

HB 2202-2
(LC 584)
4/7/25 (RH/ps)

Requested by Representative DIEHL

**PROPOSED AMENDMENTS TO
HOUSE BILL 2202**

In line 2 of the printed bill, after “health” insert “; creating new provisions; amending ORS 675.805, 675.825 and 676.177; and prescribing an effective date”.

Delete lines 4 through 8 and insert:

“SECTION 1. The provisions of the Counseling Compact are as follows:

“

COUNSELING COMPACT

SECTION 1. PURPOSE

The purpose of this Compact is to facilitate the interstate practice of licensed professional counselors with the goal of improving public access to professional counseling services. The practice of professional counseling occurs in the state where the client is located at the time of the counseling services. This Compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure.

This Compact is designed to achieve the following objectives:

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

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

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

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

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

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

8 **G. Support the uniformity of professional counseling licensure re-**
9 **quirements throughout the states to promote public safety and public**
10 **health benefits;**

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

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

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

18 **SECTION 2. DEFINITIONS**

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

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

25 **B. “Adverse action” means any administrative, civil, equitable or**
26 **criminal action permitted by a state’s laws which is imposed by a li-**
27 **censing board or another authority against a licensed professional**
28 **counselor, including actions against an individual’s license or privilege**
29 **to practice such as revocation, suspension, probation or monitoring**
30 **of the licensee, limitation on the licensee’s practice or any other**

1 encumbrance on licensure affecting a licensed professional counselor's
2 authorization to practice, including issuance of a cease and desist
3 action.

4 C. "Alternative program" means a nondisciplinary monitoring or
5 practice remediation process approved by a professional counseling li-
6 censing board to address impaired practitioners.

7 D. "Continuing competence/education" means a requirement, as a
8 condition of license renewal, to provide evidence of participation in,
9 or completion of, educational and professional activities relevant to a
10 practice or an area of work.

11 E. "Counseling Compact Commission" or "Commission" means the
12 national administrative body whose membership consists of all states
13 that have enacted this Compact.

14 F. "Current significant investigative information" means:

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

20 2. Investigative information that indicates that the licensed profes-
21 sional counselor represents an immediate threat to public health and
22 safety regardless of whether the licensed professional counselor has
23 been notified and had an opportunity to respond.

24 G. "Data system" means a repository of information about
25 licensees, including but not limited to, continuing education, exam-
26 ination, licensure, investigative, privilege-to-practice and adverse
27 action information.

28 H. "Encumbered license" means a license in which an adverse
29 action restricts the practice of licensed professional counseling by the
30 licensee and said adverse action has been reported to the National

1 **Practitioner Data Bank (NPDB).**

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

5 **J. “Executive committee” means a group of directors elected or**
6 **appointed to act on behalf of, and within the powers granted to them**
7 **by, the Commission.**

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

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

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

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

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

24 **P. “Licensee” means an individual who currently holds an authori-**
25 **zation from a state to practice as a licensed professional counselor.**

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

29 **R. “Member state” means a state that has enacted this Compact.**

30 **S. “Privilege to practice” means a legal authorization, which is**

1 equivalent to a license, permitting the practice of professional coun-
2 seling in a remote state.

3 T. "Professional counseling" means the assessment, diagnosis and
4 treatment of behavioral health conditions by a licensed professional
5 counselor.

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

9 V. "Rule" means a regulation promulgated by the Commission that
10 has the force of law.

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

15 X. "State" means any state, commonwealth, district or territory of
16 the United States that regulates the practice of professional coun-
17 seling.

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

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

24 SECTION 3. STATE PARTICIPATION IN THIS COMPACT

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

26 1. License and regulate licensed professional counselors;

27 2. Require licensees to pass a nationally recognized exam approved
28 by the Commission;

29 3. Require licensees to have a 60 semester-hour, or 90 quarter-hour,
30 master's degree in counseling or 60 semester-hours, or 90 quarter-

1 hours, of graduate course work including the following topic areas:

2 a. Professional counseling orientation and ethical practice;

3 b. Social and cultural diversity;

4 c. Human growth and development;

5 d. Career development;

6 e. Counseling and helping relationships;

7 f. Group counseling and group work;

8 g. Diagnosis and treatment, assessment and testing;

9 h. Research and program evaluation; and

10 i. Other areas as determined by the Commission;

11 4. Require licensees to complete a supervised post-graduate profes-
12 sional experience as defined by the Commission and approved by the
13 board; and

14 5. Have a mechanism in place for receiving and investigating com-
15 plaints about licensees.

16 B. A member state shall:

17 1. Participate fully in the Commission's data system, including us-
18 ing the Commission's unique identifier as defined in the rules of the
19 Commission;

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

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

1 **quirements of this paragraph;**

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

6 **b. Communication between a member state and the Commission**
7 **and among member states regarding the verification of eligibility for**
8 **licensure through this Compact may not include any information re-**
9 **ceived from the Federal Bureau of Investigation relating to a federal**
10 **criminal records check performed by a member state under Public Law**
11 **92-544 or ORS 181A.195;**

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

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

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

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

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

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

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

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

6 **SECTION 4. PRIVILEGE TO PRACTICE**

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

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

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

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

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

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

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

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

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

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

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

1 C. A licensee providing professional counseling in a remote state
2 under the privilege to practice shall adhere to the laws and regulations
3 of the remote state.

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

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

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

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

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

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

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

26 2. All fines have been paid; and

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

29 H. Once the requirements of Section 4 (G) of this Compact have
30 been met, the licensee must meet the requirements in Section 4 (A)

1 of this Compact to obtain a privilege to practice in a remote state.

2 **SECTION 5. OBTAINING A NEW HOME STATE LICENSE BASED**
3 **ON A PRIVILEGE TO PRACTICE**

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

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

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

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

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

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

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

26 **3. The former home state shall convert the former home state li-**
27 **cense into a privilege to practice once the new home state has acti-**
28 **vated the new home state license in accordance with applicable rules**
29 **adopted by the Commission.**

30 **4. Notwithstanding any other provision of this Compact, if the li-**

1 censed professional counselor cannot meet the criteria in Section 4 of
2 this Compact, the new home state may apply its requirements for is-
3 suing a new single-state license.

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

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

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

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

16 **SECTION 6. ACTIVE DUTY MILITARY PERSONNEL OR THEIR**
17 **SPOUSE**

18 An active duty military personnel, or their spouse, shall designate
19 a home state where the individual has a current license in good
20 standing. The individual may retain the home state designation during
21 the period the service member is on active duty. Subsequent to desig-
22 nating a home state, the individual shall only change their home state
23 through application for licensure in a new state, or through the pro-
24 cess outlined in Section 5 of this Compact.

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

26 A. Member states shall recognize the right of a licensed professional
27 counselor, licensed by a home state in accordance with Section 3 of
28 this Compact and under rules of the Commission, to practice profes-
29 sional counseling in any member state via telehealth under a privilege
30 to practice as provided in this Compact and rules of the Commission.

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

4 **SECTION 8. ADVERSE ACTIONS**

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

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

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

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

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

28 **C. The home state shall complete any pending investigations of a**
29 **licensed professional counselor who changes their primary state of**
30 **residence during the course of the investigations. The home state shall**

1 also have the authority to take appropriate action and shall promptly
2 report the conclusions of the investigations to the administrator of the
3 data system. The administrator of the data system shall promptly no-
4 tify the new home state of any adverse actions.

5 D. A member state, if otherwise permitted by state law, may re-
6 cover from the affected licensed professional counselor the costs of
7 investigations and dispositions of cases resulting from any adverse
8 action taken against that licensed professional counselor.

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

12 F. Joint Investigations

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

17 2. Member states shall share any investigative, litigation or com-
18 pliance materials in furtherance of any joint or individual investi-
19 gation initiated under this Compact.

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

29 H. If a member state takes adverse action, it shall promptly notify
30 the administrator of the data system. The administrator of the data

1 system shall promptly notify the home state of any adverse actions
2 by remote states.

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

6 SECTION 9. ESTABLISHMENT OF COUNSELING COMPACT
7 COMMISSION

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

10 1. The Commission is an instrumentality of the Compact member
11 states.

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

18 3. Nothing in this Compact shall be construed to be a waiver of
19 sovereign immunity.

20 B. Membership, Voting and Meetings

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

23 2. The delegate shall be either:

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

26 b. An administrator of the licensing board.

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

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

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

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

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

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

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

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

14 **2. Establish bylaws;**

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

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

18 **5. Promulgate rules which shall be binding to the extent and in the**
19 **manner provided for in this Compact;**

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

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

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

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

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

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

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

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

12 **14. Borrow money;**

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

17 **16. Provide and receive information from, and cooperate with, law**
18 **enforcement agencies;**

19 **17. Establish and elect an executive committee; and**

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

23 **D. The Executive Committee**

24 **1. The executive committee shall have the power to act on behalf**
25 **of the Commission according to the terms of this Compact.**

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

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

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

1 c. The ex officio members will be selected by their respective or-
2 ganizations.

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

5 4. The executive committee shall meet at least annually.

6 5. The executive committee shall have the following duties and re-
7 sponsibilities:

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

12 b. Ensure Compact administration services are appropriately pro-
13 vided, contractual or otherwise;

14 c. Prepare and recommend the budget;

15 d. Maintain financial records on behalf of the Commission;

16 e. Monitor Compact compliance of member states and provide
17 compliance reports to the Commission;

18 f. Establish additional committees as necessary; and

19 g. Other duties as provided in rules or bylaws.

20 **E. Meetings of the Commission**

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

24 2. The Commission or the executive committee or other committees
25 of the Commission may convene in a closed, nonpublic meeting if the
26 Commission or executive committee or other committees of the Com-
27 mission must discuss:

28 a. Noncompliance of a member state with its obligations under this
29 Compact;

30 b. The employment, compensation, discipline or other matters,

1 practices or procedures related to specific employees or other matters
2 related to the Commission's internal personnel practices and proce-
3 dures;

4 c. Current, threatened or reasonably anticipated litigation;

5 d. Negotiation of contracts for the purchase, lease or sale of goods,
6 services or real estate;

7 e. Accusing any person of a crime or formally censuring any per-
8 son;

9 f. Disclosure of trade secrets or commercial or financial informa-
10 tion that is privileged or confidential;

11 g. Disclosure of information of a personal nature when disclosure
12 would constitute a clearly unwarranted invasion of personal privacy;

13 h. Disclosure of investigative records compiled for law enforcement
14 purposes;

15 i. Disclosure of information related to any investigative reports
16 prepared by or on behalf of or for the use of the Commission or an-
17 other committee charged with responsibility of investigation or deter-
18 mination of compliance issues pursuant to this Compact; or

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

21 3. If a meeting, or portion of a meeting, is closed pursuant to this
22 provision, the Commission's legal counsel or designee shall certify that
23 the meeting may be closed and shall reference each relevant exempt-
24 ing provision.

25 4. The Commission shall keep minutes that fully and clearly de-
26 scribe all matters discussed in a meeting and shall provide a full and
27 accurate summary of actions taken, and the reasons therefor, includ-
28 ing a description of the views expressed. All documents considered in
29 connection with an action shall be identified in such minutes. All
30 minutes and documents of a closed meeting shall remain under seal,

1 subject to release by a majority vote of the Commission or an order
2 of a court of competent jurisdiction.

3 **F. Financing of the Commission**

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

7 2. The Commission may accept any and all appropriate revenue
8 sources, donations and grants of money, equipment, supplies, materi-
9 als and services.

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

18 b. An assessment levied, or any other financial obligation imposed,
19 under this Compact is effective against the State of Oregon only to the
20 extent that moneys necessary to pay the assessment or meet the fi-
21 nancial obligation have been deposited in the Counseling Compact
22 Account established under section 5 of this 2025 Act.

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

27 5. The Commission shall keep accurate accounts of all receipts and
28 disbursements. The receipts and disbursements of the Commission
29 shall be subject to the audit and accounting procedures established
30 under its bylaws. However, all receipts and disbursements of funds

1 handled by the Commission shall be audited yearly by a certified or
2 licensed public accountant, and the report of the audit shall be in-
3 cluded in and become part of the annual report of the Commission.

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

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

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

27 **3. The Commission shall indemnify and hold harmless any member,**
28 **officer, executive director, employee or representative of the Commis-**
29 **sion for the amount of any settlement or judgment obtained against**
30 **that person arising out of any actual or alleged act, error or omission**

1 that occurred within the scope of Commission employment, duties or
2 responsibilities, or that such person had a reasonable basis for believ-
3 ing occurred within the scope of Commission employment, duties or
4 responsibilities, provided that the actual or alleged act, error or
5 omission did not result from the intentional or willful or wanton
6 misconduct of that person.

7 SECTION 10. DATA SYSTEM

8 A. The Commission shall provide for the development, mainte-
9 nance, operation and utilization of a coordinated database and re-
10 porting system containing licensure, adverse action and investigative
11 information on all licensees in member states.

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

- 16 1. Identifying information;
- 17 2. Licensure data;
- 18 3. Adverse actions against a license or privilege to practice;
- 19 4. Nonconfidential information related to alternative program par-
20 ticipation;
- 21 5. Any denial of application for licensure and the reason for such
22 denial;
- 23 6. Current significant investigative information; and
- 24 7. Other information that may facilitate the administration of this
25 Compact, as determined by the rules of the Commission.

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

28 D. The Commission shall promptly notify all member states of any
29 adverse action taken against a licensee or an individual applying for
30 a license. Adverse action information pertaining to a licensee in any

1 member state will be available to any other member state.

2 E. Member states contributing information to the data system may
3 designate information that may not be shared with the public without
4 the express permission of the contributing state.

5 F. Any information submitted to the data system that is subse-
6 quently required to be expunged by the laws of the member state
7 contributing the information shall be removed from the data system.

8 SECTION 11. RULEMAKING

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

16 B. 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 and amendments shall become binding as of the date
19 specified in each proposed rule or amendment.

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

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

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

1 **1. On the website of the Commission or another publicly accessible**
2 **platform; and**

3 **2. On the website of each member state professional counseling li-**
4 **censing board or another publicly accessible platform or the publica-**
5 **tion in which each state would otherwise publish proposed rules.**

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

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

9 **2. The text of the proposed rule or amendment and the reason for**
10 **the proposed rule;**

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

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

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

19 **H. The Commission shall grant an opportunity for a public hearing**
20 **before it adopts a proposed rule or amendment if a hearing is re-**
21 **quested by:**

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

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

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

25 **I. If a hearing is held on the proposed rule or amendment, the**
26 **Commission shall publish the place, time and date of the scheduled**
27 **public hearing. If the hearing is held via electronic means, the Com-**
28 **mission shall publish the mechanism for access to the electronic**
29 **hearing.**

30 **1. All persons wishing to be heard at the hearing shall notify the**

1 executive director of the Commission or another designated member
2 in writing of their desire to appear and testify at the hearing not less
3 than five business days before the scheduled date of the hearing.

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

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

9 4. Nothing in this Section shall be construed as requiring a separate
10 hearing on each proposed rule. Rules may be grouped for the conven-
11 ience of the Commission at hearings required by this Section.

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

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

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

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

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

- 1 **2. Prevent a loss of Commission or member state funds;**
- 2 **3. Meet a deadline for the promulgation of an administrative rule**
3 **that is established by federal law or rule; or**
- 4 **4. Protect public health and safety.**

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

17 **SECTION 12. OVERSIGHT, DISPUTE RESOLUTION AND** 18 **ENFORCEMENT**

19 **A. Oversight**

20 **1. The executive, legislative and judicial branches of state govern-**
21 **ment in each member state shall enforce this Compact and take all**
22 **actions necessary and appropriate to effectuate this Compact's pur-**
23 **poses and intent. The provisions of this Compact and the rules**
24 **promulgated hereunder, shall have standing as statutory law.**

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

29 **3. The Commission shall be entitled to receive service of process in**
30 **any such proceeding and shall have standing to intervene in such a**

1 proceeding for all purposes. Failure to provide service of process to the
2 Commission shall render a judgment or order void as to the Commis-
3 sion, this Compact or the rules.

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

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

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

11 b. Provide remedial training and specific technical assistance re-
12 garding the default.

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

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

27 E. A state that has been terminated is responsible for all assess-
28 ments, obligations and liabilities incurred through the effective date
29 of termination, including obligations that extend beyond the effective
30 date of termination, except that the State of Oregon's assessment,

obligations and liabilities may not exceed the maximum amount allowed by the Oregon Constitution.

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

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

H. Dispute Resolution

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

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

I. Enforcement

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

2. By majority vote, the Commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices against a member state in default to enforce compliance with the provisions of this Compact and its rules and bylaws. The relief sought may include injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney fees, except that the State of

1 Oregon's costs under this paragraph may not exceed the maximum
2 allowed by the Oregon Constitution.

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

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

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

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

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

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

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

30 D. Nothing contained in this Compact shall be construed to invali-

1 date or prevent any professional counseling licensure agreement or
2 other cooperative arrangement between a member state and a non-
3 member state that does not conflict with the provisions of this Com-
4 pact.

5 E. 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 14. CONSTRUCTION AND SEVERABILITY

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

22 SECTION 15. BINDING EFFECT OF COMPACT AND OTHER LAWS

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

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

28 C. Except as provided in this Compact, any laws in a member state
29 in conflict with this Compact are superseded to the extent of the
30 conflict.

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

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

6 **F. In the event any provision of this Compact exceeds the consti-**
7 **tutional limits imposed on the legislature of any member state, the**
8 **provision shall be ineffective to the extent of the conflict with the**
9 **constitutional provision in question in that member state.**

10 **“**

11 **“SECTION 2. The Legislative Assembly of the State of Oregon**
12 **hereby ratifies the Counseling Compact set forth in section 1 of this**
13 **2025 Act.**

14 **“SECTION 3. (1) When the Counseling Compact Commission de-**
15 **scribed in section 1 of this 2025 Act adopts a rule pursuant to the**
16 **Counseling Compact described in section 1 of this 2025 Act, the Oregon**
17 **Board of Licensed Professional Counselors and Therapists shall, within**
18 **90 days after the date on which the rule is adopted by the commission,**
19 **adopt the rule of the commission as a rule of the board.**

20 **“(2) Failure of the board to adopt the rule of the commission as a**
21 **rule of the board within the time described in this section shall con-**
22 **stitute default under the Counseling Compact described in section 1**
23 **of this 2025 Act.**

24 **“SECTION 4. Section 5 of this 2025 Act is added to and made a part**
25 **of ORS 675.715 to 675.835.**

26 **“SECTION 5. (1) There is established, within the Oregon Board of**
27 **Licensed Professional Counselors and Therapists Account, the Coun-**
28 **seling Compact Account. All moneys received by the Oregon Board of**
29 **Licensed Professional Counselors and Therapists under the Counseling**
30 **Compact set forth in section 1 of this 2025 Act shall be paid into the**

1 **General Fund in the State Treasury and deposited in the Counseling**
2 **Compact Account. Subject to subsection (2) of this section, the moneys**
3 **in the account are continuously appropriated to the board for the**
4 **purpose of meeting financial obligations imposed on the State of**
5 **Oregon as a result of this state's participation in the compact.**

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

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

11 **“675.805. Subject to section 5 of this 2025 Act,** all moneys received by
12 the Oregon Board of Licensed Professional Counselors and Therapists under
13 ORS 675.715 to 675.835 shall be paid into the General Fund in the State
14 Treasury and placed to the credit of the Oregon Board of Licensed Profes-
15 sional Counselors and Therapists Account, which is hereby established. Such
16 moneys are appropriated continuously to the board and shall be used only
17 for the administration and enforcement of ORS 675.172, 675.715 to 675.835,
18 676.850 and 676.866.

19 **“SECTION 7.** ORS 675.825 is amended to read:

20 **“675.825. (1) A person may not:**

21 **“(a) Attempt to obtain or obtain a license or license renewal by bribery**
22 **or fraudulent representation.**

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

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

29 **“(d) Engage in the practice of professional counseling or marriage and**
30 **family therapy unless:**

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

4 “(B) The person is exempted from the licensing requirements of ORS
5 675.715 to 675.835 by subsection (3) of this section.

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

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

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

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

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

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

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

28 **“(e) Authorized to practice pursuant to privilege to practice as de-**
29 **fin ed in section 1 of this 2025 Act.**

30 “(4) Nothing in ORS 675.715 to 675.835 limits or prevents the practice of

1 a person's profession or restricts a person from providing counseling services
2 or services related to marriage and family if the person:

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

4 "(b) Does not practice:

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

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

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

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

10 **"SECTION 8.** ORS 676.177 is amended to read:

11 "676.177. (1) Notwithstanding any other provision of ORS 676.165 to
12 676.180 and except as provided in subsection (5) of this section, a health
13 professional regulatory board, upon a determination by the board that it
14 possesses otherwise confidential information that reasonably relates to the
15 regulatory or enforcement function of another public entity, may disclose
16 that information to the other public entity.

17 "(2) Any public entity that receives information pursuant to subsection
18 (1) of this section shall agree to take all reasonable steps to maintain the
19 confidentiality of the information, except that the public entity may use or
20 disclose the information to the extent necessary to carry out the regulatory
21 or enforcement functions of the public entity.

22 "(3) For purposes of this section, 'public entity' means:

23 "(a) A board or agency of this state, or a board or agency of another state
24 with regulatory or enforcement functions similar to the functions of a health
25 professional regulatory board of this state;

26 "(b) A district attorney;

27 "(c) The Department of Justice;

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

30 "(e) A law enforcement agency of this state, another state or the federal

1 government.

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

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

6 “(b) **The Oregon Board of Licensed Professional Counselors and**
7 **Therapists may disclose information described in subsection (1) of this**
8 **section to the Counseling Compact Commission described in section 1**
9 **of this 2025 Act.**

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

14 “**SECTION 9. The Oregon Health Authority shall study redundan-**
15 **cies in the provisions of ORS chapters 414 and 430. The authority shall**
16 **submit a report in the manner provided by ORS 192.245, and may in-**
17 **clude recommendations for legislation, to the interim committees of**
18 **the Legislative Assembly related to health no later than September 15,**
19 **2026.**

20 “**SECTION 10. Section 9 of this 2025 Act is repealed on January 2,**
21 **2027.**

22 “**SECTION 11. (1) The amendments to ORS 675.805 by section 6 of**
23 **this 2025 Act apply to moneys received by the Oregon Board of Li-**
24 **censed Professional Counselors and Therapists on or after the opera-**
25 **tive date specified in section 12 of this 2025 Act.**

26 “(2) The amendments to ORS 675.825 by section 7 of this 2025 Act
27 apply to individuals authorized to practice by privilege to practice on
28 or after the operative date specified in section 12 of this 2025 Act.

29 “(3) The amendments to ORS 676.177 by section 8 of this 2025 Act
30 apply to information disclosed on or after the operative date specified

1 in section 12 of this 2025 Act.

2 **“SECTION 12.** (1) Sections 1 to 3 and 5 of this 2025 Act and the
3 amendments to ORS 675.805, 675.825 and 676.177 by sections 6 to 8 of
4 this 2025 Act become operative on January 1, 2028.

5 **“(2)** The Oregon Board of Licensed Professional Counselors and
6 Therapists may take any action before the operative date specified in
7 subsection (1) of this section that is necessary to enable the board to
8 exercise, on or after the operative date specified in subsection (1) of
9 this section, all of the duties, functions and powers conferred on the
10 board by sections 1 to 3 and 5 of this 2025 Act and the amendments to
11 ORS 675.805, 675.825 and 676.177 by sections 6 to 8 of this 2025 Act.

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

15
