

By: Senator(s) Blount

To: Public Health and Welfare

SENATE BILL NO. 2916

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, 73-30-11, 73-30-21, 73-30-23 AND
5 73-30-29, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS
6 OF THIS 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:

12 **PROFESSIONAL COUNSELING COMPACT**

13 **SECTION 1.**

14 **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
177 testing;
- 178 h. Research and program evaluation; and
- 179 i. Other areas as determined by the Commission.
- 180 4. Require licensees to complete a supervised
181 postgraduate professional experience as defined by the Commission;
- 182 5. Have a mechanism in place for receiving and
183 investigating complaints about licensees.
- 184 B. A member state shall:
- 185 1. Participate fully in the Commission's data system,
186 including using the Commission's unique identifier as defined in
187 rules;
- 188 2. Notify the Commission, in compliance with the terms
189 of the Compact and rules, of any adverse action or the
190 availability of investigative information regarding a licensee;
- 191 3. Implement or utilize procedures for considering the
192 criminal history records of applicants for an initial privilege to
193 practice. These procedures shall include the submission of



194 fingerprints or other biometric-based information by applicants
195 for the purpose of obtaining an applicant's criminal history
196 record information from the Federal Bureau of Investigation and
197 the agency responsible for retaining that state's criminal
198 records.

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

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

210 4. Comply with the rules of the Commission;

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

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



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

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

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

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

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

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

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

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

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



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

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

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

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

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

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



293 2. All fines have been paid; and
294 3. Has not had any encumbrance or restriction against
295 any license or privilege to practice within the previous two (2)
296 years.

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

301 **SECTION 5.**

302 **OBTAINING A NEW HOME STATE LICENSE BASED ON**
303 **A PRIVILEGE TO PRACTICE**

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

351 **SECTION 6.**

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

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

361 **SECTION 7.**

362 **COMPACT PRIVILEGE TO PRACTICE TELEHEALTH**

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



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

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

372 **SECTION 8.**

373 **ADVERSE ACTIONS**

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

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

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



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

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

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

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

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



415 F. Joint investigations.

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

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

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

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

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

439 **SECTION 9.**



440 **ESTABLISHMENT OF COUNSELING COMPACT COMMISSION**

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

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

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

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

453 B. Membership, voting and meetings.

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

456 2. The delegate shall be either:

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

460 b. An administrator of the licensing board.

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



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

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

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

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

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

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

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

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

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



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

493 7. Purchase and maintain insurance and bonds;

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

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

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

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



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

515 13. Establish a budget and make expenditures;

516 14. Borrow money;

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

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

524 17. Establish and elect an Executive Committee; and

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

529 D. The Executive Committee.

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

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

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



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

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

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

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

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

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

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

555 c. Prepare and recommend the budget;

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

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

560 f. Establish additional committees as necessary;

561 and



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

563 E. Meetings of the Commission.

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

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

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

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

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

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

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

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



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

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

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

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

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

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



610 F. Financing of the Commission.

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

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

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

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

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



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

638 G. Qualified immunity, defense and indemnification.

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

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



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

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

674 **SECTION 10.**

675 **DATA SYSTEM**

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

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



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

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

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

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

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



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

711 **SECTION 11.**

712 **RULEMAKING**

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

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

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

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

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



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

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

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

741 F. The Notice of Proposed Rulemaking shall include:

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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



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

822 **SECTION 12.**

823 **OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT**

824 A. Oversight.

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

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



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

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

842 B. Default, technical assistance, and termination.

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

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

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

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



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

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

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

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

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

880 H. Dispute resolution.



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

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

887 I. Enforcement.

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

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

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

903 **SECTION 13.**

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



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

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

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

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

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

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



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

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

937 **SECTION 14.**

938 **CONSTRUCTION AND SEVERABILITY**

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

952 **SECTION 15.**

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

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



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

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

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

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

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

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

973 **SECTION 17.** Section 73-30-3, Mississippi Code of 1972, is
974 amended as follows:

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

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



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

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

997 (c) "Practice of counseling/psychotherapy" shall mean
998 rendering, offering to render or supervising those who render to
999 individuals, groups, organizations, corporations, institutions,
1000 government agencies or the general public any service involving
1001 the applications of counseling procedures and other related areas
1002 of the behavioral sciences to help in learning how to solve
1003 problems or make decisions related to personal growth, marriage,
1004 family or other interpersonal or intrapersonal concerns.



1005 (d) "Counseling/psychotherapy procedures" shall mean
1006 the application of mental health, psychological or human
1007 development principles, through cognitive, affective, behavioral
1008 or systematic intervention strategies that address wellness,
1009 personal growth or career development, as well as pathology.
1010 Counseling/psychotherapy involves diagnosis, assessment and
1011 treatment by use of the following:

1012 (i) Counseling/psychotherapy methods and
1013 techniques, both verbal and nonverbal, which require the
1014 application of principles, methods or procedures of understanding,
1015 predicting and/or influencing behavior, and motivation;

1016 (ii) Informational and community resources for
1017 personal or social development;

1018 (iii) Group and/or placement methods and
1019 techniques which serve to further the goals of counseling;

1020 (iv) Designing, conducting and interpreting
1021 research on human subjects or any consultation on any item above;
1022 and

1023 (v) Appraisal techniques including, but not
1024 limited to, testing of achievement, abilities, interests,
1025 aptitudes and personality.

1026 (e) "Fees for licensed counseling services" shall mean
1027 any form of compensation received for the practice of counseling.

1028 (f) "Board" shall mean the Mississippi State Board of
1029 Examiners for Licensed Professional Counselors.



1030 (g) "Privilege to practice" means the authorization to
1031 practice as a licensed professional counselor or a provisional
1032 licensed professional counselor in this state under the
1033 Professional Counseling Compact provided for in this act.

1034 (h) "Licensee" means a person who has been issued a
1035 license to practice as a licensed professional counselor or a
1036 provisional licensed professional counselor in this state, or a
1037 person who holds the privilege to practice as a licensed
1038 professional counselor or a provisional licensed professional
1039 counselor in this state.

1040 **SECTION 18.** Section 73-30-5, Mississippi Code of 1972, is
1041 amended as follows:

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



1055 may choose board members. At least two (2) names shall be
1056 included from each congressional district. Such appointments
1057 shall be made initially within sixty (60) days of the submission
1058 of the list of qualified counselors by the Mississippi Counseling
1059 Association. Thereafter, all vacancies occurring on the board
1060 shall be filled by the Governor within sixty (60) days after the
1061 vacancy occurs. The Mississippi Counseling Association shall
1062 provide a list of suggested board members for each vacancy.

1063 (2) The board shall consist of five (5) licensed counselors,
1064 three (3) of whom are primarily engaged as licensed counselors in
1065 private or institutional practice and two (2) who are primarily
1066 engaged in teaching, training or research in counseling at the
1067 corporate or university level. All members shall be qualified
1068 electors of the State of Mississippi.

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



1080 served one (1) full five-year term. Members may hold office until
1081 their successors have been appointed and qualified, or a maximum
1082 of twelve (12) months after their term ends.

1083 (4) There shall be appointed to the board no more than one
1084 (1) person who is employed by, or receives compensation from, any
1085 one (1) institution, organization or partnership at the time of
1086 appointment.

1087 (5) Board members shall be reimbursed for necessary and
1088 ordinary expenses and mileage incurred while performing their
1089 duties as members of the board, at the rate authorized for public
1090 employees, from fees collected for license and privilege to
1091 practice applications and renewals.

1092 **SECTION 19.** Section 73-30-7, Mississippi Code of 1972, is
1093 amended as follows:

1094 73-30-7. (1) The members of the board shall take an oath to
1095 perform faithfully the duties of their office. The oath shall be
1096 administered by a person qualified by law to administer oaths.
1097 Upon taking the oath as board members, the initial members shall
1098 be deemed licensed counselors for all purposes under this chapter.
1099 Within thirty (30) days after taking the oath of office, the first
1100 board appointed under this chapter shall meet for an
1101 organizational meeting on call by the Governor. At such meeting
1102 and at an organizational meeting in January every odd-numbered
1103 year thereafter, the board shall elect from its members a chair,



1104 vice chair and secretary-treasurer to serve for terms of two (2)
1105 years.

1106 (2) The board shall adopt rules and regulations in
1107 compliance with the Mississippi Administrative Procedures Law,
1108 using the standards of the American Counseling Association as a
1109 guide, not inconsistent with this chapter, for the conduct of its
1110 business and the carrying out of its duties.

1111 (3) After a person has applied for licensure or the
1112 privilege to practice, no member of the board may supervise such
1113 applicant for a fee, nor shall any member vote on any applicant
1114 previously supervised by that member.

1115 (4) The board shall hold at least two (2) regular meetings
1116 each year, and additional meetings may be held upon the call of
1117 the chair of the board or at the written request of any four (4)
1118 members of the board.

1119 (5) The board-approved examination for licensure shall be
1120 administered at least once a year. Examinations may be written,
1121 oral, situational, or any combination thereof, and shall deal with
1122 theoretical and applied fields in counseling. In written
1123 examinations, the examinee's name shall not be disclosed to any
1124 person grading the examination until that grading is complete.

1125 (6) The board shall be empowered to make reasonable rules
1126 and regulations regarding its operation and to receive and
1127 disburse revenues derived from application, licensing, privilege
1128 to practice, examination and renewal fees. All monies received by



1129 the board shall be deposited in a special account in the State
1130 Treasury to be designated "Board of Examiners for Licensed
1131 Professional Counselors Account." This account shall fund all
1132 activities of the board.

1133 (7) Upon the filing of a complaint by any citizen of this
1134 state with the board against a licensed professional
1135 counselor * * *, provisional licensed professional counselor, or
1136 person who holds the privilege to practice or upon the board's own
1137 motion, the board may:

1138 (a) Compel the attendance of witnesses;

1139 (b) Request the production of books, documents and
1140 other papers;

1141 (c) Administer oaths to witnesses; and

1142 (d) Hear testimony and receive evidence concerning all
1143 matters within its jurisdiction.

1144 (8) The members of the board are hereby individually exempt
1145 from any civil liability as a result of any action taken by the
1146 board.

1147 **SECTION 20.** Section 73-30-9, Mississippi Code of 1972, is
1148 amended as follows:

1149 73-30-9. (1) The board shall issue a license or privilege
1150 to practice as a provisional licensed professional counselor,
1151 without regard to race, religion, sex or national origin, to each
1152 applicant who furnishes satisfactory evidence of the following:



1153 (a) The applicant has completed an application on a
1154 form prescribed by the board accompanied by a nonrefundable
1155 application fee of Fifty Dollars (\$50.00).

1156 (b) The applicant is at least twenty-one (21) years of
1157 age.

1158 (c) The applicant is of good moral character.

1159 (d) The applicant is a citizen of the United States, or
1160 has an immigration document to verify legal alien work status in
1161 the United States. The immigration document must be current and
1162 issued by the United States Immigration Bureau.

1163 (e) The applicant is not in violation of any of the
1164 provisions of this chapter and the rules and regulations adopted
1165 hereunder.

1166 (f) The applicant shall have a minimum acceptable
1167 graduate semester hour or acceptable quarter-hour master's degree
1168 as determined by the board primarily in counseling or a related
1169 counseling field from a regionally or nationally accredited
1170 college or university program in counselor education or a related
1171 counseling program subject to board approval. All applicants
1172 shall provide official transcripts of all graduate work.

1173 (g) The applicant for licensure must pass the
1174 examination approved by the board, as set forth in Section
1175 73-30-7(5).

1176 (h) A provisional license or privilege to practice
1177 issued under this section shall require that the individual



1178 confine one's practice to a board-approved site and accrue
1179 counseling experience under the supervision of a board-qualified
1180 supervisor.

1181 (i) The limited license or privilege to practice shall
1182 be renewable for not more than four (4) years, with a
1183 nonrefundable license or privilege to practice fee in the amount
1184 provided in Section 73-30-29. Licensees may appeal to the board
1185 for an extension of the renewal period.

1186 (j) Each applicant for licensure or the privilege to
1187 practice shall apply to undergo a fingerprint-based criminal
1188 history records check of the Mississippi central criminal database
1189 and the Federal Bureau of Investigation criminal history database.
1190 Each applicant shall submit a full set of the applicant's
1191 fingerprints in a form and manner prescribed by the board, which
1192 shall be forwarded to the Mississippi Department of Public Safety
1193 and the Federal Bureau of Investigation Identification Division
1194 for this purpose.

1195 (2) The board shall issue a license or the privilege to
1196 practice as a licensed professional counselor, without regard to
1197 race, religion, sex or national origin, to each applicant who
1198 furnishes satisfactory evidence of the following:

1199 (a) The applicant has completed an application on a
1200 form prescribed by the board accompanied by a nonrefundable full
1201 application fee of Fifty Dollars (\$50.00).



1202 (b) The applicant is at least twenty-one (21) years of
1203 age.

1204 (c) The applicant is of good moral character.

1205 (d) The applicant is a citizen of the United States, or
1206 has an immigration document to verify legal alien work status in
1207 the United States. The immigration document must be current and
1208 issued by the United States Immigration Bureau.

1209 (e) The applicant is not in violation of any of the
1210 provisions of this chapter and the rules and regulations adopted
1211 hereunder.

1212 (f) The applicant shall have a minimum acceptable
1213 graduate semester hour or acceptable quarter-hour master's degree
1214 as determined by the board primarily in counseling or a related
1215 counseling field from a regionally or nationally accredited
1216 college or university program in counselor education or a related
1217 counseling program subject to board approval. All applicants
1218 shall provide official transcripts of all graduate work.

1219 (g) The applicant for licensure must pass the
1220 examination approved by the board, as set forth in Section
1221 73-30-7(5).

1222 (h) The applicant has had post graduate supervised
1223 experience in professional counseling acceptable to the board.
1224 Applicant shall submit verification of supervised experience.



1225 Each application or filing made under this section shall
1226 include the social security number(s) of the applicant in
1227 accordance with Section 93-11-64.

1228 (i) The board shall require each first-time applicant
1229 for licensure or the privilege to practice and may require
1230 applicants for license or privilege to practice renewal to undergo
1231 a fingerprint-based criminal history records check of the
1232 Mississippi central criminal database and the Federal Bureau of
1233 Investigation criminal history database. Each applicant for
1234 licensure and each renewal applicant as required by the board
1235 shall apply to undergo a fingerprint-based criminal history
1236 records check of the Mississippi central criminal database and the
1237 Federal Bureau of Investigation criminal history database. Each
1238 applicant shall submit a full set of the applicant's fingerprints
1239 in a form and manner prescribed by the board, which shall be
1240 forwarded to the Mississippi Department of Public Safety and the
1241 Federal Bureau of Investigation Identification Division for this
1242 purpose.

1243 **SECTION 21.** Section 73-30-11, Mississippi Code of 1972, is
1244 amended as follows:

1245 73-30-11. Following a decision by the board not to license
1246 or issue the privilege to practice, the applicant may request a
1247 hearing at the next regularly scheduled meeting of the board. The
1248 applicant will be notified of the decision of the majority of the
1249 board members within sixty (60) days of the hearing. Upon a final



1250 decision by the board not to license or issue the privilege to
1251 practice, the applicant may (after waiting a period of at least
1252 one (1) year) resubmit the application accompanied by new evidence
1253 and a nonrefundable application fee of One Hundred Dollars
1254 (\$100.00) for reconsideration for licensure or the privilege to
1255 practice.

1256 The applicant may appeal the decision of the board to the
1257 circuit court of the county of the applicant's residence. If an
1258 applicant does not reside in Mississippi, the applicant may appeal
1259 the decision of the board to the Hinds County Circuit Court. Any
1260 appeal to the circuit court must be taken within thirty (30) days
1261 of the date of the board's decision. An appeal of the decision of
1262 the circuit court may be taken to the Mississippi Supreme Court
1263 not later than sixty (60) days from the date of the decision by
1264 the circuit court.

1265 **SECTION 22.** Section 73-30-21, Mississippi Code of 1972, is
1266 amended as follows:

1267 73-30-21. (1) The board may, after notice and opportunity
1268 for a hearing, suspend, revoke or refuse to issue or renew a
1269 license or the privilege to practice or may reprimand the license
1270 holder or holder of the privilege to practice, upon a
1271 determination by the board that such license holder or holder of
1272 the privilege to practice or applicant for licensure or the
1273 privilege to practice has:



1274 (a) Been adjudged by any court to be mentally
1275 incompetent or have had a guardian of person appointed;
1276 (b) Been convicted of a felony;
1277 (c) Sworn falsely under oath or affirmation;
1278 (d) Obtained a license or certificate or the privilege
1279 to practice by fraud, deceit or other misrepresentation;
1280 (e) Engaged in the conduct of professional counseling
1281 in a grossly negligent or incompetent manner;
1282 (f) Intentionally violated any provision of this
1283 chapter;
1284 (g) Violated any rules or regulations of the board; or
1285 (h) Aided or assisted another in falsely obtaining a
1286 license or the privilege to practice under this chapter.

1287 (2) Appeals from disciplinary action are to be brought in
1288 the circuit court in the county of residence of the practitioner.
1289 In the event the practitioner resides out of state the appeal
1290 should be brought in Hinds County Circuit Court.

1291 (3) The board may assess and levy upon any licensee,
1292 practitioner or applicant for licensure or the privilege to
1293 practice the costs incurred or expended by the board in the
1294 investigation and prosecution of any licensure, privilege to
1295 practice or disciplinary action, including, but not limited to,
1296 the costs of process service, court reporters, expert witnesses,
1297 investigators and attorney's fees.



1298 (4) No revoked license or privilege to practice may be
1299 reinstated within twelve (12) months after such revocation.
1300 Reinstatement thereafter shall be upon such conditions as the
1301 board may prescribe, which may include, without being limited to,
1302 successful passing of the examination required by this chapter.

1303 (5) A license or privilege to practice certificate issued by
1304 the board is the property of the board and must be surrendered on
1305 demand.

1306 (6) The chancery court is hereby vested with the
1307 jurisdiction and power to enjoin the unlawful practice of
1308 counseling and/or the false representation as a licensed counselor
1309 in a proceeding brought by the board or any members thereof or by
1310 any citizen of this state.

1311 (7) In addition to the reasons specified in subsection (1)
1312 of this section, the board shall be authorized to suspend the
1313 license or privilege to practice of any licensee for being out of
1314 compliance with an order for support, as defined in Section
1315 93-11-153. The procedure for suspension of a license or the
1316 privilege to practice for being out of compliance with an order
1317 for support, and the procedure for the reissuance or reinstatement
1318 of a license or the privilege to practice suspended for that
1319 purpose, and the payment of any fees for the reissuance or
1320 reinstatement of a license or the privilege to practice suspended
1321 for that purpose, shall be governed by Section 93-11-157 or
1322 93-11-163, as the case may be. If there is any conflict between



1323 any provision of Section 93-11-157 or 93-11-163 and any provision
1324 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
1325 as the case may be, shall control.

1326 **SECTION 23.** Section 73-30-23, Mississippi Code of 1972, is
1327 amended as follows:

1328 73-30-23. The board shall develop procedures for review of
1329 violations of professional ethics. Sanctions, suspension and/or
1330 revocation of license or the privilege to practice will be imposed
1331 for violations of professional ethics.

1332 **SECTION 24.** Section 73-30-29, Mississippi Code of 1972, is
1333 amended as follows:

1334 73-30-29. (1) Except as provided in Section 33-1-39, the
1335 renewal of license fee or privilege to practice fee for licensed
1336 professional counselors under this chapter shall be Two Hundred
1337 Twenty Dollars (\$220.00) per biennial licensing renewal period,
1338 and the renewal of license fee or privilege to practice fee for
1339 provisional licensed professional counselors under this chapter
1340 shall be Fifty Dollars (\$50.00) per annual licensing renewal
1341 period.

1342 (2) Provisional licensed professional counselor licenses and
1343 privileges to practice will be renewed annually on or before June
1344 30. The evidence of the following must be received in the office
1345 of the board on or before June 30 of the year of renewal by every
1346 license holder or holder of the privilege to practice who intends
1347 to continue to practice: Each active provisional licensed



1348 professional counselor licensee must accrue six (6) continuing
1349 education hours during the preceding license period, two (2) of
1350 which must involve topics in professional ethics or legal issues
1351 in the delivery of counseling services.

1352 (3) Licensed professional counselor licenses and privileges
1353 to practice will be renewed biennially on or before June 30 of the
1354 applicable year. The evidence of the following must be received
1355 in the office of the board on or before June 30 of the year of
1356 renewal by every license holder or holder of the privilege to
1357 practice who intends to continue to practice: Each active
1358 licensed professional counselor licensee must accrue twenty-four
1359 (24) continuing education hours during the preceding license
1360 period, six (6) of which must involve topics in professional
1361 ethics or legal issues in the delivery of counseling services.

1362 **SECTION 25.** This act shall take effect and be in force from
1363 and after July 1, 2022.

