

By: Representative Felsher

To: Public Health and Human Services

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1056

1 AN ACT TO ENACT INTO LAW THE PROFESSIONAL COUNSELING COMPACT
2 AND PROVIDE THAT THE STATE OF MISSISSIPPI ENTERS THE COMPACT WITH
3 OTHER STATES THAT JOIN IN THE COMPACT; TO AMEND SECTIONS 73-30-3,
4 73-30-5, 73-30-7, 73-30-9, 73-30-21, 73-30-23 AND 73-30-29,
5 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS
6 ACT; AND FOR RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 **SECTION 1.** The Professional Counseling Compact is enacted
9 into law and entered into by this state with any and all states
10 legally joining in the Compact in accordance with its terms, in
11 the form substantially as follows:

PROFESSIONAL COUNSELING COMPACT

SECTION 1.

PURPOSE

15 The purpose of this Compact is to facilitate interstate
16 practice of Licensed Professional Counselors with the goal of
17 improving public access to professional counseling services. The
18 practice of professional counseling occurs in the state where the
19 client is located at the time of the counseling services. The
20 Compact preserves the regulatory authority of states to protect



21 public health and safety through the current system of state
22 licensure.

23 This Compact is designed to achieve the following objectives:

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

27 2. Enhance the states' ability to protect the public's
28 health and safety;

29 3. Encourage the cooperation of member states in
30 regulating multistate practice for Licensed Professional
31 Counselors;

32 4. Support spouses of relocating active duty military
33 personnel;

34 5. Enhance the exchange of licensure, investigative and
35 disciplinary information between member states;

36 6. Allow for the use of telehealth technology to
37 facilitate increased access to professional counseling services;

38 7. Support the uniformity of professional counseling
39 licensure requirements throughout the states to promote public
40 safety and public health benefits;

41 8. Invest all member states with the authority to hold
42 a Licensed Professional Counselor accountable for meeting all
43 state practice laws in the state in which the client is located at
44 the time care is rendered through the mutual recognition of member
45 state licenses;



46 9. Eliminate the necessity for licenses in multiple
47 States; and

48 10. Provide opportunities for interstate practice by
49 Licensed Professional Counselors who meet uniform licensure
50 requirements.

51 **SECTION 2.**

52 **DEFINITIONS**

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

55 1. "Active duty military" means full-time duty status
56 in the active uniformed service of the United States, including
57 members of the National Guard and Reserve on active duty orders
58 pursuant to 10 USC Chapters 1209 and 1211.

59 2. "Adverse action" means any administrative, civil,
60 equitable or criminal action permitted by a state's laws which is
61 imposed by a licensing board or other authority against a Licensed
62 Professional Counselor, including actions against an individual's
63 license or privilege to practice such as revocation, suspension,
64 probation, monitoring of the licensee, limitations on the
65 licensee's practice, or any other encumbrance on licensure
66 affecting a Licensed Professional Counselor's authorization to
67 practice, including issuance of a cease and desist action.

68 3. "Alternative program" means a nondisciplinary
69 monitoring or practice remediation process approved by a



70 professional counseling licensing board to address impaired
71 practitioners.

72 4. "Continuing competence/education" means a
73 requirement, as a condition of license renewal, to provide
74 evidence of participation in, and/or completion of, educational
75 and professional activities relevant to practice or area of work.

76 5. "Counseling Compact Commission" or "Commission"
77 means the national administrative body whose membership consists
78 of all states that have enacted the Compact.

79 6. "Current significant investigative information"
80 means:

81 a. Investigative information that a licensing
82 board, after an inquiry or investigation that includes
83 notification and an opportunity for the Licensed Professional
84 Counselor to respond, if required by state law, has reason to
85 believe is not groundless and, if proved true, would indicate more
86 than a minor infraction; or

87 b. Investigative information that indicates that
88 the Licensed Professional Counselor represents an immediate threat
89 to public health and safety regardless of whether the Licensed
90 Professional Counselor has been notified and had an opportunity to
91 respond.

92 7. "Data system" means a repository of information
93 about licensees, including, but not limited to, continuing



94 education, examination, licensure, investigative, privilege to
95 practice and adverse action information.

96 8. "Encumbered license" means a license in which an
97 adverse action restricts the practice of licensed professional
98 counseling by the licensee and the adverse action has been
99 reported to the National Practitioners Data Bank (NPDB).

100 9. "Encumbrance" means a revocation or suspension of,
101 or any limitation on, the full and unrestricted practice of
102 licensed professional counseling by a licensing board.

103 10. "Executive Committee" means a group of directors
104 elected or appointed to act on behalf of, and within the powers
105 granted to them by, the Commission.

106 11. "Home state" means the member state that is the
107 licensee's primary state of residence.

108 12. "Impaired practitioner" means an individual who has
109 a condition(s) that may impair his or her ability to practice as a
110 Licensed Professional Counselor without some type of intervention
111 and may include, but are not limited to, alcohol and drug
112 dependence, mental health impairment, and neurological or physical
113 impairments.

114 13. "Investigative Information" means information,
115 records, and documents received or generated by a professional
116 counseling licensing board pursuant to an investigation.

117 14. "Jurisprudence requirement," if required by a
118 member state, means the assessment of an individual's knowledge of



119 the laws and rules governing the practice of professional
120 counseling in a state.

121 15. "Licensed Professional Counselor" means a counselor
122 licensed by a member state, regardless of the title used by that
123 state, to independently assess, diagnose and treat behavioral
124 health conditions.

125 16. "Licensee" means an individual who currently holds
126 an authorization from the state to practice as a Licensed
127 Professional Counselor.

128 17. "Licensing board" means the agency of a state, or
129 equivalent, that is responsible for the licensing and regulation
130 of Licensed Professional Counselors.

131 18. "Member state" means a state that has enacted the
132 Compact.

133 19. "Privilege to practice" means a legal
134 authorization, which is equivalent to a license, permitting the
135 practice of professional counseling in a remote state.

136 20. "Professional counseling" means the assessment,
137 diagnosis, and treatment of behavioral health conditions by a
138 Licensed Professional Counselor.

139 21. "Remote state" means a member state other than the
140 home state where a licensee is exercising or seeking to exercise
141 the privilege to practice.

142 22. "Rule" means a regulation promulgated by the
143 Commission that has the force of law.



144 23. "Single-state license" means a Licensed
145 Professional Counselor license issued by a member state that
146 authorizes practice only within the issuing state and does not
147 include a privilege to practice in any other member state.

148 24. "State" means any state, commonwealth, district or
149 territory of the United States of America that regulates the
150 practice of professional counseling.

151 25. "Telehealth" means the application of
152 telecommunication technology to deliver professional counseling
153 services remotely to assess, diagnose and treat behavioral health
154 conditions.

155 26. "Unencumbered License" means a license that
156 authorizes a Licensed Professional Counselor to engage in the full
157 and unrestricted practice of professional counseling.

158 **SECTION 3.**

159 **STATE PARTICIPATION IN THE COMPACT**

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

161 1. License and regulate Licensed Professional
162 Counselors;

163 2. Require licensees to pass a nationally recognized
164 exam approved by the Commission;

165 3. Require licensees to have a sixty (60) semester-hour
166 or ninety (90) quarter-hour master's degree in counseling or sixty
167 (60) semester-hours or ninety (90) quarter-hours of graduate
168 course work including the following topic areas:



- 169 a. Professional counseling orientation and ethical
170 practice;
- 171 b. Social and cultural diversity;
- 172 c. Human growth and development;
- 173 d. Career development;
- 174 e. Counseling and helping relationships;
- 175 f. Group counseling and group work;
- 176 g. Diagnosis and treatment; assessment and testing;
- 177 h. Research and program evaluation; and
- 178 i. Other areas as determined by the Commission.

- 179 4. Require licensees to complete a supervised
180 postgraduate professional experience as defined by the Commission;
- 181 5. Have a mechanism in place for receiving and
182 investigating complaints about licensees.

183 B. A member state shall:

184 1. Participate fully in the Commission's data system,
185 including using the Commission's unique identifier as defined in
186 rules;

187 2. Notify the Commission, in compliance with the terms
188 of the Compact and rules, of any adverse action or the
189 availability of investigative information regarding a licensee;

190 3. Implement or utilize procedures for considering the
191 criminal history records of applicants for an initial privilege to
192 practice. These procedures shall include the submission of
193 fingerprints or other biometric-based information by applicants



194 for the purpose of obtaining an applicant's criminal history
195 record information from the Federal Bureau of Investigation and
196 the agency responsible for retaining that state's criminal
197 records.

198 a. A member state must fully implement a criminal
199 background check requirement, within a time frame established by
200 rule, by receiving the results of the Federal Bureau of
201 Investigation record search and use the results in making
202 licensure decisions.

203 b. Communication between a member state, the
204 Commission and among member states regarding the verification of
205 eligibility for licensure through the Compact shall not include
206 any information received from the Federal Bureau of Investigation
207 relating to a federal criminal records check performed by a member
208 state under Public Law 92-544.

209 4. Comply with the rules of the Commission;

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

214 6. Grant the privilege to practice to a licensee
215 holding a valid unencumbered license in another member state in
216 accordance with the terms of the Compact and rules; and

217 7. Provide for the attendance of the state's
218 commissioner to the Counseling Compact Commission meetings.



219 C. Member states may charge a fee for granting the privilege
220 to practice.

221 D. Individuals not residing in a member state shall continue
222 to be able to apply for a member state's single state license as
223 provided under the laws of each member state. However, the single
224 state license granted to these individuals shall not be recognized
225 as granting a privilege to practice professional counseling in any
226 other member state.

227 E. Nothing in this Compact shall affect the requirements
228 established by a member state for the issuance of a single state
229 license.

230 F. A license issued to a Licensed Professional Counselor by
231 a home state to a resident in that state shall be recognized by
232 each member state as authorizing a Licensed Professional Counselor
233 to practice professional counseling, under a privilege to
234 practice, in each member state.

235 **SECTION 4.**

236 **PRIVILEGE TO PRACTICE**

237 A. To exercise the privilege to practice under the terms and
238 provisions of the Compact, the licensee shall:

239 1. Hold a license in the home state;

240 2. Have a valid United States Social Security Number or
241 National Practitioner Identifier;



242 3. Be eligible for a privilege to practice in any
243 member state in accordance with subsections D, G and H of this
244 section;

245 4. Have not had any encumbrance or restriction against
246 any license or privilege to practice within the previous two (2)
247 years;

248 5. Notify the Commission that the licensee is seeking
249 the privilege to practice within a remote state(s);

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

252 7. Meet any continuing competence/education
253 requirements established by the home state;

254 8. Meet any jurisprudence requirements established by
255 the remote state(s) in which the licensee is seeking a privilege
256 to practice; and

257 9. Report to the Commission any adverse action,
258 encumbrance or restriction on license taken by any nonmember state
259 within thirty (30) days from the date the action is taken.

260 B. The privilege to practice is valid until the expiration
261 date of the home state license. The licensee must comply with the
262 requirements of subsection A of this section to maintain the
263 privilege to practice in the remote state.

264 C. A licensee providing professional counseling in a remote
265 state under the privilege to practice shall adhere to the laws and
266 regulations of the remote state.



267 D. A licensee providing professional counseling services in
268 a remote state is subject to that state's regulatory authority. A
269 remote state may, in accordance with due process and that state's
270 laws, remove a licensee's privilege to practice in the remote
271 state for a specific period of time, impose fines, and/or take any
272 other necessary actions to protect the health and safety of its
273 citizens. The licensee may be ineligible for a privilege to
274 practice in any member state until the specific time for removal
275 has passed and all fines are paid.

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

- 279 1. The home state license is no longer encumbered; and
280 2. Have not had any encumbrance or restriction against
281 any license or privilege to practice within the previous two (2)
282 years.

283 F. Once an encumbered license in the home state is restored
284 to good standing, the licensee must meet the requirements of
285 subsection A of this section to obtain a privilege to practice in
286 any remote state.

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

- 290 1. The specific period of time for which the privilege
291 to practice was removed has ended;



292 2. All fines have been paid; and

293 3. Has not had any encumbrance or restriction against
294 any license or privilege to practice within the previous two (2)
295 years.

296 H. Once the requirements of subsection G of this section
297 have been met, the licensee must meet the requirements in
298 subsection A of this section to obtain a privilege to practice in
299 a remote state.

300 **SECTION 5.**

301 **OBTAINING A NEW HOME STATE LICENSE BASED ON**

302 **A PRIVILEGE TO PRACTICE**

303 A. A Licensed Professional Counselor may hold a home state
304 license, which allows for a privilege to practice in other member
305 states, in only one (1) member state at a time.

306 B. If a Licensed Professional Counselor changes primary
307 state of residence by moving between two (2) member states:

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

313 2. Upon receipt of an application for obtaining a new
314 home state license by virtue of a privilege to practice, the new
315 home state shall verify that the Licensed Professional Counselor
316 meets the pertinent criteria outlined in Section 4 of this Compact



317 via the data system, without need for primary source verification
318 except for:

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

323 b. Other criminal background check as required by
324 the new home state; and

325 c. Completion of any requisite jurisprudence
326 requirements of the new home state.

327 3. The former home state shall convert the former home
328 state license into a privilege to practice once the new home state
329 has activated the new home state license in accordance with
330 applicable rules adopted by the Commission.

331 4. Notwithstanding any other provision of this Compact,
332 if the Licensed Professional Counselor cannot meet the criteria in
333 Section 4 of this Compact, the new home state may apply its
334 requirements for issuing a new single state license.

335 5. The Licensed Professional Counselor shall pay all
336 applicable fees to the new home state in order to be issued a new
337 home state license.

338 C. If a Licensed Professional Counselor changes primary
339 state of residence by moving from a member state to a nonmember
340 state, or from a nonmember state to a member state, the state



341 criteria shall apply for issuance of a single state license in the
342 new state.

343 D. Nothing in this Compact shall interfere with a licensee's
344 ability to hold a single state license in multiple states, however
345 for the purposes of this Compact, a licensee shall have only one
346 home state license.

347 E. Nothing in this Compact shall affect the requirements
348 established by a member state for the issuance of a single state
349 license.

350 **SECTION 6.**

351 **ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES**

352 Active duty military personnel, or their spouse, shall
353 designate a home state where the individual has a current license
354 in good standing. The individual may retain the home state
355 designation during the period the service member is on active
356 duty. Subsequent to designating a home state, the individual
357 shall only change their home state through application for
358 licensure in the new state, or through the process outlined in
359 Section 5 of this Compact.

360 **SECTION 7.**

361 **COMPACT PRIVILEGE TO PRACTICE TELEHEALTH**

362 A. Member states shall recognize the right of a Licensed
363 Professional Counselor, licensed by a home state in accordance
364 with Section 3 of this Compact and under rules promulgated by the
365 Commission, to practice professional counseling in any member



366 state via telehealth under a privilege to practice as provided in
367 the Compact and rules promulgated by the Commission.

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

371 **SECTION 8.**

372 **ADVERSE ACTIONS**

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

376 1. Take adverse action against a Licensed Professional
377 Counselor's privilege to practice within that member state.

378 2. Issue subpoenas for both hearings and investigations
379 that require the attendance and testimony of witnesses as well as
380 the production of evidence. Subpoenas issued by a licensing board
381 in a member state for the attendance and testimony of witnesses or
382 the production of evidence from another member state shall be
383 enforced in the latter state by any court of competent
384 jurisdiction, according to the practice and procedure of that
385 court applicable to subpoenas issued in proceedings pending before
386 it. The issuing authority shall pay any witness fees, travel
387 expenses, mileage and other fees required by the service statutes
388 of the state in which the witnesses or evidence are located.



389 3. Only the home state shall have the power to take
390 adverse action against a Licensed Professional Counselor's license
391 issued by the home state.

392 B. For purposes of taking adverse action, the home state
393 shall give the same priority and effect to reported conduct
394 received from a member state as it would if the conduct had
395 occurred within the home state. In so doing, the home state shall
396 apply its own state laws to determine appropriate action.

397 C. The home state shall complete any pending investigations
398 of a Licensed Professional Counselor who changes primary state of
399 residence during the course of the investigations. The home state
400 shall also have the authority to take appropriate action(s) and
401 shall promptly report the conclusions of the investigations to the
402 administrator of the data system. The administrator of the
403 coordinated licensure information system shall promptly notify the
404 new home state of any adverse actions.

405 D. If otherwise permitted by state law, a member state may
406 recover from the affected Licensed Professional Counselor the
407 costs of investigations and disposition of cases resulting from
408 any adverse action taken against that Licensed Professional
409 Counselor.

410 E. A member state may take adverse action based on the
411 factual findings of the remote state, provided that the member
412 state follows the member state's own procedures for taking the
413 adverse action.



414 F. Joint investigations.

415 1. In addition to the authority granted to a member
416 state by its professional counseling practice act or other
417 applicable state law, any member state may participate with other
418 member states in joint investigations of licensees.

419 2. Member states shall share any investigative,
420 litigation or compliance materials in furtherance of any joint or
421 individual investigation initiated under the Compact.

422 G. If adverse action is taken by the home state against a
423 Licensed Professional Counselor's license, the Licensed
424 Professional Counselor's privilege to practice in all other member
425 states shall be deactivated until all encumbrances have been
426 removed from the state license. All home state disciplinary
427 orders that impose adverse action against the license of a
428 Licensed Professional Counselor shall include a statement that the
429 Licensed Professional Counselor's privilege to practice is
430 deactivated in all member states during the pendency of the order.

431 H. If a member state takes adverse action, it shall promptly
432 notify the administrator of the data system. The administrator of
433 the data system shall promptly notify the home state of any
434 adverse actions by remote states.

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

438 **SECTION 9.**



439 **ESTABLISHMENT OF COUNSELING COMPACT COMMISSION**

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

442 1. The Commission is an instrumentality of the Compact
443 states.

444 2. Venue in proper and judicial proceedings by or
445 against the Commission shall be brought solely and exclusively in
446 a court of competent jurisdiction where the principal office of
447 the Commission is located. The Commission may waive venue and
448 jurisdictional defenses to the extent it adopts or consents to
449 participate in alternative dispute resolution proceedings.

450 3. Nothing in this Compact shall be construed to be a
451 waiver of sovereign immunity.

452 B. Membership, voting and meetings.

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

455 2. The delegate shall be either:

456 a. A current member of the licensing board at the
457 time of appointment, who is a Licensed Professional Counselor or
458 public member; or

459 b. An administrator of the licensing board.

460 3. Any delegate may be removed or suspended from office
461 as provided by the law of the state from which the delegate is
462 appointed.



463 4. The member state licensing board shall fill any
464 vacancy occurring on the Commission, within sixty (60) days.

465 5. Each delegate shall be entitled to one (1) vote with
466 regard to the promulgation of rules and creation of bylaws and
467 shall otherwise have an opportunity to participate in the business
468 and affairs of the Commission.

469 6. A delegate shall vote in person or by other means as
470 provided in the bylaws. The bylaws may provide for delegates'
471 participation in meetings by telephone or other means of
472 communication.

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

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

478 C. The Commission shall have the following powers and
479 duties:

480 1. Establish the fiscal year of the Commission;
481 2. Establish bylaws;
482 3. Maintain its financial records in accordance with
483 the bylaws;

484 4. Meet and take actions as are consistent with the
485 provisions of this Compact and the bylaws;

486 5. Promulgate rules which shall be binding to the
487 extent and in the manner provided for in the Compact;



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

492 7. Purchase and maintain insurance and bonds;

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

496 9. Hire employees, elect or appoint officers, fix
497 compensation, define duties, grant such individuals appropriate
498 authority to carry out the purposes of the Compact and establish
499 the Commission's personnel policies and programs relating to
500 conflicts of interest, qualifications of personnel and other
501 related personnel matters;

502 10. Accept any and all appropriate donations and grants
503 of money, equipment, supplies, materials and services, and to
504 receive, utilize and dispose of the same; provided that at all
505 times the Commission shall avoid any appearance of impropriety
506 and/or conflict of interest;

507 11. Lease, purchase, accept appropriate gifts or
508 donations of, or otherwise to own, hold, improve or use, any
509 property, real, personal or mixed; provided that at all times the
510 Commission shall avoid any appearance of impropriety;



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

514 13. Establish a budget and make expenditures;

515 14. Borrow money;

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

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

523 17. Establish and elect an Executive Committee; and

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

528 D. The Executive Committee.

529 1. The Executive Committee shall have the power to act
530 on behalf of the Commission according to the terms of this
531 Compact.

532 2. The Executive Committee shall be composed of eleven
533 (11) members:

534 a. Seven (7) voting members who are elected by the
535 Commission from the current membership of the Commission; and



536 b. Up to four (4) ex-officio, nonvoting member
537 from four (4) recognized national professional counselor
538 organizations.

539 c. The ex-officio members will be selected by
540 their respective organizations.

541 3. The Commission may remove any member of the
542 Executive Committee as provided in bylaws.

543 4. The Executive Committee shall meet at least
544 annually.

545 5. The Executive Committee shall have the following
546 duties and responsibilities:

547 a. Recommend to the entire Commission changes to
548 the rules or bylaws, changes to this Compact legislation, fees
549 paid by Compact member states such as annual dues, and any
550 Commission Compact fee charged to licensees for the privilege to
551 practice;

552 b. Ensure Compact administration services are
553 appropriately provided, contractual or otherwise;

554 c. Prepare and recommend the budget;

555 d. Maintain financial records on behalf of the
556 Commission;

557 e. Monitor Compact compliance of member states and
558 provide compliance reports to the Commission;

559 f. Establish additional committees as necessary;

560 and



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

562 E. Meetings of the Commission.

563 1. All meetings shall be open to the public, and public
564 notice of meetings shall be given in the same manner as required
565 under the rulemaking provisions in Section 11 of this Compact.

566 2. The Commission or the Executive Committee or other
567 committees of the Commission may convene in a closed, nonpublic
568 meeting if the Commission or Executive Committee or other
569 committees of the Commission must discuss:

570 a. Noncompliance of a member state with its
571 obligations under the Compact;

572 b. The employment, compensation, discipline or
573 other matters, practices or procedures related to specific
574 employees or other matters related to the Commission's internal
575 personnel practices and procedures;

576 c. Current, threatened or reasonably anticipated
577 litigation;

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

580 e. Accusing any person of a crime or formally
581 censuring any person;

582 f. Disclosure of trade secrets or commercial or
583 financial information that is privileged or confidential;



584 g. Disclosure of information of a personal nature
585 where disclosure would constitute a clearly unwarranted invasion
586 of personal privacy;

587 h. Disclosure of investigative records compiled
588 for law enforcement purposes;

589 i. Disclosure of information related to any
590 investigative reports prepared by or on behalf of or for use of
591 the Commission or other committee charged with responsibility of
592 investigation or determination of compliance issues pursuant to
593 the Compact; or

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

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

600 4. The Commission shall keep minutes that fully and
601 clearly describe all matters discussed in a meeting and shall
602 provide a full and accurate summary of actions taken, and the
603 reasons therefor, including a description of the views expressed.
604 All documents considered in connection with an action shall be
605 identified in such minutes. All minutes and documents of a closed
606 meeting shall remain under seal, subject to release by a majority
607 vote of the Commission or order of a court of competent
608 jurisdiction.



609 F. Financing of the Commission.

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

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

616 3. The Commission may levy on and collect an annual
617 assessment from each member state or impose fees on other parties
618 to cover the cost of the operations and activities of the
619 Commission and its staff, which must be in a total amount
620 sufficient to cover its annual budget as approved each year for
621 which revenue is not provided by other sources. The aggregate
622 annual assessment amount shall be allocated based upon a formula
623 to be determined by the Commission, which shall promulgate a rule
624 binding upon all member states.

625 4. The Commission shall not incur obligations of any
626 kind prior to securing the funds adequate to meet the same; nor
627 shall the Commission pledge the credit of any of the member
628 states, except by and with the authority of the member state.

629 5. The Commission shall keep accurate accounts of all
630 receipts and disbursements. The receipts and disbursements of the
631 Commission shall be subject to the audit and accounting procedures
632 established under its bylaws. However, all receipts and
633 disbursements of funds handled by the Commission shall be audited



634 yearly by a certified or licensed public accountant, and the
635 report of the audit shall be included in and become part of the
636 annual report of the Commission.

637 G. Qualified immunity, defense and indemnification.

638 1. The members, officers, executive director, employees
639 and representatives of the Commission shall be immune from suit
640 and liability, either personally or in their official capacity,
641 for any claim for damage to or loss of property or personal injury
642 or other civil liability caused by or arising out of any actual or
643 alleged act, error or omission that occurred, or that the person
644 against whom the claim is made had a reasonable basis for
645 believing occurred within the scope of Commission employment,
646 duties or responsibilities; provided that nothing in this
647 paragraph shall be construed to protect any person from suit
648 and/or liability for any damage, loss, injury or liability caused
649 by the intentional or willful or wanton misconduct of that person.

650 2. The Commission shall defend any member, officer,
651 executive director, employee or representative of the Commission
652 in any civil action seeking to impose liability arising out of any
653 actual or alleged act, error or omission that occurred within the
654 scope of Commission employment, duties, or responsibilities, or
655 that the person against whom the claim is made had a reasonable
656 basis for believing occurred within the scope of Commission
657 employment, duties or responsibilities; provided that nothing
658 herein shall be construed to prohibit that person from retaining



659 his or her own counsel; and provided further, that the actual or
660 alleged act, error or omission did not result from that person's
661 intentional or willful or wanton misconduct.

662 3. The Commission shall indemnify and hold harmless any
663 member, officer, executive director, employee or representative of
664 the Commission for the amount of any settlement or judgment
665 obtained against that person arising out of any actual or alleged
666 act, error or omission that occurred within the scope of
667 Commission employment, duties or responsibilities, or that such
668 person had a reasonable basis for believing occurred within the
669 scope of Commission employment, duties or responsibilities,
670 provided that the actual or alleged act, error or omission did not
671 result from the intentional or willful or wanton misconduct of
672 that person.

673 **SECTION 10.**

674 **DATA SYSTEM**

675 A. The Commission shall provide for the development,
676 maintenance and utilization of a coordinated database and
677 reporting system containing licensure, adverse action and
678 investigative information on all licensed individuals in member
679 states.

680 B. Notwithstanding any other provision of state law to the
681 contrary, a member state shall submit a uniform data set to the
682 data system on all individuals to whom this Compact is applicable
683 as required by the rules of the Commission, including:



- 684 1. Identifying information;
685 2. Licensure data;
686 3. Adverse actions against a license or privilege to
687 practice;
688 4. Nonconfidential information related to alternative
689 program participation;
690 5. Any denial of application for licensure, and the
691 reason(s) for such denial;
692 6. Current significant investigative information; and
693 7. Other information that may facilitate the
694 administration of this Compact, as determined by the rules of the
695 Commission.

696 C. Investigative information pertaining to a licensee in any
697 member state shall only be available to other member states.

698 D. The Commission shall promptly notify all member states of
699 any adverse action taken against a licensee or an individual
700 applying for a license. Adverse action information pertaining to
701 a licensee in any member state shall be available to any other
702 member state.

703 E. Member states contributing information to the data system
704 may designate information that may not be shared with the public
705 without the express permission of the contributing state.

706 F. Any information submitted to the data system that is
707 subsequently required to be expunged by the laws of the member



708 state contributing the information shall be removed from the data
709 system.

710 **SECTION 11.**

711 **RULEMAKING**

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

719 B. The Commission shall exercise its rulemaking powers
720 pursuant to the criteria set forth in this section and the rules
721 adopted under this section. Rules and amendments shall become
722 binding as of the date specified in each rule or amendment.

723 C. If a majority of the legislatures of the member states
724 rejects a rule, by enactment of a statute or resolution in the
725 same manner used to adopt the Compact within four (4) years of the
726 date of adoption of the rule, then such rule shall have no further
727 force and effect in any member state.

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

730 E. Prior to promulgation and adoption of a final rule or
731 rules by the Commission, and at least thirty (30) days in advance



732 of the meeting at which the rule shall be considered and voted
733 upon, the Commission shall file a Notice of Proposed Rulemaking:

734 1. On the website of the Commission or other publicly
735 accessible platform; and

736 2. On the website of each member professional
737 counseling licensing board or other publicly accessible platform
738 or the publication in which each state would otherwise publish
739 proposed rules.

740 F. The Notice of Proposed Rulemaking shall include:

741 1. The proposed time, date and location of the meeting
742 in which the rule shall be considered and voted upon;

743 2. The text of the proposed rule or amendment and the
744 reason for the proposed rule;

745 3. A request for comments on the proposed rule from any
746 interested person; and

747 4. The manner in which interested persons may submit
748 notice to the Commission of their intention to attend the public
749 hearing and any written comments.

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

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

756 1. At least twenty-five (25) persons;



757 2. A state or federal governmental subdivision or
758 agency; or

759 3. An association having at least twenty-five (25)
760 members.

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

766 1. All persons wishing to be heard at the hearing shall
767 notify the executive director of the Commission or other
768 designated member in writing of their desire to appear and testify
769 at the hearing not less than five (5) business days before the
770 scheduled date of the hearing.

771 2. Hearings shall be conducted in a manner providing
772 each person who wishes to comment a fair and reasonable
773 opportunity to comment orally or in writing.

774 3. All hearings shall be recorded. A copy of the
775 recording shall be made available on request.

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

780 J. Following the scheduled hearing date, or by the close of
781 business on the scheduled hearing date if the hearing was not



782 held, the Commission shall consider all written and oral comments
783 received.

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

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

792 M. Upon determination that an emergency exists, the
793 Commission may consider and adopt an emergency rule without prior
794 notice, opportunity for comment, or hearing, provided that the
795 usual rulemaking procedures provided in the Compact and in this
796 section shall be retroactively applied to the rule as soon as
797 reasonably possible, in no event later than ninety (90) days after
798 the effective date of the rule. For the purposes of this
799 provision, an emergency rule is one that must be adopted
800 immediately in order to:

- 801 1. Meet an imminent threat to public health, safety or
802 welfare;
- 803 2. Prevent a loss of Commission or member state funds;
- 804 3. Meet a deadline for the promulgation of an
805 administrative rule that is established by federal law or rule; or
806 4. Protect public health and safety.



807 N. The Commission or an authorized committee of the
808 Commission may direct revisions to a previously adopted rule or
809 amendment for purposes of correcting typographical errors, errors
810 in format, errors in consistency or grammatical errors. Public
811 notice of any revisions shall be posted on the website of the
812 Commission. The revision shall be subject to challenge by any
813 person for a period of thirty (30) days after posting. The
814 revision may be challenged only on grounds that the revision
815 results in a material change to a rule. A challenge shall be made
816 in writing and delivered to the chair of the Commission prior to
817 the end of the notice period. If no challenge is made, the
818 revision shall take effect without further action. If the
819 revision is challenged, the revision may not take effect without
820 the approval of the Commission.

821 **SECTION 12.**

822 **OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT**

823 A. Oversight.

824 1. The executive, legislative and judicial branches of
825 state government in each member state shall enforce this Compact
826 and take all actions necessary and appropriate to effectuate the
827 Compact's purposes and intent. The provisions of this Compact and
828 the rules promulgated under this compact shall have standing as
829 statutory law.

830 2. All courts shall take judicial notice of the Compact
831 and the rules in any judicial or administrative proceeding in a



832 member state pertaining to the subject matter of this Compact
833 which may affect the powers, responsibilities or actions of the
834 Commission.

835 3. The Commission shall be entitled to receive service
836 of process in any such proceeding and shall have standing to
837 intervene in such a proceeding for all purposes. Failure to
838 provide service of process to the Commission shall render a
839 judgment or order void as to the Commission, this Compact or
840 promulgated rules.

841 B. Default, technical assistance, and termination.

842 1. If the Commission determines that a member state has
843 defaulted in the performance of its obligations or
844 responsibilities under this Compact or the promulgated rules, the
845 Commission shall:

846 a. Provide written notice to the defaulting state
847 and other member states of the nature of the default, the proposed
848 means of curing the default and/or any other action to be taken by
849 the Commission; and

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

852 C. If a state in default fails to cure the default, the
853 defaulting state may be terminated from the Compact upon an
854 affirmative vote of a majority of the member states, and all
855 rights, privileges and benefits conferred by the Compact may be
856 terminated on the effective date of termination. A cure of the



857 default does not relieve the offending state of obligations or
858 liabilities incurred during the period of default.

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

865 E. A state that has been terminated is responsible for all
866 assessments, obligations and liabilities incurred through the
867 effective date of termination, including obligations that extend
868 beyond the effective date of termination.

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

873 G. The defaulting state may appeal the action of the
874 Commission by petitioning the United States District Court for the
875 District of Columbia or the federal district where the Commission
876 has its principal offices. The prevailing member shall be awarded
877 all costs of such litigation, including reasonable attorney's
878 fees.

879 H. Dispute resolution.



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

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

886 I. Enforcement.

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

890 2. By majority vote, the Commission may initiate legal
891 action in the United States District Court for the District of
892 Columbia or the federal district where the Commission has its
893 principal offices against a member state in default to enforce
894 compliance with the provisions of the Compact and its promulgated
895 rules and bylaws. The relief sought may include both injunctive
896 relief and damages. In the event judicial enforcement is
897 necessary, the prevailing member shall be awarded all costs of
898 litigation, including reasonable attorney's fees.

899 3. The remedies herein shall not be the exclusive
900 remedies of the Commission. The Commission may pursue any other
901 remedies available under federal or state law.

902 **SECTION 13.**

903 **DATE OF IMPLEMENTATION OF THE COUNSELING COMPACT COMMISSION AND**
904 **ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT**



905 A. The Compact shall come into effect on the date on which
906 the Compact statute is enacted into law in the tenth (10th) member
907 state. The provisions, which become effective at that time, shall
908 be limited to the powers granted to the Commission relating to
909 assembly and the promulgation of rules. Thereafter, the
910 Commission shall meet and exercise rulemaking powers necessary to
911 the implementation and administration of the Compact.

912 B. Any state that joins the Compact subsequent to the
913 Commission's initial adoption of the rules shall be subject to the
914 rules as they exist on the date on which the Compact becomes law
915 in that state. Any rule that has been previously adopted by the
916 Commission shall have the full force and effect of law on the day
917 the Compact becomes law in that state.

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

920 1. A member state's withdrawal shall not take effect
921 until six (6) months after enactment of the repealing statute.

922 2. Withdrawal shall not affect the continuing
923 requirement of the withdrawing state's professional counseling
924 licensing board to comply with the investigative and adverse
925 action reporting requirements of this act prior to the effective
926 date of withdrawal.

927 D. Nothing contained in this Compact shall be construed to
928 invalidate or prevent any professional counseling licensure
929 agreement or other cooperative arrangement between a member state



930 and a nonmember state that does not conflict with the provisions
931 of this Compact.

932 E. This Compact may be amended by the member states. No
933 amendment to this Compact shall become effective and binding upon
934 any member state until it is enacted into the laws of all member
935 states.

936 **SECTION 14.**

937 **CONSTRUCTION AND SEVERABILITY**

938 This Compact shall be liberally construed so as to effectuate
939 the purposes thereof. The provisions of this Compact shall be
940 severable and if any phrase, clause, sentence or provision of this
941 Compact is declared to be contrary to the constitution of any
942 member state or of the United States or the applicability thereof
943 to any government, agency, person or circumstance is held invalid,
944 the validity of the remainder of this Compact and the
945 applicability thereof to any government, agency, person or
946 circumstance shall not be affected thereby. If this Compact shall
947 be held contrary to the constitution of any member state, the
948 Compact shall remain in full force and effect as to the remaining
949 member states and in full force and effect as to the member state
950 affected as to all severable matters.

951 **SECTION 15.**

952 **BINDING EFFECT OF COMPACT AND OTHER LAWS**

953 A. A licensee providing professional counseling services in
954 a remote state under the privilege to practice shall adhere to the



955 laws and regulations, including scope of practice, of the remote
956 state.

957 B. Nothing in this Compact prevents the enforcement of any
958 other law of a member state that is not inconsistent with the
959 Compact.

960 C. All laws in a member state in conflict with the Compact
961 are superseded to the extent of the conflict.

962 D. All lawful actions of the Commission, including all rules
963 and bylaws promulgated by the Commission, are binding upon the
964 member states.

965 E. All agreements between the Commission and the member
966 states are binding in accordance with their terms.

967 F. In the event any provision of the Compact exceeds the
968 constitutional limits imposed on the legislature of any member
969 state, the provision shall be ineffective to the extent of the
970 conflict with the constitutional provision in question in that
971 member state.

972 **SECTION 2.** Section 73-30-3, Mississippi Code of 1972, is
973 amended as follows:

974 73-30-3. The following terms shall have the meaning ascribed
975 herein unless the context shall otherwise require:

976 (a) "Licensed professional counselor" shall mean and is
977 restricted to any person who holds himself or herself out to the
978 public by any title or description of services incorporating the
979 words licensed professional counselor or psychotherapist, and who



980 offers to render professional counseling or psychotherapy services
981 to individuals, groups, organizations, corporations, institutions,
982 government agencies or the general public for a fee, monetary or
983 otherwise, implying that he or she is licensed or holds the
984 privilege to practice.

985 (b) "Provisional licensed professional counselor"
986 (P-LPC) shall mean and is restricted to any person who holds
987 himself or herself out to the public by any title or description
988 of services incorporating the words provisional licensed
989 professional counselor or psychotherapist, and who offers to
990 render professional counseling or psychotherapy services, under
991 the supervision of a board qualified supervisor, to individuals,
992 groups, organizations, corporations, institutions, government
993 agencies or the general public for a fee, monetary or otherwise,
994 implying that he or she is licensed.

995 (c) "Practice of counseling/psychotherapy" shall mean
996 rendering, offering to render or supervising those who render to
997 individuals, groups, organizations, corporations, institutions,
998 government agencies or the general public any service involving
999 the applications of counseling procedures and other related areas
1000 of the behavioral sciences to help in learning how to solve
1001 problems or make decisions related to personal growth, marriage,
1002 family or other interpersonal or intrapersonal concerns.

1003 (d) "Counseling/psychotherapy procedures" shall mean
1004 the application of mental health, psychological or human



1005 development principles, through cognitive, affective, behavioral
1006 or systematic intervention strategies that address wellness,
1007 personal growth or career development, as well as pathology.
1008 Counseling/psychotherapy involves diagnosis, assessment and
1009 treatment by use of the following:

1010 (i) Counseling/psychotherapy methods and
1011 techniques, both verbal and nonverbal, which require the
1012 application of principles, methods or procedures of understanding,
1013 predicting and/or influencing behavior, and motivation;

1014 (ii) Informational and community resources for
1015 personal or social development;

1016 (iii) Group and/or placement methods and
1017 techniques which serve to further the goals of counseling;

1018 (iv) Designing, conducting and interpreting
1019 research on human subjects or any consultation on any item above;
1020 and

1021 (v) Appraisal techniques including, but not
1022 limited to, testing of achievement, abilities, interests,
1023 aptitudes and personality.

1024 (e) "Fees for licensed counseling services" shall mean
1025 any form of compensation received for the practice of counseling.

1026 (f) "Board" shall mean the Mississippi State Board of
1027 Examiners for Licensed Professional Counselors.

1028 (g) "Privilege to practice" means the authorization to
1029 practice as a licensed professional counselor in this state under



1030 the Professional Counseling Compact provided for in Section 1 of
1031 this act.

1032 (h) "Licensee" means a person who has been issued a
1033 license to practice as a licensed professional counselor or a
1034 provisional licensed professional counselor in this state, or a
1035 person who holds the privilege to practice as a licensed
1036 professional counselor in this state.

1037 **SECTION 3.** Section 73-30-5, Mississippi Code of 1972, is
1038 amended as follows:

1039 73-30-5. (1) There is hereby established the Mississippi
1040 State Board of Examiners for Licensed Professional Counselors
1041 which shall consist of five (5) members. The initial appointments
1042 to the board shall consist of one (1) member from each of the five
1043 (5) congressional districts of Mississippi, who shall be appointed
1044 by the Governor with the advice and consent of the Senate. From
1045 and after January 1, 2004, the board shall be reconstituted to
1046 consist of five (5) members, one (1) member from each of the four
1047 (4) congressional districts, as such districts existed on January
1048 1, 2002, and one (1) member to be selected from the state at
1049 large, who shall be appointed by the Governor with the advice and
1050 consent of the Senate. A list shall be provided to the Governor
1051 by the Mississippi Counseling Association from which the Governor
1052 may choose board members. At least two (2) names shall be
1053 included from each congressional district. Such appointments
1054 shall be made initially within sixty (60) days of the submission



1055 of the list of qualified counselors by the Mississippi Counseling
1056 Association. Thereafter, all vacancies occurring on the board
1057 shall be filled by the Governor within sixty (60) days after the
1058 vacancy occurs. The Mississippi Counseling Association shall
1059 provide a list of suggested board members for each vacancy.

1060 (2) The board shall consist of five (5) licensed counselors,
1061 three (3) of whom are primarily engaged as licensed counselors in
1062 private or institutional practice and two (2) who are primarily
1063 engaged in teaching, training or research in counseling at the
1064 corporate or university level. All members shall be qualified
1065 electors of the State of Mississippi.

1066 (3) The initial appointments to the board shall be for
1067 staggered terms, to be designated by the Governor at the time of
1068 appointment as follows: two (2) members to serve for three (3)
1069 years, two (2) members to serve for two (2) years, and one (1)
1070 member to serve for one (1) year. When the board is reconstituted
1071 on January 1, 2004, all members serving on the board on that date
1072 shall continue to serve for a term of five (5) years from the
1073 beginning of the term to which he or she was appointed. From and
1074 after January 1, 2004, all subsequent appointments shall be for
1075 five-year terms. No board member shall succeed himself or herself
1076 without waiting a period of at least five (5) years after having
1077 served one (1) full five-year term. Members may hold office until
1078 their successors have been appointed and qualified, or a maximum
1079 of twelve (12) months after their term ends.



1080 (4) There shall be appointed to the board no more than one
1081 (1) person who is employed by, or receives compensation from, any
1082 one (1) institution, organization or partnership at the time of
1083 appointment.

1084 (5) Board members shall be reimbursed for necessary and
1085 ordinary expenses and mileage incurred while performing their
1086 duties as members of the board, at the rate authorized for public
1087 employees, from fees collected for license and privilege to
1088 practice applications and renewals.

1089 **SECTION 4.** Section 73-30-7, Mississippi Code of 1972, is
1090 amended as follows:

1091 73-30-7. (1) The members of the board shall take an oath to
1092 perform faithfully the duties of their office. The oath shall be
1093 administered by a person qualified by law to administer oaths.
1094 Upon taking the oath as board members, the initial members shall
1095 be deemed licensed counselors for all purposes under this chapter.
1096 Within thirty (30) days after taking the oath of office, the first
1097 board appointed under this chapter shall meet for an
1098 organizational meeting on call by the Governor. At such meeting
1099 and at an organizational meeting in January every odd-numbered
1100 year thereafter, the board shall elect from its members a chair,
1101 vice chair and secretary-treasurer to serve for terms of two (2)
1102 years.

1103 (2) The board shall adopt rules and regulations in
1104 compliance with the Mississippi Administrative Procedures Law,



1105 using the standards of the American Counseling Association as a
1106 guide, not inconsistent with this chapter, for the conduct of its
1107 business and the carrying out of its duties.

1108 (3) After a person has applied for licensure, no member of
1109 the board may supervise such applicant for a fee, nor shall any
1110 member vote on any applicant previously supervised by that member.

1111 (4) The board shall hold at least two (2) regular meetings
1112 each year, and additional meetings may be held upon the call of
1113 the chair of the board or at the written request of any four (4)
1114 members of the board.

1115 (5) The board-approved examination for licensure shall be
1116 administered at least once a year. Examinations may be written,
1117 oral, situational, or any combination thereof, and shall deal with
1118 theoretical and applied fields in counseling. In written
1119 examinations, the examinee's name shall not be disclosed to any
1120 person grading the examination until that grading is complete.

1121 (6) The board shall be empowered to make reasonable rules
1122 and regulations regarding its operation and to receive and
1123 disburse revenues derived from application, licensing, privilege
1124 to practice, examination and renewal fees. All monies received by
1125 the board shall be deposited in a special account in the State
1126 Treasury to be designated "Board of Examiners for Licensed
1127 Professional Counselors Account." This account shall fund all
1128 activities of the board.



1129 (7) Upon the filing of a complaint by any citizen of this
1130 state with the board against a licensed professional
1131 counselor * * *, provisional licensed professional counselor or
1132 person who holds the privilege to practice or upon the board's own
1133 motion, the board may:

1134 (a) Compel the attendance of witnesses;

1135 (b) Request the production of books, documents and
1136 other papers;

1137 (c) Administer oaths to witnesses; and

1138 (d) Hear testimony and receive evidence concerning all
1139 matters within its jurisdiction.

1140 (8) The members of the board are hereby individually exempt
1141 from any civil liability as a result of any action taken by the
1142 board.

1143 **SECTION 5.** Section 73-30-9, Mississippi Code of 1972, is
1144 amended as follows:

1145 73-30-9. (1) The board shall issue a license as a
1146 provisional licensed professional counselor, without regard to
1147 race, religion, sex or national origin, to each applicant who
1148 furnishes satisfactory evidence of the following:

1149 (a) The applicant has completed an application on a
1150 form prescribed by the board accompanied by a nonrefundable
1151 application fee of Fifty Dollars (\$50.00).

1152 (b) The applicant is at least twenty-one (21) years of
1153 age.



1154 (c) The applicant is of good moral character.

1155 (d) The applicant is a citizen of the United States, or
1156 has an immigration document to verify legal alien work status in
1157 the United States. The immigration document must be current and
1158 issued by the United States Immigration Bureau.

1159 (e) The applicant is not in violation of any of the
1160 provisions of this chapter and the rules and regulations adopted
1161 hereunder.

1162 (f) The applicant shall have a minimum acceptable
1163 graduate semester hour or acceptable quarter-hour master's degree
1164 as determined by the board primarily in counseling or a related
1165 counseling field from a regionally or nationally accredited
1166 college or university program in counselor education or a related
1167 counseling program subject to board approval. All applicants
1168 shall provide official transcripts of all graduate work.

1169 (g) The applicant must pass the examination approved by
1170 the board, as set forth in Section 73-30-7(5).

1171 (h) A provisional license issued under this section
1172 shall require that the individual confine one's practice to a
1173 board-approved site and accrue counseling experience under the
1174 supervision of a board-qualified supervisor.

1175 (i) The limited license shall be renewable for not more
1176 than four (4) years, with a nonrefundable license fee in the
1177 amount provided in Section 73-30-29. Licensees may appeal to the
1178 board for an extension of the renewal period.



1179 (j) Each applicant for licensure shall apply to undergo
1180 a fingerprint-based criminal history records check of the
1181 Mississippi central criminal database and the Federal Bureau of
1182 Investigation criminal history database. Each applicant shall
1183 submit a full set of the applicant's fingerprints in a form and
1184 manner prescribed by the board, which shall be forwarded to the
1185 Mississippi Department of Public Safety and the Federal Bureau of
1186 Investigation Identification Division for this purpose.

1187 (2) The board shall issue a license or the privilege to
1188 practice as a licensed professional counselor, without regard to
1189 race, religion, sex or national origin, to each applicant who
1190 furnishes satisfactory evidence of the following:

1191 (a) The applicant has completed an application on a
1192 form prescribed by the board accompanied by a nonrefundable full
1193 application fee of Fifty Dollars (\$50.00).

1194 (b) The applicant is at least twenty-one (21) years of
1195 age.

1196 (c) The applicant is of good moral character.

1197 (d) The applicant is a citizen of the United States, or
1198 has an immigration document to verify legal alien work status in
1199 the United States. The immigration document must be current and
1200 issued by the United States Immigration Bureau.

1201 (e) The applicant is not in violation of any of the
1202 provisions of this chapter and the rules and regulations adopted
1203 hereunder.



1204 (f) The applicant shall have a minimum acceptable
1205 graduate semester hour or acceptable quarter-hour master's degree
1206 as determined by the board primarily in counseling or a related
1207 counseling field from a regionally or nationally accredited
1208 college or university program in counselor education or a related
1209 counseling program subject to board approval. All applicants
1210 shall provide official transcripts of all graduate work.

1211 (g) The applicant for licensure must pass the
1212 examination approved by the board, as set forth in Section
1213 73-30-7(5).

1214 (h) The applicant has had post graduate supervised
1215 experience in professional counseling acceptable to the board.
1216 Applicant shall submit verification of supervised experience.

1217 Each application or filing made under this section shall
1218 include the social security number(s) of the applicant in
1219 accordance with Section 93-11-64.

1220 (i) The board shall require each first-time applicant
1221 for licensure or the initial privilege to practice and may require
1222 applicants for license renewal to undergo a fingerprint-based
1223 criminal history records check of the Mississippi central criminal
1224 database and the Federal Bureau of Investigation criminal history
1225 database. Each applicant for licensure and each renewal applicant
1226 as required by the board shall apply to undergo a
1227 fingerprint-based criminal history records check of the
1228 Mississippi central criminal database and the Federal Bureau of



1229 Investigation criminal history database. Each applicant shall
1230 submit a full set of the applicant's fingerprints in a form and
1231 manner prescribed by the board, which shall be forwarded to the
1232 Mississippi Department of Public Safety and the Federal Bureau of
1233 Investigation Identification Division for this purpose.

1234 (3) The board shall administer the privilege to practice in
1235 accordance with the Professional Licensing Compact.

1236 **SECTION 6.** Section 73-30-21, Mississippi Code of 1972, is
1237 amended as follows:

1238 73-30-21. (1) The board may, after notice and opportunity
1239 for a hearing, suspend, revoke or refuse to issue or renew a
1240 license or the privilege to practice or may reprimand the license
1241 holder or holder of the privilege to practice, upon a
1242 determination by the board that such license holder or holder of
1243 the privilege to practice or applicant for licensure or the
1244 privilege to practice has:

1245 (a) Been adjudged by any court to be mentally
1246 incompetent or have had a guardian of person appointed;

1247 (b) Been convicted of a felony;

1248 (c) Sworn falsely under oath or affirmation;

1249 (d) Obtained a license or certificate or the privilege
1250 to practice by fraud, deceit or other misrepresentation;

1251 (e) Engaged in the conduct of professional counseling
1252 in a grossly negligent or incompetent manner;



1253 (f) Intentionally violated any provision of this
1254 chapter;

1255 (g) Violated any rules or regulations of the board; or

1256 (h) Aided or assisted another in falsely obtaining a
1257 license or the privilege to practice under this chapter.

1258 With regard to a refusal to issue a privilege to practice,
1259 such refusal by the board shall be in accordance with the terms of
1260 the Professional Licensing Compact instead of this subsection (1).

1261 (2) Appeals from disciplinary action are to be brought in
1262 the circuit court in the county of residence of the practitioner.
1263 In the event the practitioner resides out of state the appeal
1264 should be brought in Hinds County Circuit Court.

1265 (3) The board may assess and levy upon any licensee,
1266 practitioner or applicant for licensure or the privilege to
1267 practice the costs incurred or expended by the board in the
1268 investigation and prosecution of any licensure, privilege to
1269 practice or disciplinary action, including, but not limited to,
1270 the costs of process service, court reporters, expert witnesses,
1271 investigators and attorney's fees.

1272 (4) No revoked license or privilege to practice may be
1273 reinstated within twelve (12) months after such revocation.
1274 Reinstatement thereafter shall be upon such conditions as the
1275 board may prescribe, which may include, without being limited to,
1276 successful passing of the examination required by this chapter.



1277 (5) A license or privilege to practice certificate issued by
1278 the board is the property of the board and must be surrendered on
1279 demand.

1280 (6) The chancery court is hereby vested with the
1281 jurisdiction and power to enjoin the unlawful practice of
1282 counseling and/or the false representation as a licensed counselor
1283 in a proceeding brought by the board or any members thereof or by
1284 any citizen of this state.

1285 (7) In addition to the reasons specified in subsection (1)
1286 of this section, the board shall be authorized to suspend the
1287 license of any licensee for being out of compliance with an order
1288 for support, as defined in Section 93-11-153. The procedure for
1289 suspension of a license for being out of compliance with an order
1290 for support, and the procedure for the reissuance or reinstatement
1291 of a license suspended for that purpose, and the payment of any
1292 fees for the reissuance or reinstatement of a license suspended
1293 for that purpose, shall be governed by Section 93-11-157 or
1294 93-11-163, as the case may be. If there is any conflict between
1295 any provision of Section 93-11-157 or 93-11-163 and any provision
1296 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
1297 as the case may be, shall control.

1298 **SECTION 7.** Section 73-30-23, Mississippi Code of 1972, is
1299 amended as follows:

1300 73-30-23. The board shall develop procedures for review of
1301 violations of professional ethics. Sanctions, suspension and/or



1302 revocation of license or the privilege to practice will be imposed
1303 for violations of professional ethics.

1304 **SECTION 8.** Section 73-30-29, Mississippi Code of 1972, is
1305 amended as follows:

1306 73-30-29. (1) Except as provided in Section 33-1-39, the
1307 renewal of license fee or privilege to practice fee for licensed
1308 professional counselors under this chapter shall be Two Hundred
1309 Twenty Dollars (\$220.00) per biennial licensing renewal period,
1310 and the renewal of license fee for provisional licensed
1311 professional counselors under this chapter shall be Fifty Dollars
1312 (\$50.00) per annual licensing renewal period.

1313 (2) Provisional licensed professional counselor licenses
1314 will be renewed annually on or before June 30. The evidence of
1315 the following must be received in the office of the board on or
1316 before June 30 of the year of renewal by every license holder who
1317 intends to continue to practice: Each active provisional licensed
1318 professional counselor licensee must accrue six (6) continuing
1319 education hours during the preceding license period, two (2) of
1320 which must involve topics in professional ethics or legal issues
1321 in the delivery of counseling services.

1322 (3) Licensed professional counselor licenses will be renewed
1323 biennially on or before June 30 of the applicable year. The
1324 evidence of the following must be received in the office of the
1325 board on or before June 30 of the year of renewal by every license
1326 holder who intends to continue to practice: Each active licensed



1327 professional counselor licensee must accrue twenty-four (24)
1328 continuing education hours during the preceding license period,
1329 six (6) of which must involve topics in professional ethics or
1330 legal issues in the delivery of counseling services.

1331 **SECTION 9.** This act shall take effect and be in force from
1332 and after July 1, 2022.

