

**As Passed by the House**

**136th General Assembly**

**Regular Session**

**2025-2026**

**Am. Sub. S. B. No. 276**

**Senator Roegner**

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

**Representatives Click, Bird, Fischer, Fowler Arthur, Hall, T., Hiner, Holmes, John, Mathews, A., Mathews, T., McClain, Mullins, Odioso, Salvo, Williams**

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To amend sections 3313.537, 4731.156, and 5903.12; 1  
to enact sections 3301.0717, 3301.0733, 2  
3313.5321, 3313.6025, 4731.191, and 4732.42; and 3  
to repeal section 4731.155 of the Revised Code 4  
to ratify the Interstate Compact for School 5  
Psychologists, to modify the Interstate Massage 6  
Compact (IMpact), to require, instead of permit, 7  
continuing education for massage therapists, 8  
regarding the success sequence curriculum, to 9  
require the Department of Education and 10  
Workforce to submit a report regarding a single, 11  
statewide hybrid assessment system, and to enact 12  
the Student Athlete Mobility (SAM) Act regarding 13  
student petitions to participate in 14  
extracurricular activities at neighboring public 15  
schools. 16

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

**Section 1.** That sections 3313.537, 4731.156, and 5903.12 17  
be amended and sections 3301.0717, 3301.0733, 3313.5321, 18

3313.6025, 4731.191, and 4732.42 of the Revised Code be enacted 19  
to read as follows: 20

Sec. 3301.0717. (A) As used in this section, "success 21  
sequence" means a three-pronged framework for youth and young 22  
adults based on research from diverse institutions that 23  
individuals who complete at least a high school education, 24  
obtain full-time work, and marry before having children are 25  
overwhelmingly less likely to live in poverty in adulthood. 26

(B) The department of education and workforce shall review 27  
and maintain a list of curriculum and resources for grades six 28  
to twelve about the success sequence. Any curriculum or 29  
resources on this list shall include, and be consistent with, 30  
evidence, identified using the best research methods available, 31  
describing the positive personal and societal outcomes 32  
associated with the success sequence. 33

Sec. 3301.0733. (A) Notwithstanding anything in the 34  
Revised Code to the contrary, not later than November 15, 2026, 35  
the department of education and workforce shall conduct 36  
research, compile data, and prepare a report for the standing 37  
committees of the house of representatives and the senate that 38  
consider education legislation to consider a single, statewide 39  
hybrid assessment system that provides both criterion-referenced 40  
results aligned to the statewide academic standards prescribed 41  
under section 3301.079 of the Revised Code and nationally norm- 42  
referenced results, including national percentile rankings, 43  
vertically aligned scale scores, growth measures, and other 44  
nationally comparable benchmarking information. 45

(B) The single, statewide hybrid assessment system shall 46  
assess the same grade levels and subject areas as the diagnostic 47  
assessments, statewide achievement assessments, and end-of- 48

course examinations prescribed under sections 3301.079, 49  
3301.0710, and 3301.0712 of the Revised Code. The assessments 50  
prescribed under this section shall be used in place of those 51  
diagnostic assessments, statewide achievement assessments, and 52  
end-of-course examinations. Wherever in Title XXXIII of the 53  
Revised Code a reference is made to a diagnostic assessment, 54  
statewide achievement assessment, or end-of-course examination, 55  
that reference shall be construed to refer to the appropriate 56  
assessment prescribed under this section, unless the context 57  
specifically indicates a different meaning or intent. 58

(C) For the report submitted under division (A) of this 59  
section, the department shall include consideration and data for 60  
each of the following: 61

(1) An analysis of what percentage of assessment questions 62  
would need to be aligned to the criterion-referenced standards 63  
and the norm-referenced content areas to ensure compliance with 64  
federal law and establish credible, reliable academic 65  
benchmarking; 66

(2) National percentile ranks and national norm-referenced 67  
comparisons; 68

(3) Vertically aligned scale scores and growth measures; 69

(4) A computer-adaptive design when practicable; 70

(5) Instructions for how to read and interpret assessment 71  
results that include percentile ranges and percentages, 72  
including both state and national proficiency; 73

(6) A method or a description of how to compare results 74  
between the new statewide hybrid assessment system and the 75  
diagnostic assessment, statewide achievement assessment, or end- 76  
of-course examination that the assessment is replacing; 77

<u>(7) Minimizing the amount of time students spend testing;</u>	78
<u>(8) Producing a growth measure that leverages data from the grade level above and below the grade level being tested to more accurately reflect a year of learning;</u>	79 80 81
<u>(9) Returning actionable results within one week of administration of the assessment;</u>	82 83
<u>(10) Meeting all requirements under the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6301 et seq;</u>	84 85
<u>(11) An independent psychometric review;</u>	86
<u>(12) A detailed cost comparison of the statewide hybrid assessment system against the diagnostic assessment, statewide achievement assessment, or end-of-course examination that the assessment is replacing.</u>	87 88 89 90
<u>(D) The department shall not require a separate nationally norm-referenced assessment in addition to the statewide achievement assessments or end-of-course examinations for any grade level or subject area covered by the hybrid assessment system, unless required by federal law or expressly authorized by the general assembly.</u>	91 92 93 94 95 96
<b>Sec. 3313.537.</b> (A) As used in this section, "extracurricular activity" means a pupil activity program that a school or school district operates and is not included in the school district's graded course of study, including an interscholastic extracurricular activity that a school or school district sponsors or participates in and that has participants from more than one school or school district.	97 98 99 100 101 102 103
(B) (1) A student who is enrolled in a community school established under Chapter 3314. of the Revised Code or in a	104 105

science, technology, engineering, and mathematics school 106  
established under Chapter 3326. of the Revised Code shall be 107  
afforded, by the superintendent of the school district in which 108  
the student is entitled to attend school under section 3313.64 109  
or 3313.65 of the Revised Code, the opportunity to participate 110  
in that extracurricular activity at the district school to which 111  
the student otherwise would be assigned during that school year. 112  
If more than one school operated by the school district serves 113  
the student's grade level, as determined by the district 114  
superintendent based on the student's age and academic 115  
performance, the student shall be afforded the opportunity to 116  
participate in that extracurricular activity at the school to 117  
which the student would be assigned by the superintendent under 118  
section 3319.01 of the Revised Code. 119

(2) The superintendent of any school district may afford 120  
any student enrolled in community school or science, technology, 121  
engineering, and mathematics school, and who is not entitled to 122  
attend school in the district under section 3313.64 or 3313.65 123  
of the Revised Code, the opportunity to participate in an 124  
extracurricular activity offered by a school of the district, if 125  
both of the following apply: 126

(a) The school in which the student is enrolled does not 127  
offer the extracurricular activity. 128

(b) ~~The~~ Except as provided in section 3313.5321 of the 129  
Revised Code, the extracurricular activity is not 130  
interscholastic athletics or interscholastic contests or 131  
competition in music, drama, or forensics. 132

(c) In order to participate in any extracurricular 133  
activity under this section, the student shall be of the 134  
appropriate age and grade level, as determined by the 135

superintendent of the district, for the school that offers the 136  
extracurricular activity, and shall fulfill the same academic, 137  
nonacademic, and financial requirements as any other 138  
participant. 139

(D) No school district board of education shall take any 140  
action contrary to the provisions of this section. 141

(E) No school or school district shall impose additional 142  
rules on a student to participate under this section that do not 143  
apply to other students participating in the same 144  
extracurricular activity. No school or school district shall 145  
impose fees for a student to participate under this section that 146  
exceed any fees charged to other students participating in the 147  
same extracurricular activity. 148

(F) No school district, interscholastic conference, or 149  
organization that regulates interscholastic conferences or 150  
events shall require a student who is eligible to participate in 151  
extracurricular activities under this section to meet 152  
eligibility requirements that conflict with this section. 153

**Sec. 3313.5321.** (A) As used in this section: 154

(1) "Community school" means a community school 155  
established under Chapter 3314. Of the Revised Code. 156

(2) "Extracurricular activity" has the same meaning as in 157  
section 3313.537 of the Revised Code. 158

(3) "High school" means a school that serves any of grades 159  
nine through twelve. 160

(4) "Neighboring school" means either of the following: 161

(a) For a board of education, any of the following: 162

<u>(i) A high school operated by the board of education other</u>	163
<u>than the high school in which the student is enrolled;</u>	164
<u>(ii) A high school operated by a school district that</u>	165
<u>directly borders the board of education's school district;</u>	166
<u>(iii) If the board of education's school district borders</u>	167
<u>Lake Erie, a high school operated by an island school district;</u>	168
<u>(iv) Any other public high school that is located within</u>	169
<u>the territory of either the board of education's school district</u>	170
<u>or a school district that directly borders the board of</u>	171
<u>education's school district.</u>	172
<u>(b) For a school governing body, any of the following:</u>	173
<u>(i) A high school operated by the board of education of</u>	174
<u>the school district in which the other public high school is</u>	175
<u>located;</u>	176
<u>(ii) A high school operated by a school district that</u>	177
<u>directly borders the school district in which the other public</u>	178
<u>high school is located;</u>	179
<u>(iii) A different other public high school that is located</u>	180
<u>within the territory of either of the following:</u>	181
<u>(I) The school district in which the other public high</u>	182
<u>school is located;</u>	183
<u>(II) A school district that directly borders that school</u>	184
<u>district in which the other public high school is located.</u>	185
<u>(5) "Other public high school" means a community school or</u>	186
<u>STEM school that is a high school.</u>	187
<u>(6) "School governing body" means the governing authority</u>	188
<u>of a community school or the governing body of a STEM school.</u>	189

(7) "STEM school" means a STEM school established under 190  
Chapter 3326. of the Revised Code. 191

(B) Beginning with the 2026-2027 school year, each school 192  
district board of education and school governing body that 193  
operates a high school that offers an extracurricular activity 194  
and is a member school of an organization that regulates 195  
interscholastic athletics shall adopt a policy that permits a 196  
student who is enrolled in a neighboring school that does not 197  
offer that extracurricular activity to petition to participate 198  
in that activity at the board of education's or school governing 199  
body's high school. Each policy shall include all of the 200  
following: 201

(1) The form and manner in which a neighboring school 202  
student may petition to participate in an extracurricular 203  
activity; 204

(2) A requirement that both the superintendent of the 205  
school district in which the student is enrolled and the 206  
neighboring school's superintendent or chief administrative 207  
officer approves the student's participation in the 208  
extracurricular activity. The superintendent of the school 209  
district in which the student is enrolled must also certify that 210  
the student has not participated in the extracurricular activity 211  
at that school district during that school year. 212

(3) A requirement that, if the student is enrolled in a 213  
school district that operates multiple high schools, the student 214  
must first petition to participate in an extracurricular 215  
activity at another high school operated by the district if one 216  
offers the activity. If a student is not approved to participate 217  
in an activity at another school operated by the student's 218  
district, the student may petition to participate in the 219

extracurricular activity under the policy at a high school that 220  
is not operated by the student's district. 221

(C) A student shall not participate in the same 222  
extracurricular activity under this section at more than one 223  
high school operated by a school district or other public high 224  
school in any one school year. 225

(D) If a high school operated by a school district or 226  
other public high school participates in any regular season 227  
contest for an extracurricular activity and subsequently ceases 228  
offering that activity before the conclusion of the activity's 229  
season, a student enrolled in that school is not eligible to 230  
petition to participate in that activity under this section 231  
until the next school year. 232

(E) A student is not eligible to petition to participate 233  
in an extracurricular activity under this section solely because 234  
the school in which the student is enrolled does not offer the 235  
competition level at which the student wishes to participate, 236  
such as a varsity, junior varsity, or freshman team. 237

(F) A board of education or school governing body that 238  
operates a high school and is a member school of an organization 239  
that regulates interscholastic athletics may partner with a 240  
neighboring school to establish a single team for an activity if 241  
neither school has a sufficient number of students willing to 242  
participate in the extracurricular activity. A sufficient number 243  
of students shall mean the sum of: 244

(the minimum number of students required for competition 245  
in an extracurricular activity during play) + (half of that 246  
number, rounded up to the nearest whole). 247

(G) In order to participate in any extracurricular 248

activity under this section, the student shall be of the 249  
appropriate age and grade level, as determined by the 250  
superintendent of the district, at the school that offers the 251  
extracurricular activity, and shall fulfill the same academic, 252  
nonacademic, and financial requirements as any other 253  
participant, including trying out for a position on any 254  
activity. 255

**Sec. 3313.6025.** (A) Each school district board of 256  
education shall provide instruction that is aligned with the 257  
success sequence, as defined in section 3301.0717 of the Revised 258  
Code using any of the following: 259

(1) A curriculum on the list reviewed and maintained by 260  
the department of education and workforce under section 261  
3301.0717 of the Revised Code; 262

(2) A different curriculum that is aligned with the 263  
success sequence; 264

(3) A curriculum that integrates instruction that is 265  
aligned with the success sequence with the curriculum 266  
requirements in divisions (A) (5) (b) to (g) of section 3313.60 of 267  
the Revised Code. 268

(B) Each district shall include instruction under this 269  
section in one or more courses offered under division (C) of 270  
section 3313.603 of the Revised Code. A district may provide 271  
that instruction in the same or separate course in which it 272  
provides instruction in the subjects listed in divisions (A) (5) 273  
(b) to (g) of section 3313.60 of the Revised Code. 274

**Sec. 4731.156.** The "Interstate Massage Compact (IMpact)" 275  
is hereby ratified, enacted into law, and entered into by the 276  
state of Ohio as a party to the compact with any other state 277

that has legally joined in the compact as follows: 278

**INTERSTATE MASSAGE COMPACT 279**

**ARTICLE 1- PURPOSE 280**

The purpose of this Compact is to reduce the burdens on 281  
State governments and to facilitate the interstate practice and 282  
regulation of Massage Therapy with the goal of improving public 283  
access to, and the safety of, Massage Therapy Services. Through 284  
this Compact, the Member States seek to establish a regulatory 285  
framework which provides for a new multistate licensing program. 286  
Through this additional licensing pathway, the Member States 287  
seek to provide increased value and mobility to licensed massage 288  
therapists in the Member States, while ensuring the provision of 289  
safe, competent, and reliable services to the public. 290

This Compact is designed to achieve the following 291  
objectives, and the Member States hereby ratify the same 292  
intentions by subscribing hereto: 293

A. Increase public access to Massage Therapy Services by 294  
providing for a multistate licensing pathway; 295

B. Enhance the Member States' ability to protect the 296  
public's health and safety; 297

C. Enhance the Member States' ability to prevent human 298  
trafficking and licensure fraud; 299

D. Encourage the cooperation of Member States in 300  
regulating the multistate Practice of Massage Therapy; 301

E. Support relocating military members and their spouses; 302

F. Facilitate and enhance the exchange of licensure, 303  
investigative, and disciplinary information between the Member 304

States;	305
G. Create an Interstate Commission that will exist to	306
implement and administer the Compact;	307
H. Allow a Member State to hold a Licensee accountable,	308
even where that Licensee holds a Multistate License;	309
I. Create a streamlined pathway for Licensees to practice	310
in Member States, thus increasing the mobility of duly licensed	311
massage therapists; and	312
J. Serve the needs of licensed massage therapists and the	313
public receiving their services; however,	314
K. Nothing in this Compact is intended to prevent a State	315
from enforcing its own laws regarding the Practice of Massage	316
Therapy.	317
<b>ARTICLE 2- DEFINITIONS</b>	318
As used in this Compact, except as otherwise provided and	319
subject to clarification by the Rules of the Commission, the	320
following definitions shall govern the terms herein:	321
A. "Active Military Member" - any person with full-time duty	322
status in the armed forces of the United States, including	323
members of the National Guard and Reserve.	324
B. "Adverse Action" - any administrative, civil, equitable, or	325
criminal action permitted by a Member State's laws which is	326
imposed by a Licensing Authority or other regulatory body	327
against a Licensee, including actions against an individual's	328
Authorization to Practice such as revocation, suspension,	329
probation, surrender in lieu of discipline, monitoring of the	330
Licensee, limitation of the Licensee's practice, or any other	331
Encumbrance on licensure affecting an individual's ability to	332

practice Massage Therapy, including the issuance of a cease and desist order.	333 334
C. "Alternative Program" - a non-disciplinary monitoring or prosecutorial diversion program approved by a Member State's Licensing Authority.	335 336 337
D. "Authorization to Practice" - a legal authorization by a Remote State pursuant to a Multistate License permitting the Practice of Massage Therapy in that Remote State, which shall be subject to the enforcement jurisdiction of the Licensing Authority in that Remote State.	338 339 340 341 342
E. "Background Check" - the submission of an applicant's criminal history record information, as further defined in 28 C.F.R. § 20.3(d), as amended from the Federal Bureau of Investigation and the agency responsible for retaining State criminal records in the applicant's Home State.	343 344 345 346 347
F. "Charter Member States" - Member States who have enacted legislation to adopt this Compact where such legislation predates the effective date of this Compact as defined in Article 12.	348 349 350 351
G. "Commission" - the government agency whose membership consists of all States that have enacted this Compact, which is known as the Interstate Massage Compact Commission, as defined in Article 8, and which shall operate as an instrumentality of the Member States.	352 353 354 355 356
H. "Continuing Competence" - a requirement, as a condition of license renewal, to provide evidence of participation in, and completion of, educational or professional activities that maintain, improve, or enhance Massage Therapy fitness to practice.	357 358 359 360 361

I. "Current Significant Investigative Information" -	362
Investigative Information that a Licensing Authority, after an	363
inquiry or investigation that complies with a Member State's due	364
process requirements, has reason to believe is not groundless	365
and, if proved true, would indicate a violation of that State's	366
laws regarding the Practice of Massage Therapy.	367
J. "Data System" - a repository of information about Licensees	368
who hold Multistate Licenses which may include but is not	369
limited to license status, Investigative Information, and	370
Adverse Actions.	371
K. "Disqualifying Event" - any event which shall disqualify an	372
individual from holding a Multistate License under this Compact,	373
which the Commission may by Rule specify.	374
L. "Encumbrance" - a revocation or suspension of, or any	375
limitation or condition on, the full and unrestricted Practice	376
of Massage Therapy by a Licensing Authority.	377
M. "Executive Committee" - a group of delegates elected or	378
appointed to act on behalf of, and within the powers granted to	379
them by, the Commission.	380
N. "Home State" - means the Member State which is a Licensee's	381
primary state of residence where the Licensee holds an active	382
Single-State License.	383
O. "Investigative Information" - information, records, or	384
documents received or generated by a Licensing Authority	385
pursuant to an investigation or other inquiry.	386
P. "Licensing Authority" - a State's regulatory body responsible	387
for issuing Massage Therapy licenses or otherwise overseeing the	388
Practice of Massage Therapy in that State.	389

Q. "Licensee" - an individual who currently holds a license from a Member State to fully practice Massage Therapy, whose license is not a student, provisional, temporary, inactive, or other similar status.	390 391 392 393
R. "Massage Therapy", "Massage Therapy Services", and the "Practice of Massage Therapy" - the care and services provided by a Licensee as set forth in the Member State's statutes and regulations in the State where the services are being provided.	394 395 396 397
S. "Member State" - any State that has adopted this Compact.	398
T. "Multistate License" - a license that consists of Authorizations to Practice Massage Therapy in all Remote States pursuant to this Compact, which shall be subject to the enforcement jurisdiction of the Licensing Authority in a Licensee's Home State.	399 400 401 402 403
<del>U. "National Licensing Examination" - A national examination developed by a national association of Massage Therapy regulatory boards, as defined by Commission Rule, that is derived from a practice analysis and is consistent with generally accepted psychometric principles of fairness, validity and reliability, and is administered under secure and confidential examination protocols.</del>	<del>404 405 406 407 408 409 410</del>
<del>V. "Remote State" - any Member State, other than the Licensee's Home State.</del>	<del>411 412</del>
<del>W-V. "Rule" - any opinion or regulation promulgated by the Commission under this Compact, which shall have the force of law.</del>	<del>413 414 415</del>
<del>X-W. "Single-State License" - a current, valid authorization issued by a Member State's Licensing Authority allowing an individual to fully practice Massage Therapy, that is not a</del>	<del>416 417 418</del>

restricted, student, provisional, temporary, or inactive 419  
practice authorization and authorizes practice only within the 420  
issuing State. 421

~~Y.~~X. "State" - a state, territory, possession of the United 422  
States, or the District of Columbia. 423

**ARTICLE 3- MEMBER STATE REQUIREMENTS** 424

A. To be eligible to join this Compact, and to maintain 425  
eligibility as a Member State, a State must: 426

1. License and regulate the Practice of Massage Therapy; 427

2. Have a mechanism or entity in place to receive and 428  
investigate complaints from the public, regulatory or law 429  
enforcement agencies, or the Commission about Licensees 430  
practicing in that State; 431

3. ~~Accept passage of a National Licensing Examination as a~~ 432  
~~criterion for Massage Therapy licensure in that State;~~Accept 433  
passage of a psychometrically valid national examination as a 434  
criterion for Massage Therapy licensure in that State; For 435  
purposes of this compact, such examination shall not include a 436  
State-administered examination but shall be inclusive of the 437  
following: 438

a. The Massage and Bodywork Licensure Examination; or 439

b. The National Certification Board for Therapeutic 440  
Massage & Bodywork prior to January 1, 2015; or 441

c. The substantial equivalent of the foregoing which the 442  
Commission may approve by Rule. 443

4. Require that Licensees satisfy educational requirements 444  
prior to being licensed to provide Massage Therapy Services to 445

the public in that State;	446
5. Implement procedures for requiring the Background Check	447
of applicants for a Multistate License, and for the reporting of	448
any Disqualifying Events, including but not limited to obtaining	449
and submitting, for each Licensee holding a Multistate License	450
and each applicant for a Multistate License, fingerprint or	451
other biometric-based information to the Federal Bureau of	452
Investigation for Background Checks; receiving the results of	453
the Federal Bureau of Investigation record search on Background	454
Checks and considering the results of such a Background Check in	455
making licensure decisions;	456
6. Have Continuing Competence requirements as a condition	457
for license renewal;	458
7. Participate in the Data System, including through the	459
use of unique identifying numbers as described herein;	460
8. Notify the Commission and other Member States, in	461
compliance with the terms of the Compact and Rules of the	462
Commission, of any disciplinary action taken by the State	463
against a Licensee practicing under a Multistate License in that	464
State, or of the existence of Investigative Information or	465
Current Significant Investigative Information regarding a	466
Licensee practicing in that State pursuant to a Multistate	467
License;	468
9. Comply with the Rules of the Commission;	469
10. Accept Licensees with valid Multistate Licenses from	470
other Member States as established herein;	471
B. Individuals not residing in a Member State shall continue to	472
be able to apply for a Member State's Single-State License as	473
provided under the laws of each Member State. However, the	474

Single-State License granted to those individuals shall not be 475  
recognized as granting a Multistate License for Massage Therapy 476  
in any other Member State; 477

C. Nothing in this Compact shall affect the requirements 478  
established by a Member State for the issuance of a Single-State 479  
License; and 480

D. A Multistate License issued to a Licensee shall be recognized 481  
by each Remote State as an Authorization to Practice Massage 482  
Therapy in each Remote State. 483

**ARTICLE 4- MULTISTATE LICENSE REQUIREMENTS** 484

A. To qualify for a Multistate License under this Compact, and 485  
to maintain eligibility for such a license, an applicant must: 486

1. Hold an active Single-State License to practice Massage 487  
therapy in the applicant's Home State; 488

2. ~~Have completed at least six hundred and twenty-five~~ 489  
~~(625) clock hours of Massage Therapy education or the~~ 490  
~~substantial equivalent which the Commission may approve by~~ 491  
~~Rule~~Satisfy one of the following: 492

a. Completion of at least six hundred and twenty-five 493  
(625) clock hours of Massage Therapy education; or 494

b. Graduation from an educational program that meets the 495  
minimum qualifications for licensure in the home state and two 496  
(2) years of continuous licensure with a Single-State License in 497  
good standing in the Home State (except as provided in Article 498  
7); or 499

c. Satisfaction of the substantial equivalent of the 500  
foregoing which the Commission may approve by Rule. 501

- ~~3. Have passed a National Licensing Examination or the~~ 502  
~~substantial equivalent which the Commission may approve by~~ 503  
~~Rule~~Successfully pass a psychometrically valid national 504  
examination for licensure. For purposes of this compact, such 505  
examination shall not include a State-administered examination 506  
but shall be inclusive of the following: 507
- a. The Massage and Bodywork Licensure Examination; or 508
- b. The National Certification Board for Therapeutic 509  
Massage & Bodywork licensure examination prior to January 1, 510  
2015; or 511
- c. The substantial equivalent of the foregoing which the 512  
Commission may approve by Rule. 513
4. Submit to a Background Check; 514
5. Have not been convicted or found guilty, or have 515  
entered into an agreed disposition, of a felony offense under 516  
applicable State or federal criminal law, within five (5) years 517  
prior to the date of their application, where such a time period 518  
shall not include any time served for the offense, and provided 519  
that the applicant has completed any and all requirements 520  
arising as a result of any such offense; 521
6. Have not been convicted or found guilty, or have 522  
entered into an agreed disposition, of a misdemeanor offense 523  
related to the Practice of Massage Therapy under applicable 524  
State or federal criminal law, within two (2) years prior to the 525  
date of their application where such a time period shall not 526  
include any time served for the offense, and provided that the 527  
applicant has completed any and all requirements arising as a 528  
result of any such offense; 529
7. Have not been convicted or found guilty, or have 530

entered into an agreed disposition, of any offense, whether a	531
misdemeanor or a felony, under State or federal law, at any	532
time, relating to any of the following:	533
a. Kidnapping;	534
b. Human trafficking;	535
c. Human smuggling;	536
d. Sexual battery, sexual assault, or any related	537
offenses; or	538
e. Any other category of offense which the Commission may	539
by Rule designate.	540
8. Have not previously held a Massage Therapy license	541
which was revoked by, or surrendered in lieu of discipline to an	542
applicable Licensing Authority;	543
9. Have no history of any Adverse Action on any	544
occupational or professional license within two (2) years prior	545
to the date of their application; and	546
10. Pay all required fees.	547
B. A Multistate License granted pursuant to this Compact may be	548
effective for a definite period of time concurrent with the	549
renewal of the Home State license.	550
C. A Licensee practicing in a Member State is subject to all	551
scope of practice laws governing Massage Therapy Services in	552
that State.	553
D. The Practice of Massage Therapy under a Multistate License	554
granted pursuant to this Compact will subject the Licensee to	555
the jurisdiction of the Licensing Authority, the courts, and the	556
laws of the Member State in which the Massage Therapy Services	557

are provided.	558
<b>ARTICLE 5- AUTHORITY OF INTERSTATE MASSAGE COMPACT COMMISSION</b>	559
<b>AND MEMBER STATE LICENSING AUTHORITIES</b>	560
A. Nothing in this Compact, nor any Rule of the Commission,	561
shall be construed to limit, restrict, or in any way reduce the	562
ability of a Member State to enact and enforce laws,	563
regulations, or other rules related to the Practice of Massage	564
Therapy in that State, where those laws, regulations, or other	565
rules are not inconsistent with the provisions of this Compact.	566
B. Nothing in this Compact, nor any Rule of the Commission,	567
shall be construed to limit, restrict, or in any way reduce the	568
ability of a Member State to take Adverse Action against a	569
Licensee's Single-State License to practice Massage Therapy in	570
that State.	571
C. Nothing in this Compact, nor any Rule of the Commission,	572
shall be construed to limit, restrict, or in any way reduce the	573
ability of a Remote State to take Adverse Action against a	574
Licensee's Authorization to Practice in that State.	575
D. Nothing in this Compact, nor any Rule of the Commission,	576
shall be construed to limit, restrict, or in any way reduce the	577
ability of a Licensee's Home State to take Adverse Action	578
against a Licensee's Multistate License based upon information	579
provided by a Remote State.	580
E. Insofar as practical, a Member State's Licensing Authority	581
shall cooperate with the Commission and with each entity	582
exercising independent regulatory authority over the Practice of	583
Massage Therapy according to the provisions of this Compact.	584
<b>ARTICLE 6- ADVERSE ACTIONS</b>	585

A. A Licensee's Home State shall have exclusive power to impose an Adverse Action against a Licensee's Multistate License issued by the Home State.	586 587 588
B. A Home State may take Adverse Action on a Multistate License based on the Investigative Information, Current Significant Investigative Information, or Adverse Action of a Remote State.	589 590 591
C. A Home State shall retain authority to complete any pending investigations of a Licensee practicing under a Multistate License who changes their Home State during the course of such an investigation. The Licensing Authority shall also be empowered to report the results of such an investigation to the Commission through the Data System as described herein.	592 593 594 595 596 597
D. Any Member State may investigate actual or alleged violations of the scope of practice laws in any other Member State for a massage therapist who holds a Multistate License.	598 599 600
E. A Remote State shall have the authority to:	601
1. Take Adverse Actions against a Licensee's Authorization to Practice;	602 603
2. Issue cease and desist orders or impose an Encumbrance on a Licensee's Authorization to Practice in that State.	604 605
3. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, as well as the production of evidence. Subpoenas issued by a Licensing Authority in a Member State for the attendance and testimony of witnesses or the production of evidence from another Member State shall be enforced in the latter State by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings before it. The issuing Licensing Authority shall pay any witness	606 607 608 609 610 611 612 613 614

fees, travel expenses, mileage, and other fees required by the 615  
service statutes of the State in which the witnesses or evidence 616  
are located. 617

4. If otherwise permitted by State law, recover from the 618  
affected Licensee the costs of investigations and disposition of 619  
cases resulting from any Adverse Action taken against that 620  
Licensee. 621

5. Take Adverse Action against the Licensee's 622  
Authorization to Practice in that State based on the factual 623  
findings of another Member State. 624

F. If an Adverse Action is taken by the Home State against a 625  
Licensee's Multistate License or Single-State License to 626  
practice in the Home State, the Licensee's Authorization to 627  
Practice in all other Member States shall be deactivated until 628  
all Encumbrances have been removed from such license. All Home 629  
State disciplinary orders that impose an Adverse Action against 630  
a Licensee shall include a statement that the Massage 631  
Therapist's Authorization to Practice is deactivated in all 632  
Member States during the pendency of the order. 633

G. If Adverse Action is taken by a Remote State against a 634  
Licensee's Authorization to Practice, that Adverse Action 635  
applies to all Authorizations to Practice in all Remote States. 636  
A Licensee whose Authorization to Practice in a Remote State is 637  
removed for a specified period of time is not eligible to apply 638  
for a new Multistate License in any other State until the 639  
specific time for removal of the Authorization to Practice has 640  
passed and all encumbrance requirements are satisfied. 641

H. Nothing in this Compact shall override a Member State's 642  
authority to accept a Licensee's participation in an Alternative 643

Program in lieu of Adverse Action. A Licensee's Multistate License shall be suspended for the duration of the Licensee's participation in any Alternative Program.

I. Joint Investigations

1. In addition to the authority granted to a Member State by its respective scope of practice laws or other applicable State law, a Member State may participate with other Member States in joint investigations of Licensees.

2. Member States shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.

**ARTICLE 7- ACTIVE MILITARY MEMBER AND THEIR SPOUSES**

Active Military Member, or their spouses, shall designate a Home State where the individual has a current license to practice Massage Therapy in good standing. The individual may retain their Home State designation during any period of service when that individual or their spouse is on active duty assignment. Further, Active Military Members or their spouses shall satisfy the requirements of Article 4.A.2. by successful graduation from an educational program that meets the minimum qualifications for licensure in the designated Home State.

**ARTICLE 8- ESTABLISHMENT AND OPERATION OF INTERSTATE MASSAGE COMPACT COMMISSION**

A. The Compact Member States hereby create and establish a joint government agency whose membership consists of all Member States that have enacted the Compact known as the Interstate Massage Compact Commission. The Commission is an instrumentality of the Compact States acting jointly and not an instrumentality of any one State. The Commission shall come into existence on or after

the effective date of the Compact as set forth in Article 12.	673
B. Membership, Voting, and Meetings	674
1. Each Member State shall have and be limited to one (1) delegate selected by that Member State's State Licensing Authority.	675 676 677
2. The delegate shall be <del>the</del> <u>either:</u>	678
<u>a. A member of the State Licensing Authority; or</u>	679
<u>b. The primary administrative officer of the State Licensing Authority or their designee.</u>	680 681
3. The Commission shall by Rule or bylaw establish a term of office for delegates and may by Rule or bylaw establish term limits.	682 683 684
4. The Commission may recommend removal or suspension of any delegate from office.	685 686
5. A Member State's State Licensing Authority shall fill any vacancy of its delegate occurring on the Commission within 60 days of the vacancy.	687 688 689
6. Each delegate shall be entitled to one vote on all matters that are voted on by the Commission.	690 691
7. The Commission shall meet at least once during each calendar year. Additional meetings may be held as set forth in the bylaws. The Commission may meet by telecommunication, video conference or other similar electronic means.	692 693 694 695
C. The Commission shall have the following powers:	696
1. Establish the fiscal year of the Commission;	697
2. Establish code of conduct and conflict of interest	698

policies;	699
3. Adopt Rules and bylaws;	700
4. Maintain its financial records in accordance with the bylaws;	701 702
5. Meet and take such actions as are consistent with the provisions of this Compact, the Commission's Rules, and the bylaws;	703 704 705
6. Initiate and conclude legal proceedings or actions in the name of the Commission, provided that the standing of any State Licensing Authority to sue or be sued under applicable law shall not be affected;	706 707 708 709
7. Maintain and certify records and information provided to a Member State as the authenticated business records of the Commission, and designate an agent to do so on the Commission's behalf;	710 711 712 713
8. Purchase and maintain insurance and bonds;	714
9. Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a Member State;	715 716
10. Conduct an annual financial review;	717
11. Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;	718 719 720 721 722 723
12. Assess and collect fees;	724
13. Accept any and all appropriate gifts, donations,	725

grants of money, other sources of revenue, equipment, supplies, 726  
materials, and services, and receive, utilize, and dispose of 727  
the same; provided that at all times the Commission shall avoid 728  
any appearance of impropriety or conflict of interest; 729

14. Lease, purchase, retain, own, hold, improve, or use 730  
any property, real, personal, or mixed, or any undivided 731  
interest therein; 732

15. Sell, convey, mortgage, pledge, lease, exchange, 733  
abandon, or otherwise dispose of any property real, personal, or 734  
mixed; 735

16. Establish a budget and make expenditures; 736

17. Borrow money; 737

18. Appoint committees, including standing committees, 738  
composed of members, State regulators, State legislators or 739  
their representatives, and consumer representatives, and such 740  
other interested persons as may be designated in this Compact 741  
and the bylaws; 742

19. The Commission may elect up to two ex-officio, 743  
nonvoting members of the Commission as specified in the 744  
Commission's bylaws; 745

20. Accept and transmit complaints from the public, 746  
regulatory or law enforcement agencies, or the Commission, to 747  
the relevant Member State(s) regarding potential misconduct of 748  
Licensees; 749

~~20~~21. Elect a Chair, Vice Chair, Secretary and Treasurer 750  
and such other officers of the Commission as provided in the 751  
Commission's bylaws; 752

~~21~~22. Establish and elect an Executive Committee, 753

including a chair and a vice chair;	754
<del>22</del> <u>23</u> . Adopt and provide to the Member States an annual report.	755 756
<del>23</del> <u>24</u> . Determine whether a State's adopted language is materially different from the model Compact language such that the State would not qualify for participation in the Compact; and	757 758 759 760
<del>24</del> <u>25</u> . Perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact.	761 762
D. The Executive Committee	763
1. The Executive Committee shall have the power to act on behalf of the Commission according to the terms of this Compact. The powers, duties, and responsibilities of the Executive Committee shall include:	764 765 766 767
a. Overseeing the day-to-day activities of the administration of the Compact including compliance with the provisions of the Compact, the Commission's Rules and bylaws, and other such duties as deemed necessary;	768 769 770 771
b. Recommending to the Commission changes to the Rules or bylaws, changes to this Compact legislation, fees charged to Compact Member States, fees charged to Licensees, and other fees;	772 773 774 775
c. Ensuring Compact administration services are appropriately provided, including by contract;	776 777
d. Preparing and recommending the budget;	778
e. Maintaining financial records on behalf of the Commission;	779 780

f. Monitoring Compact compliance of Member States and providing compliance reports to the Commission;	781 782
g. Establishing additional committees as necessary;	783
h. Exercise the powers and duties of the Commission during the interim between Commission meetings, except for adopting or amending Rules, adopting or amending bylaws, and exercising any other powers and duties expressly reserved to the Commission by Rule or bylaw; and	784 785 786 787 788
i. Other duties as provided in the Rules or bylaws of the Commission.	789 790
2. The Executive Committee shall be composed of seven voting members and up to two ex-officio members as follows:	791 792
a. The chair and vice chair of the Commission and any other members of the Commission who serve on the Executive Committee shall be voting members of the Executive Committee; and	793 794 795 796
b. Other than the chair, vice-chair, secretary and treasurer, the Commission shall elect three voting members from the current membership of the Commission.	797 798 799
<del>c. The Commission may elect ex-officio, nonvoting members as necessary as follows:</del>	800 801
<del>i. One ex-officio member who is a representative of the national association of State Massage Therapy regulatory boards</del>	802 803
<del>ii. One ex-officio member as specified in the Commission's bylaws.</del>	804 805
3. The Commission may remove any member of the Executive Committee as provided in the Commission's bylaws.	806 807

4. The Executive Committee shall meet at least annually.	808
a. Executive Committee meetings shall be open to the public, except that the Executive Committee may meet in a closed, non-public session of a public meeting when dealing with any of the matters covered under subsection F.4.	809 810 811 812
b. The Executive Committee shall give five business days advance notice of its public meetings, posted on its website and as determined to provide notice to persons with an interest in the public matters the Executive Committee intends to address at those meetings.	813 814 815 816 817
5. The Executive Committee may hold an emergency meeting when acting for the Commission to:	818 819
a. Meet an imminent threat to public health, safety, or welfare;	820 821
b. Prevent a loss of Commission or Participating State funds; or	822 823
c. Protect public health and safety.	824
E. The Commission shall adopt and provide to the Member States an annual report.	825 826
F. Meetings of the Commission	827
1. All meetings of the Commission that are not closed pursuant to this subsection shall be open to the public. Notice of public meetings shall be posted on the Commission's website at least thirty (30) days prior to the public meeting.	828 829 830 831
2. Notwithstanding subsection F.1 of this Article, the Commission may convene an emergency public meeting by providing at least twenty-four (24) hours prior notice on the Commission's	832 833 834

website, and any other means as provided in the Commission's 835  
Rules, for any of the reasons it may dispense with notice of 836  
proposed rulemaking under Article 10.L. The Commission's legal 837  
counsel shall certify the that one of the reasons justifying an 838  
emergency public meeting has been met. 839

3. Notice of all Commission meetings shall provide the 840  
time, date, and location of the meeting, and if the meeting is 841  
to be held or accessible via telecommunication, video 842  
conference, or other electronic means, the notice shall include 843  
the mechanism for access to the meeting. 844

4. The Commission may convene in a closed, non-public 845  
meeting for the Commission to discuss: 846

a. Non-compliance of a Member State with its obligations 847  
under the Compact; 848

b. The employment, compensation, discipline or other 849  
matters, practices or procedures related to specific employees 850  
or other matters related to the Commission's internal personnel 851  
practices and procedures; 852

c. Current or threatened discipline of a Licensee by the 853  
Commission or by a Member State's Licensing Authority; 854

d. Current, threatened, or reasonably anticipated 855  
litigation; 856

e. Negotiation of contracts for the purchase, lease, or 857  
sale of goods, services, or real estate; 858

f. Accusing any person of a crime or formally censuring 859  
any person; 860

g. Trade secrets or commercial or financial information 861  
that is privileged or confidential; 862

h. Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;	863 864
i. Investigative records compiled for law enforcement purposes;	865 866
j. Information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact;	867 868 869 870
k. Legal advice;	871
l. Matters specifically exempted from disclosure to the public by federal or Member State law; or	872 873
m. Other matters as promulgated by the Commission by Rule.	874
5. If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the meeting will be closed and reference each relevant exempting provision, and such reference shall be recorded in the minutes.	875 876 877 878
6. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the Commission or order of a court of competent jurisdiction.	879 880 881 882 883 884 885 886 887
G. Financing of the Commission	888
1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization,	889 890

and ongoing activities.	891
2. The Commission may accept any and all appropriate sources of revenue, donations, and grants of money, equipment, supplies, materials, and services.	892 893 894
3. The Commission may levy on and collect an annual assessment from each Member State and impose fees on Licensees of Member States to whom it grants a Multistate License to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount for Member states shall be allocated based upon a formula that the Commission shall promulgate by Rule.	895 896 897 898 899 900 901 902 903
4. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any Member States, except by and with the authority of the Member State.	904 905 906 907
5. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the financial review and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the Commission shall be subject to an annual financial review by a certified or licensed public accountant, and the report of the financial review shall be included in and become part of the annual report of the Commission.	908 909 910 911 912 913 914 915 916
H. Qualified Immunity, Defense, and Indemnification	917
1. The members, officers, executive director, employees and representatives of the Commission shall be immune from suit	918 919

and liability, both personally and in their official capacity, 920  
for any claim for damage to or loss of property or personal 921  
injury or other civil liability caused by or arising out of any 922  
actual or alleged act, error, or omission that occurred, or that 923  
the person against whom the claim is made had a reasonable basis 924  
for believing occurred within the scope of Commission 925  
employment, duties or responsibilities; provided that nothing in 926  
this paragraph shall be construed to protect any such person 927  
from suit or liability for any damage, loss, injury, or 928  
liability caused by the intentional or willful or wanton 929  
misconduct of that person. The procurement of insurance of any 930  
type by the Commission shall not in any way compromise or limit 931  
the immunity granted hereunder. 932

2. The Commission shall defend any member, officer, 933  
executive director, employee, and representative of the 934  
Commission in any civil action seeking to impose liability 935  
arising out of any actual or alleged act, error, or omission 936  
that occurred within the scope of Commission employment, duties, 937  
or responsibilities, or as determined by the Commission that the 938  
person against whom the claim is made had a reasonable basis for 939  
believing occurred within the scope of Commission employment, 940  
duties, or responsibilities; provided that nothing herein shall 941  
be construed to prohibit that person from retaining their own 942  
counsel at their own expense; and provided further, that the 943  
actual or alleged act, error, or omission did not result from 944  
that person's intentional or willful or wanton misconduct. 945

3. The Commission shall indemnify and hold harmless any 946  
member, officer, executive director, employee, and 947  
representative of the Commission for the amount of any 948  
settlement or judgment obtained against that person arising out 949  
of any actual or alleged act, error, or omission that occurred 950

within the scope of Commission employment, duties, or 951  
responsibilities, or that such person had a reasonable basis for 952  
believing occurred within the scope of Commission employment, 953  
duties, or responsibilities, provided that the actual or alleged 954  
act, error, or omission did not result from the intentional or 955  
willful or wanton misconduct of that person. 956

4. Nothing herein shall be construed as a limitation on 957  
the liability of any Licensee for professional malpractice or 958  
misconduct, which shall be governed solely by any other 959  
applicable State laws. 960

5. Nothing in this Compact shall be interpreted to waive 961  
or otherwise abrogate a Member State's State action immunity or 962  
State action affirmative defense with respect to antitrust 963  
claims under the Sherman Act, Clayton Act, or any other State or 964  
federal antitrust or anticompetitive law or regulation. 965

6. Nothing in this Compact shall be construed to be a 966  
waiver of sovereign immunity by the Member States or by the 967  
Commission. 968

**ARTICLE 9- DATA SYSTEM** 969

A. The Commission shall provide for the development, 970  
maintenance, operation, and utilization of a coordinated 971  
database and reporting system. 972

B. The Commission shall assign each applicant for a Multistate 973  
License a unique identifier, as determined by the Rules of the 974  
Commission. 975

C. Notwithstanding any other provision of State law to the 976  
contrary, a Member State shall submit a uniform data set to the 977  
Data System on all individuals to whom this Compact is 978  
applicable as required by the Rules of the Commission, 979

including:	980
1. Identifying information;	981
2. Licensure data;	982
3. Adverse Actions against a license and information related thereto;	983 984
4. Non-confidential information related to Alternative Program participation, the beginning and ending dates of such participation, and other information related to such participation;	985 986 987 988
5. Any denial of application for licensure, and the reason(s) for such denial (excluding the reporting of any criminal history record information where prohibited by law);	989 990 991
6. The existence of Investigative Information;	992
7. The existence presence of Current Significant Investigative Information; and	993 994
8. Other information that may facilitate the administration of this Compact or the protection of the public, as determined by the Rules of the Commission.	995 996 997
D. The records and information provided to a Member State pursuant to this Compact or through the Data System, when certified by the Commission or an agent thereof, shall constitute the authenticated business records of the Commission, and shall be entitled to any associated hearsay exception in any relevant judicial, quasi-judicial or administrative proceedings in a Member State.	998 999 1000 1001 1002 1003 1004
E. The existence of Current Significant Investigative Information and the existence of Investigative Information	1005 1006

pertaining to a Licensee in any Member State will only be 1007  
available to other Member States. 1008

F. It is the responsibility of the Member States to report any 1009  
Adverse Action against a Licensee who holds a Multistate License 1010  
and to monitor the database to determine whether Adverse Action 1011  
has been taken against such a Licensee or License applicant. 1012  
Adverse Action information pertaining to a Licensee or License 1013  
applicant in any Member State will be available to any other 1014  
Member State. 1015

G. Member States contributing information to the Data System may 1016  
designate information that may not be shared with the public 1017  
without the express permission of the contributing State. 1018

H. Any information submitted to the Data System that is 1019  
subsequently expunged pursuant to federal law or the laws of the 1020  
Member State contributing the information shall be removed from 1021  
the Data System. 1022

**ARTICLE 10- RULEMAKING** 1023

A. The Commission shall promulgate reasonable Rules in order to 1024  
effectively and efficiently implement and administer the 1025  
purposes and provisions of the Compact. A Rule shall be invalid 1026  
and have no force or effect only if a court of competent 1027  
jurisdiction holds that the Rule is invalid because the 1028  
Commission exercised its rulemaking authority in a manner that 1029  
is beyond the scope and purposes of the Compact, or the powers 1030  
granted hereunder, or based upon another applicable standard of 1031  
review. 1032

B. The Rules of the Commission shall have the force of law in 1033  
each Member State, provided however that where the Rules of the 1034  
Commission conflict with the laws of the Member State that 1035

establish the Member State's scope of practice as held by a 1036  
court of competent jurisdiction, the Rules of the Commission 1037  
shall be ineffective in that State to the extent of the 1038  
conflict. 1039

C. The Commission shall exercise its Rulemaking powers pursuant 1040  
to the criteria set forth in this article and the Rules adopted 1041  
thereunder. Rules shall become binding as of the date specified 1042  
by the Commission for each Rule. 1043

D. If a majority of the legislatures of the Member States 1044  
rejects a Rule or portion of a Rule, by enactment of a statute 1045  
or resolution in the same manner used to adopt the Compact 1046  
within four (4) years of the date of adoption of the Rule, then 1047  
such Rule shall have no further force and effect in any Member 1048  
State or to any State applying to participate in the Compact. 1049

E. Rules shall be adopted at a regular or special meeting of the 1050  
Commission. 1051

F. Prior to adoption of a proposed Rule, the Commission shall 1052  
hold a public hearing and allow persons to provide oral and 1053  
written comments, data, facts, opinions, and arguments. 1054

G. Prior to adoption of a proposed Rule by the Commission, and 1055  
at least thirty (30) days in advance of the meeting at which the 1056  
Commission will hold a public hearing on the proposed Rule, the 1057  
Commission shall provide a Notice of Proposed Rulemaking: 1058

1. On the website of the Commission or other publicly 1059  
accessible platform; 1060

2. To persons who have requested notice of the 1061  
Commission's notices of proposed rulemaking, and 1062

3. In such other way(s) as the Commission may by Rule 1063

specify. 1064

H. The Notice of Proposed Rulemaking shall include: 1065

1. The time, date, and location of the public hearing at 1066  
which the Commission will hear public comments on the proposed 1067  
Rule and, if different, the time, date, and location of the 1068  
meeting where the Commission will consider and vote on the 1069  
proposed Rule; 1070

2. If the hearing is held via telecommunication, video 1071  
conference, or other electronic means, the Commission shall 1072  
include the mechanism for access to the hearing in the Notice of 1073  
Proposed Rulemaking; 1074

3. The text of the proposed Rule and the reason therefor; 1075

4. A request for comments on the proposed Rule from any 1076  
interested person; and 1077

5. The manner in which interested persons may submit 1078  
written comments. 1079

I. All hearings will be recorded. A copy of the recording and 1080  
all written comments and documents received by the Commission in 1081  
response to the proposed Rule shall be available to the public. 1082

J. Nothing in this article shall be construed as requiring a 1083  
separate hearing on each Rule. Rules may be grouped for the 1084  
convenience of the Commission at hearings required by this 1085  
article. 1086

K. The Commission shall, by majority vote of all Commissioners, 1087  
take final action on the proposed Rule based on the Rulemaking 1088  
record. 1089

1. The Commission may adopt changes to the proposed Rule 1090

provided the changes do not enlarge the original purpose of the 1091  
proposed Rule. 1092

2. The Commission shall provide an explanation of the 1093  
reasons for substantive changes made to the proposed Rule as 1094  
well as reasons for substantive changes not made that were 1095  
recommended by commenters. 1096

3. The Commission shall determine a reasonable effective 1097  
date for the Rule. Except for an emergency as provided in 1098  
subsection L, the effective date of the Rule shall be no sooner 1099  
than thirty (30) days after the Commission issuing the notice 1100  
that it adopted or amended the Rule. 1101

L. Upon determination that an emergency exists, the Commission 1102  
may consider and adopt an emergency Rule with 24 hours notice, 1103  
provided that the usual Rulemaking procedures provided in the 1104  
Compact and in this article shall be retroactively applied to 1105  
the Rule as soon as reasonably possible, in no event later than 1106  
ninety (90) days after the effective date of the Rule. For the 1107  
purposes of this provision, an emergency Rule is one that must 1108  
be adopted immediately to: 1109

1. Meet an imminent threat to public health, safety, or 1110  
welfare; 1111

2. Prevent a loss of Commission or Member State funds; 1112

3. Meet a deadline for the promulgation of a Rule that is 1113  
established by federal law or rule; or 1114

4. Protect public health and safety. 1115

M. The Commission or an authorized committee of the Commission 1116  
may direct revisions to a previously adopted Rule for purposes 1117  
of correcting typographical errors, errors in format, errors in 1118

consistency, or grammatical errors. Public notice of any 1119  
revisions shall be posted on the website of the Commission. The 1120  
revision shall be subject to challenge by any person for a 1121  
period of thirty (30) days after posting. The revision may be 1122  
challenged only on grounds that the revision results in a 1123  
material change to a Rule. A challenge shall be made in writing 1124  
and delivered to the Commission prior to the end of the notice 1125  
period. If no challenge is made, the revision will take effect 1126  
without further action. If the revision is challenged, the 1127  
revision may not take effect without the approval of the 1128  
Commission. 1129

N. No Member State's rulemaking requirements shall apply under 1130  
this Compact. 1131

**ARTICLE 11- OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT** 1132

A. Oversight 1133

1. The executive and judicial branches of State government 1134  
in each Member State shall enforce this Compact and take all 1135  
actions necessary and appropriate to implement the Compact. 1136

2. Venue is proper and judicial proceedings by or against 1137  
the Commission shall be brought solely and exclusively in a 1138  
court of competent jurisdiction where the principal office of 1139  
the Commission is located. The Commission may waive venue and 1140  
jurisdictional defenses to the extent it adopts or consents to 1141  
participate in alternative dispute resolution proceedings. 1142  
Nothing herein shall affect or limit the selection or propriety 1143  
of venue in any action against a Licensee for professional 1144  
malpractice, misconduct or any such similar matter. 1145

3. The Commission shall be entitled to receive service of 1146  
process in any proceeding regarding the enforcement or 1147

interpretation of the Compact and shall have standing to 1148  
intervene in such a proceeding for all purposes. Failure to 1149  
provide the Commission service of process shall render a 1150  
judgment or order void as to the Commission, this Compact, or 1151  
promulgated Rules. 1152

**B. Default, Technical Assistance, and Termination 1153**

1. If the Commission determines that a Member State has 1154  
defaulted in the performance of its obligations or 1155  
responsibilities under this Compact or the promulgated Rules, 1156  
the Commission shall provide written notice to the defaulting 1157  
State. The notice of default shall describe the default, the 1158  
proposed means of curing the default, and any other action that 1159  
the Commission may take, and shall offer training and specific 1160  
technical assistance regarding the default. 1161

2. The Commission shall provide a copy of the notice of 1162  
default to the other Member States. 1163

C. If a State in default fails to cure the default, the 1164  
defaulting State may be terminated from the Compact upon an 1165  
affirmative vote of a majority of the delegates of the Member 1166  
States, and all rights, privileges and benefits conferred on 1167  
that State by this Compact may be terminated on the effective 1168  
date of termination. A cure of the default does not relieve the 1169  
offending State of obligations or liabilities incurred during 1170  
the period of default. 1171

D. Termination of membership in the Compact shall be imposed 1172  
only after all other means of securing compliance have been 1173  
exhausted. Notice of intent to suspend or terminate shall be 1174  
given by the Commission to the governor, the majority and 1175  
minority leaders of the defaulting State's legislature, the 1176

defaulting State's State Licensing Authority and each of the 1177  
Member States' State Licensing Authority. 1178

E. A State that has been terminated is responsible for all 1179  
assessments, obligations, and liabilities incurred through the 1180  
effective date of termination, including obligations that extend 1181  
beyond the effective date of termination. 1182

F. Upon the termination of a State's membership from this 1183  
Compact, that State shall immediately provide notice to all 1184  
Licensees who hold a Multistate License within that State of 1185  
such termination. The terminated State shall continue to 1186  
recognize all licenses granted pursuant to this Compact for a 1187  
minimum of one hundred eighty (180) days after the date of said 1188  
notice of termination. 1189

G. The Commission shall not bear any costs related to a State 1190  
that is found to be in default or that has been terminated from 1191  
the Compact, unless agreed upon in writing between the 1192  
Commission and the defaulting State. 1193

H. The defaulting State may appeal the action of the Commission 1194  
by petitioning the U.S. District Court for the District of 1195  
Columbia or the federal district where the Commission has its 1196  
principal offices. The prevailing party shall be awarded all 1197  
costs of such litigation, including reasonable attorney's fees. 1198

I. Dispute Resolution 1199

1. Upon request by a Member State, the Commission shall 1200  
attempt to resolve disputes related to the Compact that arise 1201  
among Member States and between Member and non-Member States. 1202

2. The Commission shall promulgate a Rule providing for 1203  
both mediation and binding dispute resolution for disputes as 1204  
appropriate. 1205

J. Enforcement	1206
1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions of this Compact and the Commission's Rules.	1207 1208 1209
2. By majority vote as provided by Commission Rule, the Commission may initiate legal action against a Member State in default in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices to enforce compliance with the provisions of the Compact and its promulgated Rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or the defaulting Member State's law.	1210 1211 1212 1213 1214 1215 1216 1217 1218 1219 1220 1221 1222
3. A Member State may initiate legal action against the Commission in the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices to enforce compliance with the provisions of the Compact and its promulgated Rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.	1223 1224 1225 1226 1227 1228 1229 1230 1231
4. No individual or entity other than a Member State may enforce this Compact against the Commission.	1232 1233
<b>ARTICLE 12- EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT</b>	1234

A. The Compact shall come into effect on the date on which the Compact statute is enacted into law in the seventh Member State. 1235  
1236

1. On or after the effective date of the Compact, the Commission shall convene and review the enactment of each of the Charter Member States to determine if the statute enacted by each such Charter Member State is materially different than the model Compact statute. 1237  
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a. A Charter Member State whose enactment is found to be materially different from the model Compact statute shall be entitled to the default process set forth in Article 11. 1242  
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b. If any Member State is later found to be in default, or is terminated or withdraws from the Compact, the Commission shall remain in existence and the Compact shall remain in effect even if the number of Member States should be less than seven (7). 1245  
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2. Member States enacting the Compact subsequent to the Charter Member States shall be subject to the process set forth in Article 8.C.23 to determine if their enactments are materially different from the model Compact statute and whether they qualify for participation in the Compact. 1250  
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3. All actions taken for the benefit of the Commission or in furtherance of the purposes of the administration of the Compact prior to the effective date of the Compact or the Commission coming into existence shall be considered to be actions of the Commission unless specifically repudiated by the Commission. 1255  
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4. Any State that joins the Compact shall be subject to the Commission's Rules and bylaws as they exist on the date on which the Compact becomes law in that State. Any Rule that has 1261  
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been previously adopted by the Commission shall have the full 1264  
force and effect of law on the day the Compact becomes law in 1265  
that State. 1266

B. Any Member State may withdraw from this Compact by enacting a 1267  
statute repealing that State's enactment of the Compact. 1268

1. A Member State's withdrawal shall not take effect until 1269  
one hundred eighty (180) days after enactment of the repealing 1270  
statute. 1271

2. Withdrawal shall not affect the continuing requirement 1272  
of the withdrawing State's Licensing Authority to comply with 1273  
the investigative and Adverse Action reporting requirements of 1274  
this Compact prior to the effective date of withdrawal. 1275

3. Upon the enactment of a statute withdrawing from this 1276  
Compact, a State shall immediately provide notice of such 1277  
withdrawal to all Licensees within that State. Notwithstanding 1278  
any subsequent statutory enactment to the contrary, such 1279  
withdrawing State shall continue to recognize all licenses 1280  
granted pursuant to this Compact for a minimum of 180 days after 1281  
the date of such notice of withdrawal. 1282

C. Nothing contained in this Compact shall be construed to 1283  
invalidate or prevent any licensure agreement or other 1284  
cooperative arrangement between a Member State and a non-Member 1285  
State that does not conflict with the provisions of this 1286  
Compact. 1287

D. This Compact may be amended by the Member States. No 1288  
amendment to this Compact shall become effective and binding 1289  
upon any Member State until it is enacted into the laws of all 1290  
Member States. 1291

**ARTICLE 13. CONSTRUCTION AND SEVERABILITY** 1292

A. This Compact and the Commission's rulemaking authority shall 1293  
be liberally construed so as to effectuate the purposes, and the 1294  
implementation and administration of the Compact. Provisions of 1295  
the Compact expressly authorizing or requiring the promulgation 1296  
of Rules shall not be construed to limit the Commission's 1297  
rulemaking authority solely for those purposes. 1298

B. The provisions of this Compact shall be severable and if any 1299  
phrase, clause, sentence or provision of this Compact is held by 1300  
a court of competent jurisdiction to be contrary to the 1301  
constitution of any Member State, a State seeking participation 1302  
in the Compact, or of the United States, or the applicability 1303  
thereof to any government, agency, person or circumstance is 1304  
held to be unconstitutional by a court of competent 1305  
jurisdiction, the validity of the remainder of this Compact and 1306  
the applicability thereof to any other government, agency, 1307  
person or circumstance shall not be affected thereby. 1308

C. Notwithstanding subsection B of this article, the Commission 1309  
may deny a State's participation in the Compact or, in 1310  
accordance with the requirements of Article 11.B, terminate a 1311  
Member State's participation in the Compact, if it determines 1312  
that a constitutional requirement of a Member State is a 1313  
material departure from the Compact. Otherwise, if this Compact 1314  
shall be held to be contrary to the constitution of any Member 1315  
State, the Compact shall remain in full force and effect as to 1316  
the remaining Member States and in full force and effect as to 1317  
the Member State affected as to all severable matters. 1318

**ARTICLE 14. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS** 1319

Nothing herein shall prevent or inhibit the enforcement of 1320  
any other law of a Member State that is not inconsistent with 1321  
the Compact. 1322

Any laws, statutes, regulations, or other legal 1323  
requirements in a Member State in conflict with the Compact are 1324  
superseded to the extent of the conflict. 1325

All permissible agreements between the Commission and the 1326  
Member States are binding in accordance with their terms. 1327

Sec. 4731.191. (A) Before a renewal of a license to 1328  
practice massage therapy is issued by the board, the licensee 1329  
shall furnish the board with satisfactory evidence that the 1330  
licensee has completed during the current licensing period not 1331  
less than the number of hours of continuing education that the 1332  
board requires in rules adopted under this section. For an 1333  
activity to be applied toward the continuing education 1334  
requirement, the activity must meet the board's approval as a 1335  
continuing education activity, as specified in rules adopted 1336  
under this section. Any exception from the continuing education 1337  
requirement must be approved by the board. 1338

(B) Failure of a licensee to comply with this section 1339  
shall operate as an automatic forfeiture of the right of the 1340  
licensee to practice massage therapy in this state. A forfeited 1341  
license may be reinstated by the board upon payment of all fees 1342  
due and a penalty fee in an amount the board specifies in rules 1343  
adopted under this section for reinstatement, in addition to 1344  
satisfying the board of having complied with the continuing 1345  
education requirements of this section. If an individual's 1346  
license has been forfeited for two or more years, the board may 1347  
also require as a condition of reinstatement that the individual 1348  
complete training or testing as specified by the board. 1349

(C) The board shall adopt any rules it considers necessary 1350  
to implement this section, including standards for approval of 1351  
continuing education in the practice of massage therapy. The 1352

rules shall be adopted in accordance with Chapter 119. of the 1353  
Revised Code. 1354

**Sec. 4732.42.** The interstate compact for school 1355  
psychologists is hereby ratified, enacted into law, and entered 1356  
into by this state as a party with any other state that has 1357  
legally joined or legally joins the compact, as follows: 1358

Interstate Compact for School Psychologists 1359

SECTION 1. PURPOSE 1360

The purpose of this Compact is to facilitate the 1361  
interstate practice of School Psychology in educational or 1362  
school settings, and in so doing to improve the availability of 1363  
School Psychological Services to the public. This Compact is 1364  
intended to establish a pathway to allow School Psychologists to 1365  
obtain equivalent licenses to provide School Psychological 1366  
Services in any Member State. In this way, this Compact shall 1367  
enable the Member States to ensure that safe and effective 1368  
School Psychological Services are available and delivered by 1369  
appropriately qualified professionals in their educational 1370  
settings. 1371

To facilitate the objectives described above, this 1372  
Compact: 1373

A. Enables School Psychologists who qualify for receipt of 1374  
an Equivalent License to practice in other Member States without 1375  
first satisfying burdensome and duplicative requirements; 1376

B. Promotes the mobility of School Psychologists between 1377  
and among the Member States in order to address workforce 1378  
shortages and to ensure that safe and reliable School 1379  
Psychological Services are available in each Member State; 1380

C. Enhances the public accessibility of School Psychological Services by increasing the availability of qualified, licensed School Psychologists through the establishment of an efficient and streamlined pathway for Licensees to practice in other Member States; 1381  
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D. Preserves and respects the authority of each Member State to protect the health and safety of its residents by ensuring that only qualified, licensed professionals are authorized to provide School Psychological Services within that State; 1386  
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E. Requires School Psychologists practicing within a Member State to comply with the Scope of Practice laws present in the State where the School Psychological Services are being provided; 1391  
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F. Promotes cooperation between the Member States in regulating the practice of School Psychology within those States; and 1395  
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G. Facilitates the relocation of military members and their spouses who are licensed to provide School Psychological Services. 1398  
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SECTION 2. DEFINITIONS 1401

A. "Active Military Member" means any person with full-time duty status in the armed forces of the United States, including members of the National Guard and Reserve. 1402  
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B. "Adverse Action" means disciplinary action or encumbrance imposed on a License by a State Licensing Authority. 1405  
1406

C. "Alternative Program" means a non-disciplinary, prosecutorial diversion, monitoring, or practice remediation 1407  
1408

process entered into in lieu of an Adverse Action which is 1409  
applicable to a School Psychologist and approved by the State 1410  
Licensing Authority of a Member State in which the participating 1411  
School Psychologist is licensed. This includes, but is not 1412  
limited to, programs to which Licensees with substance abuse or 1413  
addiction issues may be referred in lieu of an Adverse Action. 1414

D. "Commissioner" means the individual appointed by a 1415  
Member State to serve as the representative to the Commission 1416  
for that Member State. 1417

E. "Compact" means this School Psychologist Interstate 1418  
Licensure Compact. 1419

F. "Continuing Professional Education" means a 1420  
requirement, imposed by a Member State as a condition of License 1421  
renewal to provide evidence of successful participation in 1422  
professional educational activities relevant to the provision of 1423  
School Psychological Services. 1424

G. "Criminal Background Check" means the submission of 1425  
fingerprints or other biometric information for a License 1426  
applicant for the purpose of obtaining that applicant's criminal 1427  
history record information, as defined in 28 C.F.R. 20.3(d), and 1428  
the State's criminal history record repository as 81 defined in 1429  
28 C.F.R. 20.3(f). 1430

H. "Doctoral Level Degree" means a graduate degree program 1431  
that consists of at least ninety graduate semester hours in the 1432  
field of School Psychology including a supervised internship. 1433

I. "Encumbered License" means a License that a State 1434  
Licensing Authority has limited in any way other than through an 1435  
Alternative Program, including temporary or provisional 1436  
licenses. 1437

<u>J. "Executive Committee" means the Commission's Chair,</u>	1438
<u>Vice Chair, Secretary and Treasurer and any other Commissioners</u>	1439
<u>as may be determined by Commission Rule or bylaw.</u>	1440
<u>K. "Equivalent License" means a license to practice School</u>	1441
<u>Psychology which a Member State has identified as a license</u>	1442
<u>which may be provided to School Psychologists from other Member</u>	1443
<u>States pursuant to this Compact.</u>	1444
<u>L. "Home State" means the Member State that issued the</u>	1445
<u>Home State License to the Licensee and is the Licensee's primary</u>	1446
<u>state of practice.</u>	1447
<u>M. "Home State License" means the License that is not an</u>	1448
<u>Encumbered License issued by the Home State to provide School</u>	1449
<u>Psychological Services.</u>	1450
<u>N. "License" means a current license, certification, or</u>	1451
<u>other authorization granted by a Member State's Licensing</u>	1452
<u>Authority that permits an individual to provide School</u>	1453
<u>Psychological Services.</u>	1454
<u>O. "Licensee" means an individual who holds a License from</u>	1455
<u>a Member State to provide School Psychological Services.</u>	1456
<u>P. "Member State" means a State that has enacted the</u>	1457
<u>Compact and been admitted to the Commission in accordance with</u>	1458
<u>the provisions herein and Commission Rules.</u>	1459
<u>Q. "Model Compact" means the model language for the School</u>	1460
<u>Psychologist Interstate Licensure Compact on file with the</u>	1461
<u>Council of State Governments or other entity as designated by</u>	1462
<u>the Commission.</u>	1463
<u>R. "Practice of School Psychology" means the delivery of</u>	1464
<u>School Psychological Services.</u>	1465

S. "Qualifying National Exam" means a national licensing examination endorsed by the National Association of School Psychologists and any other exam as approved by the Rules of the Commission. 1466  
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T. "Qualifying School Psychologist Education Program" means an education program which awards a Specialist-Level or Doctoral-Level degree or equivalent upon completion and is approved by the Rules of the Commission as meeting the necessary minimum educational standards to ensure that its graduates are ready, qualified, and able to engage in the Practice of School Psychology. 1470  
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U. "Remote State" means a Member State other than the Home State where a Licensee holds a License through the Compact. 1477  
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V. "Rule" means a regulation promulgated by an entity, including but not limited to the Commission and the State Licensing Authority of each Member State, that has the force of law. 1479  
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W. "School Psychological Services" means academic, mental and behavioral health services including assessment, prevention, consultation and collaboration, intervention, and evaluation provided by a School Psychologist in a school, as outlined in applicable professional standards as determined by Commission Rule. 1483  
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X. "School Psychologist" means an individual who has met the requirements to obtain a Home State License that legally conveys the professional title of School Psychologist, or its equivalent as determined by the Rules of the Commission. 1489  
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Y. "School Psychologist Interstate Licensure Compact Commission" or "Commission" means the joint government agency 1493  
1494

established by this Compact whose membership consists of 1495  
representatives from each Member State that has enacted the 1496  
Compact, and as further described in Section 7. 1497

Z. "Scope of Practice" means the procedures, actions, and 1498  
processes a School Psychologist licensed in a State is permitted 1499  
to undertake in that State and the circumstances under which 1500  
that Licensee is permitted to undertake those procedures, 1501  
actions, and processes. Such procedures, actions, and processes, 1502  
and the circumstances under which they may be undertaken, may be 1503  
established through means including, but not limited to, 1504  
statute, regulations, case law, and other processes available to 1505  
the State Licensing Authority or other government agency. 1506

AA. "Specialist-Level Degree" means a degree program that 1507  
requires at least sixty graduate semester hours or equivalent in 1508  
the field of School Psychology including a supervised 1509  
internship. 1510

BB. "State" means any state, commonwealth, district, or 1511  
territory of the United States of America. 1512

CC. "State Licensing Authority" means a Member State's 1513  
regulatory body responsible for issuing Licenses or otherwise 1514  
overseeing the Practice of School Psychology. 1515

DD. "State Specific Requirement" means a requirement for 1516  
licensure covered in coursework or examination that includes 1517  
content of unique interest to the State. 1518

EE. "Unencumbered License" means a License that authorizes 1519  
a Licensee to engage in the full and unrestricted Practice of 1520  
School Psychology. 1521

SECTION 3. STATE PARTICIPATION IN THE COMPACT 1522

<u>A. To be eligible to join this Compact, and to maintain</u>	1523
<u>eligibility as a Member State, a State must:</u>	1524
<u>1. Enact a compact statute that is not materially</u>	1525
<u>different from the Model Compact as defined in the Commission's</u>	1526
<u>Rules;</u>	1527
<u>2. Participate in the sharing of information with other</u>	1528
<u>Member States as reasonably necessary to accomplish the</u>	1529
<u>objectives of this Compact, and as further defined in Section 8;</u>	1530
<u>3. Identify and maintain with the Commission a list of</u>	1531
<u>Equivalent Licenses available to Licensees who hold a Home State</u>	1532
<u>License under this Compact;</u>	1533
<u>4. Have a mechanism in place for receiving and</u>	1534
<u>investigating complaints about Licensees;</u>	1535
<u>5. Notify the Commission, in compliance with the terms of</u>	1536
<u>the Compact and the Commission's Rules, of any Adverse Action</u>	1537
<u>taken against a Licensee, or of the availability of</u>	1538
<u>investigative information which relates to a Licensee or</u>	1539
<u>applicant for licensure;</u>	1540
<u>6. Require that applicants for a Home State License:</u>	1541
<u>a. Taken and passed a Qualifying National Exam as defined</u>	1542
<u>by the Rules of the Commission;</u>	1543
<u>b. Completed a minimum of one thousand two hundred hours</u>	1544
<u>of supervised internship, of which at least six hundred must</u>	1545
<u>have been completed in a School, prior to being approved for</u>	1546
<u>licensure; and</u>	1547
<u>c. Graduated from a Qualifying School Psychologist</u>	1548
<u>Education Program.</u>	1549

<u>7. Comply with the terms of this Compact and the Rules of</u>	1550
<u>the Commission.</u>	1551
<u>B. Each Member State shall grant an Equivalent License to</u>	1552
<u>practice School Psychology in that state upon application by a</u>	1553
<u>Licensee who satisfies the criteria of Section 4.A. Each Member</u>	1554
<u>State shall grant renewal of the Equivalent License to a</u>	1555
<u>Licensee who satisfies the criteria of Section 4.B.</u>	1556
<u>C. Member States may set and collect a fee for granting an</u>	1557
<u>Equivalent License.</u>	1558
<u>SECTION 4. SCHOOL PSYCHOLOGIST PARTICIPATION IN THE</u>	1559
<u>COMPACT</u>	1560
<u>A. To obtain and maintain an Equivalent License from a</u>	1561
<u>Remote State under this Compact, a Licensee must do all of the</u>	1562
<u>following:</u>	1563
<u>1. Hold and maintain an active Home State License;</u>	1564
<u>2. Satisfy any applicable State Specific Requirements</u>	1565
<u>established by the Member State after an Equivalent License is</u>	1566
<u>granted;</u>	1567
<u>3. Complete any administrative or application requirements</u>	1568
<u>which the Commission may establish by Rule, and pay any</u>	1569
<u>associated fees;</u>	1570
<u>4. Complete any requirements for renewal in the Home</u>	1571
<u>State, including applicable Continuing Professional Education</u>	1572
<u>requirements; and</u>	1573
<u>5. Upon their application to receive a license under this</u>	1574
<u>Compact, undergo a criminal background check in the Member State</u>	1575
<u>in which the Equivalent License is sought in accordance with the</u>	1576
<u>laws and regulations of such Member State.</u>	1577

B. To renew an Equivalent License in a Member State other 1578  
than the Home State, a Licensee must only apply for renewal, 1579  
complete a background check, and pay renewal fees as determined 1580  
by the Licensing Authority. 1581

SECTION 5. ACTIVE MILITARY MEMBERS OR THEIR SPOUSES 1582

A Licensee who is an Active Military Member or is the 1583  
spouse of an Active Military Member shall be deemed to hold a 1584  
Home State License in any of the following locations: 1585

A. The Licensee's permanent residence; 1586

B. A Member State that is the Licensee's primary State of 1587  
Practice; or 1588

C. A Member State where the Licensee has relocated 1589  
pursuant to a Permanent Change of Station (PCS). 1590

SECTION 6. DISCIPLINE AND ADVERSE ACTIONS 1591

A. Nothing in this Compact shall be deemed or construed to 1592  
limit the authority of a Member State to investigate or impose 1593  
disciplinary measures on Licensees according to the State 1594  
Practice Laws thereof. 1595

B. Member States shall be authorized to receive, and shall 1596  
provide, files and information regarding the investigation and 1597  
discipline, if any, of Licensees in other Member States upon 1598  
request. Any Member State receiving such information or files 1599  
shall protect and maintain the security and confidentiality 1600  
thereof, in at least the same manner that it maintains its own 1601  
investigatory or disciplinary files and information. Prior to 1602  
disclosing any disciplinary or investigatory information 1603  
received from another Member State, the disclosing state shall 1604  
communicate its intention and purpose for such disclosure to the 1605

Member State which originally provided that information. 1606

SECTION 7. ESTABLISHMENT OF THE SCHOOL PSYCHOLOGIST 1607  
INTERSTATE LICENSURE COMPACT COMMISSION 1608

A. The Member States hereby create and establish a joint 1609  
government agency whose membership consists of all Member States 1610  
that have enacted the Compact, and this agency shall be known as 1611  
the School Psychologist Interstate Licensure Compact Commission. 1612  
The Commission is an instrumentality of the Member States acting 1613  
jointly and not an instrumentality of any one state. The 1614  
Commission shall come into existence on or after the effective 1615  
date of the Compact as set forth in Section 11. 1616

B. Membership, Voting, and Meetings 1617

1. Each Member State shall have and be limited to one (1) 1618  
delegate selected by that Member State's State Licensing 1619  
Authority. 1620

2. The delegate shall be the primary administrative 1621  
officer of the Member State Licensing Authority or their 1622  
designee who is an employee of the Member State Licensing 1623  
Authority. 1624

3. The Commission shall by Rule or bylaw establish a term 1625  
of office for delegates and may by Rule or bylaw establish term 1626  
limits. 1627

4. The Commission may recommend removal or suspension of 1628  
any delegate from office. 1629

5. A Member State's Licensing Authority shall fill any 1630  
vacancy of its delegate occurring on the Commission within sixty 1631  
days of the vacancy. 1632

6. Each delegate shall be entitled to one vote on all 1633

matters before the Commission requiring a vote by Commission 1634  
delegates. 1635

7. A delegate shall vote in person or by such other means 1636  
as provided in the bylaws. The bylaws may provide for delegates 1637  
to meet by telecommunication, video conference, or other means 1638  
of communication. 1639

8. The Commission shall meet at least once during each 1640  
calendar year. Additional meetings may be held as set forth in 1641  
the bylaws. The Commission may meet by telecommunication, video 1642  
conference, or other similar electronic means. 1643

C. The Commission shall have the following powers: 1644

1. Establish the fiscal year of the Commission; 1645

2. Establish code of conduct and conflict of interest 1646  
policies; 1647

3. Establish and amend Rules and bylaws; 1648

4. Establish the procedure through which a Licensee may 1649  
change their Home State; 1650

5. Maintain its financial records in accordance with the 1651  
bylaws; 1652

6. Meet and take such actions as are consistent with the 1653  
provisions of this Compact, the Commission's Rules, and the 1654  
bylaws; 1655

7. Initiate and conclude legal proceedings or actions in 1656  
the name of the Commission, provided that the standing of any 1657  
Member State Licensing Authority to sue or be sued under 1658  
applicable law shall not be affected; 1659

8. Maintain and certify records and information provided 1660

<u>to a Member State as the authenticated business records of the</u>	1661
<u>Commission, and designate an agent to do so on the Commission's</u>	1662
<u>behalf;</u>	1663
<u>9. Purchase and maintain insurance and bonds;</u>	1664
<u>10. Borrow, accept, or contract for services of personnel,</u>	1665
<u>including, but not limited to, employees of a Member State;</u>	1666
<u>11. Conduct an annual financial review;</u>	1667
<u>12. Hire employees, elect or appoint officers, fix</u>	1668
<u>compensation, define duties, grant such individuals appropriate</u>	1669
<u>authority to carry out the purposes of the Compact, and</u>	1670
<u>establish the Commission's personnel policies and programs</u>	1671
<u>relating to conflicts of interest, qualifications of personnel,</u>	1672
<u>and other related personnel matters;</u>	1673
<u>13. Assess and collect fees;</u>	1674
<u>14. Accept any and all appropriate gifts, donations,</u>	1675
<u>grants of money, other sources of revenue, equipment, supplies,</u>	1676
<u>materials, and services, and receive, utilize, and dispose of</u>	1677
<u>the same; provided that at all times the Commission shall avoid</u>	1678
<u>any appearance of impropriety or conflict of interest;</u>	1679
<u>15. Lease, purchase, retain, own, hold, improve, or use</u>	1680
<u>any property, real, personal, or mixed, or any undivided</u>	1681
<u>interest therein;</u>	1682
<u>16. Sell, convey, mortgage, pledge, lease, exchange,</u>	1683
<u>abandon, or otherwise dispose of any property real, personal, or</u>	1684
<u>mixed;</u>	1685
<u>17. Establish a budget and make expenditures;</u>	1686
<u>18. Borrow money;</u>	1687

19. Appoint committees, including standing committees, 1688  
composed of members, State regulators, State legislators or 1689  
their representatives, and consumer representatives, and such 1690  
other interested persons as may be designated in this Compact 1691  
and the bylaws; 1692

20. Provide and receive information from, and cooperate 1693  
with, law enforcement agencies; 1694

21. Establish and elect an Executive Committee, including 1695  
a chair and a vice chair; 1696

22. Determine whether a State's adopted language is 1697  
materially different from the model compact language such that 1698  
the State would not qualify for participation in the Compact; 1699  
and 1700

23. Perform such other functions as may be necessary or 1701  
appropriate to achieve the purposes of this Compact. 1702

D. The Executive Committee 1703

1. The Executive Committee shall have the power to act on 1704  
behalf of the Commission according to the terms of this Compact. 1705  
The powers, duties, and responsibilities of the Executive 1706  
Committee shall include: 1707

a. Oversee the day-to-day activities of the administration 1708  
of the compact including enforcement and compliance with the 1709  
provisions of the compact, its Rules and bylaws, and other such 1710  
duties as deemed necessary; 1711

b. Recommend to the Commission changes to the Rules or 1712  
bylaws, changes to this Compact legislation, fees charged to 1713  
Member States, fees charged to Licensees, and other fees; 1714

c. Ensure Compact administration services are 1715

<u>appropriately provided, including by contract;</u>	1716
<u>d. Prepare and recommend the budget;</u>	1717
<u>e. Maintain financial records on behalf of the Commission;</u>	1718
<u>f. Monitor Compact compliance of Member States and provide compliance reports to the Commission;</u>	1719 1720
<u>g. Establish additional committees as necessary;</u>	1721
<u>h. Exercise the powers and duties of the Commission during the interim between Commission meetings, except for adopting or amending Rules, adopting or amending bylaws, and exercising any other powers and duties expressly reserved to the Commission by Rule or bylaw; and</u>	1722 1723 1724 1725 1726
<u>i. Other duties as provided in the Rules or bylaws of the Commission.</u>	1727 1728
<u>2. The Executive Committee shall be composed of up to seven members:</u>	1729 1730
<u>a. The chair and vice chair of the Commission shall be voting members of the Executive Committee; and</u>	1731 1732
<u>b. The Commission shall elect five voting members from the current membership of the Commission.</u>	1733 1734
<u>3. The Commission may remove any member of the Executive Committee as provided in the Commission's bylaws.</u>	1735 1736
<u>4. The Executive Committee shall meet at least annually.</u>	1737
<u>a. Executive Committee meetings shall be open to the public, except that the Executive Committee may meet in a closed, non-public meeting as provided in subsection F.2 below.</u>	1738 1739 1740
<u>b. The Executive Committee shall give thirty days' notice</u>	1741

of its meetings, posted on its website and as determined to 1742  
provide notice to persons with an interest in the business of 1743  
the Commission. 1744

c. The Executive Committee may hold a special meeting in 1745  
accordance with subsection F.1.b. below. 1746

E. The Commission shall adopt and provide to the Member 1747  
States an annual report. 1748

F. Meetings of the Commission 1749

1. All meetings shall be open to the public, except that 1750  
the Commission may meet in a closed, non-public meeting as 1751  
provided in subsection F.2 below. 1752

a. Public notice for all meetings of the full Commission 1753  
of meetings shall be given in the same manner as required under 1754  
the Rulemaking provisions in Section 9, except that the 1755  
Commission may hold a special meeting as provided in subsection 1756  
F.1.b below. 1757

b. The Commission may hold a special meeting when it must 1758  
meet to conduct emergency business by giving forty-eight hours' 1759  
notice to all commissioners, on the Commission's website, and 1760  
other means as provided in the Commission's rules. The 1761  
Commission's legal counsel shall certify that the Commission's 1762  
need to meet qualifies as an emergency. 1763

2. The Commission or the Executive Committee or other 1764  
committees of the Commission may convene in a closed, non-public 1765  
meeting for the Commission or Executive Committee or other 1766  
committees of the Commission to receive legal advice or to 1767  
discuss: 1768

a. Non-compliance of a Member State with its obligations 1769

<u>under the Compact;</u>	1770
<u>b. The employment, compensation, discipline or other</u>	1771
<u>matters, practices or procedures related to specific employees;</u>	1772
<u>c. Current or threatened discipline of a Licensee by the</u>	1773
<u>Commission or by a Member State's Licensing Authority;</u>	1774
<u>d. Current, threatened, or reasonably anticipated</u>	1775
<u>litigation;</u>	1776
<u>e. Negotiation of contracts for the purchase, lease, or</u>	1777
<u>sale of goods, services, or real estate;</u>	1778
<u>f. Accusing any person of a crime or formally censuring</u>	1779
<u>any person;</u>	1780
<u>g. Trade secrets or commercial or financial information</u>	1781
<u>that is privileged or confidential;</u>	1782
<u>h. Information of a personal nature where disclosure would</u>	1783
<u>constitute a clearly unwarranted invasion of personal privacy;</u>	1784
<u>i. Investigative records compiled for law enforcement</u>	1785
<u>purposes;</u>	1786
<u>j. Information related to any investigative reports</u>	1787
<u>prepared by or on behalf of or for use of the Commission or</u>	1788
<u>other committee charged with responsibility of investigation or</u>	1789
<u>determination of compliance issues pursuant to the Compact;</u>	1790
<u>k. Matters specifically exempted from disclosure by</u>	1791
<u>federal or Member State law; or</u>	1792
<u>l. Other matters as promulgated by the Commission by Rule.</u>	1793
<u>3. If a meeting, or portion of a meeting, is closed, the</u>	1794
<u>presiding officer shall state that the meeting will be closed</u>	1795
<u>and reference each relevant exempting provision, and such</u>	1796

reference shall be recorded in the minutes. 1797

4. The Commission shall keep minutes that fully and 1798  
clearly describe all matters discussed in a meeting and shall 1799  
provide a full and accurate summary of actions taken, and the 1800  
reasons therefore, including a description of the views 1801  
expressed. All documents considered in connection with an action 1802  
shall be identified in such minutes. All minutes and documents 1803  
of a closed meeting shall remain under seal, subject to release 1804  
only by a majority vote of the Commission or order of a court of 1805  
competent jurisdiction. 1806

G. Financing of the Commission 1807

1. The Commission shall pay, or provide for the payment 1808  
of, the reasonable expenses of its establishment, organization, 1809  
and ongoing activities. 1810

2. The Commission may accept any and all appropriate 1811  
revenue sources as provided in C.14. 1812

3. The Commission may levy on and collect an annual 1813  
assessment from each Member State and impose fees on Licensees 1814  
practicing in the Member States under an Equivalent License to 1815  
cover the cost of the operations and activities of the 1816  
Commission and its staff, which must be in a total amount 1817  
sufficient to cover its annual budget as approved each year for 1818  
which revenue is not provided by other sources. The aggregate 1819  
annual assessment amount for Member States shall be allocated 1820  
based upon a formula that the Commission shall promulgate by 1821  
Rule. 1822

4. The Commission shall not incur obligations of any kind 1823  
prior to securing the funds adequate to meet the same; nor shall 1824  
the Commission pledge the credit of any of the Member States, 1825

except by and with the authority of the Member State. 1826

5. The Commission shall keep accurate accounts of all 1827  
receipts and disbursements. The receipts and disbursements of 1828  
the Commission shall be subject to the financial review and 1829  
accounting procedures established under its bylaws. However, all 1830  
receipts and disbursements of funds handled by the Commission 1831  
shall be subject to an annual financial review by a certified or 1832  
licensed public accountant, and the report of the financial 1833  
review shall be included in and become part of the annual report 1834  
of the Commission. 1835

H. Qualified Immunity, Defense, and Indemnification 1836

1. The members, officers, executive director, employees 1837  
and representatives of the Commission shall be immune from suit 1838  
and liability, both personally and in their official capacity, 1839  
for any claim for damage to or loss of property or personal 1840  
injury or other civil liability caused by or arising out of any 1841  
actual or alleged act, error, or omission that occurred, or that 1842  
the person against whom the claim is made had a reasonable basis 1843  
for believing occurred within the scope of Commission 1844  
employment, duties or responsibilities; provided that nothing in 1845  
this paragraph shall be construed to protect any such person 1846  
from suit or liability for any damage, loss, injury, or 1847  
liability caused by the intentional or willful or wanton 1848  
misconduct of that person. The procurement of insurance of any 1849  
type by the Commission shall not in any way compromise or limit 1850  
the immunity granted hereunder. 1851

2. The Commission shall defend any member, officer, 1852  
executive director, employee, and representative of the 1853  
Commission in any civil action seeking to impose liability 1854  
arising out of any actual or alleged act, error, or omission 1855

that occurred within the scope of Commission employment, duties, 1856  
or responsibilities, or as determined by the commission that the 1857  
person against whom the claim is made had a reasonable basis for 1858  
believing occurred within the scope of Commission employment, 1859  
duties, or responsibilities; provided that nothing herein shall 1860  
be construed to prohibit that person from retaining their own 1861  
counsel at their own expense; and provided further, that the 1862  
actual or alleged act, error, or omission did not result from 1863  
that person's intentional or willful or wanton misconduct. 1864

3. The Commission shall indemnify and hold harmless any 1865  
member, officer, executive director, employee, and 1866  
representative of the Commission for the amount of any 1867  
settlement or judgment obtained against that person arising out 1868  
of any actual or alleged act, error, or omission that occurred 1869  
within the scope of Commission employment, duties, or 1870  
responsibilities, or that such person had a reasonable basis for 1871  
believing occurred within the scope of Commission employment, 1872  
duties, or responsibilities, provided that the actual or alleged 1873  
act, error, or omission did not result from the intentional or 1874  
willful or wanton misconduct of that person. 1875

4. Nothing herein shall be construed as a limitation on 1876  
the liability of any licensee for professional malpractice or 1877  
misconduct, which shall be governed solely by any other 1878  
applicable state laws. 1879

5. Nothing in this Compact shall be interpreted to waive 1880  
or otherwise abrogate a Member State's state action immunity or 1881  
state action affirmative defense with respect to antitrust 1882  
claims under the Sherman Act, Clayton Act, or any other state or 1883  
federal antitrust or anticompetitive law or regulation. 1884

6. Nothing in this Compact shall be construed to be a 1885

waiver of sovereign immunity by the Member States or by the 1886  
Commission. 1887

SECTION 8. FACILITATING INFORMATION EXCHANGE 1888

A. The Commission shall provide for facilitating the 1889  
exchange of information to administer and implement the 1890  
provisions of this compact in accordance with the Rules of the 1891  
Commission, consistent with generally accepted data protection 1892  
principles. 1893

B. Notwithstanding any other provision of State law to the 1894  
contrary, a Member State shall agree to provide for the 1895  
facilitation of the following Licensee information as required 1896  
by the Rules of the Commission, including: 1897

1. Identifying information; 1898

2. Licensure data; 1899

3. Adverse Actions against a License and information 1900  
related thereto; 1901

4. Non-confidential information related to Alternative 1902  
Program participation, the beginning and ending dates of such 1903  
participation, and other information related to such 1904  
participation not made confidential under Member State law; 1905

5. Any denial of application for licensure, and the reason 1906  
or reasons for such denial; 1907

6. The presence of investigative information; and 1908

7. Other information that may facilitate the 1909  
administration of this Compact or the protection of the public, 1910  
as determined by the Rules of the Commission. 1911

C. Nothing in this Compact shall be deemed or construed to 1912

alter, limit, or inhibit the power of a Member State to control 1913  
and maintain ownership of its Licensee information or alter, 1914  
limit, or inhibit the laws or regulations governing Licensee 1915  
information in the Member State. 1916

SECTION 9. RULEMAKING 1917

A. The Commission shall exercise its Rulemaking powers 1918  
pursuant to the criteria set forth in this Compact and the Rules 1919  
adopted thereunder. Rules and amendments shall become binding as 1920  
of the date specified in each Rule or amendment. 1921

B. The Commission shall promulgate reasonable Rules to 1922  
achieve the intent and purpose of this Compact. In the event the 1923  
Commission exercises its Rulemaking authority in a manner that 1924  
is beyond purpose and intent of this Compact, or the powers 1925  
granted hereunder, then such an action by the Commission shall 1926  
be invalid and have no force and effect of law in the Member 1927  
States. 1928

C. If a majority of the legislatures of the Member States 1929  
rejects a Rule, by enactment of a statute or resolution in the 1930  
same manner used to adopt the Compact within four years of the 1931  
date of adoption of the Rule, then such Rule shall have no 1932  
further force and effect in any Member State. 1933

D. Rules or amendments to the Rules shall be adopted or 1934  
ratified at a regular or special meeting of the Commission in 1935  
accordance with Commission Rules and Bylaws. 1936

E. Prior to promulgation and adoption of a final Rule or 1937  
Rules by the Commission, and at least thirty days in advance of 1938  
the meeting at which the Rule will be considered and voted upon, 1939  
the Commission shall file a notice of proposed rulemaking: 1940

1. On the website of the Commission or other publicly 1941

<u>accessible platform; and</u>	1942
<u>2. On the website of each Member State Licensing Authority</u>	1943
<u>or other publicly accessible platform or the publication in</u>	1944
<u>which each State would otherwise publish proposed Rules.</u>	1945
<u>F. Upon determination that an emergency exists, the</u>	1946
<u>Commission may consider and adopt an emergency Rule with forty-</u>	1947
<u>eight hours' notice, with opportunity to comment, provided that</u>	1948
<u>the usual Rulemaking procedures shall be retroactively applied</u>	1949
<u>to the Rule as soon as reasonably possible, in no event later</u>	1950
<u>than ninety days after the effective date of the Rule. For the</u>	1951
<u>purposes of this provision, an emergency Rule is one that must</u>	1952
<u>be adopted immediately in order to:</u>	1953
<u>1. Meet an imminent threat to public health, safety, or</u>	1954
<u>welfare.</u>	1955
<u>2. Prevent a loss of Commission or Member State funds.</u>	1956
<u>3. Meet a deadline for the promulgation of an</u>	1957
<u>administrative Rule that is established by federal law or Rule;</u>	1958
<u>or</u>	1959
<u>4. Protect public health and safety.</u>	1960
<u>SECTION 10. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT</u>	1961
<u>A. Oversight</u>	1962
<u>1. The executive and judicial branches of the State</u>	1963
<u>government in each Member State shall enforce this Compact and</u>	1964
<u>take all actions necessary and appropriate to implement the</u>	1965
<u>Compact.</u>	1966
<u>2. Venue is proper and judicial proceedings by or against</u>	1967
<u>the Commission shall be brought solely and exclusively in a</u>	1968

court of competent jurisdiction where the principal office of 1969  
the Commission is located. The Commission may waive venue and 1970  
jurisdictional defenses to the extent it adopts or consents to 1971  
participate in alternative dispute resolution proceedings. 1972  
Nothing herein shall affect or limit the selection or propriety 1973  
of venue in any action against a licensee for professional 1974  
malpractice, misconduct or any such similar matter. 1975

3. The Commission shall be entitled to receive service of 1976  
process in any proceeding regarding the enforcement or 1977  
interpretation of the Compact and shall have standing to 1978  
intervene in such a proceeding for all purposes. Failure to 1979  
provide the Commission service of process shall render a 1980  
judgment or order void as to the Commission, this Compact, or 1981  
promulgated Rules. 1982

B. Default, Technical Assistance, and Termination 1983

1. If the Commission determines that a Member State has 1984  
defaulted in the performance of its obligations or 1985  
responsibilities under this Compact or the promulgated Rules, 1986  
the Commission shall provide written notice to the defaulting 1987  
State. The notice of default shall describe the default, the 1988  
proposed means of curing the default, and any other action that 1989  
the Commission may take, and shall offer training and specific 1990  
technical assistance regarding the default. 1991

2. The Commission shall provide a copy of the notice of 1992  
default to the other Member States. 1993

C. If a State in default fails to cure the default, the 1994  
defaulting State may be terminated from the Compact upon an 1995  
affirmative vote of a supermajority of the delegates of the 1996  
Member States, and all rights, privileges and benefits conferred 1997

on that state by this Compact may be terminated on the effective 1998  
date of termination. A cure of the default does not relieve the 1999  
offending State of obligations or liabilities incurred during 2000  
the period of default. 2001

D. Termination of membership in the Compact shall be 2002  
imposed only after all other means of securing compliance have 2003  
been exhausted. Notice of intent to suspend or terminate shall 2004  
be given by the Commission to the governor, the majority and 2005  
minority leaders of the defaulting State's legislature, the 2006  
defaulting State's Licensing Authority and each of the Member 2007  
States' Licensing Authorities. 2008

E. A State that has been terminated is responsible for all 2009  
assessments, obligations, and liabilities incurred through the 2010  
effective date of termination, including obligations that extend 2011  
beyond the effective date of termination. 2012

F. Upon the termination of a State's membership from this 2013  
Compact, that State shall immediately provide notice to all 2014  
Licensees within that State of such termination. The terminated 2015  
State shall continue to recognize all Licenses granted pursuant 2016  
to this Compact for a minimum of six months after the date of 2017  
said notice of termination. 2018

G. The Commission shall not bear any costs related to a 2019  
State that is found to be in default or that has been terminated 2020  
from the Compact, unless agreed upon in writing between the 2021  
Commission and the defaulting State. 2022

H. The defaulting State may appeal the action of the 2023  
Commission by petitioning the United States District Court for 2024  
the District of Columbia or the federal district where the 2025  
Commission has its principal offices. The prevailing party shall 2026

be awarded all costs of such litigation, including reasonable 2027  
attorney's fees. 2028

I. Dispute Resolution 2029

1. Upon request by a Member State, the Commission shall 2030  
attempt to resolve disputes related to the Compact that arise 2031  
among Member States and between Member and non-Member States. 2032

2. The Commission shall promulgate a Rule providing for 2033  
both mediation and binding dispute resolution for disputes as 2034  
appropriate. 2035

J. Enforcement 2036

1. By majority vote as provided by Rule, the Commission 2037  
may initiate legal action against a Member State in default in 2038  
the United States District Court for the District of Columbia or 2039  
the federal district where the Commission has its principal 2040  
offices to enforce compliance with the provisions of the Compact 2041  
and its promulgated Rules. The relief sought may include both 2042  
injunctive relief and damages. In the event judicial enforcement 2043  
is necessary, the prevailing party shall be awarded all costs of 2044  
such litigation, including reasonable attorney's fees. The 2045  
remedies herein shall not be the exclusive remedies of the 2046  
Commission. The Commission may pursue any other remedies 2047  
available under federal or the defaulting Member State's law. 2048

2. A Member State may initiate legal action against the 2049  
Commission in the United States District Court for the District 2050  
of Columbia or the federal district where the Commission has its 2051  
principal offices to enforce compliance with the provisions of 2052  
the Compact and its promulgated Rules. The relief sought may 2053  
include both injunctive relief and damages. In the event 2054  
judicial enforcement is necessary, the prevailing party shall be 2055

awarded all costs of such litigation, including reasonable 2056  
attorney's fees. 2057

3. No person other than a Member State shall enforce this 2058  
compact against the Commission. 2059

SECTION 11. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT 2060

A. The Compact shall come into effect on the date on which 2061  
the Compact statute is enacted into law in the seventh Member 2062  
State. 2063

1. On or after the effective date of the Compact indicated 2064  
above, the Commission shall convene and review the enactment of 2065  
each of the Charter Member States to determine if the statute 2066  
enacted by each such Charter Member State is materially 2067  
different than the model Compact statute. 2068

a. A Charter Member State whose enactment is found to be 2069  
materially different from the model Compact statute shall be 2070  
entitled to the default process set forth in Section 10. 2071

b. If any Member State is later found to be in default, or 2072  
is terminated or withdraws from the Compact, the Commission 2073  
shall remain in existence and the Compact shall remain in effect 2074  
even if the number of Member States should be less than seven. 2075

2. Member States enacting the Compact subsequent to the 2076  
Charter Member States shall be subject to the process set forth 2077  
in Section 7.C.22 to determine if their enactments are 2078  
materially different from the model Compact statute and whether 2079  
they qualify for participation in the Compact. 2080

3. All actions taken for the benefit of the Commission or 2081  
in furtherance of the purposes of the administration of the 2082  
Compact prior to the effective date of the Compact or the 2083

Commission coming into existence shall be considered to be 2084  
actions of the Commission unless specifically repudiated by the 2085  
Commission. 2086

a. Any State that joins the Compact subsequent to the 2087  
Commission's initial adoption of the Rules and bylaws shall be 2088  
subject to the Rules and bylaws as they exist on the date on 2089  
which the Compact becomes law in that State. Any Rule that has 2090  
been previously adopted by the Commission shall have the full 2091  
force and effect of law on the day the Compact becomes law in 2092  
that State. 2093

b. Any Member State may withdraw from this Compact by 2094  
enacting a statute repealing the same. 2095

B. A Member State's withdrawal shall not take effect until 2096  
one hundred eighty days after enactment of the repealing 2097  
statute. 2098

C. Withdrawal shall not affect the continuing requirement 2099  
of the withdrawing State's Licensing Authority to comply with 2100  
the investigative and Adverse Action reporting requirements of 2101  
this Compact prior to the effective date of withdrawal. 2102

D. Upon the enactment of a statute withdrawing from this 2103  
compact, a State shall immediately provide notice of such 2104  
withdrawal to all Licensees within that State. Notwithstanding 2105  
any subsequent statutory enactment to the contrary, such 2106  
withdrawing State shall continue to recognize all licenses 2107  
granted pursuant to this compact for a minimum of six months 2108  
after the date of such notice of withdrawal. 2109

1. Nothing contained in this Compact shall be construed to 2110  
invalidate or prevent any licensure agreement or other 2111  
cooperative arrangement between a Member State and a non-Member 2112

State that does not conflict with the provisions of this 2113  
Compact. 2114

2. This Compact may be amended by the Member States. No 2115  
amendment to this Compact shall become effective and binding 2116  
upon any Member State until it is enacted into the laws of all 2117  
Member States. 2118

SECTION 12. CONSTRUCTION AND SEVERABILITY 2119

A. This Compact and the Commission's rulemaking authority 2120  
shall be liberally construed so as to effectuate the purposes, 2121  
and the implementation and administration of the Compact. 2122  
Provisions of the Compact expressly authorizing or requiring the 2123  
promulgation of Rules shall not be construed to limit the 2124  
Commission's rulemaking authority solely for those purposes. 2125

B. The provisions of this Compact shall be severable and 2126  
if any phrase, clause, sentence or provision of this Compact is 2127  
held by a court of competent jurisdiction to be contrary to the 2128  
constitution of any Member State, a State seeking participation 2129  
in the Compact, or of the United States, or the applicability 2130  
thereof to any government, agency, person, or circumstance is 2131  
held to be unconstitutional by a court of competent 2132  
jurisdiction, the validity of the remainder of this Compact and 2133  
the applicability thereof to any other government, agency, 2134  
person, or circumstance shall not be affected thereby. 2135

C. Notwithstanding subsection B of this Section, the 2136  
Commission may deny a State's participation in the Compact or, 2137  
in accordance with the requirements of Section 10.B, terminate a 2138  
Member State's participation in the Compact, if it determines 2139  
that a constitutional requirement of a Member State is a 2140  
material departure from the Compact. Otherwise, if this Compact 2141

shall be held to be contrary to the constitution of any Member 2142  
State, the Compact shall remain in full force and effect as to 2143  
the remaining Member States and in full force and effect as to 2144  
the Member State affected as to all severable matters. 2145

SECTION 13. CONSISTENT EFFECT AND CONFLICT WITH OTHER 2146  
STATE LAWS 2147

A. Nothing herein shall prevent or inhibit the enforcement 2148  
of any other law of a Member State that is not inconsistent with 2149  
the Compact. 2150

B. Any laws, statutes, regulations, or other legal 2151  
requirements in a Member State in conflict with the Compact are 2152  
superseded to the extent of the conflict. 2153

C. All permissible agreements between the Commission and 2154  
the Member States are binding in accordance with their terms. 2155

**Sec. 5903.12.** (A) As used in this section: 2156

"Continuing education" means continuing education required 2157  
of a licensee by law and includes, but is not limited to, the 2158  
continuing education required of licensees under sections 2159  
3737.881, 3776.07, 3781.10, 4701.11, 4715.141, 4715.25, 4717.09, 2160  
4723.24, 4725.16, 4725.51, 4730.14, 4730.49, ~~4731.155~~, 4731.282, 2161  
4734.25, 4735.141, 4741.16, 4741.19, 4751.24, 4751.25, 4755.63, 2162  
4757.33, 4759.06, 4761.06, 4763.07, and 4772.081 of the Revised 2163  
Code. 2164

"Reporting period" means the period of time during which a 2165  
licensee must complete the number of hours of continuing 2166  
education required of the licensee by law. 2167

(B) A licensee may submit an application to a licensing 2168  
agency, stating that the licensee requires an extension of the 2169

current reporting period because the licensee has served on 2170  
active duty during the current or a prior reporting period. The 2171  
licensee shall submit proper documentation certifying the active 2172  
duty service and the length of that active duty service. Upon 2173  
receiving the application and proper documentation, the 2174  
licensing agency shall extend the current reporting period by an 2175  
amount of time equal to the total number of months that the 2176  
licensee spent on active duty during the current reporting 2177  
period. For purposes of this division, any portion of a month 2178  
served on active duty shall be considered one full month. 2179

**Section 2.** That existing sections 3313.537, 4731.156, and 2180  
5903.12 of the Revised Code are hereby repealed. 2181

**Section 3.** That section 4731.155 of the Revised Code is 2182  
hereby repealed. 2183

**Section 4.** The amendment or enactment of sections 3313.537 2184  
and 3313.5321 of the Revised Code by this act shall be known as 2185  
the Student Athlete Mobility (SAM) Act. 2186