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Senator Roegner

Cosponsors: Senators Brenner, Cirino, Craig, DeMora, Gavarone, Hicks-Hudson, Huffman, Lang, Liston, O'Brien, Patton, Reineke, Reynolds, Smith, Timken, Wilkin

To enact section 4732.42 of the Revised Code to 1
ratify the Interstate Compact for School 2
Psychologists. 3

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 4732.42 of the Revised Code be 4
enacted to read as follows: 5

Sec. 4732.42. The interstate compact for school 6
psychologists is hereby ratified, enacted into law, and entered 7
into by this state as a party with any other state that has 8
legally joined or legally joins the compact, as follows: 9

Interstate Compact for School Psychologists 10

SECTION 1. PURPOSE 11

The purpose of this Compact is to facilitate the 12
interstate practice of School Psychology in educational or 13
school settings, and in so doing to improve the availability of 14
School Psychological Services to the public. This Compact is 15
intended to establish a pathway to allow School Psychologists to 16
obtain equivalent licenses to provide School Psychological 17
Services in any Member State. In this way, this Compact shall 18

enable the Member States to ensure that safe and effective 19
School Psychological Services are available and delivered by 20
appropriately qualified professionals in their educational 21
settings. 22

To facilitate the objectives described above, this 23
Compact: 24

A. Enables School Psychologists who qualify for receipt of 25
an Equivalent License to practice in other Member States without 26
first satisfying burdensome and duplicative requirements; 27

B. Promotes the mobility of School Psychologists between 28
and among the Member States in order to address workforce 29
shortages and to ensure that safe and reliable School 30
Psychological Services are available in each Member State; 31

C. Enhances the public accessibility of School 32
Psychological Services by increasing the availability of 33
qualified, licensed School Psychologists through the 34
establishment of an efficient and streamlined pathway for 35
Licensees to practice in other Member States; 36

D. Preserves and respects the authority of each Member 37
State to protect the health and safety of its residents by 38
ensuring that only qualified, licensed professionals are 39
authorized to provide School Psychological Services within that 40
State; 41

E. Requires School Psychologists practicing within a 42
Member State to comply with the Scope of Practice laws present 43
in the State where the School Psychological Services are being 44
provided; 45

F. Promotes cooperation between the Member States in 46
regulating the practice of School Psychology within those 47

States; and 48

G. Facilitates the relocation of military members and 49
their spouses who are licensed to provide School Psychological 50
Services. 51

SECTION 2. DEFINITIONS 52

A. "Active Military Member" means any person with full- 53
time duty status in the armed forces of the United States, 54
including members of the National Guard and Reserve. 55

B. "Adverse Action" means disciplinary action or 56
encumbrance imposed on a License by a State Licensing Authority. 57

C. "Alternative Program" means a non-disciplinary, 58
prosecutorial diversion, monitoring, or practice remediation 59
process entered into in lieu of an Adverse Action which is 60
applicable to a School Psychologist and approved by the State 61
Licensing Authority of a Member State in which the participating 62
School Psychologist is licensed. This includes, but is not 63
limited to, programs to which Licensees with substance abuse or 64
addiction issues may be referred in lieu of an Adverse Action. 65

D. "Commissioner" means the individual appointed by a 66
Member State to serve as the representative to the Commission 67
for that Member State. 68

E. "Compact" means this School Psychologist Interstate 69
Licensure Compact. 70

F. "Continuing Professional Education" means a 71
requirement, imposed by a Member State as a condition of License 72
renewal to provide evidence of successful participation in 73
professional educational activities relevant to the provision of 74
School Psychological Services. 75

G. "Criminal Background Check" means the submission of 76
fingerprints or other biometric information for a License 77
applicant for the purpose of obtaining that applicant's criminal 78
history record information, as defined in 28 C.F.R. 20.3(d), and 79
the State's criminal history record repository as 81 defined in 80
28 C.F.R. 20.3(f). 81

H. "Doctoral Level Degree" means a graduate degree program 82
that consists of at least ninety graduate semester hours in the 83
field of School Psychology including a supervised internship. 84

I. "Encumbered License" means a License that a State 85
Licensing Authority has limited in any way other than through an 86
Alternative Program, including temporary or provisional 87
licenses. 88

J. "Executive Committee" means the Commission's Chair, 89
Vice Chair, Secretary and Treasurer and any other Commissioners 90
as may be determined by Commission Rule or bylaw. 91

K. "Equivalent License" means a license to practice School 92
Psychology which a Member State has identified as a license 93
which may be provided to School Psychologists from other Member 94
States pursuant to this Compact. 95

L. "Home State" means the Member State that issued the 96
Home State License to the Licensee and is the Licensee's primary 97
state of practice. 98

M. "Home State License" means the License that is not an 99
Encumbered License issued by the Home State to provide School 100
Psychological Services. 101

N. "License" means a current license, certification, or 102
other authorization granted by a Member State's Licensing 103
Authority that permits an individual to provide School 104

<u>Psychological Services.</u>	105
<u>O. "Licensee" means an individual who holds a License from</u>	106
<u>a Member State to provide School Psychological Services.</u>	107
<u>P. "Member State" means a State that has enacted the</u>	108
<u>Compact and been admitted to the Commission in accordance with</u>	109
<u>the provisions herein and Commission Rules.</u>	110
<u>Q. "Model Compact" means the model language for the School</u>	111
<u>Psychologist Interstate Licensure Compact on file with the</u>	112
<u>Council of State Governments or other entity as designated by</u>	113
<u>the Commission.</u>	114
<u>R. "Practice of School Psychology" means the delivery of</u>	115
<u>School Psychological Services.</u>	116
<u>S. "Qualifying National Exam" means a national licensing</u>	117
<u>examination endorsed by the National Association of School</u>	118
<u>Psychologists and any other exam as approved by the Rules of the</u>	119
<u>Commission.</u>	120
<u>T. "Qualifying School Psychologist Education Program"</u>	121
<u>means an education program which awards a Specialist-Level or</u>	122
<u>Doctoral-Level degree or equivalent upon completion and is</u>	123
<u>approved by the Rules of the Commission as meeting the necessary</u>	124
<u>minimum educational standards to ensure that its graduates are</u>	125
<u>ready, qualified, and able to engage in the Practice of School</u>	126
<u>Psychology.</u>	127
<u>U. "Remote State" means a Member State other than the Home</u>	128
<u>State where a Licensee holds a License through the Compact.</u>	129
<u>V. "Rule" means a regulation promulgated by an entity,</u>	130
<u>including but not limited to the Commission and the State</u>	131
<u>Licensing Authority of each Member State, that has the force of</u>	132

<u>law.</u>	133
<u>W. "School Psychological Services" means academic, mental</u>	134
<u>and behavioral health services including assessment, prevention,</u>	135
<u>consultation and collaboration, intervention, and evaluation</u>	136
<u>provided by a School Psychologist in a school, as outlined in</u>	137
<u>applicable professional standards as determined by Commission</u>	138
<u>Rule.</u>	139
<u>X. "School Psychologist" means an individual who has met</u>	140
<u>the requirements to obtain a Home State License that legally</u>	141
<u>conveys the professional title of School Psychologist, or its</u>	142
<u>equivalent as determined by the Rules of the Commission.</u>	143
<u>Y. "School Psychologist Interstate Licensure Compact</u>	144
<u>Commission" or "Commission" means the joint government agency</u>	145
<u>established by this Compact whose membership consists of</u>	146
<u>representatives from each Member State that has enacted the</u>	147
<u>Compact, and as further described in Section 7.</u>	148
<u>Z. "Scope of Practice" means the procedures, actions, and</u>	149
<u>processes a School Psychologist licensed in a State is permitted</u>	150
<u>to undertake in that State and the circumstances under which</u>	151
<u>that Licensee is permitted to undertake those procedures,</u>	152
<u>actions, and processes. Such procedures, actions, and processes,</u>	153
<u>and the circumstances under which they may be undertaken, may be</u>	154
<u>established through means including, but not limited to,</u>	155
<u>statute, regulations, case law, and other processes available to</u>	156
<u>the State Licensing Authority or other government agency.</u>	157
<u>AA. "Specialist-Level Degree" means a degree program that</u>	158
<u>requires at least sixty graduate semester hours or equivalent in</u>	159
<u>the field of School Psychology including a supervised</u>	160
<u>internship.</u>	161

BB. "State" means any state, commonwealth, district, or 162
territory of the United States of America. 163

CC. "State Licensing Authority" means a Member State's 164
regulatory body responsible for issuing Licenses or otherwise 165
overseeing the Practice of School Psychology. 166

DD. "State Specific Requirement" means a requirement for 167
licensure covered in coursework or examination that includes 168
content of unique interest to the State. 169

EE. "Unencumbered License" means a License that authorizes 170
a Licensee to engage in the full and unrestricted Practice of 171
School Psychology. 172

SECTION 3. STATE PARTICIPATION IN THE COMPACT 173

A. To be eligible to join this Compact, and to maintain 174
eligibility as a Member State, a State must: 175

1. Enact a compact statute that is not materially 176
different from the Model Compact as defined in the Commission's 177
Rules; 178

2. Participate in the sharing of information with other 179
Member States as reasonably necessary to accomplish the 180
objectives of this Compact, and as further defined in Section 8; 181

3. Identify and maintain with the Commission a list of 182
Equivalent Licenses available to Licensees who hold a Home State 183
License under this Compact; 184

4. Have a mechanism in place for receiving and 185
investigating complaints about Licensees; 186

5. Notify the Commission, in compliance with the terms of 187
the Compact and the Commission's Rules, of any Adverse Action 188

<u>taken against a Licensee, or of the availability of</u>	189
<u>investigative information which relates to a Licensee or</u>	190
<u>applicant for licensure;</u>	191
<u>6. Require that applicants for a Home State License:</u>	192
<u>a. Taken and passed a Qualifying National Exam as defined</u>	193
<u>by the Rules of the Commission;</u>	194
<u>b. Completed a minimum of one thousand two hundred hours</u>	195
<u>of supervised internship, of which at least six hundred must</u>	196
<u>have been completed in a School, prior to being approved for</u>	197
<u>licensure; and</u>	198
<u>c. Graduated from a Qualifying School Psychologist</u>	199
<u>Education Program.</u>	200
<u>7. Comply with the terms of this Compact and the Rules of</u>	201
<u>the Commission.</u>	202
<u>B. Each Member State shall grant an Equivalent License to</u>	203
<u>practice School Psychology in that state upon application by a</u>	204
<u>Licensee who satisfies the criteria of Section 4.A. Each Member</u>	205
<u>State shall grant renewal of the Equivalent License to a</u>	206
<u>Licensee who satisfies the criteria of Section 4.B.</u>	207
<u>C. Member States may set and collect a fee for granting an</u>	208
<u>Equivalent License.</u>	209
<u>SECTION 4. SCHOOL PSYCHOLOGIST PARTICIPATION IN THE</u>	210
<u>COMPACT</u>	211
<u>A. To obtain and maintain an Equivalent License from a</u>	212
<u>Remote State under this Compact, a Licensee must do all of the</u>	213
<u>following:</u>	214
<u>1. Hold and maintain an active Home State License;</u>	215

<u>2. Satisfy any applicable State Specific Requirements</u>	216
<u>established by the Member State after an Equivalent License is</u>	217
<u>granted;</u>	218
<u>3. Complete any administrative or application requirements</u>	219
<u>which the Commission may establish by Rule, and pay any</u>	220
<u>associated fees;</u>	221
<u>4. Complete any requirements for renewal in the Home</u>	222
<u>State, including applicable Continuing Professional Education</u>	223
<u>requirements; and</u>	224
<u>5. Upon their application to receive a license under this</u>	225
<u>Compact, undergo a criminal background check in the Member State</u>	226
<u>in which the Equivalent License is sought in accordance with the</u>	227
<u>laws and regulations of such Member State.</u>	228
<u>B. To renew an Equivalent License in a Member State other</u>	229
<u>than the Home State, a Licensee must only apply for renewal,</u>	230
<u>complete a background check, and pay renewal fees as determined</u>	231
<u>by the Licensing Authority.</u>	232
<u>SECTION 5. ACTIVE MILITARY MEMBERS OR THEIR SPOUSES</u>	233
<u>A Licensee who is an Active Military Member or is the</u>	234
<u>spouse of an Active Military Member shall be deemed to hold a</u>	235
<u>Home State License in any of the following locations:</u>	236
<u>A. The Licensee's permanent residence;</u>	237
<u>B. A Member State that is the Licensee's primary State of</u>	238
<u>Practice; or</u>	239
<u>C. A Member State where the Licensee has relocated</u>	240
<u>pursuant to a Permanent Change of Station (PCS).</u>	241
<u>SECTION 6. DISCIPLINE AND ADVERSE ACTIONS</u>	242

A. Nothing in this Compact shall be deemed or construed to 243
limit the authority of a Member State to investigate or impose 244
disciplinary measures on Licensees according to the State 245
Practice Laws thereof. 246

B. Member States shall be authorized to receive, and shall 247
provide, files and information regarding the investigation and 248
discipline, if any, of Licensees in other Member States upon 249
request. Any Member State receiving such information or files 250
shall protect and maintain the security and confidentiality 251
thereof, in at least the same manner that it maintains its own 252
investigatory or disciplinary files and information. Prior to 253
disclosing any disciplinary or investigatory information 254
received from another Member State, the disclosing state shall 255
communicate its intention and purpose for such disclosure to the 256
Member State which originally provided that information. 257

SECTION 7. ESTABLISHMENT OF THE SCHOOL PSYCHOLOGIST 258
INTERSTATE LICENSURE COMPACT COMMISSION 259

A. The Member States hereby create and establish a joint 260
government agency whose membership consists of all Member States 261
that have enacted the Compact, and this agency shall be known as 262
the School Psychologist Interstate Licensure Compact Commission. 263
The Commission is an instrumentality of the Member States acting 264
jointly and not an instrumentality of any one state. The 265
Commission shall come into existence on or after the effective 266
date of the Compact as set forth in Section 11. 267

B. Membership, Voting, and Meetings 268

1. Each Member State shall have and be limited to one (1) 269
delegate selected by that Member State's State Licensing 270
Authority. 271

<u>2. The delegate shall be the primary administrative</u>	272
<u>officer of the Member State Licensing Authority or their</u>	273
<u>designee who is an employee of the Member State Licensing</u>	274
<u>Authority.</u>	275
<u>3. The Commission shall by Rule or bylaw establish a term</u>	276
<u>of office for delegates and may by Rule or bylaw establish term</u>	277
<u>limits.</u>	278
<u>4. The Commission may recommend removal or suspension of</u>	279
<u>any delegate from office.</u>	280
<u>5. A Member State's Licensing Authority shall fill any</u>	281
<u>vacancy of its delegate occurring on the Commission within sixty</u>	282
<u>days of the vacancy.</u>	283
<u>6. Each delegate shall be entitled to one vote on all</u>	284
<u>matters before the Commission requiring a vote by Commission</u>	285
<u>delegates.</u>	286
<u>7. A delegate shall vote in person or by such other means</u>	287
<u>as provided in the bylaws. The bylaws may provide for delegates</u>	288
<u>to meet by telecommunication, video conference, or other means</u>	289
<u>of communication.</u>	290
<u>8. The Commission shall meet at least once during each</u>	291
<u>calendar year. Additional meetings may be held as set forth in</u>	292
<u>the bylaws. The Commission may meet by telecommunication, video</u>	293
<u>conference, or other similar electronic means.</u>	294
<u>C. The Commission shall have the following powers:</u>	295
<u>1. Establish the fiscal year of the Commission;</u>	296
<u>2. Establish code of conduct and conflict of interest</u>	297
<u>policies;</u>	298

<u>3. Establish and amend Rules and bylaws;</u>	299
<u>4. Establish the procedure through which a Licensee may</u>	300
<u>change their Home State;</u>	301
<u>5. Maintain its financial records in accordance with the</u>	302
<u>bylaws;</u>	303
<u>6. Meet and take such actions as are consistent with the</u>	304
<u>provisions of this Compact, the Commission's Rules, and the</u>	305
<u>bylaws;</u>	306
<u>7. Initiate and conclude legal proceedings or actions in</u>	307
<u>the name of the Commission, provided that the standing of any</u>	308
<u>Member State Licensing Authority to sue or be sued under</u>	309
<u>applicable law shall not be affected;</u>	310
<u>8. Maintain and certify records and information provided</u>	311
<u>to a Member State as the authenticated business records of the</u>	312
<u>Commission, and designate an agent to do so on the Commission's</u>	313
<u>behalf;</u>	314
<u>9. Purchase and maintain insurance and bonds;</u>	315
<u>10. Borrow, accept, or contract for services of personnel,</u>	316
<u>including, but not limited to, employees of a Member State;</u>	317
<u>11. Conduct an annual financial review;</u>	318
<u>12. Hire employees, elect or appoint officers, fix</u>	319
<u>compensation, define duties, grant such individuals appropriate</u>	320
<u>authority to carry out the purposes of the Compact, and</u>	321
<u>establish the Commission's personnel policies and programs</u>	322
<u>relating to conflicts of interest, qualifications of personnel,</u>	323
<u>and other related personnel matters;</u>	324
<u>13. Assess and collect fees;</u>	325

14. Accept any and all appropriate gifts, donations, 326
grants of money, other sources of revenue, equipment, supplies, 327
materials, and services, and receive, utilize, and dispose of 328
the same; provided that at all times the Commission shall avoid 329
any appearance of impropriety or conflict of interest; 330
15. Lease, purchase, retain, own, hold, improve, or use 331
any property, real, personal, or mixed, or any undivided 332
interest therein; 333
16. Sell, convey, mortgage, pledge, lease, exchange, 334
abandon, or otherwise dispose of any property real, personal, or 335
mixed; 336
17. Establish a budget and make expenditures; 337
18. Borrow money; 338
19. Appoint committees, including standing committees, 339
composed of members, State regulators, State legislators or 340
their representatives, and consumer representatives, and such 341
other interested persons as may be designated in this Compact 342
and the bylaws; 343
20. Provide and receive information from, and cooperate 344
with, law enforcement agencies; 345
21. Establish and elect an Executive Committee, including 346
a chair and a vice chair; 347
22. Determine whether a State's adopted language is 348
materially different from the model compact language such that 349
the State would not qualify for participation in the Compact; 350
and 351
23. Perform such other functions as may be necessary or 352
appropriate to achieve the purposes of this Compact. 353

<u>D. The Executive Committee</u>	354
<u>1. The Executive Committee shall have the power to act on</u>	355
<u>behalf of the Commission according to the terms of this Compact.</u>	356
<u>The powers, duties, and responsibilities of the Executive</u>	357
<u>Committee shall include:</u>	358
<u>a. Oversee the day-to-day activities of the administration</u>	359
<u>of the compact including enforcement and compliance with the</u>	360
<u>provisions of the compact, its Rules and bylaws, and other such</u>	361
<u>duties as deemed necessary;</u>	362
<u>b. Recommend to the Commission changes to the Rules or</u>	363
<u>bylaws, changes to this Compact legislation, fees charged to</u>	364
<u>Member States, fees charged to Licensees, and other fees;</u>	365
<u>c. Ensure Compact administration services are</u>	366
<u>appropriately provided, including by contract;</u>	367
<u>d. Prepare and recommend the budget;</u>	368
<u>e. Maintain financial records on behalf of the Commission;</u>	369
<u>f. Monitor Compact compliance of Member States and provide</u>	370
<u>compliance reports to the Commission;</u>	371
<u>g. Establish additional committees as necessary;</u>	372
<u>h. Exercise the powers and duties of the Commission during</u>	373
<u>the interim between Commission meetings, except for adopting or</u>	374
<u>amending Rules, adopting or amending bylaws, and exercising any</u>	375
<u>other powers and duties expressly reserved to the Commission by</u>	376
<u>Rule or bylaw; and</u>	377
<u>i. Other duties as provided in the Rules or bylaws of the</u>	378
<u>Commission.</u>	379
<u>2. The Executive Committee shall be composed of up to</u>	380

<u>seven members:</u>	381
<u>a. The chair and vice chair of the Commission shall be</u>	382
<u>voting members of the Executive Committee; and</u>	383
<u>b. The Commission shall elect five voting members from the</u>	384
<u>current membership of the Commission.</u>	385
<u>3. The Commission may remove any member of the Executive</u>	386
<u>Committee as provided in the Commission's bylaws.</u>	387
<u>4. The Executive Committee shall meet at least annually.</u>	388
<u>a. Executive Committee meetings shall be open to the</u>	389
<u>public, except that the Executive Committee may meet in a</u>	390
<u>closed, non-public meeting as provided in subsection F.2 below.</u>	391
<u>b. The Executive Committee shall give thirty days' notice</u>	392
<u>of its meetings, posted on its website and as determined to</u>	393
<u>provide notice to persons with an interest in the business of</u>	394
<u>the Commission.</u>	395
<u>c. The Executive Committee may hold a special meeting in</u>	396
<u>accordance with subsection F.1.b. below.</u>	397
<u>E. The Commission shall adopt and provide to the Member</u>	398
<u>States an annual report.</u>	399
<u>F. Meetings of the Commission</u>	400
<u>1. All meetings shall be open to the public, except that</u>	401
<u>the Commission may meet in a closed, non-public meeting as</u>	402
<u>provided in subsection F.2 below.</u>	403
<u>a. Public notice for all meetings of the full Commission</u>	404
<u>of meetings shall be given in the same manner as required under</u>	405
<u>the Rulemaking provisions in Section 9, except that the</u>	406
<u>Commission may hold a special meeting as provided in subsection</u>	407

<u>F.1.b below.</u>	408
<u>b. The Commission may hold a special meeting when it must</u>	409
<u>meet to conduct emergency business by giving forty-eight hours'</u>	410
<u>notice to all commissioners, on the Commission's website, and</u>	411
<u>other means as provided in the Commission's rules. The</u>	412
<u>Commission's legal counsel shall certify that the Commission's</u>	413
<u>need to meet qualifies as an emergency.</u>	414
<u>2. The Commission or the Executive Committee or other</u>	415
<u>committees of the Commission may convene in a closed, non-public</u>	416
<u>meeting for the Commission or Executive Committee or other</u>	417
<u>committees of the Commission to receive legal advice or to</u>	418
<u>discuss:</u>	419
<u>a. Non-compliance of a Member State with its obligations</u>	420
<u>under the Compact;</u>	421
<u>b. The employment, compensation, discipline or other</u>	422
<u>matters, practices or procedures related to specific employees;</u>	423
<u>c. Current or threatened discipline of a Licensee by the</u>	424
<u>Commission or by a Member State's Licensing Authority;</u>	425
<u>d. Current, threatened, or reasonably anticipated</u>	426
<u>litigation;</u>	427
<u>e. Negotiation of contracts for the purchase, lease, or</u>	428
<u>sale of goods, services, or real estate;</u>	429
<u>f. Accusing any person of a crime or formally censuring</u>	430
<u>any person;</u>	431
<u>g. Trade secrets or commercial or financial information</u>	432
<u>that is privileged or confidential;</u>	433
<u>h. Information of a personal nature where disclosure would</u>	434

constitute a clearly unwarranted invasion of personal privacy; 435

i. Investigative records compiled for law enforcement 436
purposes; 437

j. Information related to any investigative reports 438
prepared by or on behalf of or for use of the Commission or 439
other committee charged with responsibility of investigation or 440
determination of compliance issues pursuant to the Compact; 441

k. Matters specifically exempted from disclosure by 442
federal or Member State law; or 443

l. Other matters as promulgated by the Commission by Rule. 444

3. If a meeting, or portion of a meeting, is closed, the 445
presiding officer shall state that the meeting will be closed 446
and reference each relevant exempting provision, and such 447
reference shall be recorded in the minutes. 448

4. The Commission shall keep minutes that fully and 449
clearly describe all matters discussed in a meeting and shall 450
provide a full and accurate summary of actions taken, and the 451
reasons therefore, including a description of the views 452
expressed. All documents considered in connection with an action 453
shall be identified in such minutes. All minutes and documents 454
of a closed meeting shall remain under seal, subject to release 455
only by a majority vote of the Commission or order of a court of 456
competent jurisdiction. 457

G. Financing of the Commission 458

1. The Commission shall pay, or provide for the payment 459
of, the reasonable expenses of its establishment, organization, 460
and ongoing activities. 461

2. The Commission may accept any and all appropriate 462

revenue sources as provided in C.14. 463

3. The Commission may levy on and collect an annual 464
assessment from each Member State and impose fees on Licensees 465
practicing in the Member States under an Equivalent License to 466
cover the cost of the operations and activities of the 467
Commission and its staff, which must be in a total amount 468
sufficient to cover its annual budget as approved each year for 469
which revenue is not provided by other sources. The aggregate 470
annual assessment amount for Member States shall be allocated 471
based upon a formula that the Commission shall promulgate by 472
Rule. 473

4. The Commission shall not incur obligations of any kind 474
prior to securing the funds adequate to meet the same; nor shall 475
the Commission pledge the credit of any of the Member States, 476
except by and with the authority of the Member State. 477

5. The Commission shall keep accurate accounts of all 478
receipts and disbursements. The receipts and disbursements of 479
the Commission shall be subject to the financial review and 480
accounting procedures established under its bylaws. However, all 481
receipts and disbursements of funds handled by the Commission 482
shall be subject to an annual financial review by a certified or 483
licensed public accountant, and the report of the financial 484
review shall be included in and become part of the annual report 485
of the Commission. 486

H. Qualified Immunity, Defense, and Indemnification 487

1. The members, officers, executive director, employees 488
and representatives of the Commission shall be immune from suit 489
and liability, both personally and in their official capacity, 490
for any claim for damage to or loss of property or personal 491

injury or other civil liability caused by or arising out of any 492
actual or alleged act, error, or omission that occurred, or that 493
the person against whom the claim is made had a reasonable basis 494
for believing occurred within the scope of Commission 495
employment, duties or responsibilities; provided that nothing in 496
this paragraph shall be construed to protect any such person 497
from suit or liability for any damage, loss, injury, or 498
liability caused by the intentional or willful or wanton 499
misconduct of that person. The procurement of insurance of any 500
type by the Commission shall not in any way compromise or limit 501
the immunity granted hereunder. 502

2. The Commission shall defend any member, officer, 503
executive director, employee, and representative of the 504
Commission in any civil action seeking to impose liability 505
arising out of any actual or alleged act, error, or omission 506
that occurred within the scope of Commission employment, duties, 507
or responsibilities, or as determined by the commission that the 508
person against whom the claim is made had a reasonable basis for 509
believing occurred within the scope of Commission employment, 510
duties, or responsibilities; provided that nothing herein shall 511
be construed to prohibit that person from retaining their own 512
counsel at their own expense; and provided further, that the 513
actual or alleged act, error, or omission did not result from 514
that person's intentional or willful or wanton misconduct. 515

3. The Commission shall indemnify and hold harmless any 516
member, officer, executive director, employee, and 517
representative of the Commission for the amount of any 518
settlement or judgment obtained against that person arising out 519
of any actual or alleged act, error, or omission that occurred 520
within the scope of Commission employment, duties, or 521
responsibilities, or that such person had a reasonable basis for 522

believing occurred within the scope of Commission employment, 523
duties, or responsibilities, provided that the actual or alleged 524
act, error, or omission did not result from the intentional or 525
willful or wanton misconduct of that person. 526

4. Nothing herein shall be construed as a limitation on 527
the liability of any licensee for professional malpractice or 528
misconduct, which shall be governed solely by any other 529
applicable state laws. 530

5. Nothing in this Compact shall be interpreted to waive 531
or otherwise abrogate a Member State's state action immunity or 532
state action affirmative defense with respect to antitrust 533
claims under the Sherman Act, Clayton Act, or any other state or 534
federal antitrust or anticompetitive law or regulation. 535

6. Nothing in this Compact shall be construed to be a 536
waiver of sovereign immunity by the Member States or by the 537
Commission. 538

SECTION 8. FACILITATING INFORMATION EXCHANGE 539

A. The Commission shall provide for facilitating the 540
exchange of information to administer and implement the 541
provisions of this compact in accordance with the Rules of the 542
Commission, consistent with generally accepted data protection 543
principles. 544

B. Notwithstanding any other provision of State law to the 545
contrary, a Member State shall agree to provide for the 546
facilitation of the following Licensee information as required 547
by the Rules of the Commission, including: 548

1. Identifying information; 549

2. Licensure data; 550

<u>3. Adverse Actions against a License and information</u>	551
<u>related thereto;</u>	552
<u>4. Non-confidential information related to Alternative</u>	553
<u>Program participation, the beginning and ending dates of such</u>	554
<u>participation, and other information related to such</u>	555
<u>participation not made confidential under Member State law;</u>	556
<u>5. Any denial of application for licensure, and the reason</u>	557
<u>or reasons for such denial;</u>	558
<u>6. The presence of investigative information; and</u>	559
<u>7. Other information that may facilitate the</u>	560
<u>administration of this Compact or the protection of the public,</u>	561
<u>as determined by the Rules of the Commission.</u>	562
<u>C. Nothing in this Compact shall be deemed or construed to</u>	563
<u>alter, limit, or inhibit the power of a Member State to control</u>	564
<u>and maintain ownership of its Licensee information or alter,</u>	565
<u>limit, or inhibit the laws or regulations governing Licensee</u>	566
<u>information in the Member State.</u>	567
<u>SECTION 9. RULEMAKING</u>	568
<u>A. The Commission shall exercise its Rulemaking powers</u>	569
<u>pursuant to the criteria set forth in this Compact and the Rules</u>	570
<u>adopted thereunder. Rules and amendments shall become binding as</u>	571
<u>of the date specified in each Rule or amendment.</u>	572
<u>B. The Commission shall promulgate reasonable Rules to</u>	573
<u>achieve the intent and purpose of this Compact. In the event the</u>	574
<u>Commission exercises its Rulemaking authority in a manner that</u>	575
<u>is beyond purpose and intent of this Compact, or the powers</u>	576
<u>granted hereunder, then such an action by the Commission shall</u>	577
<u>be invalid and have no force and effect of law in the Member</u>	578

<u>States.</u>	579
<u>C. If a majority of the legislatures of the Member States</u>	580
<u>rejects a Rule, by enactment of a statute or resolution in the</u>	581
<u>same manner used to adopt the Compact within four years of the</u>	582
<u>date of adoption of the Rule, then such Rule shall have no</u>	583
<u>further force and effect in any Member State.</u>	584
<u>D. Rules or amendments to the Rules shall be adopted or</u>	585
<u>ratified at a regular or special meeting of the Commission in</u>	586
<u>accordance with Commission Rules and Bylaws.</u>	587
<u>E. Prior to promulgation and adoption of a final Rule or</u>	588
<u>Rules by the Commission, and at least thirty days in advance of</u>	589
<u>the meeting at which the Rule will be considered and voted upon,</u>	590
<u>the Commission shall file a notice of proposed rulemaking:</u>	591
<u>1. On the website of the Commission or other publicly</u>	592
<u>accessible platform; and</u>	593
<u>2. On the website of each Member State Licensing Authority</u>	594
<u>or other publicly accessible platform or the publication in</u>	595
<u>which each State would otherwise publish proposed Rules.</u>	596
<u>F. Upon determination that an emergency exists, the</u>	597
<u>Commission may consider and adopt an emergency Rule with forty-</u>	598
<u>eight hours' notice, with opportunity to comment, provided that</u>	599
<u>the usual Rulemaking procedures shall be retroactively applied</u>	600
<u>to the Rule as soon as reasonably possible, in no event later</u>	601
<u>than ninety days after the effective date of the Rule. For the</u>	602
<u>purposes of this provision, an emergency Rule is one that must</u>	603
<u>be adopted immediately in order to:</u>	604
<u>1. Meet an imminent threat to public health, safety, or</u>	605
<u>welfare.</u>	606

<u>2. Prevent a loss of Commission or Member State funds.</u>	607
<u>3. Meet a deadline for the promulgation of an</u>	608
<u>administrative Rule that is established by federal law or Rule;</u>	609
<u>or</u>	610
<u>4. Protect public health and safety.</u>	611
<u>SECTION 10. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT</u>	612
<u>A. Oversight</u>	613
<u>1. The executive and judicial branches of the State</u>	614
<u>government in each Member State shall enforce this Compact and</u>	615
<u>take all actions necessary and appropriate to implement the</u>	616
<u>Compact.</u>	617
<u>2. Venue is proper and judicial proceedings by or against</u>	618
<u>the Commission shall be brought solely and exclusively in a</u>	619
<u>court of competent jurisdiction where the principal office of</u>	620
<u>the Commission is located. The Commission may waive venue and</u>	621
<u>jurisdictional defenses to the extent it adopts or consents to</u>	622
<u>participate in alternative dispute resolution proceedings.</u>	623
<u>Nothing herein shall affect or limit the selection or propriety</u>	624
<u>of venue in any action against a licensee for professional</u>	625
<u>malpractice, misconduct or any such similar matter.</u>	626
<u>3. The Commission shall be entitled to receive service of</u>	627
<u>process in any proceeding regarding the enforcement or</u>	628
<u>interpretation of the Compact and shall have standing to</u>	629
<u>intervene in such a proceeding for all purposes. Failure to</u>	630
<u>provide the Commission service of process shall render a</u>	631
<u>judgment or order void as to the Commission, this Compact, or</u>	632
<u>promulgated Rules.</u>	633
<u>B. Default, Technical Assistance, and Termination</u>	634

1. If the Commission determines that a Member State has 635
defaulted in the performance of its obligations or 636
responsibilities under this Compact or the promulgated Rules, 637
the Commission shall provide written notice to the defaulting 638
State. The notice of default shall describe the default, the 639
proposed means of curing the default, and any other action that 640
the Commission may take, and shall offer training and specific 641
technical assistance regarding the default. 642

2. The Commission shall provide a copy of the notice of 643
default to the other Member States. 644

C. If a State in default fails to cure the default, the 645
defaulting State may be terminated from the Compact upon an 646
affirmative vote of a supermajority of the delegates of the 647
Member States, and all rights, privileges and benefits conferred 648
on that state by this Compact may be terminated on the effective 649
date of termination. A cure of the default does not relieve the 650
offending State of obligations or liabilities incurred during 651
the period of default. 652

D. Termination of membership in the Compact shall be 653
imposed only after all other means of securing compliance have 654
been exhausted. Notice of intent to suspend or terminate shall 655
be given by the Commission to the governor, the majority and 656
minority leaders of the defaulting State's legislature, the 657
defaulting State's Licensing Authority and each of the Member 658
States' Licensing Authorities. 659

E. A State that has been terminated is responsible for all 660
assessments, obligations, and liabilities incurred through the 661
effective date of termination, including obligations that extend 662
beyond the effective date of termination. 663

F. Upon the termination of a State's membership from this 664
Compact, that State shall immediately provide notice to all 665
Licensees within that State of such termination. The terminated 666
State shall continue to recognize all Licenses granted pursuant 667
to this Compact for a minimum of six months after the date of 668
said notice of termination. 669

G. The Commission shall not bear any costs related to a 670
State that is found to be in default or that has been terminated 671
from the Compact, unless agreed upon in writing between the 672
Commission and the defaulting State. 673

H. The defaulting State may appeal the action of the 674
Commission by petitioning the United States District Court for 675
the District of Columbia or the federal district where the 676
Commission has its principal offices. The prevailing party shall 677
be awarded all costs of such litigation, including reasonable 678
attorney's fees. 679

I. Dispute Resolution 680

1. Upon request by a Member State, the Commission shall 681
attempt to resolve disputes related to the Compact that arise 682
among Member States and between Member and non-Member States. 683

2. The Commission shall promulgate a Rule providing for 684
both mediation and binding dispute resolution for disputes as 685
appropriate. 686

J. Enforcement 687

1. By majority vote as provided by Rule, the Commission 688
may initiate legal action against a Member State in default in 689
the United States District Court for the District of Columbia or 690
the federal district where the Commission has its principal 691
offices to enforce compliance with the provisions of the Compact 692

and its promulgated Rules. The relief sought may include both 693
injunctive relief and damages. In the event judicial enforcement 694
is necessary, the prevailing party shall be awarded all costs of 695
such litigation, including reasonable attorney's fees. The 696
remedies herein shall not be the exclusive remedies of the 697
Commission. The Commission may pursue any other remedies 698
available under federal or the defaulting Member State's law. 699

2. A Member State may initiate legal action against the 700
Commission in the United States District Court for the District 701
of Columbia or the federal district where the Commission has its 702
principal offices to enforce compliance with the provisions of 703
the Compact and its promulgated Rules. The relief sought may 704
include both injunctive relief and damages. In the event 705
judicial enforcement is necessary, the prevailing party shall be 706
awarded all costs of such litigation, including reasonable 707
attorney's fees. 708

3. No person other than a Member State shall enforce this 709
compact against the Commission. 710

SECTION 11. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT 711

A. The Compact shall come into effect on the date on which 712
the Compact statute is enacted into law in the seventh Member 713
State. 714

1. On or after the effective date of the Compact indicated 715
above, the Commission shall convene and review the enactment of 716
each of the Charter Member States to determine if the statute 717
enacted by each such Charter Member State is materially 718
different than the model Compact statute. 719

a. A Charter Member State whose enactment is found to be 720
materially different from the model Compact statute shall be 721

entitled to the default process set forth in Section 10. 722

b. If any Member State is later found to be in default, or 723
is terminated or withdraws from the Compact, the Commission 724
shall remain in existence and the Compact shall remain in effect 725
even if the number of Member States should be less than seven. 726

2. Member States enacting the Compact subsequent to the 727
Charter Member States shall be subject to the process set forth 728
in Section 7.C.22 to determine if their enactments are 729
materially different from the model Compact statute and whether 730
they qualify for participation in the Compact. 731

3. All actions taken for the benefit of the Commission or 732
in furtherance of the purposes of the administration of the 733
Compact prior to the effective date of the Compact or the 734
Commission coming into existence shall be considered to be 735
actions of the Commission unless specifically repudiated by the 736
Commission. 737

a. Any State that joins the Compact subsequent to the 738
Commission's initial adoption of the Rules and bylaws shall be 739
subject to the Rules and bylaws as they exist on the date on 740
which the Compact becomes law in that State. Any Rule that has 741
been previously adopted by the Commission shall have the full 742
force and effect of law on the day the Compact becomes law in 743
that State. 744

b. Any Member State may withdraw from this Compact by 745
enacting a statute repealing the same. 746

B. A Member State's withdrawal shall not take effect until 747
one hundred eighty days after enactment of the repealing 748
statute. 749

C. Withdrawal shall not affect the continuing requirement 750

of the withdrawing State's Licensing Authority to comply with 751
the investigative and Adverse Action reporting requirements of 752
this Compact prior to the effective date of withdrawal. 753

D. Upon the enactment of a statute withdrawing from this 754
compact, a State shall immediately provide notice of such 755
withdrawal to all Licensees within that State. Notwithstanding 756
any subsequent statutory enactment to the contrary, such 757
withdrawing State shall continue to recognize all licenses 758
granted pursuant to this compact for a minimum of six months 759
after the date of such notice of withdrawal. 760

1. Nothing contained in this Compact shall be construed to 761
invalidate or prevent any licensure agreement or other 762
cooperative arrangement between a Member State and a non-Member 763
State that does not conflict with the provisions of this 764
Compact. 765

2. This Compact may be amended by the Member States. No 766
amendment to this Compact shall become effective and binding 767
upon any Member State until it is enacted into the laws of all 768
Member States. 769

SECTION 12. CONSTRUCTION AND SEVERABILITY 770

A. This Compact and the Commission's rulemaking authority 771
shall be liberally construed so as to effectuate the purposes, 772
and the implementation and administration of the Compact. 773
Provisions of the Compact expressly authorizing or requiring the 774
promulgation of Rules shall not be construed to limit the 775
Commission's rulemaking authority solely for those purposes. 776

B. The provisions of this Compact shall be severable and 777
if any phrase, clause, sentence or provision of this Compact is 778
held by a court of competent jurisdiction to be contrary to the 779

constitution of any Member State, a State seeking participation 780
in the Compact, or of the United States, or the applicability 781
thereof to any government, agency, person, or circumstance is 782
held to be unconstitutional by a court of competent 783
jurisdiction, the validity of the remainder of this Compact and 784
the applicability thereof to any other government, agency, 785
person, or circumstance shall not be affected thereby. 786

C. Notwithstanding subsection B of this Section, the 787
Commission may deny a State's participation in the Compact or, 788
in accordance with the requirements of Section 10.B, terminate a 789
Member State's participation in the Compact, if it determines 790
that a constitutional requirement of a Member State is a 791
material departure from the Compact. Otherwise, if this Compact 792
shall be held to be contrary to the constitution of any Member 793
State, the Compact shall remain in full force and effect as to 794
the remaining Member States and in full force and effect as to 795
the Member State affected as to all severable matters. 796

SECTION 13. CONSISTENT EFFECT AND CONFLICT WITH OTHER 797
STATE LAWS 798

A. Nothing herein shall prevent or inhibit the enforcement 799
of any other law of a Member State that is not inconsistent with 800
the Compact. 801

B. Any laws, statutes, regulations, or other legal 802
requirements in a Member State in conflict with the Compact are 803
superseded to the extent of the conflict. 804

C. All permissible agreements between the Commission and 805
the Member States are binding in accordance with their terms. 806