

4.1 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 communication between member boards regarding verification of a Professional Counselor's eligibility for privilege through the Compact shall not include any information received from the member state relating to a federal criminal records check performed by a member board pursuant to Public Law 92-500.

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. 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 initial privilege to practice as a Professional Counselor in the member state who wish to seek a privilege to practice under the Counseling Compact.