

1 A bill to be entitled

2 An act relating to the Interstate Compact for School
3 Psychologists; creating s. 490.016, F.S.; creating the
4 Interstate Compact for School Psychologists; providing
5 purpose and objectives; providing definitions;
6 requiring member states to meet certain requirements
7 to join and participate in the compact; providing for
8 recognition of school psychologist licenses in member
9 states; providing criteria that a school psychologist
10 must satisfy to practice under the compact; providing
11 requirements for renewal of an equivalent license in a
12 member state; authorizing an active military member
13 and his or her spouse to be deemed as having a home
14 state license under certain circumstances; requiring
15 member states to report adverse actions taken against
16 the license of a school psychologists by other member
17 states; establishing the Interstate Compact for School
18 Psychologists Commission; providing for the
19 jurisdiction and venue for court proceedings;
20 providing membership, duties, and powers; requiring
21 member states to participate in the exchange of
22 specified information; authorizing the commission to
23 adopt rules and bylaws; providing rulemaking
24 procedures; providing for state enforcement of the

25 compact; providing for the termination of compact
 26 membership; providing procedures for the resolution of
 27 certain disputes; providing compact amendment
 28 procedures; providing construction and severability;
 29 providing an effective date.
 30

31 Be It Enacted by the Legislature of the state of Florida:
 32

33 **Section 1. Section 490.016, Florida Statutes, is created**
 34 **to read:**

35 490.016 Interstate Compact for School Psychologists.—The
 36 Interstate Compact for School Psychologists is hereby enacted
 37 into law and entered into by this state with all other states
 38 legally joining therein in the form substantially as follows:
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40 ARTICLE I

41 PURPOSE
 42

43 (1) The purpose of this compact is to facilitate the
 44 interstate practice of school psychology in educational or
 45 school settings, and in doing so improves the availability of
 46 school psychological services to the public.

47 (2) The compact is intended to establish a pathway to
 48 allow school psychologists to obtain equivalent licenses to

49 provide school psychological services in any member state. The
50 compact shall enable member states to ensure that safe and
51 effective school psychological services are available and
52 delivered by qualified, licensed professionals in educational
53 settings. This compact:

54 (a) Enables school psychologists who qualify for receipt
55 of an equivalent license to practice in other member states
56 without first satisfying burdensome and duplicative
57 requirements.

58 (b) Promotes the mobility of school psychologists between
59 member states in order to address workforce shortages and ensure
60 that safe and reliable school psychological services are
61 available in each member state.

62 (c) Enhances the public accessibility of school
63 psychological services by increasing the availability of
64 qualified, licensed school psychologists through the
65 establishment of an efficient and streamlined pathway for
66 licensees to practice in other member states.

67 (d) Preserves and respects the authority of each member
68 state to protect the health and safety of its residents by
69 ensuring that only qualified, licensed professionals are
70 authorized to provide school psychological services within the
71 state in which the services are being provided.

72 (e) Requires school psychologists practicing within a

73 member state to comply with the scope of practice laws present
 74 in the state where the school psychological services are being
 75 provided.

76 (f) Promotes cooperation between member states in
 77 regulating the practice of school psychology within those
 78 states.

79 (g) Facilitates the relocation of military members and
 80 their spouses who are licensed to provide school psychological
 81 services.

82 ARTICLE II

83 DEFINITIONS

84
 85 As used in this compact, the term:

86 (1) "Active military member" means any person with full-
 87 time duty status in the United States Armed Forces, including
 88 members of the National Guard and the United States Reserve
 89 Forces.

90 (2) "Adverse action" means a disciplinary action or
 91 encumbrance imposed on a license by a state licensing authority.

92 (3) "Alternative program" means a nondisciplinary,
 93 prosecutorial diversion, monitoring, or practice remediation
 94 process entered into in lieu of an adverse action which is
 95 applicable to a school psychologist and approved by the state
 96 licensing authority of a member state in which the participating

97 school psychologist is licensed, including, but is not limited
98 to, programs to which licensees with substance abuse or
99 addiction issues may be referred in lieu of an adverse action.

100 (4) "Commissioner" means the individual appointed by a
101 member state to serve as the representative to the commission of
102 the member state.

103 (5) "Compact" means the Interstate Compact for School
104 Psychologists.

105 (6) "Continuing professional education" means a
106 requirement imposed by a member state as a condition of license
107 renewal to provide evidence of successful participation in
108 professional educational activities relevant to the provision of
109 school psychological services.

110 (7) "Criminal background check" means the submission of
111 fingerprints or other biometric information for a license
112 applicant for the purpose of obtaining her or his criminal
113 history record information, as defined in 28 C.F.R. s. 20.3(d),
114 and the state's criminal history record repository as defined in
115 C.F.R. s. 20.3(f).

116 (8) "Doctoral-level degree" means a graduate degree
117 program that consists of at least 90 graduate semester hours in
118 the field of school psychology, including a supervised
119 internship.

120 (9) "Encumbered license" means a license that a state

121 licensing authority has limited in any way other than through an
122 alternative program, including temporary or provisional
123 licenses.

124 (10) "Executive committee" means the chair, vice chair,
125 secretary, and treasurer of the commission and any other members
126 as determined by commission rule or bylaw.

127 (11) "Equivalent license" means a license to practice
128 school psychology that is equivalent to the license held by a
129 school psychologist in any other member state.

130 (12) "Home state" means the member state that issued the
131 license to the licensee and is the licensee's primary state of
132 practice.

133 (13) "Home state license" means an unencumbered license
134 issued by a home state to provide school psychological services.

135 (14) "Interstate Compact for School Psychologists
136 Commission" or "commission" means the joint government agency
137 established by the compact whose membership consists of
138 representatives from each member state that has enacted the
139 compact, as described in Article VII.

140 (15) "License" means a current license, certification, or
141 other authorization granted by a member state's licensing
142 authority that permits an individual to provide school
143 psychological services.

144 (16) "Licensee" means an individual who holds a license

145 from a member state to provide school psychological services.

146 (17) "Member state" means a state that has enacted the
147 compact and has been admitted to the commission in accordance
148 with compact and commission rules.

149 (18) "Model compact" means the model language for the
150 compact on file with the council of state governments or other
151 entity as designated by the commission.

152 (19) "Practice of school psychology" means the delivery of
153 school psychological services.

154 (20) "Qualifying national exam" means a national licensing
155 examination endorsed by the National Association of School
156 Psychologists and any other exam as approved by the rules of the
157 commission.

158 (21) "Qualifying school psychologist education program"
159 means an education program which awards a specialist-level or
160 doctoral-level degree or equivalent upon completion and is
161 approved by the rules of the commission as meeting the necessary
162 minimum educational standards to ensure that its graduates are
163 ready, qualified, and able to engage in the practice of school
164 psychology.

165 (22) "Remote state" means a member state other than the
166 home state where a licensee holds a license through the compact.

167 (23) "Rule" means a regulation adopted by an entity,
168 including, but not limited to, the commission and the state

169 licensing authority of each member state, that has the force of
170 law.

171 (24) "School psychological services" means academic,
172 mental, and behavioral health services, including assessment,
173 prevention, consultation and collaboration, intervention, and
174 evaluation provided by a school psychologist in a school, as
175 outlined in applicable professional standards as determined by
176 commission rule.

177 (25) "School psychologist" means an individual who has met
178 the requirements to obtain a home state license that legally
179 conveys the professional title of school psychologist, or its
180 equivalent as determined by commission rule.

181 (26) "Scope of practice" means the procedures, actions,
182 and processes a school psychologist licensed in a state is
183 permitted to undertake and the circumstances under which that
184 licensee is permitted to undertake such procedures, actions, and
185 processes. The procedures, actions, and processes and the
186 circumstances under which they may be undertaken, may be
187 established through means, including, but not limited to,
188 statute, regulations, case law, and other processes available to
189 the state licensing authority or other government agency.

190 (27) "Specialist-level degree" means a degree program that
191 requires at least 60 graduate semester hours or equivalent in
192 the field of school psychology, including a supervised

193 internship.

194 (28) "State" means any state, commonwealth, district, or
 195 territory of the United States.

196 (29) "State licensing authority" means a member state's
 197 regulatory body responsible for issuing licenses or otherwise
 198 overseeing the practice of school psychology.

199 (30) "State specific requirement" means a requirement for
 200 licensure covered in coursework or examination that includes
 201 content of unique interest to the state.

202 (31) "Unencumbered license" means a license that
 203 authorizes a licensee to engage in the full and unrestricted
 204 practice of school psychology.

205
 206 ARTICLE III

207 STATE PARTICIPATION IN THE COMPACT

208
 209 (1) A member state must meet the following requirements to
 210 join and maintain eligibility within the compact:

211 (a) Enact a compact statute that is not materially
 212 different from the model compact as defined in the commission's
 213 rules.

214 (b) Participate in the sharing of information with other
 215 member states as reasonably necessary to accomplish the
 216 objectives of the compact, as defined in Article VIII.

217 (c) Identify and maintain with the commission a list of
218 equivalent licenses available to licensees who hold a home state
219 license under the compact.

220 (d) Have a mechanism in place for receiving and
221 investigating complaints about licensees.

222 (e) Notify the commission, in compliance with the terms of
223 the compact and the commission's rules, of any adverse action
224 taken against a licensee, or of the availability of
225 investigative information which relates to a licensee or
226 applicant for licensure.

227 (f) Require that applicants for a home state license have:

228 1. Taken and passed a qualifying national exam as defined
229 by the rules of the commission.

230 2. Completed a minimum of 1200 hours of supervised
231 internship, of which at least 600 hours must have been completed
232 in an educational institution prior to being approved for
233 licensure.

234 3. Graduated from a qualifying school psychologist
235 education program.

236 (g) Comply with the terms of the compact and the rules of
237 the commission.

238 (2) Each member state shall grant an equivalent license to
239 practice school psychology in a remote state upon application by
240 a licensee who satisfies the criteria of Article IV(1). Each

241 member state shall grant renewal of the equivalent license to a
 242 licensee who satisfies the criteria of Article IV(2).

243

244 ARTICLE IV

245 SCHOOL PSYCHOLOGIST PARTICIPATION IN THE COMPACT

246

247 (1) To obtain and maintain an equivalent license from a
 248 remote state under the compact, a licensee must:

249 (a) Hold and maintain an active home state license.

250 (b) Satisfy any applicable state requirements established
 251 by the member state after an equivalent license is granted.

252 (c) Complete any administrative or application
 253 requirements which the commission may establish by rule.

254 (d) Complete any requirements for renewal in the home
 255 state, including applicable continuing professional education
 256 requirements.

257 (e) Undergo a criminal background check in the member
 258 state in which the equivalent license is sought in accordance
 259 with the laws and regulations of the member state, once an
 260 individual submits an application to receive a license under the
 261 compact.

262 (2) To renew an equivalent license in a member state other
 263 than the home state, a licensee must only apply for renewal,
 264 complete a background check, and pay renewal fees as determined

265 by the licensing authority.

266

267 ARTICLE V

268 ACTIVE MILITARY MEMBERS OR THEIR SPOUSES

269

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

273 (1) The licensee's permanent residence;

274 (2) A member state that is the licensee's primary state of
 275 practice; or

276 (3) A member state where the licensee has relocated
 277 pursuant to a permanent change of station.

278

279 ARTICLE VI

280 DISCIPLINE AND ADVERSE ACTION

281

282 (1) The compact does not limit the authority of a member
 283 state to investigate or impose disciplinary measures on
 284 licensees according to the state practice laws.

285 (2) Member states may receive and shall provide files and
 286 information regarding the investigation and discipline, if any,
 287 of licensees in other member states upon request. Any member
 288 state receiving such information or files shall protect and

289 maintain the security and confidentiality thereof, in at least
290 the same manner that it maintains its own investigatory or
291 disciplinary files and information. Before disclosing any
292 disciplinary or investigatory information received from another
293 member state, the disclosing state shall communicate its
294 intention and purpose for such disclosure to the member state
295 which originally provided that information.

296
297 ARTICLE VII

298 ESTABLISHMENT OF THE INTERSTATE COMPACT
299 FOR SCHOOL PSYCHOLOGISTS COMMISSION

300
301 (1) There is hereby created a joint government agency,
302 with membership consisting of all member states that have
303 enacted the compact, known as the Interstate Compact for School
304 Psychologists Commission. The commission is an instrumentality
305 of the member states acting jointly and not an instrumentality
306 of any one state. The commission shall come into existence on or
307 after the effective date of the compact as provided in Article
308 XI.

309 (2) Each member state shall have and be limited to one
310 delegate selected by the licensing authority of that member
311 state's state licensing authority. The delegate shall be the
312 primary administrative officer of the member state licensing

313 authority or a designee who is an employee of the member state
314 licensing authority. The commission shall by rule or bylaw
315 establish a term of office for delegates and may by rule or
316 bylaw establish term limits. The commission may recommend
317 removal or suspension of any delegate from office. A member
318 state's licensing authority shall fill any vacancy of its
319 delegate occurring on the commission within 60 days of the
320 vacancy. Each delegate shall be entitled to one vote on all
321 matters before the commission requiring a vote by commission
322 delegates. A delegate shall vote in person or by such other
323 means as provided in the bylaws. The bylaws may provide for
324 delegates to meet by telecommunication, videoconference, or
325 other means of communication. The commission shall meet at least
326 once during each calendar year. Additional meetings may be held
327 as provided in the bylaws. The commission may meet by
328 telecommunication, video conference, or other similar electronic
329 means.

330 (3) The commission may exercise all of the following
331 powers:

332 (a) Establish the fiscal year of the commission.

333 (b) Establish code of conduct and conflict of interest
334 policies.

335 (c) Adopt and amend rules and bylaws.

336 (d) Establish the procedure through which a licensee may

337 change his or her home state.

338 (e) Maintain financial records in accordance with the
339 bylaws.

340 (f) Meet and take such actions consistent with the
341 provisions of the compact and the commission's rules and bylaws.

342 (g) Initiate and conclude legal proceedings or actions in
343 the name of the commission, provided that the standing of any
344 member state licensing authority to sue or be sued under
345 applicable law is not affected.

346 (h) Maintain and certify records and information provided
347 to a member state as the authenticated business records of the
348 commission and designate an agent to do so on the commission's
349 behalf.

350 (i) Purchase and maintain insurance and bonds.

351 (j) Borrow, accept, or contract for services of personnel,
352 including, but not limited to, employees of a member state.

353 (k) Conduct an annual financial review, hire employees,
354 elect or appoint officers, fix compensation, define duties,
355 grant such individuals appropriate authority to carry out the
356 purposes of the compact, and establish the commission's
357 personnel policies and programs relating to conflicts of
358 interest, qualifications of personnel, and other related
359 personnel matters.

360 (l) Accept appropriate gifts, donations, grants of money,

361 other sources of revenue, equipment, supplies, materials, and
362 services, and receive, utilize, and dispose of the same provided
363 that the commission avoids any appearance of impropriety or
364 conflict of interest.

365 (m) Lease, purchase, retain, own, hold, improve, or use
366 any property, real, personal, or mixed or any undivided interest
367 therein.

368 (n) Sell, convey, mortgage, pledge, lease, exchange,
369 abandon, or otherwise dispose of any property real, personal, or
370 mixed.

371 (o) Establish a budget and make expenditures.

372 (p) Borrow money.

373 (q) Appoint committees, including standing committees,
374 composed of members, state regulators, state legislators or
375 their representatives, and consumer representatives, and such
376 other interested persons as may be designated in the compact and
377 commission bylaws.

378 (r) Provide and receive information from, and cooperate
379 with, law enforcement agencies.

380 (s) Establish and elect an executive committee, including
381 a chair and a vice chair.

382 (t) Determine whether a state's adopted language is
383 materially different from the model compact language such that
384 the state would not qualify for participation in the compact.

385 (u) Perform such other functions as may be necessary or
386 appropriate to achieve the purposes of the compact.

387 (4) (a) The executive committee shall have the power to act
388 on behalf of the commission according to the terms of the
389 compact. The powers, duties, and responsibilities of the
390 executive committee shall include:

391 1. Oversee the day-to-day activities of the administration
392 of the compact, including enforcement and compliance with the
393 provisions of the compact, the rules and bylaws, and other such
394 duties as deemed necessary.

395 2. Recommend to the commission changes to the rules or
396 bylaws, changes to the compact legislation.

397 3. Ensure compact administration services are
398 appropriately provided, including by contract.

399 4. Prepare and recommend the budget.

400 5. Maintain financial records on behalf of the commission.

401 6. Monitor compact compliance of member states and provide
402 compliance reports to the commission.

403 7. Establish additional committees as necessary.

404 8. Exercise the powers and duties of the commission during
405 the interim between commission meetings, except for adopting or
406 amending rules, adopting or amending bylaws, and exercising any
407 other powers and duties expressly reserved to the commission by
408 rule or bylaw.

409 9. Other duties as provided in the commission rules or
410 bylaws.

411 (b) The executive committee shall be composed of up to
412 seven members. The chair and vice chair of the commission shall
413 be voting members of the executive committee. The commission
414 shall elect five voting members from the current membership of
415 the commission.

416 (c) The commission may remove any member of the executive
417 committee as provided in the commission's bylaws.

418 (d) The executive committee shall meet at least annually.

419 (5) The commission shall adopt and provide to the member
420 states an annual report.

421 (6) (a) All meetings shall be open to the public, and the
422 executive committee shall give 30 days' notice of its meetings,
423 posted on its website and as determined to provide notice to
424 persons with an interest in the business of the commission. The
425 commission may meet in a closed, nonpublic meeting as provided
426 in s. 490.017.

427 1. Public notice for all meetings of the full commission
428 of meetings shall be given in the same manner as required under
429 the rulemaking provisions in Article IX, except that the
430 commission may hold a special meeting as provided in
431 subparagraph 2.

432 2. The commission may hold a special meeting when it must

433 meet to conduct emergency business by giving 48 hours' notice to
434 all commissioners on the commission's website and by any other
435 means provided in the commission's rules or bylaws. The
436 commission's legal counsel shall certify that the commission's
437 need to meet qualifies as an emergency.

438 3. If a meeting or any portion of a meeting is closed under
439 this subsection, the commission's legal counsel or designee
440 shall certify that the meeting may be closed and shall reference
441 each relevant exempting provision.

442 (b) The commission shall keep minutes that fully and
443 clearly describe all matters discussed in a meeting and shall
444 provide a full and accurate summary of actions taken, and the
445 reasons therefore, including a description of the views
446 expressed. All documents considered in connection with an action
447 shall be identified in minutes. All minutes and documents of a
448 closed meeting shall remain under seal, subject to release by a
449 majority vote of the commission or order of a court of competent
450 jurisdiction.

451 (7) (a) The commission shall pay, or provide for the
452 payment of, the reasonable expenses of its establishment,
453 organization, and ongoing activities.

454 (b) The commission may accept any and all appropriate
455 revenue sources donations, and grants of money, equipment,
456 supplies, materials, and services.

457 (c) The commission may not incur obligations of any kind
458 before securing the funds adequate to meet the same or pledge
459 the credit of any of the member states except by and with the
460 authority of the member state.

461 (d) The commission shall keep accurate accounts of all
462 receipts and disbursements. The receipts and disbursements of
463 the commission shall be subject to the financial review and
464 accounting procedures established under its bylaws. However, all
465 receipts and disbursements of funds handled by the commission
466 shall be subject to an annual financial review by a certified or
467 licensed public accountant and the report of the financial
468 review shall be included in and become part of the annual report
469 of the commission.

470 (8) (a) The members, officers, executive director,
471 employees, and representatives of the commission shall be immune
472 from suit and liability, both personally and in their official
473 capacity, for any claim for damage to or loss of property or
474 personal injury or other civil liability caused by or arising
475 out of any actual or alleged act, error, or omission that
476 occurred, or that the person against whom the claim is made had
477 a reasonable basis for believing occurred within the scope of
478 commission employment, duties or responsibilities. Nothing in
479 this paragraph shall be construed to protect any such person
480 from suit or liability for any damage, loss, injury, or

481 liability caused by the intentional or willful or wanton
482 misconduct of that person. The procurement of insurance of any
483 type by the commission may not in any way compromise or limit
484 the immunity granted hereunder.

485 (b) The commission shall defend any member, officer,
486 executive director, employee, and representative of the
487 commission in any civil action seeking to impose liability
488 arising out of any actual or alleged act, error, or omission
489 that occurred within the scope of commission employment, duties,
490 or responsibilities, or as determined by the commission that the
491 person against whom the claim is made had a reasonable basis for
492 believing occurred within the scope of commission employment,
493 duties, or responsibilities, provided that nothing herein shall
494 be construed to prohibit that person from retaining their own
495 counsel at their own expense, and provided further, that the
496 actual or alleged act, error, or omission did not result from
497 that person's intentional or willful or wanton misconduct.

498 (c) The commission shall indemnify and hold harmless any
499 member, officer, executive director, employee, and
500 representative of the commission for the amount of any
501 settlement or judgment obtained against that person arising out
502 of any actual or alleged act, error, or omission that occurred
503 within the scope of commission employment, duties, or
504 responsibilities, or that such person had a reasonable basis for

505 believing occurred within the scope of commission employment,
 506 duties, or responsibilities, provided that the actual or alleged
 507 act, error, or omission did not result from the intentional or
 508 willful or wanton misconduct of that person.

509 (9) This compact does not:

510 (a) Limit the liability of a licensee for professional
 511 malpractice or misconduct which shall be governed solely by any
 512 other applicable state laws.

513 (b) Waive or otherwise abrogate a member state's immunity
 514 or affirmative defense with respect to antitrust claims under
 515 the Sherman Antitrust Act of 1890, Clayton Antitrust Act of
 516 1914, or any other state or federal antitrust or anticompetitive
 517 law or regulation.

518 (c) Waive sovereign immunity by the member states or by
 519 the commission.

521 ARTICLE VIII

522 FACILITATING INFORMATION EXCHANGE

524 (1) The commission shall provide for facilitating the
 525 exchange of information to administer and implement the compact
 526 in accordance with the rules of the commission, consistent with
 527 generally accepted data protection principles.

528 (2) Notwithstanding any other provision of law to the

529 contrary, a member state shall agree to provide for the
530 facilitation of the following licensee information as required
531 by the rules of the commission, including all of the following:

532 (a) Identifying information.

533 (b) Licensure data.

534 (c) Adverse actions against a license and information
535 related thereto.

536 (d) Nonconfidential information related to alternative
537 program participation, the beginning and ending dates of such
538 participation, and other information related to such
539 participation not made confidential under member state law.

540 (e) Any denial of application for licensure, and the
541 reason for such denial.

542 (f) The presence of investigative information.

543 (g) Other information that may facilitate the
544 administration of the compact or the protection of the public,
545 as determined by commission rules.

546 (3) The compact does not alter, limit, or inhibit the
547 power of a member state to control and maintain ownership of its
548 licensee information or alter, limit, or inhibit the laws or
549 regulations governing licensee information in the member state.

550

551 ARTICLE IX

552 RULEMAKING

553
554 (1) The commission shall exercise its rulemaking powers
555 provided in the compact and the rules adopted thereunder. Rules
556 and amendments shall become binding as of the date specified in
557 each rule or amendment.

558 (2) The commission shall adopt reasonable rules to achieve
559 the intent and purpose of the compact. In the event the
560 commission exercises its rulemaking authority in a manner that
561 is beyond purpose and intent of the compact, or the powers
562 granted hereunder, then such an action by the commission shall
563 be invalid and have no force and effect of law in the member
564 states.

565 (3) If a majority of the legislatures of the member states
566 reject a rule by enactment of a statute or resolution in the
567 same manner used to adopt the compact within 4 years of the date
568 of adoption of the rule, such rule shall have no further force
569 and effect in any member state.

570 (4) Rules or amendments to the rules shall be adopted or
571 ratified at a regular or special meeting of the commission in
572 accordance with commission rules and bylaws.

573 (5) Before adoption of a final rule or rules by the
574 commission, and at least 30 days in advance of the meeting at
575 which the rule will be considered and voted upon, the commission
576 shall file a notice of proposed rulemaking on the website of the

577 commission or other publicly accessible platform and on the
578 website of each member state licensing authority or other
579 publicly accessible platform or the publication in which each
580 state would otherwise publish proposed rules.

581 (6) Upon determination that an emergency exists, the
582 commission may consider and adopt an emergency rule with 48
583 hours' notice, with the opportunity to comment, provided that
584 the usual rulemaking procedures are retroactively applied to the
585 rule as soon as reasonably possible, in no event later than 90
586 days after the effective date of the rule. For the purposes of
587 this provision, an emergency rule is one that must be adopted
588 immediately in order to:

589 (a) Meet an imminent threat to public health, safety, or
590 welfare;

591 (b) Prevent a loss of commission or member state funds;

592 (c) Meet a deadline for the adoption of an administrative
593 rule that is established by federal law or rule; or

594 (d) Protect public health and safety.

595
596 ARTICLE X

597 OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

598
599 (1) (a) The executive and judicial branches of the state
600 government in each member state shall enforce the compact and

601 take all actions necessary and appropriate to implement the
602 compact.

603 (b) Venue is proper and judicial proceedings by or against
604 the commission shall be brought solely and exclusively in a
605 court of competent jurisdiction where the principal office of
606 the commission is located. The commission may waive venue and
607 jurisdictional defenses to the extent it adopts or consents to
608 participate in alternative dispute resolution proceedings.
609 Nothing herein shall affect or limit the selection or propriety
610 of venue in any action against a licensee for professional
611 malpractice, misconduct, or any such similar matter.

612 (c) The commission shall be entitled to receive service of
613 process in any proceeding regarding the enforcement or
614 interpretation of the compact and shall have standing to
615 intervene in such a proceeding for all purposes. Failure to
616 provide the commission service of process shall render a
617 judgment or order void as to the commission, the compact, or
618 adopted rules.

619 (2) (a) If the commission determines that a member state
620 has defaulted in the performance of its obligations or
621 responsibilities under the compact or the adopted rules, the
622 commission shall provide written notice to the defaulting state.
623 The notice of default shall describe the default, the proposed
624 means of curing the default, and any other action that the

625 commission may take, and shall offer training and specific
626 technical assistance regarding the default.

627 (b) The commission shall provide a copy of the notice of
628 default to the other member states.

629 (3) If a state in default fails to cure the default, the
630 defaulting state may be terminated from the compact upon an
631 affirmative vote of a supermajority of the delegates of the
632 member states, and all rights, privileges, and benefits
633 conferred on that state by the compact may be terminated on the
634 effective date of termination. A remedy of the default does not
635 relieve the offending state of obligations or liabilities
636 incurred during the period of default.

637 (4) Termination of membership in the compact shall be
638 imposed only after all other means of securing compliance have
639 been exhausted. The commission shall submit a notice of intent
640 to suspend or terminate the defaulting state's licensing
641 authority to the defaulting state's governor, the majority and
642 minority leaders of the defaulting state's legislature, and each
643 of the member states' licensing authorities.

644 (5) A member state that has been terminated is responsible
645 for all assessments, obligations, and liabilities incurred
646 through the effective date of termination, including obligations
647 that extend beyond the effective date of termination.

648 (6) Upon the termination of a state's membership from the

649 compact, the state shall immediately provide notice to all
650 licensees within that state of such termination. The terminated
651 state shall continue to recognize all licenses granted pursuant
652 to the compact for a minimum of 6 months after the date of the
653 notice of termination.

654 (7) The commission may not bear any costs related to a
655 state that is found to be in default or that has been terminated
656 from the compact, unless agreed upon in writing between the
657 commission and the defaulting state.

658 (8) The defaulting state may appeal the action of the
659 commission by petitioning the United States District Court for
660 the District of Columbia or the federal district where the
661 commission has its principal offices. The prevailing party shall
662 be awarded all costs of such litigation, including reasonable
663 attorney fees.

664 (9) (a) Upon request by a member state, the commission
665 shall attempt to resolve disputes related to the compact that
666 arise among member states and between member and nonmember
667 states.

668 (b) The commission shall promulgate a rule providing for
669 both mediation and binding dispute resolution for disputes as
670 appropriate.

671 (10) (a) By majority vote as provided by rule, the
672 commission may initiate legal action against a member state in

673 default in the United states District Court for the District of
674 Columbia or the federal district where the commission has its
675 principal offices to enforce compliance with the compact and its
676 adopted rules. The relief sought may include both injunctive
677 relief and damages. In the event judicial enforcement is
678 necessary, the prevailing party shall be awarded all costs of
679 such litigation, including reasonable attorney fees. The
680 remedies herein may not be the exclusive remedies of the
681 commission. The commission may pursue any other remedies
682 available under federal or the defaulting member state's law.

683 (b) A member state may initiate legal action against the
684 commission in the United States District Court for the District
685 of Columbia or the federal district where the commission has its
686 principal offices to enforce compliance with the provisions of
687 the compact and its adopted rules. The relief sought may include
688 both injunctive relief and damages. In the event judicial
689 enforcement is necessary, the prevailing party shall be awarded
690 all costs of such litigation, including reasonable attorney
691 fees.

692 (c) Only a member state may enforce the compact against
693 the commission.

694
695 ARTICLE XI

696 EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

697
698 (1) The compact shall become effective on the date on
699 which the compact statute is enacted into law in the seventh
700 member state.

701 (a) On or after the effective date of the compact, the
702 commission shall convene and review the enactment of each of the
703 charter member states to determine if the statute enacted by
704 each such charter member state is materially different than the
705 model compact statute.

706 1. A charter member state whose enactment is found to be
707 materially different from the model compact statute shall be
708 entitled to the default process provided in Article X.

709 2. If any member state is later found to be in default, or
710 is terminated or withdraws from the compact, the commission
711 shall remain in existence and the compact shall remain in effect
712 even if the number of member states should be less than seven.

713 (b) Member states enacting the compact subsequent to the
714 charter member states shall be subject to Article VII(3)(u) to
715 determine if their enactments are materially different from the
716 model compact statute and whether they qualify for participation
717 in the compact.

718 (c) All actions taken for the benefit of the commission or
719 in furtherance of the purposes of the administration of the
720 compact before the effective date of the compact or the

721 commission coming into existence shall be considered to be
722 actions of the commission unless specifically repudiated by the
723 commission.

724 1. Any state that joins the compact subsequent to the
725 commission's initial adoption of the rules and bylaws shall be
726 subject to the rules and bylaws as they exist on the date on
727 which the compact becomes law in that state. Any rule that has
728 been previously adopted by the commission shall have the full
729 force and effect of law on the day the compact becomes law in
730 that state.

731 2. Any member state may withdraw from the compact by
732 enacting a statute repealing the same.

733 (2) A member state's withdrawal may not take effect until
734 180 days after enactment of the repealing statute.

735 (3) Withdrawal may not affect the continuing requirement
736 of the withdrawing state's licensing authority to comply with
737 the investigative and adverse action reporting requirements of
738 the compact before the effective date of withdrawal.

739 (4) Upon the enactment of a statute withdrawing from the
740 compact, a state shall immediately provide notice of such
741 withdrawal to all licensees within that state. Notwithstanding
742 any subsequent statutory enactment to the contrary, such
743 withdrawing state shall continue to recognize all licenses
744 granted pursuant to the compact for a minimum of 6 months after

745 the date of such notice of withdrawal.

746 (a) The compact does not prevent any licensure agreement
747 or other cooperative arrangement between a member state and a
748 nonmember state that does not conflict with the provisions of
749 the compact.

750 (b) The compact may be amended by the member states. An
751 amendment to the compact will not become effective and binding
752 upon any member state until it is enacted into the laws of all
753 member states.

754
755 ARTICLE XII

756 CONSTRUCTION AND SEVERABILITY

757
758 (1) The compact and the commission's rulemaking authority
759 shall be liberally construed so as to effectuate the purposes,
760 implementation, and administration of the compact. Provisions of
761 the compact expressly authorizing or requiring the adoption of
762 rules may not be construed to limit the commission's rulemaking
763 authority solely for those purposes.

764 (2) The provisions of the compact shall be severable and
765 if any phrase, clause, sentence, or provision of the compact is
766 held by a court of competent jurisdiction to be contrary to the
767 constitution of any member state, a state seeking participation
768 in the compact, or of the United States, or the applicability

769 thereof to any government, agency, person or circumstance is
770 held to be unconstitutional by a court of competent
771 jurisdiction, the validity of the remainder of the compact and
772 the applicability thereof to any other government, agency,
773 person, or circumstance may not be affected thereby.

774 (3) Notwithstanding subsection (2), the commission may
775 deny a state's participation in the compact or, in accordance
776 with the requirements of Article X(2)(a), terminate a member
777 state's participation in the compact, if it determines that a
778 constitutional requirement of a member state is a material
779 departure from the compact. Otherwise, if the compact shall be
780 held to be contrary to the constitution of any member state, the
781 compact shall remain in full force and effect as to the
782 remaining member states and in full force and effect as to the
783 member state affected as to all severable matters.

784
785 ARTICLE XIII

786 CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS
787

788 (1) Nothing herein shall prevent or inhibit the
789 enforcement of any other law of a member state that is
790 consistent with the compact.

791 (2) Any laws, statutes, regulations, or other legal
792 requirements in a member state in conflict with the compact are

793 superseded to the extent of the conflict.

794 (3) All permissible agreements between the commission and
795 the member states are binding in accordance with their terms.

796 **Section 2.** This act shall take effect July 1, 2025.