

By Senator Harrell

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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 a purpose and objectives of the compact; defining
6 terms; specifying requirements that states must meet
7 to join and participate in the compact; providing for
8 recognition of school psychologist licenses in member
9 states; specifying criteria that a school psychologist
10 must satisfy to practice with an equivalent license in
11 remote states under the compact; providing
12 requirements for renewal of an equivalent license in a
13 member state; specifying multiple locations an active
14 military member and his or her spouse may be deemed to
15 hold a home state license; providing construction;
16 providing for the exchange of files and information
17 relating to investigations and discipline of licensees
18 in member states; establishing the Interstate Compact
19 for School Psychologists Commission; providing for
20 membership, duties, and powers of the commission;
21 specifying the powers and duties of the executive
22 committee of the commission; providing for membership
23 and meetings of the executive committee; requiring the
24 commission to adopt and provide an annual report to
25 member states; specifying public notice and
26 recordkeeping requirements for commission meetings;
27 providing for the financing of the commission;
28 providing members, officers, the executive director,
29 employees, and representatives of the commission

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30 immunity from suit and liability under certain
31 circumstances; requiring the commission to defend such
32 individuals in civil actions under certain
33 circumstances; providing for the indemnity of such
34 individuals for any settlements or judgments in such
35 cases; providing exceptions; providing construction;
36 requiring member states to participate in the exchange
37 of specified information; authorizing the commission
38 to adopt rules and bylaws; specifying rulemaking
39 procedures, including public notice and meeting
40 requirements; specifying emergency rulemaking
41 procedures; providing for state enforcement of the
42 compact; providing for the jurisdiction and venue for
43 court proceedings against the commission; providing
44 that the commission is entitled to receive service of
45 process, and has standing to intervene, in all
46 proceedings involving the enforcement or
47 interpretation of the compact; providing procedures
48 for defaulting member states; providing for the
49 termination of compact membership; providing
50 procedures for the resolution of certain disputes
51 related to the compact; specifying procedures and
52 jurisdiction for initiating legal action against
53 member states or the commission; specifying the
54 process by which the compact becomes effective;
55 specifying procedures for withdrawing from, and making
56 amendments to, the compact; providing construction and
57 severability; providing an effective date.

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59 Be It Enacted by the Legislature of the State of Florida:

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61 Section 1. Section 490.016, Florida Statutes, is created to
62 read:

63 490.016 Interstate Compact for School Psychologists.—The
64 Interstate Compact for School Psychologists is hereby enacted
65 into law and entered into by this state with all other states
66 legally joining therein in the form substantially as follows:

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68 ARTICLE I

69 PURPOSE

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71 (1) The purpose of the compact is to facilitate the
72 interstate practice of school psychology in educational or
73 school settings and, in doing so, improve the availability of
74 school psychological services to the public.

75 (2) The compact is intended to establish a pathway to allow
76 school psychologists to obtain equivalent licenses to provide
77 school psychological services in any member state. The compact
78 shall enable member states to ensure that safe and effective
79 school psychological services are available and delivered by
80 qualified, licensed professionals in educational settings. The
81 compact:

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

85 (b) Promotes the mobility of school psychologists between
86 member states in order to address workforce shortages and ensure
87 that safe and reliable school psychological services are

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88 available in each member state.

89 (c) Enhances the public accessibility of school
90 psychological services by increasing the availability of
91 qualified, licensed school psychologists through the
92 establishment of an efficient and streamlined pathway for
93 licensees to practice in other member states.

94 (d) Preserves and respects the authority of each member
95 state to protect the health and safety of its residents by
96 ensuring that only qualified, licensed professionals are
97 authorized to provide school psychological services within the
98 state in which the services are being provided.

99 (e) Requires school psychologists practicing within a
100 member state to comply with the scope of practice laws in effect
101 in the state where the school psychological services are being
102 provided.

103 (f) Promotes cooperation between member states in
104 regulating the practice of school psychology within those
105 states.

106 (g) Facilitates the relocation of military members and
107 their spouses who are licensed to provide school psychological
108 services.

109 ARTICLE II

110 DEFINITIONS

111
112 As used in the compact, the term:

113 (1) "Active military member" means any person with full-
114 time duty status in the United States Armed Forces, including
115 members of the National Guard and the United States Reserve
116 Forces.

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

119 (3) "Alternative program" means a nondisciplinary,
120 prosecutorial diversion, monitoring, or practice remediation
121 process entered into in lieu of an adverse action which is
122 applicable to a school psychologist and approved by the state
123 licensing authority of a member state in which the participating
124 school psychologist is licensed, including, but not limited to,
125 programs to which licensees with substance abuse or addiction
126 issues may be referred in lieu of an adverse action.

127 (4) "Commissioner" means the individual appointed by a
128 member state to serve as the representative to the commission of
129 the member state.

130 (5) "Compact" means the Interstate Compact for School
131 Psychologists.

132 (6) "Continuing professional education" means a requirement
133 imposed by a member state as a condition of license renewal to
134 provide evidence of successful participation in professional
135 educational activities relevant to the provision of school
136 psychological services.

137 (7) "Criminal background check" means the submission of
138 fingerprints or other biometric information for a license
139 applicant for the purpose of obtaining his or her criminal
140 history record information as defined in 28 C.F.R. s. 20.3(d)
141 and the state's criminal history record repository as defined in
142 28 C.F.R. s. 20.3(f).

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

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146 (9) "Encumbered license" means a license that a state
147 licensing authority has limited in any way other than through an
148 alternative program, including temporary or provisional
149 licenses.

150 (10) "Equivalent license" means a license to practice
151 school psychology which is equivalent to the license held by a
152 school psychologist in any other member state.

153 (11) "Executive committee" means the chair, vice chair,
154 secretary, and treasurer of the commission and any other members
155 as determined by commission rule or bylaw.

156 (12) "Home state" means the member state that issued the
157 license to the licensee and is the licensee's primary state of
158 practice.

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

161 (14) "Interstate Compact for School Psychologists
162 Commission" or "commission" means the joint government agency
163 established by the compact whose membership consists of
164 representatives from each member state that has enacted the
165 compact as described in article VII.

166 (15) "License" means a current license, certification, or
167 other authorization granted by a member state's licensing
168 authority which permits an individual to provide school
169 psychological services.

170 (16) "Licensee" means an individual who holds a license
171 from a member state to provide school psychological services.

172 (17) "Member state" means a state that has enacted the
173 compact and has been admitted to the commission in accordance
174 with the compact and commission rules.

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

178 (19) "Practice of school psychology" means the delivery of
179 school psychological services.

180 (20) "Qualifying national exam" means a national licensing
181 examination endorsed by the National Association of School
182 Psychologists and any other exam as approved by the rules of the
183 commission.

184 (21) "Qualifying school psychologist education program"
185 means an education program that awards a specialist-level or
186 doctoral-level degree or equivalent upon completion and is
187 approved by the rules of the commission as meeting the necessary
188 minimum educational standards to ensure that its graduates are
189 ready, qualified, and able to engage in the practice of school
190 psychology.

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

193 (23) "Rule" means a regulation adopted by an entity,
194 including, but not limited to, the commission and the state
195 licensing authority of each member state, which has the force of
196 law.

197 (24) "School psychological services" means academic,
198 mental, and behavioral health services, including assessment,
199 prevention, consultation and collaboration, intervention, and
200 evaluation, provided by a school psychologist in a school, as
201 outlined in applicable professional standards as determined by
202 commission rule.

203 (25) "School psychologist" means an individual who has met

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204 the requirements to obtain a home state license that legally
205 conveys the professional title of school psychologist, or its
206 equivalent as determined by commission rule.

207 (26) "Scope of practice" means the procedures, actions, and
208 processes a school psychologist licensed in a state is permitted
209 to undertake and the circumstances under which that licensee is
210 permitted to undertake such procedures, actions, and processes.
211 The procedures, actions, and processes and the circumstances
212 under which they may be undertaken may be established through
213 means which include, but are not limited to, statute,
214 regulations, case law, and other processes available to the
215 state licensing authority or other government agency.

216 (27) "Specialist-level degree" means a degree program that
217 requires at least 60 graduate semester hours or equivalent in
218 the field of school psychology, including a supervised
219 internship.

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

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

225 (30) "State-specific requirement" means a requirement for
226 licensure covered in coursework or an examination that includes
227 content of unique interest to the state.

228 (31) "Unencumbered license" means a license that authorizes
229 a licensee to engage in the full and unrestricted practice of
230 school psychology.

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ARTICLE III

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STATE PARTICIPATION IN THE COMPACT

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

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

(b) Participate in the sharing of information with other member states as reasonably necessary to accomplish the objectives of the compact, as outlined in article VIII.

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

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

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

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

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

2. Completed a minimum of 1,200 hours of supervised internship, of which at least 600 hours must have been completed in an educational institution prior to being approved for licensure.

3. Graduated from a qualifying school psychologist education program.

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262 (g) Comply with the terms of the compact and the rules of
263 the commission.

264 (2) Each member state shall grant an equivalent license to
265 practice school psychology in a remote state upon application by
266 a licensee who satisfies the criteria of subsection (1) of
267 article IV. Each member state shall grant renewal of the
268 equivalent license to a licensee who satisfies the criteria of
269 subsection (2) of article IV.

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271 ARTICLE IV

272 SCHOOL PSYCHOLOGIST PARTICIPATION IN THE COMPACT
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274 (1) To obtain and maintain an equivalent license from a
275 remote state under the compact, a licensee must:

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

277 (b) Satisfy all applicable state-specific requirements
278 established by the member state after an equivalent license is
279 granted.

280 (c) Complete all administrative or application requirements
281 that the commission may establish by rule.

282 (d) Complete all requirements for renewal in the home
283 state, including applicable continuing professional education
284 requirements.

285 (e) Undergo a criminal background check in the member state
286 in which the equivalent license is sought in accordance with the
287 laws and regulations of the member state, once an individual
288 submits an application to receive a license under the compact.

289 (2) To renew an equivalent license in a member state other
290 than the home state, a licensee need only apply for renewal,

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291 complete a background check, and pay renewal fees as determined
292 by the licensing authority.

294 ARTICLE V

295 ACTIVE MILITARY MEMBERS OR THEIR SPOUSES

297 A licensee who is an active military member or is the
298 spouse of an active military member is deemed to hold a home
299 state license in any of the following locations:

300 (1) The licensee's permanent residence.

301 (2) A member state that is the licensee's primary state of
302 practice.

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

306 ARTICLE VI

307 DISCIPLINE AND ADVERSE ACTION

309 (1) The compact does not limit the authority of a member
310 state to investigate or impose disciplinary measures on
311 licensees according to the member state's applicable practice
312 laws.

313 (2) Member states may receive and shall provide files and
314 information regarding the investigation and discipline, if any,
315 of licensees in other member states upon request. Any member
316 state receiving such files or information must protect and
317 maintain the security and confidentiality thereof, in at least
318 the same manner that it maintains its own investigatory or
319 disciplinary files and information. Before disclosing any

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320 disciplinary or investigatory information received from another
321 member state, the disclosing state shall communicate its
322 intention and purpose for such disclosure to the member state
323 which originally provided that information.

325 ARTICLE VII

326 ESTABLISHMENT OF THE INTERSTATE COMPACT
327 FOR SCHOOL PSYCHOLOGISTS COMMISSION

328
329 (1) There is hereby created a joint government agency, with
330 membership consisting of all member states that have enacted the
331 compact, known as the Interstate Compact for School
332 Psychologists Commission. The commission is an instrumentality
333 of the member states acting jointly and not an instrumentality
334 of any one state. The commission shall come into existence on or
335 after the effective date of the compact as provided in article
336 XI.

337 (2) Each member state shall have and be limited to one
338 delegate selected by the licensing authority of that member
339 state's licensing authority. The delegate must be the primary
340 administrative officer of the member state licensing authority
341 or a designee who is an employee of the member state licensing
342 authority. The commission shall by rule or bylaw establish a
343 term of office for delegates and may by rule or bylaw establish
344 term limits. The commission may recommend removal or suspension
345 of any delegate from office. A member state's licensing
346 authority shall fill any vacancy of its delegate on the
347 commission within 60 days after the vacancy occurs. Each
348 delegate is entitled to one vote on all matters before the

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349 commission requiring a vote by commission delegates. A delegate
350 shall vote in person or by such other means as provided in the
351 bylaws. The bylaws may provide for delegates to meet by
352 telecommunication, videoconference, or other means of electronic
353 communication. The commission shall meet at least once during
354 each calendar year. Additional meetings may be held as provided
355 in the commission bylaws. The commission may meet by
356 telecommunication, video conference, or other similar electronic
357 means of communication.

358 (3) The commission may exercise all of the following
359 powers:

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

361 (b) Establish code of conduct and conflict of interest
362 policies.

363 (c) Adopt and amend rules and bylaws.

364 (d) Establish the procedure through which a licensee may
365 change his or her home state.

366 (e) Maintain financial records in accordance with the
367 bylaws.

368 (f) Meet and take actions consistent with the provisions of
369 the compact and the commission's rules and bylaws.

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

374 (h) Maintain and certify records and information provided
375 to a member state as the authenticated business records of the
376 commission and designate an agent to do so on the commission's
377 behalf.

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- 378 (i) Purchase and maintain insurance and bonds.
- 379 (j) Borrow, accept, or contract for services of personnel,
380 including, but not limited to, employees of a member state.
- 381 (k) Conduct an annual financial review, hire employees,
382 elect or appoint officers, fix compensation, define duties,
383 grant such individuals appropriate authority to carry out the
384 purposes of the compact, and establish the commission's
385 personnel policies and programs relating to conflicts of
386 interest, qualifications of personnel, and other related
387 personnel matters.
- 388 (l) Accept appropriate gifts, donations, grants of money,
389 other sources of revenue, equipment, supplies, materials, and
390 services, and receive, utilize, and dispose of the same,
391 provided that the commission avoids any appearance of
392 impropriety or conflict of interest.
- 393 (m) Lease, purchase, retain, own, hold, improve, or use any
394 property, real, personal, or mixed, or any undivided interest
395 therein.
- 396 (n) Sell, convey, mortgage, pledge, lease, exchange,
397 abandon, or otherwise dispose of any property, real, personal,
398 or mixed.
- 399 (o) Establish a budget and make expenditures.
- 400 (p) Borrow money.
- 401 (q) Appoint committees, including standing committees,
402 composed of members, state regulators, state legislators or
403 their representatives, consumer representatives, and such other
404 interested persons as may be designated in the compact and
405 commission bylaws.
- 406 (r) Provide and receive information from, and cooperate

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407 with, law enforcement agencies.

408 (s) Establish and elect an executive committee, including a
409 chair and a vice chair.

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

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

415 (4) (a) The executive committee has the power to act on
416 behalf of the commission according to the terms of the compact.
417 The executive committee has all of the following powers and
418 duties:

419 1. Oversee the day-to-day activities of the administration
420 of the compact, including enforcement and compliance with the
421 compact, the commission's rules and bylaws, and other such
422 duties as deemed necessary.

423 2. Recommend to the commission changes to the rules or
424 bylaws or changes to the compact legislation.

425 3. Ensure compact administration services are appropriately
426 provided, including by contract.

427 4. Prepare and recommend the budget.

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

429 6. Monitor compact compliance of member states and provide
430 compliance reports to the commission.

431 7. Establish additional committees as necessary.

432 8. Exercise the powers and duties of the commission during
433 the interim between commission meetings, except for adopting or
434 amending rules, adopting or amending bylaws, and exercising any
435 other powers and duties expressly reserved to the commission by

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436 rule or bylaw.

437 9. Other duties as provided in the commission rules or
438 bylaws.

439 (b) The executive committee shall be composed of up to
440 seven members. The chair and vice chair of the commission are
441 voting members of the executive committee. The commission shall
442 elect five voting members from the current membership of the
443 commission to serve on the executive committee.

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

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

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

449 (6)(a) All meetings of the commission and executive
450 committee shall be open to the public, and the commission or
451 executive committee, as applicable shall give 30 days' notice of
452 their meetings, posted on the commission's website and as
453 determined by the commission to provide notice to persons with
454 an interest in the business of the commission. The commission
455 may meet in a closed, nonpublic meeting as provided in s.
456 490.017.

457 1. Public notice for all meetings of the full commission
458 must be given in the same manner as required under the
459 rulemaking provisions in article IX, except that the commission
460 may hold a special meeting as provided in subparagraph 2.

461 2. The commission may hold a special meeting when it must
462 meet to conduct emergency business by giving 48 hours' notice to
463 all commissioners on the commission's website and by any other
464 means provided in the commission's rules or bylaws. The

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465 commission's legal counsel shall certify that the commission's
466 need to meet qualifies as an emergency.

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

471 (b) The commission shall keep minutes that fully and
472 clearly describe all matters discussed in a meeting and shall
473 provide a full and accurate summary of actions taken, and the
474 reasons therefore, including a description of the views
475 expressed. All documents considered in connection with an action
476 must be identified in minutes. All minutes and documents of a
477 closed meeting shall remain under seal, subject to release by a
478 majority vote of the commission or by order of a court of
479 competent jurisdiction.

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

483 (b) The commission may accept any and all appropriate
484 revenue sources, donations, and grants of money, equipment,
485 supplies, materials, and services.

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

490 (d) The commission shall keep accurate accounts of all
491 receipts and disbursements. The receipts and disbursements of
492 the commission are subject to the financial review and
493 accounting procedures established under its bylaws. However, all

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494 receipts and disbursements of funds handled by the commission
495 are subject to an annual financial review by a certified or
496 licensed public accountant, and the report of the financial
497 review must be included in and become part of the annual report
498 of the commission.

499 (8) (a) The members, officers, executive director,
500 employees, and representatives of the commission are immune from
501 suit and liability, both personally and in their official
502 capacity, for any claim for damage to or loss of property or
503 personal injury or other civil liability caused by or arising
504 out of any actual or alleged act, error, or omission that
505 occurred, or that the person against whom the claim is made had
506 a reasonable basis for believing occurred within the scope of
507 commission employment, duties, or responsibilities. This
508 paragraph may not be construed to protect any such person from
509 suit or liability for any damage, loss, injury, or liability
510 caused by the intentional or willful or wanton misconduct of
511 that person. The procurement of insurance of any type by the
512 commission may not in any way compromise or limit the immunity
513 granted hereunder.

514 (b) The commission shall defend any member, officer,
515 executive director, employee, and representative of the
516 commission in any civil action seeking to impose liability
517 arising out of any actual or alleged act, error, or omission
518 that occurred within the scope of commission employment, duties,
519 or responsibilities, or as determined by the commission that the
520 person against whom the claim is made had a reasonable basis for
521 believing occurred within the scope of commission employment,
522 duties, or responsibilities, provided that this paragraph may

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523 not be construed to prohibit that person from retaining his or
524 her own counsel at his or her own expense, and provided further,
525 that the actual or alleged act, error, or omission did not
526 result from that person's intentional or willful or wanton
527 misconduct.

528 (c) The commission shall indemnify and hold harmless any
529 member, officer, executive director, employee, or representative
530 of the commission for the amount of any settlement or judgment
531 obtained against that person arising out of any actual or
532 alleged act, error, or omission that occurred within the scope
533 of commission employment, duties, or responsibilities, or that
534 such person had a reasonable basis for believing occurred within
535 the scope of commission employment, duties, or responsibilities,
536 provided that the actual or alleged act, error, or omission did
537 not result from the intentional or willful or wanton misconduct
538 of that person.

539 (9) The compact does not:

540 (a) Limit the liability of a licensee for professional
541 malpractice or misconduct that is governed solely by any other
542 applicable state laws.

543 (b) Waive or otherwise abrogate a member state's immunity
544 or affirmative defense with respect to antitrust claims under
545 the Sherman Antitrust Act of 1890, Clayton Antitrust Act of
546 1914, or any other state or federal antitrust or anticompetitive
547 law or regulation.

548 (c) Waive sovereign immunity by the member states or by the
549 commission.

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ARTICLE VIII

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FACILITATING INFORMATION EXCHANGE

(1) The commission shall facilitate the exchange of information to administer and implement the compact in accordance with the rules of the commission, consistent with generally accepted data protection principles.

(2) Notwithstanding any other provision of law to the contrary, a member state shall agree to facilitate the following licensee information as required by the rules of the commission, including all of the following:

(a) Identifying information.

(b) Licensure data.

(c) Adverse actions against a licensee and information related thereto.

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

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

(f) The presence of investigative information.

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

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

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ARTICLE IX

RULEMAKING

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584 (1) The commission shall exercise its rulemaking powers
585 provided in the compact and the rules adopted thereunder. Rules
586 and amendments become binding as of the date specified in each
587 rule or amendment.

588 (2) The commission shall adopt reasonable rules to achieve
589 the intent and purpose of the compact. In the event the
590 commission exercises its rulemaking authority in a manner that
591 is beyond the purpose and intent of the compact, or the powers
592 granted hereunder, then such an action by the commission is
593 invalid and has no force and effect of law in the member states.

594 (3) If a majority of the legislatures of the member states
595 rejects a rule by enactment of a statute or resolution in the
596 same manner used to adopt the compact within 4 years after the
597 date of adoption of the rule, such rule has no further force and
598 effect in any member state.

599 (4) Rules or amendments to the rules must be adopted or
600 ratified at a regular or special meeting of the commission in
601 accordance with commission rules and bylaws.

602 (5) Before adoption of a final rule or rules by the
603 commission, and at least 30 days in advance of the meeting at
604 which the rule will be considered and voted upon, the commission
605 must file a notice of proposed rulemaking on the website of the
606 commission or other publicly accessible platform and on the
607 website of each member state licensing authority or other
608 publicly accessible platform or publication in which each state
609 would otherwise publish proposed rules.

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610 (6) Upon determination that an emergency exists, the
611 commission may consider and adopt an emergency rule with 48
612 hours' notice, with the opportunity to comment, provided that
613 the usual rulemaking procedures are retroactively applied to the
614 rule as soon as reasonably possible, but in no event later than
615 90 days after the effective date of the rule. For the purposes
616 of this subsection, an emergency rule is one that must be
617 adopted immediately in order to:

618 (a) Meet an imminent threat to public health, safety, or
619 welfare;

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

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

623 (d) Protect public health and safety.

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625 ARTICLE X

626 OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

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628 (1) (a) The executive and judicial branches of the state
629 government in each member state shall enforce the compact and
630 take all actions necessary and appropriate to implement the
631 compact.

632 (b) Venue is proper and judicial proceedings by or against
633 the commission must be brought solely and exclusively in a court
634 of competent jurisdiction where the principal office of the
635 commission is located. The commission may waive venue and
636 jurisdictional defenses to the extent it adopts or consents to
637 participate in alternative dispute resolution proceedings. This
638 paragraph does not affect or limit the selection or propriety of

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639 venue in any action against a licensee for professional
640 malpractice, misconduct, or any such similar matter.

641 (c) The commission is entitled to receive service of
642 process in any proceeding regarding the enforcement or
643 interpretation of the compact and has standing to intervene in
644 such a proceeding for all purposes. Failure to provide the
645 commission service of process renders a judgment or order void
646 as to the commission, the compact, or adopted rules.

647 (2) (a) If the commission determines that a member state has
648 defaulted in the performance of its obligations or
649 responsibilities under the compact or the adopted rules, the
650 commission shall provide written notice to the defaulting state.
651 The notice of default must describe the default, the proposed
652 means of curing the default, and any other action that the
653 commission may take and must offer training and specific
654 technical assistance regarding the default.

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

657 (3) If a state in default fails to cure the default, the
658 defaulting state may be terminated from the compact upon an
659 affirmative vote of a supermajority of the delegates of the
660 member states, and all rights, privileges, and benefits
661 conferred on that state by the compact may be terminated on the
662 effective date of termination. A remedy of the default does not
663 relieve the offending state of obligations or liabilities
664 incurred during the period of default.

665 (4) Termination of membership in the compact may be imposed
666 only after all other means of securing compliance have been
667 exhausted. The commission shall submit a notice of intent to

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668 suspend or terminate the defaulting state's licensing authority
669 to the defaulting state's governor, the majority and minority
670 leaders of the defaulting state's legislature, and each of the
671 member states' licensing authorities.

672 (5) A member state that has been terminated is responsible
673 for all assessments, obligations, and liabilities incurred
674 through the effective date of termination, including obligations
675 that extend beyond the effective date of termination.

676 (6) Upon the termination of a state's membership from the
677 compact, the state shall immediately provide notice to all
678 licensees within that state of such termination. The terminated
679 state shall continue to recognize all licenses granted pursuant
680 to the compact for a minimum of 6 months after the date of the
681 notice of termination.

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

686 (8) The defaulting state may appeal the action of the
687 commission by petitioning the United States District Court for
688 the District of Columbia or the federal district where the
689 commission has its principal offices. The prevailing party shall
690 be awarded all costs of such litigation, including reasonable
691 attorney fees.

692 (9) (a) Upon request by a member state, the commission shall
693 attempt to resolve disputes related to the compact which arise
694 among member states and between member and nonmember states.

695 (b) The commission shall adopt a rule providing for both
696 mediation and binding dispute resolution for disputes, as

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697 appropriate.

698 (10) (a) By majority vote as provided by rule, the
699 commission may initiate legal action against a member state in
700 default in the United States District Court for the District of
701 Columbia or the federal district where the commission has its
702 principal offices to enforce compliance with the compact and its
703 adopted rules. The relief sought may include both injunctive
704 relief and damages. In the event judicial enforcement is
705 necessary, the prevailing party shall be awarded all costs of
706 such litigation, including reasonable attorney fees. The
707 remedies herein are not the exclusive remedies of the
708 commission. The commission may pursue any other remedies
709 available under federal or the defaulting member state's law.

710 (b) A member state may initiate legal action against the
711 commission in the United States District Court for the District
712 of Columbia or the federal district where the commission has its
713 principal offices to enforce compliance with the provisions of
714 the compact and its adopted rules. The relief sought may include
715 both injunctive relief and damages. In the event judicial
716 enforcement is necessary, the prevailing party shall be awarded
717 all costs of such litigation, including reasonable attorney
718 fees.

719 (c) Only a member state may enforce the compact against the
720 commission.

721
722 ARTICLE XI

723 EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

724
725 (1) The compact becomes effective on the date on which the

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726 compact statute is enacted into law in the seventh member state,
727 all seven of which states shall be known as "charter member
728 states."

729 (a) On or after the effective date of the compact, the
730 commission shall convene and review the enactment of each of the
731 charter member states to determine whether the statute enacted
732 by each such charter member state is materially different from
733 the model compact language.

734 1. A charter member state whose enactment is found to be
735 materially different from the model compact language is entitled
736 to the default process provided in article X.

737 2. If any member state is later found to be in default or
738 is terminated or withdraws from the compact, the commission
739 remains in existence and the compact remains in effect even if
740 the number of remaining member states is fewer than seven.

741 (b) Member states enacting the compact subsequent to the
742 charter member states are subject to paragraph (3)(u) of article
743 VII to determine whether their enactments are materially
744 different from the model compact language and whether they
745 qualify for participation in the compact.

746 (c) All actions taken for the benefit of the commission or
747 in furtherance of the purposes of the administration of the
748 compact before the effective date of the compact or the
749 commission coming into existence are considered to be actions of
750 the commission unless specifically repudiated by the commission.

751 1. Any state that joins the compact subsequent to the
752 commission's initial adoption of the rules and bylaws is subject
753 to the rules and bylaws as they exist on the date on which the
754 compact becomes law in that state. Any rule that has been

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755 previously adopted by the commission has the full force and
756 effect of law on the day the compact becomes law in that state.

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

759 (2) A member state's withdrawal may not take effect until
760 180 days after enactment of the repealing statute.

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

765 (4) Upon the enactment of a statute withdrawing from the
766 compact, a state shall immediately provide notice of such
767 withdrawal to all licensees within that state. Notwithstanding
768 any subsequent statutory enactment to the contrary, such
769 withdrawing state must continue to recognize all licenses
770 granted pursuant to the compact for a minimum of 6 months after
771 the date of such notice of withdrawal.

772 (a) The compact does not prevent any licensure agreement or
773 other cooperative arrangement between a member state and a
774 nonmember state which does not conflict with the provisions of
775 the compact.

776 (b) The compact may be amended by the member states. An
777 amendment to the compact does not become effective and binding
778 upon any member state until it is enacted into the laws of all
779 member states.

781 ARTICLE XII

782 CONSTRUCTION AND SEVERABILITY

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784 (1) The compact and the commission's rulemaking authority
785 must be liberally construed so as to effectuate the purposes,
786 implementation, and administration of the compact. Provisions of
787 the compact expressly authorizing or requiring the adoption of
788 rules may not be construed to limit the commission's rulemaking
789 authority solely for those purposes.

790 (2) The provisions of the compact are severable, and if any
791 phrase, clause, sentence, or provision of the compact is held by
792 a court of competent jurisdiction to be contrary to the
793 constitution of any member state, a state seeking participation
794 in the compact, or of the United States, or the applicability
795 thereof to any government, agency, person, or circumstance is
796 held to be unconstitutional by a court of competent
797 jurisdiction, the validity of the remainder of the compact and
798 the applicability thereof to any other government, agency,
799 person, or circumstance may not be affected thereby.

800 (3) Notwithstanding subsection (2), the commission may deny
801 a state's participation in the compact or, in accordance with
802 the requirements of paragraph (2)(a) of article X, terminate a
803 member state's participation in the compact, if it determines
804 that a constitutional requirement of a member state is a
805 material departure from the compact. Otherwise, if the compact
806 is held to be contrary to the constitution of any member state,
807 the compact remains in full force and effect as to the remaining
808 member states and in full force and effect as to the member
809 state affected as to all severable matters.

811 ARTICLE XIII

812 CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

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814 (1) The compact does not prevent or inhibit the enforcement
815 of any other law of a member state which is consistent with the
816 compact.

817 (2) Any law, statute, regulation, or other legal
818 requirement in a member state in conflict with the compact is
819 superseded to the extent of the conflict.

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

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