

SENATE FILE NO. SF0054

Licensed professional counselor compact.

Sponsored by: Senator(s) Pappas, Kost, Schuler and
Wasserburger and Representative(s) Connolly,
Duncan, Harshman, Kinner and Zwonitzer

A BILL

for

1 AN ACT relating to professions and occupations; entering
2 into a compact with other states to allow licensed
3 professional counselors licensed in one compact state to
4 exercise a multistate licensure privilege in other states
5 that are party to the compact; retaining authority to
6 license counselors only in this state; approving and
7 specifying terms of the compact; making conforming
8 amendments; and providing for an effective date.

9

10 *Be It Enacted by the Legislature of the State of Wyoming:*

11

12 **Section 1.** W.S. 33-38-201 and 33-38-202 are created
13 to read:

14

15

ARTICLE 2

1 INTERSTATE COMPACT FOR LICENSED PROFESSIONAL COUNSELORS

2

3 **33-38-201. Short title.**

4

5 This article shall be known and may be cited as the

6 "Interstate Compact for Licensed Professional Counselors."

7

8 **33-38-202. Interstate compact for licensed**
9 **professional counselors.**

10

11 The Interstate Compact for Licensed Professional Counselors

12 as contained herein is hereby enacted into law and entered

13 into on behalf of this state with any and all other states

14 legally joining therein in a form substantially as follows:

15

16 SECTION 1.

17 PURPOSE

18

19 The purpose of this Compact is to facilitate interstate

20 practice of Licensed Professional Counselors with the goal

21 of improving public access to Professional Counseling

22 services. The practice of Professional Counseling occurs in

23 the State where the client is located at the time of the

1 counseling services. The Compact preserves the regulatory
2 authority of States to protect public health and safety
3 through the current system of State licensure. This Compact
4 is designed to achieve the following objectives:

5

6 A. Increase public access to Professional Counseling
7 services by providing for the mutual recognition of other
8 Member State licenses;

9

10 B. Enhance the States' ability to protect the
11 public's health and safety;

12

13 C. Encourage the cooperation of Member States in
14 regulating multistate practice for Licensed Professional
15 Counselors;

16

17 D. Support spouses of relocating Active Duty Military
18 personnel;

19

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

22

1 F. Allow for the use of Telehealth technology to
2 facilitate increased access to Professional Counseling
3 services;

4

5 G. Support the uniformity of Professional Counseling
6 licensure requirements throughout the States to promote
7 public safety and public health benefits;

8

9 H. Invest all Member States with the authority to
10 hold a Licensed Professional Counselor accountable for
11 meeting all State practice laws in the State in which the
12 client is located at the time care is rendered through the
13 mutual recognition of Member State licenses;

14

15 I. Eliminate the necessity for licenses in multiple
16 States; and

17

18 J. Provide opportunities for interstate practice by
19 Licensed Professional Counselors who meet uniform licensure
20 requirements.

21

22

SECTION 2.

23

DEFINITIONS

1

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

4

5 A. "Active Duty Military" means full-time duty status
6 in the active uniformed service of the United States,
7 including members of the National Guard and Reserve on
8 active duty orders pursuant to 10 U.S.C. Chapters 1209 and
9 1211;

10

11 B. "Adverse Action" means any administrative, civil,
12 equitable or criminal action permitted by a State's laws
13 which is imposed by a licensing board or other authority
14 against a Licensed Professional Counselor, including
15 actions against an individual's license or Privilege to
16 Practice such as revocation, suspension, probation,
17 monitoring of the licensee, limitation on the licensee's
18 practice, or any other Encumbrance on licensure affecting a
19 Licensed Professional Counselor's authorization to
20 practice, including issuance of a cease and desist action;

21

22 C. "Alternative Program" means a non-disciplinary
23 monitoring or practice remediation process approved by a

1 Professional Counseling Licensing Board to address Impaired
2 Practitioners;

3

4 D. "Continuing Competence/Education" means a
5 requirement, as a condition of license renewal, to provide
6 evidence of participation in, and/or completion of,
7 educational and professional activities relevant to
8 practice or area of work;

9

10 E. "Counseling Compact Commission" or "Commission"
11 means the national administrative body whose membership
12 consists of all States that have enacted the Compact;

13

14 F. "Current Significant Investigative Information"
15 means:

16

17 1. Investigative Information that a Licensing
18 Board, after a preliminary inquiry that includes
19 notification and an opportunity for the Licensed
20 Professional Counselor to respond, if required by State
21 law, has reason to believe is not groundless and, if proved
22 true, would indicate more than a minor infraction; or

23

1 2. Investigative Information that indicates that
2 the Licensed Professional Counselor represents an immediate
3 threat to public health and safety regardless of whether
4 the Licensed Professional Counselor has been notified and
5 had an opportunity to respond.

6

7 G. "Data System" means a repository of information
8 about Licensees, including, but not limited to, continuing
9 education, examination, licensure, investigative, Privilege
10 to Practice and Adverse Action information;

11

12 H. "Encumbered License" means a license in which an
13 Adverse Action restricts the practice of licensed
14 Professional Counseling by the Licensee and said Adverse
15 Action has been reported to the National Practitioners Data
16 Bank (NPDB);

17

18 I. "Encumbrance" means a revocation or suspension of,
19 or any limitation on, the full and unrestricted practice of
20 Licensed Professional Counseling by a Licensing Board;

21

1 J. "Executive Committee" means a group of directors
2 elected or appointed to act on behalf of, and within the
3 powers granted to them by, the Commission;

4

5 K. "Home State" means the Member State that is the
6 Licensee's primary State of residence;

7

8 L. "Impaired Practitioner" means an individual who
9 has a condition(s) that may impair their ability to
10 practice as a Licensed Professional Counselor without some
11 type of intervention and may include, but are not limited
12 to, alcohol and drug dependence, mental health impairment,
13 and neurological or physical impairments;

14

15 M. "Investigative Information" means information,
16 records, and documents received or generated by a
17 Professional Counseling Licensing Board pursuant to an
18 investigation;

19

20 N. "Jurisprudence Requirement" if required by a
21 Member State, means the assessment of an individual's
22 knowledge of the laws and Rules governing the practice of
23 Professional Counseling in a State;

1

2 O. "Licensed Professional Counselor" means a
3 counselor licensed by a Member State, regardless of the
4 title used by that State, to independently assess,
5 diagnose, and treat behavioral health conditions;

6

7 P. "Licensee" means an individual who currently holds
8 an authorization from the State to practice as a Licensed
9 Professional Counselor;

10

11 Q. "Licensing Board" means the agency of a State, or
12 equivalent, that is responsible for the licensing and
13 regulation of Licensed Professional Counselors;

14

15 R. "Member State" means a State that has enacted the
16 Compact;

17

18 S. "Privilege to Practice" means a legal
19 authorization, which is equivalent to a license, permitting
20 the practice of Professional Counseling in a Remote State;

21

1 T. "Professional Counseling" means the assessment,
2 diagnosis, and treatment of behavioral health conditions by
3 a Licensed Professional Counselor;

4

5 U. "Remote State" means a Member State other than the
6 Home State, where a Licensee is exercising or seeking to
7 exercise the Privilege to Practice;

8

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

11

12 W. "Single State License" means a Licensed
13 Professional Counselor license issued by a Member State
14 that authorizes practice only within the issuing State and
15 does not include a Privilege to Practice in any other
16 Member State;

17

18 X. "State" means any state, commonwealth, district,
19 or territory of the United States of America that regulates
20 the practice of Professional Counseling;

21

22 Y. "Telehealth" means the application of
23 telecommunication technology to deliver Professional

1 Counseling services remotely to assess, diagnose, and treat
2 behavioral health conditions;

3

4 Z. "Unencumbered License" means a license that
5 authorizes a Licensed Professional Counselor to engage in
6 the full and unrestricted practice of Professional
7 Counseling.

8

9

SECTION 3.

10

STATE PARTICIPATION IN THE COMPACT

11

12 A. To Participate in the Compact, a State must
13 currently:

14

15 1. License and regulate Licensed Professional
16 Counselors;

17

18 2. Require Licensees to pass a nationally
19 recognized exam approved by the Commission;

20

21 3. Require Licensees to have a 60 semester-hour
22 (or 90 quarter-hour) master's degree in counseling or 60

1 semester-hours (or 90 quarter-hours) of graduate course
2 work including the following topic areas:

3

4 a. Professional Counseling Orientation and
5 Ethical Practice;

6

7 b. Social and Cultural Diversity;

8

9 c. Human Growth and Development;

10

11 d. Career Development;

12

13 e. Counseling and Helping Relationships;

14

15 f. Group Counseling and Group Work;

16

17 g. Diagnosis and Treatment; Assessment and
18 Testing;

19

20 h. Research and Program Evaluation; and

21

22 i. Other areas as determined by the
23 Commission.

1

2 4. Require Licensees to complete a supervised
3 postgraduate professional experience as defined by the
4 Commission;

5

6 5. Have a mechanism in place for receiving and
7 investigating complaints about Licensees.

8

9 B. A Member State shall:

10

11 1. Participate fully in the Commission's Data
12 System, including using the Commission's unique identifier
13 as defined in Rules;

14

15 2. Notify the Commission, in compliance with the
16 terms of the Compact and Rules, of any Adverse Action or
17 the availability of Investigative Information regarding a
18 Licensee;

19

20 3. Implement or utilize procedures for
21 considering the criminal history records of applicants for
22 an initial Privilege to Practice. These procedures shall
23 include the submission of fingerprints or other

1 biometric-based information by applicants for the purpose
2 of obtaining an applicant's criminal history record
3 information from the Federal Bureau of Investigation and
4 the agency responsible for retaining that State's criminal
5 records:

6

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

12

13 b. Communication between a Member State,
14 the Commission and among Member States regarding the
15 verification of eligibility for licensure through the
16 Compact shall not include any information received from the
17 Federal Bureau of Investigation relating to a federal
18 criminal records check performed by a Member State under
19 Public Law 92-544.

20

21 4. Comply with the Rules of the Commission;

22

1 5. Require an applicant to obtain or retain a
2 license in the Home State and meet the Home State's
3 qualifications for licensure or renewal of licensure, as
4 well as all other applicable State laws;

5

6 6. Grant the Privilege to Practice to a Licensee
7 holding a valid Unencumbered License in another Member
8 State in accordance with the terms of the Compact and
9 Rules; and

10

11 7. Provide for the attendance of the State's
12 commissioner to the Counseling Compact Commission meetings.

13

14 C. Member States may charge a fee for granting the
15 Privilege to Practice.

16

17 D. Individuals not residing in a Member State shall
18 continue to be able to apply for a Member State's Single
19 State License as provided under the laws of each Member
20 State. However, the Single State License granted to these
21 individuals shall not be recognized as granting a Privilege
22 to Practice Professional Counseling in any other Member
23 State.

1

2 E. Nothing in this Compact shall affect the
3 requirements established by a Member State for the issuance
4 of a Single State License.

5

6 F. A license issued to a Licensed Professional
7 Counselor by a Home State to a resident in that State shall
8 be recognized by each Member State as authorizing a
9 Licensed Professional Counselor to practice Professional
10 Counseling, under a Privilege to Practice, in each Member
11 State.

12

13

SECTION 4.

14

PRIVILEGE TO PRACTICE

15

16 A. To exercise the Privilege to Practice under the
17 terms and provisions of the Compact, the Licensee shall:

18

19 1. Hold a license in the Home State;

20

21 2. Have a valid United States Social Security
22 Number or National Practitioner Identifier;

23

1 3. Be eligible for a Privilege to Practice in
2 any Member State in accordance with Section 4(D), (G) and
3 (H);

4
5 4. Have not had any Encumbrance or restriction
6 against any license or Privilege to Practice within the
7 previous two (2) years;

8
9 5. Notify the Commission that the Licensee is
10 seeking the Privilege to Practice within a Remote State(s);

11
12 6. Pay any applicable fees, including any State
13 fee, for the Privilege to Practice;

14
15 7. Meet any Continuing Competence/Education
16 requirements established by the Home State;

17
18 8. Meet any Jurisprudence Requirements
19 established by the Remote State(s) in which the Licensee is
20 seeking a Privilege to Practice; and

21
22 9. Report to the Commission any Adverse Action,
23 Encumbrance, or restriction on license taken by any

1 non-Member State within 30 days from the date the action is
2 taken.

3

4 B. The Privilege to Practice is valid until the
5 expiration date of the Home State license. The Licensee
6 must comply with the requirements of Section 4(A) to
7 maintain the Privilege to Practice in the Remote State.

8

9 C. A Licensee providing Professional Counseling in a
10 Remote State under the Privilege to Practice shall adhere
11 to the laws and regulations of the Remote State.

12

13 D. A Licensee providing Professional Counseling
14 services in a Remote State is subject to that State's
15 regulatory authority. A Remote State may, in accordance
16 with due process and that State's laws, remove a Licensee's
17 Privilege to Practice in the Remote State for a specific
18 period of time, impose fines, and/or take any other
19 necessary actions to protect the health and safety of its
20 citizens. The Licensee may be ineligible for a Privilege to
21 Practice in any Member State until the specific time for
22 removal has passed and all fines are paid.

23

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

4

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

7

8 2. Have not had any Encumbrance or restriction
9 against any license or Privilege to Practice within the
10 previous two (2) years.

11

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

16

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

21

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

1

2

2. All fines have been paid; and

3

4

5

6

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

7

8

9

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11

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

12

SECTION 5.

13

OBTAINING A NEW HOME STATE LICENSE BASED ON A PRIVILEGE TO

14

PRACTICE

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16

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18

19

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.

20

21

22

23

B. If a Licensed Professional Counselor changes primary State of residence by moving between two Member States:

1 1. The Licensed Professional Counselor shall
2 file an application for obtaining a new Home State license
3 based on a Privilege to Practice, pay all applicable fees,
4 and notify the current and new Home State in accordance
5 with applicable Rules adopted by the Commission;

6

7 2. Upon receipt of an application for obtaining
8 a new Home State license by virtue of a Privilege to
9 Practice, the new Home State shall verify that the Licensed
10 Professional Counselor meets the pertinent criteria
11 outlined in Section 4 via the Data System, without need for
12 primary source verification except for:

13

14 a. A Federal Bureau of Investigation
15 fingerprint based criminal background check if not
16 previously performed or updated pursuant to applicable
17 rules adopted by the Commission in accordance with Public
18 Law 92-544;

19

20 b. Other criminal background check as
21 required by the new Home State; and

22

1 c. Completion of any requisite
2 Jurisprudence Requirements of the new Home State.

3

4 3. The former Home State shall convert the
5 former Home State license into a Privilege to Practice once
6 the new Home State has activated the new Home State license
7 in accordance with applicable Rules adopted by the
8 Commission;

9

10 4. Notwithstanding any other provision of this
11 Compact, if the Licensed Professional Counselor cannot meet
12 the criteria in Section 4, the new Home State may apply its
13 requirements for issuing a new Single State License;

14

15 5. The Licensed Professional Counselor shall pay
16 all applicable fees to the new Home State in order to be
17 issued a new Home State license.

18

19 C. If a Licensed Professional Counselor changes
20 Primary State of Residence by moving from a Member State to
21 a non-Member State, or from a non-Member State to a Member
22 State, the State criteria shall apply for issuance of a
23 Single State License in the new State.

1

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

6

7 E. Nothing in this Compact shall affect the
8 requirements established by a Member State for the issuance
9 of a Single State License.

10

11

SECTION 6.

12

ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

13

14 Active Duty Military personnel, or their spouse, shall
15 designate a Home State where the individual has a current
16 license in good standing. The individual may retain the
17 Home State designation during the period the service member
18 is on active duty. Subsequent to designating a Home State,
19 the individual shall only change their Home State through
20 application for licensure in the new State, or through the
21 process outlined in Section 5.

22

23

SECTION 7.

1 COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

2

3 A. Member States shall recognize the right of a
4 Licensed Professional Counselor, licensed by a Home State
5 in accordance with Section 3 and under Rules promulgated by
6 the Commission, to practice Professional Counseling in any
7 Member State via Telehealth under a Privilege to Practice
8 as provided in the Compact and Rules promulgated by the
9 Commission.

10

11 B. A Licensee providing Professional Counseling
12 services in a Remote State under the Privilege to Practice
13 shall adhere to the laws and regulations of the Remote
14 State.

15

16 SECTION 8.

17 ADVERSE ACTIONS

18

19 A. In addition to the other powers conferred by State
20 law, a Remote State shall have the authority, in accordance
21 with existing State due process law, to:

22

1 1. Take Adverse Action against a Licensed
2 Professional Counselor's Privilege to Practice within that
3 Member State; and

4
5 2. Issue subpoenas for both hearings and
6 investigations that require the attendance and testimony of
7 witnesses as well as the production of evidence. Subpoenas
8 issued by a Licensing Board in a Member State for the
9 attendance and testimony of witnesses or the production of
10 evidence from another Member State shall be enforced in the
11 latter State by any court of competent jurisdiction,
12 according to the practice and procedure of that court
13 applicable to subpoenas issued in proceedings pending
14 before it. The issuing authority shall pay any witness
15 fees, travel expenses, mileage, and other fees required by
16 the service statutes of the State in which the witnesses or
17 evidence are located;

18
19 3. Only the Home State shall have the power to
20 take Adverse Action against a Licensed Professional
21 Counselor's license issued by the Home State.

22

1 B. For purposes of taking Adverse Action, the Home
2 State shall give the same priority and effect to reported
3 conduct received from a Member State as it would if the
4 conduct had occurred within the Home State. In so doing,
5 the Home State shall apply its own State laws to determine
6 appropriate action.

7

8 C. The Home State shall complete any pending
9 investigations of a Licensed Professional Counselor who
10 changes primary State of residence during the course of the
11 investigations. The Home State shall also have the
12 authority to take appropriate action(s) and shall promptly
13 report the conclusions of the investigations to the
14 administrator of the Data System. The administrator of the
15 coordinated licensure information system shall promptly
16 notify the new Home State of any Adverse Actions.

17

18 D. A Member State, if otherwise permitted by State
19 law, may recover from the affected Licensed Professional
20 Counselor the costs of investigations and dispositions of
21 cases resulting from any Adverse Action taken against that
22 Licensed Professional Counselor.

23

1 E. A Member State may take Adverse Action based on
2 the factual findings of the Remote State, provided that the
3 Member State follows its own procedures for taking the
4 Adverse Action.

5

6 F. Joint Investigations:

7

8 1. In addition to the authority granted to a
9 Member State by its respective Professional Counseling
10 practice act or other applicable State law, any Member
11 State may participate with other Member States in joint
12 investigations of Licensees;

13

14 2. Member States shall share any investigative,
15 litigation, or compliance materials in furtherance of any
16 joint or individual investigation initiated under the
17 Compact.

18

19 G. If Adverse Action is taken by the Home State
20 against the license of a Licensed Professional Counselor,
21 the Licensed Professional Counselor's Privilege to Practice
22 in all other Member States shall be deactivated until all
23 Encumbrances have been removed from the State license. All

1 Home State disciplinary orders that impose Adverse Action
2 against the license of a Licensed Professional Counselor
3 shall include a Statement that the Licensed Professional
4 Counselor's Privilege to Practice is deactivated in all
5 Member States during the pendency of the order.

6

7 H. If a Member State takes Adverse Action, it shall
8 promptly notify the administrator of the Data System. The
9 administrator of the Data System shall promptly notify the
10 Home State of any Adverse Actions by Remote States.

11

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

15

16 SECTION 9.

17 ESTABLISHMENT OF COUNSELING COMPACT COMMISSION

18

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

22

1 1. The Commission is an instrumentality of the
2 Compact States;

3
4 2. Venue is proper and judicial proceedings by
5 or against the Commission shall be brought solely and
6 exclusively in a court of competent jurisdiction where the
7 principal office of the Commission is located. The
8 Commission may waive venue and jurisdictional defenses to
9 the extent it adopts or consents to participate in
10 alternative dispute resolution proceedings;

11
12 3. Nothing in this Compact shall be construed to
13 be a waiver of sovereign immunity.

14
15 B. Membership, Voting, and Meetings:

16
17 1. Each Member State shall have and be limited
18 to one (1) delegate selected by that Member State's
19 Licensing Board;

20
21 2. The delegate shall be either:
22

1 a. A current member of the Licensing Board
2 at the time of appointment, who is a Licensed Professional
3 Counselor or public member; or

4

5 b. An administrator of the Licensing Board.

6

7 3. Any delegate may be removed or suspended from
8 office as provided by the law of the State from which the
9 delegate is appointed;

10

11 4. The Member State Licensing Board shall fill
12 any vacancy occurring on the Commission within 60 days;

13

14 5. Each delegate shall be entitled to one (1)
15 vote with regard to the promulgation of Rules and creation
16 of bylaws and shall otherwise have an opportunity to
17 participate in the business and affairs of the Commission;

18

19 6. A delegate shall vote in person or by such
20 other means as provided in the bylaws. The bylaws may
21 provide for delegates' participation in meetings by
22 telephone or other means of communication;

23

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

4

5 8. The Commission shall by Rule establish a term
6 of office for delegates and may by Rule establish term
7 limits.

8

9 C. The Commission shall have the following powers and
10 duties:

11

12 1. Establish the fiscal year of the Commission;

13

14 2. Establish bylaws;

15

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

18

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

21

22 5. Promulgate Rules which shall be binding to
23 the extent and in the manner provided for in the Compact;

1

2 6. Bring and prosecute legal proceedings or
3 actions in the name of the Commission, provided that the
4 standing of any State Licensing Board to sue or be sued
5 under applicable law shall not be affected;

6

7 7. Purchase and maintain insurance and bonds;

8

9 8. Borrow, accept, or contract for services of
10 personnel, including, but not limited to, employees of a
11 Member State;

12

13 9. Hire employees, elect or appoint officers,
14 fix compensation, define duties, grant such individuals
15 appropriate authority to carry out the purposes of the
16 Compact, and establish the Commission's personnel policies
17 and programs relating to conflicts of interest,
18 qualifications of personnel, and other related personnel
19 matters;

20

21 10. Accept any and all appropriate donations and
22 grants of money, equipment, supplies, materials, and
23 services, and to receive, utilize, and dispose of the same;

1 provided that at all times the Commission shall avoid any
2 appearance of impropriety and/or conflict of interest;

3

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

9

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

13

14 13. Establish a budget and make expenditures;

15

16 14. Borrow money;

17

18 15. Appoint committees, including standing
19 committees composed of members, State regulators, State
20 legislators or their representatives, and consumer
21 representatives, and such other interested persons as may
22 be designated in this Compact and the bylaws;

23

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

3
4 17. Establish and elect an Executive Committee;
5 and

6
7 18. Perform such other functions as may be
8 necessary or appropriate to achieve the purposes of this
9 Compact consistent with the State regulation of
10 Professional Counseling licensure and practice.

11
12 D. The Executive Committee:

13
14 1. The Executive Committee shall have the power
15 to act on behalf of the Commission according to the terms
16 of this Compact;

17
18 2. The Executive Committee shall be composed of
19 up to eleven (11) members:

20
21 a. Seven voting members who are elected by
22 the Commission from the current membership of the
23 Commission; and

1

2 b. Up to four (4) ex-officio, nonvoting
3 members from four (4) recognized national professional
4 counselor organizations;

5

6 c. The ex-officio members will be selected
7 by their respective organizations.

8

9 3. The Commission may remove any member of the
10 Executive Committee as provided in bylaws;

11

12 4. The Executive Committee shall meet at least
13 annually;

14

15 5. The Executive Committee shall have the
16 following duties and responsibilities:

17

18 a. Recommend to the entire Commission
19 changes to the Rules or bylaws, changes to this Compact
20 legislation, fees paid by Compact Member States such as
21 annual dues, and any Commission Compact fee charged to
22 Licensees for the Privilege to Practice;

23

1 b. Ensure Compact administration services
2 are appropriately provided, contractual or otherwise;

3

4 c. Prepare and recommend the budget;

5

6 d. Maintain financial records on behalf of
7 the Commission;

8

9 e. Monitor Compact compliance of Member
10 States and provide compliance reports to the Commission;

11

12 f. Establish additional committees as
13 necessary; and

14

15 g. Other duties as provided in Rules or
16 bylaws.

17

18 E. Meetings of the Commission:

19

20 1. All meetings shall be open to the public, and
21 public notice of meetings shall be given in the same manner
22 as required under the Rulemaking provisions in Section 11;

23

1 2. The Commission or the Executive Committee or
2 other committees of the Commission may convene in a closed,
3 non-public meeting if the Commission or Executive Committee
4 or other committees of the Commission must discuss:

5

6 a. Non-compliance of a Member State with
7 its obligations under the Compact;

8

9 b. The employment, compensation, discipline
10 or other matters, practices or procedures related to
11 specific employees or other matters related to the
12 Commission's internal personnel practices and procedures;

13

14 c. Current, threatened, or reasonably
15 anticipated litigation;

16

17 d. Negotiation of contracts for the
18 purchase, lease, or sale of goods, services, or real
19 estate;

20

21 e. Accusing any person of a crime or
22 formally censuring any person;

23

1 f. Disclosure of trade secrets or
2 commercial or financial information that is privileged or
3 confidential;

4
5 g. Disclosure of information of a personal
6 nature where disclosure would constitute a clearly
7 unwarranted invasion of personal privacy;

8
9 h. Disclosure of investigative records
10 compiled for law enforcement purposes;

11
12 i. Disclosure of information related to any
13 investigative reports prepared by or on behalf of or for
14 use of the Commission or other committee charged with
15 responsibility of investigation or determination of
16 compliance issues pursuant to the Compact; or

17
18 j. Matters specifically exempted from
19 disclosure by federal or Member State statute.

20
21 3. If a meeting, or portion of a meeting, is
22 closed pursuant to this provision, the Commission's legal
23 counsel or designee shall certify that the meeting may be

1 closed and shall reference each relevant exempting
2 provision;

3

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

13

14 F. Financing of the Commission:

15

16 1. The Commission shall pay, or provide for the
17 payment of, the reasonable expenses of its establishment,
18 organization, and ongoing activities;

19

20 2. The Commission may accept any and all
21 appropriate revenue sources, donations, and grants of
22 money, equipment, supplies, materials, and services;

23

1 3. The Commission may levy on and collect an
2 annual assessment from each Member State or impose fees on
3 other parties to cover the cost of the operations and
4 activities of the Commission and its staff, which must be
5 in a total amount sufficient to cover its annual budget as
6 approved each year for which revenue is not provided by
7 other sources. The aggregate annual assessment amount shall
8 be allocated based upon a formula to be determined by the
9 Commission, which shall promulgate a Rule binding upon all
10 Member States;

11

12 4. The Commission shall not incur obligations of
13 any kind prior to securing the funds adequate to meet the
14 same; nor shall the Commission pledge the credit of any of
15 the Member States, except by and with the authority of the
16 Member State;

17

18 5. The Commission shall keep accurate accounts
19 of all receipts and disbursements. The receipts and
20 disbursements of the Commission shall be subject to the
21 audit and accounting procedures established under its
22 bylaws. However, all receipts and disbursements of funds
23 handled by the Commission shall be audited yearly by a

1 certified or licensed public accountant, and the report of
2 the audit shall be included in and become part of the
3 annual report of the Commission.

4

5 G. Qualified Immunity, Defense, and Indemnification:

6

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

21

22 2. The Commission shall defend any member,
23 officer, executive director, employee or representative of

1 the Commission in any civil action seeking to impose
2 liability arising out of any actual or alleged act, error,
3 or omission that occurred within the scope of Commission
4 employment, duties, or responsibilities, or that the person
5 against whom the claim is made had a reasonable basis for
6 believing occurred within the scope of Commission
7 employment, duties, or responsibilities; provided that
8 nothing herein shall be construed to prohibit that person
9 from retaining his or her own counsel; and provided
10 further, that the actual or alleged act, error, or omission
11 did not result from that person's intentional or willful or
12 wanton misconduct;

13

14 3. The Commission shall indemnify and hold
15 harmless any member, officer, executive director, employee,
16 or representative of the Commission for the amount of any
17 settlement or judgment obtained against that person arising
18 out of any actual or alleged act, error, or omission that
19 occurred within the scope of Commission employment, duties,
20 or responsibilities, or that such person had a reasonable
21 basis for believing occurred within the scope of Commission
22 employment, duties, or responsibilities, provided that the
23 actual or alleged act, error, or omission did not result

1 from the intentional or willful or wanton misconduct of
2 that person.

3

4

SECTION 10.

5

DATA SYSTEM

6

7 A. The Commission shall provide for the development,
8 maintenance, operation, and utilization of a coordinated
9 database and reporting system containing licensure, Adverse
10 Action, and Investigative Information on all licensed
11 individuals in Member States.

12

13 B. Notwithstanding any other provision of State law
14 to the contrary, a Member State shall submit a uniform data
15 set to the Data System on all individuals to whom this
16 Compact is applicable as required by the Rules of the
17 Commission, including:

18

19 1. Identifying information;

20

21 2. Licensure data;

22

1 3. Adverse Actions against a license or
2 Privilege to Practice;

3
4 4. Non-confidential information related to
5 Alternative Program participation;

6
7 5. Any denial of application for licensure, and
8 the reason(s) for such denial;

9
10 6. Current Significant Investigative
11 Information; and

12
13 7. Other information that may facilitate the
14 administration of this Compact, as determined by the Rules
15 of the Commission.

16
17 C. Investigative Information pertaining to a Licensee
18 in any Member State will only be available to other Member
19 States.

20
21 D. The Commission shall promptly notify all Member
22 States of any Adverse Action taken against a Licensee or an
23 individual applying for a license. Adverse Action

1 information pertaining to a Licensee in any Member State
2 will be available to any other Member State.

3

4 E. Member States contributing information to the Data
5 System may designate information that may not be shared
6 with the public without the express permission of the
7 contributing State.

8

9 F. Any information submitted to the Data System that
10 is subsequently required to be expunged by the laws of the
11 Member State contributing the information shall be removed
12 from the Data System.

13

14 SECTION 11.

15 RULEMAKING

16

17 A. The Commission shall promulgate reasonable Rules
18 in order to effectively and efficiently achieve the purpose
19 of the Compact. Notwithstanding the foregoing, in the event
20 the Commission exercises its Rulemaking authority in a
21 manner that is beyond the scope of the purposes of the
22 Compact, or the powers granted hereunder, then such an

1 action by the Commission shall be invalid and have no force
2 or effect.

3

4 B. The Commission shall exercise its Rulemaking
5 powers pursuant to the criteria set forth in this Section
6 and the Rules adopted thereunder. Rules and amendments
7 shall become binding as of the date specified in each Rule
8 or amendment.

9

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

16

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

19

20 E. Prior to promulgation and adoption of a final Rule
21 or Rules by the Commission, and at least thirty (30) days
22 in advance of the meeting at which the Rule will be

1 considered and voted upon, the Commission shall file a
2 Notice of Proposed Rulemaking:

3

4 1. On the website of the Commission or other
5 publicly accessible platform; and

6

7 2. On the website of each Member State
8 Professional Counseling Licensing Board or other publicly
9 accessible platform or the publication in which each State
10 would otherwise publish proposed Rules.

11

12 F. The Notice of Proposed Rulemaking shall include:

13

14 1. The proposed time, date, and location of the
15 meeting in which the Rule will be considered and voted
16 upon;

17

18 2. The text of the proposed Rule or amendment
19 and the reason for the proposed Rule;

20

21 3. A request for comments on the proposed Rule
22 from any interested person; and

23

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

4

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

9

10 H. The Commission shall grant an opportunity for a
11 public hearing before it adopts a Rule or amendment if a
12 hearing is requested by:

13

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

15

16 2. A State or federal governmental subdivision
17 or agency; or

18

19 3. An association having at least twenty-five
20 (25) members.

21

22 I. If a hearing is held on the proposed Rule or
23 amendment, the Commission shall publish the place, time,

1 and date of the scheduled public hearing. If the hearing is
2 held via electronic means, the Commission shall publish the
3 mechanism for access to the electronic hearing:

4

5 1. All persons wishing to be heard at the
6 hearing shall notify the executive director of the
7 Commission or other designated member in writing of their
8 desire to appear and testify at the hearing not less than
9 five (5) business days before the scheduled date of the
10 hearing;

11

12 2. Hearings shall be conducted in a manner
13 providing each person who wishes to comment a fair and
14 reasonable opportunity to comment orally or in writing;

15

16 3. All hearings will be recorded. A copy of the
17 recording will be made available on request;

18

19 4. Nothing in this section shall be construed as
20 requiring a separate hearing on each Rule. Rules may be
21 grouped for the convenience of the Commission at hearings
22 required by this section.

23

1 J. Following the scheduled hearing date, or by the
2 close of business on the scheduled hearing date if the
3 hearing was not held, the Commission shall consider all
4 written and oral comments received.

5

6 K. If no written notice of intent to attend the
7 public hearing by interested parties is received, the
8 Commission may proceed with promulgation of the proposed
9 Rule without a public hearing.

10

11 L. The Commission shall, by majority vote of all
12 members, take final action on the proposed Rule and shall
13 determine the effective date of the Rule, if any, based on
14 the Rulemaking record and the full text of the Rule.

15

16 M. Upon determination that an emergency exists, the
17 Commission may consider and adopt an emergency Rule without
18 prior notice, opportunity for comment, or hearing, provided
19 that the usual Rulemaking procedures provided in the
20 Compact and in this section shall be retroactively applied
21 to the Rule as soon as reasonably possible, in no event
22 later than ninety (90) days after the effective date of the

1 Rule. For the purposes of this provision, an emergency Rule
2 is one that must be adopted immediately in order to:

3

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

6

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

9

10 3. Meet a deadline for the promulgation of an
11 administrative Rule that is established by federal law or
12 Rule; or

13

14 4. Protect public health and safety.

15

16 N. The Commission or an authorized committee of the
17 Commission may direct revisions to a previously adopted
18 Rule or amendment for purposes of correcting typographical
19 errors, errors in format, errors in consistency, or
20 grammatical errors. Public notice of any revisions shall be
21 posted on the website of the Commission. The revision shall
22 be subject to challenge by any person for a period of
23 thirty (30) days after posting. The revision may be

1 challenged only on grounds that the revision results in a
2 material change to a Rule. A challenge shall be made in
3 writing and delivered to the chair of the Commission prior
4 to the end of the notice period. If no challenge is made,
5 the revision will take effect without further action. If
6 the revision is challenged, the revision may not take
7 effect without the approval of the Commission.

8

9

SECTION 12.

10

OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

11

12

A. Oversight:

13

14

15

16

17

18

19

20

21

22

23

1. The executive, legislative, and judicial
branches of State government in each Member State shall
enforce this Compact and take all actions necessary and
appropriate to effectuate the Compact's purposes and
intent. The provisions of this Compact and the Rules
promulgated hereunder shall have standing as statutory law;

2. All courts shall take judicial notice of the
Compact and the Rules in any judicial or administrative
proceeding in a Member State pertaining to the subject

1 matter of this Compact which may affect the powers,
2 responsibilities, or actions of the Commission;

3

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

10

11 B. Default, Technical Assistance, and Termination:

12

13 1. If the Commission determines that a Member
14 State has defaulted in the performance of its obligations
15 or responsibilities under this Compact or the promulgated
16 Rules, the Commission shall:

17

18 a. Provide written notice to the defaulting
19 State and other Member States of the nature of the default,
20 the proposed means of curing the default and/or any other
21 action to be taken by the Commission; and

22

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

3

4 C. If a State in default fails to cure the default,
5 the defaulting State may be terminated from the Compact
6 upon an affirmative vote of a majority of the Member
7 States, and all rights, privileges and benefits conferred
8 by this Compact may be terminated on the effective date of
9 termination. A cure of the default does not relieve the
10 offending State of obligations or liabilities incurred
11 during the period of default.

12

13 D. Termination of membership in the Compact shall be
14 imposed only after all other means of securing compliance
15 have been exhausted. Notice of intent to suspend or
16 terminate shall be given by the Commission to the governor,
17 the majority and minority leaders of the defaulting State's
18 legislature, and each of the Member States.

19

20 E. A State that has been terminated is responsible
21 for all assessments, obligations, and liabilities incurred
22 through the effective date of termination, including

1 obligations that extend beyond the effective date of
2 termination.

3

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

8

9 G. The defaulting State may appeal the action of the
10 Commission by petitioning the U.S. District Court for the
11 District of Columbia or the federal district where the
12 Commission has its principal offices. The prevailing member
13 shall be awarded all costs of such litigation, including
14 reasonable attorney's fees.

15

16 H. Dispute Resolution:

17

18 1. Upon request by a Member State, the
19 Commission shall attempt to resolve disputes related to the
20 Compact that arise among Member States and between member
21 and non-Member States;

22

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

4

5 I. Enforcement:

6

7 1. The Commission, in the reasonable exercise of
8 its discretion, shall enforce the provisions and Rules of
9 this Compact;

10

11 2. By majority vote, the Commission may initiate
12 legal action in the United States District Court for the
13 District of Columbia or the federal district where the
14 Commission has its principal offices against a Member State
15 in default to enforce compliance with the provisions of the
16 Compact and its promulgated Rules and bylaws. The relief
17 sought may include both injunctive relief and damages. In
18 the event judicial enforcement is necessary, the prevailing
19 member shall be awarded all costs of such litigation,
20 including reasonable attorney's fees;

21

22 3. The remedies herein shall not be the
23 exclusive remedies of the Commission. The Commission may

1 pursue any other remedies available under federal or State
2 law.

3

4 SECTION 13.

5 DATE OF IMPLEMENTATION OF THE COUNSELING COMPACT COMMISSION
6 AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

7

8 A. The Compact shall come into effect on the date on
9 which the Compact statute is enacted into law in the tenth
10 Member State. The provisions, which become effective at
11 that time, shall be limited to the powers granted to the
12 Commission relating to assembly and the promulgation of
13 Rules. Thereafter, the Commission shall meet and exercise
14 Rulemaking powers necessary to the implementation and
15 administration of the Compact.

16

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

1

2 C. Any Member State may withdraw from this Compact by
3 enacting a statute repealing the same"

4

5 1. A Member State's withdrawal shall not take
6 effect until six (6) months after enactment of the
7 repealing statute;

8

9 2. Withdrawal shall not affect the continuing
10 requirement of the withdrawing State's Professional
11 Counseling Licensing Board to comply with the investigative
12 and Adverse Action reporting requirements of this act prior
13 to the effective date of withdrawal.

14

15 D. Nothing contained in this Compact shall be
16 construed to invalidate or prevent any Professional
17 Counseling licensure agreement or other cooperative
18 arrangement between a Member State and a non-Member State
19 that does not conflict with the provisions of this Compact.

20

21 E. This Compact may be amended by the Member States.
22 No amendment to this Compact shall become effective and

1 binding upon any Member State until it is enacted into the
2 laws of all Member States.

3

4 SECTION 14.

5 CONSTRUCTION AND SEVERABILITY

6

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

22

23 SECTION 15.

1 BINDING EFFECT OF COMPACT AND OTHER LAWS

2

3 A. A Licensee providing Professional Counseling
4 services in a Remote State under the Privilege to Practice
5 shall adhere to the laws and regulations, including scope
6 of practice, of the Remote State.

7

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

11

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

14

15 D. Any lawful actions of the Commission, including
16 all Rules and bylaws properly promulgated by the
17 Commission, are binding upon the Member States.

18

19 E. All permissible agreements between the Commission
20 and the Member States are binding in accordance with their
21 terms.

22

1 F. In the event any provision of the Compact exceeds
2 the constitutional limits imposed on the legislature of any
3 Member State, the provision shall be ineffective to the
4 extent of the conflict with the constitutional provision in
5 question in that Member State.

6

7 **Section 2.** W.S. 33-38-105(f) and by creating a new
8 subsection (k), 33-38-106 by creating new subsections (r)
9 and (s), 33-38-108(a), 33-38-109(a) and (c), 33-38-110 by
10 creating a new subsection (g), 33-38-111, 33-38-112, and
11 33-38-113(a)(intro), (iv), (v) and (viii) are amended to
12 read:

13

14 **33-38-105. Powers and duties of the board; rules;
15 meetings; fees.**

16

17 (f) The board may charge an application fee and fees
18 for examinations, licensing, certification, specialty
19 examination designation, renewal and other services under
20 this act or in accordance with the Interstate Compact for
21 Licensed Professional Counselors under W.S. 33-38-202
22 provided in amounts established by the board pursuant to
23 W.S. 33-1-201. All money received, and the interest

1 thereon, shall be deposited in the state treasury to the
2 credit of a separate account and may be used only for the
3 administration of this act.

4

5 (k) The board shall administer the provisions of the
6 Interstate Compact for Licensed Professional Counselors
7 under W.S. 33-38-202, including factoring the annual
8 assessment required under the compact into the board's
9 biennium budget and promulgating any rules necessary for
10 implementation of the compact.

11

12 **33-38-106. Requirements for licensure and**
13 **certification.**

14

15 (r) To the extent a license authorized under
16 subsection (a) of this section for practice as a licensed
17 professional counselor does not comply with the
18 requirements for licensure under the Interstate Compact for
19 Licensed Professional Counselors under W.S. 33-38-202, the
20 license shall be considered a single-state license that
21 does not include a privilege to practice in any other
22 member state.

23

1 (s) The board shall issue a license as a professional
2 counselor to an applicant who is licensed in a member state
3 in accordance with the Interstate Compact for Licensed
4 Professional Counselors provided that the applicant's
5 license meets all the licensing requirements in other
6 member states as provided in W.S. 33-38-202.

7
8 **33-38-108. Reciprocity.**

9
10 (a) Any individual holding a license in good standing
11 to engage in the practice of professional counseling,
12 clinical social work, marriage and family therapy or
13 addictions therapy under the laws of another state having
14 licensure requirements substantially similar to those
15 required by this act may, upon approval of the board, be
16 issued a license to practice in this state. The authority
17 provided to the board under this section to issue a license
18 to practice in this state as a licensed professional
19 counselor shall be separate from and in addition to the
20 authority provided to the board in accordance with the
21 Interstate Compact for Licensed Professional Counselors
22 under W.S. 33-38-202.

23

1 **33-38-109. Disclosure of information.**

2

3 (a) A person licensed or certified under this act or
4 in accordance with the Interstate Compact for Licensed
5 Professional Counselors under W.S. 33-38-202 shall not
6 disclose without consent of the client any communication
7 made by the client to the licensed or certified
8 professional in the course of professional practice, nor
9 may any employee of the licensed or certified professional
10 reveal the information without the consent of the employer
11 or client except as indicated by law.

12

13 (c) A person licensed or certified under this act or
14 in accordance with the Interstate Compact for Licensed
15 Professional Counselors under W.S. 33-38-202 shall not
16 reveal without the consent of the client or the client's
17 legal advisor his advice given in the course of
18 professional employment; nor shall a secretary,
19 stenographer, clerk or other employee of any person
20 licensed or certified under this act reveal, without the
21 consent of his employer or the client, any facts, the
22 knowledge of which he has acquired in such capacity.

23

1 **33-38-110. Prohibited acts; penalties.**

2

3 (g) Notwithstanding the prohibitions imposed under
4 paragraph (a)(i) of this section, a person shall be
5 authorized to engage in the practice of professional
6 counseling and represent himself to the public as being a
7 licensed professional counselor if licensed to practice in
8 accordance with the Interstate Compact for Licensed
9 Professional Counselors under W.S. 33-38-202.

10

11 **33-38-111. Protection of the public; professional**
12 **disclosure.**

13

14 Any individual licensed or certified under this act or in
15 accordance with the Interstate Compact for Licensed
16 Professional Counselors under W.S. 33-38-202 is required to
17 conspicuously display a professional disclosure statement
18 at his place of business or at the principal location where
19 his services are performed and to provide a copy of the
20 statement to each adult client, or in the case of a minor
21 to the minor's parent or guardian, before or during the
22 first session and upon request. The professional disclosure
23 statement shall contain the licensee's or certificate

1 holder's name, title, business address and telephone
2 number, listing of formal professional education with name
3 of institution attended and specific degrees received,
4 licensure status or certificates currently held, statement
5 of confidentiality, a statement that the professional
6 ethical code of the discipline will be followed, including
7 a statement that sexual intimacy with a client is never
8 appropriate and a statement that the disclosure statement
9 is required by the Mental Health Professions Licensing Act.
10 The disclosure statement may also contain a listing of
11 areas of specialization, including major course of study.

12

13 **33-38-112. Limitation of practice.**

14

15 All licensees and certificate holders under this act and
16 all licensees authorized under the Interstate Compact for
17 Licensed Professional Counselors in accordance with W.S.
18 33-38-202 shall adhere to the ethical standards of their
19 discipline, and according to those promulgated in the rules
20 and regulations of the board.

21

22 **33-38-113. Privileged communication.**

23

1 (a) In judicial proceedings, whether civil, criminal,
2 or juvenile, in administrative proceedings, and in
3 proceedings preliminary and ancillary thereto, a patient or
4 client, or his guardian or personal representative, may
5 refuse to disclose and may prevent the disclosure of
6 confidential information, including information contained
7 in administrative records, communicated to a person
8 licensed or otherwise authorized to practice under this act
9 or in accordance with the Interstate Compact for Licensed
10 Professional Counselors under W.S. 33-38-202, and their
11 agents, for the purpose of diagnosis, evaluation or
12 treatment of any mental or emotional condition or disorder.
13 A person licensed or otherwise authorized to practice under
14 this act or in accordance with the Interstate Compact for
15 Licensed Professional Counselors under W.S. 33-38-202 shall
16 not disclose any information communicated as described
17 above in the absence of an express waiver of the privilege
18 except in the following circumstances:

19

20 (iv) Where an immediate threat of physical
21 violence against a readily identifiable victim is disclosed
22 to the person licensed or otherwise authorized to practice

1 under this act or in accordance with the Interstate Compact
2 for Licensed Professional Counselors under W.S. 33-38-202;

3

4 (v) In the context of civil commitment
5 proceedings, where an immediate threat of self-inflicted
6 damage is disclosed to the person licensed or otherwise
7 authorized to practice under this act or in accordance with
8 the Interstate Compact for Licensed Professional Counselors
9 under W.S. 33-38-202;

10

11 (viii) In the context of investigations and
12 hearings brought by the patient or client and conducted by
13 the board where violations of this act or the Interstate
14 Compact for Licensed Professional Counselors under W.S.
15 33-38-202 are at issue. Information that is deemed to be of
16 sensitive nature shall be inspected by the board in camera
17 and the board shall determine whether or not the
18 information shall become a part of the record and subject
19 to public disclosure.

20

21 **Section 3.** This act is effective July 1, 2022.

22

23

(END)