

HB214 INTRODUCED



1 HB214
2 EBHB229-1
3 By Representatives Gidley, Paschal, Robertson
4 RFD: Boards, Agencies and Commissions
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SYNOPSIS:

This bill would allow the Alabama Board of Examiners in Psychology to enter into the School Psychologist Interstate Licensure Compact by adopting Article 6 of Chapter 26 of Title 34, Code of Alabama 1975, as a means of providing uniformity in licensing requirements and interstate practice throughout party states.

A BILL
TO BE ENTITLED
AN ACT

Relating to the Alabama Board of Examiners in Psychology; to enter into the School Psychologist Interstate Licensure Compact by adopting Article 6 of Chapter 26 of Title 34, Code of Alabama 1975.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Article 6, commencing with Section 34-26-100, is added to Chapter 26 of Title 34, Code of Alabama, to read as follows:

Article 6. SCHOOL PSYCHOLOGIST INTERSTATE LICENSURE COMPACT.

§34-26-100. Purpose.



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29 The purpose of this compact is to facilitate the
30 interstate practice of school psychology in educational or
31 school settings, and, in doing so, to improve the availability
32 of school psychological services to the public. This compact
33 is intended to establish a pathway to allow school
34 psychologists to obtain equivalent licenses to provide school
35 psychological services in any member state. In this way, this
36 compact shall enable the member states to ensure that safe and
37 effective school psychological services are available and
38 delivered by appropriately qualified professionals in their
39 educational settings.

40 To facilitate the objectives described above, this
41 compact shall do the following:

42 (1) Enable school psychologists who qualify for receipt
43 of an equivalent license to practice in other member states
44 without first satisfying burdensome and duplicative
45 requirements.

46 (2) Promote the mobility of school psychologists
47 between and among the member states in order to address
48 workforce shortages and to ensure that safe and reliable
49 school psychological services are available in each member
50 state.

51 (3) Enhance the public accessibility of school
52 psychological services by increasing the availability of
53 qualified, licensed school psychologists through the
54 establishment of an efficient and streamlined pathway for
55 licensees to practice in other member states.

56 (4) Preserve and respect the authority of each member



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57 state to protect the health and safety of its residents by
58 ensuring that only qualified, licensed professionals are
59 authorized to provide school psychological services within
60 that state.

61 (5) Require school psychologists practicing within a
62 member state to comply with the scope of practice laws of the
63 state where the school psychological services are being
64 provided.

65 (6) Promote cooperation between the member states in
66 regulating the practice of school psychology within those
67 states.

68 (7) Facilitate the relocation of military members and
69 their spouses who are licensed to provide school psychological
70 services.

71 §34-26-101. Definitions.

72 As used in this compact, the following terms have the
73 following meanings:

74 (1) ACTIVE MILITARY MEMBER. Any person with full-time
75 duty status in the Armed Forces of the United States,
76 including members of the National Guard and Reserve.

77 (2) ADVERSE ACTION. Disciplinary action or encumbrance
78 imposed on a license by a state licensing authority.

79 (3) ALTERNATIVE PROGRAM. A nondisciplinary,
80 prosecutorial diversion, monitoring, or practice remediation
81 process entered into in lieu of an adverse action which is
82 applicable to a school psychologist and approved by the state
83 licensing authority of a member state where the participating
84 school psychologist is licensed. The term includes, but is not



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85 limited to, programs to which licensees with substance abuse
86 or addiction issues may be referred in lieu of an adverse
87 action.

88 (4) COMMISSIONER. The individual appointed by a member
89 state to serve as the representative to the commission for
90 that member state.

91 (5) COMPACT. This School Psychologist Interstate
92 Licensure Compact.

93 (6) CONTINUING PROFESSIONAL EDUCATION. A requirement,
94 imposed by a member state as a condition of license renewal,
95 to provide evidence of successful participation in
96 professional educational activities relevant to the provision
97 of school psychological services.

98 (7) CRIMINAL BACKGROUND CHECK. The submission of
99 fingerprints or other biometric information for a license
100 applicant for the purpose of obtaining that applicant's
101 criminal history record information, as defined in 28 C.F.R. §
102 20.3(d), and the state's criminal history record repository as
103 defined in 28 C.F.R. § 20.3(f).

104 (8) DOCTORAL LEVEL DEGREE. A graduate degree program
105 that consists of at least 90 graduate semester hours in the
106 field of school psychology, including a supervised internship.

107 (9) ENCUMBERED LICENSE. A license that a state
108 licensing authority has limited in any way other than through
109 an alternative program, including temporary or provisional
110 licenses.

111 (10) EXECUTIVE COMMITTEE. The commission's chair, vice
112 chair, secretary, and treasurer and any other commissioners as



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113 may be determined by commission rule or bylaw.

114 (11) EQUIVALENT LICENSE. A license to practice school
115 psychology which a member state has identified as a license
116 that may be provided to school psychologists from other member
117 states pursuant to this compact.

118 (12) HOME STATE. The member state that issued the home
119 state license to the licensee and is the licensee's primary
120 state of practice.

121 (13) HOME STATE LICENSE. The license that is not an
122 encumbered license issued by the home state to provide school
123 psychological services.

124 (14) LICENSE. A current license, certification, or
125 other authorization granted by a member state's licensing
126 authority that permits an individual to provide school
127 psychological services.

128 (15) LICENSEE. An individual who holds a license from a
129 member state to provide school psychological services.

130 (16) MEMBER STATE. A state that has enacted this
131 compact and has been admitted to the commission in accordance
132 with the provisions herein and commission rules.

133 (17) MODEL COMPACT. The model language for the School
134 Psychologist Interstate Licensure Compact on file with the
135 Council of State Governments or other entity as designated by
136 the commission.

137 (18) PRACTICE OF SCHOOL PSYCHOLOGY. The delivery of
138 school psychological services.

139 (19) QUALIFYING NATIONAL EXAM. A national licensing
140 examination endorsed by the National Association of School



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141 Psychologists and any other exam as approved by the rules of
142 the commission.

143 (20) QUALIFYING SCHOOL PSYCHOLOGIST EDUCATION PROGRAM.

144 An education program that awards a specialist-level or
145 doctoral-level degree or equivalent upon completion and is
146 approved by the rules of the commission as meeting the
147 necessary minimum educational standards to ensure that the
148 program's graduates are ready, qualified, and able to engage
149 in the practice of school psychology.

150 (21) REMOTE STATE. A member state other than the home
151 state where a licensee holds a license through this compact.

152 (22) RULE. A regulation adopted by an entity,
153 including, but not limited to, the commission and the state
154 licensing authority of each member state, which has the force
155 of law.

156 (23) SCHOOL PSYCHOLOGICAL SERVICES. Academic, mental,
157 and behavioral health services, including assessment,
158 prevention, consultation and collaboration, intervention, and
159 evaluation, provided by a school psychologist in a school, as
160 outlined in applicable professional standards as determined by
161 commission rule.

162 (24) SCHOOL PSYCHOLOGIST. An individual who has met the
163 requirements to obtain a home state license that legally
164 conveys the professional title of school psychologist, or its
165 equivalent as determined by the rules of the commission.

166 (25) SCHOOL PSYCHOLOGIST INTERSTATE LICENSURE COMPACT
167 COMMISSION or COMMISSION. The joint government agency
168 established by this compact whose membership consists of



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169 representatives from each member state that has enacted this
170 compact, and as further described in Section 34-26-106.

171 (26) SCOPE OF PRACTICE. The procedures, actions, and
172 processes a school psychologist licensed in a state is
173 permitted to undertake in that state and the circumstances
174 under which that licensee is permitted to undertake those
175 procedures, actions, and processes. Such procedures, actions,
176 and processes, and the circumstances under which they may be
177 undertaken, may be established through means, including, but
178 not limited to, statute, rule, case law, and other processes
179 available to the state licensing authority or other government
180 agency.

181 (27) SPECIALIST-LEVEL DEGREE. A degree program that
182 requires at least 60 graduate semester hours or equivalent in
183 the field of school psychology, including a supervised
184 internship.

185 (28) STATE. Any state, commonwealth, district, or
186 territory of the United States of America.

187 (29) STATE LICENSING AUTHORITY. A member state's
188 regulatory body responsible for issuing licenses or otherwise
189 overseeing the practice of school psychology.

190 (30) STATE SPECIFIC REQUIREMENT. A requirement for
191 licensure covered in coursework or examination that includes
192 content of unique interest to the state.

193 (31) UNENCUMBERED LICENSE. A license that authorizes a
194 licensee to engage in the full and unrestricted practice of
195 school psychology.

196 §34-26-102. State participation in this compact.



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

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

202 (2) Participate in the sharing of information with
203 other member states as reasonably necessary to accomplish the
204 objectives of this compact, and as further defined in Section
205 34-26-100.

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

209 (4) Have a mechanism in place for receiving and
210 investigating complaints about licensees.

211 (5) Notify the commission, in compliance with the terms
212 of this compact and the commission's rules, of any adverse
213 action taken against a licensee, or of the availability of
214 investigative information which relates to a licensee or
215 applicant for licensure.

216 (6) Require that applicants for a home state license
217 have:

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

220 b. Completed a minimum of 1200 hours of supervised
221 internship, of which at least 600 must have been completed in
222 a school, prior to being approved for licensure.

223 c. Graduated from a qualifying school psychologist
224 education program.



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226 (7) Comply with the terms of this compact and the rules
227 of the commission.

228 (b) Each member state shall grant an equivalent license
229 to practice school psychology in that state upon application
230 by a licensee who satisfies the criteria of Section
231 34-26-103(a). Each member state shall grant renewal of the
232 equivalent license to a licensee who satisfies the criteria of
233 Section 34-26-103(b).

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

236 §34-26-103. School psychologist participation in this
237 compact.

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

240 (1) Hold and maintain an active home state license.

241 (2) Satisfy any applicable state specific requirements
242 established by the member state after an equivalent license is
243 granted.

244 (3) Complete any administrative or application
245 requirements which the commission may establish by rule, and
246 pay any associated fees.

247 (4) Complete any requirements for renewal in the home
248 state, including applicable continuing professional education
249 requirements.

250 (5) Upon his or her application to receive a license
251 under this compact, undergo a criminal background check in the
252 member state in which the equivalent license is sought in



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253 accordance with the laws and rules of the member state.

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

258 §34-26-104. Active duty military members or their
259 spouses.

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

263 (1) The licensee's permanent residence.

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

266 (3) A member state where the licensee has relocated
267 pursuant to a permanent change of station (PCS).

268 §34-26-105. Discipline/Adverse actions.

269 (a) Nothing in this compact shall be deemed or
270 construed to limit the authority of a member state to
271 investigate or impose disciplinary measures on licensees
272 according to its scope of practice laws.

273 (b) Member states shall be authorized to receive, and
274 shall provide, files and information regarding the
275 investigation and discipline, if any, of licensees in other
276 member states upon request. Any member state receiving such
277 information or files shall protect and maintain their security
278 and confidentiality, in at least the same manner that it
279 maintains its own investigatory or disciplinary files and
280 information. Prior to disclosing any disciplinary or



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281 investigatory information received from another member state,
282 the disclosing state shall communicate its intention and
283 purpose for such disclosure to the member state which
284 originally provided that information.

285 §34-26-106. Establishment of the School Psychologist
286 Interstate Licensure Compact Commission.

287 (a) The member states hereby create and establish a
288 joint government agency whose membership consists of all
289 member states that have enacted this compact, and this agency
290 shall be known as the School Psychologist Interstate Licensure
291 Compact Commission. The commission is an instrumentality of
292 the member states acting jointly and not an instrumentality of
293 any one state. The commission shall come into existence on or
294 after the effective date of this compact as set forth in
295 Section 34-26-110.

296 (b) Membership, Voting, and Meetings.

297 (1) Each member state shall have and be limited to one
298 delegate selected by the state licensing authority of that
299 member state.

300 (2) The delegate shall be the primary administrative
301 officer of the member state licensing authority or their
302 designee who is an employee of the member state licensing
303 authority.

304 (3) The commission shall by rule or bylaw establish a
305 term of office for delegates and may by rule or bylaw
306 establish term limits.

307 (4) The commission may recommend removal or suspension
308 of any delegate from office.



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309 (5) A member state's licensing authority shall fill any
310 vacancy of its delegate occurring on the commission within 60
311 days of the vacancy.

312 (6) Each delegate shall be entitled to one vote on all
313 matters before the commission requiring a vote by commission
314 delegates.

315 (7) A delegate shall vote in person or by such other
316 means as provided in the bylaws. The bylaws may provide for
317 delegates to meet via telecommunication, videoconference, or
318 other means of communication.

319 (8) The commission shall meet at least once during each
320 calendar year. Additional meetings may be held as set forth in
321 the bylaws. The commission may meet via telecommunication,
322 video conference, or other similar electronic means.

323 (c) The commission shall have the following powers:

324 (1) To establish the fiscal year of the commission.

325 (2) To establish code of conduct and conflict of
326 interest policies.

327 (3) To establish and amend rules and bylaws.

328 (4) To establish the procedure through which a licensee
329 may change his or her home state.

330 (5) To maintain its financial records in accordance
331 with the bylaws.

332 (6) To meet and take such actions as are consistent
333 with the provisions of this compact, the commission's rules,
334 and the bylaws.

335 (7) To initiate and conclude legal proceedings or
336 actions in the name of the commission, provided that the



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337 standing of any member state licensing authority to sue or be
338 sued under applicable law shall not be affected.

339 (8) To maintain and certify records and information
340 provided to a member state as the authenticated business
341 records of the commission, and designate an agent to do so on
342 the commission's behalf.

343 (9) To purchase and maintain insurance and bonds.

344 (10) To borrow, accept, or contract for services of
345 personnel, including, but not limited to, employees of a
346 member state.

347 (11) To conduct an annual financial review.

348 (12) To hire employees, elect or appoint officers, fix
349 compensation, define duties, grant such individuals
350 appropriate authority to carry out the purposes of this
351 compact, and establish the commission's personnel policies and
352 programs relating to conflicts of interest, qualifications of
353 personnel, and other related personnel matters.

354 (13) To assess and collect fees.

355 (14) To accept any and all appropriate gifts,
356 donations, grants of money, other sources of revenue,
357 equipment, supplies, materials, and services, and receive,
358 utilize, and dispose of those items; provided, that at all
359 times the commission shall avoid any appearance of impropriety
360 or conflict of interest.

361 (15) To lease, purchase, retain, own, hold, improve, or
362 use any property, real, personal, or mixed, or any undivided
363 interest therein.

364 (16) To sell, convey, mortgage, pledge, lease,



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365 exchange, abandon, or otherwise dispose of any property real,
366 personal, or mixed.

367 (17) To establish a budget and make expenditures.

368 (18) To borrow money.

369 (19) To appoint committees, including standing
370 committees, composed of members, state regulators, state
371 legislators or their representatives, consumer
372 representatives, and other interested persons as may be
373 designated in this compact and the bylaws.

374 (20) To provide and receive information from, and
375 cooperate with, law enforcement agencies.

376 (21) To establish and elect an executive committee,
377 including a chair and a vice chair.

378 (22) To determine whether a state's adopted language is
379 materially different from the model compact language such that
380 the state would not qualify for participation in this compact.

381 (23) To perform other functions as may be necessary or
382 appropriate to achieve the purposes of this compact.

383 (d) The Executive Committee.

384 (1) The executive committee shall have the power to act
385 on behalf of the commission according to the terms of this
386 compact and shall have the following powers, duties, and
387 responsibilities:

388 a. To oversee the day-to-day activities of the
389 administration of this compact, including enforcement and
390 compliance with the provisions of this compact, its rules and
391 bylaws, and other such duties as deemed necessary.

392 b. To recommend to the commission changes to the rules



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393 or bylaws, changes to this compact legislation, fees charged
394 to member states, fees charged to licensees, and other fees.

395 c. To ensure compact administration services are
396 appropriately provided, including by contract.

397 d. To prepare and recommend the budget.

398 e. To maintain financial records on behalf of the
399 commission.

400 f. To monitor compact compliance of member states and
401 provide compliance reports to the commission.

402 g. To establish additional committees as necessary.

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

408 i. To perform other duties as provided in the rules or
409 bylaws of the commission.

410 (2) The executive committee shall be composed of up to
411 seven members:

412 a. The chair and vice chair of the commission shall be
413 voting members of the executive committee.

414 b. The commission shall elect five voting members from
415 the current membership of the commission.

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

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

420 a. Executive committee meetings shall be open to the



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421 public, except that the executive committee may meet in a
422 closed, non-public meeting as provided in subdivision (f)(2).

423 b. The executive committee shall give 30 days' notice
424 of its meetings, posted on its website and as determined to
425 provide notice to persons with an interest in the business of
426 the commission.

427 c. The executive committee may hold a special meeting
428 in accordance with paragraph (f)(1)b.

429 (e) The commission shall adopt and provide to the
430 member states an annual report.

431 (f) Meetings of the commission.

432 (1) All meetings shall be open to the public, except
433 that the commission may meet in a closed, nonpublic meeting as
434 provided in subdivision (2).

435 a. Public notice for all meetings of the full
436 commission shall be given in the same manner as required under
437 the rulemaking provisions in Section 34-26-108, except that
438 the commission may hold a special meeting as provided in
439 paragraph b.

440 b. The commission may hold a special meeting when it
441 must meet to conduct emergency business by giving 48 hours'
442 notice to all commissioners, on the commission's website, and
443 other means as provided in the commission's rules. The
444 commission's legal counsel shall certify that the commission's
445 need to meet qualifies as an emergency.

446 (2) The commission, the executive committee, or other
447 committees of the commission may convene in a closed,
448 nonpublic meeting for the commission, executive committee, or



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449 other committees of the commission to receive legal advice or
450 to discuss the following:

451 a. Noncompliance of a member state with its obligations
452 under this compact.

453 b. The employment, compensation, discipline, or other
454 matters, practices, or procedures related to specific
455 employees.

456 c. Current or threatened discipline of a licensee by
457 the commission or by a member state's licensing authority.

458 d. Current, threatened, or reasonably anticipated
459 litigation.

460 e. Negotiation of contracts for the purchase, lease, or
461 sale of goods, services, or real estate.

462 f. Accusing any individual of a crime or formally
463 censuring any individual.

464 g. Trade secrets or commercial or financial information
465 that is privileged or confidential.

466 h. Information of a personal nature where disclosure
467 would constitute a clearly unwarranted invasion of personal
468 privacy.

469 i. Investigative records compiled for law enforcement
470 purposes.

471 j. Information related to any investigative reports
472 prepared by, on behalf of, or for use of the commission or
473 other committee charged with responsibility of investigation
474 or determination of compliance issues pursuant to this
475 compact.

476 k. Matters specifically exempted from disclosure by



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477 federal or member state law.

478 1. Other matters as adopted by the commission by rule.

479 (3) If a meeting, or portion of a meeting, is closed,
480 the presiding officer shall state that the meeting will be
481 closed and reference each relevant exempting provision, and
482 each reference shall be recorded in the minutes.

483 (4) The commission shall keep minutes that fully and
484 clearly describe all matters discussed in a meeting and shall
485 provide a full and accurate summary of actions taken, and the
486 reasons therefore, including a description of the views
487 expressed. All documents considered in connection with an
488 action shall be identified in the minutes. All minutes and
489 documents of a closed meeting shall remain under seal, subject
490 to release only by a majority vote of the commission or order
491 of a court of competent jurisdiction.

492 (g) Financing of the commission.

493 (1) The commission shall pay, or provide for the
494 payment of, the reasonable expenses of its establishment,
495 organization, and ongoing activities.

496 (2) The commission may accept any and all appropriate
497 revenue sources as provided in subdivision (c)(14).

498 (3) The commission may levy on and collect an annual
499 assessment from each member state and impose fees on licensees
500 practicing in the member states under an equivalent license to
501 cover the cost of the operations and activities of the
502 commission and its staff, which must be in a total amount
503 sufficient to cover its annual budget as approved each year
504 for which revenue is not provided by other sources. The



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505 aggregate annual assessment amount for member states shall be
506 allocated based upon a formula that the commission shall adopt
507 by rule.

508 (4) The commission shall not incur obligations of any
509 kind prior to securing the funds adequate to meet those
510 obligations nor shall the commission pledge the credit of any
511 of the member states, except by and with the authority of the
512 member state.

513 (5) The commission shall keep accurate accounts of all
514 receipts and disbursements. The receipts and disbursements of
515 the commission shall be subject to the financial review and
516 accounting procedures established under its bylaws. However,
517 all receipts and disbursements of funds handled by the
518 commission shall be subject to an annual financial review by a
519 certified or licensed public accountant, and the report of the
520 financial review shall be included in and become part of the
521 annual report of the commission.

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

523 (1) The members, officers, executive director,
524 employees, and representatives of the commission shall be
525 immune from suit and liability, both personally and in their
526 official capacity, for any claim for damage to or loss of
527 property or personal injury or other civil liability caused by
528 or arising out of any actual or alleged act, error, or
529 omission that occurred, or that the individual against whom
530 the claim is made had a reasonable basis for believing
531 occurred within the scope of commission employment, duties, or
532 responsibilities; provided, that nothing in this subdivision



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533 shall be construed to protect any such individual from suit or
534 liability for any damage, loss, injury, or liability caused by
535 the intentional, willful, or wanton misconduct of that
536 individual. The procurement of insurance of any type by the
537 commission shall not in any way compromise or limit the
538 immunity granted hereunder.

539 (2) The commission shall defend any member, officer,
540 executive director, employee, and representative of the
541 commission in any civil action seeking to impose liability
542 arising out of any actual or alleged act, error, or omission
543 that occurred within the scope of commission employment,
544 duties, or responsibilities, or as determined by the
545 commission that the individual against whom the claim is made
546 had a reasonable basis for believing occurred within the scope
547 of commission employment, duties, or responsibilities;
548 provided, that nothing herein shall be construed to prohibit
549 that individual from retaining their own counsel at their own
550 expense; and provided further, that the actual or alleged act,
551 error, or omission did not result from that individual's
552 intentional, willful, or wanton misconduct.

553 (3) The commission shall indemnify and hold harmless
554 any member, officer, executive director, employee, and
555 representative of the commission for the amount of any
556 settlement or judgment obtained against that individual
557 arising out of any actual or alleged act, error, or omission
558 that occurred within the scope of commission employment,
559 duties, or responsibilities, or that such individual had a
560 reasonable basis for believing occurred within the scope of



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561 commission employment, duties, or responsibilities; provided,
562 that the actual or alleged act, error, or omission did not
563 result from the intentional, willful, or wanton misconduct of
564 that individual.

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

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

575 (6) Nothing in this compact shall be construed to be a
576 waiver of sovereign immunity by the member states or by the
577 commission.

578 §34-26-107. Facilitating information exchange.

579 (a) The commission shall provide for facilitating the
580 exchange of information to administer and implement the
581 provisions of this compact in accordance with the rules of the
582 commission, consistent with generally accepted data protection
583 principles.

584 (b) Notwithstanding any other provision of state law to
585 the contrary, a member state shall agree to provide for the
586 facilitation of the following licensee information as required
587 by the rules of the commission, to include the following:

588 (1) Identifying information.



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589 (2) Licensure data.

590 (3) Adverse actions against a license and related
591 information.

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

596 (5) Any denial of application for licensure, and the
597 reason for the denial.

598 (6) The presence of investigative information.

599 (7) Other information that may facilitate the
600 administration of this compact or the protection of the
601 public, as determined by the rules of the commission.

602 (c) Nothing in this compact shall be deemed or
603 construed to alter, limit, or inhibit the power of a member
604 state to control and maintain ownership of its licensee
605 information or alter, limit, or inhibit the laws or rules
606 governing licensee information in the member state.

607 §34-26-108. Rulemaking.

608 (a) The commission shall exercise its rulemaking powers
609 pursuant to the criteria set forth in this compact and the
610 rules adopted thereunder. Rules and amendments shall become
611 binding as of the date specified in each rule or amendment.

612 (b) The commission shall adopt reasonable rules to
613 achieve the intent and purpose of this compact. In the event
614 the commission exercises its rulemaking authority in a manner
615 that is beyond purpose and intent of this compact, or the
616 powers granted hereunder, then such an action by the



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617 commission shall be invalid and have no force and effect of
618 law in the member states.

619 (c) If a majority of the legislatures of the member
620 states rejects a rule, by enactment of a statute or resolution
621 in the same manner used to adopt this compact within four
622 years of the date of adoption of the rule, then the rule shall
623 have no further force and effect in any member state.

624 (d) Rules or amendments to the rules shall be adopted
625 or ratified at a regular or special meeting of the commission
626 in accordance with commission rules and bylaws.

627 (e) Prior to adoption of a final rule or rules by the
628 commission, and at least 30 days in advance of the meeting at
629 which the rule will be considered and voted upon, the
630 commission shall file a notice of proposed rulemaking:

631 (1) On the website of the commission or other publicly
632 accessible platform.

633 (2) On the website of each member state licensing
634 authority or other publicly accessible platform or the
635 publication in which each state would otherwise publish
636 proposed rules.

637 (f) Upon determination that an emergency exists, the
638 commission may consider and adopt an emergency rule with 48
639 hours' notice, with opportunity to comment; provided, that the
640 usual rulemaking procedures shall be retroactively applied to
641 the rule as soon as reasonably possible, and in no event later
642 than 90 days after the effective date of the rule. For the
643 purposes of this subsection, an emergency rule is one that
644 must be adopted immediately in order to:



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645 (1) Meet an imminent threat to public health, safety,
646 or welfare.

647 (2) Prevent a loss of commission or member state funds.

648 (3) Meet a deadline for the adoption of an
649 administrative rule that is established by federal law or
650 rule.

651 (4) Protect public health and safety.

652 §34-26-109. Oversight, dispute resolution, and
653 enforcement.

654 (a) Oversight.

655 (1) The executive and judicial branches of the state
656 government in each member state shall enforce this compact and
657 take all actions necessary and appropriate to implement this
658 compact.

659 (2) Venue is proper and judicial proceedings by or
660 against the commission shall be brought solely and exclusively
661 in a court of competent jurisdiction where the principal
662 office of the commission is located. The commission may waive
663 venue and jurisdictional defenses to the extent it adopts or
664 consents to participate in alternative dispute resolution
665 proceedings. Nothing herein shall affect or limit the
666 selection or propriety of venue in any action against a
667 licensee for professional malpractice, misconduct, or any
668 similar matter.

669 (3) The commission shall be entitled to receive service
670 of process in any proceeding regarding the enforcement or
671 interpretation of this compact and shall have standing to
672 intervene in such a proceeding for all purposes. Failure to



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673 provide the commission service of process shall render a
674 judgment or order void as to the commission, this compact, or
675 adopted rules.

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

677 (1) If the commission determines that a member state
678 has defaulted in the performance of its obligations or
679 responsibilities under this compact or the adopted rules, the
680 commission shall provide written notice to the defaulting
681 state. The notice of default shall describe the default, the
682 proposed means of curing the default, and any other action
683 that the commission may take, and shall offer training and
684 specific technical assistance regarding the default.

685 (2) The commission shall provide a copy of the notice
686 of default to the other member states.

687 (c) If a state in default fails to cure the default,
688 the defaulting state may be terminated from this compact upon
689 an affirmative vote of a supermajority of the delegates of the
690 member states, and all rights, privileges, and benefits
691 conferred on that state by this compact may be terminated on
692 the effective date of termination. A cure of the default does
693 not relieve the offending state of obligations or liabilities
694 incurred during the period of default.

695 (d) Termination of membership in this compact shall be
696 imposed only after all other means of securing compliance have
697 been exhausted. Notice of intent to suspend or terminate shall
698 be given by the commission to the governor, the majority and
699 minority leaders of the defaulting state's legislature, the
700 defaulting state's licensing authority, and each of the member



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701 states' licensing authorities.

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

706 (f) Upon the termination of a state's membership from
707 this compact, that state shall immediately provide notice to
708 all licensees within that state of the termination. The
709 terminated state shall continue to recognize all licenses
710 granted pursuant to this compact for a minimum of six months
711 after the date of the notice of termination.

712 (g) The commission shall not bear any costs related to
713 a state that is found to be in default or that has been
714 terminated from this compact, unless agreed upon in writing
715 between the commission and the defaulting state.

716 (h) The defaulting state may appeal the action of the
717 commission by petitioning the United States District Court for
718 the District of Columbia or the federal district where the
719 commission has its principal offices. The prevailing party
720 shall be awarded all costs of the litigation, including
721 reasonable attorney fees.

722 (i) Dispute Resolution.

723 (1) Upon request by a member state, the commission
724 shall attempt to resolve disputes related to this compact that
725 arise among member states and between member and non-member
726 states.

727 (2) The commission shall adopt a rule providing for
728 both mediation and binding dispute resolution for disputes as



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729 appropriate.

730 (j) Enforcement.

731 (1) By majority vote as provided by rule, the
732 commission may initiate legal action against a member state in
733 default in the United States District Court for the District
734 of Columbia or the federal district where the commission has
735 its principal offices to enforce compliance with the
736 provisions of this compact and its adopted rules. The relief
737 sought may include both injunctive relief and damages. In the
738 event judicial enforcement is necessary, the prevailing party
739 shall be awarded all costs of the litigation, including
740 reasonable attorney fees. The remedies herein shall not be the
741 exclusive remedies of the commission. The commission may
742 pursue any other remedies available under federal or the
743 defaulting member state's law.

744 (2) A member state may initiate legal action against
745 the commission in the United States District Court for the
746 District of Columbia or the federal district where the
747 commission has its principal offices to enforce compliance
748 with the provisions of this compact and its adopted rules. The
749 relief sought may include both injunctive relief and damages.
750 In the event judicial enforcement is necessary, the prevailing
751 party shall be awarded all costs of the litigation, including
752 reasonable attorney fees.

753 (3) No person other than a member state shall enforce
754 this compact against the commission.

755 §34-26-110. Effective date, withdrawal, and amendment.

756 (a) This compact shall come into effect on the date on



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757 which the compact statute is enacted into law in the seventh
758 member state.

759 (1) On or after the effective date of this compact
760 indicated above, the commission shall convene and review the
761 enactment of each of the charter member states to determine if
762 the statute enacted by each such charter member state is
763 materially different than the model compact statute.

764 a. A charter member state whose enactment is found to
765 be materially different from the model compact statute shall
766 be entitled to the default process set forth in Section
767 34-26-109(b).

768 b. If any member state is later found to be in default,
769 is terminated, or withdraws from this compact, the commission
770 shall remain in existence and this compact shall remain in
771 effect even if the number of member states should be less than
772 seven.

773 (2) Member states enacting this compact subsequent to
774 the charter member states shall be subject to the process set
775 forth in subdivision (1) to determine if their enactments are
776 materially different from the model compact statute and
777 whether they qualify for participation in this compact.

778 (3) All actions taken for the benefit of the commission
779 or in furtherance of the purposes of the administration of
780 this compact prior to the effective date of this compact or
781 the commission coming into existence shall be considered to be
782 actions of the commission unless specifically repudiated by
783 the commission.

784 a. Any state that joins this compact subsequent to the



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785 commission's initial adoption of the rules and bylaws shall be
786 subject to the rules and bylaws as they exist on the date on
787 which this compact becomes law in that state. Any rule that
788 has been previously adopted by the commission shall have the
789 full force and effect of law on the day this compact becomes
790 law in that state.

791 b. Any member state may withdraw from this compact by
792 enacting a statute repealing the same.

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

795 (c) Withdrawal shall not affect the continuing
796 requirement of the withdrawing state's licensing authority to
797 comply with the investigative and adverse action reporting
798 requirements of this compact prior to the effective date of
799 withdrawal.

800 (d) Upon the enactment of a statute withdrawing from
801 this compact, a state shall immediately provide notice of
802 withdrawal to all licensees within that state. Notwithstanding
803 any subsequent statutory enactment to the contrary, the
804 withdrawing state shall continue to recognize all licenses
805 granted pursuant to this compact for a minimum of six months
806 after the date of the notice of withdrawal.

807 (1) Nothing contained in this compact shall be
808 construed to invalidate or prevent any licensure agreement or
809 other cooperative arrangement between a member state and a
810 non-member state that does not conflict with the provisions of
811 this compact.

812 (2) This compact may be amended by the member states.



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813 No amendment to this compact shall become effective and
814 binding upon any member state until it is enacted into the
815 laws of all member states.

816 §34-26-111. Construction and severability.

817 (a) This compact and the commission's rulemaking
818 authority shall be liberally construed so as to effectuate the
819 purposes, implementation, and administration of this compact.
820 Provisions of this compact expressly authorizing or requiring
821 the adoption of rules shall not be construed to limit the
822 commission's rulemaking authority solely for those purposes.

823 (b) The provisions of this compact shall be severable
824 and if any phrase, clause, sentence, or provision of this
825 compact is held by a court of competent jurisdiction to be
826 contrary to the constitution of any member state, a state
827 seeking participation in this compact, or of the United
828 States, or the applicability thereof to any government,
829 agency, individual, or circumstance is held to be
830 unconstitutional by a court of competent jurisdiction, the
831 validity of the remainder of this compact and the
832 applicability thereof to any other government, agency,
833 individual, or circumstance shall not be affected thereby.

834 (c) Notwithstanding subsection (b), the commission may
835 deny a state's participation in this compact or, in accordance
836 with the requirements of Section 34-26-109(f), terminate a
837 member state's participation in this compact, if it determines
838 that a constitutional requirement of a member state is a
839 material departure from this compact. Otherwise, if this
840 compact shall be held to be contrary to the constitution of



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841 any member state, this compact shall remain in full force and
842 effect as to the remaining member states and in full force and
843 effect as to the member state affected as to all severable
844 matters.

845 §34-26-112. Consistent effect and conflict with other
846 states.

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

850 (b) Any laws, statutes, rules, or other legal
851 requirements in a member state in conflict with this compact
852 are superseded to the extent of the conflict.

853 (c) All permissible agreements between the commission
854 and the member states are binding in accordance with their
855 terms.

856 Section 2. This act shall become effective on October
857 1, 2025.