
Wisconsin Legislative Council

ACT MEMO



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2023 Wisconsin Act 55
[2023 Senate Bill 196]

Counseling Compact

2023 WISCONSIN ACT 55

2023 Wisconsin Act 55 ratifies and enters Wisconsin into the Counseling Compact, which allows a licensed professional counselor in a compact member state to practice in another member state under a “privilege to practice,” without obtaining a license to practice in the other state. A licensed professional counselor who holds a valid privilege to practice may provide professional counseling services in the other state in person, or via telehealth. The act applies only to an applicant for a privilege to practice, and does not affect requirements for Wisconsin licensure.

Licensure

To obtain a privilege to practice, a licensed individual must apply to the state in which the person is seeking to provide professional counseling services. The applicant must be licensed in good standing in the person’s home state, and the home state’s licensure must meet certain minimum standards (as Wisconsin does), including requiring a master’s degree in counseling, passage of a nationally recognized examination, and completion of supervised post-graduate professional experience. The applicant must also meet any jurisprudence requirements established by the state in which the person is seeking to provide services that assess the applicant’s knowledge of the laws and rules governing the practice of professional counseling in the state.

If a licensed individual moves from one member state to another member state, the person may apply for licensure in the new home state under a simplified process. The new home state may verify the applicant’s credentials through the compact’s coordinated database, subject to any background check requirements and any jurisprudence requirements that assess the applicant’s knowledge of the laws and rules governing the practice of professional counseling in the new home state.

Active duty military personnel and their spouses may designate a member state as a home state, if the individual has a current license in good standing in the member state.

Regulatory Oversight

While providing professional counseling services in person or via telehealth under a privilege to practice, a licensed professional counselor must adhere to the laws and regulations of the member state in which the person is providing the services. The person is also subject to that state’s regulatory authority, including disciplinary action against the person’s privilege to practice in any member state.

In addition, the act does all of the following:

- Allows member states’ licensure boards to conduct joint investigations of licensed individuals and to issue subpoenas that are enforceable in other member states.

- Creates a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states.
- Requires applicants for an initial license or privilege to practice to submit to be fingerprinted, and requires an applicant's fingerprint cards to be submitted to the state Department of Justice and the Federal Bureau of Investigation for a criminal history background check.

Insurance Coverage

In addition to the compact's provisions for state regulatory oversight, the act also addresses an aspect of insurance coverage. Under current law, subject to certain exemptions, the state's mental health parity law requires a group health benefit plan or governmental self-insured plan to provide coverage for outpatient services for nervous and mental disorders and alcoholism and other drug abuse problems, if the plan provides coverage of any outpatient treatment. The act specifies that a professional counselor who is exercising a privilege to practice is a qualified licensed mental health professional for the covered outpatient services. However, preferred provider networks and other plan limitations may apply. [s. 632.89, Stats.]

Governance of the Compact

For governance of the compact, the act enters Wisconsin into the Counseling Compact Commission, which includes one member of the licensure boards of each member state. The commission has various powers and duties granted in the compact, including overseeing the administration of the compact, enforcing the compact, adopting bylaws, promulgating binding rules to coordinate implementation and administration of the compact, and establishing and electing an executive committee.

The act provides for dispute resolution, including a process for termination of a state's membership in the compact if a state defaults on its obligations under the compact. The act also permits a state to withdraw from the compact by repealing the statute authorizing the compact, to take effect six months after the effective date of the repeal.

The compact may be amended by the member states, effective after enacted into the laws of all member states.

Effective date: December 8, 2023

For a full history of the bill, visit the Legislature's [bill history page](#).

MSK:jal