

**As Reported by the House Behavioral Health and Recovery Supports  
Committee**

**134th General Assembly**

**Regular Session  
2021-2022**

**S. B. No. 204**

**Senator Roegner**

**Cosponsors: Senators Huffman, S., Antonio, Blessing, Cirino, Gavarone, Hackett,  
Johnson, Lang, Maharath, McColley, O'Brien, Peterson, Reineke, Romanchuk,  
Rulli, Thomas, Wilson Representative Pavliga**

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**A BILL**

To enact sections 4757.50 and 4757.511 of the 1  
Revised Code to enter into the Counseling 2  
Compact. 3

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 4757.50 and 4757.511 of the 4  
Revised Code be enacted to read as follows: 5

**Sec. 4757.50.** The "Counseling Compact" is hereby ratified, 6  
enacted into law, and entered into by the state of Ohio as a 7  
party to the compact with any other state that has legally 8  
joined in the compact as follows: 9

COUNSELING COMPACT 10

SECTION 1: PURPOSE 11

The purpose of this Compact is to facilitate interstate 12  
practice of Licensed Professional Counselors with the goal of 13  
improving public access to Professional Counseling services. The 14  
practice of Professional Counseling occurs in the State where 15

the client is located at the time of the counseling services. 16  
The Compact preserves the regulatory authority of States to 17  
protect public health and safety through the current system of 18  
State licensure. 19

This Compact is designed to achieve the following 20  
objectives: 21

A. Increase public access to Professional Counseling 22  
services by providing for the mutual recognition of other Member 23  
State licenses; 24

B. Enhance the States' ability to protect the public's 25  
health and safety; 26

C. Encourage the cooperation of Member States in 27  
regulating multistate practice for Licensed Professional 28  
Counselors; 29

D. Support spouses of relocating Active Duty Military 30  
personnel; 31

E. Enhance the exchange of licensure, investigative, and 32  
disciplinary information among Member States; 33

F. Allow for the use of Telehealth technology to 34  
facilitate increased access to Professional Counseling services; 35

G. Support the uniformity of Professional Counseling 36  
licensure requirements throughout the States to promote public 37  
safety and public health benefits; 38

H. Invest all Member States with the authority to hold a 39  
Licensed Professional Counselor accountable for meeting all 40  
State practice laws in the State in which the client is located 41  
at the time care is rendered through the mutual recognition of 42  
Member State licenses; 43

<u>I. Eliminate the necessity for licenses in multiple</u>	44
<u>States; and</u>	45
<u>J. Provide opportunities for interstate practice by</u>	46
<u>Licensed Professional Counselors who meet uniform licensure</u>	47
<u>requirements.</u>	48
<u>SECTION 2. DEFINITIONS</u>	49
<u>As used in this Compact, and except as otherwise provided,</u>	50
<u>the following definitions shall apply:</u>	51
<u>A. "Active Duty Military" means full-time duty status in</u>	52
<u>the active uniformed service of the United States, including</u>	53
<u>members of the National Guard and Reserve on active duty orders</u>	54
<u>pursuant to 10 U.S.C. Chapters 1209 and 1211.</u>	55
<u>B. "Adverse Action" means any administrative, civil,</u>	56
<u>equitable or criminal action permitted by a State's laws which</u>	57
<u>is imposed by a licensing board or other authority against a</u>	58
<u>Licensed Professional Counselor, including actions against an</u>	59
<u>individual's license or Privilege to Practice such as</u>	60
<u>revocation, suspension, probation, monitoring of the licensee,</u>	61
<u>limitation on the licensee's practice, or any other Encumbrance</u>	62
<u>on licensure affecting a Licensed Professional Counselor's</u>	63
<u>authorization to practice, including issuance of a cease and</u>	64
<u>desist action.</u>	65
<u>C. "Alternative Program" means a non-disciplinary</u>	66
<u>monitoring or practice remediation process approved by a</u>	67
<u>Professional Counseling Licensing Board to address Impaired</u>	68
<u>Practitioners.</u>	69
<u>D. "Continuing Competence/Education" means a requirement,</u>	70
<u>as a condition of license renewal, to provide evidence of</u>	71
<u>participation in, and/or completion of, educational and</u>	72

professional activities relevant to practice or area of work. 73

E. "Counseling Compact Commission" or "Commission" means 74  
the national administrative body whose membership consists of 75  
all States that have enacted the Compact. 76

F. "Current Significant Investigative Information" means: 77

1. Investigative Information that a Licensing Board, after 78  
a preliminary inquiry that includes notification and an 79  
opportunity for the Licensed Professional Counselor to respond, 80  
if required by State law, has reason to believe is not 81  
groundless and, if proved true, would indicate more than a minor 82  
infraction; or 83

2. Investigative Information that indicates that the 84  
Licensed Professional Counselor represents an immediate threat 85  
to public health and safety regardless of whether the Licensed 86  
Professional Counselor has been notified and had an opportunity 87  
to respond. 88

G. "Data System" means a repository of information about 89  
Licensees, including, but not limited to, continuing education, 90  
examination, licensure, investigative, Privilege to Practice and 91  
Adverse Action information. 92

H. "Encumbered License" means a license in which an 93  
Adverse Action restricts the practice of licensed Professional 94  
Counseling by the Licensee and said Adverse Action has been 95  
reported to the National Practitioners Data Bank (NPDB). 96

I. "Encumbrance" means a revocation or suspension of, or 97  
any limitation on, the full and unrestricted practice of 98  
Licensed Professional Counseling by a Licensing Board. 99

J. "Executive Committee" means a group of directors 100

elected or appointed to act on behalf of, and within the powers  
granted to them by, the Commission. 101  
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K. "Home State" means the Member State that is the 103  
Licensee's primary State of residence. 104

L. "Impaired Practitioner" means an individual who has a 105  
condition(s) that may impair their ability to practice as a 106  
Licensed Professional Counselor without some type of 107  
intervention and may include, but are not limited to, alcohol 108  
and drug dependence, mental health impairment, and neurological 109  
or physical impairments. 110

M. "Investigative Information" means information, records, 111  
and documents received or generated by a Professional Counseling 112  
Licensing Board pursuant to an investigation. 113

N. "Jurisprudence Requirement" if required by a Member 114  
State, means the assessment of an individual's knowledge of the 115  
laws and Rules governing the practice of Professional Counseling 116  
in a State. 117

O. "Licensed Professional Counselor" means a counselor 118  
licensed by a Member State, regardless of the title used by that 119  
State, to independently assess, diagnose, and treat behavioral 120  
health conditions. 121

P. "Licensee" means an individual who currently holds an 122  
authorization from the State to practice as a Licensed 123  
Professional Counselor. 124

Q. "Licensing Board" means the agency of a State, or 125  
equivalent, that is responsible for the licensing and regulation 126  
of Licensed Professional Counselors. 127

R. "Member State" means a State that has enacted the 128

<u>Compact.</u>	129
<u>S. "Privilege to Practice" means a legal authorization,</u>	130
<u>which is equivalent to a license, permitting the practice of</u>	131
<u>Professional Counseling in a Remote State.</u>	132
<u>T. "Professional Counseling" means the assessment,</u>	133
<u>diagnosis, and treatment of behavioral health conditions by a</u>	134
<u>Licensed Professional Counselor.</u>	135
<u>U. "Remote State" means a Member State other than the Home</u>	136
<u>State, where a Licensee is exercising or seeking to exercise the</u>	137
<u>Privilege to Practice.</u>	138
<u>V. "Rule" means a regulation promulgated by the Commission</u>	139
<u>that has the force of law.</u>	140
<u>W. "Single State License" means a Licensed Professional</u>	141
<u>Counselor license issued by a Member State that authorizes</u>	142
<u>practice only within the issuing State and does not include a</u>	143
<u>Privilege to Practice in any other Member State.</u>	144
<u>X. "State" means any state, commonwealth, district, or</u>	145
<u>territory of the United States of America that regulates the</u>	146
<u>practice of Professional Counseling.</u>	147
<u>Y. "Telehealth" means the application of telecommunication</u>	148
<u>technology to deliver Professional Counseling services remotely</u>	149
<u>to assess, diagnose, and treat behavioral health conditions.</u>	150
<u>Z. "Unencumbered License" means a license that authorizes</u>	151
<u>a Licensed Professional Counselor to engage in the full and</u>	152
<u>unrestricted practice of Professional Counseling.</u>	153
<u>SECTION 3. STATE PARTICIPATION IN THE COMPACT</u>	154
<u>A. To Participate in the Compact, a State must currently:</u>	155

<u>1. License and regulate Licensed Professional Counselors;</u>	156
<u>2. Require Licensees to pass a nationally recognized exam approved by the Commission;</u>	157 158
<u>3. Require Licensees to have a 60 semester-hour (or 90 quarter-hour) master's degree in counseling or 60 semester-hours (or 90 quarter-hours) of graduate course work including the following topic areas:</u>	159 160 161 162
<u>a. Professional Counseling Orientation and Ethical Practice;</u>	163 164
<u>b. Social and Cultural Diversity;</u>	165
<u>c. Human Growth and Development;</u>	166
<u>d. Career Development;</u>	167
<u>e. Counseling and Helping Relationships;</u>	168
<u>f. Group Counseling and Group Work;</u>	169
<u>g. Diagnosis and Treatment; Assessment and Testing;</u>	170
<u>h. Research and Program Evaluation; and</u>	171
<u>i. Other areas as determined by the Commission.</u>	172
<u>4. Require Licensees to complete a supervised postgraduate professional experience as defined by the Commission;</u>	173 174
<u>5. Have a mechanism in place for receiving and investigating complaints about Licensees.</u>	175 176
<u>B. A Member State shall:</u>	177
<u>1. Participate fully in the Commission's Data System, including using the Commission's unique identifier as defined in Rules;</u>	178 179 180

2. Notify the Commission, in compliance with the terms of the Compact and Rules, of any Adverse Action or the availability of Investigative Information regarding a Licensee; 181  
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3. Implement or utilize procedures for considering the criminal history records of applicants for an initial Privilege to Practice. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that State's criminal records; 184  
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a. A member state must fully implement a criminal background check requirement, within a time frame established by rule, by receiving the results of the Federal Bureau of Investigation record search and shall use the results in making licensure decisions. 192  
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b. Communication between a Member State, the Commission and among Member States regarding the verification of eligibility for licensure through the Compact shall not include any information received from the Federal Bureau of Investigation relating to a federal criminal records check performed by a Member State under Public Law 92-544. 197  
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4. Comply with the Rules of the Commission; 203

5. Require an applicant to obtain or retain a license in the Home State and meet the Home State's qualifications for licensure or renewal of licensure, as well as all other applicable State laws; 204  
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6. Grant the Privilege to Practice to a Licensee holding a valid Unencumbered License in another Member State in accordance 208  
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<u>with the terms of the Compact and Rules; and</u>	210
<u>7. Provide for the attendance of the State's commissioner</u>	211
<u>to the Counseling Compact Commission meetings.</u>	212
<u>C. Member States may charge a fee for granting the</u>	213
<u>Privilege to Practice.</u>	214
<u>D. Individuals not residing in a Member State shall</u>	215
<u>continue to be able to apply for a Member State's Single State</u>	216
<u>License as provided under the laws of each Member State.</u>	217
<u>However, the Single State License granted to these individuals</u>	218
<u>shall not be recognized as granting a Privilege to Practice</u>	219
<u>Professional Counseling in any other Member State.</u>	220
<u>E. Nothing in this Compact shall affect the requirements</u>	221
<u>established by a Member State for the issuance of a Single State</u>	222
<u>License.</u>	223
<u>F. A license issued to a Licensed Professional Counselor</u>	224
<u>by a Home State to a resident in that State shall be recognized</u>	225
<u>by each Member State as authorizing a Licensed Professional</u>	226
<u>Counselor to practice Professional Counseling, under a Privilege</u>	227
<u>to Practice, in each Member State.</u>	228
<u>SECTION 4. PRIVILEGE TO PRACTICE</u>	229
<u>A. To exercise the Privilege to Practice under the terms</u>	230
<u>and provisions of the Compact, the Licensee shall:</u>	231
<u>1. Hold a license in the Home State;</u>	232
<u>2. Have a valid United States Social Security Number or</u>	233
<u>National Practitioner Identifier;</u>	234
<u>3. Be eligible for a Privilege to Practice in any Member</u>	235
<u>State in accordance with Section 4(D), (G) and (H);</u>	236

<u>4. Have not had any Encumbrance or restriction against any</u>	237
<u>license or Privilege to Practice within the previous two (2)</u>	238
<u>years;</u>	239
<u>5. Notify the Commission that the Licensee is seeking the</u>	240
<u>Privilege to Practice within a Remote State(s);</u>	241
<u>6. Pay any applicable fees, including any State fee, for</u>	242
<u>the Privilege to Practice;</u>	243
<u>7. Meet any Continuing Competence/Education requirements</u>	244
<u>established by the Home State;</u>	245
<u>8. Meet any Jurisprudence Requirements established by the</u>	246
<u>Remote State(s) in which the Licensee is seeking a Privilege to</u>	247
<u>Practice; and</u>	248
<u>9. Report to the Commission any Adverse Action,</u>	249
<u>Encumbrance, or restriction on license taken by any non-Member</u>	250
<u>State within 30 days from the date the action is taken.</u>	251
<u>B. The Privilege to Practice is valid until the expiration</u>	252
<u>date of the Home State license. The Licensee must comply with</u>	253
<u>the requirements of Section 4(A) to maintain the Privilege to</u>	254
<u>Practice in the Remote State.</u>	255
<u>C. A Licensee providing Professional Counseling in a</u>	256
<u>Remote State under the Privilege to Practice shall adhere to the</u>	257
<u>laws and regulations of the Remote State.</u>	258
<u>D. A Licensee providing Professional Counseling services</u>	259
<u>in a Remote State is subject to that State's regulatory</u>	260
<u>authority. A Remote State may, in accordance with due process</u>	261
<u>and that State's laws, remove a Licensee's Privilege to Practice</u>	262
<u>in the Remote State for a specific period of time, impose fines,</u>	263
<u>and/or take any other necessary actions to protect the health</u>	264

and safety of its citizens. The Licensee may be ineligible for a 265  
Privilege to Practice in any Member State until the specific 266  
time for removal has passed and all fines are paid. 267

E. If a Home State license is encumbered, the Licensee 268  
shall lose the Privilege to Practice in any Remote State until 269  
the following occur: 270

1. The Home State license is no longer encumbered; and 271

2. Have not had any Encumbrance or restriction against any 272  
license or Privilege to Practice within the previous two (2) 273  
years. 274

F. Once an Encumbered License in the Home State is 275  
restored to good standing, the Licensee must meet the 276  
requirements of Section 4(A) to obtain a Privilege to Practice 277  
in any Remote State. 278

G. If a Licensee's Privilege to Practice in any Remote 279  
State is removed, the individual may lose the Privilege to 280  
Practice in all other Remote States until the following occur: 281

1. The specific period of time for which the Privilege to 282  
Practice was removed has ended; 283

2. All fines have been paid; and 284

3. Have not had any Encumbrance or restriction against any 285  
license or Privilege to Practice within the previous two (2) 286  
years. 287

H. Once the requirements of Section 4(G) have been met, 288  
the Licensee must meet the requirements in Section 4(A) to 289  
obtain a Privilege to Practice in a Remote State. 290

SECTION 5: OBTAINING A NEW HOME STATE LICENSE BASED ON A 291

<u>PRIVILEGE TO PRACTICE</u>	292
<u>A. A Licensed Professional Counselor may hold a Home State license, which allows for a Privilege to Practice in other Member States, in only one Member State at a time.</u>	293 294 295
<u>B. If a Licensed Professional Counselor changes primary State of residence by moving between two Member States:</u>	296 297
<u>1. The Licensed Professional Counselor shall file an application for obtaining a new Home State license based on a Privilege to Practice, pay all applicable fees, and notify the current and new Home State in accordance with applicable Rules adopted by the Commission.</u>	298 299 300 301 302
<u>2. Upon receipt of an application for obtaining a new Home State license by virtue of a Privilege to Practice, the new Home State shall verify that the Licensed Professional Counselor meets the pertinent criteria outlined in Section 4 via the Data System, without need for primary source verification except for:</u>	303 304 305 306 307
<u>a. a Federal Bureau of Investigation fingerprint based criminal background check if not previously performed or updated pursuant to applicable rules adopted by the Commission in accordance with Public Law 92-544;</u>	308 309 310 311
<u>b. other criminal background check as required by the new Home State; and</u>	312 313
<u>c. completion of any requisite Jurisprudence Requirements of the new Home State.</u>	314 315
<u>3. The former Home State shall convert the former Home State license into a Privilege to Practice once the new Home State has activated the new Home State license in accordance with applicable Rules adopted by the Commission.</u>	316 317 318 319

4. Notwithstanding any other provision of this Compact, if 320  
the Licensed Professional Counselor cannot meet the criteria in 321  
Section 4, the new Home State may apply its requirements for 322  
issuing a new Single State License. 323

5. The Licensed Professional Counselor shall pay all 324  
applicable fees to the new Home State in order to be issued a 325  
new Home State license. 326

C. If a Licensed Professional Counselor changes Primary 327  
State of Residence by moving from a Member State to a non-Member 328  
State, or from a non-Member State to a Member State, the State 329  
criteria shall apply for issuance of a Single State License in 330  
the new State. 331

D. Nothing in this Compact shall interfere with a 332  
Licensee's ability to hold a Single State License in multiple 333  
States, however for the purposes of this Compact, a Licensee 334  
shall have only one Home State license. 335

E. Nothing in this Compact shall affect the requirements 336  
established by a Member State for the issuance of a Single State 337  
License. 338

SECTION 6. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES 339

Active Duty Military personnel, or their spouse, shall 340  
designate a Home State where the individual has a current 341  
license in good standing. The individual may retain the Home 342  
State designation during the period the service member is on 343  
active duty. Subsequent to designating a Home State, the 344  
individual shall only change their Home State through 345  
application for licensure in the new State, or through the 346  
process outlined in Section 5. 347

SECTION 7. COMPACT PRIVILEGE TO PRACTICE TELEHEALTH 348

A. Member States shall recognize the right of a Licensed Professional Counselor, licensed by a Home State in accordance with Section 3 and under Rules promulgated by the Commission, to practice Professional Counseling in any Member State via Telehealth under a Privilege to Practice as provided in the Compact and Rules promulgated by the Commission. 349  
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B. A Licensee providing Professional Counseling services in a Remote State under the Privilege to Practice shall adhere to the laws and regulations of the Remote State. 355  
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SECTION 8. ADVERSE ACTIONS 358

A. In addition to the other powers conferred by State law, a Remote State shall have the authority, in accordance with existing State due process law, to: 359  
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1. Take Adverse Action against a Licensed Professional Counselor's Privilege to Practice within that Member State, and 362  
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2. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a Licensing Board in a Member State for the attendance and testimony of witnesses or the production of evidence from another Member State shall be enforced in the latter State by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the State in which the witnesses or evidence are located. 364  
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3. Only the Home State shall have the power to take Adverse Action against a Licensed Professional Counselor's 376  
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license issued by the Home State. 378

B. For purposes of taking Adverse Action, the Home State shall give the same priority and effect to reported conduct received from a Member State as it would if the conduct had occurred within the Home State. In so doing, the Home State shall apply its own State laws to determine appropriate action. 379  
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C. The Home State shall complete any pending investigations of a Licensed Professional Counselor who changes primary State of residence during the course of the investigations. The Home State shall also have the authority to take appropriate action(s) and shall promptly report the conclusions of the investigations to the administrator of the Data System. The administrator of the coordinated licensure information system shall promptly notify the new Home State of any Adverse Actions. 384  
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D. A Member State, if otherwise permitted by State law, may recover from the affected Licensed Professional Counselor the costs of investigations and dispositions of cases resulting from any Adverse Action taken against that Licensed Professional Counselor. 393  
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E. A Member State may take Adverse Action based on the factual findings of the Remote State, provided that the Member State follows its own procedures for taking the Adverse Action. 398  
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F. Joint Investigations: 401

1. In addition to the authority granted to a Member State by its respective Professional Counseling practice act or other applicable State law, any Member State may participate with other Member States in joint investigations of Licensees. 402  
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2. Member States shall share any investigative, 406

litigation, or compliance materials in furtherance of any joint 407  
or individual investigation initiated under the Compact. 408

G. If Adverse Action is taken by the Home State against 409  
the license of a Licensed Professional Counselor, the Licensed 410  
Professional Counselor's Privilege to Practice in all other 411  
Member States shall be deactivated until all Encumbrances have 412  
been removed from the State license. All Home State disciplinary 413  
orders that impose Adverse Action against the license of a 414  
Licensed Professional Counselor shall include a Statement that 415  
the Licensed Professional Counselor's Privilege to Practice is 416  
deactivated in all Member States during the pendency of the 417  
order. 418

H. If a Member State takes Adverse Action, it shall 419  
promptly notify the administrator of the Data System. The 420  
administrator of the Data System shall promptly notify the Home 421  
State of any Adverse Actions by Remote States. 422

I. Nothing in this Compact shall override a Member State's 423  
decision that participation in an Alternative Program may be 424  
used in lieu of Adverse Action. 425

SECTION 9. ESTABLISHMENT OF COUNSELING COMPACT COMMISSION 426

A. The Compact Member States hereby create and establish a 427  
joint public agency known as the Counseling Compact Commission: 428

1. The Commission is an instrumentality of the Compact 429  
States. 430

2. Venue is proper and judicial proceedings by or against 431  
the Commission shall be brought solely and exclusively in a 432  
court of competent jurisdiction where the principal office of 433  
the Commission is located. The Commission may waive venue and 434  
jurisdictional defenses to the extent it adopts or consents to 435



<u>participate in alternative dispute resolution proceedings.</u>	436
<u>3. Nothing in this Compact shall be construed to be a</u>	437
<u>waiver of sovereign immunity.</u>	438
<u>B. Membership, Voting, and Meetings</u>	439
<u>1. Each Member State shall have and be limited to one (1)</u>	440
<u>delegate selected by that Member State's Licensing Board.</u>	441
<u>2. The delegate shall be either:</u>	442
<u>a. A current member of the Licensing Board at the time of</u>	443
<u>appointment, who is a Licensed Professional Counselor or public</u>	444
<u>member; or</u>	445
<u>b. An administrator of the Licensing Board.</u>	446
<u>3. Any delegate may be removed or suspended from office as</u>	447
<u>provided by the law of the State from which the delegate is</u>	448
<u>appointed.</u>	449
<u>4. The Member State Licensing Board shall fill any vacancy</u>	450
<u>occurring on the Commission within 60 days.</u>	451
<u>5. Each delegate shall be entitled to one (1) vote with</u>	452
<u>regard to the promulgation of Rules and creation of bylaws and</u>	453
<u>shall otherwise have an opportunity to participate in the</u>	454
<u>business and affairs of the Commission.</u>	455
<u>6. A delegate shall vote in person or by such other means</u>	456
<u>as provided in the bylaws. The bylaws may provide for delegates'</u>	457
<u>participation in meetings by telephone or other means of</u>	458
<u>communication.</u>	459
<u>7. The Commission shall meet at least once during each</u>	460
<u>calendar year. Additional meetings shall be held as set forth in</u>	461
<u>the bylaws.</u>	462

<u>8. The Commission shall by Rule establish a term of office</u>	463
<u>for delegates and may by Rule establish term limits.</u>	464
<u>C. The Commission shall have the following powers and</u>	465
<u>duties:</u>	466
<u>1. Establish the fiscal year of the Commission;</u>	467
<u>2. Establish bylaws;</u>	468
<u>3. Maintain its financial records in accordance with the</u>	469
<u>bylaws;</u>	470
<u>4. Meet and take such actions as are consistent with the</u>	471
<u>provisions of this Compact and the bylaws;</u>	472
<u>5. Promulgate Rules which shall be binding to the extent</u>	473
<u>and in the manner provided for in the Compact;</u>	474
<u>6. Bring and prosecute legal proceedings or actions in the</u>	475
<u>name of the Commission, provided that the standing of any State</u>	476
<u>Licensing Board to sue or be sued under applicable law shall not</u>	477
<u>be affected;</u>	478
<u>7. Purchase and maintain insurance and bonds;</u>	479
<u>8. Borrow, accept, or contract for services of personnel,</u>	480
<u>including, but not limited to, employees of a Member State;</u>	481
<u>9. Hire employees, elect or appoint officers, fix</u>	482
<u>compensation, define duties, grant such individuals appropriate</u>	483
<u>authority to carry out the purposes of the Compact, and</u>	484
<u>establish the Commission's personnel policies and programs</u>	485
<u>relating to conflicts of interest, qualifications of personnel,</u>	486
<u>and other related personnel matters;</u>	487
<u>10. Accept any and all appropriate donations and grants of</u>	488
<u>money, equipment, supplies, materials, and services, and to</u>	489

receive, utilize, and dispose of the same; provided that at all 490  
times the Commission shall avoid any appearance of impropriety 491  
and/or conflict of interest; 492

11. Lease, purchase, accept appropriate gifts or donations 493  
of, or otherwise to own, hold, improve or use, any property, 494  
real, personal or mixed; provided that at all times the 495  
Commission shall avoid any appearance of impropriety; 496

12. Sell convey, mortgage, pledge, lease, exchange, 497  
abandon, or otherwise dispose of any property real, personal, or 498  
mixed; 499

13. Establish a budget and make expenditures; 500

14. Borrow money; 501

15. Appoint committees, including standing committees 502  
composed of members, State regulators, State legislators or 503  
their representatives, and consumer representatives, and such 504  
other interested persons as may be designated in this Compact 505  
and the bylaws; 506

16. Provide and receive information from, and cooperate 507  
with, law enforcement agencies; 508

17. Establish and elect an Executive Committee; and 509

18. Perform such other functions as may be necessary or 510  
appropriate to achieve the purposes of this Compact consistent 511  
with the State regulation of Professional Counseling licensure 512  
and practice. 513

D. The Executive Committee 514

1. The Executive Committee shall have the power to act on 515  
behalf of the Commission according to the terms of this Compact. 516

<u>2. The Executive Committee shall be composed of up to</u>	517
<u>eleven (11) members:</u>	518
<u>a. Seven voting members who are elected by the Commission</u>	519
<u>from the current membership of the Commission; and</u>	520
<u>b. Up to four (4) ex-officio, nonvoting members from four</u>	521
<u>(4) recognized national professional counselor organizations.</u>	522
<u>c. The ex-officio members will be selected by their</u>	523
<u>respective organizations.</u>	524
<u>3. The Commission may remove any member of the Executive</u>	525
<u>Committee as provided in bylaws.</u>	526
<u>4. The Executive Committee shall meet at least annually.</u>	527
<u>5. The Executive Committee shall have the following duties</u>	528
<u>and responsibilities:</u>	529
<u>a. Recommend to the entire Commission changes to the Rules</u>	530
<u>or bylaws, changes to this Compact legislation, fees paid by</u>	531
<u>Compact Member States such as annual dues, and any Commission</u>	532
<u>Compact fee charged to Licensees for the Privilege to Practice;</u>	533
<u>b. Ensure Compact administration services are</u>	534
<u>appropriately provided, contractual or otherwise;</u>	535
<u>c. Prepare and recommend the budget;</u>	536
<u>d. Maintain financial records on behalf of the Commission;</u>	537
<u>e. Monitor Compact compliance of Member States and provide</u>	538
<u>compliance reports to the Commission;</u>	539
<u>f. Establish additional committees as necessary; and</u>	540
<u>g. Other duties as provided in Rules or bylaws.</u>	541
<u>E. Meetings of the Commission</u>	542

<u>1. All meetings shall be open to the public, and public</u>	543
<u>notice of meetings shall be given in the same manner as required</u>	544
<u>under the Rulemaking provisions in Section 11.</u>	545
<u>2. The Commission or the Executive Committee or other</u>	546
<u>committees of the Commission may convene in a closed, non-public</u>	547
<u>meeting if the Commission or Executive Committee or other</u>	548
<u>committees of the Commission must discuss:</u>	549
<u>a. Non-compliance of a Member State with its obligations</u>	550
<u>under the Compact;</u>	551
<u>b. The employment, compensation, discipline or other</u>	552
<u>matters, practices or procedures related to specific employees</u>	553
<u>or other matters related to the Commissions internal personnel</u>	554
<u>practices and procedures;</u>	555
<u>c. Current, threatened, or reasonably anticipated</u>	556
<u>litigation;</u>	557
<u>d. Negotiation of contracts for the purchase, lease, or</u>	558
<u>sale of goods, services, or real estate;</u>	559
<u>e. Accusing any person of a crime or formally censuring</u>	560
<u>any person;</u>	561
<u>f. Disclosure of trade secrets or commercial or financial</u>	562
<u>information that is privileged or confidential;</u>	563
<u>g. Disclosure of information of a personal nature where</u>	564
<u>disclosure would constitute a clearly unwarranted invasion of</u>	565
<u>personal privacy;</u>	566
<u>h. Disclosure of investigative records compiled for law</u>	567
<u>enforcement purposes;</u>	568
<u>i. Disclosure of information related to any investigative</u>	569

reports prepared by or on behalf of or for use of the Commission 570  
or other committee charged with responsibility of investigation 571  
or determination of compliance issues pursuant to the Compact; 572  
or 573

j. Matters specifically exempted from disclosure by 574  
federal or Member State statute. 575

3. If a meeting, or portion of a meeting, is closed 576  
pursuant to this provision, the Commission's legal counsel or 577  
designee shall certify that the meeting may be closed and shall 578  
reference each relevant exempting provision. 579

4. The Commission shall keep minutes that fully and 580  
clearly describe all matters discussed in a meeting and shall 581  
provide a full and accurate summary of actions taken, and the 582  
reasons therefore, including a description of the views 583  
expressed. All documents considered in connection with an action 584  
shall be identified in such minutes. All minutes and documents 585  
of a closed meeting shall remain under seal, subject to release 586  
by a majority vote of the Commission or order of a court of 587  
competent jurisdiction. 588

F. Financing of the Commission 589

1. The Commission shall pay, or provide for the payment 590  
of, the reasonable expenses of its establishment, organization, 591  
and ongoing activities. 592

2. The Commission may accept any and all appropriate 593  
revenue sources, donations, and grants of money, equipment, 594  
supplies, materials, and services. 595

3. The Commission may levy on and collect an annual 596  
assessment from each Member State or impose fees on other 597  
parties to cover the cost of the operations and activities of 598

the Commission and its staff, which must be in a total amount 599  
sufficient to cover its annual budget as approved each year for 600  
which revenue is not provided by other sources. The aggregate 601  
annual assessment amount shall be allocated based upon a formula 602  
to be determined by the Commission, which shall promulgate a 603  
Rule binding upon all Member States. 604

4. The Commission shall not incur obligations of any kind 605  
prior to securing the funds adequate to meet the same; nor shall 606  
the Commission pledge the credit of any of the Member States, 607  
except by and with the authority of the Member State. 608

5. The Commission shall keep accurate accounts of all 609  
receipts and disbursements. The receipts and disbursements of 610  
the Commission shall be subject to the audit and accounting 611  
procedures established under its bylaws. However, all receipts 612  
and disbursements of funds handled by the Commission shall be 613  
audited yearly by a certified or licensed public accountant, and 614  
the report of the audit shall be included in and become part of 615  
the annual report of the Commission. 616

G. Qualified Immunity, Defense, and Indemnification 617

1. The members, officers, executive director, employees 618  
and representatives of the Commission shall be immune from suit 619  
and liability, either personally or in their official capacity, 620  
for any claim for damage to or loss of property or personal 621  
injury or other civil liability caused by or arising out of any 622  
actual or alleged act, error or omission that occurred, or that 623  
the person against whom the claim is made had a reasonable basis 624  
for believing occurred within the scope of Commission 625  
employment, duties or responsibilities; provided that nothing in 626  
this paragraph shall be construed to protect any such person 627  
from suit and/or liability for any damage, loss, injury, or 628

liability caused by the intentional or willful or wanton 629  
misconduct of that person. 630

2. The Commission shall defend any member, officer, 631  
executive director, employee or representative of the Commission 632  
in any civil action seeking to impose liability arising out of 633  
any actual or alleged act, error, or omission that occurred 634  
within the scope of Commission employment, duties, or 635  
responsibilities, or that the person against whom the claim is 636  
made had a reasonable basis for believing occurred within the 637  
scope of Commission employment, duties, or responsibilities; 638  
provided that nothing herein shall be construed to prohibit that 639  
person from retaining his or her own counsel; and provided 640  
further, that the actual or alleged act, error, or omission did 641  
not result from that persons intentional or willful or wanton 642  
misconduct. 643

3. The Commission shall indemnify and hold harmless any 644  
member, officer, executive director, employee, or representative 645  
of the Commission for the amount of any settlement or judgment 646  
obtained against that person arising out of any actual or 647  
alleged act, error, or omission that occurred within the scope 648  
of Commission employment, duties, or responsibilities, or that 649  
such person had a reasonable basis for believing occurred within 650  
the scope of Commission employment, duties, or responsibilities, 651  
provided that the actual or alleged act, error, or omission did 652  
not result from the intentional or willful or wanton misconduct 653  
of that person. 654

SECTION 10. DATA SYSTEM 655

A. The Commission shall provide for the development, 656  
maintenance, operation, and utilization of a coordinated 657  
database and reporting system containing licensure, Adverse 658



<u>Action, and Investigative Information on all licensed</u>	659
<u>individuals in Member States.</u>	660
<u>B. Notwithstanding any other provision of State law to the</u>	661
<u>contrary, a Member State shall submit a uniform data set to the</u>	662
<u>Data System on all individuals to whom this Compact is</u>	663
<u>applicable as required by the Rules of the Commission,</u>	664
<u>including:</u>	665
<u>1. Identifying information;</u>	666
<u>2. Licensure data;</u>	667
<u>3. Adverse Actions against a license or Privilege to</u>	668
<u>Practice;</u>	669
<u>4. Non-confidential information related to Alternative</u>	670
<u>Program participation;</u>	671
<u>5. Any denial of application for licensure, and the</u>	672
<u>reason(s) for such denial;</u>	673
<u>6. Current Significant Investigative Information; and</u>	674
<u>7. Other information that may facilitate the</u>	675
<u>administration of this Compact, as determined by the Rules of</u>	676
<u>the Commission.</u>	677
<u>C. Investigative Information pertaining to a Licensee in</u>	678
<u>any Member State will only be available to other Member States.</u>	679
<u>D. The Commission shall promptly notify all Member States</u>	680
<u>of any Adverse Action taken against a Licensee or an individual</u>	681
<u>applying for a license. Adverse Action information pertaining to</u>	682
<u>a Licensee in any Member State will be available to any other</u>	683
<u>Member State.</u>	684
<u>E. Member States contributing information to the Data</u>	685

System may designate information that may not be shared with the 686  
public without the express permission of the contributing State. 687

F. Any information submitted to the Data System that is 688  
subsequently required to be expunged by the laws of the Member 689  
State contributing the information shall be removed from the 690  
Data System. 691

SECTION 11. RULEMAKING 692

A. The Commission shall promulgate reasonable Rules in 693  
order to effectively and efficiently achieve the purpose of the 694  
Compact. Notwithstanding the foregoing, in the event the 695  
Commission exercises its Rulemaking authority in a manner that 696  
is beyond the scope of the purposes of the Compact, or the 697  
powers granted hereunder, then such an action by the Commission 698  
shall be invalid and have no force or effect. 699

B. The Commission shall exercise its Rulemaking powers 700  
pursuant to the criteria set forth in this Section and the Rules 701  
adopted thereunder. Rules and amendments shall become binding as 702  
of the date specified in each Rule or amendment. 703

C. If a majority of the legislatures of the Member States 704  
rejects a Rule, by enactment of a statute or resolution in the 705  
same manner used to adopt the Compact within four (4) years of 706  
the date of adoption of the Rule, then such Rule shall have no 707  
further force and effect in any Member State. 708

D. Rules or amendments to the Rules shall be adopted at a 709  
regular or special meeting of the Commission. 710

E. Prior to promulgation and adoption of a final Rule or 711  
Rules by the Commission, and at least thirty (30) days in 712  
advance of the meeting at which the Rule will be considered and 713  
voted upon, the Commission shall file a Notice of Proposed 714

<u>Rulemaking:</u>	715
<u>1. On the website of the Commission or other publicly accessible platform; and</u>	716 717
<u>2. On the website of each Member State Professional Counseling Licensing Board or other publicly accessible platform or the publication in which each State would otherwise publish proposed Rules.</u>	718 719 720 721
<u>F. The Notice of Proposed Rulemaking shall include:</u>	722
<u>1. The proposed time, date, and location of the meeting in which the Rule will be considered and voted upon;</u>	723 724
<u>2. The text of the proposed Rule or amendment and the reason for the proposed Rule;</u>	725 726
<u>3. A request for comments on the proposed Rule from any interested person; and</u>	727 728
<u>4. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.</u>	729 730 731
<u>G. Prior to adoption of a proposed Rule, the Commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.</u>	732 733 734
<u>H. The Commission shall grant an opportunity for a public hearing before it adopts a Rule or amendment if a hearing is requested by:</u>	735 736 737
<u>1. At least twenty-five (25) persons;</u>	738
<u>2. A State or federal governmental subdivision or agency;</u>	739
<u>or</u>	740
<u>3. An association having at least twenty-five (25)</u>	741

<u>members.</u>	742
<u>I. If a hearing is held on the proposed Rule or amendment,</u>	743
<u>the Commission shall publish the place, time, and date of the</u>	744
<u>scheduled public hearing. If the hearing is held via electronic</u>	745
<u>means, the Commission shall publish the mechanism for access to</u>	746
<u>the electronic hearing.</u>	747
<u>1. All persons wishing to be heard at the hearing shall</u>	748
<u>notify the executive director of the Commission or other</u>	749
<u>designated member in writing of their desire to appear and</u>	750
<u>testify at the hearing not less than five (5) business days</u>	751
<u>before the scheduled date of the hearing.</u>	752
<u>2. Hearings shall be conducted in a manner providing each</u>	753
<u>person who wishes to comment a fair and reasonable opportunity</u>	754
<u>to comment orally or in writing.</u>	755
<u>3. All hearings will be recorded. A copy of the recording</u>	756
<u>will be made available on request.</u>	757
<u>4. Nothing in this section shall be construed as requiring</u>	758
<u>a separate hearing on each Rule. Rules may be grouped for the</u>	759
<u>convenience of the Commission at hearings required by this</u>	760
<u>section.</u>	761
<u>J. Following the scheduled hearing date, or by the close</u>	762
<u>of business on the scheduled hearing date if the hearing was not</u>	763
<u>held, the Commission shall consider all written and oral</u>	764
<u>comments received.</u>	765
<u>K. If no written notice of intent to attend the public</u>	766
<u>hearing by interested parties is received, the Commission may</u>	767
<u>proceed with promulgation of the proposed Rule without a public</u>	768
<u>hearing.</u>	769

L. The Commission shall, by majority vote of all members, 770  
take final action on the proposed Rule and shall determine the 771  
effective date of the Rule, if any, based on the Rulemaking 772  
record and the full text of the Rule. 773

M. Upon determination that an emergency exists, the 774  
Commission may consider and adopt an emergency Rule without 775  
prior notice, opportunity for comment, or hearing, provided that 776  
the usual Rulemaking procedures provided in the Compact and in 777  
this section shall be retroactively applied to the Rule as soon 778  
as reasonably possible, in no event later than ninety (90) days 779  
after the effective date of the Rule. For the purposes of this 780  
provision, an emergency Rule is one that must be adopted 781  
immediately in order to: 782

1. Meet an imminent threat to public health, safety, or 783  
welfare; 784

2. Prevent a loss of Commission or Member State funds; 785

3. Meet a deadline for the promulgation of an 786  
administrative Rule that is established by federal law or Rule; 787  
or 788

4. Protect public health and safety. 789

N. The Commission or an authorized committee of the 790  
Commission may direct revisions to a previously adopted Rule or 791  
amendment for purposes of correcting typographical errors, 792  
errors in format, errors in consistency, or grammatical errors. 793  
Public notice of any revisions shall be posted on the website of 794  
the Commission. The revision shall be subject to challenge by 795  
any person for a period of thirty (30) days after posting. The 796  
revision may be challenged only on grounds that the revision 797  
results in a material change to a Rule. A challenge shall be 798

made in writing and delivered to the chair of the Commission 799  
prior to the end of the notice period. If no challenge is made, 800  
the revision will take effect without further action. If the 801  
revision is challenged, the revision may not take effect without 802  
the approval of the Commission. 803

SECTION 12. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT 804

A. Oversight 805

1. The executive, legislative, and judicial branches of 806  
State government in each Member State shall enforce this Compact 807  
and take all actions necessary and appropriate to effectuate the 808  
Compacts purposes and intent. The provisions of this Compact and 809  
the Rules promulgated hereunder shall have standing as statutory 810  
law. 811

2. All courts shall take judicial notice of the Compact 812  
and the Rules in any judicial or administrative proceeding in a 813  
Member State pertaining to the subject matter of this Compact 814  
which may affect the powers, responsibilities, or actions of the 815  
Commission. 816

3. The Commission shall be entitled to receive service of 817  
process in any such proceeding and shall have standing to 818  
intervene in such a proceeding for all purposes. Failure to 819  
provide service of process to the Commission shall render a 820  
judgment or order void as to the Commission, this Compact, or 821  
promulgated Rules. 822

B. Default, Technical Assistance, and Termination 823

1. If the Commission determines that a Member State has 824  
defaulted in the performance of its obligations or 825  
responsibilities under this Compact or the promulgated Rules, 826  
the Commission shall: 827

a. Provide written notice to the defaulting State and 828  
other Member States of the nature of the default, the proposed 829  
means of curing the default and/or any other action to be taken 830  
by the Commission; and 831

b. Provide remedial training and specific technical 832  
assistance regarding the default. 833

c. If a State in default fails to cure the default, the 834  
defaulting State may be terminated from the Compact upon an 835  
affirmative vote of a majority of the Member States, and all 836  
rights, privileges and benefits conferred by this Compact may be 837  
terminated on the effective date of termination. A cure of the 838  
default does not relieve the offending State of obligations or 839  
liabilities incurred during the period of default. 840

d. Termination of membership in the Compact shall be 841  
imposed only after all other means of securing compliance have 842  
been exhausted. Notice of intent to suspend or terminate shall 843  
be given by the Commission to the governor, the majority and 844  
minority leaders of the defaulting States legislature, and each 845  
of the Member States. 846

e. A State that has been terminated is responsible for all 847  
assessments, obligations, and liabilities incurred through the 848  
effective date of termination, including obligations that extend 849  
beyond the effective date of termination. 850

f. The Commission shall not bear any costs related to a 851  
State that is found to be in default or that has been terminated 852  
from the Compact, unless agreed upon in writing between the 853  
Commission and the defaulting State. 854

g. The defaulting State may appeal the action of the 855  
Commission by petitioning the U.S. District Court for the 856

District of Columbia or the federal district where the 857  
Commission has its principal offices. The prevailing member 858  
shall be awarded all costs of such litigation, including 859  
reasonable attorneys fees. 860

H. Dispute Resolution 861

1. Upon request by a Member State, the Commission shall 862  
attempt to resolve disputes related to the Compact that arise 863  
among Member States and between member and non-Member States. 864

2. The Commission shall promulgate a Rule providing for 865  
both mediation and binding dispute resolution for disputes as 866  
appropriate. 867

I. Enforcement 868

1. The Commission, in the reasonable exercise of its 869  
discretion, shall enforce the provisions and Rules of this 870  
Compact. 871

2. By majority vote, the Commission may initiate legal 872  
action in the United States District Court for the District of 873  
Columbia or the federal district where the Commission has its 874  
principal offices against a Member State in default to enforce 875  
compliance with the provisions of the Compact and its 876  
promulgated Rules and bylaws. The relief sought may include both 877  
injunctive relief and damages. In the event judicial enforcement 878  
is necessary, the prevailing member shall be awarded all costs 879  
of such litigation, including reasonable attorneys fees. 880

3. The remedies herein shall not be the exclusive remedies 881  
of the Commission. The Commission may pursue any other remedies 882  
available under federal or State law. 883

SECTION 13. DATE OF IMPLEMENTATION OF THE COUNSELING 884



<u>COMPACT COMMISSION AND ASSOCIATED RULES, WITHDRAWAL, AND</u>	885
<u>AMENDMENT</u>	886
<u>A. The Compact shall come into effect on the date on which</u>	887
<u>the Compact statute is enacted into law in the tenth Member</u>	888
<u>State. The provisions, which become effective at that time,</u>	889
<u>shall be limited to the powers granted to the Commission</u>	890
<u>relating to assembly and the promulgation of Rules. Thereafter,</u>	891
<u>the Commission shall meet and exercise Rulemaking powers</u>	892
<u>necessary to the implementation and administration of the</u>	893
<u>Compact.</u>	894
<u>B. Any State that joins the Compact subsequent to the</u>	895
<u>Commissions initial adoption of the Rules shall be subject to</u>	896
<u>the Rules as they exist on the date on which the Compact becomes</u>	897
<u>law in that State. Any Rule that has been previously adopted by</u>	898
<u>the Commission shall have the full force and effect of law on</u>	899
<u>the day the Compact becomes law in that State.</u>	900
<u>C. Any Member State may withdraw from this Compact by</u>	901
<u>enacting a statute repealing the same.</u>	902
<u>1. A Member State's withdrawal shall not take effect until</u>	903
<u>six (6) months after enactment of the repealing statute.</u>	904
<u>2. Withdrawal shall not affect the continuing requirement</u>	905
<u>of the withdrawing States Professional Counseling Licensing</u>	906
<u>Board to comply with the investigative and Adverse Action</u>	907
<u>reporting requirements of this act prior to the effective date</u>	908
<u>of withdrawal.</u>	909
<u>D. Nothing contained in this Compact shall be construed to</u>	910
<u>invalidate or prevent any Professional Counseling licensure</u>	911
<u>agreement or other cooperative arrangement between a Member</u>	912
<u>State and a non-Member State that does not conflict with the</u>	913

provisions of this Compact. 914

E. This Compact may be amended by the Member States. No 915  
amendment to this Compact shall become effective and binding 916  
upon any Member State until it is enacted into the laws of all 917  
Member States. 918

SECTION 14. CONSTRUCTION AND SEVERABILITY 919

This Compact shall be liberally construed so as to 920  
effectuate the purposes thereof. The provisions of this Compact 921  
shall be severable and if any phrase, clause, sentence or 922  
provision of this Compact is declared to be contrary to the 923  
constitution of any Member State or of the United States or the 924  
applicability thereof to any government, agency, person or 925  
circumstance is held invalid, the validity of the remainder of 926  
this Compact and the applicability thereof to any government, 927  
agency, person or circumstance shall not be affected thereby. If 928  
this Compact shall be held contrary to the constitution of any 929  
Member State, the Compact shall remain in full force and effect 930  
as to the remaining Member States and in full force and effect 931  
as to the Member State affected as to all severable matters. 932

SECTION 15. BINDING EFFECT OF COMPACT AND OTHER LAWS 933

A. A Licensee providing Professional Counseling services 934  
in a Remote State under the Privilege to Practice shall adhere 935  
to the laws and regulations, including scope of practice, of the 936  
Remote State. 937

B. Nothing herein prevents the enforcement of any other 938  
law of a Member State that is not inconsistent with the Compact. 939

C. Any laws in a Member State in conflict with the Compact 940  
are superseded to the extent of the conflict. 941

D. Any lawful actions of the Commission, including all 942  
Rules and bylaws properly promulgated by the Commission, are 943  
binding upon the Member States. 944

E. All permissible agreements between the Commission and 945  
the Member States are binding in accordance with their terms. 946

F. In the event any provision of the Compact exceeds the 947  
constitutional limits imposed on the legislature of any Member 948  
State, the provision shall be ineffective to the extent of the 949  
conflict with the constitutional provision in question in that 950  
Member State. 951

**Sec. 4757.511.** Not later than sixty days after the 952  
"Counseling Compact" is entered into under section 4757.51 of 953  
the Revised Code, the counselor, social worker, and marriage and 954  
family therapist board, in accordance with section 9 of the 955  
compact, shall select an individual to serve as a delegate to 956  
the counseling compact commission created under the compact. The 957  
board shall fill a vacancy in this position not later than sixty 958  
days after the vacancy occurs. 959