

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 24-0844.01 Jane Ritter x4342

HOUSE BILL 24-1096

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A BILL FOR AN ACT

101 **CONCERNING THE ENACTMENT OF THE "SCHOOL PSYCHOLOGISTS**
102 **LICENSURE INTERSTATE COMPACT".**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill enacts the "School Psychologists Licensure Interstate Compact" (compact). The purpose of the compact is to facilitate the interstate practice of school psychology in educational or school settings, thereby improving the availability of school psychological services (services) to the public.

The compact establishes a pathway to allow school psychologists

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

SENATE
2nd Reading Unamended
March 21, 2024

HOUSE
3rd Reading Unamended
February 28, 2024

HOUSE
Amended 2nd Reading
February 27, 2024

1 ANY MEMBER STATE. IN THIS WAY, THIS COMPACT ENABLES THE MEMBER
2 STATES TO ENSURE THAT SAFE AND EFFECTIVE SCHOOL PSYCHOLOGICAL
3 SERVICES ARE AVAILABLE AND DELIVERED BY APPROPRIATELY QUALIFIED
4 PROFESSIONALS IN THEIR EDUCATIONAL SETTINGS.

5 TO FACILITATE THE OBJECTIVES DESCRIBED ABOVE, THIS COMPACT:

6 A. ENABLES SCHOOL PSYCHOLOGISTS WHO QUALIFY FOR RECEIPT
7 OF AN EQUIVALENT LICENSE TO PRACTICE IN OTHER MEMBER STATES
8 WITHOUT FIRST SATISFYING BURDENSOME AND DUPLICATIVE
9 REQUIREMENTS;

10 B. PROMOTES THE MOBILITY OF SCHOOL PSYCHOLOGISTS BETWEEN
11 AND AMONG THE MEMBER STATES IN ORDER TO ADDRESS WORKFORCE
12 SHORTAGES AND TO ENSURE THAT SAFE AND RELIABLE SCHOOL
13 PSYCHOLOGICAL SERVICES ARE AVAILABLE IN EACH MEMBER STATE;

14 C. ENHANCES THE PUBLIC ACCESSIBILITY OF SCHOOL
15 PSYCHOLOGICAL SERVICES BY INCREASING THE AVAILABILITY OF
16 QUALIFIED, LICENSED SCHOOL PSYCHOLOGISTS THROUGH THE
17 ESTABLISHMENT OF AN EFFICIENT AND STREAMLINED PATHWAY FOR
18 LICENSEES TO PRACTICE IN OTHER MEMBER STATES;

19 D. PRESERVES AND RESPECTS THE AUTHORITY OF EACH MEMBER
20 STATE TO PROTECT THE HEALTH AND SAFETY OF ITS RESIDENTS BY
21 ENSURING THAT ONLY QUALIFIED, LICENSED PROFESSIONALS ARE
22 AUTHORIZED TO PROVIDE SCHOOL PSYCHOLOGICAL SERVICES WITHIN THAT
23 STATE;

24 E. REQUIRES SCHOOL PSYCHOLOGISTS PRACTICING WITHIN A
25 MEMBER STATE TO COMPLY WITH THE SCOPE OF PRACTICE LAWS PRESENT
26 IN THE STATE WHERE THE SCHOOL PSYCHOLOGICAL SERVICES ARE BEING
27 PROVIDED;

1 F. PROMOTES COOPERATION BETWEEN THE MEMBER STATES IN
2 REGULATING THE PRACTICE OF SCHOOL PSYCHOLOGY WITHIN THOSE
3 STATES; AND

4 G. FACILITATES THE RELOCATION OF MILITARY MEMBERS AND
5 THEIR SPOUSES WHO ARE LICENSED TO PROVIDE SCHOOL PSYCHOLOGICAL
6 SERVICES.

7 **SECTION 2**

8 **DEFINITIONS**

9 AS USED IN THIS COMPACT, AND EXCEPT AS OTHERWISE PROVIDED,
10 THE FOLLOWING DEFINITIONS SHALL APPLY:

11 A. "ACTIVE MILITARY MEMBER" MEANS ANY PERSON WITH
12 FULL-TIME DUTY STATUS IN THE ARMED FORCES OF THE UNITED STATES,
13 INCLUDING MEMBERS OF THE NATIONAL GUARD AND RESERVE.

14 B. "ADVERSE ACTION" MEANS A DISCIPLINARY ACTION OR
15 ENCUMBRANCE IMPOSED ON A LICENSEE BY A STATE LICENSING
16 AUTHORITY.

17 C. "ALTERNATIVE PROGRAM" MEANS A NON-DISCIPLINARY,
18 PROSECUTORIAL DIVERSION, MONITORING, OR PRACTICE REMEDIATION
19 PROCESS ENTERED INTO IN LIEU OF AN ADVERSE ACTION THAT IS
20 APPLICABLE TO A SCHOOL PSYCHOLOGIST AND APPROVED BY THE STATE
21 LICENSING AUTHORITY OF A MEMBER STATE IN WHICH THE PARTICIPATING
22 SCHOOL PSYCHOLOGIST IS LICENSED. THIS INCLUDES, BUT IS NOT LIMITED
23 TO, PROGRAMS TO WHICH LICENSEES WITH SUBSTANCE ABUSE OR
24 ADDICTION ISSUES MAY BE REFERRED IN LIEU OF AN ADVERSE ACTION.

25 D. "COMMISSIONER" MEANS THE INDIVIDUAL APPOINTED BY A
26 MEMBER STATE TO SERVE AS THE REPRESENTATIVE TO THE COMMISSION
27 FOR THAT MEMBER STATE.

1 E. "COMPACT" MEANS THIS SCHOOL PSYCHOLOGIST LICENSURE
2 INTERSTATE COMPACT.

3 F. "CONTINUING PROFESSIONAL EDUCATION" MEANS A
4 REQUIREMENT, IMPOSED BY A MEMBER STATE AS A CONDITION OF LICENSE
5 RENEWAL, TO PROVIDE EVIDENCE OF SUCCESSFUL PARTICIPATION IN
6 PROFESSIONAL EDUCATIONAL ACTIVITIES RELEVANT TO THE PROVISION OF
7 SCHOOL PSYCHOLOGICAL SERVICES.

8 G. "CRIMINAL BACKGROUND CHECK" MEANS THE SUBMISSION OF
9 FINGERPRINTS OR OTHER BIOMETRIC INFORMATION BY A LICENSE
10 APPLICANT FOR THE PURPOSE OF OBTAINING THAT APPLICANT'S CRIMINAL
11 HISTORY RECORD INFORMATION, AS DEFINED IN 28 CFR 20.3(d), AND THE
12 STATE'S CRIMINAL HISTORY RECORD REPOSITORY, AS DEFINED IN 28 CFR
13 20.3(f).

14 H. "DOCTORAL LEVEL DEGREE" MEANS A GRADUATE DEGREE
15 PROGRAM THAT CONSISTS OF AT LEAST NINETY GRADUATE SEMESTER
16 HOURS IN THE FIELD OF SCHOOL PSYCHOLOGY, INCLUDING A SUPERVISED
17 INTERNSHIP.

18 I. "ENCUMBERED LICENSE" MEANS A LICENSE THAT A STATE
19 LICENSING AUTHORITY HAS LIMITED IN ANY WAY OTHER THAN THROUGH
20 AN ALTERNATIVE PROGRAM, INCLUDING TEMPORARY OR PROVISIONAL
21 LICENSES.

22 J. "EQUIVALENT LICENSE" MEANS A LICENSE TO PRACTICE SCHOOL
23 PSYCHOLOGY THAT A MEMBER STATE HAS IDENTIFIED AS A LICENSE THAT
24 MAY BE PROVIDED TO SCHOOL PSYCHOLOGISTS FROM OTHER MEMBER
25 STATES PURSUANT TO THIS COMPACT.

26 K. "EXECUTIVE COMMITTEE" MEANS THE COMMISSION'S CHAIR,
27 VICE-CHAIR, SECRETARY, AND TREASURER AND ANY OTHER

1 COMMISSIONERS AS MAY BE DETERMINED BY COMMISSION RULE OR
2 BYLAW.

3 L. "HOME STATE" MEANS THE MEMBER STATE THAT ISSUED THE
4 HOME STATE LICENSE TO THE LICENSEE AND IS THE LICENSEE'S PRIMARY
5 STATE OF PRACTICE.

6 M. "HOME STATE LICENSE" MEANS THE LICENSE THAT IS NOT AN
7 ENCUMBERED LICENSE ISSUED BY THE HOME STATE TO PROVIDE SCHOOL
8 PSYCHOLOGICAL SERVICES.

9 N. "LICENSE" MEANS THE CURRENT LICENSE, CERTIFICATION, OR
10 OTHER AUTHORIZATION GRANTED BY A MEMBER STATE'S LICENSING
11 AUTHORITY THAT PERMITS AN INDIVIDUAL TO PROVIDE SCHOOL
12 PSYCHOLOGICAL SERVICES.

13 O. "LICENSEE" MEANS AN INDIVIDUAL WHO HOLDS A LICENSE
14 FROM A MEMBER STATE TO PROVIDE SCHOOL PSYCHOLOGICAL SERVICES.

15 P. "LICENSING AUTHORITY" MEANS A MEMBER STATE'S
16 REGULATORY BODY RESPONSIBLE FOR ISSUING LICENSES OR OTHERWISE
17 OVERSEEING THE PRACTICE OF SCHOOL PSYCHOLOGY.

18 Q. "MEMBER STATE" MEANS A STATE THAT HAS ENACTED THE
19 COMPACT AND HAS BEEN ADMITTED TO THE COMMISSION IN ACCORDANCE
20 WITH THE PROVISIONS HEREIN AND THE COMMISSION RULES.

21 R. "MODEL COMPACT" MEANS THE MODEL LANGUAGE FOR THE
22 SCHOOL PSYCHOLOGIST LICENSURE INTERSTATE COMPACT ON FILE WITH
23 THE COUNCIL OF STATE GOVERNMENTS OR OTHER ENTITY AS DESIGNATED
24 BY THE COMMISSION.

25 S. "PRACTICE OF SCHOOL PSYCHOLOGY" MEANS THE DELIVERY OF
26 SCHOOL PSYCHOLOGICAL SERVICES.

27 T. "QUALIFYING NATIONAL EXAM" MEANS A NATIONAL LICENSING

1 EXAMINATION ENDORSED BY THE NATIONAL ASSOCIATION OF SCHOOL
2 PSYCHOLOGISTS AND ANY OTHER EXAM AS APPROVED BY COMMISSION
3 RULES.

4 U. "QUALIFYING SCHOOL PSYCHOLOGIST EDUCATION PROGRAM"
5 MEANS AN EDUCATION PROGRAM THAT AWARDS A SPECIALIST-LEVEL OR
6 DOCTORAL-LEVEL DEGREE OR EQUIVALENT UPON COMPLETION AND IS
7 APPROVED BY COMMISSION RULES AS MEETING THE NECESSARY MINIMUM
8 EDUCATIONAL STANDARDS TO ENSURE THAT ITS GRADUATES ARE READY,
9 QUALIFIED, AND ABLE TO ENGAGE IN THE PRACTICE OF SCHOOL
10 PSYCHOLOGY.

11 V. "REMOTE STATE" MEANS A MEMBER STATE OTHER THAN THE
12 HOME STATE WHERE A LICENSEE HOLDS A LICENSE THROUGH THE
13 COMPACT.

14 W. "RULE" MEANS A REGULATION PROMULGATED BY AN ENTITY,
15 INCLUDING, BUT NOT LIMITED TO, THE COMMISSION AND THE STATE
16 LICENSING AUTHORITY OF EACH MEMBER STATE, THAT HAS THE FORCE OF
17 LAW.

18 X. "SCHOOL PSYCHOLOGIST" MEANS AN INDIVIDUAL WHO HAS MET
19 THE REQUIREMENTS TO OBTAIN A HOME STATE LICENSE THAT LEGALLY
20 CONVEYS THE PROFESSIONAL TITLE OF SCHOOL PSYCHOLOGIST, OR ITS
21 EQUIVALENT, AS DETERMINED BY COMMISSION RULES.

22 Y. "SCHOOL PSYCHOLOGIST LICENSURE INTERSTATE COMPACT
23 COMMISSION" OR "COMMISSION" MEANS THE JOINT GOVERNMENT AGENCY
24 ESTABLISHED BY THIS COMPACT WHOSE MEMBERSHIP CONSISTS OF
25 REPRESENTATIVES FROM EACH MEMBER STATE THAT HAS ENACTED THE
26 COMPACT AND AS FURTHER DESCRIBED IN SECTION 7.

27 Z. "SCHOOL PSYCHOLOGICAL SERVICES" MEANS ACADEMIC,

1 MENTAL, AND BEHAVIORAL HEALTH SERVICES, INCLUDING ASSESSMENT,
2 PREVENTION, CONSULTATION, AND COLLABORATION; INTERVENTION; AND
3 EVALUATION, PROVIDED BY A SCHOOL PSYCHOLOGIST IN A SCHOOL, AS
4 OUTLINED IN APPLICABLE PROFESSIONAL STANDARDS AS DETERMINED BY
5 COMMISSION RULE.

6 AA. "SCOPE OF PRACTICE" MEANS THE PROCEDURES, ACTIONS,
7 AND PROCESSES A SCHOOL PSYCHOLOGIST WHO IS LICENSED IN A STATE IS
8 PERMITTED TO UNDERTAKE IN THAT STATE AND THE CIRCUMSTANCES
9 UNDER WHICH THAT LICENSEE IS PERMITTED TO UNDERTAKE THOSE
10 PROCEDURES, ACTIONS, AND PROCESSES. SUCH PROCEDURES, ACTIONS,
11 AND PROCESSES, AND THE CIRCUMSTANCES UNDER WHICH THEY MAY BE
12 UNDERTAKEN, MAY BE ESTABLISHED THROUGH MEANS INCLUDING, BUT
13 NOT LIMITED TO, STATUTE, REGULATIONS, CASE LAW, AND OTHER
14 PROCESSES AVAILABLE TO THE STATE LICENSING AUTHORITY OR OTHER
15 GOVERNMENT AGENCY.

16 BB. "SPECIALIST-LEVEL DEGREE" MEANS A DEGREE PROGRAM
17 THAT REQUIRES AT LEAST SIXTY GRADUATE SEMESTER HOURS OR THE
18 EQUIVALENT IN THE FIELD OF SCHOOL PSYCHOLOGY, INCLUDING A
19 SUPERVISED INTERNSHIP.

20 CC. "STATE" MEANS ANY STATE, COMMONWEALTH, DISTRICT, OR
21 TERRITORY OF THE UNITED STATES OF AMERICA.

22 DD. "STATE LICENSING AUTHORITY" MEANS AN AGENCY,
23 WHETHER THE DEPARTMENT OF EDUCATION OR OTHERWISE, OR OTHER
24 ENTITY OPERATING AS AN ARM OF A STATE THAT IS RESPONSIBLE FOR THE
25 LICENSING AND REGULATION OF SCHOOL PSYCHOLOGISTS.

26 EE. "STATE SPECIFIC REQUIREMENT" MEANS A REQUIREMENT FOR
27 LICENSURE COVERED IN COURSEWORK OR EXAMINATION THAT INCLUDES

1 SUPERVISED INTERNSHIP, OF WHICH AT LEAST SIX HUNDRED HOURS MUST
2 HAVE BEEN COMPLETED IN A SCHOOL, PRIOR TO BEING APPROVED FOR
3 LICENSURE; AND

4 c. GRADUATED FROM A QUALIFYING SCHOOL PSYCHOLOGIST
5 EDUCATION PROGRAM; AND

6 7. COMPLY WITH THE TERMS OF THIS COMPACT AND COMMISSION
7 RULES.

8 B. EACH MEMBER STATE SHALL GRANT AN EQUIVALENT LICENSE
9 TO PRACTICE SCHOOL PSYCHOLOGY IN THAT STATE UPON APPLICATION BY
10 A LICENSEE WHO SATISFIES THE CRITERIA OF SECTION 4.A. EACH MEMBER
11 STATE SHALL GRANT RENEWAL OF THE EQUIVALENT LICENSE TO A
12 LICENSEE WHO SATISFIES THE CRITERIA OF SECTION 4.B.

13 C. A MEMBER STATE MAY SET AND COLLECT A FEE FOR GRANTING
14 AN EQUIVALENT LICENSE.

15 SECTION 4

16 SCHOOL PSYCHOLOGIST PARTICIPATION

17 IN THE COMPACT

18 A. TO OBTAIN AND MAINTAIN AN EQUIVALENT LICENSE FROM A
19 RECEIVING STATE PURSUANT TO THIS COMPACT, A LICENSEE MUST:

- 20 1. HOLD AND MAINTAIN AN ACTIVE HOME STATE LICENSE;
- 21 2. SATISFY ANY APPLICABLE STATE SPECIFIC REQUIREMENTS
22 ESTABLISHED BY THE MEMBER STATE AFTER AN EQUIVALENT LICENSE IS
23 GRANTED;
- 24 3. COMPLETE ANY ADMINISTRATIVE OR APPLICATION
25 REQUIREMENTS THE COMMISSION MAY ESTABLISH BY RULE AND PAY ANY
26 ASSOCIATED FEES;
- 27 4. COMPLETE ANY REQUIREMENTS FOR RENEWAL IN THE HOME

1 STATE, INCLUDING APPLICABLE CONTINUING PROFESSIONAL EDUCATION
2 REQUIREMENTS; AND

3 5. UPON APPLICATION TO RECEIVE A LICENSE PURSUANT TO THIS
4 COMPACT, UNDERGO A CRIMINAL BACKGROUND CHECK IN THE MEMBER
5 STATE IN WHICH THE EQUIVALENT LICENSE IS SOUGHT, IN ACCORDANCE
6 WITH THE LAWS AND REGULATIONS OF THE MEMBER STATE.

7 B. TO RENEW AN EQUIVALENT LICENSE IN A MEMBER STATE OTHER
8 THAN THE HOME STATE, A LICENSEE MUST ONLY APPLY FOR RENEWAL,
9 COMPLETE A BACKGROUND CHECK, AND PAY RENEWAL FEES AS
10 DETERMINED BY THE LICENSING AUTHORITY.

11 SECTION 5

12 ACTIVE MILITARY MEMBERS OR THEIR SPOUSES

13 A LICENSEE WHO IS AN ACTIVE MILITARY MEMBER OR IS THE
14 SPOUSE OF AN ACTIVE MILITARY MEMBER IS DEEMED TO HOLD A HOME
15 STATE LICENSE IN ANY OF THE FOLLOWING LOCATIONS:

16 A. THE LICENSEE'S PERMANENT RESIDENCE;

17 B. A MEMBER STATE THAT IS THE LICENSEE'S PRIMARY STATE OF
18 PRACTICE; OR

19 C. A MEMBER STATE WHERE THE LICENSEE HAS RELOCATED
20 PURSUANT TO A PERMANENT CHANGE OF STATION (PCS).

21 SECTION 6

22 DISCIPLINE AND ADVERSE ACTIONS

23 A. NOTHING IN THIS COMPACT SHALL BE DEEMED OR CONSTRUED
24 TO LIMIT THE AUTHORITY OF A MEMBER STATE TO INVESTIGATE OR IMPOSE
25 DISCIPLINARY MEASURES ON A LICENSEE ACCORDING TO THE STATE
26 PRACTICE LAWS THEREOF.

27 B. EACH MEMBER STATE IS AUTHORIZED TO RECEIVE, AND SHALL

1 PROVIDE, FILES AND INFORMATION REGARDING THE INVESTIGATION AND
2 DISCIPLINE, IF ANY, OF A LICENSEE IN ANOTHER MEMBER STATE UPON
3 REQUEST. A MEMBER STATE RECEIVING SUCH INFORMATION OR FILES
4 SHALL PROTECT AND MAINTAIN THE SECURITY AND CONFIDENTIALITY
5 THEREOF, IN AT LEAST THE SAME MANNER THAT IT MAINTAINS ITS OWN
6 INVESTIGATORY OR DISCIPLINARY FILES AND INFORMATION. PRIOR TO
7 DISCLOSING ANY DISCIPLINARY OR INVESTIGATORY INFORMATION
8 RECEIVED FROM ANOTHER MEMBER STATE, THE DISCLOSING STATE SHALL
9 COMMUNICATE ITS INTENTION AND PURPOSE FOR THE DISCLOSURE TO THE
10 MEMBER STATE THAT ORIGINALLY PROVIDED THAT INFORMATION.

11 **SECTION 7**

12 **ESTABLISHMENT OF THE SCHOOL PSYCHOLOGIST** 13 **INTERSTATE LICENSURE COMPACT COMMISSION**

14 A. THE MEMBER STATES HEREBY CREATE AND ESTABLISH A JOINT
15 GOVERNMENT AGENCY WHOSE MEMBERSHIP CONSISTS OF ALL MEMBER
16 STATES THAT HAVE ENACTED THE COMPACT. THIS AGENCY SHALL BE
17 KNOWN AS THE SCHOOL PSYCHOLOGIST INTERSTATE LICENSURE COMPACT
18 COMMISSION. THE COMMISSION IS AN INSTRUMENTALITY OF THE MEMBER
19 STATES ACTING JOINTLY AND NOT AN INSTRUMENTALITY OF ANY ONE
20 STATE. THE COMMISSION SHALL COME INTO EXISTENCE ON OR AFTER THE
21 EFFECTIVE DATE OF THE COMPACT, AS SET FORTH IN SECTION 11.

22 B. MEMBERSHIP, VOTING, AND MEETINGS

23 1. EACH MEMBER STATE SHALL HAVE AND BE LIMITED TO ONE
24 DELEGATE AS SELECTED BY THAT MEMBER STATE'S STATE LICENSING
25 AUTHORITY.

26 2. THE DELEGATE SHALL BE THE PRIMARY ADMINISTRATIVE
27 OFFICER OF THE MEMBER STATE LICENSING AUTHORITY, OR THEIR

1 DESIGNEE, WHO IS AN EMPLOYEE OF THE MEMBER STATE LICENSING
2 AUTHORITY.

3 3. THE COMMISSION SHALL BY RULE OR BYLAW ESTABLISH A TERM
4 OF OFFICE FOR DELEGATES AND MAY BY RULE OR BYLAW ESTABLISH TERM
5 LIMITS.

6 4. THE COMMISSION MAY RECOMMEND REMOVAL OR SUSPENSION
7 OF ANY DELEGATE FROM OFFICE.

8 5. A MEMBER STATE'S LICENSING AUTHORITY SHALL FILL ANY
9 VACANCY OF ITS DELEGATES OCCURRING ON THE COMMISSION WITHIN
10 SIXTY DAYS OF THE VACANCY.

11 6. EACH DELEGATE SHALL BE ENTITLED TO ONE VOTE ON ALL
12 MATTERS BEFORE THE COMMISSION THAT REQUIRE A VOTE BY COMMISSION
13 DELEGATES.

14 7. A DELEGATE SHALL VOTE IN PERSON OR BY SUCH OTHER MEANS
15 AS PROVIDED IN THE BYLAWS. THE BYLAWS MAY PROVIDE FOR DELEGATES
16 TO MEET BY TELECOMMUNICATION, VIDEO CONFERENCE, OR OTHER MEANS
17 OF COMMUNICATION.

18 8. THE COMMISSION SHALL MEET AT LEAST ONCE DURING EACH
19 CALENDAR YEAR. ADDITIONAL MEETINGS MAY BE HELD AS SET FORTH IN
20 THE BYLAWS. THE COMMISSION MAY MEET BY TELECOMMUNICATION,
21 VIDEO CONFERENCE, OR OTHER SIMILAR ELECTRONIC MEANS.

22 C. THE COMMISSION SHALL HAVE THE FOLLOWING POWERS:

23 1. TO ESTABLISH THE FISCAL YEAR OF THE COMMISSION;

24 2. TO ESTABLISH A CODE OF CONDUCT AND CONFLICT OF INTEREST
25 POLICIES;

26 3. TO ESTABLISH AND AMEND RULES AND BYLAWS;

27 4. TO ESTABLISH THE PROCEDURE THROUGH WHICH A LICENSEE

- 1 MAY CHANGE THEIR HOME STATE;
- 2 5. TO MAINTAIN ITS FINANCIAL RECORDS IN ACCORDANCE WITH
3 THE BYLAWS;
- 4 6. TO MEET AND TAKE SUCH ACTIONS AS ARE CONSISTENT WITH
5 THE PROVISIONS OF THIS COMPACT, THE COMMISSION'S RULES, AND THE
6 BYLAWS;
- 7 7. TO INITIATE AND CONCLUDE LEGAL PROCEEDINGS OR ACTIONS
8 IN THE NAME OF THE COMMISSION, PROVIDED THAT THE STANDING OF ANY
9 MEMBER STATE LICENSING AUTHORITY TO SUE OR BE SUED UNDER
10 APPLICABLE LAW IS NOT AFFECTED;
- 11 8. TO MAINTAIN AND CERTIFY RECORDS AND INFORMATION
12 PROVIDED TO A MEMBER STATE AS THE AUTHENTICATED BUSINESS
13 RECORDS OF THE COMMISSION AND DESIGNATE AN AGENT TO DO SO ON THE
14 COMMISSION'S BEHALF;
- 15 9. TO PURCHASE AND MAINTAIN INSURANCE AND BONDS;
- 16 10. TO BORROW, ACCEPT, OR CONTRACT FOR SERVICES OF
17 PERSONNEL, INCLUDING, BUT NOT LIMITED TO, EMPLOYEES OF A MEMBER
18 STATE;
- 19 11. TO CONDUCT AN ANNUAL FINANCIAL REVIEW;
- 20 12. TO HIRE EMPLOYEES, ELECT OR APPOINT OFFICERS, FIX
21 COMPENSATION, DEFINE DUTIES, GRANT SUCH INDIVIDUALS APPROPRIATE
22 AUTHORITY TO CARRY OUT THE PURPOSES OF THE COMPACT, AND
23 ESTABLISH THE COMMISSION'S PERSONNEL POLICIES AND PROGRAMS
24 RELATING TO CONFLICTS OF INTEREST, QUALIFICATIONS OF PERSONNEL,
25 AND OTHER RELATED PERSONNEL MATTERS;
- 26 13. TO ASSESS AND COLLECT FEES;
- 27 14. TO ACCEPT ANY AND ALL APPROPRIATE GIFTS, DONATIONS,

1 GRANTS OF MONEY, OTHER SOURCES OF REVENUE, EQUIPMENT, SUPPLIES,
2 MATERIALS, AND SERVICES AND RECEIVE, UTILIZE, AND DISPOSE OF THE
3 SAME, PROVIDED THAT AT ALL TIMES THE COMMISSION SHALL AVOID ANY
4 APPEARANCE OF IMPROPRIETY OR CONFLICT OF INTEREST;

5 15. TO LEASE, PURCHASE, RETAIN, OWN, HOLD, IMPROVE, OR USE
6 ANY PROPERTY, REAL, PERSONAL, OR MIXED, OR ANY UNDIVIDED INTEREST
7 THEREIN;

8 16. TO SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE,
9 ABANDON, OR OTHERWISE DISPOSE OF ANY PROPERTY, REAL, PERSONAL,
10 OR MIXED;

11 17. TO ESTABLISH A BUDGET AND MAKE EXPENDITURES;

12 18. TO BORROW MONEY;

13 19. TO APPOINT COMMITTEES, INCLUDING STANDING COMMITTEES,
14 COMPOSED OF MEMBERS, STATE REGULATORS, STATE LEGISLATORS OR
15 THEIR REPRESENTATIVES, CONSUMER REPRESENTATIVES, AND OTHER
16 INTERESTED PERSONS AS MAY BE DESIGNATED IN THE COMPACT AND THE
17 BYLAWS;

18 20. TO PROVIDE AND RECEIVE INFORMATION FROM, AND
19 COOPERATE WITH, LAW ENFORCEMENT AGENCIES;

20 21. TO ESTABLISH AND ELECT AN EXECUTIVE COMMITTEE,
21 INCLUDING A CHAIR AND VICE-CHAIR;

22 22. TO DETERMINE WHETHER A STATE'S ADOPTED LANGUAGE IS
23 MATERIALLY DIFFERENT FROM THE MODEL COMPACT LANGUAGE SUCH
24 THAT THE STATE WOULD NOT QUALIFY FOR PARTICIPATION IN THE
25 COMPACT; AND

26 23. TO PERFORM SUCH OTHER FUNCTIONS AS MAY BE NECESSARY
27 OR APPROPRIATE TO ACHIEVE THE PURPOSES OF THIS COMPACT.

1 D. THE EXECUTIVE COMMITTEE

2 1. THE EXECUTIVE COMMITTEE SHALL HAVE THE POWER TO ACT ON
3 BEHALF OF THE COMMISSION ACCORDING TO THE TERMS OF THIS
4 COMPACT. THE POWERS, DUTIES, AND RESPONSIBILITIES OF THE
5 EXECUTIVE COMMITTEE SHALL INCLUDE:

6 a. TO OVERSEE THE DAY-TO-DAY ACTIVITIES OF THE
7 ADMINISTRATION OF THE COMPACT, INCLUDING ENFORCEMENT AND
8 COMPLIANCE WITH THE PROVISIONS OF THE COMPACT, ITS RULES AND
9 BYLAWS, AND OTHER SUCH DUTIES AS DEEMED NECESSARY;

10 b. TO RECOMMEND TO THE COMMISSION CHANGES TO THE RULES
11 OR BYLAWS, CHANGES TO THIS COMPACT LEGISLATION, FEES CHARGED TO
12 MEMBER STATES, FEES CHARGED TO LICENSEES, AND OTHER FEES;

13 c. TO ENSURE COMPACT ADMINISTRATION SERVICES ARE
14 APPROPRIATELY PROVIDED, INCLUDING BY CONTRACT;

15 d. TO PREPARE AND RECOMMEND THE BUDGET;

16 e. TO MAINTAIN FINANCIAL RECORDS ON BEHALF OF THE
17 COMMISSION;

18 f. TO MONITOR COMPACT COMPLIANCE OF MEMBER STATES AND
19 PROVIDE COMPLIANCE REPORTS TO THE COMMISSION;

20 g. TO ESTABLISH ADDITIONAL COMMITTEES AS NECESSARY;

21 h. TO EXERCISE THE POWERS AND DUTIES OF THE COMMISSION
22 DURING THE INTERIM BETWEEN COMMISSION MEETINGS, EXCEPT FOR
23 ADOPTING OR AMENDING RULES, ADOPTING OR AMENDING BYLAWS, AND
24 EXERCISING ANY OTHER POWERS AND DUTIES EXPRESSLY RESERVED TO
25 THE COMMISSION BY RULE OR BYLAW; AND

26 i. OTHER DUTIES AS PROVIDED IN THE RULES OR BYLAWS OF THE
27 COMMISSION.

1 2. THE EXECUTIVE COMMITTEE SHALL BE COMPOSED OF UP TO
2 SEVEN MEMBERS:

3 a. THE CHAIR AND VICE-CHAIR OF THE COMMISSION SHALL BE
4 VOTING MEMBERS OF THE EXECUTIVE COMMITTEE; AND

5 b. THE COMMISSION SHALL ELECT FIVE VOTING MEMBERS FROM
6 THE CURRENT MEMBERSHIP OF THE COMMISSION.

7 3. THE COMMISSION MAY REMOVE ANY MEMBER OF THE
8 EXECUTIVE COMMITTEE AS PROVIDED IN THE COMMISSION'S BYLAWS.

9 4. THE EXECUTIVE COMMITTEE SHALL MEET AT LEAST ANNUALLY.

10 a. EXECUTIVE COMMITTEE MEETINGS SHALL BE OPEN TO THE
11 PUBLIC; EXCEPT THAT THE EXECUTIVE COMMITTEE MAY MEET IN A
12 CLOSED, NON-PUBLIC MEETING AS PROVIDED IN SUBSECTION F.2 OF THIS
13 SECTION.

14 b. THE EXECUTIVE COMMITTEE SHALL GIVE THIRTY DAYS' NOTICE
15 OF ITS MEETINGS, POSTED ON ITS WEBSITE AND AS DETERMINED, TO
16 PROVIDE NOTICE TO PERSONS WITH AN INTEREST IN THE COMMISSION'S
17 BUSINESS.

18 c. THE EXECUTIVE COMMITTEE MAY HOLD A SPECIAL MEETING IN
19 ACCORDANCE WITH SUBSECTION F.1.b OF THIS SECTION.

20 E. THE COMMISSION SHALL ADOPT AND PROVIDE AN ANNUAL
21 REPORT TO THE MEMBER STATES.

22 F. MEETINGS OF THE COMMISSION

23 1. ALL MEETINGS OF THE COMMISSION SHALL BE OPEN TO THE
24 PUBLIC; EXCEPT THAT THE COMMISSION MAY MEET IN A CLOSED,
25 NON-PUBLIC MEETING AS PROVIDED IN SUBSECTION F.2 OF THIS SECTION.

26 a. PUBLIC NOTICE FOR ALL MEETINGS OF THE FULL COMMISSION
27 SHALL BE GIVEN IN THE SAME MANNER AS REQUIRED UNDER THE

1 RULE-MAKING PROVISIONS IN SECTION 9; EXCEPT THAT THE COMMISSION
2 MAY HOLD A SPECIAL MEETING AS PROVIDED IN SUBSECTION F.1.b OF THIS
3 SECTION.

4 b. THE COMMISSION MAY HOLD A SPECIAL MEETING WHEN IT MUST
5 MEET TO CONDUCT EMERGENCY BUSINESS BY GIVING FORTY-EIGHT HOURS'
6 NOTICE TO ALL COMMISSIONERS, ON THE COMMISSION'S WEBSITE, AND
7 OTHER MEANS AS PROVIDED IN THE COMMISSION'S RULES. THE
8 COMMISSION'S LEGAL COUNSEL SHALL CERTIFY THAT THE COMMISSION'S
9 NEED TO MEET QUALIFIES AS AN EMERGENCY.

10 2. THE COMMISSION OR THE EXECUTIVE COMMITTEE OR OTHER
11 COMMITTEES OF THE COMMISSION MAY CONVENE IN A CLOSED,
12 NON-PUBLIC MEETING FOR THE COMMISSION OR EXECUTIVE COMMITTEE OR
13 OTHER COMMITTEES OF THE COMMISSION TO RECEIVE LEGAL ADVICE OR TO
14 DISCUSS:

15 a. NON-COMPLIANCE OF A MEMBER STATE WITH ITS OBLIGATIONS
16 UNDER THIS COMPACT;

17 b. THE EMPLOYMENT, COMPENSATION, DISCIPLINE, OR OTHER
18 MATTERS, PRACTICES, OR PROCEDURES RELATED TO SPECIFIC EMPLOYEES;

19 c. CURRENT OR THREATENED DISCIPLINE OF A LICENSEE BY THE
20 COMMISSION OR BY A MEMBER STATE'S LICENSING AUTHORITY;

21 d. CURRENT, THREATENED, OR REASONABLY ANTICIPATED
22 LITIGATION;

23 e. NEGOTIATION OF CONTRACTS FOR THE PURCHASE, LEASE, OR
24 SALE OF GOODS, SERVICES, OR REAL ESTATE;

25 f. ACCUSATION OF ANY PERSON OF A CRIME OR FORMALLY
26 CENSURING ANY PERSON;

27 g. TRADE SECRETS OR COMMERCIAL OR FINANCIAL INFORMATION

1 THAT IS PRIVILEGED OR CONFIDENTIAL;

2 h. INFORMATION OF A PERSONAL NATURE WHERE DISCLOSURE
3 WOULD CONSTITUTE A CLEARLY UNWARRANTED INVASION OF PERSONAL
4 PRIVACY;

5 i. INVESTIGATIVE RECORDS COMPILED FOR LAW ENFORCEMENT
6 PURPOSES;

7 j. INFORMATION RELATED TO ANY INVESTIGATIVE REPORTS
8 PREPARED BY OR ON BEHALF OF OR FOR USE BY THE COMMISSION OR
9 OTHER COMMITTEE CHARGED WITH RESPONSIBILITY OF INVESTIGATION OR
10 DETERMINATION OF COMPLIANCE ISSUES PURSUANT TO THIS COMPACT;

11 k. MATTERS SPECIFICALLY EXEMPTED FROM DISCLOSURE BY
12 FEDERAL OR MEMBER STATE LAW; OR

13 l. OTHER MATTERS AS PROMULGATED BY THE COMMISSION BY
14 RULE.

15 3. IF A MEETING, OR A PORTION OF A MEETING, IS CLOSED, THE
16 PRESIDING OFFICER SHALL STATE THAT THE MEETING WILL BE CLOSED AND
17 REFERENCE EACH RELEVANT EXEMPTING PROVISION, AND SUCH
18 REFERENCE SHALL BE RECORDED IN THE MINUTES.

19 4. THE COMMISSION SHALL KEEP MINUTES THAT FULLY AND
20 CLEARLY DESCRIBE ALL MATTERS DISCUSSED IN A MEETING AND SHALL
21 PROVIDE A FULL AND ACCURATE SUMMARY OF ACTIONS TAKEN, AND THE
22 REASONS THEREFORE, INCLUDING A DESCRIPTION OF THE VIEWS
23 EXPRESSED. ALL DOCUMENTS CONSIDERED IN CONNECTION WITH AN
24 ACTION SHALL BE IDENTIFIED IN SUCH MINUTES. ALL MINUTES AND
25 DOCUMENTS OF A CLOSED MEETING SHALL REMAIN UNDER SEAL, SUBJECT
26 TO RELEASE ONLY BY A MAJORITY VOTE OF THE COMMISSION OR ORDER OF
27 A COURT OF COMPETENT JURISDICTION.

1 G. FINANCING OF THE COMMISSION

2 1. THE COMMISSION SHALL PAY, OR PROVIDE FOR THE PAYMENT
3 OF, THE REASONABLE EXPENSES OF ITS ESTABLISHMENT, ORGANIZATION,
4 AND ONGOING ACTIVITIES.

5 2. THE COMMISSION MAY ACCEPT ANY AND ALL APPROPRIATE
6 REVENUE SOURCES AS PROVIDED IN SECTION C.14 OF THIS SECTION.

7 3. THE COMMISSION MAY LEVY ON AND COLLECT AN ANNUAL
8 ASSESSMENT FROM EACH MEMBER STATE AND IMPOSE FEES ON LICENSEES
9 PRACTICING IN THE MEMBER STATE UNDER AN EQUIVALENT LICENSE TO
10 COVER THE COST OF THE OPERATIONS AND ACTIVITIES OF THE COMMISSION
11 AND ITS STAFF, WHICH MUST BE IN A TOTAL AMOUNT SUFFICIENT TO COVER
12 ITS ANNUAL BUDGET AS APPROVED EACH YEAR FOR WHICH REVENUE IS
13 NOT PROVIDED BY OTHER SOURCES. THE AGGREGATE ANNUAL
14 ASSESSMENT AMOUNT FOR MEMBER STATES SHALL BE ALLOCATED BASED
15 UPON A FORMULA THAT THE COMMISSION SHALL PROMULGATE BY RULE.

16 4. THE COMMISSION SHALL NOT INCUR OBLIGATIONS OF ANY KIND
17 PRIOR TO SECURING THE FUNDS ADEQUATE TO MEET THE SAME, NOR SHALL
18 THE COMMISSION PLEDGE THE CREDIT OF ANY OF THE MEMBER STATES,
19 EXCEPT BY AND WITH THE AUTHORITY OF THE MEMBER STATE.

20 5. THE COMMISSION SHALL KEEP ACCURATE ACCOUNTS OF ALL
21 RECEIPTS AND DISBURSEMENTS. THE RECEIPTS AND DISBURSEMENTS OF
22 THE COMMISSION SHALL BE SUBJECT TO THE FINANCIAL REVIEW AND
23 ACCOUNTING PROCEDURES ESTABLISHED UNDER ITS BYLAWS. HOWEVER,
24 ALL RECEIPTS AND DISBURSEMENTS OF FUNDS HANDLED BY THE
25 COMMISSION SHALL BE SUBJECT TO AN ANNUAL FINANCIAL REVIEW BY A
26 CERTIFIED OR LICENSED PUBLIC ACCOUNTANT, AND THE REPORT OF THE
27 FINANCIAL REVIEW SHALL BE INCLUDED IN AND BECOME PART OF THE

1 ANNUAL REPORT OF THE COMMISSION.

2 H. QUALIFIED IMMUNITY, DEFENSE, AND INDEMNIFICATION

3 1. THE MEMBERS, OFFICERS, EXECUTIVE DIRECTOR, EMPLOYEES,
4 AND REPRESENTATIVES OF THE COMMISSION SHALL BE IMMUNE FROM SUIT
5 AND LIABILITY, BOTH PERSONALLY AND IN THEIR OFFICIAL CAPACITY, FOR
6 ANY CLAIM FOR DAMAGE TO OR LOSS OF PROPERTY OR PERSONAL INJURY
7 OR OTHER CIVIL LIABILITY CAUSED BY OR ARISING OUT OF ANY ACTUAL OR
8 ALLEGED ACT, ERROR, OR OMISSION THAT OCCURRED, OR THAT THE
9 PERSON AGAINST WHOM THE CLAIM IS MADE HAD A REASONABLE BASIS
10 FOR BELIEVING OCCURRED, WITHIN THE SCOPE OF COMMISSION
11 EMPLOYMENT, DUTIES, OR RESPONSIBILITIES, PROVIDED THAT NOTHING IN
12 THIS PARAGRAPH SHALL BE CONSTRUED TO PROTECT ANY SUCH PERSON
13 FROM SUIT OR LIABILITY FOR ANY DAMAGE, LOSS, INJURY, OR LIABILITY
14 CAUSED BY THE INTENTIONAL OR WILLFUL OR WANTON MISCONDUCT OF
15 THAT PERSON. THE PROCUREMENT OF INSURANCE OF ANY TYPE BY THE
16 COMMISSION SHALL NOT IN ANY WAY COMPROMISE OR LIMIT THE
17 IMMUNITY GRANTED HEREUNDER.

18 2. THE COMMISSION SHALL DEFEND ANY MEMBER, OFFICER,
19 EXECUTIVE DIRECTOR, EMPLOYEE, AND REPRESENTATIVE OF THE
20 COMMISSION IN ANY CIVIL ACTION SEEKING TO IMPOSE LIABILITY ARISING
21 OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION THAT
22 OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES, OR
23 RESPONSIBILITIES, OR AS DETERMINED BY THE COMMISSION, THAT THE
24 PERSON AGAINST WHOM THE CLAIM IS MADE HAD A REASONABLE BASIS
25 FOR BELIEVING OCCURRED WITHIN THE SCOPE OF COMMISSION
26 EMPLOYMENT, DUTIES, OR RESPONSIBILITIES, PROVIDED THAT NOTHING
27 HEREIN SHALL BE CONSTRUED TO PROHIBIT THAT PERSON FROM RETAINING

1 THEIR OWN COUNSEL AT THEIR OWN EXPENSE, AND PROVIDED FURTHER,
2 THAT THE ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION DID NOT RESULT
3 FROM THAT PERSON'S INTENTIONAL OR WILLFUL OR WANTON MISCONDUCT.

4 3. THE COMMISSION SHALL INDEMNIFY AND HOLD HARMLESS ANY
5 MEMBER, OFFICER, EXECUTIVE DIRECTOR, EMPLOYEE, AND
6 REPRESENTATIVE OF THE COMMISSION FOR THE AMOUNT OF ANY
7 SETTLEMENT OR JUDGMENT OBTAINED AGAINST THAT PERSON ARISING
8 OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION THAT
9 OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES, OR
10 RESPONSIBILITIES, OR THAT SUCH PERSON HAD A REASONABLE BASIS FOR
11 BELIEVING OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT,
12 DUTIES, OR RESPONSIBILITIES, PROVIDED THAT THE ACTUAL OR ALLEGED
13 ACT, ERROR, OR OMISSION DID NOT RESULT FROM THAT PERSON'S
14 INTENTIONAL OR WILLFUL OR WANTON MISCONDUCT.

15 4. NOTHING HEREIN SHALL BE CONSTRUED AS A LIMITATION ON
16 THE LIABILITY OF ANY LICENSEE FOR PROFESSIONAL MALPRACTICE OR
17 MISCONDUCT, WHICH SHALL BE GOVERNED SOLELY BY ANY OTHER
18 APPLICABLE STATE LAWS.

19 5. NOTHING IN THIS COMPACT SHALL BE INTERPRETED TO WAIVE
20 OR OTHERWISE ABROGATE A MEMBER STATE'S ACTION IMMUNITY OR STATE
21 ACTION AFFIRMATIVE DEFENSE WITH RESPECT TO ANTITRUST CLAIMS
22 UNDER THE SHERMAN ACT, CLAYTON ACT, OR ANY OTHER FEDERAL OR
23 STATE ANTITRUST OR ANTICOMPETITIVE LAW OR REGULATION.

24 6. NOTHING IN THIS COMPACT SHALL BE CONSTRUED TO BE A
25 WAIVER OF SOVEREIGN IMMUNITY BY THE MEMBER STATES OR BY THE
26 COMMISSION.

27 **SECTION 8**

1 **FACILITATING INFORMATION EXCHANGE**

2 A. THE COMMISSION SHALL PROVIDE FOR FACILITATING THE
3 EXCHANGE OF INFORMATION TO ADMINISTER AND IMPLEMENT THE
4 PROVISIONS OF THIS COMPACT IN ACCORDANCE WITH THE RULES OF THE
5 COMMISSION, CONSISTENT WITH GENERALLY ACCEPTED DATA PROTECTION
6 PRINCIPLES.

7 B. NOTWITHSTANDING ANY OTHER PROVISION OF STATE LAW TO
8 THE CONTRARY, A MEMBER STATE SHALL AGREE TO PROVIDE FOR THE
9 FACILITATION OF THE FOLLOWING LICENSE INFORMATION AS REQUIRED BY
10 RULES OF THE COMMISSION, INCLUDING:

- 11 1. IDENTIFYING INFORMATION;
- 12 2. LICENSURE DATA;
- 13 3. ADVERSE ACTIONS AGAINST A LICENSE AND INFORMATION
14 RELATED THERETO;
- 15 4. NON-CONFIDENTIAL INFORMATION RELATED TO ALTERNATIVE
16 PROGRAM PARTICIPATION, THE BEGINNING AND ENDING DATES OF SUCH
17 PARTICIPATION, AND OTHER INFORMATION RELATED TO SUCH
18 PARTICIPATION NOT MADE CONFIDENTIAL UNDER MEMBER STATE LAW;
- 19 5. ANY DENIAL OF APPLICATION FOR LICENSURE, AND THE
20 REASON(S) FOR SUCH DENIAL;
- 21 6. THE PRESENCE OF INVESTIGATIVE INFORMATION; AND
- 22 7. OTHER INFORMATION THAT MAY FACILITATE THE
23 ADMINISTRATION OF THIS COMPACT OR THE PROTECTION OF THE PUBLIC,
24 AS DETERMINED BY RULES OF THE COMMISSION.

25 C. NOTHING IN THIS COMPACT SHALL BE DEEMED OR CONSTRUED
26 TO ALTER, LIMIT, OR INHIBIT THE POWER OF A MEMBER STATE TO CONTROL
27 AND MAINTAIN OWNERSHIP OF ITS LICENSEE INFORMATION OR ALTER,

1 LIMIT, OR INHIBIT THE LAWS OR REGULATIONS GOVERNING LICENSEE
2 INFORMATION IN THE MEMBER STATE.

3 SECTION 9

4 RULE-MAKING

5 A. THE COMMISSION SHALL EXERCISE ITS RULE-MAKING POWERS
6 PURSUANT TO THE CRITERIA SET FORTH IN THIS COMPACT AND THE RULES
7 ADOPTED THEREUNDER. RULES AND AMENDMENTS SHALL BECOME
8 BINDING AS OF THE DATE SPECIFIED IN EACH RULE OR AMENDMENT.

9 B. THE COMMISSION SHALL PROMULGATE REASONABLE RULES TO
10 ACHIEVE THE INTENT AND PURPOSE OF THIS INTERSTATE COMPACT. IN THE
11 EVENT THE COMMISSION EXERCISES ITS RULE-MAKING AUTHORITY IN A
12 MANNER THAT IS BEYOND THE PURPOSE AND INTENT OF THIS INTERSTATE
13 COMPACT, OR THE POWERS GRANTED HEREUNDER, THEN SUCH AN ACTION
14 BY THE COMMISSION SHALL BE INVALID AND HAVE NO FORCE AND EFFECT
15 OF LAW IN THE MEMBER STATES.

16 C. IF A MAJORITY OF THE LEGISLATURES OF THE MEMBER STATES
17 REJECTS A RULE, BY ENACTMENT OF A STATUTE OR RESOLUTION IN THE
18 SAME MANNER USED TO ADOPT THE COMPACT WITHIN FOUR (4) YEARS OF
19 THE DATE OF ADOPTION OF THE RULE, THE RULE SHALL HAVE NO FURTHER
20 FORCE AND EFFECT IN ANY MEMBER STATE.

21 D. RULES OR AMENDMENTS TO THE RULES SHALL BE ADOPTED AT
22 A REGULAR OR SPECIAL MEETING OF THE COMMISSION.

23 E. PRIOR TO PROMULGATION AND ADOPTION OF A FINAL RULE OR
24 RULES BY THE COMMISSION, AND AT LEAST THIRTY (30) DAYS IN ADVANCE
25 OF THE MEETING AT WHICH THE RULE SHALL BE CONSIDERED AND VOTED
26 UPON, THE COMMISSION SHALL FILE A NOTICE OF PROPOSED RULE-MAKING:

27 1. ON THE WEBSITE OF THE COMMISSION OR OTHER PUBLICLY

1 ACCESSIBLE PLATFORM; AND

2 2. ON THE WEBSITE OF EACH MEMBER STATE LICENSING
3 AUTHORITY OR OTHER PUBLICLY ACCESSIBLE PLATFORM OR THE
4 PUBLICATION IN WHICH EACH STATE WOULD OTHERWISE PUBLISH
5 PROPOSED RULES.

6 F UPON DETERMINATION THAT AN EMERGENCY EXISTS, THE
7 COMMISSION MAY CONSIDER AND ADOPT AN EMERGENCY RULE WITH
8 FORTY-EIGHT HOURS' NOTICE, WITH OPPORTUNITY FOR COMMENT,
9 PROVIDED THAT THE USUAL RULE-MAKING PROCEDURES SHALL BE APPLIED
10 RETROACTIVELY TO THE RULE AS SOON AS REASONABLY POSSIBLE, IN NO
11 EVENT LATER THAN NINETY (90) DAYS AFTER THE EFFECTIVE DATE OF THE
12 RULE. FOR THE PURPOSES OF THIS PROVISION, AN EMERGENCY RULE IS ONE
13 THAT MUST BE ADOPTED IMMEDIATELY IN ORDER TO:

- 14 1. PREVENT A LOSS OF COMMISSION OR MEMBER STATE FUNDS;
15 2. MEET A DEADLINE FOR THE PROMULGATION OF AN
16 ADMINISTRATIVE RULE THAT IS ESTABLISHED BY FEDERAL LAW OR RULE;
17 OR
18 3. PROTECT PUBLIC HEALTH AND SAFETY.

19 **SECTION 10**
20 **OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT**

21 A. OVERSIGHT

22 1. THE EXECUTIVE AND JUDICIAL BRANCHES OF STATE
23 GOVERNMENT IN EACH MEMBER STATE SHALL ENFORCE THIS COMPACT
24 AND TAKE ALL ACTIONS NECESSARY AND APPROPRIATE TO IMPLEMENT THE
25 COMPACT.

26 2. VENUE IS PROPER AND JUDICIAL PROCEEDINGS BY OR AGAINST
27 THE COMMISSION SHALL BE BROUGHT SOLELY AND EXCLUSIVELY IN A

1 COURT OF COMPETENT JURISDICTION WHERE THE PRINCIPAL OFFICE OF THE
2 COMMISSION IS LOCATED. THE COMMISSION MAY WAIVE VENUE AND
3 JURISDICTIONAL DEFENSES TO THE EXTENT IT ADOPTS OR CONSENTS TO
4 PARTICIPATE IN ALTERNATIVE DISPUTE RESOLUTION PROCEEDINGS.
5 NOTHING HEREIN SHALL AFFECT OR LIMIT THE SELECTION OR PROPRIETY
6 OF VENUE IN ANY ACTION AGAINST A LICENSEE FOR PROFESSIONAL
7 MALPRACTICE, MISCONDUCT, OR ANY SUCH SIMILAR MATTER.

8 3. THE COMMISSION SHALL BE ENTITLED TO RECEIVE SERVICE OF
9 PROCESS IN ANY PROCEEDING REGARDING THE ENFORCEMENT OR
10 INTERPRETATION OF THE COMPACT AND SHALL HAVE STANDING TO
11 INTERVENE IN SUCH A PROCEEDING FOR ALL PURPOSES. FAILURE TO
12 PROVIDE THE COMMISSION SERVICE OF PROCESS SHALL RENDER A
13 JUDGMENT OR ORDER VOID AS TO THE COMMISSION, THIS COMPACT, OR
14 PROMULGATED RULES.

15 B. DEFAULT, TECHNICAL ASSISTANCE, AND TERMINATION

16 1. IF THE COMMISSION DETERMINES THAT A MEMBER STATE HAS
17 DEFAULTED IN THE PERFORMANCE OF ITS OBLIGATIONS OR
18 RESPONSIBILITIES UNDER THIS COMPACT OR THE PROMULGATED RULES,
19 THE COMMISSION SHALL PROVIDE WRITTEN NOTICE TO THE DEFAULTING
20 STATE. THE NOTICE OF DEFAULT SHALL DESCRIBE THE DEFAULT, THE
21 PROPOSED MEANS OF CURING THE DEFAULT, AND ANY OTHER ACTION THAT
22 THE COMMISSION MAY TAKE, AND SHALL OFFER TRAINING AND SPECIFIC
23 TECHNICAL ASSISTANCE REGARDING THE DEFAULT.

24 2. THE COMMISSION SHALL PROVIDE A COPY OF THE NOTICE OF
25 DEFAULT TO THE OTHER MEMBER STATES.

26 C. IF A STATE IN DEFAULT FAILS TO CURE THE DEFAULT, THE
27 DEFAULTING STATE MAY BE TERMINATED FROM THE COMPACT UPON AN

1 AFFIRMATIVE VOTE OF A SUPER-MAJORITY OF THE DELEGATES OF THE
2 MEMBER STATES, AND ALL RIGHTS, PRIVILEGES, AND BENEFITS CONFERRED
3 ON THAT STATE BY THIS COMPACT MAY BE TERMINATED ON THE
4 EFFECTIVE DATE OF TERMINATION. A CURE OF THE DEFAULT DOES NOT
5 RELIEVE THE OFFENDING STATE OF OBLIGATIONS OR LIABILITIES INCURRED
6 DURING THE PERIOD OF DEFAULT.

7 D. TERMINATION OF MEMBERSHIP IN THE COMPACT SHALL BE
8 IMPOSED ONLY AFTER ALL OTHER MEANS OF SECURING COMPLIANCE HAVE
9 BEEN EXHAUSTED. NOTICE OF INTENT TO SUSPEND OR TERMINATE SHALL
10 BE GIVEN BY THE COMMISSION TO THE GOVERNOR, THE MAJORITY AND
11 MINORITY LEADERS OF THE DEFAULTING STATE'S LEGISLATURE, THE
12 DEFAULTING STATE'S LICENSING AUTHORITY, AND EACH OF THE MEMBER
13 STATES' LICENSING AUTHORITIES.

14 E. A STATE THAT HAS BEEN TERMINATED IS RESPONSIBLE FOR ALL
15 ASSESSMENTS, OBLIGATIONS, AND LIABILITIES INCURRED THROUGH THE
16 EFFECTIVE DATE OF TERMINATION, INCLUDING OBLIGATIONS THAT EXTEND
17 BEYOND THE EFFECTIVE DATE OF TERMINATION.

18 F. UPON THE TERMINATION OF A STATE'S MEMBERSHIP FROM THIS
19 COMPACT, THAT STATE SHALL IMMEDIATELY PROVIDE NOTICE TO ALL
20 LICENSEES WITHIN THAT STATE OF SUCH TERMINATION. THE TERMINATED
21 STATE SHALL CONTINUE TO RECOGNIZE ALL LICENSES GRANTED PURSUANT
22 TO THIS COMPACT FOR A MINIMUM OF SIX (6) MONTHS AFTER THE DATE OF
23 SAID NOTICE OF TERMINATION.

24 G. THE COMMISSION SHALL NOT BEAR ANY COSTS RELATED TO A
25 STATE THAT IS FOUND TO BE IN DEFAULT OR THAT HAS BEEN TERMINATED
26 FROM THE COMPACT UNLESS AGREED UPON IN WRITING BETWEEN THE
27 COMMISSION AND THE DEFAULTING STATE.

1 H. THE DEFAULTING STATE MAY APPEAL THE ACTION OF THE
2 COMMISSION BY PETITIONING THE U.S. DISTRICT COURT FOR THE DISTRICT
3 OF COLUMBIA OR THE FEDERAL DISTRICT WHERE THE COMMISSION HAS ITS
4 PRINCIPAL OFFICES. THE PREVAILING PARTY SHALL BE AWARDED ALL
5 COSTS OF SUCH LITIGATION, INCLUDING REASONABLE ATTORNEY'S FEES.

6 I. DISPUTE RESOLUTION

7 1. UPON REQUEST BY A MEMBER STATE, THE COMMISSION SHALL
8 ATTEMPT TO RESOLVE DISPUTES RELATED TO THE COMPACT THAT ARISE
9 AMONG MEMBER STATES AND BETWEEN MEMBER AND NON-MEMBER
10 STATES.

11 2. THE COMMISSION SHALL PROMULGATE A RULE PROVIDING FOR
12 BOTH MEDIATION AND BINDING RESOLUTION FOR DISPUTES AS
13 APPROPRIATE.

14 J. ENFORCEMENT

15 1. BY MAJORITY VOTE AS PROVIDED BY RULE, THE COMMISSION
16 MAY INITIATE LEGAL ACTION AGAINST A MEMBER STATE IN DEFAULT IN
17 THE U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA OR THE
18 FEDERAL DISTRICT WHERE THE COMMISSION HAS ITS PRINCIPAL OFFICES TO
19 ENFORCE COMPLIANCE WITH THE PROVISIONS OF THE COMPACT AND ITS
20 PROMULGATED RULES. THE RELIEF SOUGHT MAY INCLUDE BOTH
21 INJUNCTIVE RELIEF AND DAMAGES. IN THE EVENT JUDICIAL ENFORCEMENT
22 IS NECESSARY, THE PREVAILING PARTY SHALL BE AWARDED ALL COSTS OF
23 SUCH LITIGATION, INCLUDING REASONABLE ATTORNEY'S FEES. THE
24 REMEDIES HEREIN SHALL NOT BE THE EXCLUSIVE REMEDIES OF THE
25 COMMISSION. THE COMMISSION MAY PURSUE ANY OTHER REMEDIES
26 AVAILABLE UNDER FEDERAL OR THE DEFAULTING MEMBER STATE'S LAWS.

27 2. A MEMBER STATE MAY INITIATE LEGAL ACTION AGAINST THE

1 COMMISSION IN THE U.S. DISTRICT COURT FOR THE DISTRICT OF
2 COLUMBIA OR THE FEDERAL DISTRICT WHERE THE COMMISSION HAS ITS
3 PRINCIPAL OFFICES TO ENFORCE COMPLIANCE WITH THE PROVISIONS OF
4 THE COMPACT AND ITS PROMULGATED RULES. THE RELIEF SOUGHT MAY
5 INCLUDE BOTH INJUNCTIVE RELIEF AND DAMAGES. IN THE EVENT JUDICIAL
6 ENFORCEMENT IS NECESSARY, THE PREVAILING PARTY SHALL BE AWARDED
7 ALL COSTS OF SUCH LITIGATION, INCLUDING REASONABLE ATTORNEY'S
8 FEES.

9 3. NO PERSON OTHER THAN A MEMBER STATE SHALL ENFORCE THIS
10 COMPACT AGAINST THE COMMISSION.

11 SECTION 11

12 EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

13 A. THE COMPACT SHALL COME INTO EFFECT ON THE DATE ON
14 WHICH THE COMPACT STATUTE IS ENACTED INTO LAW IN THE SEVENTH
15 MEMBER STATE.

16 1. ON OR AFTER THE EFFECTIVE DATE OF THE COMPACT INDICATED
17 ABOVE, THE COMMISSION SHALL CONVENE AND REVIEW THE ENACTMENT
18 OF EACH OF THE CHARTER MEMBER STATES TO DETERMINE IF THE STATUTE
19 ENACTED BY EACH SUCH CHARTER MEMBER STATE IS MATERIALLY
20 DIFFERENT THAN THE MODEL COMPACT STATUTE.

21 a. A CHARTER MEMBER STATE WHOSE ENACTMENT IS FOUND TO BE
22 MATERIALLY DIFFERENT FROM THE MODEL COMPACT STATUTE SHALL BE
23 ENTITLED TO THE DEFAULT PROCESS SET FORTH IN SECTION 10.

24 b. IF ANY MEMBER STATE IS LATER FOUND TO BE IN DEFAULT, OR
25 IS TERMINATED OR WITHDRAWS FROM THE COMPACT, THE COMMISSION
26 SHALL REMAIN IN EXISTENCE AND THE COMPACT SHALL REMAIN IN EFFECT
27 EVEN IF THE NUMBER OF MEMBER STATES SHOULD BE LESS THAN SEVEN.

1 2. A MEMBER STATE ENACTING THE COMPACT SUBSEQUENT TO THE
2 CHARTER MEMBER STATES SHALL BE SUBJECT TO THE PROCESS SET FORTH
3 IN SECTION 7.C.21 TO DETERMINE IF THEIR ENACTMENTS ARE MATERIALLY
4 DIFFERENT FROM THE MODEL COMPACT STATUTE AND WHETHER IT
5 QUALIFIES FOR PARTICIPATION IN THE COMPACT.

6 3. ALL ACTIONS TAKEN FOR THE BENEFIT OF THE COMMISSION OR
7 IN FURTHERANCE OF THE PURPOSES OF THE ADMINISTRATION OF THE
8 COMPACT PRIOR TO THE EFFECTIVE DATE OF THE COMPACT OR THE
9 COMMISSION COMING INTO EXISTENCE SHALL BE CONSIDERED TO BE
10 ACTIONS OF THE COMMISSION UNLESS SPECIFICALLY REPUDIATED BY THE
11 COMMISSION.

12 a. ANY STATE THAT JOINS THE COMPACT SUBSEQUENT TO THE
13 COMMISSION'S INITIAL ADOPTION OF THE RULES SHALL BE SUBJECT TO THE
14 RULES AND BYLAWS AS THEY EXIST ON THE DATE ON WHICH THE COMPACT
15 BECOMES LAW IN THAT STATE. ANY RULE THAT HAS BEEN PREVIOUSLY
16 ADOPTED BY THE COMMISSION SHALL HAVE THE FULL FORCE AND EFFECT
17 OF LAW ON THE DAY THE COMPACT BECOMES LAW IN THAT STATE.

18 b. A MEMBER STATE MAY WITHDRAW FROM THIS COMPACT BY
19 ENACTING A STATUTE REPEALING THE SAME.

20 B. A MEMBER STATE'S WITHDRAWAL SHALL NOT TAKE EFFECT
21 UNTIL 180 DAYS AFTER ENACTMENT OF THE REPEALING STATUTE.

22 C. WITHDRAWAL SHALL NOT AFFECT THE CONTINUING
23 REQUIREMENT OF THE WITHDRAWING STATE'S LICENSING AUTHORITY TO
24 COMPLY WITH THE INVESTIGATIVE AND ADVERSE ACTION REPORTING
25 REQUIREMENTS OF THIS COMPACT PRIOR TO THE EFFECTIVE DATE OF
26 WITHDRAWAL.

27 D. UPON THE ENACTMENT OF A STATUTE WITHDRAWING FROM THIS

1 COMPACT, A STATE SHALL IMMEDIATELY PROVIDE NOTICE OF SUCH
2 WITHDRAWAL TO ALL LICENSEES WITHIN THE STATE. NOTWITHSTANDING
3 ANY SUBSEQUENT STATUTORY ENACTMENT TO THE CONTRARY, SUCH
4 WITHDRAWING STATE SHALL CONTINUE TO RECOGNIZE ALL LICENSES
5 GRANTED PURSUANT TO THIS COMPACT FOR A MINIMUM OF SIX (6)
6 MONTHS AFTER THE DATE OF SUCH NOTICE OF WITHDRAWAL.

7 1. NOTHING CONTAINED IN THIS COMPACT SHALL BE CONSTRUED
8 TO INVALIDATE OR PREVENT ANY LICENSURE AGREEMENT OR OTHER
9 COOPERATIVE ARRANGEMENT BETWEEN A MEMBER STATE AND A
10 NON-MEMBER STATE THAT DOES NOT CONFLICT WITH THE PROVISIONS OF
11 THIS COMPACT.

12 2. THIS COMPACT MAY BE AMENDED BY THE MEMBER STATES. NO
13 AMENDMENT TO THIS COMPACT SHALL BECOME EFFECTIVE AND BINDING
14 UPON ANY MEMBER STATE UNTIL IT IS ENACTED INTO THE LAWS OF ALL
15 MEMBER STATES.

16 SECTION 12

17 CONSTRUCTION AND SEVERABILITY

18 A. THIS COMPACT AND THE COMMISSION'S RULE-MAKING
19 AUTHORITY SHALL BE LIBERALLY CONSTRUED SO AS TO EFFECTUATE THE
20 PURPOSES AND THE IMPLEMENTATION AND ADMINISTRATION OF THE
21 COMPACT. PROVISIONS OF THE COMPACT EXPRESSLY AUTHORIZING OR
22 REQUIRING THE PROMULGATION OF RULES SHALL NOT BE CONSTRUED TO
23 LIMIT THE COMMISSION'S RULE-MAKING AUTHORITY SOLELY FOR THOSE
24 PURPOSES.

25 B. THE PROVISIONS OF THIS COMPACT SHALL BE SEVERABLE AND
26 IF ANY PHRASE, CLAUSE, SENTENCE, OR PROVISION OF THIS COMPACT IS
27 HELD BY A COURT OF COMPETENT JURISDICTION TO BE CONTRARY TO THE

1 CONSTITUTION OF ANY MEMBER STATE, A STATE SEEKING PARTICIPATION
2 IN THE COMPACT, OR OF THE UNITED STATES OR THE APPLICABILITY
3 THEREOF TO ANY GOVERNMENT, AGENCY, PERSON, OR CIRCUMSTANCE IS
4 HELD INVALID BY A COURT OF COMPETENT JURISDICTION, THE VALIDITY OF
5 THE REMAINDER OF THIS COMPACT AND THE APPLICABILITY THEREOF TO
6 ANY GOVERNMENT, AGENCY, PERSON, OR CIRCUMSTANCE SHALL NOT BE
7 AFFECTED THEREBY.

8 C. NOTWITHSTANDING SUBSECTION B OF THIS SECTION, THE
9 COMMISSION MAY DENY A STATE'S PARTICIPATION IN THE COMPACT OR, IN
10 ACCORDANCE WITH THE REQUIREMENTS OF SECTION 10.B, TERMINATE A
11 MEMBER STATE'S PARTICIPATION IN THE COMPACT, IF IT DETERMINES THAT
12 A CONSTITUTIONAL REQUIREMENT OF A MEMBER STATE IS A MATERIAL
13 DEPARTURE FROM THE COMPACT. OTHERWISE, IF THIS COMPACT SHALL BE
14 HELD CONTRARY TO THE CONSTITUTION OF ANY MEMBER STATE, THE
15 COMPACT SHALL REMAIN IN FULL FORCE AND EFFECT AS TO THE
16 REMAINING MEMBER STATES AND IN FULL FORCE AND EFFECT AS TO THE
17 MEMBER STATE AFFECTED AS TO ALL SEVERABLE MATTERS.

18 **SECTION 13**
19 **CONSISTENT EFFECT AND CONFLICT**
20 **WITH OTHER STATE LAWS**

21 A. NOTHING HEREIN PREVENTS OR INHIBITS THE ENFORCEMENT OF
22 ANY OTHER LAW OF A MEMBER STATE THAT IS NOT INCONSISTENT WITH
23 THE COMPACT.

24 B. ALL LAWS, STATUTES, REGULATIONS, OR OTHER LEGAL
25 REQUIREMENTS IN A MEMBER STATE IN CONFLICT WITH THE COMPACT ARE
26 SUPERSEDED TO THE EXTENT OF THE CONFLICT.

27 C. ALL AGREEMENTS BETWEEN THE COMMISSION AND THE

1 MEMBER STATES ARE BINDING IN ACCORDANCE WITH THEIR TERMS.

2 **24-60-4502. Notice to revisor of statutes.** THIS PART 45 TAKES
3 EFFECT ON THE DATE THE COMPACT IS ENACTED INTO LAW IN THE
4 SEVENTH COMPACT STATE. THE EXECUTIVE DIRECTOR OF THE
5 DEPARTMENT OF EDUCATION SHALL NOTIFY THE REVISOR OF STATUTES IN
6 WRITING WHEN THE CONDITION SPECIFIED IN THIS SECTION 14 HAS
7 OCCURRED BY E-MAILING THE NOTICE TO
8 REVISOROFSTATUTES.GA@COLEG.GOV. THIS PART 45 TAKES EFFECT UPON
9 THE DATE IDENTIFIED IN THE NOTICE THAT THE COMPACT IS ENACTED INTO
10 LAW IN THE SEVENTH COMPACT STATE OR UPON THE DATE OF THE NOTICE
11 TO THE REVISOR OF STATUTES IF THE NOTICE DOES NOT SPECIFY A
12 DIFFERENT DATE.

13 **24-60-4503. Repeal of part.** IF THE REVISOR OF STATUTES HAS
14 NOT RECEIVED THE NOTICE REQUIRED BY SECTION 24-60-4502 BY JUNE 29,
15 2029, THIS PART 45 IS REPEALED, EFFECTIVE JUNE 30, 2029.

16 **SECTION 2. Safety clause.** The general assembly finds,
17 determines, and declares that this act is necessary for the immediate
18 preservation of the public peace, health, or safety or for appropriations for
19 the support and maintenance of the departments of the state and state
20 institutions.