

Chapter 14 Draft Rule on CCC Joint Investigations

Title of Rule: Rule on CCC Joint Investigations

Vote on Rule:

Public Comment: Interested persons may electronically submit written comments on the proposed rule to 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 **September 13, 2026, 11:59 p.m. MT.**

Effective: **Insert Date here** (30 days after Full Commission approval)

History: Drafted: March 25, 2026
Approved by Rules Committee: August 5, 2026
August 5, 2026: Approved by Executive Committee to go out for public comment.

Chapter 14: Rule on CCC Joint Investigations

Authority: Section 8: Adverse Actions

Section 9: Establishment of the Counseling Compact Commission

Section 11: Rulemaking

14.0 Purpose: Pursuant to Section 8.F of the Model Law: Member States shall share any investigative, litigation, or compliance materials 299 in furtherance of any joint or individual investigation initiated under the 300 Compact.

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

14.1 Definitions:

- A. "Adverse Action" means any administrative, civil, equitable or criminal action permitted by a State's laws which is imposed by a licensing board or other authority against a Licensed Professional Counselor, including actions against an individual's license or privilege to Practice such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee's practice, or any other Encumbrance on licensure affecting a licensed Professional Counselor's authorization to practice, including issuance of a cease and desist action.

- B. "Compact" means the Counseling Compact.
- C. "Compact Privilege" means the authorization granted by a Remote State to allow a Licensee from another Member State to practice as a professional counselor to provide counseling services and other licensed activity to a client located in the Remote State under the Remote State's laws and regulations.
- D. "Confidential and filed under seal" means all information and documents required to be shared in compliance with the Compact shall be transmitted confidentially and may not be discoverable in civil litigation, re-disclosed voluntarily or pursuant to a public records request, or produced pursuant to civil or criminal subpoena, except that such information may be used for the purpose of investigating and taking disciplinary action and may be disclosed as part of any public disciplinary action resulting from the investigation.
- E. "Data System" means the repository of information about Licensees, including but not limited to License status and Adverse actions, which is created and administered under the terms of this Compact and maintained in Compact Connect.
- F. "Current Significant Investigative Information" means:
 - 1. Investigative Information that a Licensing Board, after a preliminary inquiry that includes notification and an opportunity for the Licensed Professional Counselor to respond, if required by State law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction; or
 - 2. Investigative Information that indicates that the Licensed Professional Counselor represents an immediate threat to public health and safety regardless of whether the Licensed Professional Counselor has been notified and had an opportunity to respond.
- G. "Joint Investigation" means an investigation conducted jointly by two or more Member States.
- H. "Licensee" means an individual who currently holds an authorization from the State to practice as a Licensed Professional Counselor.
- I. "Minor Infraction" means an infraction not related to the practice of counseling as determined by each state's regulatory authority in which the licensee remains unencumbered and does not prevent the licensee from retaining or renewing a home state license or privilege to practice and is not reportable to the National Practitioners Data Bank.
- J. "Member State" means a State that has enacted the Counseling Compact.

14.2 Joint Investigations:

- A. Member States shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.
- B. If a Member State seeks to initiate a joint investigation, it may obtain a list of all other Member States where the counselor holds Compact Privileges or a Home State License from the Compact Commission or the Data System.
- C. States participating in a Joint Investigation shall designate a lead investigative state.
- D. The lead investigative state shall direct the investigation and update the other members of the joint investigation upon any significant developments in the joint investigation.
- E. The lead investigative state may request the other States participating in the joint investigation to conduct **reasonable** investigatory tasks in their own states.
- F. A non-lead investigative state may continue its own investigation but shall keep the lead investigative state apprised of its investigatory actions and shall coordinate its actions with the lead investigative state.
- G. States participating in the joint investigation shall share investigative, litigation, or compliance materials in furtherance of the investigation.
- H. During a joint investigation, a Member State may request that another Member State issue a subpoena on behalf of the joint investigation or assist in the enforcement of a lawful subpoena issued by the joint investigation.
- I. A Member State may elect to withdraw from a joint investigation at any time; however, upon doing so, it shall share with the remaining members of the joint investigation any investigative information, litigation, and compliance materials in its custody and control which were obtained or generated during the course of the joint investigation.
- J. If a joint investigation results in Current Significant Investigative Information, the lead investigative state shall be responsible for making a report to the Compact Commission on behalf of all participants in the joint investigation.
- K. Any adverse action resulting from a joint investigation shall be reported to the Compact Commission by the Member State that took the adverse action.