b. Licensure of the applicant in their home state at the master's**  
19 **category, beginning prior to such time as a qualifying national exam**  
20 **was required by the home state at the master's category and accom-**  
21 **panied by a continuous period of social work licensure thereafter, all**  
22 **of which may be further governed by the rules of the Commission; or**  
23 **c. The substantial equivalency of the foregoing competency re-**  
24 **quirements which the Commission may determine by rule.**  
25 **2. Attain at least a master's degree in social work from a program**  
26 **that is:**  
27 **a. Operated by a college or university recognized by the licensing**  
28 **authority; and**  
29 **b. Accredited, or in candidacy that subsequently becomes accred-**  
30 **ited, by an accrediting agency recognized by either:**

1       **i. The Council for Higher Education Accreditation or its successor;**  
2       **or**

3       **ii. The United States Department of Education.**

4       **D. An applicant for a bachelor's-category multistate license must**  
5       **meet all of the following requirements:**

6       **1. Fulfill a competency requirement, which shall be satisfied by ei-**  
7       **ther:**

8       **a. Passage of a bachelor's-category qualifying national exam;**

9       **b. Licensure of the applicant in their home state at the bachelor's**  
10       **category, beginning prior to such time as a qualifying national exam**  
11       **was required by the home state and accompanied by a period of con-**  
12       **tinuous social work licensure thereafter, all of which may be further**  
13       **governed by the rules of the Commission; or**

14       **c. The substantial equivalency of the foregoing competency re-**  
15       **quirements which the Commission may determine by rule.**

16       **2. Attain at least a bachelor's degree in social work from a program**  
17       **that is:**

18       **a. Operated by a college or university recognized by the licensing**  
19       **authority; and**

20       **b. Accredited, or in candidacy that subsequently becomes accred-**  
21       **ited, by an accrediting agency recognized by either:**

22       **i. The Council for Higher Education Accreditation or its successor;**  
23       **or**

24       **ii. The United States Department of Education.**

25       **E. The multistate license for a regulated social worker is subject**  
26       **to the renewal requirements of the home state. The regulated social**  
27       **worker must maintain compliance with the requirements of Section**  
28       **4.A of this Compact to be eligible to renew a multistate license.**

29       **F. The regulated social worker's services in a remote state are**  
30       **subject to that member state's regulatory authority. A remote state**

1 may, in accordance with due process and that member state's laws,  
2 remove a regulated social worker's multistate authorization to prac-  
3 tice in the remote state for a specific period of time, impose fines and  
4 take any other necessary actions to protect the health and safety of  
5 its citizens.

6 G. If a multistate license is encumbered, the regulated social  
7 worker's multistate authorization to practice shall be deactivated in  
8 all remote states until the multistate license is no longer encumbered.

9 H. If a multistate authorization to practice is encumbered in a re-  
10 mote state, the regulated social worker's multistate authorization to  
11 practice may be deactivated in that state until the multistate author-  
12 ization to practice is no longer encumbered.

#### 13 SECTION 5: ISSUANCE OF A MULTISTATE LICENSE

14 A. Upon receipt of an application for multistate license, the home  
15 state licensing authority shall determine the applicant's eligibility for  
16 a multistate license in accordance with Section 4 of this Compact.

17 B. If such applicant is eligible pursuant to Section 4 of this Com-  
18 pact, the home state licensing authority shall issue a multistate li-  
19 cense that authorizes the applicant or regulated social worker to  
20 practice in all member states under a multistate authorization to  
21 practice.

22 C. Upon issuance of a multistate license, the home state licensing  
23 authority shall designate whether the regulated social worker holds a  
24 multistate license in the clinical, master's or bachelor's category of  
25 social work.

26 D. A multistate license issued by a home state to a resident in that  
27 state shall be recognized by all member states as authorizing social  
28 work practice under a multistate authorization to practice corre-  
29 sponding to each category of licensure regulated in each member  
30 state.

1       **SECTION 6: AUTHORITY OF INTERSTATE COMPACT COMMIS-**  
2       **SION AND MEMBER STATE LICENSING AUTHORITIES**

3       **A. Nothing in this Compact, nor any rule of the Commission, shall**  
4       **be construed to limit, restrict or in any way reduce the ability of a**  
5       **member state to enact and enforce laws, regulations or other rules**  
6       **related to the practice of social work in that state, where those laws,**  
7       **regulations or other rules are not inconsistent with the provisions of**  
8       **this Compact.**

9       **B. Nothing in this Compact shall affect the requirements estab-**  
10       **lished by a member state for the issuance of a single state license.**

11       **C. Nothing in this Compact, nor any rule of the Commission, shall**  
12       **be construed to limit, restrict or in any way reduce the ability of a**  
13       **member state to take adverse action against a licensee's single state**  
14       **license to practice social work in that state.**

15       **D. Nothing in this Compact, nor any rule of the Commission, shall**  
16       **be construed to limit, restrict or in any way reduce the ability of a**  
17       **remote state to take adverse action against a licensee's multistate**  
18       **authorization to practice in that state.**

19       **E. Nothing in this Compact, nor any rule of the Commission, shall**  
20       **be construed to limit, restrict or in any way reduce the ability of a**  
21       **licensee's home state to take adverse action against a licensee's**  
22       **multistate license based upon information provided by a remote state.**

23       **SECTION 7: REISSUANCE OF A MULTISTATE LICENSE BY A**  
24       **NEW HOME STATE**

25       **A. A licensee can hold a multistate license issued by their home**  
26       **state in only one member state at any given time.**

27       **B. If a licensee changes their home state by moving between two**  
28       **member states:**

29       **1. The licensee shall immediately apply for the reissuance of their**  
30       **multistate license in their new home state. The licensee shall pay all**

1 applicable fees and notify the prior home state in accordance with the  
2 rules of the Commission.

3 2. Upon receipt of an application to reissue a multistate license, the  
4 new home state shall verify that the multistate license is active, un-  
5 encumbered and eligible for reissuance under the terms of the Com-  
6 pact and the rules of the Commission. The multistate license issued  
7 by the prior home state will be deactivated and all member states no-  
8 tified in accordance with the applicable rules adopted by the Commis-  
9 sion.

10 3. Prior to the reissuance of the multistate license, the new home  
11 state shall conduct procedures for considering the criminal history  
12 records of the licensee. Such procedures shall include the submission  
13 of fingerprints or other biometric-based information by applicants for  
14 the purpose of obtaining an applicant's criminal history record infor-  
15 mation from the Federal Bureau of Investigation and the agency re-  
16 sponsible for retaining that state's criminal records.

17 4. If required for initial licensure, the new home state may require  
18 completion of jurisprudence requirements in the new home state.

19 5. Notwithstanding any other provision of this Compact, if a  
20 licensee does not meet the requirements set forth in this Compact for  
21 the reissuance of a multistate license by the new home state, then the  
22 licensee shall be subject to the new home state requirements for the  
23 issuance of a single state license in that state.

24 C. If a licensee changes their primary state of residence by moving  
25 from a member state to a non-member state or from a non-member  
26 state to a member state, the licensee shall be subject to the state re-  
27 quirements for the issuance of a single state license in the new home  
28 state.

29 D. Nothing in this Compact shall interfere with a licensee's ability  
30 to hold a single state license in multiple states. However, for the

1 purposes of this Compact, a licensee shall have only one home state  
2 and only one multistate license.

3 E. Nothing in this Compact shall interfere with the requirements  
4 established by a member state for the issuance of a single state li-  
5 cense.

#### 6 SECTION 8. MILITARY FAMILIES

7 An active military member or their spouse shall designate a home  
8 state where the individual has a multistate license. The individual may  
9 retain their home state designation during the period the service  
10 member is on active duty.

#### 11 SECTION 9. ADVERSE ACTIONS

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

15 1. Take adverse action against a regulated social worker's multi-  
16 state authorization to practice only within that member state, and is-  
17 sue subpoenas for both hearings and investigations that require the  
18 attendance and testimony of witnesses as well as the production of  
19 evidence. Subpoenas issued by a licensing authority in a member state  
20 for the attendance and testimony of witnesses or the production of  
21 evidence from another member state shall be enforced in the latter  
22 state by any court of competent jurisdiction, according to the practice  
23 and procedure of that court applicable to subpoenas issued in pro-  
24 ceedings pending before it. The issuing licensing authority shall pay  
25 any witness fees, travel expenses, mileage and other fees required by  
26 the service statutes of the state in which the witnesses or evidence are  
27 located.

28 2. Only the home state shall have the power to take adverse action  
29 against a regulated social worker's multistate license.

30 B. For purposes of taking adverse action, the home state shall give

1 the same priority and effect to reported conduct received from a  
2 member state as it would if the conduct had occurred within the home  
3 state. In so doing, the home state shall apply its own state laws to  
4 determine appropriate action.

5 C. The home state shall complete any pending investigations of a  
6 regulated social worker who changes their home state during the  
7 course of the investigations. The home state shall also have the au-  
8 thority to take appropriate action and shall promptly report the con-  
9 clusions of the investigations to the administrator of the data system.  
10 The administrator of the data system shall promptly notify the new  
11 home state of any adverse actions.

12 D. A member state, if otherwise permitted by state law, may re-  
13 cover from the affected regulated social worker the costs of investi-  
14 gations and dispositions of cases resulting from any adverse action  
15 taken against that regulated social worker.

16 E. A member state may take adverse action based on the factual  
17 findings of another member state, provided that the member state  
18 follows its own procedures for taking the adverse action.

19 F. Joint investigations.

20 1. In addition to the authority granted to a member state by its  
21 respective social work practice act or other applicable state law, any  
22 member state may participate with other member states in joint in-  
23 vestigations of licensees.

24 2. Member states shall share any investigative, litigation or com-  
25 pliance materials in furtherance of any joint or individual investi-  
26 gation initiated under the Compact.

27 G. If adverse action is taken by the home state against the multi-  
28 state license of a regulated social worker, the regulated social worker's  
29 multistate authorization to practice in all other member states shall  
30 be deactivated until all encumbrances have been removed from the

1 multistate license. All home state disciplinary orders that impose ad-  
2 verse action against the license of a regulated social worker shall in-  
3 clude a statement that the regulated social worker's multistate  
4 authorization to practice is deactivated in all member states until all  
5 conditions of the decision, order or agreement are satisfied.

6 H. If a member state takes adverse action, it shall promptly notify  
7 the administrator of the data system. The administrator of the data  
8 system shall promptly notify the home state and all other member  
9 states of any adverse actions by remote states.

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

13 J. Nothing in this Compact shall authorize a member state to de-  
14 mand the issuance of subpoenas for attendance and testimony of wit-  
15 nesses or the production of evidence from another member state for  
16 lawful actions within that member state.

17 K. Nothing in this Compact shall authorize a member state to im-  
18 pose discipline against a regulated social worker who holds a multi-  
19 state authorization to practice for lawful actions within another  
20 member state.

21 **SECTION 10. ESTABLISHMENT OF SOCIAL WORK LICENSURE**  
22 **COMPACT COMMISSION**

23 A. The Compact member states hereby create and establish a joint  
24 government agency whose membership consists of all member states  
25 that have enacted the Compact, to be known as the Social Work  
26 Licensure Compact Commission. The Commission is an  
27 instrumentality of the Compact member states acting jointly and not  
28 an instrumentality of any one state. The Commission shall come into  
29 existence on or after the effective date of the Compact as set forth in  
30 Section 14 of this Compact.



1        **B. Membership, Voting and Meetings**

2        **1. Each member state shall have and be limited to one delegate se-**  
3 **lected by that member state’s licensing authority.**

4        **2. The delegate shall be either:**

5        **a. A current member of the licensing authority at the time of ap-**  
6 **pointment, who is a regulated social worker or public member of the**  
7 **licensing authority; or**

8        **b. An administrator of the licensing authority or their designee.**

9        **3. The Commission shall by rule or bylaw establish a term of office**  
10 **for delegates and may by rule or bylaw establish term limits.**

11       **4. The Commission may recommend the removal or suspension of**  
12 **any delegate from office.**

13       **5. A member state’s licensing authority shall fill any vacancy of its**  
14 **delegate occurring on the Commission within 60 days of the vacancy.**

15       **6. Each delegate shall be entitled to one vote on all matters before**  
16 **the Commission requiring a vote by Commission delegates.**

17       **7. A delegate shall vote in person or by such other means as pro-**  
18 **vided in the bylaws. The bylaws may provide for delegates to meet by**  
19 **telecommunication, videoconference or other means of communi-**  
20 **cation.**

21       **8. The Commission shall meet at least once during each calendar**  
22 **year. Additional meetings may be held as set forth in the bylaws. The**  
23 **Commission may meet by telecommunication, video conference or**  
24 **other similar electronic means.**

25       **C. The Commission shall have the following powers:**

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

27       **2. Establish code of conduct and conflict of interest policies;**

28       **3. Establish and amend rules and bylaws;**

29       **4. Maintain its financial records in accordance with the bylaws;**

30       **5. Meet and take such actions as are consistent with the provisions**

1 of this Compact, the Commission's rules and the bylaws;

2 6. Initiate and conclude legal proceedings or actions in the name  
3 of the Commission, provided that the standing of any licensing au-  
4 thority to sue or be sued under applicable law shall not be affected;

5 7. Maintain and certify records and information provided to a  
6 member state as the authenticated business records of the Commis-  
7 sion, and designate an agent to do so on the Commission's behalf;

8 8. Purchase and maintain insurance and bonds;

9 9. Borrow, accept or contract for services of personnel, including,  
10 but not limited to, employees of a member state;

11 10. Conduct an annual financial review;

12 11. Hire employees, elect or appoint officers, fix compensation, de-  
13 fine duties, grant to employees and officers appropriate authority to  
14 carry out the purposes of the Compact and establish the Commission's  
15 personnel policies and programs relating to conflicts of interest, qual-  
16 ifications of personnel and other related personnel matters;

17 12. Assess and collect fees;

18 13. Accept any and all appropriate gifts, donations, grants of  
19 money, other sources of revenue, equipment, supplies, materials and  
20 services, and receive, utilize and dispose of the same, provided that  
21 at all times the Commission shall avoid any appearance of impropriety  
22 or conflict of interest;

23 14. Lease, purchase, retain, own, hold, improve or use any property,  
24 real, personal or mixed, or any undivided interest therein;

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

27 16. Establish a budget and make expenditures;

28 17. Borrow money;

29 18. Appoint committees, including standing committees, composed  
30 of members, state regulators, state legislators or their representatives

1 and consumer representatives and such other interested persons as  
2 may be designated in this Compact and the bylaws;

3 19. Provide and receive information from, and cooperate with, law  
4 enforcement agencies;

5 20. Establish and elect an Executive Committee, including a chair  
6 and a vice chair;

7 21. Determine whether a state's adopted language is materially dif-  
8 ferent from the model compact language such that the state would not  
9 qualify for participation in the Compact; and

10 22. Perform such other functions as may be necessary or appropri-  
11 ate to achieve the purposes of this Compact.

12 **D. The Executive Committee**

13 1. The Executive Committee shall have the power to act on behalf  
14 of the Commission according to the terms of this Compact. The  
15 powers, duties and responsibilities of the Executive Committee shall  
16 include:

17 a. Oversee the day-to-day activities of the administration of the  
18 Compact including enforcement and compliance with the provisions  
19 of the Compact, its rules and bylaws and other such duties as deemed  
20 necessary;

21 b. Recommend to the Commission changes to the rules or bylaws,  
22 changes to this Compact legislation, fees charged to Compact member  
23 states, fees charged to licensees and other fees;

24 c. Ensure Compact administration services are appropriately pro-  
25 vided, including by contract;

26 d. Prepare and recommend the budget;

27 e. Maintain financial records on behalf of the Commission;

28 f. Monitor Compact compliance of member states and provide  
29 compliance reports to the Commission;

30 g. Establish additional committees as necessary;

1       **h. Exercise the powers and duties of the Commission during the**  
2 **interim between Commission meetings, except for adopting or amend-**  
3 **ing rules, adopting or amending bylaws and exercising any other**  
4 **powers and duties expressly reserved to the Commission by rule or**  
5 **bylaw; and**

6       **i. Other duties as provided in the rules or bylaws of the Commis-**  
7 **sion.**

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

9       **a. The chair and vice chair of the Commission shall be voting**  
10 **members of the Executive Committee.**

11       **b. The Commission shall elect five voting members from the cur-**  
12 **rent membership of the Commission.**

13       **c. Up to four ex-officio, non-voting members from four recognized**  
14 **national social work organizations.**

15       **d. The ex-officio members will be selected by their respective or-**  
16 **ganizations.**

17       **3. The Commission may remove any member of the Executive**  
18 **Committee as provided in the Commission's bylaws.**

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

20       **a. Executive Committee meetings shall be open to the public, except**  
21 **that the Executive Committee may meet in a closed, non-public**  
22 **meeting as provided in Section 10.F.2 of this Compact.**

23       **b. The Executive Committee shall give seven days' notice of its**  
24 **meetings, posted on its website and as determined to provide notice**  
25 **to persons with an interest in the business of the Commission.**

26       **c. The Executive Committee may hold a special meeting in accord-**  
27 **ance with Section 10.F.1.b of this Compact.**

28       **E. The Commission shall adopt and provide to the member states**  
29 **an annual report.**

30       **F. Meetings of the Commission**

1       **1. All meetings shall be open to the public, except that the Com-**  
2 **mission may meet in a closed, non-public meeting as provided in Sec-**  
3 **tion 10.F.2 of this Compact.**

4       **a. Public notice for all meetings of the full Commission shall be**  
5 **given in the same manner as required under the rulemaking provisions**  
6 **in Section 12 of this Compact, except that the Commission may hold**  
7 **a special meeting as provided in Section 10.F.1.b of this Compact.**

8       **b. The Commission may hold a special meeting when it must meet**  
9 **to conduct emergency business by giving 48 hours' notice to all com-**  
10 **missioners on the Commission's website and other means as provided**  
11 **in the Commission's rules. The Commission's legal counsel shall cer-**  
12 **tify that the Commission's need to meet qualifies as an emergency.**

13       **2. The Commission or the Executive Committee or other commit-**  
14 **tees of the Commission may convene in a closed, non-public meeting**  
15 **for the Commission or Executive Committee or other committees of**  
16 **the Commission to receive legal advice or to discuss:**

17       **a. Non-compliance of a member state with its obligations under the**  
18 **Compact;**

19       **b. The employment, compensation, discipline or other matters,**  
20 **practices or procedures related to specific employees;**

21       **c. Current or threatened discipline of a licensee by the Commission**  
22 **or by a member state's licensing authority;**

23       **d. Current, threatened or reasonably anticipated litigation;**

24       **e. Negotiation of contracts for the purchase, lease or sale of goods,**  
25 **services or real estate;**

26       **f. Accusing any person of a crime or formally censuring any person;**

27       **g. Trade secrets or commercial or financial information that is**  
28 **privileged or confidential;**

29       **h. Information of a personal nature where disclosure would consti-**  
30 **tute a clearly unwarranted invasion of personal privacy;**

- 1       **i. Investigative records compiled for law enforcement purposes;**  
2       **j. Information related to any investigative reports prepared by or**  
3 **on behalf of or for use of the Commission or other committee charged**  
4 **with responsibility of investigation or determination of compliance is-**  
5 **ssues pursuant to the Compact;**  
6       **k. Matters specifically exempted from disclosure by federal or**  
7 **member state law; or**  
8       **l. Other matters as promulgated by the Commission by rule.**

9       **3. If a meeting, or portion of a meeting, is closed, the presiding of-**  
10 **ficer shall state that the meeting will be closed and reference each**  
11 **relevant exempting provision, and such reference shall be recorded in**  
12 **the minutes.**

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

21       **G. Financing of the Commission**

22       **1. The Commission shall pay, or provide for the payment of, the**  
23 **reasonable expenses of its establishment, organization and ongoing**  
24 **activities.**

25       **2. The Commission may accept any and all appropriate revenue**  
26 **sources as provided in Section 10.C.13 of this Compact.**

27       **3.a. The Commission may levy and collect an annual assessment**  
28 **from each member state and impose fees on licensees of member**  
29 **states to whom it grants a multistate license to cover the cost of the**  
30 **operations and activities of the Commission and its staff, which must**

1 be in a total amount sufficient to cover its annual budget as approved  
2 each year for which revenue is not provided by other sources. The  
3 aggregate annual assessment amount for member states shall be allo-  
4 cated based upon a formula that the Commission shall promulgate by  
5 rule.

6 b. An assessment levied, or any other financial obligation imposed,  
7 under this Compact is effective against the State of Oregon only to the  
8 extent that moneys necessary to pay the assessment or meet the fi-  
9 nancial obligation have been deposited in the State Board of Licensed  
10 Social Workers Account established under ORS 675.597.

11 4. The Commission shall not incur obligations of any kind prior to  
12 securing the funds adequate to meet the same, nor shall the Commis-  
13 sion pledge the credit of any of the member states, except by and with  
14 the authority of the member state.

15 5. The Commission shall keep accurate accounts of all receipts and  
16 disbursements. The receipts and disbursements of the Commission  
17 shall be subject to the financial review and accounting procedures es-  
18 tablished under its bylaws. However, all receipts and disbursements  
19 of funds handled by the Commission shall be subject to an annual fi-  
20 nancial review by a certified or licensed public accountant, and the  
21 report of the financial review shall be included in and become part of  
22 the annual report of the Commission.

#### 23 H. Qualified Immunity, Defense and Indemnification

24 1. The members, officers, executive director, employees and repre-  
25 sentatives of the Commission shall be immune from suit and liability,  
26 both personally and in their official capacity, for any claim for damage  
27 to or loss of property or personal injury or other civil liability caused  
28 by or arising out of any actual or alleged act, error or omission that  
29 occurred, or that the person against whom the claim is made had a  
30 reasonable basis for believing occurred, within the scope of Commis-

1 sion employment, duties or responsibilities, provided that nothing in  
2 this paragraph shall be construed to protect any such person from suit  
3 or liability for any damage, loss, injury or liability caused by the in-  
4 tentional or willful or wanton misconduct of that person. The pro-  
5 curement of insurance of any type by the Commission shall not in any  
6 way compromise or limit the immunity granted hereunder.

7 2. The Commission shall defend any member, officer, executive di-  
8 rector, employee or representative of the Commission in any civil  
9 action seeking to impose liability arising out of any actual or alleged  
10 act, error or omission that occurred within the scope of Commission  
11 employment, duties or responsibilities, or as determined by the Com-  
12 mission that the person against whom the claim is made had a rea-  
13 sonable basis for believing occurred within the scope of Commission  
14 employment, duties or responsibilities, provided that nothing herein  
15 shall be construed to prohibit that person from retaining their own  
16 counsel at their own expense, and provided further that the actual or  
17 alleged act, error or omission did not result from that person's inten-  
18 tional or willful or wanton misconduct.

19 3. The Commission shall indemnify and hold harmless any member,  
20 officer, executive director, employee or representative of the Commis-  
21 sion for the amount of any settlement or judgment obtained against  
22 that person arising out of any actual or alleged act, error or omission  
23 that occurred within the scope of Commission employment, duties or  
24 responsibilities, or that such person had a reasonable basis for believ-  
25 ing occurred within the scope of Commission employment, duties or  
26 responsibilities, provided that the actual or alleged act, error or  
27 omission did not result from the intentional or willful or wanton  
28 misconduct of that person.

29 4. Nothing herein shall be construed as a limitation on the liability  
30 of any licensee for professional malpractice or misconduct, which shall



1 be governed solely by any other applicable state laws.

2 5. Nothing in this Compact shall be interpreted to waive or other-  
3 wise abrogate a member state's state action immunity or state action  
4 affirmative defense with respect to antitrust claims under the  
5 Sherman Act, Clayton Act or any other state or federal antitrust or  
6 anticompetitive law or regulation.

7 6. Nothing in this Compact shall be construed to be a waiver of  
8 sovereign immunity by the member states or by the Commission.

9 **SECTION 11. DATA SYSTEM**

10 A. The Commission shall provide for the development, mainte-  
11 nance, operation and utilization of a coordinated data system.

12 B. The Commission shall assign each applicant for a multistate li-  
13 cense a unique identifier, as determined by the rules of the Commis-  
14 sion.

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

19 1. Identifying information;

20 2. Licensure data;

21 3. Adverse actions against a license and information related  
22 thereto;

23 4. Non-confidential information related to alternative program par-  
24 ticipation, the beginning and ending dates of such participation and  
25 other information related to such participation not made confidential  
26 under member state law;

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

29 6. The presence of current significant investigative information;  
30 and

1       **7. Other information that may facilitate the administration of this**  
2 **Compact or the protection of the public, as determined by the rules**  
3 **of the Commission.**

4       **D. The records and information provided to a member state pursu-**  
5 **ant to this Compact or through the data system, when certified by the**  
6 **Commission or an agent thereof, shall constitute the authenticated**  
7 **business records of the Commission, and shall be entitled to any as-**  
8 **sociated hearsay exception in any relevant judicial, quasi-judicial or**  
9 **administrative proceedings in a member state.**

10       **E. Current significant investigative information pertaining to a**  
11 **licensee in any member state will only be available to other member**  
12 **states.**

13       **1. It is the responsibility of the member states to report any adverse**  
14 **action against a licensee and to monitor the database to determine**  
15 **whether adverse action has been taken against a licensee. Adverse**  
16 **action information pertaining to a licensee in any member state will**  
17 **be available to any other member state.**

18       **F. Member states contributing information to the data system may**  
19 **designate information that may not be shared with the public without**  
20 **the express permission of the contributing state.**

21       **G. Any information submitted to the data system that is subse-**  
22 **quently expunged pursuant to federal law or the laws of the member**  
23 **state contributing the information shall be removed from the data**  
24 **system.**

25       **SECTION 12. RULEMAKING**

26       **A. The Commission shall promulgate reasonable rules in order to**  
27 **effectively and efficiently implement and administer the purposes and**  
28 **provisions of the Compact. A rule shall be invalid and have no force**  
29 **or effect only if a court of competent jurisdiction holds that the rule**  
30 **is invalid because the Commission exercised its rulemaking authority**

1 in a manner that is beyond the scope and purposes of the Compact,  
2 or the powers granted hereunder, or based upon another applicable  
3 standard of review.

4 B.1. The rules of the Commission shall have the force of law in each  
5 member state, provided however that where the rules of the Commis-  
6 sion conflict with the laws of the member state that establish the  
7 member state's laws, regulations and applicable standards that govern  
8 the practice of social work as held by a court of competent jurisdic-  
9 tion, the rules of the Commission shall be ineffective in that state to  
10 the extent of the conflict.

11 2. Notwithstanding Section 12.B.1 of this Compact, the State Board  
12 of Licensed Social Workers shall review the rules of the Commission.  
13 The board may approve and adopt the rules of the Commission as rules  
14 of the board. The State of Oregon is subject to a rule of the Commis-  
15 sion only if the rule of the Commission is adopted by the board.

16 C. The Commission shall exercise its rulemaking powers pursuant  
17 to the criteria set forth in this section and the rules adopted there-  
18 under. Rules shall become binding on the day following adoption or the  
19 date specified in the rule or amendment, whichever is later.

20 D. If a majority of the legislatures of the member states rejects a  
21 rule or portion of a rule by enactment of a statute or resolution in the  
22 same manner used to adopt the Compact within four years of the date  
23 of adoption of the rule, then such rule shall have no further force and  
24 effect in any member state.

25 E. Rules shall be adopted at a regular or special meeting of the  
26 Commission.

27 F. Prior to adoption of a proposed rule, the Commission shall hold  
28 a public hearing and allow persons to provide oral and written com-  
29 ments, data, facts, opinions and arguments.

30 G. Prior to adoption of a proposed rule by the Commission, and at

1 least 30 days in advance of the meeting at which the Commission will  
2 hold a public hearing on the proposed rule, the Commission shall  
3 provide a notice of proposed rulemaking:

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

6 2. To persons who have requested notice of the Commission's no-  
7 tices of proposed rulemaking; and

8 3. In such other ways as the Commission may by rule specify.

9 H. The notice of proposed rulemaking shall include:

10 1. The time, date and location of the public hearing at which the  
11 Commission will hear public comments on the proposed rule and, if  
12 different, the time, date and location of the meeting where the Com-  
13 mission will consider and vote on the proposed rule;

14 2. If the hearing is held via telecommunication, video conference  
15 or other electronic means, the Commission shall include the mech-  
16 anism for access to the hearing in the notice of proposed rulemaking;

17 3. The text of the proposed rule and the reason therefor;

18 4. A request for comments on the proposed rule from any interested  
19 person; and

20 5. The manner in which interested persons may submit written  
21 comments.

22 I. All hearings will be recorded. A copy of the recording and all  
23 written comments and documents received by the Commission in re-  
24 sponse to the proposed rule shall be available to the public.

25 J. Nothing in this section shall be construed as requiring a separate  
26 hearing on each rule. Rules may be grouped for the convenience of the  
27 Commission at hearings required by this section.

28 K. The Commission shall, by majority vote of all members, take  
29 final action on the proposed rule based on the rulemaking record and  
30 the full text of the rule.

1       **1. The Commission may adopt changes to the proposed rule pro-**  
2 **vided the changes do not enlarge the original purpose of the proposed**  
3 **rule.**

4       **2. The Commission shall provide an explanation of the reasons for**  
5 **substantive changes made to the proposed rule as well as reasons for**  
6 **substantive changes not made that were recommended by**  
7 **commenters.**

8       **3. The Commission shall determine a reasonable effective date for**  
9 **the rule. Except for an emergency as provided in Section 12.L of this**  
10 **Compact, the effective date of the rule shall be no sooner than 30 days**  
11 **after issuing the notice that it adopted or amended the rule.**

12       **L. Upon determination that an emergency exists, the Commission**  
13 **may consider and adopt an emergency rule with 48 hours' notice, with**  
14 **opportunity to comment, provided that the usual rulemaking proce-**  
15 **dures provided in the Compact and in this section shall be**  
16 **retroactively applied to the rule as soon as reasonably possible, in no**  
17 **event later than 90 days after the effective date of the rule. For the**  
18 **purposes of this provision, an emergency rule is one that must be**  
19 **adopted immediately in order to:**

- 20       **1. Meet an imminent threat to public health, safety or welfare;**  
21       **2. Prevent a loss of Commission or member state funds;**  
22       **3. Meet a deadline for the promulgation of a rule that is established**  
23 **by federal law or rule; or**  
24       **4. Protect public health and safety.**

25       **M. The Commission or an authorized committee of the Commission**  
26 **may direct revisions to a previously adopted rule for purposes of cor-**  
27 **recting typographical errors, errors in format, errors in consistency**  
28 **or grammatical errors. Public notice of any revisions shall be posted**  
29 **on the website of the Commission. The revision shall be subject to**  
30 **challenge by any person for a period of 30 days after posting. The re-**

1 vision may be challenged only on grounds that the revision results in  
2 a material change to a rule. A challenge shall be made in writing and  
3 delivered to the Commission prior to the end of the notice period. If  
4 no challenge is made, the revision will take effect without further  
5 action. If the revision is challenged, the revision may not take effect  
6 without the approval of the Commission.

7 N. No member state's rulemaking requirements shall apply under  
8 this Compact.

9 **SECTION 13. OVERSIGHT, DISPUTE RESOLUTION AND**  
10 **ENFORCEMENT**

11 **A. Oversight**

12 1. The executive and judicial branches of state government in each  
13 member state shall enforce this Compact and take all actions neces-  
14 sary and appropriate to implement the Compact.

15 2. Except as otherwise provided in this Compact, venue is proper  
16 and judicial proceedings by or against the Commission shall be  
17 brought solely and exclusively in a court of competent jurisdiction  
18 where the principal offices of the Commission are located. The Com-  
19 mission may waive venue and jurisdictional defenses to the extent it  
20 adopts or consents to participate in alternative dispute resolution  
21 proceedings. Nothing herein shall affect or limit the selection or pro-  
22 priety of venue in any action against a licensee for professional  
23 malpractice, misconduct or any such similar matter.

24 3. The Commission shall be entitled to receive service of process in  
25 any proceeding regarding the enforcement or interpretation of the  
26 Compact and shall have standing to intervene in such a proceeding for  
27 all purposes. Failure to provide the Commission service of process  
28 shall render a judgment or order void as to the Commission, this  
29 Compact or promulgated rules.

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

1       **1. If the Commission determines that a member state has defaulted**  
2 **in the performance of its obligations or responsibilities under this**  
3 **Compact or the promulgated rules, the Commission shall provide**  
4 **written notice to the defaulting state. The notice of default shall de-**  
5 **scribe the default, the proposed means of curing the default and any**  
6 **other action that the Commission may take and shall offer training**  
7 **and specific technical assistance regarding the default.**

8       **2. The Commission shall provide a copy of the notice of default to**  
9 **the other member states.**

10       **C. If a state in default fails to cure the default, the defaulting state**  
11 **may be terminated from the Compact upon an affirmative vote of a**  
12 **majority of the delegates of the member states, and all rights, privi-**  
13 **leges and benefits conferred on that state by this Compact may be**  
14 **terminated on the effective date of termination. A cure of the default**  
15 **does not relieve the offending state of obligations or liabilities incurred**  
16 **during the period of default.**

17       **D. Termination of membership in the Compact shall be imposed**  
18 **only after all other means of securing compliance have been ex-**  
19 **hausted. Notice of intent to suspend or terminate shall be given by the**  
20 **Commission to the governor, the majority and minority leaders of the**  
21 **defaulting state’s legislature, the defaulting state’s licensing authority**  
22 **and each of the member states’ licensing authority.**

23       **E. A state that has been terminated is responsible for all assess-**  
24 **ments, obligations and liabilities incurred through the effective date**  
25 **of termination, including obligations that extend beyond the effective**  
26 **date of termination.**

27       **F. Upon the termination of a state’s membership from this Com-**  
28 **pact, that state shall immediately provide notice to all licensees within**  
29 **that state of such termination. The terminated state shall continue to**  
30 **recognize all licenses granted pursuant to this Compact for a mini-**

1 **mum of six months after the date of said notice of termination.**

2 **G. The Commission shall not bear any costs related to a state that**  
3 **is found to be in default or that has been terminated from the Com-**  
4 **pact, unless agreed upon in writing between the Commission and the**  
5 **defaulting state.**

6 **H. The defaulting state may appeal the action of the Commission**  
7 **by petitioning the U.S. District Court for the District of Columbia or**  
8 **the federal district where the Commission has its principal offices. The**  
9 **prevailing party shall be awarded all costs of such litigation, including**  
10 **reasonable attorney fees.**

11 **I. Dispute Resolution**

12 **1. Upon request by a member state, the Commission shall attempt**  
13 **to resolve disputes related to the Compact that arise among member**  
14 **states and between member and non-member states.**

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

17 **J. Enforcement**

18 **1. By majority vote as provided by rule, the Commission may initi-**  
19 **ate legal action against a member state in default in the United States**  
20 **District Court for the District of Columbia or the federal district where**  
21 **the Commission has its principal offices to enforce compliance with**  
22 **the provisions of the Compact and its promulgated rules. The relief**  
23 **sought may include both injunctive relief and damages. In the event**  
24 **judicial enforcement is necessary, the prevailing party shall be**  
25 **awarded all costs of such litigation, including reasonable attorney fees.**  
26 **The remedies herein shall not be the exclusive remedies of the Com-**  
27 **mission. The Commission may pursue any other remedies available**  
28 **under federal or the defaulting member state's law.**

29 **2. A member state may initiate legal action against the Commission**  
30 **in the U.S. District Court for the District of Columbia or the federal**



1 district where the Commission has its principal offices to enforce  
2 compliance with the provisions of the Compact and its promulgated  
3 rules. The relief sought may include both injunctive relief and dam-  
4 ages. In the event judicial enforcement is necessary, the prevailing  
5 party shall be awarded all costs of such litigation, including reasonable  
6 attorney fees.

7 3. No person other than a member state shall enforce this Compact  
8 against the Commission.

9 SECTION 14. EFFECTIVE DATE, WITHDRAWAL AND AMEND-  
10 MENT

11 A. The Compact shall come into effect on the date on which the  
12 Compact statute is enacted into law in the seventh member state.

13 1. On or after the effective date of the Compact, the Commission  
14 shall convene and review the enactment of each of the first seven  
15 member states (“charter member states”) to determine if the statute  
16 enacted by each such charter member state is materially different  
17 than the model Compact statute.

18 a. A charter member state whose enactment is found to be mate-  
19 rially different from the model Compact statute shall be entitled to the  
20 default process set forth in Section 13 of this Compact.

21 b. If any member state is later found to be in default, or is termi-  
22 nated or withdraws from the Compact, the Commission shall remain  
23 in existence and the Compact shall remain in effect even if the number  
24 of member states should be less than seven.

25 2. Member states enacting the Compact subsequent to the seven  
26 initial charter member states shall be subject to the process set forth  
27 in Section 10.C.21 of this Compact to determine if their enactments  
28 are materially different from the model Compact statute and whether  
29 they qualify for participation in the Compact.

30 3. All actions taken for the benefit of the Commission or in

1 furtherance of the purposes of the administration of the Compact prior  
2 to the effective date of the Compact or the Commission coming into  
3 existence shall be considered to be actions of the Commission unless  
4 specifically repudiated by the Commission.

5 4.a. Any state that joins the Compact subsequent to the  
6 Commission's initial adoption of the rules and bylaws shall be subject  
7 to the rules and bylaws as they exist on the date on which the Com-  
8 pact becomes law in that state. Any rule that has been previously  
9 adopted by the Commission shall have the full force and effect of law  
10 on the day the Compact becomes law in that state.

11 b. Notwithstanding Section 14.A.4.a of this Compact, the State  
12 Board of Licensed Social Workers shall review the rules of the Com-  
13 mission. The board may approve and adopt the rules of the Commis-  
14 sion as rules of the board. The State of Oregon is subject to a rule of  
15 the Commission only if the rule of the Commission is adopted by the  
16 board.

17 B. Any member state may withdraw from this Compact by enacting  
18 a statute repealing the same.

19 1. A member state's withdrawal shall not take effect until 180 days  
20 after enactment of the repealing statute.

21 2. Withdrawal shall not affect the continuing requirement of the  
22 withdrawing state's licensing authority to comply with the investi-  
23 gative and adverse action reporting requirements of this Compact  
24 prior to the effective date of withdrawal.

25 3. Upon the enactment of a statute withdrawing from this compact,  
26 a state shall immediately provide notice of such withdrawal to all  
27 licensees within that state. Notwithstanding any subsequent statutory  
28 enactment to the contrary, such withdrawing state shall continue to  
29 recognize all licenses granted pursuant to this Compact for a mini-  
30 mum of 180 days after the date of such notice of withdrawal.

1 C. Nothing contained in this Compact shall be construed to invali-  
2 date or prevent any licensure agreement or other cooperative ar-  
3 rangement between a member state and a non-member state that does  
4 not conflict with the provisions of this Compact.

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

9 SECTION 15. CONSTRUCTION AND SEVERABILITY

10 A. This Compact and the Commission's rulemaking authority shall  
11 be liberally construed so as to effectuate the purposes, and the imple-  
12 mentation and administration of, the Compact. Provisions of the  
13 Compact expressly authorizing or requiring the promulgation of rules  
14 shall not be construed to limit the Commission's rulemaking authority  
15 solely for those purposes.

16 B. The provisions of this Compact shall be severable and if any  
17 phrase, clause, sentence or provision of this Compact is held by a  
18 court of competent jurisdiction to be contrary to the constitution of  
19 any member state, a state seeking participation in the Compact or of  
20 the United States, or the applicability thereof to any government,  
21 agency, person or circumstance is held to be unconstitutional by a  
22 court of competent jurisdiction, the validity of the remainder of this  
23 Compact and the applicability thereof to any other government,  
24 agency, person or circumstance shall not be affected thereby.

25 C. Notwithstanding Section 15.B of this Compact, the Commission  
26 may deny a state's participation in the Compact or, in accordance with  
27 the requirements of Section 13.B of this Compact, terminate a member  
28 state's participation in the Compact, if the Commission determines  
29 that a constitutional requirement of a member state is a material de-  
30 parture from the Compact. Otherwise, if this Compact shall be held

1 to be contrary to the constitution of any member state, the Compact  
2 shall remain in full force and effect as to the remaining member states  
3 and in full force and effect as to the member state affected as to all  
4 severable matters.

5 **SECTION 16. CONSISTENT EFFECT AND CONFLICT WITH**  
6 **OTHER STATE LAWS**

7 **A. A licensee providing services in a remote state under a multi-**  
8 **state authorization to practice shall adhere to the laws and regu-**  
9 **lations, including laws, regulations and applicable standards, of the**  
10 **remote state where the client is located at the time care is rendered.**

11 **B. Nothing herein shall prevent or inhibit the enforcement of any**  
12 **other law of a member state that is not inconsistent with the Com-**  
13 **pact.**

14 **C. Any laws, statutes, regulations or other legal requirements in a**  
15 **member state in conflict with the Compact are superseded to the ex-**  
16 **tent of the conflict.**

17 **D. All permissible agreements between the Commission and the**  
18 **member states are binding in accordance with their terms.**

19 “  
20 **SECTION 2. The Legislative Assembly of the State of Oregon**  
21 **hereby ratifies the Social Work Licensure Compact set forth in section**  
22 **1 of this 2024 Act.**

23 **SECTION 3. ORS 675.520 is amended to read:**

24 **“675.520. (1) A person may not use any title, words or abbreviations, in-**  
25 **cluding the title ‘social worker,’ that indicate that the person has an au-**  
26 **thorization to practice regulated social work unless the person is a regulated**  
27 **social worker.**

28 **“(2) Subsection (1) of this section does not prohibit:**

29 **“(a) The use of the educational designations ‘Bachelor of Social Work’**  
30 **or ‘Master’s of Social Work’ by a person who is not a regulated social**

1 worker; or

2 “(b) The use of the title ‘school social worker’ by a person who:

3 “(A) Is not a regulated social worker;

4 “(B) Holds a master’s degree in social work from an accredited college  
5 or university; and

6 “(C) Is licensed as a school social worker by the Teacher Standards and  
7 Practices Commission.

8 **“(3) Subsection (1) of this section does not apply to an individual  
9 who is authorized to practice social work by multistate authorization  
10 to practice or multistate license as defined in section 1 of this 2024 Act.**

11 **“SECTION 4.** ORS 675.523 is amended to read:

12 “675.523. A person may not practice clinical social work unless the person  
13 is a clinical social worker licensed under ORS 675.530 or a clinical social  
14 work associate certified under ORS 675.537, except if the person is:

15 “(1) Licensed or certified by the State of Oregon to provide mental health  
16 services, provided that the person is acting within the lawful scope of prac-  
17 tice for the person’s license or certification and does not represent that the  
18 person is a regulated social worker;

19 “(2) Certified to provide alcohol and drug abuse prevention services,  
20 intervention services and treatment in compliance with rules adopted under  
21 ORS 430.256 and 430.357, provided that the person is acting within the lawful  
22 scope of practice for the person’s certification and does not represent that  
23 the person is a regulated social worker;

24 “(3) Employed by or contracting with an entity that is certified or li-  
25 censed by the State of Oregon under ORS 430.610 to 430.695 to provide mental  
26 health treatment or addiction services, provided that the person is practicing  
27 within the lawful scope of the person’s employment or contract;

28 “(4) A recognized member of the clergy, provided that the person is acting  
29 in the person’s ministerial capacity and does not represent that the person  
30 is a regulated social worker; [or]

1 “(5) A student in a social work graduate degree program that meets the  
2 requirements established by the State Board of Licensed Social Workers by  
3 rule[.]; or

4 **“(6) Authorized to practice social work pursuant to multistate au-**  
5 **thorization to practice or multistate license as defined in section 1 of**  
6 **this 2024 Act.**

7 **“SECTION 5.** ORS 675.597 is amended to read:

8 “675.597. The State Board of Licensed Social Workers Account is estab-  
9 lished in the State Treasury, separate and distinct from the General Fund.  
10 Interest earned by the State Board of Licensed Social Workers Account shall  
11 be credited to the account. Moneys in the account are continuously appro-  
12 priated to the board for the administration and enforcement of ORS 675.510  
13 to 675.600, 676.850 and 676.866 **and for the purpose of meeting the finan-**  
14 **cial obligations of the State of Oregon as a result of this state’s par-**  
15 **ticipation in the Social Work Licensure Compact established under**  
16 **section 1 of this 2024 Act.**

17 **“SECTION 6.** ORS 676.177 is amended to read:

18 “676.177. (1) Notwithstanding any other provision of ORS 676.165 to  
19 676.180 and except as provided in subsection (5) of this section, a health  
20 professional regulatory board, upon a determination by the board that it  
21 possesses otherwise confidential information that reasonably relates to the  
22 regulatory or enforcement function of another public entity, may disclose  
23 that information to the other public entity.

24 “(2) Any public entity that receives information pursuant to subsection  
25 (1) of this section shall agree to take all reasonable steps to maintain the  
26 confidentiality of the information, except that the public entity may use or  
27 disclose the information to the extent necessary to carry out the regulatory  
28 or enforcement functions of the public entity.

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

30 “(a) A board or agency of this state, or a board or agency of another state

1 with regulatory or enforcement functions similar to the functions of a health  
2 professional regulatory board of this state;

3 “(b) A district attorney;

4 “(c) The Department of Justice;

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

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

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

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

13 “(b) **The State Board of Licensed Social Workers may disclose in-**  
14 **formation described in subsection (1) of this section to the Social Work**  
15 **Licensure Compact Commission established in section 1 of this 2024**  
16 **Act.**

17 “(c) **The Oregon Board of Licensed Professional Counselors and**  
18 **Therapists may disclose information described in subsection (1) of this**  
19 **section to the Counseling Compact Commission established in section**  
20 **8 of this 2024 Act.**

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

25 “**SECTION 7. (1) The amendments to ORS 675.520 and 675.523 by**  
26 **sections 3 and 4 of this 2024 Act apply to individuals authorized to**  
27 **practice social work by multistate authorization to practice or multi-**  
28 **state license on or after the effective date of this 2024 Act.**

29 “(2) **The amendments to ORS 675.597 by section 5 of this 2024 Act**  
30 **apply to moneys received by the State Board of Licensed Social**

1 **Workers on or after the effective date of this 2024 Act.**

2 **“(3) The amendments to ORS 676.177 by section 6 of this 2024 Act**  
3 **apply to information disclosed on or after the effective date of this 2024**  
4 **Act.**

5 **“SECTION 8. The provisions of the Counseling Compact are as fol-**  
6 **lows:**

7 **“**

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## 8 **COUNSELING COMPACT**

### 9 **SECTION 1: PURPOSE**

10 **The purpose of this Compact is to facilitate interstate practice of**  
11 **licensed professional counselors with the goal of improving public ac-**  
12 **cess to professional counseling services. The practice of professional**  
13 **counseling occurs in the state where the client is located at the time**  
14 **of the counseling services. The Compact preserves the regulatory au-**  
15 **thority of states to protect public health and safety through the cur-**  
16 **rent system of state licensure.**

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

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

20 **B. Enhance the states’ ability to protect the public’s health and**  
21 **safety;**

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

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

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

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

29 **G. Support the uniformity of professional counseling licensure re-**  
30 **quirements throughout the states to promote public safety and public**



1 **health benefits;**

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

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

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

9 **SECTION 2. DEFINITIONS**

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

12 **A. “Active duty military” means full-time duty status in the active**  
13 **uniformed services of the United States, including members of the**  
14 **National Guard and Reserve on active duty orders pursuant to 10**  
15 **U.S.C. chapters 1209 and 1211.**

16 **B. “Adverse action” means any administrative, civil, equitable or**  
17 **criminal action permitted by a state’s laws which is imposed by a li-**  
18 **censing board or other authority against a licensed professional**  
19 **counselor, including actions against an individual’s license or privilege**  
20 **to practice such as revocation, suspension, probation or monitoring**  
21 **of the licensee, limitation on the licensee’s practice or any other**  
22 **encumbrance on licensure affecting a licensed professional counselor’s**  
23 **authorization to practice, including issuance of a cease and desist**  
24 **action.**

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

28 **D. “Continuing competence/education” means a requirement, as a**  
29 **condition of license renewal, to provide evidence of participation in,**  
30 **or completion of, educational and professional activities relevant to**

1 **practice or area of work.**

2 **E. “Counseling Compact Commission” or “Commission” means the**  
3 **national administrative body whose membership consists of all states**  
4 **that have enacted the Compact.**

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

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

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

15 **G. “Data system” means a repository of information about**  
16 **licensees, including, but not limited to, continuing education, exam-**  
17 **ination, licensure, investigative, privilege to practice and adverse**  
18 **action information.**

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

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

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

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

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

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

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

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

15 P. “Licensee” means an individual who currently holds an authori-  
16 zation from the state to practice as a licensed professional counselor.

17 Q. “Licensing board” means the agency of a state, or equivalent,  
18 that is responsible for the licensing and regulation of licensed profes-  
19 sional counselors.

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

21 S. “Privilege to practice” means a legal authorization, which is  
22 equivalent to a license, permitting the practice of professional coun-  
23 seling in a remote state.

24 T. “Professional counseling” means the assessment, diagnosis and  
25 treatment of behavioral health conditions by a licensed professional  
26 counselor.

27 U. “Remote state” means a member state other than the home state  
28 where a licensee is exercising or seeking to exercise the privilege to  
29 practice.

30 V. “Rule” means a regulation promulgated by the Commission that

1 has the force of law.

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

6 X. "State" means any state, commonwealth, district or territory of  
7 the United States of America that regulates the practice of profes-  
8 sional counseling.

9 Y. "Telehealth" means the application of telecommunication tech-  
10 nology to deliver professional counseling services remotely to assess,  
11 diagnose and treat behavioral health conditions.

12 Z. "Unencumbered license" means a license that authorizes a li-  
13 censed professional counselor to engage in the full and unrestricted  
14 practice of professional counseling.

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

16 **A. To participate in the Compact, a state must currently:**

- 17 **1. License and regulate licensed professional counselors;**
- 18 **2. Require licensees to pass a nationally recognized exam approved**  
19 **by the Commission;**
- 20 **3. Require licensees to have a 60 semester-hour, or 90 quarter-hour,**  
21 **master's degree in counseling or 60 semester-hours, or 90 quarter-**  
22 **hours, of graduate course work including in the following topic areas:**
  - 23 **a. Professional counseling orientation and ethical practice;**
  - 24 **b. Social and cultural diversity;**
  - 25 **c. Human growth and development;**
  - 26 **d. Career development;**
  - 27 **e. Counseling and helping relationships;**
  - 28 **f. Group counseling and group work;**
  - 29 **g. Diagnosis and treatment, assessment and testing;**
  - 30 **h. Research and program evaluation; and**

- 1        **i. Other areas as determined by the Commission.**
- 2        **4. Require licensees to complete a supervised postgraduate profes-**  
3 **sional experience as defined by the Commission; and**
- 4        **5. Have a mechanism in place for receiving and investigating com-**  
5 **plaints about licensees.**
- 6        **B. A member state shall:**
- 7        **1. Participate fully in the Commission’s data system, including us-**  
8 **ing the Commission’s unique identifier as defined in the rules of the**  
9 **Commission;**
- 10       **2. Notify the Commission, in compliance with the terms of the**  
11 **Compact and rules, of any adverse action or the availability of inves-**  
12 **tigative information regarding a licensee;**
- 13       **3. Implement or utilize procedures for considering the criminal**  
14 **history records of applicants for an initial privilege to practice. These**  
15 **procedures shall include the submission of fingerprints or other**  
16 **biometric-based information by applicants for the purpose of obtaining**  
17 **an applicant’s criminal history record information from the Federal**  
18 **Bureau of Investigation and the agency responsible for retaining that**  
19 **state’s criminal records;**
- 20       **a. A member state must fully implement a criminal background**  
21 **check requirement, within a time frame established by rule, by re-**  
22 **ceiving the results of the Federal Bureau of Investigation record**  
23 **search and shall use the results in making licensure decisions;**
- 24       **b. Communication between a member state, the Commission and**  
25 **among member states regarding the verification of eligibility for**  
26 **licensure through the Compact may not include any information re-**  
27 **ceived from the Federal Bureau of Investigation relating to a federal**  
28 **criminal records check performed by a member state under Public Law**  
29 **92-544;**
- 30       **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 renewal**  
3 **of licensure, as well as all other applicable state laws;**

4       **6. Grant the privilege to practice to a licensee holding a valid un-**  
5 **encumbered license in another member state in accordance with the**  
6 **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 license**  
14 **granted to these individuals shall not be recognized as granting a**  
15 **privilege to practice professional counseling in any other member**  
16 **state.**

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

24       **SECTION 4. PRIVILEGE TO PRACTICE**

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

27       **1. Hold a license in the home state;**

28       **2. Have a valid United States Social Security Number or National**  
29 **Practitioner Identifier number;**

30       **3. Be eligible for a privilege to practice in any member state in ac-**

1 **cordance with Section 4(D), (G) and (H) of this Compact;**

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

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

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

8 **7. Meet any continuing competence/education requirements estab-**  
9 **lished by the home state;**

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

12 **9. Report to the Commission any adverse action, encumbrance or**  
13 **restriction on license taken by any non-member state within 30 days**  
14 **from the date the action is taken.**

15 **B. The privilege to practice is valid until the expiration date of the**  
16 **home state license. The licensee must comply with the requirements**  
17 **of Section 4(A) of this Compact to maintain the privilege to practice**  
18 **in the remote state.**

19 **C. A licensee providing professional counseling in a remote state**  
20 **under the privilege to practice shall adhere to the laws and regulations**  
21 **of the remote state.**

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

30 **E. If a home state license is encumbered, the licensee shall lose the**

1 **privilege to practice in any remote state until the following occur:**

2 **1. The home state license is no longer encumbered; and**

3 **2. The licensee has not had any encumbrance or restriction against**  
4 **any license or privilege to practice within the previous two years.**

5 **F. Once an encumbered license in the home state is restored to**  
6 **good standing, the licensee must meet the requirements of Section**  
7 **4(A) of this Compact to obtain a privilege to practice in any remote**  
8 **state.**

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

12 **1. The specific period of time for which the privilege to practice was**  
13 **removed has ended;**

14 **2. All fines have been paid; and**

15 **3. The licensee has not had any encumbrance or restriction against**  
16 **any license or privilege to practice within the previous two years.**

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

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

22 **A. A licensed professional counselor may hold a home state license**  
23 **which allows for a privilege to practice in other member states in only**  
24 **one member state at a time.**

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

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



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

6       **a. A Federal Bureau of Investigation fingerprint-based criminal**  
7 **background check if not previously performed or updated pursuant to**  
8 **applicable rules adopted by the Commission in accordance with Public**  
9 **Law 92-544;**

10       **b. Other criminal background check as required by the new home**  
11 **state; and**

12       **c. Completion of any requisite jurisprudence requirements of the**  
13 **new home state.**

14       **3. The former home state shall convert the former home state li-**  
15 **cence into a privilege to practice once the new home state has acti-**  
16 **vated the new home state license in accordance with applicable rules**  
17 **adopted by the Commission.**

18       **4. Notwithstanding any other provision of this Compact, if the li-**  
19 **icensed professional counselor cannot meet the criteria in Section 4 of**  
20 **this Compact, the new home state may apply its requirements for is-**  
21 **ssuing a new single state license.**

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

24       **C. If a licensed professional counselor changes their primary state**  
25 **of residence by moving from a member state to a non-member state,**  
26 **or from a non-member state to a member state, the state criteria shall**  
27 **apply for issuance of a single state license in the new state.**

28       **D. Nothing in this Compact shall interfere with a licensee's ability**  
29 **to hold a single state license in multiple states. However, for the**  
30 **purposes of this Compact, a licensee shall have only one home state**

1 **license.**

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 **SECTION 6. ACTIVE DUTY MILITARY PERSONNEL OR THEIR**  
5 **SPOUSE**

6 **Active duty military personnel, or their spouse, shall designate a**  
7 **home state where the individual has a current license in good stand-**  
8 **ing. The individual may retain the home state designation during the**  
9 **period the service member is on active duty. Subsequent to designat-**  
10 **ing a home state, the individual shall only change their home state**  
11 **through application for licensure in the new state, or through the**  
12 **process outlined in Section 5 of this Compact.**

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

14 **A. Member states shall recognize the right of a licensed professional**  
15 **counselor, licensed by a home state in accordance with Section 3 of**  
16 **this Compact and under rules promulgated by the Commission, to**  
17 **practice professional counseling in any member state via telehealth**  
18 **under a privilege to practice as provided in this Compact and rules**  
19 **promulgated by the Commission.**

20 **B. A licensee providing professional counseling services in a remote**  
21 **state under the privilege to practice shall adhere to the laws and reg-**  
22 **ulations of the remote state.**

23 **SECTION 8. ADVERSE ACTIONS**

24 **A. In addition to the other powers conferred by state law, a remote**  
25 **state shall have the authority, in accordance with existing state due**  
26 **process law, to:**

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

29 **2. Issue subpoenas for both hearings and investigations that require**  
30 **the attendance and testimony of witnesses as well as the production**

1 of evidence. Subpoenas issued by a licensing board in a member state  
2 for the attendance and testimony of witnesses or the production of  
3 evidence from another member state shall be enforced in the latter  
4 state by any court of competent jurisdiction according to the practice  
5 and procedure of that court applicable to subpoenas issued in pro-  
6 ceedings pending before it. The issuing authority shall pay any witness  
7 fees, travel expenses, mileage and other fees required by the service  
8 statutes of the state in which the witnesses or evidence are located.

9 **3. Only the home state shall have the power to take adverse action**  
10 **against a licensed professional counselor's license issued by the home**  
11 **state.**

12 **B. For purposes of taking adverse action, the home state shall give**  
13 **the same priority and effect to reported conduct received from a**  
14 **member state as it would if the conduct had occurred within the home**  
15 **state. In so doing, the home state shall apply its own state laws to**  
16 **determine appropriate action.**

17 **C. The home state shall complete any pending investigations of a**  
18 **licensed professional counselor who changes primary state of residence**  
19 **during the course of the investigations. The home state shall also have**  
20 **the authority to take appropriate action and shall promptly report the**  
21 **conclusions of the investigations to the administrator of the data**  
22 **system. The administrator of the data system shall promptly notify**  
23 **the new home state of any adverse actions.**

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

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

1 **F. Joint Investigations.**

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

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

9 **G. If adverse action is taken by the home state against the license**  
10 **of a licensed professional counselor, the licensed professional**  
11 **counselor's privilege to practice in all other member states shall be**  
12 **deactivated until all encumbrances have been removed from the home**  
13 **state license. All home state disciplinary orders that impose adverse**  
14 **action against the license of a licensed professional counselor shall**  
15 **include a statement that the licensed professional counselor's privilege**  
16 **to practice is deactivated in all member states during the pendency**  
17 **of the order.**

18 **H. If a member state takes adverse action, it shall promptly notify**  
19 **the administrator of the data system. The administrator of the data**  
20 **system shall promptly notify the home state of any adverse actions**  
21 **by remote states.**

22 **I. Nothing in this Compact shall override a member state's decision**  
23 **that participation in an alternative program may be used in lieu of**  
24 **adverse action.**

25 **SECTION 9. ESTABLISHMENT OF COUNSELING COMPACT**  
26 **COMMISSION**

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

29 **1. The Commission is an instrumentality of the Compact member**  
30 **states.**

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

7       **3. Nothing in this Compact shall be construed to be a waiver of**  
8 **sovereign immunity.**

9       **B. Membership, Voting and Meetings**

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

12       **2. The delegate shall be either:**

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

15       **b. An administrator of the licensing board.**

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

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

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

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

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

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

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

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

3 **2. Establish bylaws;**

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

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

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

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

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

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

15 **9. Hire employees, elect or appoint officers, fix compensation, define**  
16 **duties, grant to employees and officers appropriate authority to carry**  
17 **out the purposes of the Compact and establish the Commission's per-**  
18 **sonnel policies and programs relating to conflicts of interest, quali-**  
19 **fications of personnel and other related personnel matters;**

20 **10. Accept any and all appropriate donations and grants of money,**  
21 **equipment, supplies, materials and services, and to receive, utilize and**  
22 **dispose of the same, provided that at all times the Commission shall**  
23 **avoid any appearance of impropriety or conflict of interest;**

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

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

30 **13. Establish a budget and make expenditures;**

1       **14. Borrow money;**

2       **15. Appoint committees, including standing committees composed**  
3 **of members, state regulators, state legislators or their representatives**  
4 **and consumer representatives and such other interested persons as**  
5 **may be designated in this Compact and the bylaws;**

6       **16. Provide and receive information from, and cooperate with, law**  
7 **enforcement agencies;**

8       **17. Establish and elect an Executive Committee; and**

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

12       **D. The Executive Committee**

13       **1. The Executive Committee shall have the power to act on behalf**  
14 **of the Commission according to the terms of this Compact.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9       **E. Meetings of the Commission**

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

13       **2. The Commission or the Executive Committee or other commit-**  
14 **tees of the Commission may convene in a closed, non-public meeting**  
15 **if the Commission or Executive Committee or other committees of the**  
16 **Commission must discuss:**

17       **a. Non-compliance of a member state with its obligations under the**  
18 **Compact;**

19       **b. The employment, compensation, discipline or other matters,**  
20 **practices or procedures related to specific employees or other matters**  
21 **related to the Commission's internal personnel practices and proce-**  
22 **dures;**

23       **c. Current, threatened or reasonably anticipated litigation;**

24       **d. Negotiation of contracts for the purchase, lease or sale of goods,**  
25 **services or real estate;**

26       **e. Accusing any person of a crime or formally censuring any per-**  
27 **son;**

28       **f. Disclosure of trade secrets or commercial or financial informa-**  
29 **tion that is privileged or confidential;**

30       **g. Disclosure of information of a personal nature where disclosure**



- 1 would constitute a clearly unwarranted invasion of personal privacy;
- 2 h. Disclosure of investigative records compiled for law enforcement
- 3 purposes;
- 4 i. Disclosure of information related to any investigative reports
- 5 prepared by or on behalf of or for use of the Commission or other
- 6 committee charged with responsibility of investigation or determi-
- 7 nation of compliance issues pursuant to the Compact; or
- 8 j. Matters specifically exempted from disclosure by federal or
- 9 member state statute.

10 3. If a meeting, or portion of a meeting, is closed pursuant to this

11 provision, the Commission's legal counsel or designee shall certify that

12 the meeting may be closed and shall reference each relevant exempt-

13 ing provision.

14 4. The Commission shall keep minutes that fully and clearly de-

15 scribe all matters discussed in a meeting and shall provide a full and

16 accurate summary of actions taken, and the reasons therefor, includ-

17 ing a description of the views expressed. All documents considered in

18 connection with an action shall be identified in such minutes. All

19 minutes and documents of a closed meeting shall remain under seal,

20 subject to release by a majority vote of the Commission or order of a

21 court of competent jurisdiction.

22 **F. Financing of the Commission**

23 1. The Commission shall pay, or provide for the payment of, the

24 reasonable expenses of its establishment, organization and ongoing

25 activities.

26 2. The Commission may accept any and all appropriate revenue

27 sources, donations and grants of money, equipment, supplies, materi-

28 als and services.

29 3.a. The Commission may levy and collect an annual assessment

30 from each member state or impose fees on other parties to cover the

1 cost of the operations and activities of the Commission and its staff,  
2 which must be in a total amount sufficient to cover its annual budget  
3 as approved each year for which revenue is not provided by other  
4 sources. The aggregate annual assessment amount shall be allocated  
5 based upon a formula to be determined by the Commission, which  
6 shall promulgate a rule binding upon all member states.

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

13 4. The Commission shall not incur obligations of any kind prior to  
14 securing the funds adequate to meet the same, nor shall the Commis-  
15 sion pledge the credit of any of the member states, except by and with  
16 the authority of the member state.

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

#### 24 G. Qualified Immunity, Defense and Indemnification

25 1. The members, officers, executive director, employees and repre-  
26 sentatives of the Commission shall be immune from suit and liability,  
27 either personally or in their official capacity, for any claim for damage  
28 to or loss of property or personal injury or other civil liability caused  
29 by or arising out of any actual or alleged act, error or omission that  
30 occurred, or that the person against whom the claim is made had a

1 reasonable basis for believing occurred, within the scope of Commis-  
2 sion employment, duties or responsibilities, provided that nothing in  
3 this paragraph shall be construed to protect any such person from suit  
4 or liability for any damage, loss, injury or liability caused by the in-  
5 tentional or willful or wanton misconduct of that person.

6 2. The Commission shall defend any member, officer, executive di-  
7 rector, employee or representative of the Commission in any civil  
8 action seeking to impose liability arising out of any actual or alleged  
9 act, error or omission that occurred within the scope of Commission  
10 employment, duties or responsibilities, or that the person against  
11 whom the claim is made had a reasonable basis for believing occurred  
12 within the scope of Commission employment, duties or responsibilities,  
13 provided that nothing herein shall be construed to prohibit that person  
14 from retaining their own counsel, and provided further that the actual  
15 or alleged act, error or omission did not result from that person's in-  
16 tentional or willful or wanton misconduct.

17 3. The Commission shall indemnify and hold harmless any member,  
18 officer, executive director, employee or representative of the Commis-  
19 sion for the amount of any settlement or judgment obtained against  
20 that person arising out of any actual or alleged act, error or omission  
21 that occurred within the scope of Commission employment, duties or  
22 responsibilities, or that such person had a reasonable basis for believ-  
23 ing occurred within the scope of Commission employment, duties or  
24 responsibilities, provided that the actual or alleged act, error or  
25 omission did not result from the intentional or willful or wanton  
26 misconduct of that person.

27 **SECTION 10. DATA SYSTEM**

28 A. The Commission shall provide for the development, mainte-  
29 nance, operation and utilization of a coordinated database and re-  
30 porting system containing licensure, adverse action and investigative

1 **information on all licensed individuals in member states.**

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

6 **1. Identifying information;**

7 **2. Licensure data;**

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

9 **4. Non-confidential information related to alternative program par-**  
10 **ticipation;**

11 **5. Any denial of application for licensure and the reason for such**  
12 **denial;**

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

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

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

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

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

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

28 **SECTION 11. RULEMAKING**

29 **A. The Commission shall promulgate reasonable rules in order to**  
30 **effectively and efficiently achieve the purpose of the Compact. Not-**

1 **withstanding the foregoing, in the event the Commission exercises its**  
2 **rulemaking authority in a manner that is beyond the scope of the**  
3 **purposes of the Compact, or the powers granted hereunder, then such**  
4 **an action by the Commission shall be invalid and have no force or ef-**  
5 **fect.**

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

10 **2. Notwithstanding Section 11(B)(1) of this Compact, the Oregon**  
11 **Board of Licensed Professional Counselors and Therapists shall review**  
12 **the rules of the Commission. The board may approve and adopt the**  
13 **rules of the Commission as rules of the board. The State of Oregon is**  
14 **subject to a rule of the Commission only if the rule of the Commission**  
15 **is adopted by the board.**

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

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

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

27 **1. On the website of the Commission or other publicly accessible**  
28 **platform; and**

29 **2. On the website of each member state professional counseling li-**  
30 **censing board or other publicly accessible platform or the publication**

1 in which each state would otherwise publish proposed rules.

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

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

5 **2. The text of the proposed rule or amendment and the reason for**  
6 **the proposed rule;**

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

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

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

15 **H. The Commission shall grant an opportunity for a public hearing**  
16 **before it adopts a rule or amendment if a hearing is requested by:**

17 **1. At least 25 persons;**

18 **2. A state or federal governmental subdivision or agency; or**

19 **3. An association having at least 25 members.**

20 **I. If a hearing is held on the proposed rule or amendment, the**  
21 **Commission shall publish the place, time and date of the scheduled**  
22 **public hearing. If the hearing is held via electronic means, the Com-**  
23 **mission shall publish the mechanism for access to the electronic**  
24 **hearing.**

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

29 **2. Hearings shall be conducted in a manner providing each person**  
30 **who wishes to comment a fair and reasonable opportunity to comment**

1 orally or in writing.

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

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

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

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

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

17 M. Upon determination that an emergency exists, the Commission  
18 may consider and adopt an emergency rule without prior notice, op-  
19 portunity for comment or hearing, provided that the usual rulemaking  
20 procedures provided in the Compact and in this section shall be  
21 retroactively applied to the rule as soon as reasonably possible, in no  
22 event later than 90 days after the effective date of the rule. For the  
23 purposes of this provision, an emergency rule is one that must be  
24 adopted immediately in order to:

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

30 N. The Commission or an authorized committee of the Commission

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

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

14 **A. Oversight**

15 **1. The executive, legislative and judicial branches of state govern-**  
16 **ment in each member state shall enforce this Compact and take all**  
17 **actions necessary and appropriate to effectuate the Compact's pur-**  
18 **poses and intent. The provisions of this Compact and, subject to Sec-**  
19 **tion 11(B)(2) of this Compact, the rules promulgated hereunder, shall**  
20 **have standing as statutory law.**

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

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

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



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

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

7       **b. Provide remedial training and specific technical assistance re-**  
8 **garding the default.**

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

15       **D. Termination of membership in the Compact shall be imposed**  
16 **only after all other means of securing compliance have been ex-**  
17 **hausted. Notice of intent to suspend or terminate shall be given by the**  
18 **Commission to the governor, the majority and minority leaders of the**  
19 **defaulting state's legislature and each of the member states.**

20       **E. A state that has been terminated is responsible for all assess-**  
21 **ments, obligations and liabilities incurred through the effective date**  
22 **of termination, including obligations that extend beyond the effective**  
23 **date of termination.**

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

28       **G. The defaulting state may appeal the action of the Commission**  
29 **by petitioning the U.S. District Court for the District of Columbia or**  
30 **the federal district where the Commission has its principal offices. The**

1 prevailing member shall be awarded all costs of such litigation, in-  
2 cluding reasonable attorney fees.

3 **H. Dispute Resolution**

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

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

9 **I. Enforcement**

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

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

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

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

26 **A.** The Compact shall come into effect on the date on which the  
27 Compact statute is enacted into law in the 10th member state. The  
28 provisions, which become effective at that time, shall be limited to the  
29 powers granted to the Commission relating to assembly and the  
30 promulgation of rules. Thereafter, the Commission shall meet and

1 exercise rulemaking powers necessary to the implementation and ad-  
2 ministration of the Compact.

3 B. Any state that joins the Compact subsequent to the  
4 Commission's initial adoption of the rules shall be subject to the rules  
5 as they exist on the date on which the Compact becomes law in that  
6 state. Any rule that has been previously adopted by the Commission  
7 shall have the full force and effect of law on the day the Compact be-  
8 comes law in that state.

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

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

13 2. Withdrawal shall not affect the continuing requirement of the  
14 withdrawing state's professional counseling licensing board to comply  
15 with the investigative and adverse action reporting requirements of  
16 this act prior to the effective date of withdrawal.

17 D. Nothing contained in this Compact shall be construed to invali-  
18 date or prevent any professional counseling licensure agreement or  
19 other cooperative arrangement between a member state and a non-  
20 member state that does not conflict with the provisions of this Com-  
21 pact.

22 E. This Compact may be amended by the member states. No  
23 amendment to this Compact shall become effective and binding upon  
24 any member state until it is enacted into the laws of all member  
25 states.

#### 26 SECTION 14. CONSTRUCTION AND SEVERABILITY

27 This Compact shall be liberally construed so as to effectuate the  
28 purposes thereof. The provisions of this Compact shall be severable  
29 and if any phrase, clause, sentence or provision of this Compact is  
30 declared to be contrary to the constitution of any member state or of

1 the United States or the applicability thereof to any government,  
2 agency, person or circumstance is held invalid, the validity of the re-  
3 mainder of this Compact and the applicability thereof to any govern-  
4 ment, agency, person or circumstance shall not be affected thereby.  
5 If this Compact shall be held contrary to the constitution of any  
6 member state, the Compact shall remain in full force and effect as to  
7 the remaining member states and in full force and effect as to the  
8 member state affected as to all severable matters.

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

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

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

15 **C. Any laws in a member state in conflict with the Compact are**  
16 **superseded to the extent of the conflict.**

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

20 **2. Notwithstanding Section 15(D)(1) of this Compact, the Oregon**  
21 **Board of Licensed Professional Counselors and Therapists shall review**  
22 **the rules of the Commission. The board may approve and adopt the**  
23 **rules of the Commission as rules of the board. The State of Oregon is**  
24 **subject to a rule of the Commission only if the rule of the Commission**  
25 **is adopted by the board.**

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

28 **F. In the event any provision of the Compact exceeds the constitu-**  
29 **tional limits imposed on the legislature of any member state, the**  
30 **provision shall be ineffective to the extent of the conflict with the**

1 **constitutional provision in question in that member state.**

2 “

3 **“SECTION 9. The Legislative Assembly of the State of Oregon**  
4 **hereby ratifies the Counseling Compact set forth in section 8 of this**  
5 **2024 Act.**

6 **“SECTION 10.** ORS 675.805 is amended to read:

7 “675.805. All moneys received by the Oregon Board of Licensed Profes-  
8 sional Counselors and Therapists under ORS 675.715 to 675.835 shall be paid  
9 into the General Fund in the State Treasury and placed to the credit of the  
10 Oregon Board of Licensed Professional Counselors and Therapists Account,  
11 which is hereby established. Such moneys are appropriated continuously to  
12 the board and shall be used only for the administration and enforcement of  
13 ORS 675.172, 675.715 to 675.835, 676.850 and 676.866 **and for the purpose of**  
14 **meeting the financial obligations imposed on the State of Oregon as**  
15 **a result of this state’s participation in the Counseling Compact estab-**  
16 **lished under section 8 of this 2024 Act.**

17 **“SECTION 11.** ORS 675.825 is amended to read:

18 “675.825. (1) A person may not:

19 “(a) Attempt to obtain or obtain a license or license renewal by bribery  
20 or fraudulent representation.

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

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

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

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

1 or

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

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

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

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

14 “(a) Licensed, certified, registered or similarly regulated under the laws  
15 of this state and who is performing duties within the authorized scope of  
16 practice of the license, certification, registration or regulation.

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

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

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

26 “(e) **Authorized to practice pursuant to privilege to practice as de-**  
27 **defined in section 8 of this 2024 Act.**

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

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

2       “(b) Does not practice:

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

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

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

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

8       **“SECTION 12. (1) The amendments to ORS 675.805 by section 10 of**  
9 **this 2024 Act apply to moneys received by the Oregon Board of Li-**  
10 **icensed Professional Counselors and Therapists on or after the effective**  
11 **date of this 2024 Act.**

12       **“(2) The amendments to ORS 675.825 by section 11 of this 2024 Act**  
13 **apply to individuals authorized to practice by privilege to practice on**  
14 **or after the effective date of this 2024 Act.”.**

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