

SENATE FILE NO. SF0010

Licensed professional counselor compact.

Sponsored by: Joint Labor, Health & Social Services Interim Committee

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 Wyoming; 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 the 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 a
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 and examination, licensure, investigative,
10 Privilege to Practice and Adverse Action information;

11

12 H. "Encumbered License" means a license upon which an
13 Adverse Action restricts the practice of licensed
14 Professional Counseling by the Licensee and which 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, diagnose
5 and treat behavioral health conditions;

6

7 P. "Licensee" means an individual who currently holds
8 an authorization from the Member State to practice as a
9 Licensed 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 or
19 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;

18

19 h. Assessment and testing;

20

21 i. Research and program evaluation; and

22

1 j. Other areas as determined by the
2 Commission.

3

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

7

8 5. Have a mechanism in place for receiving and
9 investigating complaints about Licensees.

10

11 B. A Member State shall:

12

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

16

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

21

22 3. Implement or utilize procedures for
23 considering the criminal history records of applicants for

1 an initial Privilege to Practice. These procedures shall
2 include the submission of fingerprints or other
3 biometric-based information by applicants for the purpose
4 of obtaining an applicant's criminal history record
5 information from the Federal Bureau of Investigation and
6 the agency responsible for retaining that State's criminal
7 records:

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

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

22
23 4. Comply with the Rules of the Commission;

1

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

6

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

11

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

14

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

17

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

1 to Practice Professional Counseling in any other Member
2 State.

3

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

7

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

14

15 SECTION 4.

16 PRIVILEGE TO PRACTICE

17

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

20

21 1. Hold a license in the Home State;

22

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

3

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

7

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

11

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

14

15 6. Pay any applicable fees, including any State
16 fee, for the Privilege to Practice;

17

18 7. Meet any Continuing Competence/Education
19 requirements established by the Home State;

20

21 8. Meet any Jurisprudence Requirements
22 established by the Remote State(s) in which the Licensee is
23 seeking a Privilege to Practice; and

1

2 9. Report to the Commission any Adverse Action,
3 Encumbrance or restriction on the licensee's license taken
4 by any non-Member State within 30 days from the date the
5 action is taken.

6

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

11

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

15

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

1 Practice in any Member State until the specific time for
2 removal has passed and all fines are paid.

3

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

7

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

10

11 2. The licensee has not had any Encumbrance or
12 restriction against any license or Privilege to Practice
13 within the previous two (2) years.

14

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

19

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

1

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

4

5 2. All fines have been paid; and

6

7 3. The licensee has not had any Encumbrance or
8 restriction against any license or Privilege to Practice
9 within the previous two (2) years.

10

11 H. Once the requirements of Section 4(G) have been
12 met, the Licensee must meet the requirements in Section
13 4(A) to obtain a Privilege to Practice in a Remote State.

14

15 SECTION 5.

16 OBTAINING A NEW HOME STATE LICENSE BASED ON A PRIVILEGE TO
17 PRACTICE

18

19 A. A Licensed Professional Counselor may hold a Home
20 State license, which allows for a Privilege to Practice in
21 other Member States, in only one Member State at a time.

22

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

4

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

10

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

17

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

23

1 b. Other criminal background check as
2 required by the new Home State; and

3
4 c. Completion of any requisite
5 Jurisprudence Requirements of the new Home State.

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

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

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

21
22 C. If a Licensed Professional Counselor changes
23 Primary State of Residence by moving from a Member State to

1 a non-Member State, or from a non-Member State to a Member
2 State, the State criteria shall apply for issuance of a
3 Single State License in the new State.

4

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

9

10 E. Nothing in this Compact shall affect the
11 requirements established by a Member State for the issuance
12 of a Single State License.

13

14

SECTION 6.

15

ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

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17 Active Duty Military personnel, or their spouse, shall
18 designate a Home State where the individual has a current
19 license in good standing. The individual may retain the
20 Home State designation during the period the service member
21 is on active duty. Subsequent to designating a Home State,
22 the individual shall only change their Home State through

1 application for licensure in a new State, or through the
2 process outlined in Section 5.

3

4

SECTION 7.

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COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

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

14

15 B. A Licensee providing Professional Counseling
16 services in a Remote State under the Privilege to Practice
17 shall adhere to the laws and regulations of the Remote
18 State.

19

20

SECTION 8.

21

ADVERSE ACTIONS

22

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

4
5 1. Take Adverse Action against a Licensed
6 Professional Counselor's Privilege to Practice within that
7 Member State; and

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

22

1 3. Have the power to take Adverse Action against
2 a Licensed Professional Counselor's license if the license
3 is issued by the Home State.

4

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

11

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

21

22 D. A Member State, if otherwise permitted by State
23 law, may recover from the affected Licensed Professional

1 Counselor the costs of investigations and dispositions of
2 cases resulting from any Adverse Action taken against that
3 Licensed Professional Counselor.

4

5 E. A Member State may take Adverse Action based on
6 the factual findings of the Remote State, provided that the
7 Member State follows its own procedures for taking the
8 Adverse Action.

9

10 F. Joint Investigations:

11

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

17

18 2. Member States shall share any investigative,
19 litigation or compliance materials in furtherance of any
20 joint or individual investigation initiated under the
21 Compact.

22

1 G. If Adverse Action is taken by the Home State
2 against the license of a Licensed Professional Counselor,
3 the Licensed Professional Counselor's Privilege to Practice
4 in all other Member States shall be deactivated until all
5 Encumbrances have been removed from the State license. All
6 Home State disciplinary orders that impose Adverse Action
7 against the license of a Licensed Professional Counselor
8 shall include a Statement that the Licensed Professional
9 Counselor's Privilege to Practice is deactivated in all
10 Member States during the pendency of the order.

11

12 H. If a Member State takes Adverse Action, it shall
13 promptly notify the administrator of the Data System. The
14 administrator of the Data System shall promptly notify the
15 Home State of any Adverse Actions by Remote States.

16

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

20

21

SECTION 9.

22

ESTABLISHMENT OF COUNSELING COMPACT COMMISSION

23

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

4

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

7

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

15

16 3. Nothing in this Compact shall be construed to
17 be a waiver of sovereign immunity.

18

19 B. Membership, Voting and Meetings:

20

21 1. Each Member State shall have and be limited
22 to one (1) delegate selected by that Member State's
23 Licensing Board;

1

2

2. The delegate shall be either:

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

b. An administrator of the Licensing Board.

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

4. The Member State Licensing Board shall fill any vacancy occurring on the Commission within sixty (60) days;

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

1 6. A delegate shall vote in person or by such
2 other means as provided in the bylaws. The bylaws may
3 provide for delegates' participation in meetings by
4 telephone or other means of communication;

5

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

9

10 8. The Commission shall by Rule establish a term
11 of office for delegates and may by Rule establish term
12 limits.

13

14 C. The Commission shall have the following powers and
15 duties:

16

17 1. Establish the fiscal year of the Commission;

18

19 2. Establish bylaws;

20

21 3. Maintain its financial records in accordance
22 with the bylaws;

23

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

3

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

6

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

11

12 7. Purchase and maintain insurance and bonds;

13

14 8. Borrow, accept, or contract for services of
15 personnel, including, but not limited to, employees of a
16 Member State;

17

18 9. Hire employees, elect or appoint officers,
19 fix compensation, define duties, grant such individuals
20 appropriate authority to carry out the purposes of the
21 Compact and establish the Commission's personnel policies
22 and programs relating to conflicts of interest,

1 qualifications of personnel, and other related personnel
2 matters;

3

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

9

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

15

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

19

20 13. Establish a budget and make expenditures;

21

22 14. Borrow money;

23

1 15. Appoint committees, including standing
2 committees composed of members, State regulators, State
3 legislators or their representatives and consumer
4 representatives, and such other interested persons as may
5 be designated in this Compact and the bylaws;

6

7 16. Provide and receive information from, and
8 cooperate with, law enforcement agencies;

9

10 17. Establish and elect an Executive Committee;
11 and

12

13 18. Perform such other functions as may be
14 necessary or appropriate to achieve the purposes of this
15 Compact consistent with the State regulation of
16 Professional Counseling licensure and practice.

17

18 D. The Executive Committee:

19

20 1. The Executive Committee shall have the power
21 to act on behalf of the Commission according to the terms
22 of this Compact;

23

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

3

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

7

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

11

12 c. The ex-officio members will be selected
13 by their respective organizations.

14

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

17

18 4. The Executive Committee shall meet at least
19 annually;

20

21 5. The Executive Committee shall have the
22 following duties and responsibilities:

23

1 a. Recommend to the entire Commission
2 changes to the Rules or bylaws, changes to this Compact
3 legislation, fees paid by Compact Member States such as
4 annual dues, and any Commission Compact fee charged to
5 Licensees for the Privilege to Practice;

6

7 b. Ensure Compact administration services
8 are appropriately provided, contractual or otherwise;

9

10 c. Prepare and recommend the budget;

11

12 d. Maintain financial records on behalf of
13 the Commission;

14

15 e. Monitor Compact compliance of Member
16 States and provide compliance reports to the Commission;

17

18 f. Establish additional committees as
19 necessary; and

20

21 g. Other duties as provided in Rules or
22 bylaws.

23

1 E. Meetings of the Commission:

2

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

6

7 2. The Commission or the Executive Committee or
8 other committees of the Commission may convene in a closed,
9 non-public meeting if the Commission or Executive Committee
10 or other committees of the Commission must discuss:

11

12 a. Non-compliance of a Member State with
13 its obligations under the Compact;

14

15 b. The employment, compensation, discipline
16 or other matters, practices or procedures related to
17 specific employees or other matters related to the
18 Commission's internal personnel practices and procedures;

19

20 c. Current, threatened or reasonably
21 anticipated litigation;

22

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

3

4 e. Accusing any person of a crime or
5 formally censuring any person;

6

7 f. Disclosure of trade secrets or
8 commercial or financial information that is privileged or
9 confidential;

10

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

14

15 h. Disclosure of investigative records
16 compiled for law enforcement purposes;

17

18 i. Disclosure of information related to any
19 investigative reports prepared by or on behalf of or for
20 use of the Commission or other committee charged with
21 responsibility of investigation or determination of
22 compliance issues pursuant to the Compact; or

23

1 j. Matters specifically exempted from
2 disclosure by federal or Member State statute.

3

4 3. If a meeting, or portion of a meeting, is
5 closed pursuant to this provision, the Commission's legal
6 counsel or designee shall certify that the meeting may be
7 closed and shall reference each relevant exempting
8 provision;

9

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

19

20 F. Financing of the Commission:

21

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

4
5 2. The Commission may accept any and all
6 appropriate revenue sources, donations and grants of money,
7 equipment, supplies, materials and services;

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

19
20 4. The Commission shall not incur obligations of
21 any kind prior to securing the funds adequate to meet the
22 same; nor shall the Commission pledge the credit of any of

1 the Member States, except by and with the authority of the
2 Member State;

3

4 5. The Commission shall keep accurate accounts
5 of all receipts and disbursements. The receipts and
6 disbursements of the Commission shall be subject to the
7 audit and accounting procedures established under its
8 bylaws. However, all receipts and disbursements of funds
9 handled by the Commission shall be audited yearly by a
10 certified or licensed public accountant, and the report of
11 the audit shall be included in and become part of the
12 annual report of the Commission.

13

14 G. Qualified Immunity, Defense and Indemnification:

15

16 1. The members, officers, executive director,
17 employees and representatives of the Commission shall be
18 immune from suit and liability, either personally or in
19 their official capacity, for any claim for damage to or
20 loss of property or personal injury or other civil
21 liability caused by or arising out of any actual or alleged
22 act, error or omission that occurred, or that the person
23 against whom the claim is made had a reasonable basis for

1 believing occurred within the scope of Commission
2 employment, duties or responsibilities; provided that
3 nothing in this paragraph shall be construed to protect any
4 such person from suit and/or liability for any damage,
5 loss, injury or liability caused by the intentional or
6 willful or wanton misconduct of that person;

7

8 2. The Commission shall defend any member,
9 officer, executive director, employee or representative of
10 the Commission in any civil action seeking to impose
11 liability arising out of any actual or alleged act, error
12 or omission that occurred within the scope of Commission
13 employment, duties or responsibilities, 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 herein shall be construed to prohibit that person
18 from retaining his or her own counsel; and provided
19 further, that the actual or alleged act, error or omission
20 did not result from that person's intentional or willful or
21 wanton misconduct;

22

1 3. The Commission shall indemnify and hold
2 harmless any member, officer, executive director, employee
3 or representative of the Commission for the amount of any
4 settlement or judgment obtained against that person arising
5 out of any actual or alleged act, error or omission that
6 occurred within the scope of Commission employment, duties
7 or responsibilities, or that such person had a reasonable
8 basis for believing occurred within the scope of Commission
9 employment, duties or responsibilities, provided that the
10 actual or alleged act, error or omission did not result
11 from the intentional or willful or wanton misconduct of
12 that person.

13

14 SECTION 10.

15 DATA SYSTEM

16

17 A. The Commission shall provide for the development,
18 maintenance, operation and utilization of a coordinated
19 database and reporting system containing licensure, Adverse
20 Action and Investigative Information on all licensed
21 individuals in Member States.

22

1 B. Notwithstanding any other provisions of state law
2 to the contrary, a Member State shall submit a uniform data
3 set to the Data System on all individuals to whom this
4 Compact is applicable as required by the Rules of the
5 Commission, including:

6

7 1. Identifying information;

8

9 2. Licensure data;

10

11 3. Adverse Actions against a license or
12 Privilege to Practice;

13

14 4. Non-confidential information related to
15 Alternative Program participation;

16

17 5. Any denial of application for licensure, and
18 the reason(s) for such denial;

19

20 6. Current Significant Investigative
21 Information; and

22

1 7. Other information that may facilitate the
2 administration of this Compact, as determined by the Rules
3 of the Commission.

4

5 C. Investigative Information pertaining to a Licensee
6 in any Member State will only be available to other Member
7 States.

8

9 D. The Commission shall promptly notify all Member
10 States of any Adverse Action taken against a Licensee or an
11 individual applying for a license. Adverse Action
12 information pertaining to a Licensee in any Member State
13 will be available to any other Member State.

14

15 E. Member States contributing information to the Data
16 System may designate information that may not be shared
17 with the public without the express permission of the
18 contributing State.

19

20 F. Any information submitted to the Data System that
21 is subsequently required to be expunged by the laws of the
22 Member State contributing the information shall be removed
23 from the Data System.

1

2

SECTION 11.

3

RULEMAKING

4

5 A. The Commission shall promulgate reasonable Rules
6 in order to effectively and efficiently achieve the purpose
7 of the Compact. Notwithstanding the foregoing, in the event
8 the Commission exercises its Rulemaking authority in a
9 manner that is beyond the scope of the purposes of the
10 Compact, or the powers granted hereunder, then such an
11 action by the Commission shall be invalid and have no force
12 or effect.

13

14 B. The Commission shall exercise its Rulemaking
15 powers pursuant to the criteria set forth in this Section
16 and the Rules adopted thereunder. Rules and amendments
17 shall become binding as of the date specified in each Rule
18 or amendment.

19

20 C. If a majority of the legislatures of the Member
21 States rejects a Rule, by enactment of a statute or
22 resolution in the same manner used to adopt the Compact
23 within four (4) years of the date of adoption of the Rule,

1 then such Rule shall have no further force and effect in
2 any Member State.

3

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

6

7 E. Prior to promulgation and adoption of a final Rule
8 or Rules by the Commission, and at least thirty (30) days
9 in advance of the meeting at which the Rule will be
10 considered and voted upon, the Commission shall file a
11 Notice of Proposed Rulemaking:

12

13 1. On the website of the Commission or other
14 publicly accessible platform; and

15

16 2. On the website of each Member State
17 Professional Counseling Licensing Board or other publicly
18 accessible platform or the publication in which each State
19 would otherwise publish proposed Rules.

20

21 F. The Notice of Proposed Rulemaking shall include:

22

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

4

5 2. The text of the proposed Rule or amendment
6 and the reason for the proposed Rule;

7

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

10

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

14

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

19

20 H. The Commission shall grant an opportunity for a
21 public hearing before it adopts a Rule or amendment if a
22 hearing is requested by:

23

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

2

3 2. A State or federal governmental subdivision
4 or agency; or

5

6 3. An association having at least twenty-five
7 (25) members.

8

9 I. If a hearing will be held on the proposed Rule or
10 amendment, the Commission shall publish the place, time and
11 date of the scheduled public hearing. If the hearing is
12 held via electronic means, the Commission shall publish the
13 mechanism for access to the electronic hearing:

14

15 1. All persons wishing to be heard at the
16 hearing shall notify the executive director of the
17 Commission or other designated member in writing of their
18 desire to appear and testify at the hearing not less than
19 five (5) business days before the scheduled date of the
20 hearing;

21

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

4

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

7

8 4. Nothing in this section shall be construed as
9 requiring a separate hearing on each Rule. Rules may be
10 grouped for the convenience of the Commission at hearings
11 required by this section.

12

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

17

18 K. If no written notice of intent to attend the
19 public hearing by interested parties is received, the
20 Commission may proceed with promulgation of the proposed
21 Rule without a public hearing.

22

1 L. The Commission shall, by majority vote of all
2 members, take final action on the proposed Rule and shall
3 determine the effective date of the Rule, if any, based on
4 the Rulemaking record and the full text of the Rule.

5
6 M. Upon determination that an emergency exists, the
7 Commission may consider and adopt an emergency Rule without
8 prior notice, opportunity for comment or hearing, provided
9 that the usual Rulemaking procedures provided in the
10 Compact and in this section shall be retroactively applied
11 to the Rule as soon as reasonably possible, in no event
12 later than ninety (90) days after the effective date of the
13 Rule. For the purposes of this provision, an emergency Rule
14 is one that must be adopted immediately in order to:

15
16 1. Meet an imminent threat to public health,
17 safety or welfare;

18
19 2. Prevent a loss of Commission or Member State
20 funds;

21

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

4

5 4. Protect public health and safety.

6

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

22

23

SECTION 12.

1 OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

2

3 A. Oversight:

4

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

11

12 2. All courts shall take judicial notice of the
13 Compact and the Rules in any judicial or administrative
14 proceeding in a Member State pertaining to the subject
15 matter of this Compact which may affect the powers,
16 responsibilities or actions of the Commission;

17

18 3. The Commission shall be entitled to receive
19 service of process in any such proceeding and shall have
20 standing to intervene in such a proceeding for all
21 purposes. Failure to provide service of process to the
22 Commission shall render a judgment or order void as to the
23 Commission, this Compact, or promulgated Rules.

1

2 B. Default, Technical Assistance and Termination:

3

4 1. If the Commission determines that a Member
5 State has defaulted in the performance of its obligations
6 or responsibilities under this Compact or the promulgated
7 Rules, the Commission shall:

8

9 a. Provide written notice to the defaulting
10 State and other Member States of the nature of the default,
11 the proposed means of curing the default and/or any other
12 action to be taken by the Commission; and

13

14 b. Provide remedial training and specific
15 technical assistance regarding the default.

16

17 C. If a State in default fails to cure the default,
18 the defaulting State may be terminated from the Compact
19 upon an affirmative vote of a majority of the Member
20 States, and all rights, privileges and benefits conferred
21 by this Compact may be terminated on the effective date of
22 termination. A cure of the default does not relieve the

1 offending State of obligations or liabilities incurred
2 during the period of default.

3

4 D. Termination of membership in the Compact shall be
5 imposed only after all other means of securing compliance
6 have been exhausted. Notice of intent to suspend or
7 terminate shall be given by the Commission to the governor,
8 the majority and minority leaders of the defaulting State's
9 legislature, and each of the Member States.

10

11 E. A State that has been terminated is responsible
12 for all assessments, obligations and liabilities incurred
13 through the effective date of termination, including
14 obligations that extend beyond the effective date of
15 termination.

16

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

21

22 G. The defaulting State may appeal the action of the
23 Commission by petitioning the U.S. District Court for the

1 District of Columbia or the federal district where the
2 Commission has its principal offices. The prevailing member
3 shall be awarded all costs of such litigation, including
4 reasonable attorney's fees.

5

6 H. Dispute Resolution:

7

8 1. Upon request by a Member State, the
9 Commission shall attempt to resolve disputes related to the
10 Compact that arise among Member States and between member
11 and non-Member States;

12

13 2. The Commission shall promulgate a Rule
14 providing for both mediation and binding dispute resolution
15 for disputes as appropriate.

16

17 I. Enforcement:

18

19 1. The Commission, in the reasonable exercise of
20 its discretion, shall enforce the provisions and Rules of
21 this Compact;

22

1 2. By majority vote, the Commission may initiate
2 legal action in the United States District Court for the
3 District of Columbia or the federal district where the
4 Commission has its principal offices against a Member State
5 in default to enforce compliance with the provisions of the
6 Compact and its promulgated Rules and bylaws. The relief
7 sought may include both injunctive relief and damages. In
8 the event judicial enforcement is necessary, the prevailing
9 member shall be awarded all costs of such litigation,
10 including reasonable attorney's fees;

11

12 3. The remedies herein shall not be the
13 exclusive remedies of the Commission. The Commission may
14 pursue any other remedies available under federal or State
15 law.

16

17

SECTION 13.

18 DATE OF IMPLEMENTATION OF THE COUNSELING COMPACT COMMISSION
19 AND ASSOCIATED RULES, WITHDRAWAL AND AMENDMENT

20

21 A. The Compact shall come into effect on the date on
22 which the Compact statute is enacted into law in the tenth
23 Member State. The provisions, which become effective at

1 that time, shall be limited to the powers granted to the
2 Commission relating to assembly and the promulgation of
3 Rules. Thereafter, the Commission shall meet and exercise
4 Rulemaking powers necessary to the implementation and
5 administration of the Compact.

6

7 B. Any State that joins the Compact subsequent to the
8 Commission's initial adoption of the Rules shall be subject
9 to the Rules as they exist on the date on which the Compact
10 becomes law in that State. Any Rule that has been
11 previously adopted by the Commission shall have the full
12 force and effect of law on the day the Compact becomes law
13 in that State.

14

15 C. Any Member State may withdraw from this Compact by
16 enacting a statute repealing the same:

17

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

21

22 2. Withdrawal shall not affect the continuing
23 requirement of the withdrawing State's Professional

1 Counseling Licensing Board to comply with the investigative
2 and Adverse Action reporting requirements of this act prior
3 to the effective date of withdrawal.

4

5 D. Nothing contained in this Compact shall be
6 construed to invalidate or prevent any Professional
7 Counseling licensure agreement or other cooperative
8 arrangement between a Member State and a non-Member State
9 that does not conflict with the provisions of this Compact.

10

11 E. This Compact may be amended by the Member States.
12 No amendment to this Compact shall become effective and
13 binding upon any Member State until it is enacted into the
14 laws of all Member States.

15

16 SECTION 14.

17 CONSTRUCTION AND SEVERABILITY

18

19 This Compact shall be liberally construed so as to
20 effectuate the purposes thereof. The provisions of this
21 Compact shall be severable and if any phrase, clause,
22 sentence or provision of this Compact is declared to be
23 contrary to the constitution of any Member State or of the

1 United States or the applicability thereof to any
2 government, agency, person or circumstance is held invalid,
3 the validity of the remainder of this Compact and the
4 applicability thereof to any government, agency, person or
5 circumstance shall not be affected thereby. If this Compact
6 shall be held contrary to the constitution of any Member
7 State, the Compact shall remain in full force and effect as
8 to the remaining Member States and in full force and effect
9 as to the Member State affected as to all severable
10 matters.

11

12 SECTION 15.

13 BINDING EFFECT OF COMPACT AND OTHER LAWS

14

15 A. A Licensee providing Professional Counseling
16 services in a Remote State under the Privilege to Practice
17 shall adhere to the laws and regulations, including scope
18 of practice, of the Remote State.

19

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

23

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

3

4 D. Any lawful actions of the Commission, including
5 all Rules and bylaws properly promulgated by the
6 Commission, are binding upon the Member States.

7

8 E. All permissible agreements between the Commission
9 and the Member States are binding in accordance with their
10 terms.

11

12 F. In the event any provision of the Compact exceeds
13 the constitutional limits imposed on the legislature of any
14 Member State, the provision shall be ineffective to the
15 extent of the conflict with the constitutional provision in
16 question in that Member State.

17

18 **Section 2.** W.S. 33-38-105(f) and by creating a new
19 subsection (k), 33-38-106 by creating new subsections (r)
20 and (s), 33-38-108(a), 33-38-109(a) and (c), 33-38-110 by
21 creating a new subsection (g), 33-38-111, 33-38-112 and
22 33-38-113(a)(intro), (iv), (v) and (viii) are amended to
23 read:

1

2 **33-38-105. Powers and duties of the board; rules;**
3 **meetings; fees.**

4

5 (f) The board may charge an application fee and fees
6 for examinations, licensing, certification, specialty
7 examination designation, renewal and other services under
8 this act or in accordance with the Interstate Compact for
9 Licensed Professional Counselors, under W.S. 33-38-202,
10 provided in amounts established by the board pursuant to
11 W.S. 33-1-201 or 33-38-202. All money received, and the
12 interest thereon, shall be deposited in the state treasury
13 to the credit of a separate account and may be used only
14 for the administration of this act except as provided by
15 the Interstate Compact for Licensed Professional Counselors
16 under W.S. 33-38-202.

17

18 (k) The board shall administer the provisions of the
19 Interstate Compact for Licensed Professional Counselors
20 under W.S. 33-38-202, including factoring the annual
21 assessment required under the compact into the board's
22 biennium budget and promulgating any rules necessary for
23 implementation of the compact.

1

2 **33-38-106. Requirements for licensure and**
3 **certification.**

4

5 (r) To the extent a license authorized under
6 subsection (a) of this section for practice as a licensed
7 professional counselor does not comply with the
8 requirements for licensure under the Interstate Compact for
9 Licensed Professional Counselors under W.S. 33-38-202, the
10 license shall be considered a single-state license that
11 does not include a privilege to practice in any other
12 compact state.

13

14 (s) The board shall issue a privilege to practice as
15 a professional counselor to an applicant who is licensed in
16 a member state in accordance with the Interstate Compact
17 for Licensed Professional Counselors provided that the
18 applicant's license meets all the licensing requirements in
19 other member states as provided in W.S. 33-38-202.

20

21 **33-38-108. Reciprocity.**

22

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

14

15 **33-38-109. Disclosure of information.**

16

17 (a) A person licensed or certified under this act or
18 in accordance with the Interstate Compact for Licensed
19 Professional Counselors under W.S. 33-38-202 shall not
20 disclose without consent of the client any communication
21 made by the client to the licensed or certified
22 professional in the course of professional practice, nor
23 may any employee of the licensed or certified professional

1 reveal the information without the consent of the employer
2 or client except as indicated by law.

3

4 (c) A person licensed or certified under this act or
5 in accordance with the Interstate Compact for Licensed
6 Professional Counselors under W.S. 33-38-202 shall not
7 reveal without the consent of the client or the client's
8 legal advisor his advice given in the course of
9 professional employment; nor shall a secretary,
10 stenographer, clerk or other employee of any person
11 licensed or certified under this act reveal, without the
12 consent of his employer or the client, any facts, the
13 knowledge of which he has acquired in such capacity.

14

15 **33-38-110. Prohibited acts; penalties.**

16

17 (g) Notwithstanding the prohibitions imposed under
18 paragraph (a)(i) of this section, a person shall be
19 authorized to engage in the practice of professional
20 counseling and represent himself to the public as being a
21 licensed professional counselor if authorized to practice
22 in accordance with the Interstate Compact for Licensed
23 Professional Counselors under W.S. 33-38-202.

1

2 **33-38-111. Protection of the public; professional**
3 **disclosure.**

4

5 Any individual licensed or certified under this act or in
6 accordance with the Interstate Compact for Licensed
7 Professional Counselors under W.S. 33-38-202 is required to
8 conspicuously display a professional disclosure statement
9 at his place of business or at the principal location where
10 his services are performed and to provide a copy of the
11 statement to each adult client, or in the case of a minor
12 to the minor's parent or guardian, before or during the
13 first session and upon request. The professional disclosure
14 statement shall contain the licensee's or certificate
15 holder's name, title, business address and telephone
16 number, listing of formal professional education with name
17 of institution attended and specific degrees received,
18 licensure status or certificates currently held, statement
19 of confidentiality, a statement that the professional
20 ethical code of the discipline will be followed, including
21 a statement that sexual intimacy with a client is never
22 appropriate and a statement that the disclosure statement
23 is required by the Mental Health Professions Licensing Act.

1 The disclosure statement may also contain a listing of
2 areas of specialization, including major course of study.

3

4 **33-38-112. Limitation of practice.**

5

6 All licensees and certificate holders under this act and
7 all professional counselors authorized to practice under
8 the Interstate Compact for Licensed Professional Counselors
9 in accordance with W.S. 33-38-202 shall adhere to the
10 ethical standards of their discipline, and according to
11 those promulgated in the rules and regulations of the
12 board.

13

14 **33-38-113. Privileged communication.**

15

16 (a) In judicial proceedings, whether civil, criminal,
17 or juvenile, in administrative proceedings, and in
18 proceedings preliminary and ancillary thereto, a patient or
19 client, or his guardian or personal representative, may
20 refuse to disclose and may prevent the disclosure of
21 confidential information, including information contained
22 in administrative records, communicated to a person
23 licensed or otherwise authorized to practice under this act

1 or in accordance with the Interstate Compact for Licensed
2 Professional Counselors under W.S. 33-38-202, and their
3 agents, for the purpose of diagnosis, evaluation or
4 treatment of any mental or emotional condition or disorder.
5 A person licensed or otherwise authorized to practice under
6 this act or in accordance with the Interstate Compact for
7 Licensed Professional Counselors under W.S. 33-38-202 shall
8 not disclose any information communicated as described
9 above in the absence of an express waiver of the privilege
10 except in the following circumstances:

11

12 (iv) Where an immediate threat of physical
13 violence against a readily identifiable victim is disclosed
14 to the person licensed or otherwise authorized to practice
15 under this act or in accordance with the Interstate Compact
16 for Licensed Professional Counselors under W.S. 33-38-202;

17

18 (v) In the context of civil commitment
19 proceedings, where an immediate threat of self-inflicted
20 damage is disclosed to the person licensed or otherwise
21 authorized to practice under this act or in accordance with
22 the Interstate Compact for Licensed Professional Counselors
23 under W.S. 33-38-202;

1

2 (viii) In the context of investigations and
3 hearings brought by the patient or client and conducted by
4 the board where violations of this act or the Interstate
5 Compact for Licensed Professional Counselors under W.S.
6 33-38-202 are at issue. Information that is deemed to be of
7 sensitive nature shall be inspected by the board in camera
8 and the board shall determine whether or not the
9 information shall become a part of the record and subject
10 to public disclosure.

11

12 **Section 3.** This act is effective immediately upon
13 completion of all acts necessary for a bill to become law
14 as provided by Article 4, Section 8 of the Wyoming
15 Constitution.

16

17

(END)