

§18553. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2021, c. 547, §1 (NEW).]

1. Active duty military. "Active duty military" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserves of the United States Armed Forces on active duty orders pursuant to 10 United States Code, Chapters 1209 and 1211. [PL 2021, c. 547, §1 (NEW).]

2. Adverse action. "Adverse action" means any administrative, civil, equitable or criminal action permitted by a state's laws that 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. [PL 2021, c. 547, §1 (NEW).]

3. Alternative program. "Alternative program" means a nondisciplinary monitoring or practice remediation process approved by a professional counseling licensing board to address impaired practitioners. [PL 2021, c. 547, §1 (NEW).]

4. Continuing competence and education. "Continuing competence and education" means a requirement, as a condition of license renewal, to provide evidence of participation in, or completion of, educational and professional activities relevant to practice or area of work. [PL 2021, c. 547, §1 (NEW).]

5. Counseling compact commission. "Counseling compact commission" or "commission" means the national administrative body whose membership consists of all states that have enacted the compact. [PL 2021, c. 547, §1 (NEW).]

6. Current significant investigative information. "Current significant investigative information" means:

A. 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 [PL 2021, c. 547, §1 (NEW).]

B. 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. [PL 2021, c. 547, §1 (NEW).]
[PL 2021, c. 547, §1 (NEW).]

7. Data system. "Data system" means a repository of information about licensees, including, but not limited to, continuing education, examination, licensure, investigative, privilege to practice and adverse action information. [PL 2021, c. 547, §1 (NEW).]

8. Encumbered license. "Encumbered license" means a license in which an adverse action restricts the practice of licensed professional counseling by the licensee and that adverse action has been reported to the United States Department of Health and Human Services, National Practitioner Data Bank. [PL 2021, c. 547, §1 (NEW).]

9. Encumbrance. "Encumbrance" means a revocation or suspension of, or any limitation on, the full and unrestricted practice of licensed professional counseling by a licensing board.

[PL 2021, c. 547, §1 (NEW).]

10. Executive committee. "Executive committee" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission.

[PL 2021, c. 547, §1 (NEW).]

11. Home state. "Home state" means the member state that is the licensee's primary state of residence.

[PL 2021, c. 547, §1 (NEW).]

12. Impaired practitioner. "Impaired practitioner" means an individual who has a condition that may impair that individual's ability to practice as a licensed professional counselor without some type of intervention and may include, but is not limited to, alcohol and drug dependence, mental health impairment and neurological or physical impairments.

[PL 2021, c. 547, §1 (NEW).]

13. Investigative information. "Investigative information" means information, records and documents received or generated by a professional counseling licensing board pursuant to an investigation.

[PL 2021, c. 547, §1 (NEW).]

14. Jurisprudence requirement. "Jurisprudence requirement," if required by a member state, means the assessment of an individual's knowledge of the laws and rules governing the practice of professional counseling in a state.

[PL 2021, c. 547, §1 (NEW).]

15. Licensed professional counselor. "Licensed professional counselor" means a counselor licensed by a member state, regardless of the title used by that state, to independently assess, diagnose and treat behavioral health conditions.

[PL 2021, c. 547, §1 (NEW).]

16. Licensee. "Licensee" means an individual who currently holds an authorization from a state to practice as a licensed professional counselor.

[PL 2021, c. 547, §1 (NEW).]

17. Licensing board. "Licensing board" means the agency of a state, or equivalent, that is responsible for the licensing and regulation of licensed professional counselors.

[PL 2021, c. 547, §1 (NEW).]

18. Member state. "Member state" means a state that has enacted the compact.

[PL 2021, c. 547, §1 (NEW).]

19. Privilege to practice. "Privilege to practice" means a legal authorization that is equivalent to a license permitting the practice of professional counseling in a remote state.

[PL 2021, c. 547, §1 (NEW).]

20. Professional counseling. "Professional counseling" means the assessment, diagnosis and treatment of behavioral health conditions by a licensed professional counselor.

[PL 2021, c. 547, §1 (NEW).]

21. Remote state. "Remote state" means a member state other than the home state where a licensee is exercising or seeking to exercise the privilege to practice.

[PL 2021, c. 547, §1 (NEW).]

22. Rule. "Rule" means a regulation promulgated by the commission that has the force of law.

[PL 2021, c. 547, §1 (NEW).]

23. Single-state license. "Single-state license" means a licensed professional counselor license issued by a member state that authorizes practice only within the issuing state and does not include a privilege to practice in any other member state.
[PL 2021, c. 547, §1 (NEW).]

24. State. "State" means any state, commonwealth, district or territory of the United States that regulates the practice of professional counseling.
[PL 2021, c. 547, §1 (NEW).]

25. Telehealth. "Telehealth" means the application of telecommunication technology to deliver professional counseling services remotely to assess, diagnose and treat behavioral health conditions.
[PL 2021, c. 547, §1 (NEW).]

26. Unencumbered license. "Unencumbered license" means a license that authorizes a licensed professional counselor to engage in the full and unrestricted practice of professional counseling.
[PL 2021, c. 547, §1 (NEW).]

SECTION HISTORY

PL 2021, c. 547, §1 (NEW).

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