

S.F. No. 3355 – Licensed Professional Counselor Interstate Compact Established – Civil Law & Data Practices Provisions Only

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Summary

Article 2. Definitions. Includes definitions for “adverse action,” “current significant investigative information,” “data system,” and “investigative information.”

Article 3. State participation in the compact. Requires a member state to participate fully in the commission’s data system; notify the commission with any adverse action or availability of investigation information regarding a licensee; and implement procedures for considering criminal history records. (Lines 5.18 to 6.4)

Article 8. Adverse actions. Authorizes a remote state to issue subpoenas. Subpoenas issued from the licensing board of one member state compelling appearance or production of evidence from another member state must be enforced in the latter state by any court of competent jurisdiction. The issuing authority must pay for all fees. (Lines 10.5 to 10.12)

Article 9. Establishment of counseling compact commission. Except for intentional, willful, or wanton misconduct, provides that members and others associated with the commission are immune from liability for any civil claim arising out of an act or omission or any claim where the potential defendant had a reasonable basis for believing was within the scope of commission employment. Requires the commission to defend members, employees, and others associated with the commission against civil claims arising out of acts or omissions within the scope of employment. Requires the commission to indemnify and hold harmless members, employees, and others associated with the commission. (Lines 16.7 to 16.33).

Article 10. Data system. Requires the commission to develop, implement, and maintain a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states. Requires a member state to submit the following data on all individuals to whom the compact is applicable: identifying information, licensure data, adverse actions, nonconfidential information related to alternative program

participation, licensure application denial and the reason for the denial, current significant investigative information, and other information, as determined by the commission. (Lines 16.34 to 17.26)

Article 12. Oversight, dispute resolution, and enforcement. Requires courts to take judicial notice of the compact and its rules in judicial proceedings. Authorizes the commission withstanding to intervene. Provides that failure to provide the commission with service of process renders a judgment or order void as to the commission, this compact, or promulgated rules. Provides that a defaulting state may appeal commission action by petitioning the U.S. District Court for the District of Columbia or the federal district where the commission has its principal offices. Requires the prevailing member to be awarded all costs, including attorney fees. Provides for mediation and binding dispute resolution. Authorizes the commission to initiate legal action against a member state in the U.S. District Court for the District of Columbia or the federal district where the commission has its principal offices.