

SUMMARY OF MATERIALS INCORPORATED BY REFERENCE

201 KAR 36:100

The following material is incorporated by reference: "The Counseling Compact Rules", February 12, 2025, and as revised:

- (a) Chapter 2 – Definitions, adopted October 25, 2023;
- (b) Chapter 3 – Examination Requirements, adopted October 25, 2023;
- (c) Chapter 4 – Data System Reporting Requirements, adopted January 10, 2024;
- (d) Chapter 5 – Rulemaking on Legacy Eligibility for Privilege to Practice, adopted October 8, 2024;
- (e) Chapter 6 – Rulemaking on Implementing Criminal Background Checks, adopted October 8, 2024; and
- (f) Chapter 7 – Rulemaking on Fees, adopted February 12, 2025.

SUMMARY OF CHANGES MATERIALS INCORPORATED BY REFERENCE

201 KAR 36:100

The following changes are being made to “The Counseling Compact Commission Rules”, October 14, 2025:

- (a) Chapter 2 – Definitions, adopted October 25, 2023;
- (b) Chapter 3 – Examination Requirements, adopted October 25, 2023;
- (c) Chapter 4 – Data System Reporting Requirements, adopted January 10, 2024, and amended October 14, 2025;
- (d) Chapter 5 – Rulemaking on Legacy Eligibility for Privilege to Practice, adopted October 8, 2024;
- (e) Chapter 6 – Rulemaking on Implementing Criminal Background Checks, adopted October 8, 2024; and
- (f) Chapter 7 – Rulemaking on Fees, adopted February 12, 2025.

**Counseling Compact Commission
Rules Document**

Title of Rule: Rule on Data System Reporting Requirements

Vote on Rule: January 10, 2024

Public comment: Interested persons may electronically submit written comments on the proposed rule to counselingcompactrule@csg.org with the subject line “CCC rule comment” or by attending the meeting at which the rule will be discussed and voted on. Written comments on the proposed rule must be submitted by 2 pm ET the day before the meeting.

Effective: February 10, 2024 (30 days from full commission approval)

Reason for Rule: To further define terms pursuant to Section 9.C.5, Section 10 and Section 11 of the Counseling Compact.

History for Rule: October 16, 2023: Rule introduced at Rules Committee meeting.
November 13, 2023: Rule approved by Rules Committee.
November 29, 2023: Rule approved by Executive Committee.
January 10, 2024: Rule approved by full Commission.

Chapter 4: Rulemaking on Data System Reporting Requirements

Authority: Section 9: Establishment of the Counseling Compact Commission
Section 10: Data System
Section 11: Rulemaking

1.0 Purpose: Pursuant to Section 9.C.5 and Section 11, the Counseling Compact Commission shall promulgate reasonable and lawful uniform rules to facilitate and coordinate implementation and administration of the Counseling Compact. This rule will become effective upon passage by the Counseling Compact Commission as provided in Section 10 of the Counseling Compact.

1.1 Uniform Data Set and Levels of Access:

- A. The Commission shall provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all individuals to whom this Compact is applicable.
- B. Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this Compact is applicable as required by the rules of the Commission, including but not limited to:
 - 1. Identifying information – including but not limited to:
 - a. first name
 - b. middle name or middle initial if available
 - c. last name
 - d. suffix, if applicable
 - e. birth date (mm/dd/yyyy)
 - f. United States Social Security Number or National Practitioner Identifier
 - g. Home address
 - 2. Licensure data including but not limited to:
 - a. jurisdiction of licensure
 - b. license number
 - c. initial issuance
 - d. most recent renewal
 - e. expiration date
 - f. license status
 - 3. Adverse action(s) that affect a licensee's compact privilege to practice including but not limited to:
 - a. type of adverse action
 - b. whether license was encumbered
 - c. status and change in status of adverse action
 - d. effective dates of adverse action
 - e. the existence of current significant investigative information
 - f. summary suspension and final disciplinary actions, as defined by the member state authority
 - g. non-confidential information related to alternative program participation including but not limited to current participation by the counselor in an alternative program
 - h. any denial of application for licensure, and the reason(s) for denial
 - i. other information that may facilitate the administration of this Compact, as determined by the rules of the Commission including but not limited to:
 - i. corrections to a licensee's data; or

- C. The member states shall have access, via the data system, to information including but not limited to the verification of compact privilege(s) to practice held by eligible licensees.
- D. The public shall have access, via the Commission's website, to information limited to the verification of compact privilege(s) held by individuals.
- E. The home state shall be responsible for verification of uniform requirements for participation as described in sections 3 and 4 of the Compact.
- F. The existence of Current Significant Investigative Information pertaining to a licensee in any member state shall only be available to other member states.
- G. If a member state takes adverse action, it shall notify the administrator of the Commission data system within ten (10) business days of the date action was taken. The administrator of the Commission data system shall notify the home state and any other member state in which the licensee holds a privilege to practice of any adverse actions within two (2) business days.
- H. Member states shall submit the data system information required above to the Commission at least one (1) time per week notwithstanding information specified in Subsection G of this rule.
- I. Except for the information listed in this rule as required, member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.
- J. In the event a counselor reports any coordinated licensure information system data is inaccurate, the burden shall be upon the counselor to provide evidence that substantiates the claim in a manner determined by the member state.
- K. Any information submitted to the data system that is subsequently required to be expunged by the rules of the member state contributing the information shall be removed from the data system.

Rules Chapter 4

Title of Rule: Rule on Data System Reporting Requirements

Vote on Rule: October 14, 2025

Public comment: August 7, 2025 - September 9, 2025.

Effective: November 13, 2025

Reason for Rule: To further define terms pursuant to Section 9.C.5, Section 10, and Section 11 of the Counseling Compact.

History for Rule: January 10, 2024: Rule Approved by full Commission.
February 10, 2024: Rule Effective
June 11, 2025: Amendments drafted and approved by Rules Committee
July 2, 2025: Rule changes reviewed and approved by Executive Committee
July 3, 2025: Rule posted for Public Comment
August 4, 2025: End of Public Comment Period
August 5, 2025: Rules Committee reviewed public comments and made substantive changes. Approved to the Executive Committee
August 6, 2025: Rule changes reviewed and approved by the Executive Committee
August 7, 2025: Rule posted for Public Comment
September 9, 2025: End of Public Comment Period, Rule Hearing Requests
October 14, 2025: Rule Hearing Held, Full Commission vote to approve amended version.

Chapter 4: Rulemaking on Data System Reporting Requirements

Authority: Section 9: Establishment of the Counseling Compact Commission
Section 10: Data System
Section 11: Rulemaking

Purpose: Pursuant to Section 9.C.5, 9.C.18, and Section 11, the Counseling Compact Commission shall promulgate reasonable and lawful uniform

rules to facilitate and coordinate implementation and administration of the Counseling Compact. This rule will become effective upon passage by the Counseling Compact Commission as provided in Section 10 of the Counseling Compact.

4.1 Definitions

- A. “Joint Compact Commission” or “Compact Commissions Partnership” means the original entity comprised of the Occupational Therapy Compact Commission, Audiology and Speech-Language Pathology Interstate Compact, and Counseling Compact Commission for the purpose of development, governance, future permissions, funding, maintenance, and insurance of a data system ("Data System").
- B. “Member State Data” means any data provided by the member state as part of the Uniform Data Set as described in Section 4.2.
- C. “Staff Administrator” means the primary person of a Member State licensing board or agency authorized to carry out the requirements of the compact.

4.2 Uniform Data Set and Levels of Access:

- A. The Commission shall provide for the development, maintenance, and utilization of a data system and reporting system containing licensure, adverse action, and investigative information on all individuals to whom this Compact is applicable.
- B. Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this Compact is applicable as required by the rules of the Commission, including but not limited to:
 - 1. Identifying information – including but not limited to:
 - a. first name
 - b. middle name or middle initial if available
 - c. last name
 - d. suffix, if applicable
 - e. birth date (mm/dd/yyyy)
 - f. Personal Identifier

- i. United States Social Security Number or
 - ii. National Practitioner Identifier (as the data system will accommodate)
- g. Home state address
- 2. Licensure data – including but not limited to:
 - a. jurisdiction of licensure
 - b. license number
 - c. initial issuance date
 - d. most recent renewal date
 - e. expiration date
 - f. license status
- 3. Adverse action(s) against a license or compact privilege to practice including but not limited to:
 - a. type of adverse action
 - b. whether the license was encumbered
 - c. status and change in status of adverse action
 - d. effective dates of adverse action
 - e. the existence of current significant investigative information
 - f. summary suspension and final disciplinary actions, as defined by the member state authority
 - g. non-confidential information related to alternative program participation including but not limited to current participation by the counselor in an alternative program
 - h. any denial of application for licensure, and the reason(s) for denial

- i. other information that may facilitate the administration of this Compact, as determined by the rules of the Commission including but not limited to:
 - i. corrections to a licensee's data.
- C. The member states shall have access, via the data system, to information including but not limited to the verification of compact privilege(s) to practice held by eligible licensees.
- D. The public shall have access, via the Commission's website, to information limited to the verification of compact privilege(s) held by individuals.
- E. The home state shall be responsible for verification of uniform requirements for participation as described in sections 3 and 4 of the Compact.
- F. The existence of Current Significant Investigative Information (CSII) pertaining to a licensee in any member state shall only be available to other member states.
- G. Once probable cause is established, CSII should be flagged in the data system no later than ten (10) business days.
- H. States shall remove the flagging for CSII that is unfounded as soon as possible, but no later than five (5) business days.
- I. If a member state encumbers a license, it shall notify the administrator of the Commission data system within ten (10) business days of the date action was taken. The administrator of the Commission data system shall notify the home state and any other member state in which the licensee holds a privilege to practice of any encumbrance within two (2) business days.
- J. Member states shall submit the data system information required above to the Commission at least one (1) time per week notwithstanding information specified in Subsection G and I of this rule.
- K. Except for the information listed in this rule as required, member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.
- L. In the event a counselor asserts that any coordinated licensure information system data is inaccurate, the burden shall be upon the counselor to provide evidence that substantiates such claim in a manner determined by the member state.
- M. Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system.

- N. No member state shall submit any information that constitutes non-administrative criminal history record information, as defined by applicable federal law, to the data system established hereunder.
- O. All data submitted by a member state to the data system remains the property of the member state.
- P. Any use of the data in the data system, other than that expressly allowed by the Commission, is prohibited.

4.3 Data Submission and Validation

- A. Method of data submission. Member states shall submit the Uniform Data Set described in Section 4.2 of these rules to the data system.
- B. Implementation. A new member state shall provide the uniform data set to the data system in the form and format specified by the Commission. In the event a member state does not submit a uniform data set, the member state shall be in default of the requirements of the Compact and the Commission. The default shall follow the requirements in Section 13.
- C. Maintenance of the uniform data set. The accuracy and timeliness of member state data submitted to and maintained in the data system shall be the responsibility of member states.
- D. Correction of records. In the event a Licensed Professional Counselor asserts that the individual's uniform data set information is inaccurate, the Commission shall direct the Licensed Professional Counselor to the data owner to research the claim, and if necessary, modify the disputed record(s). The Commission shall not modify member state data. Corrections should be submitted with the next weekly upload from the member state.

4.4 Conditions and procedures for authorized users of the Data System

- A. Member State Access
 - 1. Access Rights: Staff Administrator, and delegated user(s) authorized by the Staff Administrator, shall only have access to the uniform data set and data reporting for their member state and those who hold a privilege to practice in their state.
 - 2. Control and Authorization: Member state delegated user(s) access shall be controlled by the Staff Administrator. The Staff Administrator is responsible for designating members of the executive branch of government with a bona fide need-to-know requirement to have access to the data system. The Staff Administrator will have the ability to create additional user accounts for the

member state. The Staff Administrator will remove any user within 24 hours if any delegated user is no longer employed by the member state or should have access removed.

3. Review Process: Staff Administrators shall review the delegated accounts on a quarterly basis or when notified of suspicious behavior by the Executive Director of the compact commission.
4. Staff Administrators shall cooperate with the Executive Director to ensure the security of the Data system.
5. Usage Limitation: Access to the data system is for official, government use only.

B. Public Access

1. Query Capabilities: The public shall have the ability to query the data system via a secure website.
2. Displayed Information: The Commission may display the following information:
 - a. First Name
 - b. Last Name
 - c. Jurisdictions in which a Privilege has been issued
 - d. Privilege to Practice Status
 - e. Privilege to Practice Identifier/Number
 - f. Privilege to Practice Expiration date(s)

C. General Provisions

1. Authorization: All requests for access and permissions must be made in accordance with the rules, policies, and procedures of the Commission.
2. Review and Audit: The Commission reserves the right to review and audit access logs to ensure compliance with established rules and regulations.

4.6 Data Disclosure, Inspection of Records, and Requests.

- A. Exemption From Disclosure. The following Commission records shall be exempt from public inspection or public disclosure requests:
 1. The following licensee information:

- a. personal identifying information;
 - b. personal contact information; and
 - c. any data elements labeled as confidential by the data owner.
 - 2. The following internal Commission records:
 - a. personnel records of Commission staff;
 - b. commission personnel practice and procedures;
 - c. matters specifically exempted from disclosure by federal statute;
 - d. trade secrets, commercial, or financial information that is privileged or confidential;
 - e. censures and accusations of a crime;
 - f. personal information where disclosure would constitute an unwarranted invasion of personal privacy;
 - g. investigative records compiled for law enforcement purposes;
 - h. that specifically relate to a civil action or other legal proceeding;
 - i. closed session records related to any of the above topics;
 - j. records that contain legal advice or attorney-client communications or attorney work product;
 - k. confidential mediation or arbitration documents.
 - 3. After consultation with counsel, the Commission may designate records not designated exempt under sections (1) or (2) to be confidential and not available to the public for inspection.
- B. Restriction on Release of Personally Identifiable Information and Sensitive Data: The Commission shall not release or generate public reports that contain Personally Identifiable Information or sensitive data. All measures shall be taken to ensure that such information remains confidential and secure.
- C. Security and Protection: The Commission shall take all necessary precautions to protect the security and integrity of the information pertaining to the nation's counseling workforce. This includes implementing robust security measures and protocols to prevent unauthorized access, disclosure, or misuse of data.

- D. Generation of Public Reports: The Commission may, as accommodated by the data system, and as appropriate under statute and rule, generate public reports that include summarized statistics and analytics on the counseling workforce. These reports shall not contain personal identifying information or sensitive data and will be designed to provide valuable insights and trends without compromising individual privacy.