

As Reported by the Senate Health Committee

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Am. S. B. No. 320

Senator Roegner

Cosponsors: Senators Johnson, Huffman, Ingram

To enact sections 4755.72 and 4755.721 of the 1
Revised Code to enter into the Athletic Trainer 2
Compact. 3

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

Section 1. That sections 4755.72 and 4755.721 of the 4
Revised Code be enacted to read as follows: 5

Sec. 4755.72. SECTION 1. TITLE AND PURPOSE 6

This statute shall be known and cited as the Athletic 7
Trainer Compact. The purposes of this compact are to expand 8
mobility of Athletic Training practice and improve public access 9
to services by providing qualified Licensed Athletic Trainers 10
the ability to practice in other Member States. This compact 11
preserves the regulatory authority of States to protect public 12
health and safety through the current system of State licensure. 13

This compact is designed to achieve the following 14
objectives: 15

A. Increase public access to Athletic Training and enhance 16
continuity of care by providing for the mutual recognition of 17
other Licenses issued by Member States; 18

<u>B. Provide an additional streamlined opportunity for interstate practice by Licensed Athletic Trainers who meet compact uniform requirements;</u>	19
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<u>C. Promote mobility and workforce development by eliminating the necessity for Licenses in multiple States by providing for the mutual recognition of other Licenses issued by Member States;</u>	22
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<u>D. Reduce administrative burdens on Licensed Athletic Trainers and Member States;</u>	26
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<u>E. Enhance the States' ability to protect the public's health and safety;</u>	28
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<u>F. Encourage the cooperation of Member States in regulating interstate practice of Licensed Athletic Trainers;</u>	30
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<u>G. Support relocating Active Military Members and their spouses;</u>	32
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<u>H. Enhance the exchange of licensure, investigative, and disciplinary information among Member States;</u>	34
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<u>I. Allow for the use of telehealth to facilitate increased access to Athletic Training services;</u>	36
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<u>J. Support the uniformity of Licensed Athletic Trainer licensure requirements throughout the States;</u>	38
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<u>K. Affirm the authority of all Member States to hold a Licensed Athletic Trainer accountable for abiding by the Scope of Practice in the State in which the patient is located at the time of care; and</u>	40
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<u>L. Require adherence to the Model Compact Language in order to promote uniformity and ensure that all Member States</u>	44
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have accepted and are mutually obligated to the same terms. 46

SECTION 2. DEFINITIONS 47

As used in this compact, unless the context requires 48
otherwise, the following definitions shall apply: 49

A. "Active Military Member" means any individual with 50
full-time duty status in the active armed forces of the United 51
States, including members of the National Guard and Reserve. 52

B. "Adverse Action" means any administrative, civil, 53
equitable or criminal action permitted by a State's laws which 54
is imposed by a Licensing Authority or other authority against a 55
Licensee, including actions against an individual's License or 56
Compact Privilege such as revocation, suspension, probation, 57
monitoring of the Licensee, limitation on the Licensee's 58
practice, or any other Encumbrance on licensure affecting a 59
Licensee's authorization to practice. 60

C. "Alternative Program" means a non-disciplinary 61
monitoring or practice remediation process applicable to an 62
Athletic Trainer approved by a State Licensing Authority of a 63
Member State in which the Athletic Trainer is licensed. This 64
includes, but is not limited to, programs to which Licensees 65
with substance use, addiction, or mental health conditions are 66
referred in lieu of Adverse Action. 67

D. "Athletic Training" means the prevention, examination, 68
assessment, treatment and rehabilitation of emergent, acute, or 69
chronic injuries and medical conditions as defined by applicable 70
Member State laws and regulations. 71

E. "Athletic Trainer Compact Commission" or "Compact 72
Commission" means the government agency whose membership 73
consists of all States that have enacted this compact, as 74

described herein and which shall operate as an instrumentality 75
of the Member States to administer and implement the compact 76
according to its terms. 77

F. "BOC" means the Board of Certification, Inc. or any 78
successor organization thereto. 79

G. "CAATE" means the Commission on Accreditation of 80
Athletic Training Education or any successor organization 81
thereto. 82

H. "Charter Member State" means any Member State which 83
enacted and made effective this compact by law before the 84
compact effective date specified herein. 85

I. "Commissioner" means the individual appointed by a 86
Member State to serve as the member of the Commission for that 87
Member State. 88

J. "Compact Privilege" means the legal authorization 89
granted by a Remote State, equivalent to a License, allowing a 90
Licensee from another Member State to provide Athletic Training 91
services in a Remote State. 92

K. "Compact Qualifying License" means a License that is 93
not an Encumbered License issued by a Member State to practice 94
Athletic Training which qualifies the Licensee to exercise a 95
Compact Privilege pursuant to Section 4 of this compact. 96

L. "Continuing Competence" means a requirement, as a 97
condition of License renewal, to provide evidence of successful 98
participation, and completion of, educational and professional 99
activities relevant to practice or area of work. For purposes of 100
this compact, evidence of active BOC certification may satisfy 101
the meaning of Continuing Competence as set forth herein. 102

<u>M. "Current Significant Investigative Information" means</u>	103
<u>the existence of:</u>	104
<u>1. Investigative Information that a Licensing Authority,</u>	105
<u>after a preliminary inquiry that includes notification and an</u>	106
<u>opportunity for the subject Licensee to respond, if required by</u>	107
<u>State law, has reason to believe is not groundless and, if</u>	108
<u>proven true, would indicate more than a minor infraction; or</u>	109
<u>2. Investigative Information that indicates that the</u>	110
<u>subject Licensee represents an immediate threat to public health</u>	111
<u>and safety regardless of whether the subject Licensee has been</u>	112
<u>notified and had an opportunity to respond.</u>	113
<u>N. "Criminal Background Check" means the submission of</u>	114
<u>fingerprints or other biometric-based information for a License</u>	115
<u>applicant for the purpose of obtaining that applicant's criminal</u>	116
<u>history record information, as defined in 28 C.F.R. § 20.3(d)</u>	117
<u>from the Federal Bureau of Investigation and the State's</u>	118
<u>criminal history record repository as defined in 28 C.F.R. §</u>	119
<u>20.3(f).</u>	120
<u>O. "Data System" means the Commission's repository of</u>	121
<u>information about Licensees, including but not limited to</u>	122
<u>examination, licensure, investigative, Compact Privilege,</u>	123
<u>Adverse Action, and Alternative Program.</u>	124
<u>P. "Encumbrance" or "Encumbered" means a revocation or</u>	125
<u>suspension of, or any limitation or condition on, the full and</u>	126
<u>unrestricted practice of Athletic Training.</u>	127
<u>Q. "Executive Committee" means a group of commissioners</u>	128
<u>elected or appointed to act on behalf of, and within the powers</u>	129
<u>granted to them by, the compact and Commission.</u>	130
<u>R. "Investigative Information" means information, records,</u>	131

and documents received or generated by a Licensing Authority 132
pursuant to an investigation. 133

S. "Jurisprudence Requirement" means the assessment of an 134
individual's knowledge of the laws and Rules governing the 135
practice of Athletic Training, as applicable, in a State. 136

T. "License" means current authorization by a Member State 137
to engage in the practice of Athletic Training. 138

U. "Licensee" or "Licensed Athletic Trainer" means an 139
individual who currently holds an active, unrestricted License 140
and who meets all of the requirements outlined in Section 4 of 141
this compact. 142

V. "Licensing Authority" means the board or agency of a 143
State, or equivalent, that is responsible for the licensing and 144
regulation of Athletic Trainers. 145

W. "Model Compact Language" the model language for the 146
Athletic Trainer Compact on file with The Council of State 147
Governments or other entity as designated by the Commission to 148
which all Member States must substantively adhere and adopt. 149

X. "Member State" means a State that has enacted the 150
compact. 151

Y. "Remote State" means a Member State other than the 152
State of Qualifying Licensure. 153

Z. "Rule" means a regulation promulgated by an authorized 154
entity that has the force of law. 155

AA. "Scope of Practice" means the procedures, actions, and 156
processes an Athletic Trainer licensed in a State is permitted 157
to undertake in that State and the circumstances under which the 158
Licensee is permitted to undertake those procedures, actions and 159

processes. Such procedures, actions and processes and the 160
circumstances under which they may be undertaken may be 161
established through means, including, but not limited to, 162
statute, regulations, case law, and other processes available to 163
the State Licensing Authority or other government agency. Scope 164
of Practice shall include any State requirements regarding 165
supervision or direction, if required by such State and as 166
further defined by such State's statutes and regulations. 167

BB. "Single State License" means a License issued by any 168
State that authorizes practice only within the issuing State. 169

CC. "State" means any state, commonwealth, district, or 170
territory of the United States of America. 171

DD. "State of Qualifying Licensure" means the Member State 172
who has issued a Compact Qualifying License to a Licensee 173
pursuant to this compact. 174

EE. "Unencumbered License" means a License that authorizes 175
a Licensee to engage in the full and unrestricted practice of 176
Athletic Training. 177

SECTION 3. STATE PARTICIPATION IN THE COMPACT 178

A. To be eligible to join this compact and to maintain 179
eligibility as a Member State, a State must: 180

1. Enact and maintain a statute that is not materially 181
different from the Model Compact Language; 182

2. License and regulate the practice of Athletic Training; 183

3. Require that Licensees in that State maintain 184
Continuing Competence standards as part of their State practice 185
act or Rules; 186

<u>4. Have a mechanism in place for receiving and</u>	187
<u>investigating complaints about Licensees;</u>	188
<u>5. Grant the Compact Privilege to a Licensee who meets all</u>	189
<u>the requirements outlined in Section 4 in accordance with the</u>	190
<u>terms of the compact and any Rules promulgated thereunder;</u>	191
<u>6. Participate fully in the Compact Commission's Data</u>	192
<u>System, including using the unique identifier as defined in</u>	193
<u>Rules;</u>	194
<u>7. Notify the Compact Commission, in compliance with the</u>	195
<u>terms of the Compact and Rules, of any Adverse Action or the</u>	196
<u>availability of Current Significant Investigative Information</u>	197
<u>regarding a Licensee;</u>	198
<u>8. Within a time frame established by Rule, implement or</u>	199
<u>utilize procedures for considering the criminal history records</u>	200
<u>of applicants for a Compact Qualifying License which includes</u>	201
<u>receiving the results of the Federal Bureau of Investigation</u>	202
<u>record search and shall use those results in making licensure</u>	203
<u>decisions. These procedures shall include the submission of</u>	204
<u>fingerprints or other biometric-based information by applicants</u>	205
<u>for the purpose of obtaining an applicant's criminal history</u>	206
<u>record information from the Federal Bureau of Investigation and</u>	207
<u>the agency responsible for retaining that State's criminal</u>	208
<u>records; and</u>	209
<u>a. A Member State must fully implement a Criminal</u>	210
<u>Background Check requirement in order to participate in the</u>	211
<u>issuance and acceptance of Compact Privileges.</u>	212
<u>b. Communication between a Member State and the Compact</u>	213
<u>Commission or among Member States regarding the verification of</u>	214
<u>eligibility for licensure through the compact shall not include</u>	215

<u>any information received from the Federal Bureau of</u>	216
<u>Investigation relating to a federal criminal records check</u>	217
<u>performed by a Member State.</u>	218
<u>9. Comply with and enforce the Rules of the Compact</u>	219
<u>Commission.</u>	220
<u>B. Member States may set and collect a fee for issuance</u>	221
<u>and renewal of a Compact Privilege to applicants.</u>	222
<u>C. Individuals without a Compact Qualifying License shall</u>	223
<u>continue to be able to apply for a Member State's Single-State</u>	224
<u>License as provided under the laws of each Member State.</u>	225
<u>D. Nothing in this compact shall affect the requirements</u>	226
<u>established by a Member State for the issuance of a Single State</u>	227
<u>License.</u>	228
<u>E. A Compact Qualifying License shall be recognized by</u>	229
<u>each Remote State as authorizing that Licensee to engage in the</u>	230
<u>practice of Athletic Training, under a Compact Privilege, in</u>	231
<u>another Member State in accordance with the requirements in</u>	232
<u>Section 4.</u>	233
<u>SECTION 4. COMPACT PRIVILEGE</u>	234
<u>A. To be eligible for a Compact Privilege under the terms</u>	235
<u>and provisions of the compact, the Licensee shall complete a</u>	236
<u>Criminal Background Check performed by the Licensing Authority</u>	237
<u>in the State of Qualifying Licensure prior to entry in the</u>	238
<u>compact and shall:</u>	239
<u>1. Satisfy one of the following two pathways:</u>	240
<u>a. Hold a valid current active certification through the</u>	241
<u>BOC, or its successor organization; or</u>	242

<u>b. If a Licensee does not meet the requirements of</u>	243
<u>4.A.1.a., the following must be completed:</u>	244
<u>i. An education program which is either:</u>	245
<u>1. At least a bachelor's degree with a major course of</u>	246
<u>study in Athletic Training, or an equivalent course of study</u>	247
<u>from a college or university accredited at the time of</u>	248
<u>graduation by CAATE, or its successor organization;</u>	249
<u>2. An academic degree from a college or university in a</u>	250
<u>foreign country equivalent to the degree described in</u>	251
<u>subparagraph 1 of this subsection with a major course of study</u>	252
<u>as described in subparagraph 1 of this subsection that is</u>	253
<u>accredited by CAATE, or its successor organization; or</u>	254
<u>3. The substantial equivalent of the foregoing which the</u>	255
<u>Commission may determine by Rule.</u>	256
<u>ii. Successful completion of the exam administered by the</u>	257
<u>BOC, or its successor organization, preceding the date of the</u>	258
<u>Licensee's application for Licensure in their State of</u>	259
<u>Qualifying Licensure or the substantial equivalent of the</u>	260
<u>foregoing requirement which the Commission may determine by</u>	261
<u>Rule.</u>	262
<u>2. Hold a Compact Qualifying License;</u>	263
<u>3. Have not had any Encumbrance against any license or</u>	264
<u>Compact Privilege to practice Athletic Training within the</u>	265
<u>previous two (2) years;</u>	266
<u>4. Be eligible for a Compact Privilege in any Member State</u>	267
<u>in accordance with Section 4;</u>	268
<u>5. Notify the Compact Commission that the Licensee is</u>	269
<u>seeking the Compact Privilege within a Remote State(s);</u>	270

<u>6. Pay any applicable fees, including any State fee, for</u>	271
<u>the Compact Privilege;</u>	272
<u>7. Meet only the Continuing Competence requirements</u>	273
<u>established by the State of Qualifying Licensure;</u>	274
<u>8. Comply with any requirements of the State of Qualifying</u>	275
<u>Licensure as set forth in Section 3;</u>	276
<u>9. Meet any Jurisprudence Requirements established by the</u>	277
<u>Remote State(s) in which the Licensee is seeking a Compact</u>	278
<u>Privilege; and</u>	279
<u>10. Report to the Compact Commission any Adverse Action,</u>	280
<u>Encumbrance, or restriction on a license taken by any non-Member</u>	281
<u>State within 30 days from the date the action is taken.</u>	282
<u>B. The Compact Privilege is valid until the expiration</u>	283
<u>date of the Compact Qualifying License. To maintain a Compact</u>	284
<u>Privilege, renewal of the Compact Privilege shall be congruent</u>	285
<u>with the renewal of the Compact Qualifying License as the</u>	286
<u>Compact Commission may define by Rule. The Licensee must comply</u>	287
<u>with the requirements of this section to maintain the Compact</u>	288
<u>Privilege in the Remote State. A Licensee may apply for and hold</u>	289
<u>Compact Privileges in multiple Member States.</u>	290
<u>C. A Licensed Athletic Trainer must follow the Scope of</u>	291
<u>Practice of the Member State where the patient is located. A</u>	292
<u>Licensee engaging in the practice of Athletic Training in a</u>	293
<u>Remote State under the Compact Privilege shall adhere to the</u>	294
<u>Scope of Practice laws and regulations of the Remote State.</u>	295
<u>Licensees shall be responsible for educating themselves on, and</u>	296
<u>complying with, any and all Scope of Practice laws and</u>	297
<u>regulations State laws relating to the remote practice of</u>	298
<u>Athletic Training, as applicable.</u>	299

D. A Licensee engaging in the practice of Athletic Training in a Remote State is subject to that State's regulatory authority. A Remote State may, in accordance with due process and that State's laws, remove a Licensee's Compact Privilege in the Remote State for a specific period of time, impose fines, or take any other necessary actions to protect the health and safety of its citizens. Any Member State which undertakes such an action shall promptly notify the Member State and the Commission as specified in the Rules. The Licensee may be deemed to be ineligible to exercise the Compact Privilege by any Member State until the specific time for removal has passed and all fines are paid. 300
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E. All Member State disciplinary orders that impose Adverse Action against a Compact Qualifying License shall result in deactivation of the Licensee's Compact Privilege in all Member States during the pendency of the order. If a Compact Qualifying License is Encumbered, the Licensee shall lose the Compact Privilege in any Remote State until the following occur: 312
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1. The Compact Qualifying License is no longer Encumbered; 318
and 319

2. The Licensee has not had any Encumbrance or restriction against any License, Compact Qualifying License or Compact Privilege within the previous two (2) years. 320
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F. Once an Encumbered License is restored to good standing as a Compact Qualifying License (as certified by the Licensing Authority), the Licensee must meet the requirements of this section to obtain a Compact Privilege in any Remote State. 323
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G. If a Licensee's Compact Privilege in any Remote State is removed, that Licensee may also lose the Compact Privilege in 327
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other Remote States, as each Member State shall determine in its 329
sole authority, until the following occur: 330

1. The specific period of time for which the Compact 331
Privilege was removed has ended; 332

2. All fines have been paid; and 333

3. Have not had any Encumbrance or restriction against any 334
License or Compact Privilege within the previous two (2) years. 335

H. Once the requirements of Section 4.G have been met, the 336
Licensee must meet the requirements in Section 4.A to obtain a 337
Compact Privilege in a Remote State. 338

SECTION 5. COMPACT QUALIFYING LICENSE 339

A. A Licensee may only designate one License as their 340
Compact Qualifying License at a time. The procedures for such 341
designation may be further defined by Compact Commission Rule. 342

B. Nothing in this Section shall require that the State of 343
Qualifying Licensure be the State of primary residence or State 344
of primary practice for the Licensee. 345

C. Nothing in this Compact shall interfere with a 346
Licensee's ability to hold a Single State License in multiple 347
States. 348

D. Nothing in this Compact shall affect the requirements 349
established by a Member State for the issuance of a Single State 350
License. 351

SECTION 6. ACTIVE MILITARY MEMBER OR THEIR SPOUSES 352

An Active Military Member or their spouse shall not be 353
required to pay a fee to the Commission for a Compact Privilege. 354
If a Member State chooses to charge a Member State fee, it may 355

choose to charge a reduced fee or no fee to an Active Military 356
Member or their spouse for a Compact Privilege. 357

SECTION 7. ADVERSE ACTIONS 358

A. A Member State in which a Licensee is issued a Compact 359
Qualifying License shall have the exclusive authority to impose 360
Adverse Action against the Compact Qualifying License issued by 361
that Member State. 362

B. A Member State may take Adverse Action based on Current 363
Significant Investigative Information of a Remote State, so long 364
as the Member State follows its own procedures for imposing 365
Adverse Action. 366

C. Nothing in this compact shall override a Member State's 367
decision that participation in an Alternative Program may be 368
used in lieu of Adverse Action and that such participation shall 369
remain non-public if required by the Member State's laws or 370
Rules. 371

D. A Remote State shall have the authority to: 372

1. Take Adverse Actions as set forth herein against a 373
Licensee's Compact Privilege in that State; and 374

2. Issue subpoenas for both hearings and investigations 375
that require the attendance and testimony of witnesses as well 376
as the production of evidence. 377

a. Subpoenas may be issued by a Member State Athletic 378
Training Licensing Authority for the attendance and testimony of 379
witnesses and the production of evidence. 380

b. A Member State which issues a subpoena may request 381
service of that subpoena by another Member State. The Member 382
State receiving the request to serve a subpoena shall serve the 383

subpoena if it is deemed enforceable by a court of competent 384
jurisdiction according to the practice and procedure in the 385
receiving Member State. 386

c. The issuing authority shall pay any witness fees, 387
travel expenses, mileage, and other fees required by the service 388
statutes of the State where the witnesses or evidence are 389
located. 390

E. For purposes of taking Adverse Action, a Member State 391
shall give the same priority and effect to reported conduct 392
received from another Member State as it would if the conduct 393
had occurred within that State. In so doing, the investigating 394
Member State shall apply its own State laws to determine 395
appropriate action. 396

F. A Member State, if otherwise permitted by State law, 397
may recover from the affected Licensee the costs of 398
investigations and dispositions of cases resulting from any 399
Adverse Action taken against that Licensee. 400

H. Joint Investigations: 401

1. In addition to the authority granted to a Member State 402
by its respective State law, any Member State may participate 403
with other Member States in joint investigations of Licensees. 404

2. Member States shall share any Current Significant 405
Investigative Information, litigation, or compliance materials 406
in furtherance of any joint or individual investigation 407
initiated under the compact. In sharing such information between 408
Member State Athletic Trainer Licensing Authorities, all 409
information obtained shall be kept confidential, except as 410
otherwise mutually agreed upon by the sharing and receiving 411
Member State(s). 412

3. A Remote State may issue subpoenas on behalf of a 413
Member State for both hearings and investigations that require 414
the attendance and testimony of witnesses as well as the 415
production of evidence. 416

I. If a Member State takes Adverse Action, it shall 417
promptly notify the administrator of the Data System. The 418
administrator of the Data System shall promptly notify all 419
Member States of any Adverse Actions by Remote States. 420

J. Nothing in this compact may permit a Member State to 421
take any Adverse Action against a Licensee or holder of a 422
Compact Privilege for conduct or practice occurring in another 423
Member State that was legal in the Member State at the time it 424
was undertaken. 425

SECTION 8. ESTABLISHMENT AND OPERATION OF THE COMMISSION 426

A. The compact Member States hereby create and establish a 427
joint government agency whose membership consists of all Member 428
States that have enacted the compact known as the Athletic 429
Trainer Licensure Compact Commission. The Compact Commission is 430
an instrumentality of the Member States acting jointly and not 431
an instrumentality of any one State. The Compact Commission 432
shall come into existence on or after the effective date of the 433
Compact as set forth in Section 12. 434

B. Membership, Voting, and Meetings 435

1. Each Member State shall have and be limited to one (1) 436
Commissioner selected by that Member State's Licensing Authority 437
within 60 days of the Member State's effective date. 438

2. The Commissioner shall be an administrator or their 439
designated staff or current board member of the Licensing 440
Authority. 441

<u>3. The Compact Commission may recommend removal or</u>	442
<u>suspension of any Commissioner from office.</u>	443
<u>4. A Member State's Licensing Authority shall fill any</u>	444
<u>vacancy of its Commissioner occurring on the Compact Commission</u>	445
<u>within 60 days of the vacancy.</u>	446
<u>5. Each Commissioner shall be entitled to one vote on all</u>	447
<u>matters before the Compact Commission requiring a vote by the</u>	448
<u>Commissioners.</u>	449
<u>6. The Compact Commission shall meet at least once during</u>	450
<u>each calendar year. Additional meetings may be held as set forth</u>	451
<u>in the Commission bylaws. A Commissioner shall vote in person or</u>	452
<u>by such other means as provided in the bylaws. The bylaws may</u>	453
<u>provide for Commissioners to meet by telecommunication,</u>	454
<u>videoconference, or other means of communication.</u>	455
<u>C. The Compact Commission shall have the following powers:</u>	456
<u>1. Promulgate, adopt, and amend Rules and bylaws;</u>	457
<u>2. Establish code of conduct, confidentiality, and</u>	458
<u>conflict of interest policies for Commissioners;</u>	459
<u>3. Establish the fiscal year of the Compact Commission;</u>	460
<u>4. Maintain its financial records in accordance with the</u>	461
<u>bylaws;</u>	462
<u>5. Purchase and maintain insurance and insurance bonds;</u>	463
<u>6. Accept, or contract for services of personnel,</u>	464
<u>including, but not limited to, employees of a Member State;</u>	465
<u>7. Conduct a financial review or audit;</u>	466
<u>8. Hire employees, elect or appoint officers, fix</u>	467
<u>compensation, define duties, grant such individuals appropriate</u>	468

authority to carry out the purposes of the Compact, and 469
establish the Compact Commission's personnel policies and 470
programs relating to conflicts of interest, qualifications of 471
personnel, and other related personnel matters; 472

9. Enter into contracts or arrangements for the management 473
of the affairs of the Commission; 474

10. Assess and collect fees; 475

11. Accept any and all appropriate gifts, donations, 476
grants of money, other sources of revenue, equipment, supplies, 477
materials, and services, and receive, utilize, and dispose of 478
the same; provided that at all times the Compact Commission 479
shall avoid any appearance of impropriety or conflict of 480
interest; 481

12. Lease, purchase, retain, own, hold, improve, invest, 482
or use any property, real, personal, or mixed, or any undivided 483
interest therein; 484

13. Sell, convey, mortgage, pledge, lease, exchange, 485
abandon, or otherwise dispose of any property real, personal, or 486
mixed; 487

14. Establish a budget and make expenditures; 488

15. Borrow and invest money; 489

16. Meet and take such actions as are consistent with the 490
provisions of this compact, the Compact Commission's Rules, and 491
the bylaws; 492

17. Initiate and conclude legal proceedings or actions in 493
the name of the Compact Commission, provided that the standing 494
of any Licensing Authority to sue or be sued under applicable 495
law shall not be affected; 496

<u>18. Maintain and certify records and information provided</u>	497
<u>to a Member State as the authenticated business records of the</u>	498
<u>Compact Commission, and designate an agent to do so on the</u>	499
<u>Compact Commission's behalf;</u>	500
<u>19. Provide and receive information from, and cooperate</u>	501
<u>with, law enforcement agencies;</u>	502
<u>20. Determine whether a State's adopted language is</u>	503
<u>materially different from the Model Compact Language such that</u>	504
<u>the State would not qualify for participation in the compact;</u>	505
<u>21. Establish and elect an Executive Committee, including</u>	506
<u>a chair and a vice chair, secretary, treasurer, and such other</u>	507
<u>offices as the Commission shall establish by Rule or bylaw;</u>	508
<u>22. Appoint committees, including standing committees,</u>	509
<u>composed of Member State Commissioners, State regulators, State</u>	510
<u>legislators or their representatives, and consumer</u>	511
<u>representatives, and such other interested persons as may be</u>	512
<u>designated in this compact and the bylaws; and</u>	513
<u>23. Perform such other functions as may be necessary or</u>	514
<u>appropriate to achieve the purposes of this compact.</u>	515
<u>D. The Executive Committee</u>	516
<u>1. The Executive Committee shall have the power to act on</u>	517
<u>behalf of the Compact Commission according to the terms of this</u>	518
<u>compact. The powers, duties, and responsibilities of the</u>	519
<u>Executive Committee shall include:</u>	520
<u>a. Exercise the powers and duties of the Compact</u>	521
<u>Commission during the interim between Compact Commission</u>	522
<u>meetings, except for adopting or amending Rules, adopting or</u>	523
<u>amending bylaws, and exercising any other powers and duties</u>	524

<u>expressly reserved to the Compact Commission by Rule or bylaw;</u>	525
<u>b. Oversee the day-to-day activities of the administration</u>	526
<u>of the Compact including enforcement and compliance with the</u>	527
<u>provisions of the Compact, its Rules and bylaws, and other such</u>	528
<u>duties as deemed necessary;</u>	529
<u>c. Recommend to the Compact Commission changes to the</u>	530
<u>Rules or bylaws, changes to this compact legislation, fees</u>	531
<u>charged to Compact Member States, fees charged to Licensees, and</u>	532
<u>other fees;</u>	533
<u>d. Ensure compact administration services are</u>	534
<u>appropriately provided, including by contract;</u>	535
<u>e. Prepare and recommend the budget;</u>	536
<u>f. Maintain financial records on behalf of the Compact</u>	537
<u>Commission;</u>	538
<u>g. Monitor compact compliance of Member States and provide</u>	539
<u>compliance reports to the Compact Commission;</u>	540
<u>h. Establish additional committees as necessary; and</u>	541
<u>i. Other duties as provided in the Rules or bylaws of the</u>	542
<u>Compact Commission.</u>	543
<u>2. The Executive Committee shall be composed of five</u>	544
<u>voting members, elected by the Compact Commission:</u>	545
<u>a. The chair and vice chair of the Compact Commission,</u>	546
<u>shall be voting members of the Executive Committee;</u>	547
<u>b. The Compact Commission shall elect up to three</u>	548
<u>additional voting members from the current membership of the</u>	549
<u>Compact Commission to include the offices of treasurer,</u>	550
<u>secretary, and one member-at-large; and</u>	551

<u>c. Up to four (4) ex-officio, nonvoting members from</u>	552
<u>recognized national athletic trainer organizations.</u>	553
<u>3. The Compact Commission may remove any member of the</u>	554
<u>Executive Committee as provided in the Compact Commission's</u>	555
<u>bylaws.</u>	556
<u>4. The Executive Committee shall meet at least annually:</u>	557
<u>a. Executive Committee meetings shall be open to the</u>	558
<u>public, except that the Executive Committee may meet in a</u>	559
<u>closed, non-public meeting as provided in this section.</u>	560
<u>b. The Executive Committee shall give advance notice of</u>	561
<u>its meetings, posted on its website and as determined by rule or</u>	562
<u>bylaw to provide notice to persons with an interest in the</u>	563
<u>business of the Compact Commission.</u>	564
<u>c. The Executive Committee may hold a special meeting in</u>	565
<u>accordance with this section.</u>	566
<u>E. The Compact Commission shall adopt and provide to the</u>	567
<u>Member States an annual report.</u>	568
<u>F. Meetings of the Compact Commission:</u>	569
<u>1. All meetings shall be open to the public, except that</u>	570
<u>the Compact Commission may meet in a closed, non-public meeting</u>	571
<u>as provided in this section.</u>	572
<u>2. Public notice for all meetings of the full Compact</u>	573
<u>Commission of meetings shall be given in the same manner as</u>	574
<u>required under the rulemaking provisions in this compact, except</u>	575
<u>that the Compact Commission may hold a special meeting as</u>	576
<u>provided in this section.</u>	577
<u>3. The Compact Commission may hold a special meeting when</u>	578

<u>it must meet to conduct emergency business by giving 24 hours'</u>	579
<u>notice to all Commissioners, on the Compact Commission's</u>	580
<u>website, and other means as provided in the Compact Commission's</u>	581
<u>Rules. The Compact Commission's legal counsel shall certify that</u>	582
<u>the Compact Commission's need to meet qualifies as an emergency.</u>	583
<u>4. The Compact Commission or the Executive Committee or</u>	584
<u>other committees of the Compact Commission may convene in a</u>	585
<u>closed, non-public meeting for the Compact Commission or</u>	586
<u>Executive Committee or other committees of the Compact</u>	587
<u>Commission to receive legal advice or to discuss:</u>	588
<u>a. Non-compliance of a Member State with its obligations</u>	589
<u>under the Compact;</u>	590
<u>b. The employment, compensation, discipline or other</u>	591
<u>matters, practices or procedures related to specific employees;</u>	592
<u>c. Current or threatened discipline of a Licensee by a</u>	593
<u>Member State's Licensing Authority;</u>	594
<u>d. Current, threatened, or reasonably anticipated</u>	595
<u>litigation;</u>	596
<u>e. Negotiation of contracts for the purchase, lease, or</u>	597
<u>sale of goods, services, or real estate;</u>	598
<u>f. Accusing any person of a crime or formally censuring</u>	599
<u>any person;</u>	600
<u>g. Trade secrets or commercial or financial information</u>	601
<u>that is privileged or confidential;</u>	602
<u>h. Information of a personal nature where disclosure would</u>	603
<u>constitute a clearly unwarranted invasion of personal privacy;</u>	604
<u>i. Investigative records compiled for law enforcement</u>	605

<u>purposes;</u>	606
<u>j. Information related to any investigative reports</u>	607
<u>prepared by or on behalf of or for use of the Compact Commission</u>	608
<u>or other committee charged with responsibility of investigation</u>	609
<u>or determination of compliance issues pursuant to the compact;</u>	610
<u>k. Matters specifically exempted from disclosure by</u>	611
<u>federal or Member State law; or</u>	612
<u>l. Other matters as specified in Rules of the Compact</u>	613
<u>Commission.</u>	614
<u>5. If a meeting, or portion of a meeting, is closed, the</u>	615
<u>Compact Commission's legal counsel or designee shall certify</u>	616
<u>that the meeting will be closed and reference each relevant</u>	617
<u>exempting provision, and such reference shall be recorded in the</u>	618
<u>minutes. All minutes and documents of a closed meeting shall</u>	619
<u>remain under seal, subject to release only by a majority vote of</u>	620
<u>the Compact Commission or order of a court of competent</u>	621
<u>jurisdiction.</u>	622
<u>G. Financing of the Compact Commission:</u>	623
<u>1. The Compact Commission shall pay, or provide for the</u>	624
<u>payment of, the reasonable expenses of its establishment,</u>	625
<u>organization, and ongoing activities.</u>	626
<u>2. The Compact Commission may accept any and all</u>	627
<u>appropriate revenue sources as provided in this section.</u>	628
<u>3. The Compact Commission may levy on and collect an</u>	629
<u>annual assessment from each Member State and impose fees on</u>	630
<u>Licensees of Member States to whom it grants a Compact Privilege</u>	631
<u>to cover the cost of the operations and activities of the</u>	632
<u>Compact Commission and its staff, which must be in a total</u>	633

amount sufficient to cover its annual budget as approved each 634
year for which revenue is not provided by other sources. The 635
aggregate annual assessment amount for Member States shall be 636
allocated based upon a formula that the Compact Commission shall 637
promulgate by Rule. 638

4. The Compact Commission shall not incur obligations of 639
any kind prior to securing the funds or a loan adequate to meet 640
the same; nor shall the Compact Commission pledge the credit of 641
any of the Member States, except by and with the authority of 642
the Member State. 643

5. The Compact Commission shall keep accurate accounts of 644
all receipts and disbursements. The receipts and disbursements 645
of the Compact Commission shall be subject to the financial 646
review or audit and accounting procedures established under its 647
bylaws. However, all receipts and disbursements of funds handled 648
by the Compact Commission shall be subject to an annual 649
financial review or audit by a certified or licensed public 650
accountant, and the report of the financial review or audit 651
shall be included in and become part of the annual report of the 652
Compact Commission. 653

H. Qualified Immunity, Defense, and Indemnification: 654

1. The members, officers, executive director, employees 655
and representatives of the Compact Commission shall be immune 656
from suit and liability, both personally and in their official 657
capacity, for any claim for damage to or loss of property or 658
personal injury or other civil liability caused by or arising 659
out of any actual or alleged act, error, or omission that 660
occurred, or that the person against whom the claim is made had 661
a reasonable basis for believing occurred within the scope of 662
Compact Commission employment, duties or responsibilities; 663

provided that nothing in this paragraph shall be construed to 664
protect any such person from suit or liability for any damage, 665
loss, injury, or liability caused by the intentional or willful 666
or wanton misconduct of that person. The procurement of 667
insurance of any type by the Compact Commission shall not in any 668
way compromise or limit the immunity granted hereunder. 669

2. The Compact Commission shall defend any member, 670
officer, executive director, employee, and representative of the 671
Compact Commission in any civil action seeking to impose 672
liability arising out of any actual or alleged act, error, or 673
omission that occurred within the scope of Compact Commission 674
employment, duties, or responsibilities, or as determined by the 675
Compact Commission that the person against whom the claim is 676
made had a reasonable basis for believing occurred within the 677
scope of Compact Commission employment, duties, or 678
responsibilities; provided that nothing herein shall be 679
construed to prohibit that person from retaining their own 680
counsel at their own expense; and provided further, that the 681
actual or alleged act, error, or omission did not result from 682
that person's intentional or willful or wanton misconduct. 683

3. The Compact Commission shall indemnify and hold 684
harmless any member, officer, executive director, employee, and 685
representative of the Compact Commission for the amount of any 686
settlement or judgment obtained against that person arising out 687
of any actual or alleged act, error, or omission that occurred 688
within the scope of Compact Commission employment, duties, or 689
responsibilities, or that such person had a reasonable basis for 690
believing occurred within the scope of Compact Commission 691
employment, duties, or responsibilities, provided that the 692
actual or alleged act, error, or omission did not result from 693
the intentional or willful or wanton misconduct of that person. 694

4. Nothing herein shall be construed as a limitation on the liability of any Licensee for professional malpractice or misconduct, which shall be governed solely by any other applicable State laws. 695
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5. Nothing in this compact shall be interpreted to waive or otherwise abrogate a Member State's state action immunity or state action affirmative defense with respect to antitrust claims under the Sherman Act, Clayton Act, or any other State or federal antitrust or anticompetitive law or regulation. 699
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6. Nothing in this compact shall be construed to be a waiver of sovereign immunity by the Member States or by the Compact Commission. 704
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SECTION 9. DATA SYSTEM 707

A. The Commission shall provide for the development, maintenance, operation, and utilization of a coordinated Data System and reporting system containing licensure, Compact Privileges, Adverse Action, and the presence of Current Significant Investigative Information on all Licensees and applicants for a License in Member States. 708
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B. Notwithstanding any other provision of State law to the contrary, a Member State shall submit a uniform data set to the Data System on all Licensees, applicants, and others to whom this compact is applicable as required by the Rules of the Compact Commission, including: 714
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1. Personally identifying information; 719

2. Licensure data; 720

3. Adverse Actions against a Licensee, License applicant or Compact Privilege and information related thereto; 721
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<u>4. Non-confidential information related to Alternative</u>	723
<u>Program participation, the beginning and ending dates of such</u>	724
<u>participation, and other information related to such</u>	725
<u>participation;</u>	726
<u>5. Any denial of an application for licensure, and the</u>	727
<u>reason(s) for such denial, (excluding the reporting of any</u>	728
<u>criminal history record information where prohibited by law);</u>	729
<u>6. A binary determination regarding the presence of</u>	730
<u>Current Significant Investigative Information; and</u>	731
<u>7. Other information that may facilitate the</u>	732
<u>administration of this compact or the protection of the public,</u>	733
<u>as determined by the Rules of the Commission.</u>	734
<u>C. The records and information provided to a Member State</u>	735
<u>pursuant to this compact or through the Data System, when</u>	736
<u>certified by the Commission or an agent thereof, shall</u>	737
<u>constitute the authenticated business records of the Commission,</u>	738
<u>and shall be entitled to any associated hearsay exception in any</u>	739
<u>relevant judicial, quasi-judicial or administrative proceedings</u>	740
<u>in a Member State.</u>	741
<u>D. Current Significant Investigative Information</u>	742
<u>pertaining to a Licensee in any Member State will only be</u>	743
<u>available to other Member States.</u>	744
<u>E. It is the responsibility of the Member States to</u>	745
<u>monitor the Data System to determine whether Adverse Action has</u>	746
<u>been taken against a Licensee or License applicant. Adverse</u>	747
<u>Action information pertaining to a Licensee or License applicant</u>	748
<u>in any Member State will be available to any other Member State.</u>	749
<u>F. Member States contributing information to the Data</u>	750
<u>System may designate information that may not be shared with the</u>	751

public without the express permission of the contributing State. 752

G. Any information submitted to the Data System that is 753
subsequently expunged pursuant to federal law or the laws of the 754
Member State contributing the information shall be removed from 755
the Data System. 756

SECTION 10. RULEMAKING 757

A. The Compact Commission shall promulgate reasonable 758
Rules in order to effectively and efficiently implement and 759
administer the purposes and provisions of the Compact. A Rule 760
shall be invalid and have no force or effect only if a court of 761
competent jurisdiction holds that the Rule is invalid because 762
the Compact Commission exercised its rulemaking authority in a 763
manner that is beyond the scope and purposes of the Compact, or 764
the powers granted hereunder, or based upon another applicable 765
standard of review. 766

B. The Rules of the Compact Commission shall have the 767
force of law in each Member State, provided however that where 768
the Rules conflict with the laws or regulations of a Member 769
State that relate to the Scope of Practice a Licensed Athletic 770
Trainer is permitted to undertake in that State and the 771
circumstances under which they may do so, as held by a court of 772
competent jurisdiction, the Rules of the Compact Commission 773
shall be ineffective in that State to the extent of the 774
conflict. 775

C. The Compact Commission shall exercise its rulemaking 776
powers pursuant to the criteria set forth in this section and 777
the Rules adopted thereunder. Rules of this compact shall become 778
binding on the day following adoption or as of the date 779
specified in the Rule or amendment, whichever is later. 780

D. If a majority of the legislatures of the Member States 781
rejects a Rule or portion of a Rule, by enactment of a statute 782
or resolution in the same manner used to adopt the Compact 783
within four (4) years of the date of adoption of the Rule, then 784
such Rule shall have no further force and effect in any Member 785
State. 786

E. Rules shall be adopted at a regular or special meeting 787
of the Compact Commission. 788

F. Prior to adoption of a proposed Rule, the Compact 789
Commission shall hold a public hearing and allow persons to 790
provide oral and written comments, data, facts, opinions, and 791
arguments. At least thirty (30) days in advance of the public 792
hearing on the proposed Rule, the Compact Commission shall 793
provide a notice of proposed rulemaking: 794

1. On the website of the Compact Commission or other 795
publicly accessible platform; 796

2. To persons who have requested notice of the Compact 797
Commission's notices of proposed rulemaking; and 798

3. In such other way(s) as the Compact Commission may by 799
Rule specify. 800

G. The notice of proposed rulemaking shall include: 801

1. The time, date, and location of the public hearing at 802
which the Compact Commission will hear public comments on the 803
proposed Rule and, if different, the time, date, and location of 804
the meeting where the Compact Commission will consider and vote 805
on the proposed Rule; 806

2. If the hearing is held via telecommunication, video 807
conference, or other electronic means, the Compact Commission 808

<u>shall include the mechanism for access to the hearing in the</u>	809
<u>notice of proposed rulemaking;</u>	810
<u>3. The text of the proposed Rule and the reason therefor;</u>	811
<u>4. A request for comments on the proposed Rule from any</u>	812
<u>interested person; and</u>	813
<u>5. The manner in which interested persons may submit</u>	814
<u>written comments.</u>	815
<u>H. All hearings will be recorded. A copy of the recording</u>	816
<u>and all written comments and documents received by the Compact</u>	817
<u>Commission in response to the proposed Rule shall be available</u>	818
<u>to the public.</u>	819
<u>I. Nothing in this section shall be construed as requiring</u>	820
<u>a separate hearing on each Rule. Rules may be grouped for the</u>	821
<u>convenience of the Compact Commission at hearings required by</u>	822
<u>this section.</u>	823
<u>J. The Compact Commission shall, by majority vote of all</u>	824
<u>members, take final action on the proposed Rule based on the</u>	825
<u>rulemaking record and the full text of the Rule.</u>	826
<u>1. The Compact Commission may adopt changes to the</u>	827
<u>proposed Rule provided the changes do not enlarge the original</u>	828
<u>purpose of the proposed Rule.</u>	829
<u>2. The Compact Commission shall provide an explanation of</u>	830
<u>the reasons for substantive changes made to the proposed Rule as</u>	831
<u>well as reasons for substantive changes not made that were</u>	832
<u>recommended by commenters.</u>	833
<u>3. The Compact Commission shall determine a reasonable</u>	834
<u>effective date for the Rule. Except for an emergency as provided</u>	835
<u>in this section, the effective date of the Rule shall be no</u>	836

sooner than 30 days after issuing the notice that it adopted or 837
amended the Rule. 838

K. Upon determination that an emergency exists, the 839
Compact Commission may consider and adopt an emergency Rule with 840
24 hours' notice, with opportunity to comment, provided that the 841
usual rulemaking procedures provided in the compact and in this 842
section shall be retroactively applied to the Rule as soon as 843
reasonably possible, in no event later than ninety (90) days 844
after the effective date of the Rule. For the purposes of this 845
provision, an emergency Rule is one that must be adopted 846
immediately in order to: 847

1. Meet an imminent threat to public health, safety, or 848
welfare; 849

2. Prevent a loss of Compact Commission or Member State 850
funds; 851

3. Meet a deadline for the promulgation of a Rule that is 852
established by federal law or rule; or 853

4. Protect public health and safety. 854

L. The Compact Commission or an authorized committee of 855
the Compact Commission may direct revisions to a previously 856
adopted Rule for purposes of correcting typographical errors, 857
errors in format, errors in consistency, or grammatical errors. 858
Public notice of any revisions shall be posted on the website of 859
the Compact Commission. The revision shall be subject to 860
challenge by any person for a period of thirty (30) days after 861
posting. The revision may be challenged only on grounds that the 862
revision results in a material change to a Rule. A challenge 863
shall be made in writing and delivered to the Compact Commission 864
prior to the end of the notice period. If no challenge is made, 865

the revision will take effect without further action. If the 866
revision is challenged, the revision may not take effect without 867
the approval of the Compact Commission. 868

M. No Member State's rulemaking requirements shall apply 869
under this Compact. 870

SECTION 11. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT 871

A. Oversight: 872

1. The executive and judicial branches of State government 873
in each Member State shall enforce this compact and take all 874
actions necessary and appropriate to implement the compact. 875

2. Except as otherwise provided in this compact, venue is 876
proper and judicial proceedings by or against the Compact 877
Commission shall be brought solely and exclusively in a court of 878
competent jurisdiction where the principal office of the Compact 879
Commission is located. The Compact Commission may waive venue 880
and jurisdictional defenses to the extent it adopts or consents 881
to participate in alternative dispute resolution proceedings. 882
Nothing herein shall affect or limit the selection or propriety 883
of venue in any action against a Licensee for professional 884
malpractice, misconduct or any such similar matter. 885

3. The Compact Commission shall be entitled to receive 886
service of process in any proceeding regarding the enforcement 887
or interpretation of the compact and shall have standing to 888
intervene in such a proceeding for all purposes. Failure to 889
provide the Compact Commission service of process shall render a 890
judgment or order void as to the Compact Commission, this 891
Compact, or promulgated Rules. 892

B. Default, Technical Assistance, and Termination: 893

1. If the Compact Commission determines that a Member State has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated Rules, the Commission shall provide written notice to the defaulting State. The notice of default shall describe the default, the proposed means of curing the default, and any other action that the Compact Commission may take, and shall offer training and specific technical assistance regarding the default. 894
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2. The Compact Commission shall provide a copy of the notice of default to the other Member States. 902
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C. If a State in default fails to cure the default, the defaulting State may be terminated from the compact upon an affirmative vote of a majority of the Commissioners of the Member States, and all rights, privileges and benefits conferred on that State by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending State of obligations or liabilities incurred during the period of default. 904
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D. Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Compact Commission to the governor, the majority and minority leaders of the defaulting State's legislature, the defaulting State's Licensing Authority and each of the Member States' Licensing Authority. 912
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E. A State that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination. 919
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F. Upon the termination of a State's membership from this compact, that State shall immediately provide notice to all Licensees within that State of such termination. The terminated State shall continue to recognize all Licenses and Compact Privileges granted pursuant to this compact for a minimum of 180 days after the date of said notice of termination. 923
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G. The Compact Commission shall not bear any costs related to a State that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the Compact Commission and the defaulting State. 929
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H. The defaulting State may appeal the action of the Compact Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Compact Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees. 933
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I. Dispute Resolution: 939

1. Upon request by a Member State, the Compact Commission shall attempt to resolve disputes related to the compact that arise among Member States and between Member and non-Member States. 940
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2. The Compact Commission shall promulgate a Rule providing for both mediation and binding dispute resolution for disputes as appropriate. 944
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J. Enforcement: 947

1. By two-thirds majority (2/3) vote, the Compact 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 Compact Commission 948
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has its principal offices to enforce compliance with the 952
provisions of the compact and its promulgated Rules. The relief 953
sought may include both injunctive relief and damages. In the 954
event judicial enforcement is necessary, the prevailing party 955
shall be awarded all costs of such litigation, including 956
reasonable attorney's fees. The remedies herein shall not be the 957
exclusive remedies of the Compact Commission. The Compact 958
Commission may pursue any other remedies available under federal 959
or the defaulting Member State's law. 960

2. A Member State may initiate legal action against the 961
Compact Commission in the U.S. District Court for the District 962
of Columbia or the federal district where the Compact Commission 963
has its principal offices to enforce compliance with the 964
provisions of the compact and its promulgated Rules. The relief 965
sought may include both injunctive relief and damages. In the 966
event judicial enforcement is necessary, the prevailing party 967
shall be awarded all costs of such litigation, including 968
reasonable attorney's fees. 969

3. No person other than a Member State shall enforce this 970
compact against the Compact Commission. 971

SECTION 12. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT 972

A. The Compact shall come into effect on the date on which 973
the compact statute is enacted into law in the seventh Member 974
State. 975

1. On or after the effective date of the compact, the 976
Compact Commission shall convene and review the enactment of 977
each of the first seven Member States ("Charter Member States") 978
to determine if the statute enacted and made effective by each 979
such Charter Member State is materially different than the model 980

<u>compact statute.</u>	981
<u>a. A Charter Member State whose enactment is found to be</u>	982
<u>materially different from the Model Compact Language shall be</u>	983
<u>entitled to the default process set forth in Section 11.</u>	984
<u>b. If any Member State is later found to be in default, or</u>	985
<u>is terminated or withdraws from the Compact, the Compact</u>	986
<u>Commission shall remain in existence and the Compact shall</u>	987
<u>remain in effect even if the number of Member States should be</u>	988
<u>less than seven.</u>	989
<u>2. Member States enacting the compact subsequent to the</u>	990
<u>seven initial Charter Member States shall be subject to the</u>	991
<u>process set forth in this section to determine if their</u>	992
<u>enactments are materially different from the model Compact</u>	993
<u>statute and whether they qualify for participation in the</u>	994
<u>Compact.</u>	995
<u>3. All actions taken for the benefit of the Compact</u>	996
<u>Commission or in furtherance of the purposes of the</u>	997
<u>administration of the compact prior to the effective date of the</u>	998
<u>compact or the Compact Commission coming into existence shall be</u>	999
<u>considered to be actions of the Compact Commission unless</u>	1000
<u>specifically repudiated by the Compact Commission.</u>	1001
<u>4. Any State that joins the compact subsequent to the</u>	1002
<u>Compact Commission's initial adoption of the Rules and bylaws</u>	1003
<u>shall be subject to the Rules and bylaws as they exist on the</u>	1004
<u>date on which the compact becomes law in that State. Any Rule</u>	1005
<u>that has been previously adopted by the Compact Commission shall</u>	1006
<u>have the full force and effect of law on the day the compact</u>	1007
<u>becomes law in that State.</u>	1008
<u>B. Any Member State may withdraw from this compact by</u>	1009

enacting a statute repealing the same. 1010

1. A Member State's withdrawal shall not take effect until 1011
180 days after enactment of the repealing statute. 1012

2. Withdrawal shall not affect the continuing requirement 1013
of the withdrawing State's Licensing Authority to comply with 1014
the investigative and Adverse Action reporting requirements of 1015
this compact prior to the effective date of withdrawal. 1016

3. Upon the enactment of a statute withdrawing from this 1017
compact, a State shall immediately provide notice of such 1018
withdrawal to all Licensees and privilege holders within that 1019
State. Notwithstanding any subsequent statutory enactment to the 1020
contrary, such withdrawing State shall continue to recognize all 1021
Compact Privileges granted pursuant to this compact for a 1022
minimum of 180 days after the date of such notice of withdrawal. 1023

4. Nothing contained in this compact shall be construed to 1024
invalidate or prevent any licensure agreement or other 1025
cooperative arrangement between a Member State and a non-Member 1026
State that does not conflict with the provisions of this 1027
compact. 1028

5. This compact may be amended by the Member States. No 1029
amendment to this compact shall become effective and binding 1030
upon any Member State until it is enacted into the laws of all 1031
Member States. 1032

SECTION 13. CONSTRUCTION AND SEVERABILITY 1033

A. This compact and the Compact Commission's rulemaking 1034
authority shall be liberally construed so as to effectuate the 1035
purposes, and the implementation and administration of the 1036
compact. Provisions of the compact expressly authorizing or 1037
requiring the promulgation of Rules shall not be construed to 1038

limit the Compact Commission's rulemaking authority solely for 1039
those purposes. 1040

B. The provisions of this compact shall be severable and 1041
if any phrase, clause, sentence or provision of this compact is 1042
held by a court of competent jurisdiction to be contrary to the 1043
constitution of any Member State, a State seeking participation 1044
in the compact, or of the United States, or the applicability 1045
thereof to any government, agency, person or circumstance is 1046
held to be unconstitutional by a court of competent 1047
jurisdiction, the validity of the remainder of this compact and 1048
the applicability thereof to any other government, agency, 1049
person or circumstance shall not be affected thereby. 1050

C. Notwithstanding the foregoing, the Compact Commission 1051
may deny a State's participation in the compact or terminate a 1052
Member State's participation in the Compact if it determines 1053
that a constitutional requirement of a Member State is a 1054
material departure from the Compact. Otherwise, if this compact 1055
shall be held to be contrary to the constitution of any Member 1056
State, the Compact shall remain in full force and effect as to 1057
the remaining Member States and in full force and effect as to 1058
the Member State affected as to all severable matters. 1059

SECTION 14. CONSISTENT EFFECT AND CONFLICT WITH OTHER 1060
STATE LAWS 1061

A. Nothing herein shall prevent or inhibit the enforcement 1062
of any other law of a Member State that is not inconsistent with 1063
the compact. 1064

B. Any laws, statutes, regulations, or other legal 1065
requirements in a Member State in conflict with the compact are 1066
superseded to the extent of the conflict. 1067

C. All permissible agreements between the Compact 1068
Commission and the Member States are binding in accordance with 1069
their terms. 1070

Sec. 4755.721. Not later than sixty days after the 1071
athletic trainer compact is entered into under section 4755.72 1072
of the Revised Code, the athletic trainers section of the Ohio 1073
occupational therapy, physical therapy, and athletic trainers 1074
board shall select an individual to serve as a commissioner to 1075
the athletic trainer compact commission created under the 1076
compact. The athletic trainers section shall fill a vacancy in 1077
this position not later than sixty days after the vacancy 1078
occurs. 1079