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## Rule on Legacy Eligibility for Privilege to Practice

**Title of Rule:** Rule on Legacy Eligibility for Privilege to Practice

**Vote on Rule:** October 8, 2024

**Public Comment:** Interested persons may electronically submit written comments on the proposed rule to [gsearls@clear-ams.org](mailto:gsearls@clear-ams.org) with the subject line "Counseling Compact Commission 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 **August 11, 2024, 11:59 p.m. MT**.

**Effective:** November 7, 2024 (30 days after Full Commission approval)

**History:** March 28, 2024 Rule introduced at Rules Committee Meeting.  
April 25, 2024 Rule adopted by the Rules Committee for proposal to Executive Committee  
June 5, 2024 Rule adopted by the Executive Committee  
June 18, 2024 Rule posted to the website for public comment  
October 8, 2024 Rule adopted by Full Commission

**Chapter 5:** Rulemaking on Legacy Eligibility for Privilege to Practice

**Authority:** Section 3: State Participation in the Compact

Section 4: Privilege to Practice

Section 9: Establishment of the Counseling Compact Commission

Section 11: Rulemaking

**5.0 Purpose:** Pursuant to Section 3.A.2, 3.A.3, 3.A.4, 4.A, and Section 9, a State must currently:

- Require Licensees to pass a nationally recognized exam approved by the Commission
- Require Licensees to have a 60 semester-hour (or 90 quarter-hours) master's degree in counseling or 60 semester-hours (or 90 quarter-hours) of graduate course work in defined areas of study and require Licensees to pass a nationally recognized exam approved by the Commission.
- Require Licensees to complete a supervised postgraduate professional experience as defined by the Commission

The Counseling Compact Commission shall promulgate reasonable and lawful uniform rules to facilitate and coordinate the implementation and administration of the Counseling Compact. This rule will become effective upon passage by the Counseling Compact Commission as provided in Section 9 of the Counseling Compact.

This rule will become effective upon passage by the Counseling Compact Commission as provided in Section 11 of the Counseling Compact.

**5.1 Legacy Eligibility:**

- A. Licensed Professional Counselors licensed for independent clinical practice prior to the effective date of their Home State becoming a Member State of the compact will be deemed compact eligible if they also meet all of the other requirements of Sections 3.B.3 and 4.A of the Compact.



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## Rule on Implementation of Criminal Background Check

**Title of Rule:** Rule on Implementation of Criminal Background Check

**Effective:** November 7, 2024 (30 days after Full Commission approval)

**Public Comment:** Comment was received from June 18, 2024, through August 11, 2024.

**Voted on:** October 8, 2024

**History:** January 24, 2024 Rule introduced at Rules Committee Meeting.  
February 22, 2024 Rule adopted by the Rules Committee  
April 3, 2024 Rule Adopted by Executive Committee  
June 18, 2024 Rule posted to the website for public comment  
October 8, 2024 Rule Adopted by Full Commission

**Chapter 6:** Rulemaking on Implementing Criminal Background Checks

**Authority:** Section 3: State Participation in the Compact

Section 9: Establishment of the Counseling Compact Commission

Section 11: Rulemaking

**6.0 Purpose:** Pursuant to Section 3.B.3, and Section 9, a state must implement or utilize procedures for considering the criminal history records of applicants for initial privilege to practice. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records. A member state must fully implement a criminal background check requirement, within a time frame established by rule, by receiving the results of the Federal Bureau of Investigation record search on criminal background checks and using the results in making licensure decisions.

The Counseling Compact Commission shall promulgate reasonable and lawful uniform rules to facilitate and coordinate the implementation and administration of the Counseling Compact. This rule will become effective upon passage by the Counseling Compact Commission as provided in Section 9 of the Counseling Compact.



### **6.1 Implementation of Criminal Background Check:**

To avoid default, member states must have completed all required processes, requirements, and applications necessary to request the ability to receive the results of the Federal Bureau of Investigation (FBI) record search on criminal background checks, as required by the Compact. Deference will be given to member states who can demonstrate that they have engaged in good faith efforts to implement the FBI Criminal Background Check including, but not limited to, the introduction of related legislation, negotiations with FBI state information bureaus, etc.

Results of the criminal background check shall be reviewed solely by the member state in accordance with state law.

Communication between a member board and the Interstate Commission and communications between member boards regarding verification of a Professional Counselor's eligibility for a privilege through the Compact shall not include any information received from the FBI relating to a federal criminal records check performed by a member board under Public Law 92-544.

A member state cannot participate in issuing or accepting compact privileges until such member state has completed the requirements to fully implement the FBI Criminal Background Check requirement established in Section 3.B.1 of the Compact. As used in Section 3.B.1 of the Compact, full implementation of the FBI Criminal Background Check requirement means that the member state's licensing board is using the results of the FBI record search on criminal background checks in making licensure decisions for all applicants seeking an initial privilege to practice as a Professional Counselor in the member state whom will also seek a privilege to practice under the Counseling Compact.