

1 H.325

2 Introduced by Representative Berbeco of Winooski

3 Referred to Committee on

4 Date:

5 Subject: Health; professional regulation; education; school psychologists;

6 School Psychologist Interstate Licensure Compact

7 Statement of purpose of bill as introduced: This bill proposes that the State
8 adopt and enter into the School Psychologist Interstate Licensure Compact.

9 An act relating to Vermont's adoption of the School Psychologist Interstate
10 Licensure Compact

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 Sec. 1. 26 V.S.A. chapter 55, subchapter 3 is added to read:

13 Subchapter 3. School Psychologist Interstate Licensure Compact

14 § 3041a. SCHOOL PSYCHOLOGIST INTERSTATE LICENSURE

15 COMPACT; ADOPTION

16 This subchapter is the Vermont adoption of the School Psychologist
17 Interstate Licensure Compact. The form, format, and text of the Compact have
18 been conformed to the conventions of the Vermont Statutes Annotated. It is
19 the intent of the General Assembly that this subchapter be interpreted as

1 substantively the same as the School psychologist Interstate Licensure
2 Compact that is enacted by other compact party states.

3 § 3041b. PURPOSE

4 The purpose of this compact is to facilitate the interstate practice of
5 school psychology in educational or school settings and, in so doing, to
6 improve the availability of school psychological services to the public.

7 This compact is intended to establish a pathway to allow school
8 psychologists to obtain equivalent licenses to provide school psychological
9 services in any member state. In this way, this compact shall enable the
10 member states to ensure that safe and effective school psychological
11 services are available and delivered by appropriately qualified
12 professionals in their educational settings. To facilitate the objectives
13 described in this section, this compact:

14 (1) enables school psychologists who qualify for receipt of an
15 equivalent license to practice in other member states without first
16 satisfying burdensome and duplicative requirements;

17 (2) promotes the mobility of school psychologists between and
18 among the member states in order to address workforce shortages and to
19 ensure that safe and reliable school psychological services are available in
20 each member state;

21 (3) enhances the public accessibility of school psychological

1 services by increasing the availability of qualified, licensed school
2 psychologists through the establishment of an efficient and streamlined
3 pathway for licensees to practice in other member states;

4 (4) preserves and respects the authority of each member state to
5 protect the health and safety of its residents by ensuring that only qualified,
6 licensed professionals are authorized to provide school psychological
7 services within that state;

8 (5) requires school psychologists practicing within a member state
9 to comply with the scope of practice laws present in the state where the
10 school psychological services are being provided;

11 (6) promotes cooperation between the member states in regulating
12 the practice of school psychology within those states; and

13 (7) facilitates the relocation of military members and their spouses
14 who are licensed to provide school psychological services.

15 § 3041c. DEFINITIONS

16 As used in this subchapter:

17 (1) “Active military member” means any person with full-time duty
18 status in the armed forces of the United States, including members of the
19 National Guard and Reserve.

20 (2) “Adverse action” means disciplinary action or encumbrance imposed
21 on a license by a state licensing authority.

1 (3) “Alternative program” means a non-disciplinary, prosecutorial
2 diversion, monitoring, or practice remediation process entered into in lieu of an
3 adverse action which is applicable to a school psychologist and approved by
4 the state licensing authority of a member state in which the participating school
5 psychologist is licensed. This includes, but is not limited to, programs to
6 which licensees with substance abuse or addiction issues may be referred in
7 lieu of an adverse action.

8 (4) “Commissioner” means the individual appointed by a member state
9 to serve as the representative to the Commission for that member state.

10 (5) “Compact” means this School Psychologist Interstate Licensure
11 Compact.

12 (6) “Continuing professional education” means a requirement, imposed
13 by a member state as a condition of license renewal to provide evidence of
14 successful participation in professional educational activities relevant to the
15 provision of school psychological services

16 (7) “Criminal background check” means the submission of fingerprints
17 or other biometric-information for a license applicant for the purpose of
18 obtaining that applicant’s criminal history record information, as defined in 28
19 C.F.R. § 20.3(d), and the state’s criminal history record repository as 81
20 defined in 28 C.F.R. § 20.3(f).

1 (8) “Doctoral level degree” means a graduate degree program that
2 consists of at least 90 graduate semester hours in the field of school
3 psychology, including a supervised internship.

4 (9) “Encumbered license” means a license that a state licensing
5 authority has limited in any way other than through an alternative program,
6 including temporary or provisional licenses.

7 (10) “Executive committee” means the Commission’s chair, vice chair,
8 secretary, and treasurer and any other commissioners as may be determined by
9 Commission rule or bylaw.

10 (11) “Equivalent license” means a license to practice school psychology
11 which a member state has identified as a license which may be provided to
12 school psychologists from other member states pursuant to this compact.

13 (12) “Home state” means the member state that issued the home state
14 license to the licensee and is the licensee’s primary state of practice.

15 (13) “Home state license” means the license that is not an encumbered
16 license issued by the home state to provide school psychological services.

17 (14) “License” means a current license, certification, or other
18 authorization granted by a member state’s licensing authority that permits an
19 individual to provide school psychological services.

20 (15) “Licensee” means an individual who holds a license from a
21 member state to provide school psychological services.

1 (16) “Member state” means a state that has enacted the compact and
2 been admitted to the Commission in accordance with the provisions herein and
3 Commission rules.

4 (17) “Model compact” means the model language for the School
5 Psychologist Interstate Licensure Compact on file with the Council of State
6 Governments or other entity as designated by the Commission.

7 (18) “Practice of school psychology” means the delivery school
8 psychological services.

9 (19) “Qualifying national exam” means a national licensing examination
10 endorsed by the National Association of School Psychologists and any other
11 exam as approved by the rules of the Commission.

12 (20) “Qualifying school psychologist education program” means an
13 education program which awards a specialist-level or doctoral-level degree or
14 equivalent upon completion and is approved by the rules of the Commission as
15 meeting the necessary minimum educational standards to ensure that its
16 graduates are ready, qualified, and able to engage in the practice of school
17 psychology.

18 (21) “Remote state” means a member state other than the home state
19 where a licensee holds a license through the compact.

1 (22) “Rule” means a regulation promulgated by an entity, including but
2 not limited to the Commission and the state licensing authority of each
3 member state, that has the force of law.

4 (23) “School psychological services” means academic, mental, and
5 behavioral health services including assessment, prevention, consultation, and
6 collaboration, intervention, and evaluation provided by a school psychologist
7 in a school, as outlined in applicable professional standards as determined by
8 Commission rule.

9 (24) “School psychologist” means an individual who has met the
10 requirements to obtain a home state license that legally conveys the
11 professional title of school psychologist, or its equivalent as determined by the
12 rules of the Commission.

13 (25) “School Psychologist Interstate Licensure Compact Commission”
14 or “Commission” means the joint government agency established by this
15 compact whose membership consists of representatives from each member
16 state that has enacted the compact, and as further described in section 3041h of
17 this title.

18 (26) “Scope of practice” means the procedures, actions, and processes a
19 school psychologist licensed in a state is permitted to undertake in that State
20 and the circumstances under which that licensee is permitted to undertake
21 those procedures, actions, and processes. Such procedures, actions, and

1 processes, and the circumstances under which they may be undertaken, may be
2 established through means including, but not limited to, statute, regulations,
3 case law, and other processes available to the state licensing authority or other
4 government agency.

5 (27) “Specialist-level degree” means a degree program that requires at
6 least 60 graduate semester hours or equivalent in the field of school
7 psychology including a supervised internship.

8 (28) “State” means any state, commonwealth, district, or territory of the
9 United States of America.

10 (29) “State licensing authority” means a member state’s regulatory body
11 responsible for issuing licenses or otherwise overseeing the practice of school
12 psychology.

13 (30) “State specific requirement” means a requirement for licensure
14 covered in coursework or examination that includes content of unique interest
15 to the state.

16 (31) “Unencumbered license” means a license that authorizes a licensee
17 to engage in the full and unrestricted practice of school psychology.

18 § 3041d. STATE PARTICIPATION IN THE COMPACT

19 (a) To be eligible to join this compact, and to maintain eligibility as a
20 member state, a state must:

1 (1) enact a compact statute that is not materially different from the
2 model compact as defined in the Commission’s rules;

3 (2) participate in the sharing of information with other member
4 states as reasonably necessary to accomplish the objectives of this
5 compact, and as further defined in section 3041i of this title;

6 (3) identify and maintain with the Commission a list of equivalent
7 licenses available to licensees who hold a home state license under this
8 compact;

9 (4) have a mechanism in place for receiving and investigating
10 complaints about licensees;

11 (5) notify the Commission, in compliance with the terms of the
12 compact and the Commission’s rules, of any adverse action taken against
13 a licensee, or of the availability of investigative information which
14 relates to a licensee or applicant for licensure;

15 (6) require that applicants for a home state license have;

16 (A) taken and passed a qualifying national exam as defined by
17 the rules of the Commission;

18 (B) completed a minimum of 1200 hours of supervised
19 internship, of which at least 600 must have been completed in a school,
20 prior to being approved for licensure; and

1 (C) graduated from a qualifying school psychologist education
2 program; and

3 (7) comply with the terms of this compact and the rules of the
4 Commission.

5 (b) Each member state shall grant an equivalent license to practice
6 school psychology in that state upon application by a licensee who
7 satisfies the criteria of subsection 3041e(a) of this title. Each member
8 state shall grant renewal of the equivalent license to a licensee who
9 satisfies the criteria of subsection 3041e(b) of this title.

10 (c) Member states may set and collect a fee for granting an
11 equivalent license.

12 § 3041e. SCHOOL PSYCHOLOGIST PARTICIPATION IN THE COMPACT

13 (a) To obtain and maintain an equivalent license from a remote state under
14 this compact, a licensee must:

15 (1) hold and maintain an active home state license;

16 (2) satisfy any applicable state specific requirements established by the
17 member state after an equivalent license is granted;

18 (3) complete any administrative or application requirements which the
19 Commission may establish by rule, and pay any associated fees;

20 (4) complete any requirements for renewal in the home state, including
21 applicable continuing professional education requirements; and

1 (5) upon their application to receive a license under this compact,
2 undergo a criminal background check in the member state in which the
3 equivalent license is sought in accordance with the laws and regulations of
4 such member state.

5 (b) To renew an equivalent license in a member state other than the home
6 state, a licensee must only apply for renewal, complete a background check,
7 and pay renewal fees as determined by the licensing authority.

8 § 3041f. ACTIVE MILITARY MEMBERS OR THEIR SPOUSES

9 A licensee who is an active military member or is the spouse of an
10 active military member shall be deemed to hold a home state license in
11 any of the following locations:

12 (1) the licensee's permanent residence;

13 (2) a member state that is the licensee's primary state of practice;

14 or

15 (3) a member state where the licensee has relocated pursuant to a
16 permanent change of station (PCS).

17 § 3041g. DISCIPLINE AND ADVERSE ACTIONS

18 (a) Nothing in this compact shall be deemed or construed to limit the
19 authority of a member state to investigate or impose disciplinary measures on
20 licensees according to the state practice laws thereof.

1 (b) Member states shall be authorized to receive, and shall provide, files
2 and information regarding the investigation and discipline, if any, of licensees
3 in other member states upon request. Any member state receiving such
4 information or files shall protect and maintain the security and confidentiality
5 thereof, in at least the same manner that it maintains its own investigatory or
6 disciplinary files and information. Prior to disclosing any disciplinary or
7 investigatory information received from another member state, the disclosing
8 state shall communicate its intention and purpose for such disclosure to the
9 member state which originally provided that information.

10 § 3041h. ESTABLISHMENT OF THE SCHOOL PSYCHOLOGIST

11 INTERSTATE LICENSURE COMPACT COMMISSION

12 (a) The member states hereby create and establish a joint government
13 agency whose membership consists of all member states that have enacted
14 the compact, and this agency shall be known as the School Psychologist
15 Interstate Licensure Compact Commission. The Commission is an
16 instrumentality of the member states acting jointly and not an
17 instrumentality of any one state. The Commission shall come into
18 existence on or after the effective date of the compact as set forth in section
19 30411 of this title.

20 (b) Membership, voting, and meetings.

1 (1) Each member state shall have and be limited to one delegate
2 selected by that member state's state licensing authority.

3 (2) The delegate shall be the primary administrative officer of the
4 member state licensing authority or their designee who is an employee of
5 the member state licensing authority.

6 (3) The Commission shall by rule or bylaw establish a term of office
7 for delegates and may by rule or bylaw establish term limits.

8 (4) The Commission may recommend removal or suspension of any
9 delegate from office.

10 (5) A member state's licensing authority shall fill any vacancy of its
11 delegate occurring on the Commission within 60 days of the vacancy.

12 (6) Each delegate shall be entitled to one vote on all matters before
13 the Commission requiring a vote by Commission delegates.

14 (7) A delegate shall vote in person or by such other means as
15 provided in the bylaws. The bylaws may provide for delegates to meet by
16 telecommunication, videoconference, or other means of communication.

17 (8) The Commission shall meet at least once during each calendar
18 year. Additional meetings may be held as set forth in the bylaws. The
19 Commission may meet by telecommunication, video conference, or other
20 similar electronic means.

21 (c) The Commission shall have the following powers:

- 1 (1) establish the fiscal year of the Commission;
- 2 (2) establish code of conduct and conflict of interest policies;
- 3 (3) establish and amend rules and bylaws;
- 4 (4) establish the procedure through which a licensee may change
5 their home state;
- 6 (5) maintain its financial records in accordance with the bylaws;
- 7 (6) meet and take such actions as are consistent with the provisions
8 of this compact, the Commission's rules, and the bylaws;
- 9 (7) initiate and conclude legal proceedings or actions in the name of
10 the Commission, provided that the standing of any member state licensing
11 authority to sue or be sued under applicable law shall not be affected;
- 12 (8) maintain and certify records and information provided to a
13 member state as the authenticated business records of the Commission, and
14 designate an agent to do so on the Commission's behalf;
- 15 (9) purchase and maintain insurance and bonds;
- 16 (10) borrow, accept, or contract for services of personnel, including,
17 but not limited to, employees of a member state;
- 18 (11) conduct an annual financial review;
- 19 (12) hire employees, elect or appoint officers, fix compensation,
20 define duties, grant such individuals appropriate authority to carry out the
21 purposes of the compact, and establish the Commission's personnel

1 policies and programs relating to conflicts of interest, qualifications of
2 personnel, and other related personnel matters;

3 (13) assess and collect fees;

4 (14) accept any and all appropriate gifts, donations, grants of
5 money, other sources of revenue, equipment, supplies, materials, and
6 services, and receive, utilize, and dispose of the same, provided that at all
7 times the Commission shall avoid any appearance of impropriety or
8 conflict of interest, or both;

9 (15) lease, purchase, retain, own, hold, improve, or use any
10 property, real, personal, or mixed, or any undivided interest therein;

11 (16) sell, convey, mortgage, pledge, lease, exchange, abandon, or
12 otherwise dispose of any property real, personal, or mixed;

13 (17) establish a budget and make expenditures;

14 (18) borrow money;

15 (19) appoint committees, including standing committees, composed
16 of members, state regulators, state legislators or their representatives, and
17 consumer representatives, and such other interested persons as may be
18 designated in this compact and the bylaws;

19 (20) provide and receive information from, and cooperate with, law
20 enforcement agencies;

1 (21) establish and elect an executive committee, including a chair
2 and a vice chair;

3 (22) determine whether a state's adopted language is materially
4 different from the model compact language such that the state would not
5 qualify for participation in the compact; and

6 (23) perform such other functions as may be necessary or appropriate to
7 achieve the purposes of this compact.

8 (d) The executive committee.

9 (1) The executive committee shall have the power to act on behalf of the
10 Commission according to the terms of this compact. The powers, duties, and
11 responsibilities of the executive committee shall include:

12 (A) oversee the day-to-day activities of the administration of the
13 compact including enforcement and compliance with the provisions of the
14 compact, its rules and bylaws, and other such duties as deemed necessary;

15 (B) recommend to the Commission changes to the rules or bylaws,
16 changes to this compact legislation, fees charged to member states, fees
17 charged to licensees, and other fees;

18 (C) ensure compact administration services are appropriately
19 provided, including by contract;

20 (D) prepare and recommend the budget;

21 (E) maintain financial records on behalf of the Commission;

1 (F) monitor compact compliance of member states and provide
2 compliance reports to the Commission;

3 (G) establish additional committees as necessary;

4 (H) exercise the powers and duties of the Commission during
5 the interim between Commission meetings, except for adopting or
6 amending rules, adopting or amending bylaws, and exercising any
7 other powers and duties expressly reserved to the Commission by rule
8 or bylaw; and

9 (I) other duties as provided in the rules or bylaws of the
10 Commission.

11 (2) The executive committee shall be composed of up to seven
12 members:

13 (A) the chair and vice chair of the Commission shall be
14 voting members of the executive committee; and

15 (B) the Commission shall elect five voting members from the
16 current membership of the Commission.

17 (3) The Commission may remove any member of the executive
18 committee as provided in the Commission's bylaws.

19 (4) The executive committee shall meet at least annually.

20 (A) Executive committee meetings shall be open to the
21 public, except that the executive committee may meet in a closed,

1 nonpublic meeting as provided in subdivision (f)(2) of this section.

2 (B) The executive committee shall give 30 days' notice of its
3 meetings, posted on its website and as determined to provide notice to
4 persons with an interest in the business of the Commission.

5 (C) The executive committee may hold a special meeting in
6 accordance with subdivision (f)(1)(B) of this section.

7 (e) The Commission shall adopt and provide to the member states
8 an annual report.

9 (f) Meetings of the Commission.

10 (1) All meetings shall be open to the public, except that the
11 Commission may meet in a closed, nonpublic meeting as provided in
12 subdivision (2) of this subsection.

13 (A) Public notice for all meetings of the full Commission of
14 meetings shall be given in the same manner as required under the
15 rulemaking provisions in section 3041j of this title, except that the
16 Commission may hold a special meeting as provided in subdivision (1)
17 of this subsection (f).

18 (B) The Commission may hold a special meeting when it
19 must meet to conduct emergency business by giving 48 hours' notice
20 to all commissioners, on the Commission's website, and other means
21 as provided in the Commission's rules. The Commission's legal

1 counsel shall certify that the Commission's need to meet qualifies as
2 an emergency.

3 (2) The Commission or the executive committee or other
4 committees of the Commission may convene in a closed, non-public
5 meeting for the Commission or executive committee or other
6 committees of the Commission to receive legal advice or to discuss:

7 (A) noncompliance of a member state with its obligations
8 under the compact;

9 (B) the employment, compensation, discipline, or other
10 matters, practices, or procedures related to specific employees;

11 (C) current or threatened discipline of a licensee by the
12 Commission or by a member state's licensing authority;

13 (D) current, threatened, or reasonably anticipated litigation;

14 (E) negotiation of contracts for the purchase, lease, or sale of
15 goods, services, or real estate;

16 (F) accusing any person of a crime or formally censuring any
17 person;

18 (G) trade secrets or commercial or financial information that
19 is privileged or confidential;

20 (H) information of a personal nature where disclosure would
21 constitute a clearly unwarranted invasion of personal privacy;

1 (I) investigative records compiled for law enforcement
2 purposes;

3 (J) information related to any investigative reports prepared
4 by or on behalf of or for use of the Commission or other committee
5 charged with responsibility of investigation or determination of
6 compliance issues pursuant to the compact;

7 (K) matters specifically exempted from disclosure by federal
8 or member state law; or

9 (L) other matters as promulgated by the Commission by rule.

10 (3) If a meeting, or portion of a meeting, is closed, the presiding
11 officer shall state that the meeting will be closed and reference each
12 relevant exempting provision, and such reference shall be recorded in
13 the minutes.

14 (4) The Commission shall keep minutes that fully and clearly
15 describe all matters discussed in a meeting and shall provide a full and
16 accurate summary of actions taken, and the reasons therefore,
17 including a description of the views expressed. All documents
18 considered in connection with an action shall be identified in such
19 minutes. All minutes and documents of a closed meeting shall remain
20 under seal, subject to release only by a majority vote of the
21 Commission or order of a court of competent jurisdiction.

1 (g) Financing of the Commission.

2 (1) The Commission shall pay, or provide for the payment of,
3 the reasonable expenses of its establishment, organization, and ongoing
4 activities.

5 (2) The Commission may accept any and all appropriate revenue
6 sources as provided in subdivision(c)(12) of this section.

7 (3) The Commission may levy on and collect an annual
8 assessment from each member state and impose fees on licensees
9 practicing in the member states under an equivalent license to cover
10 the cost of the operations and activities of the Commission and its
11 staff, which must be in a total amount sufficient to cover its annual
12 budget as approved each year for which revenue is not provided by
13 other sources. The aggregate annual assessment amount for member
14 states shall be allocated based upon a formula that the Commission
15 shall promulgate by rule.

16 (4) The Commission shall not incur obligations of any kind prior
17 to securing the funds adequate to meet the same, nor shall the
18 Commission pledge the credit of any of the member states, except by
19 and with the authority of the member state.

20 (5) The Commission shall keep accurate accounts of all receipts
21 and disbursements. The receipts and disbursements of the Commission

1 shall be subject to the financial review and accounting procedures
2 established under its bylaws. However, all receipts and disbursements
3 of funds handled by the Commission shall be subject to an annual
4 financial review by a certified or licensed public accountant, and the
5 report of the financial review shall be included in and become part of
6 the annual report of the Commission.

7 (h) Qualified immunity, defense, and indemnification.

8 (1) The members, officers, executive director, employees, and
9 representatives of the Commission shall be immune from suit and
10 liability, both personally and in their official capacity, for any claim for
11 damage to or loss of property or personal injury or other civil liability
12 caused by or arising out of any actual or alleged act, error, or omission
13 that occurred, or that the person against whom the claim is made had a
14 reasonable basis for believing occurred, within the scope of
15 Commission employment, duties, or responsibilities, provided that
16 nothing in this subdivision shall be construed to protect any such
17 person from suit or liability for any damage, loss, injury, or liability
18 caused by the intentional or willful or wanton misconduct of that
19 person. The procurement of insurance of any type by the Commission
20 shall not in any way compromise or limit the immunity granted
21 hereunder.

1 (2) The Commission shall defend any member, officer,
2 executive director, employee, and representative of the Commission in
3 any civil action seeking to impose liability arising out of any actual or
4 alleged act, error, or omission that occurred within the scope of
5 Commission employment, duties, or responsibilities, or as determined
6 by the Commission that the person against whom the claim is made
7 had a reasonable basis for believing occurred within the scope of
8 Commission employment, duties, or responsibilities, provided that
9 nothing herein shall be construed to prohibit that person from retaining
10 their own counsel at their own expense, and provided further, that the
11 actual or alleged act, error, or omission did not result from that
12 person's intentional, willful, or wanton misconduct.

13 (3) The Commission shall indemnify and hold harmless any
14 member, officer, executive director, employee, and representative of
15 the Commission for the amount of any settlement or judgment obtained
16 against that person arising out of any actual or alleged act, error, or
17 omission that occurred within the scope of Commission employment,
18 duties, or responsibilities, or that such person had a reasonable basis
19 for believing occurred within the scope of Commission employment,
20 duties, or responsibilities, provided that the actual or alleged act, error,
21 or omission did not result from the intentional, willful, or wanton

1 misconduct of that person.

2 (4) Nothing herein shall be construed as a limitation on the
3 liability of any licensee for professional malpractice or misconduct,
4 which shall be governed solely by any other applicable state laws.

5 (5) Nothing in this compact shall be interpreted to waive or
6 otherwise abrogate a member state's state action immunity or state
7 action affirmative defense with respect to antitrust claims under the
8 Sherman Act, Clayton Act, or any other state or federal antitrust or
9 anticompetitive law or regulation.

10 (6) Nothing in this compact shall be construed to be a waiver of
11 sovereign immunity by the member states or by the Commission.

12 § 3041i. FACILITATING INFORMATION EXCHANGE

13 (a) The Commission shall provide for facilitating the exchange of
14 information to administer and implement the provisions of this compact in
15 accordance with the rules of the Commission, consistent with generally
16 accepted data protection principles.

17 (b) Notwithstanding any other provision of state law to the contrary, a
18 member state shall agree to provide for the facilitation of the following
19 licensee information as required by the rules of the Commission, including:

20 (1) identifying information;

21 (2) licensure data;

1 (3) adverse actions against a license and information related thereto;

2 (4) nonconfidential information related to alternative program
3 participation, the beginning and ending dates of such participation, and other
4 information related to such participation not made confidential under
5 member state law;

6 (5) any denial of application for licensure, and the reason or reasons
7 for such denial;

8 (6) the presence of investigative information; and

9 (7) other information that may facilitate the administration of this
10 compact or the protection of the public, as determined by the rules of the
11 Commission.

12 (c) Nothing in this compact shall be deemed or construed to alter, limit,
13 or inhibit the power of a member state to control and maintain ownership of
14 its licensee information or alter, limit, or inhibit the laws or regulations
15 governing licensee information in the member state.

16 § 3041j. RULEMAKING

17 (a) The Commission shall exercise its rulemaking powers pursuant to the
18 criteria set forth in this interstate compact and the rules adopted thereunder.
19 Rules and amendments shall become binding as of the date specified in each
20 rule or amendment.

1 (b) The Commission shall promulgate reasonable rules to achieve the
2 intent and purpose of this interstate compact. In the event the Commission
3 exercises its rulemaking authority in a manner that is beyond purpose and
4 intent of this interstate compact, or the powers granted hereunder, then such
5 an action by the Commission shall be invalid and have no force and effect of
6 law in the member states.

7 (c) If a majority of the legislatures of the member states rejects a rule, by
8 enactment of a statute or resolution in the same manner used to adopt the
9 compact within four years of the date of adoption of the rule, then such rule
10 shall have no further force and effect in any member state.

11 (d) Rules or amendments to the rules shall be adopted or ratified at a
12 regular or special meeting of the Commission in accordance with
13 Commission rules and bylaws.

14 (e) Prior to promulgation and adoption of a final rule or rules by the
15 Commission, and at least 30 days in advance of the meeting at which the rule
16 will be considered and voted upon, the Commission shall file a notice of
17 proposed rulemaking:

18 (1) on the website of the Commission or other publicly accessible
19 platform; and

1 (2) on the website of each member state licensing authority or other
2 publicly accessible platform or the publication in which each state would
3 otherwise publish proposed rules.

4 (f) Upon determination that an emergency exists, the Commission may
5 consider and adopt an emergency rule with 48 hours' notice, with opportunity
6 to comment, provided that the usual rulemaking procedures shall be
7 retroactively applied to the rule as soon as reasonably possible, in no event
8 later than 90 days after the effective date of the rule. For the purposes of this
9 provision, an emergency rule is one that must be adopted immediately in
10 order to:

11 (1) meet an imminent threat to public health, safety, or welfare;

12 (2) prevent a loss of Commission or member state funds;

13 (3) meet a deadline for the promulgation of an administrative rule that
14 is established by federal law or rule; or

15 (4) protect public health and safety.

16 § 3041k. OVERSIGHT, DISPUTE RESOLUTION, AND

17 ENFORCEMENT

18 (a) Oversight.

19 (1) The executive and judicial branches of the state government in each
20 member state shall enforce this compact and take all actions necessary and
21 appropriate to implement the compact.

1 (2) Venue is proper and judicial proceedings by or against the
2 Commission shall be brought solely and exclusively in a court of competent
3 jurisdiction where the principal office of the Commission is located. The
4 Commission may waive venue and jurisdictional defenses to the extent it
5 adopts or consents to participate in alternative dispute resolution proceedings.
6 Nothing herein shall affect or limit the selection or propriety of venue in any
7 action against a licensee for professional malpractice, misconduct, or any such
8 similar matter.

9 (3) The Commission shall be entitled to receive service of process in
10 any proceeding regarding the enforcement or interpretation of the compact and
11 shall have standing to intervene in such a proceeding for all purposes. Failure
12 to provide the Commission service of process shall render a judgment or order
13 void as to the Commission, this compact, or promulgated rules.

14 (b) Default, technical assistance, and termination.

15 (1) If the Commission determines that a member state has defaulted in
16 the performance of its obligations or responsibilities under this compact or
17 the promulgated rules, the Commission shall provide written notice to the
18 defaulting state. The notice of default shall describe the default, the
19 proposed means of curing the default, and any other action that the
20 Commission may take and shall offer training and specific technical
21 assistance regarding the default.

1 (2) The Commission shall provide a copy of the notice of default to
2 the other member states.

3 (c) If a State in default fails to cure the default, the defaulting state may
4 be terminated from the compact upon an affirmative vote of a supermajority
5 of the delegates of the member states, and all rights, privileges and benefits
6 conferred on that state by this compact may be terminated on the effective
7 date of termination. A cure of the default does not relieve the offending
8 state of obligations or liabilities incurred during the period of default.

9 (d) Termination of membership in the compact shall be imposed only
10 after all other means of securing compliance have been exhausted. Notice of
11 intent to suspend or terminate shall be given by the Commission to the
12 governor, the majority and minority leaders of the defaulting state's
13 legislature, the defaulting state's licensing authority, and each of the
14 member states' licensing authorities.

15 (e) A state that has been terminated is responsible for all assessments,
16 obligations, and liabilities incurred through the effective date of termination,
17 including obligations that extend beyond the effective date of termination.

18 (f) Upon the termination of a state's membership from this compact, that
19 state shall immediately provide notice to all licensees within that state of
20 such termination. The terminated state shall continue to recognize all
21 licenses granted pursuant to this compact for a minimum of six months after

1 the date of said notice of termination.

2 (g) The Commission shall not bear any costs related to a state that is
3 found to be in default or that has been terminated from the compact unless
4 agreed upon in writing between the Commission and the defaulting state.

5 (h) The defaulting state may appeal the action of the Commission by
6 petitioning the U.S. District Court for the District of Columbia or the federal
7 district where the Commission has its principal offices. The prevailing party
8 shall be awarded all costs of such litigation, including reasonable attorney's
9 fees.

10 (i) Dispute resolution.

11 (1) Upon request by a member state, the Commission shall attempt to
12 resolve disputes related to the compact that arise among member states and
13 between member and non-member states.

14 (2) The Commission shall promulgate a rule providing for both
15 mediation and binding dispute resolution for disputes as appropriate.

16 (j) Enforcement.

17 (1) By majority vote as provided by rule, the Commission may initiate
18 legal action against a member state in default in the U. S. District Court for
19 the District of Columbia or the federal district where the Commission has its
20 principal offices to enforce compliance with the provisions of the compact
21 and its promulgated rules. The relief sought may include both injunctive

1 relief and damages. In the event judicial enforcement is necessary, the
2 prevailing party shall be awarded all costs of such litigation, including
3 reasonable attorney's fees. The remedies herein shall not be the exclusive
4 remedies of the Commission. The Commission may pursue any other
5 remedies available under federal or the defaulting member state's law.

6 (2) A member state may initiate legal action against the Commission
7 in the U.S. District Court for the District of Columbia or the federal district
8 where the Commission has its principal offices to enforce compliance with
9 the provisions of the compact and its promulgated rules. The relief sought
10 may include both injunctive relief and damages. In the event judicial
11 enforcement is necessary, the prevailing party shall be awarded all costs of
12 such litigation, including reasonable attorney's fees.

13 (3) No person other than a member state shall enforce this compact
14 against the Commission.

15 § 30411. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

16 (a) The compact shall come into effect on the date on which the
17 compact statute is enacted into law in the seventh member state.

18 (1) On or after the effective date of the compact indicated above,
19 the Commission shall convene and review the enactment of each of the
20 charter member states to determine if the statute enacted by each such

1 charter member state is materially different than the model compact
2 statute.

3 (A) A charter member state whose enactment is found to be
4 materially different from the model compact statute shall be entitled to
5 the default process set forth in section 3041k of this title.

6 (B) If any member state is later found to be in default, or is
7 terminated or withdraws from the compact, the Commission shall
8 remain in existence and the compact shall remain in effect even if the
9 number of member states should be fewer than seven.

10 (2) Member states enacting the compact subsequent to the charter
11 member states shall be subject to the process set forth in subdivision
12 3041(c)(21) of this title to determine if their enactments are materially
13 different from the model compact statute and whether they qualify for
14 participation in the compact.

15 (3) All actions taken for the benefit of the Commission or in
16 furtherance of the purposes of the administration of the compact prior to
17 the effective date of the compact or the Commission coming into
18 existence shall be considered to be actions of the Commission unless
19 specifically repudiated by the Commission.

20 (A) Any State that joins the compact subsequent to the
21 Commission's initial adoption of the rules and bylaws shall be subject

1 to the rules and bylaws as they exist on the date on which the compact
2 becomes law in that state. Any rule that has been previously adopted by
3 the Commission shall have the full force and effect of law on the day
4 the compact becomes law in that state.

5 (B) Any member state may withdraw from this compact by
6 enacting a statute repealing the same.

7 (b) A member state's withdrawal shall not take effect until 180 days
8 after enactment of the repealing statute.

9 (c) Withdrawal shall not affect the continuing requirement of the
10 withdrawing state's licensing authority to comply with the investigative
11 and adverse action reporting requirements of this compact prior to the
12 effective date of withdrawal.

13 (d) Upon the enactment of a statute withdrawing from this compact,
14 a state shall immediately provide notice of such withdrawal to all
15 licensees within that state. Notwithstanding any subsequent statutory
16 enactment to the contrary, such withdrawing state shall continue to
17 recognize all licenses granted pursuant to this compact for a minimum
18 of six months after the date of such notice of withdrawal.

19 (1) Nothing contained in this compact shall be construed to
20 invalidate or prevent any licensure agreement or other cooperative

1 arrangement between a member state and a nonmember state that does
2 not conflict with the provisions of this compact.

3 (2) This compact may be amended by the member states. No
4 amendment to this compact shall become effective and binding upon
5 any member state until it is enacted into the laws of all member states.

6 § 3041m. CONSTRUCTION AND SEVERABILITY

7 (a) This compact and the Commission's rulemaking authority shall be
8 liberally construed so as to effectuate the purposes, and the implementation
9 and administration of the compact. Provisions of the compact expressly
10 authorizing or requiring the promulgation of rules shall not be construed to
11 limit the Commission's rulemaking authority solely for those purposes.

12 (b) The provisions of this compact shall be severable and if any phrase,
13 clause, sentence or provision of this compact is held by a court of competent
14 jurisdiction to be contrary to the constitution of any member state, a state
15 seeking participation in the compact, or of the United States, or the
16 applicability thereof to any government, agency, person or circumstance is
17 held to be unconstitutional by a court of competent jurisdiction, the validity
18 of the remainder of this compact and the applicability thereof to any other
19 government, agency, person, or circumstance shall not be affected thereby.

20 (c) Notwithstanding subsection (b) of this section, the Commission may
21 deny a state's participation in the compact or, in accordance with the

1 requirements of subsection 3041k(b) of this title, terminate a member state's
2 participation in the compact if it determines that a constitutional requirement
3 of a member state is a material departure from the compact. Otherwise, if
4 this compact shall be held to be contrary to the constitution of any member
5 state, the compact shall remain in full force and effect as to the remaining
6 member states and in full force and effect as to the member state affected as
7 to all severable matters.

8 § 3041n. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE

9 LAWS

10 (a) Nothing herein shall prevent or inhibit the enforcement of any other law
11 of a member state that is not inconsistent with the compact.

12 (b) Any laws, statutes, regulations, or other legal requirements in a member
13 state in conflict with the compact are superseded to the extent of the conflict.

14 (c) All permissible agreements between the Commission and the member
15 states are binding in accordance with their terms.

16 Sec. 2. EFFECTIVE DATE

17 This act shall take effect on July 1, 2026.