

House Bill 3351

Sponsored by Representative DIEHL; Representatives JAVADI, MCINTIRE

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act makes Oregon join a compact to let counselors from other states work in Oregon. (Flesch Readability Score: 63.6).

Enacts the interstate Counseling Compact. Allows the Oregon Board of Licensed Professional Counselors and Therapists to disclose specified information to the Counseling Compact Commission. Exempts individuals authorized to work as professional counselors under the Compact privilege to practice from the requirement to obtain a license from the board. Allows the board to use moneys to meet financial obligations imposed on the State of Oregon as a result of participation in the Compact.

Becomes operative on January 1, 2028.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to a counseling licensure compact; creating new provisions; amending ORS 675.805, 675.825
3 and 676.177; and prescribing an effective date.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. The provisions of the Counseling Compact are as follows:**
6
7

COUNSELING COMPACT

SECTION 1. PURPOSE

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10 **The purpose of this Compact is to facilitate the interstate practice of licensed profes-**
11 **sional counselors with the goal of improving public access to professional counseling ser-**
12 **vices. The practice of professional counseling occurs in the state where the client is located**
13 **at the time of the counseling services. This Compact preserves the regulatory authority of**
14 **states to protect public health and safety through the current system of state licensure.**

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

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

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

19 **C. Encourage the cooperation of member states in regulating multistate practice for li-**
20 **censed professional counselors;**

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

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

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

26 **G. Support the uniformity of professional counseling licensure requirements throughout**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 the states to promote public safety and public health benefits;

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

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

6 J. Provide opportunities for interstate practice by licensed professional counselors who
7 meet uniform licensure requirements.

8 **SECTION 2. DEFINITIONS**

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

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

14 B. "Adverse action" means any administrative, civil, equitable or criminal action per-
15 mitted by a state's laws which is imposed by a licensing board or another authority against
16 a licensed professional counselor, including actions against an individual's license or privilege
17 to practice such as revocation, suspension, probation or monitoring of the licensee, limita-
18 tion on the licensee's practice or any other encumbrance on licensure affecting a licensed
19 professional counselor's authorization to practice, including issuance of a cease and desist
20 action.

21 C. "Alternative program" means a nondisciplinary monitoring or practice remediation
22 process approved by a professional counseling licensing board to address impaired practi-
23 tioners.

24 D. "Continuing competence/education" means a requirement, as a condition of license
25 renewal, to provide evidence of participation in, or completion of, educational and profes-
26 sional activities relevant to a practice or an area of work.

27 E. "Counseling Compact Commission" or "Commission" means the national administra-
28 tive body whose membership consists of all states that have enacted this Compact.

29 F. "Current significant investigative information" means:

30 1. Investigative information that a licensing board, after a preliminary inquiry that in-
31 cludes notification and an opportunity for the licensed professional counselor to respond if
32 required by state law, has reason to believe is not groundless and, if proved true, would in-
33 dicate more than a minor infraction; or

34 2. Investigative information that indicates that the licensed professional counselor re-
35 presents an immediate threat to public health and safety regardless of whether the licensed
36 professional counselor has been notified and had an opportunity to respond.

37 G. "Data system" means a repository of information about licensees, including but not
38 limited to, continuing education, examination, licensure, investigative, privilege-to-practice
39 and adverse action information.

40 H. "Encumbered license" means a license in which an adverse action restricts the prac-
41 tice of licensed professional counseling by the licensee and said adverse action has been re-
42 ported to the National Practitioner Data Bank (NPDB).

43 I. "Encumbrance" means a revocation or suspension of, or any limitation on, the full and
44 unrestricted practice of licensed professional counseling by a licensing board.

45 J. "Executive committee" means a group of directors elected or appointed to act on be-

1 half of, and within the powers granted to them by, the Commission.

2 K. "Home state" means the member state that is the licensee's primary state of resi-
3 dence.

4 L. "Impaired practitioner" means an individual who has a condition that may impair their
5 ability to practice as a licensed professional counselor without some type of intervention,
6 including, but not limited to, alcohol and drug dependence, mental health impairment and
7 neurological or physical impairments.

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

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

13 O. "Licensed professional counselor" means a counselor licensed by a member state, re-
14 gardless of the title used by that state, to independently assess, diagnose and treat behav-
15 ioral health conditions.

16 P. "Licensee" means an individual who currently holds an authorization from a state to
17 practice as a licensed professional counselor.

18 Q. "Licensing board" means the agency of a state, or equivalent, that is responsible for
19 the licensing and regulation of licensed professional counselors.

20 R. "Member state" means a state that has enacted this Compact.

21 S. "Privilege to practice" means a legal authorization, which is equivalent to a license,
22 permitting the practice of professional counseling in a remote state.

23 T. "Professional counseling" means the assessment, diagnosis and treatment of behav-
24 ioral health conditions by a licensed professional counselor.

25 U. "Remote state" means a member state other than the home state where a licensee is
26 exercising or seeking to exercise the privilege to practice.

27 V. "Rule" means a regulation promulgated by the Commission that has the force of law,
28 subject to Section 11 (B)(2) of this Compact.

29 W. "Single-state license" means a licensed professional counselor license issued by a
30 member state that authorizes practice only within the issuing state and does not include a
31 privilege to practice in any other member state.

32 X. "State" means any state, commonwealth, district or territory of the United States
33 that regulates the practice of professional counseling.

34 Y. "Telehealth" means the application of telecommunication technology to deliver pro-
35 fessional counseling services remotely to assess, diagnose and treat behavioral health con-
36 ditions.

37 Z. "Unencumbered license" means a license that authorizes a licensed professional
38 counselor to engage in the full and unrestricted practice of professional counseling.

39 **SECTION 3. STATE PARTICIPATION IN THIS COMPACT**

40 **A. To participate in this Compact, a state must currently:**

41 **1. License and regulate licensed professional counselors;**

42 **2.a. Subject to subparagraph b of this paragraph, require licensees to pass a nationally**
43 **recognized exam approved by the Commission;**

44 **b. The Oregon Board of Licensed Professional Counselors and Therapists may approve**
45 **one or more nationally recognized exams for purposes of meeting the requirements of this**

1 **Compact. A licensee is required to pass an exam only if the exam is approved by the board;**

2 **3. Require licensees to have a 60 semester-hour, or 90 quarter-hour, master’s degree in**
 3 **counseling or 60 semester-hours, or 90 quarter-hours, of graduate course work including the**
 4 **following topic areas:**

- 5 **a. Professional counseling orientation and ethical practice;**
- 6 **b. Social and cultural diversity;**
- 7 **c. Human growth and development;**
- 8 **d. Career development;**
- 9 **e. Counseling and helping relationships;**
- 10 **f. Group counseling and group work;**
- 11 **g. Diagnosis and treatment, assessment and testing;**
- 12 **h. Research and program evaluation; and**
- 13 **i. Other areas as determined by the Commission;**

14 **4. Require licensees to complete a supervised post-graduate professional experience as**
 15 **defined by the Commission and approved by the board; and**

16 **5. Have a mechanism in place for receiving and investigating complaints about licensees.**

17 **B. A member state shall:**

18 **1. Participate fully in the Commission’s data system, including using the Commission’s**
 19 **unique identifier as defined in the rules of the Commission;**

20 **2. Notify the Commission, in compliance with the terms of this Compact and rules, of any**
 21 **adverse action or the availability of investigative information regarding a licensee;**

22 **3. Implement or utilize procedures for considering the criminal history records of appli-**
 23 **cants for an initial privilege to practice. These procedures shall include the submission of**
 24 **fingerprints or other biometric-based information by applicants for the purpose of obtaining**
 25 **an applicant’s criminal history record information from the Federal Bureau of Investigation**
 26 **and the agency responsible for retaining that state’s criminal records. A criminal records**
 27 **check requested by the board and performed in accordance with ORS 181A.195 meets the**
 28 **requirements of this paragraph;**

29 **a. A member state must fully implement a criminal background check requirement,**
 30 **within a time frame established by rule, by receiving the results of the Federal Bureau of**
 31 **Investigation record search and shall use the results in making licensure decisions;**

32 **b. Communication between a member state and the Commission and among member**
 33 **states regarding the verification of eligibility for licensure through this Compact may not**
 34 **include any information received from the Federal Bureau of Investigation relating to a**
 35 **federal criminal records check performed by a member state under Public Law 92-544 or ORS**
 36 **181A.195;**

37 **4. Subject to Section 11 (B)(2) of this Compact, comply with the rules of the Commission;**

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

41 **6. Grant the privilege to practice to a licensee holding a valid unencumbered license in**
 42 **another member state in accordance with the terms of this Compact and rules; and**

43 **7. Provide for the attendance of the state’s commissioner to the Counseling Compact**
 44 **Commission meetings.**

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

1 **D. Individuals not residing in a member state shall continue to be able to apply for a**
2 **member state's single-state license as provided under the laws of each member state. How-**
3 **ever, the single-state license granted to these individuals shall not be recognized as granting**
4 **a privilege to practice professional counseling in any other member state.**

5 **E. Nothing in this Compact shall affect the requirements established by a member state**
6 **for the issuance of a single-state license.**

7 **F. A license issued to a licensed professional counselor by a home state to a resident of**
8 **that state shall be recognized by each member state as authorizing a licensed professional**
9 **counselor to practice professional counseling, under a privilege to practice, in each member**
10 **state.**

11 **SECTION 4. PRIVILEGE TO PRACTICE**

12 **A. To exercise the privilege to practice under the terms and provisions of this Compact,**
13 **the licensee shall:**

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

15 **2. Have a valid United States Social Security number or National Practitioner Identifier**
16 **number;**

17 **3. Be eligible for a privilege to practice in any member state in accordance with Section**
18 **4 (D), (G) and (H) of this Compact;**

19 **4. Have not had any encumbrance or restriction against any license or privilege to prac-**
20 **tice within the previous two years;**

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

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

24 **7. Meet any continuing competence/education requirements established by the home**
25 **state;**

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

28 **9. Report to the Commission any adverse action or other encumbrance or restriction on**
29 **a license taken by any nonmember state within 30 days from the date the action is taken.**

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

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

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

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

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

44 **2. The licensee has not had any encumbrance or restriction against any license or privi-**
45 **lege to practice within the previous two years.**

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

4 **G. If a licensee's privilege to practice in any remote state is removed, the individual may**
5 **lose the privilege to practice in all other remote states until the following occur:**

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

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

8 **3. The licensee has not had any encumbrance or restriction against any license or privi-**
9 **lege to practice within the previous two years.**

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

13 **SECTION 5. OBTAINING A NEW HOME STATE LICENSE BASED ON A PRIVILEGE**
14 **TO PRACTICE**

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

17 **B. If a licensed professional counselor changes their primary state of residence by mov-**
18 **ing between two member states:**

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

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

26 **a. A Federal Bureau of Investigation fingerprint-based criminal background check if not**
27 **previously performed or updated pursuant to applicable rules adopted by the Commission in**
28 **accordance with Public Law 92-544 or ORS 181A.195;**

29 **b. Other criminal background checks as required by the new home state; and**

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

31 **3. The former home state shall convert the former home state license into a privilege to**
32 **practice once the new home state has activated the new home state license in accordance**
33 **with applicable rules adopted by the Commission.**

34 **4. Notwithstanding any other provision of this Compact, if the licensed professional**
35 **counselor cannot meet the criteria in Section 4 of this Compact, the new home state may**
36 **apply its requirements for issuing a new single-state license.**

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

39 **C. If a licensed professional counselor changes their primary state of residence by mov-**
40 **ing from a member state to a nonmember state, or from a nonmember state to a member**
41 **state, the state criteria shall apply for issuance of a single-state license in the new state.**

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

45 **E. Nothing in this Compact shall affect the requirements established by a member state**

1 for the issuance of a single-state license.

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

3 An active duty military personnel, or their spouse, shall designate a home state where
 4 the individual has a current license in good standing. The individual may retain the home
 5 state designation during the period the service member is on active duty. Subsequent to
 6 designating a home state, the individual shall only change their home state through appli-
 7 cation for licensure in a new state, or through the process outlined in Section 5 of this
 8 Compact.

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

10 A. Member states shall recognize the right of a licensed professional counselor, licensed
 11 by a home state in accordance with Section 3 of this Compact and under rules of the Com-
 12 mission, to practice professional counseling in any member state via telehealth under a
 13 privilege to practice as provided in this Compact and rules of the Commission.

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

16 **SECTION 8. ADVERSE ACTIONS**

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

19 1. Take adverse action against a licensed professional counselor’s privilege to practice
 20 within that member state; and

21 2. Issue subpoenas for both hearings and investigations that require the attendance and
 22 testimony of witnesses as well as the production of evidence. Subject to ORS 24.500,
 23 subpoenas issued by a licensing board in a member state for the attendance and testimony
 24 of witnesses or the production of evidence from another member state shall be enforced in
 25 the latter state by any court of competent jurisdiction according to the practice and proce-
 26 dure of that court applicable to subpoenas issued in proceedings pending before it. The issu-
 27 ing authority shall pay any witness fees, travel expenses, mileage and other fees required by
 28 the service statutes of the state in which the witnesses or evidence are located.

29 3. Only the home state shall have the power to take adverse action against a licensed
 30 professional counselor’s license issued by the home state.

31 B. For purposes of taking adverse action, the home state shall give the same priority and
 32 effect to reported conduct received from a member state as it would if the conduct had oc-
 33 curred within the home state. In so doing, the home state shall apply its own state laws to
 34 determine appropriate action.

35 C. The home state shall complete any pending investigations of a licensed professional
 36 counselor who changes their primary state of residence during the course of the investi-
 37 gations. The home state shall also have the authority to take appropriate action and shall
 38 promptly report the conclusions of the investigations to the administrator of the data sys-
 39 tem. The administrator of the data system shall promptly notify the new home state of any
 40 adverse actions.

41 D. A member state, if otherwise permitted by state law, may recover from the affected
 42 licensed professional counselor the costs of investigations and dispositions of cases resulting
 43 from any adverse action taken against that licensed professional counselor.

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

1 **action.**

2 **F. Joint Investigations**

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

6 **2. Subject to ORS 676.177, member states shall share any investigative, litigation or**
 7 **compliance materials in furtherance of any joint or individual investigation initiated under**
 8 **this Compact.**

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

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

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

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

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

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

25 **2. Venue is proper and judicial proceedings by or against the Commission shall be brought**
 26 **solely and exclusively in a court of competent jurisdiction where the principal offices of the**
 27 **Commission are located. The Commission may waive venue and jurisdictional defenses to the**
 28 **extent it adopts or consents to participate in alternative dispute resolution proceedings.**

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

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

31 **1. Each member state shall have and be limited to one delegate selected by that member**
 32 **state's licensing board.**

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

34 **a. A current member of the licensing board at the time of appointment, who is a licensed**
 35 **professional counselor or public member; or**

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

37 **3. Any delegate may be removed or suspended from office as provided by the law of the**
 38 **state from which the delegate is appointed.**

39 **4. The member state licensing board shall fill any vacancy occurring on the Commission**
 40 **within 60 days.**

41 **5. Each delegate shall be entitled to one vote with regard to the promulgation of rules**
 42 **and creation of bylaws and shall otherwise have an opportunity to participate in the business**
 43 **and affairs of the Commission.**

44 **6. A delegate shall vote in person or by such other means as provided in the bylaws. The**
 45 **bylaws may provide for delegates' participation in meetings by telephone or other means of**

1 communication.

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

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

6 C. The Commission shall have the following powers and duties, except that an action
7 undertaken by the Commission is binding on the State of Oregon only if the Oregon Board
8 of Licensed Professional Counselors and Therapists approves by rule the action undertaken:

9 1. Establish the fiscal year of the Commission;

10 2. Establish bylaws, to which the State of Oregon is subject only insofar as the board
11 approves by rule bylaws established under this paragraph;

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

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

15 5. Promulgate rules which, subject to Section 11 (B)(2) of this Compact, shall be binding
16 to the extent and in the manner provided for in this Compact;

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

20 7. Purchase and maintain insurance and bonds;

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

23 9. Hire employees, elect or appoint officers, fix compensation, define duties, grant to
24 employees and officers appropriate authority to carry out the purposes of this Compact and
25 establish the Commission's personnel policies and programs relating to conflicts of interest,
26 qualifications of personnel and other related personnel matters;

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

30 11. Lease, purchase or accept appropriate gifts or donations of, or otherwise own, hold,
31 improve or use any property, real, personal or mixed, provided that at all times the Com-
32 mission shall avoid any appearance of impropriety;

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

35 13. Establish a budget and make expenditures;

36 14. Borrow money;

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

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

41 17. Establish and elect an executive committee; and

42 18. Perform such other functions as may be necessary or appropriate to achieve the
43 purposes of this Compact consistent with the state regulation of professional counseling
44 licensure and practice.

45 D. The Executive Committee

1 **1. The executive committee shall have the power to act on behalf of the Commission ac-**
 2 **ording to the terms of this Compact.**

3 **2. The executive committee shall be composed of up to 11 members:**

4 **a. Seven voting members who are elected by the Commission from the current member-**
 5 **ship of the Commission; and**

6 **b. Up to four ex officio, nonvoting members from four recognized national professional**
 7 **counselor organizations.**

8 **c. The ex officio members will be selected by their respective organizations.**

9 **3. The Commission may remove any member of the executive committee as provided in**
 10 **the bylaws.**

11 **4. The executive committee shall meet at least annually.**

12 **5. The executive committee shall have the following duties and responsibilities:**

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

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

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

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

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

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

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

24 **E. Meetings of the Commission**

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

28 **2. The Commission or the executive committee or other committees of the Commission**
 29 **may convene in a closed, nonpublic meeting if the Commission or executive committee or**
 30 **other committees of the Commission must discuss:**

31 **a. Noncompliance of a member state with its obligations under this Compact;**

32 **b. The employment, compensation, discipline or other matters, practices or procedures**
 33 **related to specific employees or other matters related to the Commission's internal person-**
 34 **nel practices and procedures;**

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

36 **d. Negotiation of contracts for the purchase, lease or sale of goods, services or real es-**
 37 **tate;**

38 **e. Accusing any person of a crime or formally censuring any person;**

39 **f. Disclosure of trade secrets or commercial or financial information that is privileged**
 40 **or confidential;**

41 **g. Disclosure of information of a personal nature when disclosure would constitute a**
 42 **clearly unwarranted invasion of personal privacy;**

43 **h. Disclosure of investigative records compiled for law enforcement purposes;**

44 **i. Disclosure of information related to any investigative reports prepared by or on behalf**
 45 **of or for the use of the Commission or another committee charged with responsibility of in-**

1 vestigation or determination of compliance issues pursuant to this Compact; or

2 j. Matters specifically exempted from disclosure by federal or member state statute.

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

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

12 **F. Financing of the Commission**

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

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

17 3.a. The Commission may levy and collect an annual assessment from each member state
18 or impose fees on other parties to cover the cost of the operations and activities of the
19 Commission and its staff, which must be in a total amount sufficient to cover its annual
20 budget as approved each year for which revenue is not provided by other sources. The ag-
21 gregate annual assessment amount shall be allocated based upon a formula to be determined
22 by the Commission, which shall promulgate a rule binding upon all member states subject
23 to Section 11 (B)(2) of this Compact.

24 b. An assessment levied, or any other financial obligation imposed, under this Compact
25 is effective against the State of Oregon only to the extent that moneys necessary to pay the
26 assessment or meet the financial obligation have been deposited in the Counseling Compact
27 Account established under section 4 of this 2025 Act.

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

31 5. The Commission shall keep accurate accounts of all receipts and disbursements. The
32 receipts and disbursements of the Commission shall be subject to the audit and accounting
33 procedures established under its bylaws. However, all receipts and disbursements of funds
34 handled by the Commission shall be audited yearly by a certified or licensed public account-
35 ant, and the report of the audit shall be included in and become part of the annual report
36 of the Commission.

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

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

1 of that person.

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

11 3. The Commission shall indemnify and hold harmless any member, officer, executive di-
 12 rector, employee or representative of the Commission for the amount of any settlement or
 13 judgment obtained against that person arising out of any actual or alleged act, error or
 14 omission that occurred within the scope of Commission employment, duties or responsibil-
 15 ities, or that such person had a reasonable basis for believing occurred within the scope of
 16 Commission employment, duties or responsibilities, provided that the actual or alleged act,
 17 error or omission did not result from the intentional or willful or wanton misconduct of that
 18 person.

19 **SECTION 10. DATA SYSTEM**

20 A. The Commission shall provide for the development, maintenance, operation and utili-
 21 zation of a coordinated database and reporting system containing licensure, adverse action
 22 and investigative information on all licensees in member states.

23 B. Subject to ORS 676.177, but notwithstanding any other provision of state law to the
 24 contrary, a member state shall submit a uniform data set to the data system on all individ-
 25 uals to whom this Compact is applicable as required by the rules of the Commission, in-
 26 cluding:

- 27 1. Identifying information;
- 28 2. Licensure data;
- 29 3. Adverse actions against a license or privilege to practice;
- 30 4. Nonconfidential information related to alternative program participation;
- 31 5. Any denial of application for licensure and the reason for such denial;
- 32 6. Current significant investigative information; and
- 33 7. Other information that may facilitate the administration of this Compact, as deter-
 34 mined by the rules of the Commission, subject to Section 11 (B)(2) of this Compact.

35 C. Investigative information pertaining to a licensee in any member state will only be
 36 available to other member states.

37 D. The Commission shall promptly notify all member states of any adverse action taken
 38 against a licensee or an individual applying for a license. Adverse action information per-
 39 taining to a licensee in any member state will be available to any other member state.

40 E. Member states contributing information to the data system may designate informa-
 41 tion that may not be shared with the public without the express permission of the contrib-
 42 uting state.

43 F. Any information submitted to the data system that is subsequently required to be
 44 expunged by the laws of the member state contributing the information shall be removed
 45 from the data system.

SECTION 11. RULEMAKING

A. The Commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purpose of this Compact. Notwithstanding the foregoing, in the event the Commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of this Compact, or the powers granted hereunder, then such an action by the Commission shall be invalid and have no force or effect.

B.1. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this Section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each proposed rule or amendment, except that a rule becomes binding on the State of Oregon on the date specified by the Oregon Board of Licensed Professional Counselors and Therapists.

2. Notwithstanding paragraph 1 of this subsection, the board shall review the rules of the Commission. The board may approve and adopt the rules of the Commission as rules of the board. The State of Oregon is subject to a rule of the Commission only if the rule of the Commission is adopted by the board.

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

D. Proposed rules or amendments to the rules shall be adopted at a regular or special meeting of the Commission.

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

- 1. On the website of the Commission or another publicly accessible platform; and**
- 2. On the website of each member state professional counseling licensing board or another publicly accessible platform or the publication in which each state would otherwise publish proposed rules.**

F. The notice of proposed rulemaking shall include:

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

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

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

- 1. At least 25 persons;**
- 2. A state or federal governmental subdivision or agency; or**
- 3. An association having at least 25 members.**

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

1 **1. All persons wishing to be heard at the hearing shall notify the executive director of**
 2 **the Commission or another designated member in writing of their desire to appear and tes-**
 3 **tify at the hearing not less than five business days before the scheduled date of the hearing.**

4 **2. Hearings shall be conducted in a manner providing each person who wishes to com-**
 5 **ment a fair and reasonable opportunity to comment orally or in writing.**

6 **3. All hearings will be recorded. A copy of the recording will be made available on re-**
 7 **quest.**

8 **4. Nothing in this Section shall be construed as requiring a separate hearing on each**
 9 **proposed rule. Rules may be grouped for the convenience of the Commission at hearings re-**
 10 **quired by this Section.**

11 **J. Following the scheduled hearing date, or by the close of business on the scheduled**
 12 **hearing date if the hearing was not held, the Commission shall consider all written and oral**
 13 **comments received.**

14 **K. If no written notice of intent to attend the public hearing by interested parties is re-**
 15 **ceived, the Commission may proceed with promulgation of the proposed rule without a public**
 16 **hearing.**

17 **L. The Commission shall, by majority vote of all members, take final action on the pro-**
 18 **posed rule and shall determine the effective date of the rule, if any, based on the rulemaking**
 19 **record and the full text of the rule.**

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

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

27 **2. Prevent a loss of Commission or member state funds;**

28 **3. Meet a deadline for the promulgation of an administrative rule that is established by**
 29 **federal law or rule; or**

30 **4. Protect public health and safety.**

31 **N. The Commission or an authorized committee of the Commission may direct revisions**
 32 **to a previously adopted rule or amendment for purposes of correcting typographical errors,**
 33 **errors in format, errors in consistency or grammatical errors. Public notice of any revisions**
 34 **shall be posted on the website of the Commission. The revision shall be subject to challenge**
 35 **by any person for a period of 30 days after posting. The revision may be challenged only on**
 36 **grounds that the revision results in a material change to a rule. A challenge shall be made**
 37 **in writing and delivered to the chair of the Commission prior to the end of the notice period.**
 38 **If no challenge is made, the revision will take effect without further action. If the revision**
 39 **is challenged, the revision may not take effect without the approval of the Commission.**

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

41 **A. Oversight**

42 **1. The executive, legislative and judicial branches of state government in each member**
 43 **state shall enforce this Compact and take all actions necessary and appropriate to effectuate**
 44 **this Compact's purposes and intent. The provisions of this Compact and, subject to Section**
 45 **11 (B)(2) of this Compact, the rules promulgated hereunder, shall have standing as statutory**

1 law.

2 2. All courts shall take judicial notice of this Compact and the rules in any judicial or
 3 administrative proceeding in a member state pertaining to the subject matter of this Com-
 4 pact which may affect the powers, responsibilities or actions of the Commission.

5 3. The Commission shall be entitled to receive service of process in any such proceeding
 6 and shall have standing to intervene in such a proceeding for all purposes. Failure to provide
 7 service of process to the Commission shall render a judgment or order void as to the Com-
 8 mission, this Compact or the rules.

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

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

12 a. Provide written notice to the defaulting state and other member states of the nature
 13 of the default, the proposed means of curing the default and any other action to be taken
 14 by the Commission; and

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

16 C. If a state in default fails to cure the default, the defaulting state may be terminated
 17 from this Compact upon an affirmative vote of a majority of the member states, and all
 18 rights, privileges and benefits conferred by this Compact may be terminated on the effective
 19 date of termination. A cure of the default does not relieve the offending state of obligations
 20 or liabilities incurred during the period of default, except that the State of Oregon's obli-
 21 gations or liabilities may not exceed the maximum amount allowed by the Oregon Constitu-
 22 tion.

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

27 E. A state that has been terminated is responsible for all assessments, obligations and
 28 liabilities incurred through the effective date of termination, including obligations that ex-
 29 tend beyond the effective date of termination, except that the State of Oregon's assessment,
 30 obligations and liabilities may not exceed the maximum amount allowed by the Oregon Con-
 31 stitution.

32 F. The Commission shall not bear any costs related to a state that is found to be in de-
 33 fault or that has been terminated from this Compact, unless agreed upon in writing between
 34 the Commission and the defaulting state.

35 G. The defaulting state may appeal the action of the Commission by petitioning the
 36 United States District Court for the District of Columbia or the federal district where the
 37 Commission has its principal offices. The prevailing member shall be awarded all costs of
 38 such litigation, including reasonable attorney fees, except that the costs incurred by the
 39 State of Oregon may not exceed the maximum amount allowed by the Oregon Constitution.

40 **H. Dispute Resolution**

41 1. Upon request by a member state, the Commission shall attempt to resolve disputes
 42 related to this Compact that arise among member states and between member and non-
 43 member states.

44 2. The Commission shall promulgate a rule providing for both mediation and binding
 45 dispute resolution for disputes as appropriate, to which the State of Oregon is subject only

1 insofar as the rule of the Commission is adopted by the Oregon Board of Licensed Profes-
 2 sional Counselors and Therapists by rule.

3 **I. Enforcement**

4 **1. The Commission, in the reasonable exercise of its discretion, shall enforce the pro-**
 5 **visions and rules of this Compact.**

6 **2. By majority vote, the Commission may initiate legal action in the United States Dis-**
 7 **trict Court for the District of Columbia or the federal district where the Commission has its**
 8 **principal offices against a member state in default to enforce compliance with the provisions**
 9 **of this Compact and its rules and bylaws. The relief sought may include injunctive relief. In**
 10 **the event judicial enforcement is necessary, the prevailing member shall be awarded all costs**
 11 **of such litigation, including reasonable attorney fees, except that the State of Oregon's costs**
 12 **under this paragraph may not exceed the maximum allowed by the Oregon Constitution.**

13 **3. The remedies herein shall not be the exclusive remedies of the Commission. The**
 14 **Commission may pursue any other remedies available under federal or state law, except that**
 15 **the Commission may not pursue remedies against the State of Oregon that are not allowed**
 16 **by Oregon state law.**

17 **SECTION 13. DATE OF IMPLEMENTATION OF THE COUNSELING COMPACT COM-**
 18 **MISSION AND ASSOCIATED RULES, WITHDRAWAL AND AMENDMENT**

19 **A. This Compact shall come into effect on the date on which the Compact statute is en-**
 20 **acted into law in the 10th member state. The provisions, which become effective at that**
 21 **time, shall be limited to the powers granted to the Commission relating to assembly and the**
 22 **promulgation of rules. Thereafter, the Commission shall meet and exercise rulemaking pow-**
 23 **ers necessary to the implementation and administration of this Compact.**

24 **B. Any state that joins this Compact subsequent to the Commission's initial adoption of**
 25 **the rules shall be subject to the rules as they exist on the date on which this Compact be-**
 26 **comes law in that state, subject to Section 11 (B)(2) of this Compact. Any rule that has been**
 27 **previously adopted by the Commission shall have the full force and effect of law on the day**
 28 **this Compact becomes law in that state.**

29 **C. Any member state may withdraw from this Compact by enacting a statute repealing**
 30 **the same.**

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

33 **2. Withdrawal shall not affect the continuing requirement of the withdrawing state's**
 34 **professional counseling licensing board to comply with the investigative and adverse action**
 35 **reporting requirements of this Compact prior to the effective date of withdrawal.**

36 **D. Nothing contained in this Compact shall be construed to invalidate or prevent any**
 37 **professional counseling licensure agreement or other cooperative arrangement between a**
 38 **member state and a nonmember state that does not conflict with the provisions of this**
 39 **Compact.**

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

43 **SECTION 14. CONSTRUCTION AND SEVERABILITY**

44 **This Compact shall be liberally construed so as to effectuate the purposes thereof. The**
 45 **provisions of this Compact shall be severable and if any phrase, clause, sentence or provision**

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

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

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

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

14 **C.** Except as provided in this Compact, any laws in a member state in conflict with this
 15 Compact are superseded to the extent of the conflict.

16 **D.1.** Any lawful actions of the Commission, including all rules and bylaws properly
 17 promulgated by the Commission, are binding upon the member states, subject to paragraph
 18 2 of this subsection.

19 **2.** The Oregon Board of Licensed Professional Counselors and Therapists shall review the
 20 rules and bylaws of the Commission. The board may approve and adopt the rules and bylaws
 21 of the Commission as rules of the board. The State of Oregon is subject to a rule or bylaw
 22 of the Commission only if the rule or bylaw of the Commission is adopted by the board.

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

25 **F.** In the event any provision of this Compact exceeds the constitutional limits imposed
 26 on the legislature of any member state, the provision shall be ineffective to the extent of the
 27 conflict with the constitutional provision in question in that member state.

28
 29
 30 **SECTION 2.** The Legislative Assembly of the State of Oregon hereby ratifies the Coun-
 31 seling Compact set forth in section 1 of this 2025 Act.

32 **SECTION 3.** Section 4 of this 2025 Act is added to and made a part of ORS 675.715 to
 33 675.835.

34 **SECTION 4.** (1) There is established, within the Oregon Board of Licensed Professional
 35 Counselors and Therapists Account, the Counseling Compact Account. All moneys received
 36 by the Oregon Board of Licensed Professional Counselors and Therapists under the Coun-
 37 seling Compact set forth in section 1 of this 2025 Act shall be paid into the General Fund in
 38 the State Treasury and deposited in the Counseling Compact Account. Subject to subsection
 39 (2) of this section, the moneys in the account are continuously appropriated to the board for
 40 the purpose of meeting financial obligations imposed on the State of Oregon as a result of
 41 this state's participation in the compact.

42 (2) At no time may the Counseling Compact Account contain more than \$50,000. Any
 43 moneys in excess of \$50,000 shall be transferred to the Oregon Board of Licensed Professional
 44 Counselors and Therapists Account established under ORS 675.805.

45 **SECTION 5.** ORS 675.805 is amended to read:

1 675.805. **Subject to section 4 of this 2025 Act**, all moneys received by the Oregon Board of
 2 Licensed Professional Counselors and Therapists under ORS 675.715 to 675.835 shall be paid into the
 3 General Fund in the State Treasury and placed to the credit of the Oregon Board of Licensed Pro-
 4 fessional Counselors and Therapists Account, which is hereby established. Such moneys are appro-
 5 priated continuously to the board and shall be used only for the administration and enforcement of
 6 ORS 675.172, 675.715 to 675.835, 676.850 and 676.866.

7 **SECTION 6.** ORS 675.825 is amended to read:

8 675.825. (1) A person may not:

9 (a) Attempt to obtain or obtain a license or license renewal by bribery or fraudulent represen-
 10 tation.

11 (b) Engage in or purport to the public to be engaged in the practice of professional counseling
 12 under the title “licensed professional counselor” unless the person is a licensee.

13 (c) Engage in or purport to the public to be engaged in the practice of marriage and family
 14 therapy under the title of “licensed marriage and family therapist” unless the person is a licensee.

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

16 (A) The person is a licensee, registered associate or graduate student pursuing a graduate de-
 17 gree in counseling or marriage and family therapy; or

18 (B) The person is exempted from the licensing requirements of ORS 675.715 to 675.835 by sub-
 19 section (3) of this section.

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

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

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

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

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

33 (c) Employed by a local, state or federal agency, a public university listed in ORS 352.002 or any
 34 agency licensed or certified by the state to provide mental health or health services, if the person’s
 35 activities constituting professional counseling or marriage and family therapy are performed within
 36 the scope of the person’s employment.

37 (d) Authorized to provide addiction treatment services under rules of the Department of Human
 38 Services.

39 **(e) Authorized to practice pursuant to privilege to practice as defined in section 1 of this**
 40 **2025 Act.**

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

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

45 (b) Does not practice:

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

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

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

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

6 **SECTION 7.** ORS 676.177 is amended to read:

7 676.177. (1) Notwithstanding any other provision of ORS 676.165 to 676.180 and except as pro-
8 vided in subsection (5) of this section, a health professional regulatory board, upon a determination
9 by the board that it possesses otherwise confidential information that reasonably relates to the
10 regulatory or enforcement function of another public entity, may disclose that information to the
11 other public entity.

12 (2) Any public entity that receives information pursuant to subsection (1) of this section shall
13 agree to take all reasonable steps to maintain the confidentiality of the information, except that the
14 public entity may use or disclose the information to the extent necessary to carry out the regulatory
15 or enforcement functions of the public entity.

16 (3) For purposes of this section, “public entity” means:

17 (a) A board or agency of this state, or a board or agency of another state with regulatory or
18 enforcement functions similar to the functions of a health professional regulatory board of this state;

19 (b) A district attorney;

20 (c) The Department of Justice;

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

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

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

25 (a) The Oregon Board of Physical Therapy may disclose information described in subsection (1)
26 of this section to the Physical Therapy Compact Commission [*established*] **described** in ORS 688.240.

27 (b) **Except as prohibited by subsection (5) of this section, the Oregon Board of Licensed**
28 **Professional Counselors and Therapists may disclose information described in subsection (1)**
29 **of this section to the Counseling Compact Commission described in section 1 of this 2025 Act.**

30 (5) A health professional regulatory board may not disclose the information described in sub-
31 section (1) of this section to another public entity if the information relates to the provision of or
32 referral for reproductive or gender-affirming health care services.

33 **SECTION 8. Notwithstanding section 3, subsection A, paragraphs 2 to 4, of the Coun-**
34 **seling Compact set forth in section 1 of this 2025 Act, the Oregon Board of Licensed Profes-**
35 **sional Counselors and Therapists may adopt by rule standards for education, supervised**
36 **clinical experience and examinations. The board may apply the standards described in this**
37 **section in order to:**

38 (1) **Renew a license issued by the board under ORS 675.715 to 675.835 that the board is-**
39 **sued prior to the operative date specified in section 10 of this 2025 Act;**

40 (2) **Issue a reciprocal license under ORS 675.735; or**

41 (3) **Reissue a license pursuant to ORS 675.725 (5).**

42 **SECTION 9. (1) The amendments to ORS 675.805 by section 5 of this 2025 Act apply to**
43 **moneys received by the Oregon Board of Licensed Professional Counselors and Therapists**
44 **on or after the operative date specified in section 10 of this 2025 Act.**

45 (2) **The amendments to ORS 675.825 by section 6 of this 2025 Act apply to individuals au-**

1 **thorized to practice by privilege to practice on or after the operative date specified in section**
2 **10 of this 2025 Act.**

3 **(3) The amendments to ORS 676.177 by section 7 of this 2025 Act apply to information**
4 **disclosed on or after the operative date specified in section 10 of this 2025 Act.**

5 **SECTION 10. (1) Sections 1 to 4 of this 2025 Act and the amendments to ORS 675.805,**
6 **675.825 and 676.177 by sections 5 to 7 of this 2025 Act become operative on January 1, 2028.**

7 **(2) The Oregon Board of Licensed Professional Counselors and Therapists may take any**
8 **action before the operative date specified in subsection (1) of this section that is necessary**
9 **to enable the board to exercise, on or after the operative date specified in subsection (1) of**
10 **this section, all of the duties, functions and powers conferred on the board by sections 1 to**
11 **4 of this 2025 Act and the amendments to ORS 675.805, 675.825 and 676.177 by sections 5 to 7**
12 **of this 2025 Act.**

13 **SECTION 11. This 2025 Act takes effect on the 91st day after the date on which the 2025**
14 **regular session of the Eighty-third Legislative Assembly adjourns sine die.**

15