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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

S.B. 320  
136<sup>th</sup> General Assembly

## Bill Analysis

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**Version:** As Passed by the Senate

**Primary Sponsor:** Sen. Roegner

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### SUMMARY

- Enters Ohio into the Athletic Trainer Compact to expand mobility of athletic training practice with the goal of improving public access to athletic training services by allowing licensed athletic trainers to practice in other member states.
- Establishes requirements for athletic trainer licensees, including active military members and their spouses, in Compact member states to practice in other member states.
- Authorizes adverse actions (administrative, civil, equitable, or criminal action) against, and joint investigations of, licensees by member and remote states.
- Provides for the establishment and administration of the Athletic Trainer Compact Commission, a joint government agency whose membership consists of all Compact member states.
- Specifies procedures for Compact oversight, dispute resolution, enforcement, effective date, member state withdrawal, and amendment.
- Provides for Compact construction and severability, relationship with state legislatures, and definitions.

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## DETAILED ANALYSIS

### Athletic Trainer Compact

#### Purpose

Under S.B. 320, Ohio becomes a member state of the Athletic Trainer Compact. The Compact's purpose is to expand mobility of athletic training practice and improve public access to those services by allowing athletic trainers licensed in a member state to practice in other member states. The Compact preserves states' regulatory authority to protect public health and safety through their current systems of state licensure.

The Compact is designed to achieve the following objectives:

- Increase public access to Athletic Training and enhance continuity of care by providing for the mutual recognition of other licenses issued by member states;
- Provide an additional streamlined opportunity for interstate practice by licensed athletic trainers who meet Compact requirements;
- 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;
- Reduce administrative burdens on licensed athletic trainers and member states;
- Enhance the states' ability to protect the public's health and safety;
- Encourage the cooperation of member states in regulating interstate practice of licensed athletic trainers;
- Support relocating active military members and members' spouses;
- Enhance the exchange of licensure, investigative, and disciplinary information among member states;
- Allow for the use of telehealth to facilitate increased access to athletic training services;
- Support the uniformity of licensed athletic trainer licensure requirements throughout the states;
- 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.<sup>1</sup>

#### Member state participation

To participate in the Compact, a member state must:

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<sup>1</sup> R.C. 4755.72, Section 1.

1. Enact and maintain a statute that is not materially different from the model compact;
2. License and regulate the practice of athletic training;
3. Require that licensees in that state maintain continuing competence standards;
4. Have a mechanism in place for receiving and investigating complaints about licensees;
5. Grant compact privilege to a licensee who meets all the requirements established by the Compact and its rules;
6. Participate in the Commission's data system, including using the unique identifier;
7. Notify the Commission of any adverse action or the availability of current significant investigative information regarding a licensee;
8. Implement a criminal background check requirement for each new licensee at the time of initial licensure; and
9. Comply with and enforce the Commission's rules.

A member state must recognize a Compact-qualifying athletic trainer license from another member state. A member state may charge a fee for granting and renewing the Compact privilege. If an individual in a member state does not have a Compact-qualifying license, that individual may apply for a single-state license in any member state as provided under that state's laws. The Compact does not affect each member state's requirements for the issuance of a single-state license.<sup>2</sup>

### **Compact-qualifying license**

An athletic trainer may only designate one license as the athletic trainer's Compact-qualifying license. This does not have to be the licensee's primary state of residence or practice. An athletic trainer may hold multiple single-state licenses.<sup>3</sup>

### **Compact privilege**

#### **Licensee requirements**

To exercise the Compact privilege under the Compact, a licensee must:

1. Hold a Compact-qualifying license;
2. Either (a) hold a valid current active certification through the Board of Certification (BOC) or (b) have completed a bachelor's degree in athletic training or an equivalent degree and completed the examination administered by BOC;
3. Not have any encumbrance against a license or Compact privilege within the previous two years;
4. Be eligible for the Compact privilege in any member state;

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<sup>2</sup> R.C. 4755.72, Section 3.

<sup>3</sup> R.C. 4755.72, Section 5.

5. Notify the Commission that the licensee is seeking the Compact privilege in the remote state;
6. Pay any applicable fees, including any state fees, for the Compact privilege;
7. Meet the continuing competence and other requirements established by the state of qualifying licensure;
8. Meet any jurisprudence requirements established by the remote state; and
9. Report to the Commission adverse action, encumbrance, or restriction on a license taken by any nonmember state within 30 days from the date it is taken.<sup>4</sup>

### **Privilege maintenance**

The Compact privilege is valid until the licensee's Compact-qualifying license expires or is revoked, unless it is terminated by adverse action (see below, "**Adverse action**"). The licensee must comply with all the licensee requirements (see above, "**Licensee requirements**") to maintain the Compact privilege in a remote state. Renewal of the Compact privilege must be congruent with the renewal of the Compact-qualifying license. A licensee may hold Compact privilege in multiple states.<sup>5</sup>

### **Removal of privilege**

A remote state may remove a licensee's Compact privilege, impose fines, or take any other necessary actions to protect the health and safety of its citizens. If a Compact privilege is removed, the licensee may be deemed ineligible to exercise the Compact privilege by any member state until the specific time for removal has passed and all fines are paid.

If a member state takes adverse action against a licensee's Compact-qualifying license, the licensee loses the Compact privilege in all remote states until the following occur:

1. The Compact-qualifying license is no longer encumbered;
2. Two years have elapsed after the license restriction has ended; and
3. Licensee requirements are met (see above).<sup>6</sup>

### **Scope of practice**

A licensee working in a remote state under the Compact is required to function within the scope of practice authorized by that state. Licensees are responsible for educating themselves on, and complying with, state laws and regulations relating to the remote practice of athletic training, as applicable.<sup>7</sup>

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<sup>4</sup> R.C. 4755.72, Section 4.A.

<sup>5</sup> R.C. 4755.72, Section 4.B.

<sup>6</sup> R.C. 4755.72, Section 4.D to H.

<sup>7</sup> R.C. 4755.72, Section 4.C.

## **Active military members and members' spouses**

An active military member, or the member's spouse, cannot be required to pay a fee to the Commission for the Compact privilege. If a remote state chooses to charge a Compact privilege fee, it may choose to charge a reduced fee or no fee to an active military member or a member's spouse.<sup>8</sup>

## **Adverse actions**

When taking adverse action, a member state must give the same priority and effect to reported conduct received from another member state as it would if the conduct had occurred within that state. In so doing, the investigating member state must apply its own state laws to determine appropriate action.<sup>9</sup>

A member state, if otherwise permitted by state law, may recover from the affected licensee the costs of investigations and dispositions of cases resulting from any adverse action taken against that licensee.<sup>10</sup>

### **By member state**

The member state that issues a licensee's Compact-qualifying license has authority to impose adverse action against the license issued by that state. The state is permitted to take adverse action based on current significant investigative information of a remote state, so long as the member state follows its own procedures for imposing adverse action. The state may require participation in an alternative program in lieu of adverse action, and such participation must remain nonpublic if required by the member state's laws or rules.<sup>11</sup>

The bill defines "adverse action" as any administrative, civil, equitable, or criminal action permitted by a state's laws which is imposed by a licensing authority or other authority against a licensee, including actions against an individual's license or Compact privilege such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee's practice, or any other encumbrance on licensure affecting a licensee's authorization to practice.<sup>12</sup>

### **By remote state**

A remote state has the authority to take adverse action against a licensee's Compact privilege in that state and issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses and the production of evidence.<sup>13</sup>

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<sup>8</sup> R.C. 4755.72, Section 6.

<sup>9</sup> R.C. 4755.72, Section 7.D.4 and 5.

<sup>10</sup> R.C. 4755.72, Section 7.F.

<sup>11</sup> R.C. 4755.72, Section 7.A to C.

<sup>12</sup> R.C. 4755.72, Section 2.B.

<sup>13</sup> R.C. 4755.72, Section 7.D.

## Subpoenas

Subpoenas may be issued by a member state's athletic training licensing authority for the attendance and testimony of witnesses and the production of evidence. A member state issuing a subpoena may request service of the subpoena by another member state and must be enforced by that state according to its practice and procedure.

The issuing authority is required to pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses or evidence are located.<sup>14</sup>

## Joint investigations

In addition to the authority granted to a member state by its respective state law, a member state may participate with other member states in joint investigations of licensees. However, a member state may not take any adverse action against a licensee or holder of a Compact privilege for conduct or practice occurring in another member state that was legal in the member state at the time it was undertaken.

Member states must share any current significant investigative information, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact. All such information must be kept confidential, except as otherwise mutually agreed upon by the sharing and receiving states.<sup>15</sup>

The bill defines "current significant investigative information" as investigative information that (1) a licensing authority after a preliminary inquiry that includes notification and an opportunity for the licensee to respond, has reason to believe is not groundless and, if proven true, would indicate more than a minor infraction or (2) investigative information that indicates that a licensee represents an immediate threat to public health and safety regardless of whether the licensee has been notified and had an opportunity to respond.<sup>16</sup>

## Athletic Trainer Licensure Compact Commission

### Establishment

Under the bill, the Compact member states must create and establish the Athletic Trainer Licensure Compact Commission, a joint government agency whose membership consists of all member states that have enacted the Compact. The Commission is an instrumentality of the Compact member states acting jointly and not an instrumentality of any one state. The Commission comes into existence on or after the Compact's effective date (see below, "**Effective date**").<sup>17</sup>

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<sup>14</sup> R.C. 4755.72, Section 7.D.b. and c.

<sup>15</sup> R.C. 4755.72, Section 7.H. and J.

<sup>16</sup> R.C. 4755.72, Section 2.M.

<sup>17</sup> R.C. 4755.72, Section 8.A.

## **Membership and voting**

Each member state must have, and is limited to, one commissioner selected by that athletic training licensing authority. The athletic trainers section of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board must select an individual to serve as commissioner no later than 60 days after Ohio enters the Compact. The commissioner must be an administrator of the licensing authority or an administrator's designated staff or current board member. Each commissioner is entitled to one vote on all matters before the Commission that require a vote by commissioners.

A commissioner must vote in person or by other means as provided in the bylaws. The bylaws may allow commissioners to meet by telecommunication, video conference, or other means of communication.

The Commission is required to establish, by rule or bylaw, a term of office and term limits for commissioners. It may recommend to a member state the removal or suspension of any commissioner from office.<sup>18</sup>

## **Commission authority**

The Commission has the following powers:

1. Promulgate, adopt, and amend rules and bylaws;
2. Establish code of conduct, confidentiality, and conflict of interest policies for commissioners;
3. Establish the fiscal year of the Commission;
4. Maintain its financial records in accordance with the bylaws;
5. Purchase and maintain insurance and insurance bonds;
6. Accept, or contract for services of personnel, including, but not limited to, employees of a member state;
7. Conduct a financial review or audit;
8. 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;
9. Enter contracts or arrangements for the management of the affairs of the Commission;
10. Assess and collect fees;
11. Accept appropriate gifts, donations, grants of money, other sources of revenue, equipment, supplies, materials, and services, and receive, utilize, and dispose of the

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<sup>18</sup> R.C. 4755.72 and 4755.721, Section 8.B.

same; provided that at all times the Commission shall avoid any appearance of impropriety or conflict of interest;

12. Lease, purchase, retain, own, hold, improve, invest, or use any property, real, personal, or mixed, or any undivided interest therein;
13. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;
14. Establish a budget and make expenditures;
15. Borrow and invest money;
16. Meet and take such actions as are consistent with the provisions of this compact, the Commission's Rules, and the bylaws;
17. Initiate and conclude legal proceedings or actions in the name of the Commission, provided that the standing of any licensing authority to sue or be sued under applicable law shall not be affected;
18. 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;
19. Provide and receive information from, and cooperate with, law enforcement agencies;
20. 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;
21. Establish and elect an executive committee, including a chair and a vice chair, secretary, treasurer, and such other offices as the Commission shall establish by rule or bylaw;
22. Appoint committees, including standing committees, composed of member state commissioners, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this compact and the bylaws; and
23. Perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact.<sup>19</sup>

## Meetings

The Commission is required to meet at least once during each calendar year. Additional meetings may be held as provided in the bylaws. All meetings that are not closed must be open to the public. The Commission must post notice of public meetings on its website at least 30 days before the public meeting.

A special meeting may be convened by providing at least 24 hours prior notice on the Commission's website, and any other means as provided in its rules, for any of the reasons provided with notice of proposed rulemaking (see below, "**Rulemaking**"). The Commission's

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<sup>19</sup> R.C. 4755.72, Section 8.C.

legal counsel is required to certify that one of the reasons justifying an emergency public meeting has been met.

All meeting notices must provide the time, date, and location of the meeting, and, if it is to be held or accessible via telecommunication, video conference, or other electronic means, the mechanism for accessing it.

The Commission or the executive committee (see below, “**Executive committee**”) may convene in a closed, nonpublic meeting to receive legal advice or to discuss:

- Noncompliance of a member state with its obligations under the Compact;
- The employment, compensation, discipline or other matters, practices or procedures related to specific employees;
- Current or threatened discipline of a licensee by a member state’s athletic training licensing authority;
- Current, threatened, or reasonably anticipated litigation;
- Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;
- Accusing any person of a crime or formally censuring any person;
- Trade secrets or commercial or financial information that is privileged or confidential;
- Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
- Investigative records compiled for law enforcement purposes;
- 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;
- Matters specifically exempted from disclosure by federal or member state law; and
- Other matters in accordance with Commission rules.

If a meeting, or portion of a meeting, is closed, the presiding officer must state that the meeting will be closed and reference each relevant exempting provision. Each reference must be recorded in the minutes. All minutes and documents of a closed meeting are to remain under seal, subject to release only by a majority vote of the Commission or court order.<sup>20</sup>

### **Executive committee**

The executive committee has the power to act on behalf of the Commission according to the Compact’s terms. The powers, duties, and responsibilities of the executive committee include:

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<sup>20</sup> R.C. 4755.72, Section 8.F.

- Exercising 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;
- Overseeing the day-to-day activities of the Compact's administration, including enforcement and compliance with its provisions, rules, and bylaws, and other necessary duties;
- Recommending to the Commission changes to the rules or bylaws, changes to the Compact legislation, fees charged to member states and licensees, and other fees;
- Ensuring Compact administration services are appropriately provided, including by contract;
- Preparing and recommending the budget;
- Maintaining financial records on behalf of the Commission;
- Monitoring Compact compliance of member states and providing compliance reports to the Commission;
- Establishing additional committees as necessary;
- Exercising the Commission's powers and duties during the interim between Commission meetings, except for adopting or amending rules and bylaws and exercising any other powers and duties expressly reserved to the Commission by rule or bylaw; and
- Performing other duties as provided in the rules or bylaws.

The executive committee is to be composed of up to nine members, including two to five voting members from the Commission's current membership and four ex-officio, nonvoting members from recognized athletic training organizations.

The Commission may remove any executive committee member as provided in the Commission's bylaws.

The executive committee is required to meet at least annually. Meetings must be open to the public, except that it may meet in a closed, nonpublic meeting to receive or solicit legal advice or to discuss specified issues (see above, "**Meetings**"). The executive committee must give advance notice of its meetings, posted on its website and as determined to provide notice to people with an interest in the Commission's business. Additionally, it may convene a special meeting by providing at least 24 hours prior notice on the Commission's website under certain circumstances (see above, "**Meetings**"). If it does so, the Commission's legal counsel must certify that one of the reasons justifying an emergency public meeting has been met.<sup>21</sup>

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<sup>21</sup> R.C. 4755.72, Section 8.D.

## **Annual report**

The Commission must adopt and provide an annual report to the member states.<sup>22</sup>

## **Financing**

The Commission is required to pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities. It is permitted to accept appropriate revenue sources. It may levy on and collect an annual assessment from each member state and impose fees on licensees to whom it grants a Compact privilege to cover the cost of the operations and activities of the Commission and its staff. The aggregate annual assessment amount for member states, if any, must be allocated based on a formula that the Commission promulgates by rule.

The Commission is prohibited from incurring obligations of any kind prior to securing the funds or a loan adequate to meet the obligation. Further, it cannot pledge the credit of any of the member states, except by and with the member state's authority.

It is required to keep accurate accounts of all receipts and disbursements. Receipts and disbursements are subject to the financial review and accounting procedures established under the Commission's bylaws. However, all receipts and disbursements are subject to an annual financial review by a certified or licensed public accountant. The financial review report must be included in and become part of the Commission's annual report.<sup>23</sup>

## **Qualified immunity, defense, and indemnification**

Regarding any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or as determined by the Commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, the following apply:

- The Commission's members, officers, executive director, employees, and representatives are immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability. The procurement of insurance of any type by the Commission cannot in any way compromise or limit the immunity granted;
- The Commission must defend any member, officer, executive director, employee, or representative in any civil action seeking to impose liability. The bill provides that nothing is to be construed to prohibit that person from retaining their own counsel at their own expense; and
- The Commission is required to indemnify and hold harmless any member, officer, executive director, employee, or representative for any settlement or judgment obtained against that person.

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<sup>22</sup> R.C. 4755.72, Section 8.E.

<sup>23</sup> R.C. 4755.72, Section 8.G.

The bill provides that nothing in the Compact is to be construed to do any of the following:

- Limit a licensee's liability for professional malpractice or misconduct, which is governed solely by applicable state laws;
- Protect any person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of a person;
- Waive or otherwise abrogate a member state's state action immunity or state action affirmative defense with respect to federal antitrust claims; or
- Waive sovereign immunity by the member states or by the Commission.<sup>24</sup>

### **Data system**

The Commission is required to 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.

A member state must submit a uniform data set to the data system as required by the Commission rules, including:

- Identifying information;
- Licensure data;
- Adverse actions against a licensee, license applicant, or Compact privilege holder and related information;
- Nonconfidential information related to alternative program participation, the beginning and ending dates of such participation, and other related information;
- Any denial of application for licensure, and the reason for the denial;
- The presence of current significant investigative information;
- Other information that may facilitate the Compact's administration or public protection, as determined by Commission rules.

A member state is prohibited from submitting any information that constitutes criminal history record information to the data system when sharing such information is prohibited by law. The records and information provided to a member state pursuant to the Compact or the data system, when certified by the Commission or its agent, constitute the authenticated business records of the Commission, and are entitled to any associated hearsay exception in any relevant judicial, quasi-judicial, or administrative proceedings in a member state.

Current significant investigative information pertaining to a licensee in any member state can only be made available to other member states.

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<sup>24</sup> R.C. 4755.72, Section 8.H.

It is the member states' responsibility to monitor any adverse action against a licensee. Adverse action information pertaining to a licensee in any member state is available to any other member state.

Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state. Any information submitted to the data system that is subsequently expunged under federal law or the contributing member state law must be removed from the data system.<sup>25</sup>

## **Rulemaking**

### ***Promulgation and validity***

The Commission must promulgate reasonable rules to effectively and efficiently implement and administer the Compact's purposes and provisions. A rule is invalid and without force or effect only if a court of competent jurisdiction holds that it is invalid because the Commission exercised its rulemaking authority in a manner that is (1) beyond the Compact's scope and purposes or the powers granted by the Compact or (2) based on another applicable standard of review.

Commission rules have the force of law in each member state, except that when a state's laws or regulations address the scope of practice of an athletic trainer those laws or regulations take precedence. The Commission must exercise its rulemaking powers under the bill's criteria and rules adopted under the bill. Rules are binding as of the day following the adoption of a rule or the date specified in each rule, whichever is later.

If the majority of the member states' legislatures reject a rule or portion of a rule within four years of the rule's adoption, then the rule has no further force and effect in any member state. The legislature must reject a rule or portion of a rule by enactment of a statute or resolution, in the same manner used to adopt the Compact originally.<sup>26</sup>

### ***Hearings for proposed rules***

Rules are to be adopted at a regular or special meeting of the Commission. Before adopting a proposed rule, the Commission must hold a public hearing and allow people to provide oral and written comments, data, facts, opinions, and arguments. At least 30 days before the meeting, the Commission is required to provide notice of proposed rulemaking:

- On the Commission's website or other publicly accessible platform;
- To people who have requested notice of the Commission's notices of proposed rulemaking; and
- In any other way as the Commission specifies by rule.

The notice of proposed rulemaking must include:

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<sup>25</sup> R.C. 4755.72, Section 9.

<sup>26</sup> R.C. 4755.72, Section 10.A to D.

- The public hearing’s time, date, and location at which the Commission will hear public comments on the proposed rule and, if different, the time, date, and location of the meeting where the Commission will consider and vote on the proposed rule;
- If the hearing is held via telecommunication, video conference, or other electronic means, the mechanism for access to the hearing;
- The text of the proposed rule and the reason for the rule;
- A request for comments on the proposed rule from any interested person; and
- The way interested people may submit written comments.

All hearings must be recorded. A copy of the recording and all written comments and documents received by the Commission in response to the proposed rule are to be available to the public.

The bill provides that nothing in the Compact is to be construed as requiring a separate hearing on each rule. Rules may be grouped for the Commission’s convenience at hearings.<sup>27</sup>

### ***Actions on proposed rules***

The Commission must, by majority vote of all commissioners, take final action on a proposed rule based on the rulemaking record and the rule’s full text. It may adopt changes to the proposed rule provided that the changes are consistent with the rule’s original purpose. It must provide an explanation of the reasons for substantive changes made to the proposed rule as well as reasons for substantive changes not made that were recommended by commenters.

The Commission is required to determine a reasonable effective date for the rule. Except for an emergency (see below, “**Emergency rule adoption**”), the rule’s effective date can be no sooner than 30 days after issuing the notice that it adopted or amended the rule.<sup>28</sup>

### ***Emergency rule adoption***

The Commission, on determination that an emergency exists, may consider and adopt an emergency rule with 24 hours’ notice and an opportunity to comment. The usual rulemaking procedures are to be retroactively applied to the rule as soon as reasonably possible and no later than 90 days after the rule’s effective date. An emergency rule is one that must be adopted immediately to:

1. Meet an imminent threat to public health, safety, or welfare;
2. Prevent a loss of Commission or member state funds;
3. Meet a deadline for a rule’s promulgation that is established by federal law or rule; or
4. Protect public health and safety.<sup>29</sup>

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<sup>27</sup> R.C. 4755.72, Section 10.E to I.

<sup>28</sup> R.C. 4755.72, Section 10.J.

<sup>29</sup> R.C. 4755.72, Section 10.K.

### ***Rule revision***

The Commission, or an authorized committee of the Commission, may direct revisions to a previously adopted rule for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revision is to be posted on the Commission's website. The revision is subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that it results in a material change to the rule. A challenge must be made in writing and delivered to the Commission before the end of the notice period. If no challenge is made, the revision takes effect without further action. If the revision is challenged, it cannot take effect without the Commission's approval.<sup>30</sup>

### ***Limitations***

Under the bill, no member state's rulemaking process or procedural requirements applies to the Commission, and the Commission has no authority over any member state's rulemaking process or procedural requirements that do not pertain to the Compact.<sup>31</sup>

## **Oversight, dispute resolution, and enforcement**

### **Oversight**

Each member state's executive and judicial branches must enforce the Compact and take all actions necessary and appropriate to implement it. Venue is proper and judicial proceedings by or against the Commission are to be brought solely and exclusively in a court where the Commission's principal office is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing in the Compact effects or limits the selection or propriety of venue in any action against a licensee for professional malpractice, misconduct, or any such similar matter.

The Commission is entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the Compact and has standing to intervene in such a proceeding for all purposes. Failure to provide the Commission service of process renders a judgment or order void as to the Commission, the Compact, or rules.<sup>32</sup>

### **Default, technical assistance, and termination**

If the Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under the Compact or rules, it must provide written notice to the state. The defaulting notice must describe the default, the proposed means of curing the default, and any other action that the Commission may take, and offer training and specific technical assistance regarding the default. The Commission must provide a copy of the defaulting notice to the other member states.

If a defaulting state fails to cure the default, it may be terminated from the Compact on the majority vote of the commissioners. All rights, privileges, and benefits conferred on that state

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<sup>30</sup> R.C. 4755.72, Section 10.L.

<sup>31</sup> R.C. 4755.72, Section 10.M.

<sup>32</sup> R.C. 4755.72, Section 11.A.

may be terminated. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

Termination of Compact membership can be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate must be given by the Commission to the defaulting state's governor, the majority and minority leaders of the defaulting state's legislature, the defaulting state's athletic training licensing authority, and each of the member states' athletic training licensing authorities.

A state whose membership has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the termination's effective date. The terminated state is required to immediately provide notice to all licensees within the state. It must continue to recognize all licenses and Compact privileges granted by the Compact for at least 180 days after the notice of termination.

The Commission does not bear any costs related to a defaulting or terminated state, unless agreed upon in writing between the Commission and the state. The defaulting state may appeal the Commission's action by petitioning the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices. The prevailing party must be awarded all costs of such litigation, including reasonable attorney's fees.<sup>33</sup>

### **Dispute resolution**

On a member state's request, the Commission is required to attempt to resolve disputes related to the Compact that arise among member states and between member and nonmember states. It must promulgate a rule providing for both mediation and binding dispute resolution for disputes, as appropriate.<sup>34</sup>

### **Enforcement**

By a two-thirds majority vote, the Commission may initiate legal action against the defaulting state to enforce compliance with the Compact's provisions and rules. A member state may also initiate legal action against the Commission.

Legal action by the Commission or a member state is to be taken in the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices. Any relief sought by either party may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party must be awarded all costs of the litigation, including reasonable attorney's fees. These remedies are not the exclusive remedies of the Commission. It may pursue any other remedies available under federal or the defaulting state's law. No person other than a member state can enforce the Compact against the Commission.<sup>35</sup>

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<sup>33</sup> R.C. 4755.72, Section 11.B to H.

<sup>34</sup> R.C. 4755.72, Section 11.I.

<sup>35</sup> R.C. 4755.72, Section 11.J.

## Effective date, withdrawal, and amendment

### Effective date

The Compact goes into effect on the date it is enacted into law by the seventh member state. On the day of the bill's introduction, November 10, 2025, no states had enacted the Compact into law. On or after the Compact's effective date, the Commission must convene and review the enactment of each of the first seven member states (known as the charter member states) to determine if the Compact legislation enacted by each charter member state is materially different than the model Compact.

A charter member state whose enactment is found to be materially different from the model Compact is entitled to its default process (see above, "**Default, technical assistance, and termination**"). If any member state is later found to be in default, or is terminated or withdraws from the Compact, the Commission remains in existence and the Compact remains in effect even if the number of member states is less than seven.

Any member states enacting the Compact after the charter member states are subject to the same Compact process and Commission rules to determine if their enactments are materially different from the model Compact and whether they qualify for participation in the Compact.

All actions taken for the benefit of the Commission or for purposes of the Compact's administration before the Compact's or the Commission's effective dates must be considered the Commission's actions, unless specifically repudiated by the Commission.

Any state that joins the Compact after the Commission's initial adoption of rules and bylaws is subject to the rules and bylaws as they exist on the Compact's effective date for that state. Any rule that has been previously adopted has the full force and effect of law on the date the Compact becomes law in that state.<sup>36</sup>

### Withdrawal

Any member state may withdraw from the Compact by enacting a statute repealing it. The member state's withdrawal will take effect 180 days after enactment of the repealing statute. Withdrawal does not affect the continuing requirement of the withdrawing state's athletic training licensing authority to comply with the Compact's investigative and adverse action reporting requirements before the effective date of withdrawal.

The withdrawing state must immediately provide notice of its withdrawal to all licensees and Compact privilege holders within the state. The withdrawing state is required to continue to recognize all Compact privileges granted under the Compact for at least 180 days after the date of the withdrawal notice. The bill provides that nothing in the Compact can be construed to invalidate or prevent any licensure agreement or other cooperative arrangement between a member state and a non-member state that does not conflict with the Compact's provisions.<sup>37</sup>

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<sup>36</sup> R.C. 4755.72, Section 12.A.

<sup>37</sup> R.C. 4755.72, Section 12.B and C.

## **Amendment**

The Compact may be amended by the member states. No amendment to the Compact is effective and binding on any member state until it is enacted into the laws of all member states.<sup>38</sup>

## **Construction and severability**

The Compact and the Commission's rulemaking authority are to be liberally construed to effectuate its purposes, implementation, and administration. Compact provisions that expressly authorize or require the promulgation of rules cannot be construed to limit the Commission's rulemaking authority solely for those purposes.

The Compact's provisions are severable. If any phrase, clause, sentence, or provision is held by a court to be contrary to the constitution of any member state, state seeking participation in the Compact, or the United States, or if its applicability to any government, agency, person, or circumstance is held to be unconstitutional by a court, the validity of the remainder of the Compact and any other government, agency, person, or circumstance is not affected.

The Commission may deny or terminate a state's participation in the Compact if it determines that the member state's constitutional requirement is a material departure from the Compact. Otherwise, if the Compact is held to be contrary to the member state's constitution, it remains in full force and effect for the remaining member states and for the affected member state for all severable matters.<sup>39</sup>

## **Consistent effect and conflict with other state laws**

The bill states that nothing in the Compact prevents or inhibits the enforcement of any other member state law that is consistent with the Compact. Any member state's laws, statutes, regulations, or other legal requirements in conflict with the Compact are superseded to the extent of the conflict. All permissible agreements between the Commission and the member states are binding in accordance with their term.<sup>40</sup>

## **Definitions**

Under the bill, the following definitions apply for purposes of the Compact, unless context requires otherwise:

- "Active military member" is any person with a full-time duty status in the U.S. armed forces, including members of the National Guard and Reserve.
- "Adverse action" is any administrative, civil, equitable, or criminal action permitted by a state's laws and imposed by a state's licensing authority or other authority against an athletic trainer's license or Compact privilege. Such authority includes license revocation or suspension, probation, monitoring of the licensee, limitation on the licensee's practice, or any other encumbrance on licensure affecting a licensee's authorization to practice.

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<sup>38</sup> R.C. 4755.72, Section 12.B.5.

<sup>39</sup> R.C. 4755.72, Section 13.

<sup>40</sup> R.C. 4755.72, Section 14.

- “Alternative program” is a nondisciplinary monitoring or practice remediation process by the appropriate regulatory authority for an athletic trainer. This includes programs to which licensees with substance abuse, addiction, or mental health conditions are referred in lieu of adverse action.
- “Athletic training” is the prevention, examination, assessment, treatment and rehabilitation of emergent, acute, or chronic injuries and medical conditions as defined by applicable member state laws and regulations.
- “Athletic Trainer Compact Commission” or “Compact Commission” is the government agency whose membership consists of all member states that have enacted the Compact.
- “BOC” is the Board of Certification, Inc. or its successor organization.
- “CAATE” is the Commission on Accreditation of Athletic Training Education or its successor organization.
- “Charter member states” are those member states that were the first seven states to enact the Compact into law.
- “Commissioner” is the individual appointed by a member state to serve as the state’s Commission member.
- “Compact privilege” is the authorization granted by a remote state to allow a member state licensee to practice as an athletic trainer in the remote state under the remote state’s laws and rules. The practice of athletic training occurs in the member state where the patient is located at the time of the patient encounter.
- “Compact qualifying license” means a license that is not an encumbered license issued by a member state to practice athletic training which qualifies the licensee to exercise a Compact privilege.
- “Continuing competence” means a requirement, as a condition of license renewal, to provide evidence of successful participation, and completion of, educational and professional activities relevant to practice or area of work. Evidence of active BOC certification may satisfy the meaning of continuing competence.
- “Criminal background check” means the submission of fingerprints or other biometric-based information for a license applicant for the purpose of obtaining that applicant’s criminal history record information from the Federal Bureau of Investigation and the state’s criminal history record repository.
- “Current significant investigative information” means the existence of (1) investigative information that a licensing authority, after a preliminary inquiry that includes notification and an opportunity for the subject licensee to respond, if required by state law, has reason to believe is not groundless and, if proven true, would indicate more than a minor infraction, or (2) investigative information that indicates that the subject licensee represents an immediate threat to public health and safety regardless of whether the subject licensee has been notified and had an opportunity to respond.

- “Data system” means the Commission’s repository of information about licensees as described in the Compact (see above, “**Data system**”).
- “Encumbered” or “encumbrance” means a revocation or suspension of, or any limitation or condition on, the full and unrestricted practice of athletic training.
- “Executive committee” means a group of directors elected or appointed to act on behalf of, and within the powers granted to them, by the Compact and Commission.
- “Investigative Information” includes information, records, and documents received or generated by a licensing authority pursuant to an investigation.
- “Jurisprudence requirement” is an assessment of an individual’s knowledge of state laws and regulations governing the practice of athletic training in that state.
- “License” means current authorization by a member state to engage in the practice of athletic training.
- “Licensee” or “licensed athletic trainer” is an individual who currently holds an active, unrestricted license and who meets all the requirements for an athletic trainer outlined in the Compact.
- “Licensing Authority” means the board or agency of a state, or equivalent, that is responsible for the licensing and regulation of athletic trainers.
- “Member state” is a state that has enacted the Compact.
- “Model Compact language” is the model language for the Athletic Trainer Compact on file with The Council of State Governments or other entity as designated by the Commission to which all member states must substantively adhere and adopt.
- “Remote State” means a member state other than the state of qualifying licensure.
- “Rule” is a regulation promulgated by an authorized entity that has the force of law.
- “Scope of practice” means the procedures, actions, and processes an athletic trainer licensed in a state is permitted to undertake in that state and the circumstances under which the licensee is permitted to undertake those procedures, actions and processes. This may be established through statute, regulations, case law, and other processes available to the state licensing authority or other government agency. Scope of practice includes any state requirements regarding supervision or direction.
- “Single state license” means a license issued by any state that authorizes practice only within the issuing state.
- “State” is any state, commonwealth, district, or territory of the United States.
- “State of qualifying licensure” means the member state who has issued a Compact-qualifying license to a licensee pursuant to the Compact.

- “Unencumbered license” means a license that authorizes a licensee to engage in the full and unrestricted practice of athletic training.<sup>41</sup>

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## HISTORY

Action	Date
Introduced	11-10-25
Reported, S. Health	03-25-26
Passed Senate (33-0)	04-15-26

ANSB0320PS-136/ar

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<sup>41</sup> R.C. 4755.72; Section 2.