



General Assembly

Amendment

January Session, 2023

LCO No. **9836**



Offered by:

REP. MCCARTHY VAHEY, 133rd Dist.

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To: House Bill No. **6835**

File No. 541

Cal. No. 336

"AN ACT CONCERNING VARIOUS REVISIONS TO THE PUBLIC HEALTH STATUTES."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective October 1, 2023*) (a) As used in this section:

4 (1) "Health care facility" means an outpatient surgical facility, as
5 defined in section 19a-493b of the general statutes, or a hospital, as
6 defined in in section 19a-490 of the general statutes, but does not include
7 a chronic disease hospital, as defined in section 19a-550 of the general
8 statutes;

9 (2) "Health care provider" means a person or an entity that is licensed,
10 certified or registered by the Department of Public Health to provide
11 health care services pursuant to title 20 of the general statutes;

12 (3) "Surgical technologist" means a person who performs surgical
13 technology services who is not a health care provider;

14 (4) "Surgical technology services" means surgical patient care
15 including, but not limited to, one or more of the following:

16 (A) Preparing an operating room and the sterile operating field for
17 surgical procedures by ensuring that surgical equipment is functioning
18 properly and safely and using sterile techniques to prepare surgical
19 supplies, instruments and equipment;

20 (B) Intraoperative anticipation and response to the needs of a surgeon
21 and other surgical team members by monitoring the sterile operating
22 field in an operating room and providing the required instruments or
23 supplies; and

24 (C) Performance of tasks at the sterile operating field, as directed, in
25 an operating room setting, including: (i) Passing surgical supplies,
26 instruments and equipment directly to a health care provider; (ii)
27 sponging or suctioning an operative site; (iii) preparing and cutting
28 suture material; (iv) transferring and irrigating with fluids; (v)
29 transferring, but not administering, drugs within the sterile field; and
30 (vi) handling surgical specimens.

31 (b) A health care facility shall not employ or otherwise retain any
32 person to perform surgical technology services unless such person
33 meets one or more of the following requirements:

34 (1) Successfully completed a nationally accredited surgical
35 technology program and holds and maintains certification as a surgical
36 technologist from a national certifying body that certifies surgical
37 technologists recognized by the Department of Public Health;

38 (2) (A) Successfully completed an accredited surgical technologist
39 program, (B) has not, as of the date of hire, obtained certification as a
40 surgical technologist from a national certifying body that certifies
41 surgical technologists recognized by the Department of Public Health,

42 and (C) obtains such certification not later than eighteen months after
43 completion of such program;

44 (3) Performed surgical technology services as a surgical technologist
45 in a health care facility on or before October 1, 2023, provided the health
46 care facility employing or retaining such person as a surgical
47 technologist under this subsection obtains proof of such person's prior
48 experience as a surgical technologist from such person and makes it
49 available to the Department of Public Health upon request of the
50 department;

51 (4) Successfully completed a training program for surgical
52 technology in the armed forces of the United States, the National Guard
53 or in the United States Public Health Services; or

54 (5) Has been designated by the health care facility as being competent
55 to perform surgical technology services based on specialized training or
56 specific experience, including, but not limited to, as a phlebotomist,
57 nuclear medical technologist, ultrasound technologist or central service
58 technician, provided the health care facility retains a list of such
59 designations deemed by such facility to be competent to perform such
60 services.

61 (c) Nothing in this section shall prohibit a person from performing
62 surgical technology services if such person is acting within the scope of
63 such person's license, certification, registration, permit or designation,
64 or is a student or intern under the direct supervision of a health care
65 provider.

66 (d) Any health care facility that employs or retains a surgical
67 technologist shall submit to the Department of Public Health, upon
68 request of the department, documentation demonstration that the
69 surgical technologist is in compliance with the requirements set forth in
70 this section.

71 Sec. 2. Section 20-14s of the general statutes is repealed and the
72 following is substituted in lieu thereof (*Effective October 1, 2023*):

73 A prescribing practitioner, as defined in section 20-14c, who
74 prescribes an opioid drug, as defined in section 20-14o, for the treatment
75 of pain for a patient for a duration greater than twelve weeks shall
76 establish a treatment agreement with the patient or discuss a care plan
77 for the chronic use of opioids with the patient. The treatment agreement
78 or care plan shall, at a minimum, include treatment goals, risks of using
79 opioids, urine drug screens and expectations regarding the continuing
80 treatment of pain with opioids, such as situations requiring
81 discontinuation of opioid treatment and, to the extent possible,
82 nonopioid treatment options, including, but not limited to,
83 manipulation, chiropractic, spinal cord stimulation, massage therapy,
84 acupuncture, physical therapy and other treatment regimens or
85 modalities. A record of the treatment agreement or care plan shall be
86 recorded in the patient's medical record.

87 Sec. 3. Subdivision (1) of section 17b-307a of the general statutes is
88 repealed and the following is substituted in lieu thereof (*Effective October*
89 *1, 2023*):

90 (1) "Collaborative Care Model" or "CoCM" means the integrated
91 delivery of behavioral health and primary care services by a primary
92 care team that includes a primary care provider, a behavioral care
93 manager, a psychiatric consultant and a [data base] database used by
94 the behavioral care manager to track patient progress;

95 Sec. 4. Subsection (g) of section 20-195n of the general statutes is
96 repealed and the following is substituted in lieu thereof (*Effective October*
97 *1, 2023*):

98 (g) The commissioner shall notify each applicant who is approved to
99 take an examination required under subsection (b), (c), (d) or (e) of this
100 section that such applicant may be eligible for testing accommodations
101 pursuant to the federal Americans with Disabilities Act, 42 USC 12101
102 et seq., as amended from time to time, or other accommodations, as
103 determined by the Association of Social Work Boards, or its successor
104 organization, which may include the use of a dictionary while taking

105 such examination and additional time within which to take such
106 examination.

107 Sec. 5. Subdivisions (104) and (105) of subsection (a) of section 10-29a
108 of the general statutes are repealed and the following is substituted in
109 lieu thereof (*Effective October 1, 2023*):

110 (104) [Maternal Mental Health Month.] The Governor shall proclaim
111 the month of May of each year to be Maternal Mental Health Month, to
112 raise awareness of issues surrounding maternal mental health. Suitable
113 exercises may be held in the State Capitol and elsewhere as the
114 Governor designates for the observance of the month.

115 (105) [Maternal Mental Health Day.] The Governor shall proclaim
116 May fifth of each year to be Maternal Mental Health Day, to raise
117 awareness of issues surrounding maternal mental health. Suitable
118 exercises may be held in the State Capitol and elsewhere as the
119 Governor designates for the observance of the day.

120 Sec. 6. Subsections (a) and (b) of section 17a-476 of the general statutes
121 are repealed and the following is substituted in lieu thereof (*Effective*
122 *October 1, 2023*):

123 (a) Any general hospital, municipality or nonprofit organization in
124 Connecticut may apply to the Department of Mental Health and
125 Addiction Services for funds to establish, expand or maintain
126 psychiatric or mental health services. The application for funds shall be
127 submitted on forms provided by the Department of Mental Health and
128 Addiction Services, and shall be accompanied by (1) a definition of the
129 towns and areas to be served; (2) a plan by means of which the applicant
130 proposes to coordinate its activities with those of other local agencies
131 presently supplying mental health services or contributing in any way
132 to the mental health of the area; (3) a description of the services to be
133 provided, and the methods through which these services will be
134 provided; and (4) indication of the methods that will be employed to
135 effect a balance in the use of state and local resources so as to foster local
136 initiative, responsibility and participation. In accordance with

137 subdivision (4) of section 17a-480, as amended by this act, the regional
138 behavioral health action organization serving the mental health region
139 in which the applicant is located shall review each such application with
140 the Department of Mental Health and Addiction Services and make
141 recommendations to the department with respect to each such
142 application.

143 (b) Upon receipt of the application with the recommendations of the
144 regional behavioral health action organization and approval by the
145 Department of Mental Health and Addiction Services, the department
146 shall grant such funds by way of a contract or grant-in-aid within the
147 appropriation for any annual fiscal year. No funds authorized by this
148 section shall be used for the construction or renovation of buildings.

149 Sec. 7. Section 17a-480 of the general statutes is repealed and the
150 following is substituted in lieu thereof (*Effective October 1, 2023*):

151 The Department of Mental Health and Addiction Services, in
152 consultation with regional behavioral health action organizations,
153 established pursuant to section 17a-484f, (1) may purchase services from
154 other public agencies and from municipal and private agencies, (2) shall
155 supervise, plan and coordinate mental health services with the goal of
156 improving and expanding existing services and providing new ones, (3)
157 shall develop joint programs in conformity with Department of Mental
158 Health and Addiction Services standards, (4) shall make
159 recommendations concerning all requests for grants and all contract
160 proposals emanating from the regions, (5) shall evaluate mental health
161 service delivery and monitor such services to insure that they are in
162 conformity with the plans and policies of the Department of Mental
163 Health and Addiction Services, and (6) shall report annually to the
164 Board of Mental Health and Addiction Services on the status of
165 programs and needs of the regions.

166 Sec. 8. Section 17a-482 of the general statutes is repealed and the
167 following is substituted in lieu thereof (*Effective October 1, 2023*):

168 As used in this section, subsection (a) of section 17a-476, as amended

169 by this act, sections 17a-478 to 17a-480, inclusive, as amended by this act,
170 [and sections 17a-482] and section 17a-483, unless the context otherwise
171 requires: "Catchment area" means any geographical area within the state
172 established as such by the Commissioner of Mental Health and
173 Addiction Services, the boundaries of which may be redesignated by
174 said commissioner when deemed necessary to equalize the population
175 of each area and in such manner as is consistent with the boundaries of
176 the municipalities therein, provided such boundaries of any catchment
177 area shall be entirely within the boundaries of a mental health region
178 established under section 17a-478; "council" means the catchment area
179 council established under section 17a-483; "regional behavioral health
180 action organization" means the organization established pursuant to
181 section 17a-484f; and "provider" means any person who receives income
182 from private practice or any public or private agency which delivers
183 mental health services.

184 Sec. 9. Subdivision (3) of subsection (a) of section 19a-70 of the general
185 statutes is repealed and the following is substituted in lieu thereof
186 (*Effective October 1, 2023*):

187 (3) "HIV infection" means infection with the human
188 immunodeficiency virus or any other related virus identified as a
189 probable causative agent of acquired immune deficiency syndrome, as
190 defined by the Centers for Disease Control and Prevention of the United
191 States Public Health Service;

192 Sec. 10. Subsection (a) of section 20-90 of the general statutes is
193 repealed and the following is substituted in lieu thereof (*Effective October*
194 *1, 2023*):

195 (a) The Connecticut State Board of Examiners for Nursing shall have
196 the following duties: (1) Hear and decide matters concerning suspension
197 or revocation of licensure; (2) adjudicate complaints filed against
198 practitioners licensed under this chapter and impose sanctions where
199 appropriate; (3) approve schools of nursing in the state that prepare
200 persons for examination under the provisions of this chapter; and (4)

201 consult, where possible, with [national] nationally recognized
202 accrediting agencies when approving schools pursuant to subdivision
203 (3) of this subsection. The board may adopt a seal.

204 Sec. 11. Subdivision (2) of subsection (f) of section 53-344 of the
205 general statutes is repealed and the following is substituted in lieu
206 thereof (*Effective October 1, 2023*):

207 (2) In determining whether a seller or seller's agent or employee has
208 proven the affirmative defense provided by subdivision (1) of this
209 [section] subsection, the trier of fact in such prosecution shall consider
210 that reasonable reliance upon the identification presented and the
211 completed transaction scan may require a seller or seller's agent or
212 employee to exercise reasonable diligence and that the use of a
213 transaction scan device does not excuse a seller or seller's agent or
214 employee from exercising such reasonable diligence to determine the
215 following: (A) Whether a person to whom the seller or seller's agent or
216 employee sells, gives away or otherwise distributes cigarettes or a
217 tobacco product is twenty-one years of age or older; and (B) whether the
218 description and picture appearing on the driver's license or identity card
219 presented by a cardholder is that of the cardholder.

220 Sec. 12. (NEW) (*Effective July 1, 2023*) The Counseling Compact is
221 hereby enacted into law and entered into by the state of Connecticut
222 with any and all jurisdictions legally joining therein in accordance with
223 its terms. The compact is substantially as follows:

224 "COUNSELING COMPACT

225 SECTION 1. PURPOSE

226 The purpose of the compact is to facilitate interstate practice of
227 licensed professional counselors with the goal of improving public
228 access to professional counseling services. The practice of professional
229 counseling occurs in the state where the client is located at the time of
230 the counseling services. The compact preserves the regulatory authority
231 of states to protect public health and safety through the current system

232 of state licensure. The compact is designed to achieve the following
233 objectives:

234 (1) Increase public access to professional counseling services by
235 providing for the mutual recognition of other member state licenses;

236 (2) Enhance the states' ability to protect public health and safety;

237 (3) Encourage the cooperation of member states in regulating
238 multistate practice for licensed professional counselors;

239 (4) Support spouses of relocating active duty military personnel;

240 (5) Enhance the exchange of licensure, investigative and disciplinary
241 information among member states;

242 (6) Allow for the use of telehealth technology to facilitate increased
243 access to professional counseling services;

244 (7) Support the uniformity of professional counseling licensure
245 requirements throughout the member states to promote public safety
246 and public health benefits;

247 (8) Invest all member states with the authority to hold a licensed
248 professional counselor accountable for meeting all state practice laws in
249 the state in which the client is located at the time care is rendered
250 through the mutual recognition of member state licenses;

251 (9) Eliminate the necessity for licenses in multiple states; and

252 (10) Provide opportunities for interstate practice by licensed
253 professional counselors who meet uniform licensure requirements.

254 SECTION 2. DEFINITIONS

255 As used in the compact, except as otherwise provided, the following
256 definitions shall apply:

257 (1) "Active duty military" means full-time duty status in the active

258 uniformed service of the United States, including, but not limited to,
259 members of the National Guard and Reserve on active duty orders
260 pursuant to 10 USC 1209 and 10 USC 1211.

261 (2) "Adverse action" means any administrative, civil, equitable or
262 criminal action permitted by a state's laws that is imposed by a licensing
263 board or other authority against a licensed professional counselor,
264 including actions against an individual's license or privilege to practice
265 such as revocation, suspension, probation, monitoring of the licensee,
266 limitation on the licensee's practice or any other encumbrance on
267 licensure affecting a licensed professional counselor's authorization to
268 practice, including issuance of a cease and desist action.

269 (3) "Alternative program" means a nondisciplinary monitoring or
270 practice remediation process approved by a professional counseling
271 licensing board to address impaired practitioners.

272 (4) "Continuing competence or education" means a requirement, as a
273 condition of license renewal, to provide evidence of participation in, or
274 completion of, educational and professional activities relevant to
275 practice or area of work.

276 (5) "Counseling Compact Commission" or "commission" means the
277 national administrative body whose membership consists of all states
278 that have enacted the compact.

279 (6) "Current significant investigative information" means:

280 (A) Investigative information that a licensing board, after a
281 preliminary inquiry that includes notification and an opportunity for
282 the licensed professional counselor to respond, if required by state law,
283 has reason to believe is not groundless and, if proved true, would
284 indicate more than a minor infraction; or

285 (B) Investigative information that indicates that the licensed
286 professional counselor represents an immediate threat to public health
287 and safety regardless of whether the licensed professional counselor has

288 been notified and had an opportunity to respond.

289 (7) "Data system" means a repository of information about licensees,
290 including, but not limited to, continuing education, examination,
291 licensure, investigative, privilege to practice and adverse action
292 information.

293 (8) "Encumbered license" means a license in which an adverse action
294 restricts the practice of licensed professional counseling by the licensee
295 and such adverse action has been reported to the National Practitioners
296 Data Bank.

297 (9) "Encumbrance" means a revocation or suspension of, or any
298 limitation on, the full and unrestricted practice of licensed professional
299 counseling by a licensing board.

300 (10) "Executive committee" means a group of directors elected or
301 appointed to act on behalf of, and within the powers granted to them
302 by, the commission.

303 (11) "Home state" means the member state that is the licensee's
304 primary state of residence.

305 (12) "Impaired practitioner" means an individual who has a condition
306 that may impair the individual's ability to practice as a licensed
307 professional counselor without some type of intervention and may
308 include, but is not limited to, alcohol and drug dependence, mental
309 health impairment and neurological or physical impairments.

310 (13) "Investigative information" means information, records and
311 documents received or generated by a professional counseling licensing
312 board pursuant to an investigation.

313 (14) "Jurisprudence requirement" means any assessment required by
314 a member state of an individual's knowledge of the laws and rules
315 governing the practice of professional counseling in a state.

316 (15) "Licensed professional counselor" means a counselor licensed by

317 a member state, regardless of the title used by the member state, to
318 independently assess, diagnose and treat behavioral health conditions.

319 (16) "Licensee" means an individual who currently holds an
320 authorization from the state to practice as a licensed professional
321 counselor.

322 (17) "Licensing board" means the agency of a member state, or the
323 equivalent, that is responsible for the licensing and regulation of
324 licensed professional counselors.

325 (18) "Member state" means a state that has enacted the compact.

326 (19) "Privilege to practice" means a legal authorization equivalent to
327 a license that permits the practice of professional counseling in a remote
328 state.

329 (20) "Professional counseling" means the assessment, diagnosis and
330 treatment of behavioral health conditions by a licensed professional
331 counselor.

332 (21) "Remote state" means a member state, other than the home state,
333 where a licensee is exercising or seeking to exercise the privilege to
334 practice.

335 (22) "Rule" means a regulation promulgated by the commission that
336 has the force of law.

337 (23) "Single state license" means a licensed professional counselor
338 license issued by a member state that authorizes practice only within the
339 issuing state and does not include a privilege to practice in any other
340 member state.

341 (24) "State" means any state, commonwealth, district or territory of
342 the United States that regulates the practice of professional counseling.

343 (25) "Telehealth" means the application of telecommunication
344 technology to deliver professional counseling services remotely to

345 assess, diagnose and treat behavioral health conditions.

346 (26) "Unencumbered license" means a license that authorizes a
347 licensed professional counselor to engage in the full and unrestricted
348 practice of professional counseling.

349 SECTION 3. STATE PARTICIPATION IN THE COMPACT

350 (a) To participate in the compact, a state shall currently:

351 (1) License and regulate licensed professional counselors;

352 (2) Require licensees to pass a nationally recognized exam approved
353 by the commission;

354 (3) Require licensees to have a sixty semester-hour or ninety quarter-
355 hour master's degree in counseling or sixty semester hours or ninety
356 quarter-hours of graduate course work, including the following topic
357 areas:

358 (A) Professional counseling orientation and ethical practice;

359 (B) Social and cultural diversity;

360 (C) Human growth and development;

361 (D) Career development;

362 (E) Counseling and helping relationships;

363 (F) Group counseling and group work;

364 (G) Diagnosis and treatment;

365 (H) Assessment and testing;

366 (I) Research and program evaluation; and

367 (J) Other areas as determined by the commission;

368 (4) Require licensees to complete a supervised postgraduate

369 professional experience as defined by the commission; and

370 (5) Have a mechanism in place for receiving and investigating
371 complaints about licensees.

372 (b) A member state shall:

373 (1) Participate fully in the commission's data system, including using
374 the commission's unique identifier as defined in rules;

375 (2) Notify the commission, in compliance with the terms of the
376 compact and rules, of any adverse action or the availability of
377 investigative information regarding a licensee;

378 (3) Implement or utilize procedures for considering the criminal
379 history records of applicants for an initial privilege to practice, including
380 the submission of fingerprints or other biometric-based information by
381 applicants for the purpose of obtaining an applicant's criminal history
382 record information from the Federal Bureau of Investigation and the
383 agency responsible for retaining the state's criminal records, provided
384 (A) a member state shall fully implement a criminal background check
385 requirement, within a time frame established by rule, by receiving the
386 results of the Federal Bureau of Investigation record search and shall
387 use the results in making licensure decisions; and (B) communication
388 between a member state, the commission and among member states
389 regarding the verification of eligibility for licensure through the
390 compact shall not include any information received from the Federal
391 Bureau of Investigation relating to a federal criminal records check
392 performed by a member state under the Departments of State, Justice,
393 and Commerce, the Judiciary, and Related Agencies Appropriation Act,
394 1973, P.L. 92-544;

395 (4) Comply with the rules of the commission;

396 (5) Require an applicant to obtain or retain a license in the home state
397 and meet the home state's qualifications for licensure or renewal of
398 licensure, as well as all other applicable state laws;

399 (6) Grant the privilege to practice to a licensee holding a valid
400 unencumbered license in another member state in accordance with the
401 terms of the compact and rules; and

402 (7) Provide for the attendance of the state's commissioner to the
403 Counseling Compact Commission meetings.

404 (c) A member state may charge a fee for granting the privilege to
405 practice under the compact.

406 (d) An individual not residing in a member state may apply for a
407 member state's single state license to practice professional counseling as
408 provided under the laws of each member state.

409 (e) The single state license to practice professional counseling granted
410 to an individual not residing in a member state shall not be recognized
411 as granting a privilege to practice in any other member state.

412 (f) Nothing in the compact shall affect the requirements established
413 by a member state for the issuance of a single state license to practice
414 professional counseling.

415 (g) A license issued to a licensed professional counselor by a home
416 state to a resident of such home state shall be recognized by each
417 member state as authorizing a licensed professional counselor to
418 practice professional counseling, under a privilege to practice, in each
419 member state.

420 SECTION 4. PRIVILEGE TO PRACTICE

421 (a) To exercise the privilege to practice under the terms and
422 provisions of the compact, a licensee shall:

423 (1) Hold a license in the home state;

424 (2) Have a valid Social Security number or National Practitioner
425 Identifier;

426 (3) Be eligible for a privilege to practice in any member state in

427 accordance with subsections (d), (g) and (h) of this section of the
428 compact;

429 (4) Have not had any encumbrance or restriction against any license
430 or privilege to practice within the previous two years;

431 (5) Notify the commission that the licensee is seeking the privilege to
432 practice within a remote state;

433 (6) Pay any applicable fees, including any state fee, for the privilege
434 to practice;

435 (7) Meet any continuing competence or education requirements
436 established by the home state;

437 (8) Meet any jurisprudence requirements established by each remote
438 state in which the licensee is seeking a privilege to practice; and

439 (9) Report to the commission any adverse action, encumbrance or
440 restriction on license taken by any non-member state not later than
441 thirty days after the date on which the action is taken.

442 (b) The privilege to practice shall be valid until the expiration date of
443 the home state license. The licensee shall comply with the requirements
444 of subsection (a) of this section of the compact to maintain the privilege
445 to practice in the remote state.

446 (c) A licensee providing professional counseling in a remote state
447 under the privilege to practice shall adhere to the laws and regulations
448 of the remote state.

449 (d) A licensee providing professional counseling services in a remote
450 state shall be subject to the remote state's regulatory authority. A remote
451 state may, in accordance with due process and such state's laws, remove
452 a licensee's privilege to practice in the remote state for a specific period
453 of time, impose fines or take any other necessary action to protect the
454 health and safety of its citizens. The licensee may be ineligible for a
455 privilege to practice in any member state until the specific time for

456 removal has passed and all fines are paid.

457 (e) If a home state license is encumbered, the licensee shall lose the
458 privilege to practice in any remote state until the following occur:

459 (1) The home state license is no longer encumbered; and

460 (2) The licensee has not had any encumbrance or restriction against
461 any license or privilege to practice within the previous two years.

462 (f) After an encumbered license in the home state is restored to good
463 standing, the licensee shall meet the requirements of subsection (a) of
464 this section of the compact to obtain a privilege to practice in any remote
465 state.

466 (g) If a licensee's privilege to practice in any remote state is removed,
467 the individual may lose the privilege to practice in all other remote
468 states until the following occur:

469 (1) The specific period of time for which the privilege to practice was
470 removed has ended;

471 (2) All fines have been paid; and

472 (3) The licensee has not had any encumbrance or restriction against
473 any license or privilege to practice within the previous two years.

474 (h) When the requirements of subsection (g) of this section of the
475 compact have been met, the licensee shall meet the requirements in
476 subsection (a) of this section of the compact to obtain a privilege to
477 practice in a remote state.

478 SECTION 5. OBTAINING A NEW HOME STATE LICENSE BASED
479 ON A PRIVILEGE TO PRACTICE

480 (a) A licensed professional counselor may hold a home state license
481 that allows for a privilege to practice in other member states in only one
482 member state at a time.

483 (b) If a licensed professional counselor changes the primary state of
484 residence by moving between two member states:

485 (1) The licensed professional counselor shall file an application for
486 obtaining a new home state license based on a privilege to practice, pay
487 all applicable fees and notify the current and new home state in
488 accordance with applicable rules adopted by the commission.

489 (2) Upon receipt of an application to obtain a new home state license
490 by virtue of a privilege to practice, the new home state shall verify that
491 the licensed professional counselor meets the pertinent criteria outlined
492 in section 4 of the compact via the data system, without need for primary
493 source verification, except:

494 (A) A Federal Bureau of Investigation fingerprint based criminal
495 background check if not previously performed or updated pursuant to
496 applicable rules adopted by the commission in accordance with the
497 Departments of State, Justice, and Commerce, the Judiciary, and Related
498 Agencies Appropriation Act, 1973, P.L. 92-544;

499 (B) Any other criminal background check as required by the new
500 home state; and

501 (C) Completion of any requisite jurisprudence requirements of the
502 new home state.

503 (3) The former home state shall convert the former home state license
504 into a privilege to practice once the new home state has activated the
505 new home state license in accordance with applicable rules adopted by
506 the commission.

507 (4) Notwithstanding any other provision of the compact, if the
508 licensed professional counselor cannot meet the criteria in section 4 of
509 the compact, the new home state may apply its requirements for issuing
510 a new single state license.

511 (5) The licensed professional counselor shall pay all applicable fees to
512 the new home state in order to be issued a new home state license.

513 (c) If a licensed professional counselor changes the primary state of
514 residence by moving from a member state to a non-member state, or
515 from a non-member state to a member state, the state criteria shall apply
516 for issuance of a single state license in the new state.

517 (d) Nothing in the compact shall interfere with a licensee's ability to
518 hold a single state license in multiple states. For the purposes of the
519 compact, a licensee shall have only one home state license.

520 (e) Nothing in the compact shall affect the requirements established
521 by a member state for the issuance of a single state license.

522 SECTION 6. ACTIVE DUTY MILITARY PERSONNEL OR THEIR
523 SPOUSES

524 Active duty military personnel, or the spouse of an active duty
525 military personnel, shall designate a home state where such personnel
526 or such spouse has a current license in good standing. Such personnel
527 or such spouse may retain the home state designation during the period
528 the service member is on active duty. Subsequent to designating a home
529 state, such personnel or such spouse shall only change such personnel's
530 or such spouse's home state through application for licensure in the new
531 state, or through the process described in section 5 of the compact.

532 SECTION 7. COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

533 (a) A member state shall recognize the right of a licensed professional
534 counselor, licensed by a home state in accordance with section 3 of the
535 compact and under rules promulgated by the commission, to practice
536 professional counseling in any member state via telehealth under a
537 privilege to practice as provided in the compact and rules promulgated
538 by the commission.

539 (b) A licensee providing professional counseling services in a remote
540 state under the privilege to practice shall adhere to the laws and
541 regulations of the remote state.

542 SECTION 8. ADVERSE ACTIONS

543 (a) In addition to the other powers conferred by state law, a remote
544 state shall have the authority, in accordance with existing state due
545 process law, to:

546 (1) Take adverse action against a licensed professional counselor's
547 privilege to practice within such member state;

548 (2) Issue a subpoena for a hearing or an investigation that requires
549 the attendance and testimony of a witness and the production of
550 evidence. A subpoena issued by a licensing board in a member state for
551 the attendance and testimony of a witness or the production of evidence
552 from another member state shall be enforced in the latter member state
553 by any court of competent jurisdiction, according to the practice and
554 procedure of that court applicable to subpoenas issued in proceedings
555 pending before it;

556 (3) The authority issuing a subpoena under subdivision (2) of this
557 subsection shall pay any witness fees, travel expenses, mileage and
558 other fees required by the service laws of the state in which the witnesses
559 or evidence are located; and

560 (4) Only the home state shall have the power to take adverse action
561 against a licensed professional counselor's license issued by the home
562 state.

563 (b) For the purpose of taking adverse action, the home state shall give
564 the same priority and effect to reported conduct received from a
565 member state as it would if the conduct had occurred within the home
566 state. In so doing, the home state shall apply its own state laws to
567 determine appropriate action.

568 (c) The home state shall complete any pending investigation of a
569 licensed professional counselor who changes primary state of residence
570 during the course of the investigation. The home state shall also have
571 the authority to take appropriate action and shall promptly report the
572 conclusion of the investigations to the administrator of the data system.
573 The administrator of the coordinated licensure information system shall

574 promptly notify the new home state of any adverse action.

575 (d) A member state, if otherwise permitted by state law, may recover
576 from the affected licensed professional counselor the costs of
577 investigations and dispositions of cases resulting from any adverse
578 action taken against such licensed professional counselor.

579 (e) A member state may take adverse action based on the factual
580 findings of the remote state, provided the member state follows its own
581 procedures for taking the adverse action.

582 (f) (1) In addition to the authority granted to a member state by its
583 respective professional counseling practice act or other applicable state
584 law, any member state may participate with another member state in a
585 joint investigation of a licensee.

586 (2) A member state shall share any investigative, litigation or
587 compliance materials in furtherance of any joint or individual
588 investigation initiated under the compact.

589 (g) If adverse action is taken by the home state against the license of
590 a licensed professional counselor, the licensed professional counselor's
591 privilege to practice in all other member states shall be deactivated until
592 all encumbrances have been removed from the state license.

593 (h) A home state disciplinary order that imposes adverse action
594 against the license of a licensed professional counselor shall include a
595 statement that the licensed professional counselor's privilege to practice
596 is deactivated in all member states during the pendency of the order.

597 (i) If a member state takes adverse action, it shall promptly notify the
598 administrator of the data system. The administrator of the data system
599 shall promptly notify the home state of any adverse action by a remote
600 state.

601 (j) Nothing in the compact shall override a member state's decision
602 that participation in an alternative program may be used in lieu of
603 adverse action.

604 SECTION 9. ESTABLISHMENT OF COUNSELING COMPACT
605 COMMISSION

606 (a) The member states hereby create and establish a joint public
607 agency known as the Counseling Compact Commission:

608 (1) The commission is an instrumentality of the compact states.

609 (2) Venue is proper and judicial proceedings by or against the
610 commission shall be brought solely and exclusively in a court of
611 competent jurisdiction where the principal office of the commission is
612 located. The commission may waive venue and jurisdictional defenses
613 to the extent it adopts or consents to participate in alternative dispute
614 resolution proceedings.

615 (3) Nothing in the compact shall be construed to be a waiver of
616 sovereign immunity.

617 (b) Membership, Voting and Meetings:

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

620 (2) The delegate shall be either:

621 (A) A current member of the licensing board at the time of
622 appointment, who is a licensed professional counselor or public
623 member; or

624 (B) An administrator of the licensing board.

625 (3) Any delegate may be removed or suspended from office as
626 provided by the law of the state from which the delegate is appointed.

627 (4) The member state licensing board shall fill any vacancy occurring
628 on the commission not later than sixty days after the vacancy occurs.

629 (5) Each delegate shall be entitled to one vote with regard to the
630 promulgation of rules and creation of bylaws and shall otherwise have

631 an opportunity to participate in the business and affairs of the
632 commission.

633 (6) A delegate shall vote in person or by such other means as
634 provided in the bylaws. The bylaws may provide for delegates'
635 participation in meetings by telephone or other means of
636 communication.

637 (7) The commission shall meet at least once during each calendar
638 year. Additional meetings shall be held as set forth in the bylaws.

639 (8) The commission shall by rule establish a term of office for
640 delegates and may by rule establish term limits.

641 (c) The commission shall have the following powers and duties:

642 (1) Establish the fiscal year of the commission;

643 (2) Establish bylaws;

644 (3) Maintain its financial records in accordance with the bylaws;

645 (4) Meet and take such actions as are consistent with the provisions
646 of the compact and the bylaws;

647 (5) Promulgate rules that shall be binding to the extent and in the
648 manner provided for in the compact;

649 (6) Bring and prosecute legal proceedings or actions in the name of
650 the commission, provided the standing of any state licensing board to
651 sue or be sued under applicable law shall not be affected;

652 (7) Purchase and maintain insurance and bonds;

653 (8) Borrow, accept or contract for services of personnel, including, but
654 not limited to, employees of a member state;

655 (9) Hire employees, elect or appoint officers, fix compensation, define
656 duties, grant such individuals appropriate authority to carry out the

657 purposes of the compact and establish the commission's personnel
658 policies and programs relating to conflicts of interest, qualifications of
659 personnel and other related personnel matters;

660 (10) Accept any and all appropriate donations and grants of money,
661 equipment, supplies, materials and services, and to receive, utilize and
662 dispose of the same provided the commission at all times shall avoid
663 any appearance of impropriety or conflict of interest;

664 (11) Lease, purchase, accept appropriate gifts or donations of, or
665 otherwise to own, hold, improve or use, any property, real, personal or
666 mixed, provided the Commission avoids, at all times, any appearance
667 of impropriety;

668 (12) Sell, convey, mortgage, pledge, lease, exchange, abandon or
669 otherwise dispose of any property real, personal or mixed;

670 (13) Establish a budget and make expenditures;

671 (14) Borrow money;

672 (15) Appoint committees, including standing committees composed
673 of members, state regulators, state legislators or their representatives,
674 consumer representatives and such other interested persons as may be
675 designated in the compact and the bylaws;

676 (16) Provide and receive information from, and cooperate with, law
677 enforcement agencies;

678 (17) Establish and elect an executive committee; and

679 (18) Perform such other functions as may be necessary or appropriate
680 to achieve the purposes of the compact consistent with the state
681 regulation of professional counseling licensure and practice.

682 (d) The executive committee:

683 (1) The executive committee shall have the power to act on behalf of
684 the commission according to the terms of the compact.

685 (2) The executive committee shall be composed of up to eleven
686 members, including the following:

687 (A) Seven voting members who are elected by the commission from
688 the current membership of the commission; and

689 (B) Up to four ex-officio, nonvoting members from different
690 recognized national professional counselor organizations, who shall be
691 selected by their respective organizations.

692 (3) The commission may remove any member of the executive
693 committee as provided in bylaws.

694 (4) The executive committee shall meet at least annually.

695 (5) The executive committee shall have the following duties and
696 responsibilities:

697 (A) Recommend to the entire commission changes to the rules or
698 bylaws, changes to the compact legislation, fees paid by compact
699 member states, such as annual dues, and any commission compact fee
700 charged to licensees for the privilege to practice;

701 (B) Ensure compact administration services are appropriately
702 provided, contractual or otherwise;

703 (C) Prepare and recommend the budget;

704 (D) Maintain financial records on behalf of the commission;

705 (E) Monitor compact compliance of member states and provide
706 compliance reports to the commission;

707 (F) Establish additional committees as necessary; and

708 (G) Other duties as provided in rules or bylaws.

709 (e) Meetings of the commission:

710 (1) All meetings shall be open to the public, and public notice of

711 meetings shall be given in the same manner as required under the
712 rulemaking provisions in section 11 of the compact.

713 (2) The commission or the executive committee or other committees
714 of the commission may convene in a closed, nonpublic meeting,
715 provided the commission or executive committee or other committees
716 of the commission discuss:

717 (A) Noncompliance of a member state with its obligations under the
718 compact;

719 (B) The employment, compensation, discipline or other matters,
720 practices or procedures related to specific employees or other matters
721 related to the commission's internal personnel practices and procedures;

722 (C) Current, threatened or reasonably anticipated litigation;

723 (D) Negotiation of contracts for the purchase, lease or sale of goods,
724 services or real estate;

725 (E) Accusing any person of a crime or formally censuring any person;

726 (F) Disclosure of trade secrets or commercial or financial information
727 that is privileged or confidential;

728 (G) Disclosure of information of a personal nature where disclosure
729 would constitute a clearly unwarranted invasion of personal privacy;

730 (H) Disclosure of investigative records compiled for law enforcement
731 purposes;

732 (I) Disclosure of information related to any investigative reports
733 prepared by or on behalf of or for use of the commission or other
734 committee charged with responsibility of investigation or determination
735 of compliance issues pursuant to the compact; or

736 (J) Matters specifically exempted from disclosure by federal or
737 member state statute.

738 (3) If a meeting, or portion of a meeting, is closed pursuant to
739 subdivision (2) of this subsection, the commission's legal counsel or
740 designee shall certify that the meeting may be closed and shall reference
741 each relevant exempting provision.

742 (4) The commission shall keep minutes that fully and clearly describe
743 all matters discussed in a meeting and shall provide a full and accurate
744 summary of actions taken, and the reasons therefor, including a
745 description of the views expressed. All documents considered in
746 connection with an action shall be identified in such minutes. All
747 minutes and documents of a closed meeting shall remain under seal,
748 subject to release by a majority vote of the commission or order of a
749 court of competent jurisdiction.

750 (f) Financing of the commission:

751 (1) The commission shall pay, or provide for the payment of, the
752 reasonable expenses of its establishment, organization and ongoing
753 activities.

754 (2) The commission may accept any and all appropriate revenue
755 sources, donations and grants of money, equipment, supplies, materials
756 and services.

757 (3) The commission may levy on and collect an annual assessment
758 from each member state or impose fees on other parties to cover the cost
759 of the operations and activities of the commission and its staff, which
760 must be in a total amount sufficient to cover its annual budget as
761 approved each year for which revenue is not provided by other sources.
762 The aggregate annual assessment amount shall be allocated based upon
763 a formula to be determined by the commission, which shall promulgate
764 a rule binding upon all member states.

765 (4) The commission shall not incur obligations of any kind prior to
766 securing the funds adequate to meet the same. The commission shall not
767 pledge the credit of any of the member states, except by and with the
768 authority of the member state.

769 (5) The commission shall keep accurate accounts of all receipts and
770 disbursements. The receipts and disbursements of the commission shall
771 be subject to the audit and accounting procedures established under its
772 bylaws. All receipts and disbursements of funds handled by the
773 commission shall be audited yearly by a certified or licensed public
774 accountant, and the report of the audit shall be included in and become
775 part of the annual report of the commission.

776 (g) Qualified immunity, defense and indemnification:

777 (1) The members, officers, executive director, employees and
778 representatives of the commission shall be immune from suit and
779 liability, either personally or in their official capacity, for any claim for
780 damage to or loss of property or personal injury or other civil liability
781 caused by or arising out of any actual or alleged act, error or omission
782 that occurred, or that the person against whom the claim is made had a
783 reasonable basis for believing occurred within the scope of commission
784 employment, duties or responsibilities, provided nothing in this
785 subdivision shall be construed to protect any such person from suit or
786 liability for any damage, loss, injury or liability caused by the intentional
787 or wilful or wanton misconduct of that person.

788 (2) The commission shall defend any member, officer, executive
789 director, employee or representative of the commission in any civil
790 action seeking to impose liability arising out of any actual or alleged act,
791 error or omission that occurred within the scope of the commission's
792 employment, duties or responsibilities, or that the person against whom
793 the claim is made had a reasonable basis for believing occurred within
794 the scope of the commission's employment, duties or responsibilities,
795 provided (A) nothing in this subdivision shall be construed to prohibit
796 such person from retaining his or her own counsel, and (B) the actual or
797 alleged act, error or omission did not result from such person's
798 intentional or wilful or wanton misconduct.

799 (3) The commission shall indemnify and hold harmless any member,
800 officer, executive director, employee or representative of the

801 commission for the amount of any settlement or judgment obtained
802 against that person arising out of any actual or alleged act, error or
803 omission that occurred within the scope of commission employment,
804 duties or responsibilities, or that such person had a reasonable basis for
805 believing occurred within the scope of commission employment, duties,
806 or responsibilities, provided the actual or alleged act, error or omission
807 did not result from the intentional or wilful or wanton misconduct of
808 such person.

809 SECTION 10. DATA SYSTEM

810 (a) The commission shall provide for the development, maintenance,
811 operation and utilization of a coordinated database and reporting
812 system containing licensure, adverse action and investigative
813 information on all licensed individuals in member states.

814 (b) Notwithstanding any provision of state law, a member state shall
815 submit a uniform data set to the data system on all individuals to whom
816 the compact is applicable as required by the rules of the commission,
817 including:

818 (1) Identifying information;

819 (2) Licensure data;

820 (3) Any adverse action against a license or privilege to practice;

821 (4) Nonconfidential information related to alternative program
822 participation;

823 (5) Any denial of application for licensure, and the reason for such
824 denial;

825 (6) Current significant investigative information; and

826 (7) Other information that may facilitate the administration of the
827 compact, as determined by the rules of the commission.

828 (c) Investigative information pertaining to a licensee in any member

829 state shall only be available to other member states.

830 (d) The commission shall promptly notify all member states of any
831 adverse action taken against a licensee or an individual applying for a
832 license. Adverse action information pertaining to a licensee in any
833 member state shall be available to any other member state.

834 (e) A member state contributing information to the data system may
835 designate information that may not be shared with the public without
836 the express permission of the contributing state.

837 (f) Any information submitted to the data system that is subsequently
838 required to be expunged by the laws of the member state contributing
839 the information shall be removed from the data system.

840 SECTION 11. RULEMAKING

841 (a) The commission shall promulgate reasonable rules to effectively
842 and efficiently achieve the purpose of the compact. Notwithstanding the
843 foregoing, in the event the commission exercises its rulemaking
844 authority in a manner that is beyond the scope of the purpose of the
845 compact, or the powers granted hereunder, then such an action by the
846 Commission shall be invalid and have no force or effect.

847 (b) The commission shall exercise its rulemaking powers pursuant to
848 the criteria set forth in this section of the compact and the rules adopted
849 thereunder. Rules and amendments shall become binding as of the date
850 specified in each rule or amendment.

851 (c) If a majority of the legislatures of the member states rejects a rule,
852 by enactment of a statute or resolution in the same manner used to adopt
853 the compact not later than four years after the date of adoption of the
854 rule, such rule shall have no further force and effect in any member
855 state.

856 (d) Rules or amendments to the rules shall be adopted at a regular or
857 special meeting of the commission.

858 (e) Prior to promulgation and adoption of a final rule by the
859 commission, and not less than thirty days prior to the meeting at which
860 the rule will be considered and voted upon, the commission shall file a
861 notice of proposed rulemaking:

862 (1) On the Internet web site of the commission or other publicly
863 accessible platform; and

864 (2) On the Internet web site of each member state professional
865 counseling licensing board or other publicly accessible platform or the
866 publication in which each state would otherwise publish proposed
867 rules.

868 (f) The notice of proposed rulemaking shall include:

869 (1) The proposed time, date and location of the meeting in which the
870 rule will be considered and voted upon;

871 (2) The text of the proposed rule or amendment and the reason for
872 the proposed rule;

873 (3) A request for comments on the proposed rule from any interested
874 person; and

875 (4) The manner in which interested persons may submit notice to the
876 commission of their intention to attend the public hearing and any
877 written comments.

878 (g) Prior to adoption of a proposed rule, the commission shall allow
879 persons to submit written data, facts, opinions, and arguments, which
880 shall be made available to the public.

881 (h) The commission shall grant an opportunity for a public hearing
882 before it adopts a rule or amendment if a hearing is requested by:

883 (1) At least twenty-five persons;

884 (2) A state or federal governmental subdivision or agency; or

885 (3) An association having at least twenty-five members.

886 (i) If a hearing is held on the proposed rule or amendment, the
887 commission shall publish the place, time and date of the scheduled
888 public hearing. If the hearing is held via electronic means, the
889 commission shall publish the mechanism for access to the electronic
890 hearing.

891 (1) All persons wishing to be heard at the hearing shall notify the
892 executive director of the commission or other designated member in
893 writing of their desire to appear and testify at the hearing not less than
894 five business days before the scheduled date of the hearing.

895 (2) Each hearing shall be conducted in a manner providing each
896 person who wishes to comment a fair and reasonable opportunity to
897 comment orally or in writing.

898 (3) Each hearing shall be recorded. A copy of the recording shall be
899 made available on request.

900 (4) Nothing in this section of the compact shall be construed as
901 requiring a separate hearing on each rule. Rules may be grouped for the
902 convenience of the commission at hearings required by this section of
903 the compact.

904 (j) Following the scheduled hearing date, or by the close of business
905 on the scheduled hearing date if the hearing was not held, the
906 commission shall consider all written and oral comments received.

907 (k) If no written notice of intent to attend the public hearing by
908 interested parties is received, the commission may proceed with
909 promulgation of the proposed rule without a public hearing.

910 (l) The commission shall, by majority vote of all members, take final
911 action on the proposed rule and shall determine the effective date of the
912 rule, if any, based on the rulemaking record and the full text of the rule.

913 (m) Upon determination that an emergency exists, the commission

914 may consider and adopt an emergency rule without prior notice,
915 opportunity for comment, or hearing, provided the usual rulemaking
916 procedures described in the compact shall be retroactively applied to
917 the rule as soon as reasonably possible and in no event later than ninety
918 days after the effective date of the rule. For the purposes of this
919 subsection, "emergency rule" means a rule that shall be adopted
920 immediately in order to:

921 (1) Meet an imminent threat to public health, safety or welfare;

922 (2) Prevent a loss of commission or member state funds;

923 (3) Meet a deadline for the promulgation of an administrative rule
924 that is established by federal law or rule; or

925 (4) Protect public health and safety.

926 (n) The commission or an authorized committee of the commission
927 may direct revisions to a previously adopted rule or amendment for
928 purposes of correcting typographical errors, errors in format, errors in
929 consistency or grammatical errors. Public notice of any revisions shall
930 be posted on the Internet web site of the commission. The revision shall
931 be subject to challenge by any person for a period of thirty days after
932 posting. The revision may be challenged only on grounds that the
933 revision results in a material change to a rule. A challenge shall be made
934 in writing and delivered to the chair of the commission prior to the end
935 of the notice period. If no challenge is made, the revision shall take effect
936 without further action. If the revision is challenged, the revision may not
937 take effect without the approval of the commission.

938 SECTION 12. OVERSIGHT, DISPUTE RESOLUTION AND
939 ENFORCEMENT

940 (a) Oversight:

941 (1) The executive, legislative and judicial branches of state
942 government in each member state shall enforce the compact and take all
943 actions necessary and appropriate to effectuate the compact's purposes

944 and intent. The provisions of the compact and the rules promulgated
945 under the compact shall have standing as statutory law.

946 (2) All courts shall take judicial notice of the compact and the rules in
947 any judicial or administrative proceeding in a member state pertaining
948 to the subject matter of the compact which may affect the powers,
949 responsibilities or actions of the commission.

950 (3) The commission shall be entitled to receive service of process in
951 any such proceeding and shall have standing to intervene in such a
952 proceeding for all purposes. Failure to provide service of process to the
953 commission shall render a judgment or order void as to the commission,
954 the compact or promulgated rules.

955 (b) Default, technical assistance and termination:

956 (1) If the commission determines that a member state has defaulted
957 in the performance of its obligations or responsibilities under the
958 compact or the promulgated rules, the commission shall:

959 (A) Provide written notice to the defaulting state and other member
960 states of the nature of the default, the proposed means of curing the
961 default and any other action to be taken by the commission; and

962 (B) Provide remedial training and specific technical assistance
963 regarding the default.

964 (c) If a state in default fails to cure the default, the defaulting state
965 may be terminated from the compact upon an affirmative vote of a
966 majority of the member states, and all rights, privileges and benefits
967 conferred by the compact may be terminated on the effective date of
968 termination. A cure of the default does not relieve the offending state of
969 obligations or liabilities incurred during the period of default.

970 (d) Termination of membership in the compact shall be imposed only
971 after all other means of securing compliance have been exhausted.
972 Notice of intent to suspend or terminate shall be given by the
973 commission to the governor, the majority and minority leaders of the

974 defaulting state's legislature and each of the member states.

975 (e) A state that has been terminated is responsible for all assessments,
976 obligations and liabilities incurred through the effective date of
977 termination, including obligations that extend beyond the effective date
978 of termination.

979 (f) The commission shall not bear any costs related to a state that is
980 found to be in default or that has been terminated from the compact,
981 unless agreed upon in writing between the commission and the
982 defaulting state.

983 (g) The defaulting state may appeal the action of the commission by
984 petitioning the United States District Court for the District of Columbia
985 or the federal district where the commission has its principal offices. The
986 prevailing member shall be awarded all costs of such litigation,
987 including reasonable attorney's fees.

988 (h) Dispute Resolution:

989 (1) Upon request by a member state, the commission shall attempt to
990 resolve disputes related to the compact that arise among member states
991 and between member and non-member states.

992 (2) The commission shall promulgate a rule providing for both
993 mediation and binding dispute resolution for disputes as appropriate.

994 (i) Enforcement:

995 (1) The commission, in the reasonable exercise of its discretion, shall
996 enforce the provisions and rules of the compact.

997 (2) By majority vote, the commission may initiate legal action in the
998 United States District Court for the District of Columbia or the federal
999 district where the commission has its principal offices against a member
1000 state in default to enforce compliance with the provisions of the compact
1001 and its promulgated rules and bylaws. The relief sought may include
1002 both injunctive relief and damages. In the event judicial enforcement is

1003 necessary, the prevailing member shall be awarded all costs of such
1004 litigation, including reasonable attorney's fees.

1005 (3) The remedies herein shall not be the exclusive remedies of the
1006 commission. The commission may pursue any other remedies available
1007 under federal or state law.

1008 SECTION 13. DATE OF IMPLEMENTATION OF THE
1009 COUNSELING COMPACT COMMISSION AND ASSOCIATED
1010 RULES, WITHDRAWAL AND AMENDMENT

1011 (a) The compact shall come into effect on the date on which the
1012 compact statute is enacted into law in the tenth member state. The
1013 provisions, which become effective at that time, shall be limited to the
1014 powers granted to the commission relating to assembly and the
1015 promulgation of rules. Thereafter, the commission shall meet and
1016 exercise rulemaking powers necessary to the implementation and
1017 administration of the compact.

1018 (b) Any state that joins the compact subsequent to the commission's
1019 initial adoption of the rules shall be subject to the rules as they exist on
1020 the date on which the compact becomes law in such state. Any rule that
1021 has been previously adopted by the commission shall have the full force
1022 and effect of law on the day the compact becomes law in such state.

1023 (c) Any member state may withdraw from the compact by enacting a
1024 statute repealing the compact.

1025 (1) A member state's withdrawal shall not take effect until six months
1026 after enactment of the repealing statute.

1027 (2) Withdrawal shall not affect the continuing requirement of the
1028 withdrawing state's professional counseling licensing board to comply
1029 with the investigative and adverse action reporting requirements of the
1030 compact prior to the effective date of withdrawal.

1031 (d) Nothing in the compact shall be construed to invalidate or prevent
1032 any professional counseling licensure agreement or other cooperative

1033 arrangement between a member state and a non-member state that does
1034 not conflict with the provisions of the compact.

1035 (e) The compact may be amended by the member states. No
1036 amendment to the compact shall become effective and binding upon
1037 any member state until it is enacted into the laws of all member states.

1038 SECTION 14. CONSTRUCTION AND SEVERABILITY

1039 The compact shall be liberally construed so as to effectuate the
1040 purposes thereof. The provisions of the compact shall be severable and
1041 if any phrase, clause, sentence or provision of the compact is declared to
1042 be contrary to the constitution of any member state or of the United
1043 States or the applicability thereof to any government, agency, person or
1044 circumstance is held invalid, the validity of the remainder of the
1045 compact and the applicability thereof to any government, agency,
1046 person or circumstance shall not be affected thereby. If the compact shall
1047 be held contrary to the constitution of any member state, the compact
1048 shall remain in full force and effect as to the remaining member states
1049 and in full force and effect as to the member state affected as to all
1050 severable matters.

1051 SECTION 15. BINDING EFFECT OF COMPACT AND OTHER 1052 LAWS

1053 (a) A licensee providing professional counseling services in a remote
1054 state under the privilege to practice shall adhere to the laws and
1055 regulations, including scope of practice, of the remote state.

1056 (b) Nothing in the compact shall prevent the enforcement of any other
1057 law of a member state that is not inconsistent with the compact.

1058 (c) Any laws in a member state in conflict with the compact are
1059 superseded to the extent of the conflict.

1060 (d) Any lawful actions of the commission, including all rules and
1061 bylaws properly promulgated by the commission, are binding upon the
1062 member states.

1063 (e) All permissible agreements between the commission and the
1064 member states are binding in accordance with their terms.

1065 (f) In the event any provision of the compact exceeds the
1066 constitutional limits imposed on the legislature of any member state, the
1067 provision shall be ineffective to the extent of the conflict with the
1068 constitutional provision in question in such member state."

1069 Sec. 13. (NEW) (*Effective July 1, 2023*) The Commissioner of Public
1070 Health shall require each person applying for licensure as a professional
1071 counselor to submit to a state and national fingerprint-based criminal
1072 history records check pursuant to section 29-17a of the general statutes.
1073 For the purposes of this section, "professional counselor" means an
1074 individual licensed for the independent practice of professional
1075 counseling and "licensure" means authorization by a state professional
1076 counseling regulatory authority to engage in the independent practice
1077 of professional counseling, the practice of which would be unlawful
1078 without such authorization.

1079 Sec. 14. (NEW) (*Effective from passage*) (a) Appointment of the medical
1080 staff or an individual medical staff member of a general short-term
1081 hospital, as defined in the regulations of Connecticut state agencies and
1082 licensed pursuant to subsection (a) of section 19a-491 of the general
1083 statutes, may be biennial or triennial and consistent with the federal
1084 Medicare conditions of participation and standards set forth by the Joint
1085 Commission on the Accreditation of Healthcare Organizations.

1086 (b) The Commissioner of Public Health shall amend existing
1087 regulations adopted pursuant to section 19a-14 of the general statutes as
1088 necessary to implement the provisions of this section.

1089 Sec. 15. (NEW) (*Effective July 1, 2023*) (a) For each stillborn child for
1090 which a fetal death certificate will be issued pursuant to section 7-60 of
1091 the general statutes, a hospital shall provide the mother of the stillborn
1092 child written notification of the burial and cremation arrangement
1093 options for such child (1) when practicable, upon admission to the
1094 hospital if the mother expects to deliver a stillborn child, or (2) if

1095 notification is not practicable upon admission or the mother did not
1096 expect to deliver a stillborn child, not less than twenty-four hours after
1097 the delivery of the stillborn child, provided a health care provider
1098 responsible for the mother's care agrees it is appropriate to provide such
1099 notification to the mother.

1100 (b) Consistent with the provisions of subdivision (3) of subsection (d)
1101 of section 45a-318 of the general statutes, a mother who has received
1102 notification pursuant to subsection (a) of this section and the other
1103 parent of the stillborn child, if known, shall inform the hospital, in
1104 writing, of their decision regarding the disposition of the stillborn child
1105 at any time during hospitalization and prior to discharge, provided the
1106 mother and other parent, if known, shall have a minimum of twenty-
1107 four hours after receipt of the written notification from the hospital to
1108 inform the hospital in writing of such decision.

1109 (c) Nothing in this section shall be construed to prohibit a health care
1110 provider or a hospital from providing the notification described in
1111 subsection (a) of this section to a family member or friend of the mother
1112 consistent with the privacy provisions of the Health Insurance
1113 Portability and Accountability Act of 1996, P.L. 104-191, as amended
1114 from time to time, or from referring the mother and other parent, if
1115 known, to a licensed funeral director for additional information
1116 regarding disposition options.

1117 Sec. 16. (NEW) (*Effective from passage*) It is hereby declared that
1118 homelessness constitutes a public health crisis in this state and will
1119 continue to constitute a public health crisis until the right of homeless
1120 persons to receive emergency medical care, as guaranteed pursuant to
1121 subdivision (3) of subsection (b) of section 1-500 of the general statutes,
1122 is adequately safeguarded and protected.

1123 Sec. 17. Section 20-195c of the general statutes, as amended by section
1124 51 of house bill 6733 of the current session, is repealed and the following
1125 is substituted in lieu thereof (*Effective July 1, 2023*):

1126 (a) Each applicant for licensure as a marital and family therapist shall

1127 present to the department satisfactory evidence that such applicant has:
1128 (1) Completed a graduate degree program specializing in marital and
1129 family therapy offered by a regionally accredited college or university
1130 or an accredited postgraduate clinical training program accredited by
1131 the Commission on Accreditation for Marriage and Family Therapy
1132 Education offered by a regionally accredited institution of higher
1133 education; (2) completed a supervised practicum or internship with
1134 emphasis in marital and family therapy supervised by the program
1135 granting the requisite degree or by an accredited postgraduate clinical
1136 training program accredited by the Commission on Accreditation for
1137 Marriage and Family Therapy Education and offered by a regionally
1138 accredited institution of higher education; (3) completed twelve months
1139 of relevant postgraduate experience, including (A) a minimum of one
1140 thousand hours of direct client contact offering marital and family
1141 therapy services subsequent to being awarded a master's degree or
1142 doctorate or subsequent to the training year specified in subdivision (2)
1143 of this subsection, and (B) one hundred hours of postgraduate clinical
1144 supervision provided by a licensed marital and family therapist; and (4)
1145 passed an examination prescribed by the department. The fee shall be
1146 three hundred fifteen dollars for each initial application.

1147 (b) Each applicant for licensure as a marital and family therapist
1148 associate shall present to the department [(1)] satisfactory evidence that
1149 such applicant has completed a graduate degree program specializing
1150 in marital and family therapy offered by a regionally accredited
1151 institution of higher education or an accredited postgraduate clinical
1152 training program accredited by the Commission on Accreditation for
1153 Marriage and Family Therapy Education and offered by a regionally
1154 accredited institution of higher education. [, and (2) verification from a
1155 supervising licensed marital and family therapist that the applicant is
1156 working toward completing the postgraduate experience required for
1157 licensure as a marital and family therapist under subdivision (3) of
1158 subsection (a) of this section.] The fee shall be one hundred twenty-five
1159 dollars for each initial application.

1160 (c) The department may grant licensure without examination, subject

1161 to payment of fees with respect to the initial application, to any
1162 applicant who is currently licensed or certified as a marital or marriage
1163 and family therapist or a marital and family therapist associate in
1164 another state, territory or commonwealth of the United States, provided
1165 such state, territory or commonwealth maintains licensure or
1166 certification standards which, in the opinion of the department, are
1167 equivalent to or higher than the standards of this state. No license shall
1168 be issued under this section to any applicant against whom professional
1169 disciplinary action is pending or who is the subject of an unresolved
1170 complaint.

1171 (d) (1) A license issued to a marital and family therapist issued under
1172 this section may be renewed annually in accordance with the provisions
1173 of section 19a-88. The fee for such renewal shall be three hundred
1174 twenty dollars. Each licensed marital and family therapist applying for
1175 license renewal shall furnish evidence satisfactory to the commissioner
1176 of having participated in continuing education programs. The
1177 commissioner shall adopt regulations, in accordance with chapter 54, to
1178 (A) define basic requirements for continuing education programs,
1179 which shall include not less than one contact hour of training or
1180 education each registration period on the topic of cultural competency
1181 and, on and after January 1, 2016, not less than two contact hours of
1182 training or education during the first renewal period in which
1183 continuing education is required and not less than once every six years
1184 thereafter on the topic of mental health conditions common to veterans
1185 and family members of veterans, including (i) determining whether a
1186 patient is a veteran or family member of a veteran, (ii) screening for
1187 conditions such as post-traumatic stress disorder, risk of suicide,
1188 depression and grief, and (iii) suicide prevention training, (B) delineate
1189 qualifying programs, (C) establish a system of control and reporting,
1190 and (D) provide for waiver of the continuing education requirement for
1191 good cause.

1192 (2) A license issued to a marital and family therapist associate shall
1193 expire on or before twenty-four months after the date on which such
1194 license was issued and may be renewed [once for an additional] for

1195 twenty-four months in accordance with the provisions of section 19a-88.
1196 The fee for such renewal shall be two hundred twenty dollars. Each
1197 licensed marital and family therapist associate applying for license
1198 renewal shall furnish evidence satisfactory to the commissioner of
1199 [working toward completing the postgraduate experience required for
1200 licensure as a marital and family therapist under subdivision (3) of
1201 subsection (a) of this section and the potential for successful completion
1202 of such experience prior to the expiration of the twenty-four month
1203 renewal period] of having satisfied the continuing education
1204 requirements prescribed in subdivision (1) of this subsection.

1205 (e) Notwithstanding the provisions of this section, an applicant who
1206 is currently licensed or certified as a marital or marriage and family
1207 therapist in another state, territory or commonwealth of the United
1208 States that does not maintain standards for licensure or certification that
1209 are equivalent to or higher than the standards in this state may
1210 substitute three years of licensed or certified work experience in the
1211 practice of marital and family therapy, as defined in section 20-195a, in
1212 lieu of the requirements of subdivisions (2) and (3) of subsection (a) of
1213 this section.

1214 (f) Notwithstanding the provisions of this section, a person who is a
1215 graduate of a graduate degree program or a postgraduate clinical
1216 training program described in subdivision (1) of subsection (b) of this
1217 section may practice marital and family therapy for a period not greater
1218 than one hundred twenty calendar days after the date such person
1219 completed such program, provided such person works under the
1220 clinical supervision of a licensed marital family therapist.

1221 Sec. 18. (NEW) (*Effective October 1, 2023*) On and after February 1,
1222 2024, the Department of Public Health may issue a temporary permit to
1223 an applicant for licensure as a doctoral-level psychology provider who
1224 holds a doctoral degree in psychology or the equivalent from an
1225 education program, as described in section 20-189 of the general
1226 statutes, but who has not yet completed such applicant's supervised
1227 postdoctoral work experience or taken the licensure examination

1228 prescribed pursuant to section 20-188 of the general statutes. Such
 1229 temporary permit shall (1) authorize the holder to practice as a doctoral-
 1230 level psychology provider under the supervision of a licensed
 1231 psychologist, (2) be valid for a period not to exceed one year after the
 1232 date of attaining such doctoral degree or the equivalent, and (3) not be
 1233 renewable. Such permit shall become void and shall not be reissued if
 1234 the applicant fails to pass the licensure examination. The fee for a
 1235 temporary permit shall be one hundred dollars. As used in this section,
 1236 "doctoral-level psychology provider" includes a postdoctoral resident or
 1237 fellow who provides psychological services."

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2023	New section
Sec. 2	October 1, 2023	20-14s
Sec. 3	October 1, 2023	17b-307a(1)
Sec. 4	October 1, 2023	20-195n(g)
Sec. 5	October 1, 2023	10-29a(a)(104) and (105)
Sec. 6	October 1, 2023	17a-476(a) and (b)
Sec. 7	October 1, 2023	17a-480
Sec. 8	October 1, 2023	17a-482
Sec. 9	October 1, 2023	19a-7o(a)(3)
Sec. 10	October 1, 2023	20-90(a)
Sec. 11	October 1, 2023	53-344(f)(2)
Sec. 12	July 1, 2023	New section
Sec. 13	July 1, 2023	New section
Sec. 14	from passage	New section
Sec. 15	July 1, 2023	New section
Sec. 16	from passage	New section
Sec. 17	July 1, 2023	20-195c
Sec. 18	October 1, 2023	New section