

**SENATE . . . . . No. 2542**

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**The Commonwealth of Massachusetts**

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*September 24, 2021*

To the Honorable Senate and House of Representatives,

Massachusetts has a long, proud history of supporting the members of our Armed Forces and their families who make great sacrifices by virtue of their service, not the least of which is accepting the need to move among different duty stations multiple times during the service member’s career. As those military families move to a new home in Massachusetts, family members may face challenges in navigating their chosen profession’s licensing requirements, particularly because those requirements are not always uniform across state lines. Recognizing both those sacrifices and that difficulty, the Commonwealth must reduce or eliminate barriers that could hinder gainful employment and household stability for military family members.

To that end, on February 17, 2021, I issued Executive Order 593 to promote timely and efficient reciprocal licensing for military families licensed in certain occupations and professions. That Order directed the Division of Public Licensure – now the Division of Occupational Licensure – to identify ways to facilitate interstate license portability in five specific professions that the Department of Defense and Air Force identified as being of particular importance for military family members.

In its report on its work, the Division found that the five boards already prioritize to a substantial degree professional licensure for military family members. For example, since January 1, 2021, the average processing time for the application of a military spouse under the five covered boards is approximately one to two weeks. That success is attributable to both the

statutory mandates of the Valor Act 1 & 2, passed by the Legislature in 2012 and 2014, respectively, as well as independent actions taken by the Division and its licensing boards.

But the report also concluded that there is more the Commonwealth can do for its military families, and the bill I am filing today, “An Act to Support Military Families,” acts on that conclusion by authorizing Massachusetts to join existing interstate compacts that govern the physical therapy and psychology professions. Massachusetts has long been a leader in ensuring that its licensed professions are highly trained to practice in their fields safely and competently. In certain cases, but not all, the standards to become licensed in Massachusetts are the same or very similar to standards required in other states. Joining these compacts will streamline the process for physical therapists to transfer a license and permit psychologists to practice virtually across state lines.

While not encompassed by my Executive Order, the legislation also authorizes Massachusetts to join the Nurse Licensure Compact, consistent with the 2021 recommendation of the Massachusetts Health Policy Commission. Permitting nurses licensed in other compact states to work in the Commonwealth enhances the state’s efforts to respond to the changing health care delivery landscape by decreasing barriers to the provision of nursing care and helping ensure the availability of licensed nurses in times of great need, such as Massachusetts has experienced during the COVID pandemic.

Massachusetts’ membership in these three compacts will simplify and improve the licensing and continued practice of physical therapists, psychologists, and nurses when they move between states, while ensuring that the public continues to be served by highly qualified practitioners. I look forward to working with the Legislature to enact this legislation to ensure that military family members experience no professional interruptions as they start the next chapter of their lives in the Commonwealth.

Respectfully submitted

Charles D. Baker,  
*Governor*

# SENATE . . . . . No. 2542

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Senate, September 27, 2021 -- Message from His Excellency the Governor recommending legislation to support military families

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## The Commonwealth of Massachusetts

\_\_\_\_\_  
In the One Hundred and Ninety-Second General Court  
(2021-2022)  
\_\_\_\_\_

An Act to support military families.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Subsection (c) of section 14 of chapter 13 of the General Laws, as  
2 appearing in the 2018 Official Edition, is hereby amended by inserting, in line 4, after the words  
3 “twelve,”, the following words:- and chapter one hundred and twelve C.

4           SECTION 2. Section 23I of chapter 112 of the General Laws, as so appearing, is hereby  
5 amended by inserting after subsection (d) the following subsection:-

6           (e) complete a fingerprint-based check of the state and national criminal history  
7 databases, as authorized by 28 CFR 20.33 and Public Law 92-544, as part of the licensure and  
8 background check process for the board of allied health professions to determine the suitability  
9 of an applicant.

10           Fingerprints shall be submitted to the identification section of the department of state  
11 police for a state criminal history check and forwarded to the Federal Bureau of Investigation for  
12 a national criminal history check, according to the policies and procedures established by the  
13 state identification section and by the department of criminal justice information services. The

14 department of state police and Federal Bureau of Investigation are expressly authorized to search  
15 criminal justice databases including all latent fingerprint submissions. Fingerprint submissions  
16 may be retained by the Federal Bureau of Investigation, the state identification section and the  
17 department of criminal justice information services for requests submitted by the board of allied  
18 health professions as authorized under this section to ensure the suitability of these individuals  
19 for licensure. The department of criminal justice information services shall disseminate the  
20 results of the state and national criminal background checks to the executive director of the board  
21 of allied health professions and authorized staff of the board. The department of criminal justice  
22 information services shall only disseminate information under this section that would otherwise  
23 be available to the board of allied health professions as provided in this section.

24 All applicants shall pay a fee to be established by the secretary of administration and  
25 finance, in consultation with the secretary of public safety, to offset the costs of operating and  
26 administering a fingerprint-based criminal background check system. The secretary of  
27 administration and finance, in consultation with the secretary of public safety, may increase the  
28 fee accordingly if the Federal Bureau of Investigation increases its fingerprint background check  
29 service fee. The board may pay the fee on behalf of applicants or reimburse applicants for all or  
30 part of the fee on the grounds of financial hardship. Any fees collected from fingerprinting  
31 activity under this chapter shall be deposited into the Fingerprint-Based Background Check Trust  
32 Fund, established in section 2HHHH of chapter 29.

33 The board of allied health professions may receive all criminal offender record  
34 information and the results of checks of state and national criminal history databases under said  
35 Public Law 92-544, but they shall not receive juvenile adjudications and delinquency matters or  
36 sealed records. When the board of allied health professions obtains the results of checks of state

37 and national criminal history databases, it shall treat the information according to sections 167 to  
38 178, inclusive, of chapter 6 and the regulations thereunder regarding criminal offender record  
39 information.

40 Notwithstanding subsections 9 and 9½ of section 4 of chapter 151B, if the board of allied  
41 health professions receives criminal record information from the state or national fingerprint-  
42 based criminal background checks that includes no disposition or is otherwise incomplete, the  
43 board may request that an applicant for licensure provide additional information regarding the  
44 results of the criminal background checks to assist the board in determining the applicant's  
45 suitability for licensure.

46 SECTION 3. Section 23J of said chapter 112 is hereby amended by inserting after  
47 subsection (c) the following subsection:-

48 (d) complete a fingerprint-based check of the state and national criminal history  
49 databases, as authorized by 28 CFR 20.33 and Public Law 92-544, as part of the licensure and  
50 background check process for the board of allied health professions to determine the suitability  
51 of an applicant.

52 Fingerprints shall be submitted to the identification section of the department of state  
53 police for a state criminal history check and forwarded to the Federal Bureau of Investigation for  
54 a national criminal history check, according to the policies and procedures established by the  
55 state identification section and by the department of criminal justice information services. The  
56 department of state police and Federal Bureau of Investigation are expressly authorized to search  
57 criminal justice databases including all latent fingerprint submissions. Fingerprint submissions  
58 may be retained by the Federal Bureau of Investigation, the state identification section and the

59 department of criminal justice information services for requests submitted by the board of allied  
60 health professions as authorized under this section to ensure the suitability of these individuals  
61 for licensure. The department of criminal justice information services shall disseminate the  
62 results of the state and national criminal background checks to the executive director of the board  
63 of allied health professions and authorized staff of the board. The department of criminal justice  
64 information services shall only disseminate information under this section that would otherwise  
65 be available to the board of allied health professions as provided in this section.

66 All applicants shall pay a fee to be established by the secretary of administration and  
67 finance, in consultation with the secretary of public safety, to offset the costs of operating and  
68 administering a fingerprint-based criminal background check system. The secretary of  
69 administration and finance, in consultation with the secretary of public safety, may increase the  
70 fee accordingly if the Federal Bureau of Investigation increases its fingerprint background check  
71 service fee. The board may pay the fee on behalf of applicants or reimburse applicants for all or  
72 part of the fee on the grounds of financial hardship. Any fees collected from fingerprinting  
73 activity under this chapter shall be deposited into the Fingerprint-Based Background Check Trust  
74 Fund, established in section 2HHHH of chapter 29.

75 The board of allied health professions may receive all criminal offender record  
76 information and the results of checks of state and national criminal history databases under said  
77 Public Law 92-544, but they shall not receive juvenile adjudications and delinquency matters or  
78 sealed records. When the board of allied health professions obtains the results of checks of state  
79 and national criminal history databases, it shall treat the information according to sections 167 to  
80 178, inclusive, of chapter 6 and the regulations thereunder regarding criminal offender record  
81 information.

82 Notwithstanding subsections 9 and 9½ of section 4 of chapter 151B, if the board of allied  
83 health professions receives criminal record information from the state or national fingerprint-  
84 based criminal background checks that includes no disposition or is otherwise incomplete, the  
85 board may request that an applicant for licensure provide additional information regarding the  
86 results of the criminal background checks to assist the board in determining the applicant's  
87 suitability for licensure.

88 SECTION 4. Section 79 of said chapter 112 is hereby amended by adding the following  
89 two sentences:-

90 The board may assess a licensed nurse a penalty of not more than \$2,000 for each  
91 violation of regulations promulgated pursuant to this section and for each violation of any  
92 general law that governs the practice of nursing. The board, through regulation, shall ensure that  
93 any fine levied is commensurate with the severity of the violation.

94 SECTION 5. Section 119 of said chapter 112 is hereby amended by inserting after  
95 subsection (e) the following subsection:-

96 (f) has completed a fingerprint-based check of the state and national criminal history  
97 databases, as authorized by 28 CFR 20.33 and Public Law 92-544, as part of the licensure and  
98 background check process for the board of registration of psychologists to determine the  
99 suitability of an applicant.,

100 Fingerprints shall be submitted to the identification section of the department of state  
101 police for a state criminal history check and forwarded to the Federal Bureau of Investigation for  
102 a national criminal history check, according to the policies and procedures established by the  
103 state identification section and by the department of criminal justice information services. The

104 department of state police and Federal Bureau of Investigation are expressly authorized to search  
105 criminal justice databases including all latent fingerprint submissions. Fingerprint submissions  
106 may be retained by the Federal Bureau of Investigation, the state identification section and the  
107 department of criminal justice information services for requests submitted by the board of  
108 registration of psychologists as authorized under this section to ensure the suitability of these  
109 individuals for licensure. The department of criminal justice information services shall  
110 disseminate the results of the state and national criminal background checks to the executive  
111 director of the board of registration of psychologists and authorized staff of the board. The  
112 department of criminal justice information services shall only disseminate information under this  
113 section that would otherwise be available to the board of registration of psychologists as  
114 provided in this section.

115 All applicants shall pay a fee to be established by the secretary of administration and  
116 finance, in consultation with the secretary of public safety, to offset the costs of operating and  
117 administering a fingerprint-based criminal background check system. The secretary of  
118 administration and finance, in consultation with the secretary of public safety, may increase the  
119 fee accordingly if the Federal Bureau of Investigation increases its fingerprint background check  
120 service fee. The board may pay the fee on behalf of applicants or reimburse applicants for all or  
121 part of the fee on the grounds of financial hardship. Any fees collected from fingerprinting  
122 activity under this chapter shall be deposited into the Fingerprint-Based Background Check Trust  
123 Fund, established in section 2HHHH of chapter 29.

124 The board of registration of psychologists may receive all criminal offender record  
125 information and the results of checks of state and national criminal history databases under said  
126 Public Law 92-544, but they shall not receive juvenile adjudications and delinquency matters or



127 sealed records. When the board of registration of psychologists obtains the results of checks of  
128 state and national criminal history databases, it shall treat the information according to sections  
129 167 to 178, inclusive, of chapter 6 and the regulations thereunder regarding criminal offender  
130 record information.

131 Notwithstanding subsections 9 and 9½ of section 4 of chapter 151B, if the board of  
132 registration of psychologists receives criminal record information from the state or national  
133 fingerprint-based criminal background checks that includes no disposition or is otherwise  
134 incomplete, the board may request that an applicant for licensure provide additional information  
135 regarding the results of the criminal background checks to assist the board in determining the  
136 applicant's suitability for licensure.

137 SECTION 6. The General Laws are hereby amended by inserting after chapter 112 the  
138 following chapter:-

139 CHAPTER 112A Physical Therapy Licensure Compact

140 Section 1.

141 The purpose of this compact is to facilitate interstate practice of physical therapy with the  
142 goal of improving public access to physical therapy services. The practice of physical therapy  
143 occurs in the state where the patient/client is located at the time of the patient/client encounter.  
144 The compact preserves the regulatory authority of states to protect public health and safety  
145 through the current system of state licensure.

146 This compact is designed to achieve the following objectives:

- 147 (a) Increase public access to physical therapy services by providing for the mutual  
148 recognition of other member state licenses;
- 149 (b) Enhance the states' ability to protect the public's health and safety;
- 150 (c) Encourage the cooperation of member states in regulating multi-state physical therapy  
151 practice;
- 152 (d) Support spouses of relocating military members;
- 153 (e) Enhance the exchange of licensure, investigative, and disciplinary information  
154 between member states; and
- 155 (f) Allow a remote state to hold a provider of services with a compact privilege in that  
156 state accountable to that state's practice standards.

157 Section 2.

158 As used in this compact, and except as otherwise provided, the following definitions shall  
159 apply:

160 "Active-duty military", full-time duty status in the active uniformed service of the United  
161 States, including members of the National Guard and Reserve on active duty orders pursuant to  
162 10 U.S.C. Section 1209 and 1211.

163 "Adverse action", disciplinary action taken by a physical therapy licensing board based  
164 upon misconduct, unacceptable performance, or a combination of both.

165 “Alternative program”, a non-disciplinary monitoring or practice remediation process  
166 approved by a physical therapy licensing board. This includes, but is not limited to, substance  
167 abuse issues.

168 “Compact privilege”, the authorization granted by a remote state to allow a licensee from  
169 another member state to practice as a physical therapist or work as a physical therapist assistant  
170 in the remote state under its laws and rules. The practice of physical therapy occurs in the  
171 member state where the patient/client is located at the time of the patient/client encounter.

172 “Continuing competence”, a requirement, as a condition of license renewal, to provide  
173 evidence of participation in, or completion of, educational and professional activities relevant to  
174 practice or area of work.

175 “Data system”, a repository of information about licensees, including examination,  
176 licensure, investigative, compact privilege, and adverse action.

177 “Encumbered license”, a license that a physical therapy licensing board has limited in any  
178 way.

179 “Executive board”, a group of directors elected or appointed to act on behalf of, and  
180 within the powers granted to them by, the commission.

181 “Home state”, the member state that is the licensee’s primary state of residence.

182 “Investigative information”, information, records, and documents received or generated  
183 by a physical therapy licensing board pursuant to an investigation.

184 “Jurisprudence Requirement”, the assessment of an individual’s knowledge of the laws  
185 and rules governing the practice of physical therapy in a state.

186           “Licensee”, an individual who currently holds an authorization from the state to practice  
187 as a physical therapist or to work as a physical therapist assistant.

188           “Member state”, a state that has enacted the compact.

189           “Party state”, any member state in which a licensee holds a current license or compact  
190 privilege or is applying for a license or compact privilege.

191           “Physical therapist”, an individual who is licensed by a state to practice physical therapy.

192           “Physical therapist assistant”, an individual who is licensed/certified by a state and who  
193 assists the physical therapist in selected components of physical therapy.

194           “Physical therapy,” “physical therapy practice,” and “the practice of physical therapy”,  
195 the care and services provided by or under the direction and supervision of a licensed physical  
196 therapist.

197           “Physical therapy compact” or “PT compact”, an agreement among member states,  
198 established and governed by the physical therapy compact, to increase the mobility of eligible  
199 physical therapy providers to work in member states.

200           “Physical therapy compact commission” or “commission”, the national administrative  
201 body whose membership consists of all states that have enacted the compact.

202           “Physical therapy licensing board” or “licensing board”, the agency of a state that is  
203 responsible for the licensing and regulation of physical therapists and physical therapist  
204 assistants.

205           “Remote state”, a member state other than the home state, where a licensee is exercising  
206 or seeking to exercise the compact privilege.

207           “Rule”, a regulation, principle, or directive promulgated by the commission that has the  
208 force of law.

209           “State”, any state, commonwealth, district, or territory of the United States of America  
210 that regulates the practice of physical therapy.

211           Section 3.

212           (a)     To participate in the compact, a state must:

213                 (1) Participate fully in the commission’s data system, including using the commission’s  
214 unique identifier as defined in rules;

215                 (2) Have a mechanism in place for receiving and investigating complaints about  
216 licensees;

217                 (3) Notify the commission, in compliance with the terms of the compact and rules, of  
218 any adverse action or the availability of investigative information regarding a licensee;

219                 (4) Fully implement a criminal background check requirement, within a time frame  
220 established by rule, by receiving the results of the Federal Bureau of Investigation record search  
221 on criminal background checks and use the results in making licensure decisions in accordance  
222 with subsection (b) of section 3;

223                 (5) Comply with the rules of the commission;

224 (6) Utilize a recognized national examination as a requirement for licensure pursuant to  
225 the rules of the commission; and

226 (7) Have continuing competence requirements as a condition for license renewal.

227 (b) Upon adoption of this statute, the member state shall have the authority to obtain  
228 biometric-based information from each physical therapy licensure applicant and submit this  
229 information to the Federal Bureau of Investigation for a criminal background check in  
230 accordance with 28 U.S.C. §534 and 42 U.S.C. §14616.

231 (c) A member state shall grant the compact privilege to a licensee holding a valid  
232 unencumbered license in another member state in accordance with the terms of the compact and  
233 rules.

234 (d) Member states may charge a fee for granting a compact privilege  
235 Section 4.

236 (a) To exercise the compact privilege under the terms and provisions of the compact, the  
237 licensee shall:

238 (1) Hold a license in the home state;

239 (2) Have no encumbrance on any state license;

240 (3) Be eligible for a compact privilege in any member state in accordance with  
241 subsections (d), (g) and (h) of section 4;

242 (4) Have not had any adverse action against any license or compact privilege within the  
243 previous 2 years;

244 (5) Notify the commission that the licensee is seeking the compact privilege within a  
245 remote state(s);

246 (6) Pay any applicable fees, including any state fee, for the compact privilege;

247 (7) Meet any jurisprudence requirements established by the remote state(s) in which the  
248 licensee is seeking a compact privilege; and

249 (8) Report to the commission adverse action taken by any non-member state within 30  
250 days from the date the adverse action is taken.

251 (b) The compact privilege is valid until the expiration date of the home license. The  
252 licensee must comply with the requirements of subsection (a) of section 4. to maintain the  
253 compact privilege in the remote state.

254 (c) A licensee providing physical therapy in a remote state under the compact privilege  
255 shall function within the laws and regulations of the remote state.

256 (d) A licensee providing physical therapy in a remote state is subject to that state's  
257 regulatory authority. A remote state may, in accordance with due process and that state's laws,  
258 remove a licensee's compact privilege in the remote state for a specific period of time, impose  
259 fines, or take any other necessary actions to protect the health and safety of its citizens. The  
260 licensee is not eligible for a compact privilege in any state until the specific time for removal has  
261 passed and all fines are paid.

262 (e) If a home state license is encumbered, the licensee shall lose the compact  
263 privilege in any remote state until the following occur:

264 (1) The home state license is no longer encumbered; and

265 (2) Two years have elapsed from the date of the adverse action.

266 (f) Once an encumbered license in the home state is restored to good standing, the  
267 licensee must meet the requirements of subsection (a) of section 4 to obtain a compact privilege  
268 in any remote state.

269 (g) If a licensee's compact privilege in any remote state is removed, the individual  
270 shall lose the compact privilege in any remote state until the following occur:

271 (1) The specific period of time for which the compact privilege was removed has ended;

272 (2) All fines have been paid; and

273 (3) Two years have elapsed from the date of the adverse action.

274 (h) Once the requirements of subsection (g) of section 4 have been met, the license  
275 must meet the requirements in subsection (a) of section 4 to obtain a compact privilege in a  
276 remote state.

277 Section 5.

278 A licensee who is active-duty military or is the spouse of an individual who is active-duty  
279 military may designate one of the following as the home state:

280 (1) Home of record;

281 (2) Permanent change of station (PCS); or

282 (3) State of current residence if it is different than the PCS state or home of record.

283 Section 6.



284 (a) A home state shall have exclusive power to impose adverse action against a  
285 license issued by the home state.

286 (b) A home state may take adverse action based on the investigative information of a  
287 remote state, so long as the home state follows its own procedures for imposing adverse action.

288 (c) Nothing in this compact shall override a member state's decision that  
289 participation in an alternative program may be used in lieu of adverse action and that such  
290 participation shall remain non-public if required by the member state's laws. Member states must  
291 require licensees who enter any alternative programs in lieu of discipline to agree not to practice  
292 in any other member state during the term of the alternative program without prior authorization  
293 from such other member state.

294 (d) Any member state may investigate actual or alleged violations of the statutes and  
295 rules authorizing the practice of physical therapy in any other member state in which a physical  
296 therapist or physical therapist assistant holds a license or compact privilege.

297 (e) A remote state shall have the authority to:

298 (1) Take adverse actions as set forth in subsection (d) of section 4 against a licensee's  
299 compact privilege in the state;

300 (2) Issue subpoenas for both hearings and investigations that require the attendance and  
301 testimony of witnesses, and the production of evidence. Subpoenas issued by a physical therapy  
302 licensing board in a party state for the attendance and testimony of witnesses, or the production  
303 of evidence from another party state, shall be enforced in the latter state by any court of  
304 competent jurisdiction, according to the practice and procedure of that court applicable to

305 subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness  
306 fees, travel expenses, mileage, and other fees required by the service statutes of the state where  
307 the witnesses or evidence are located; and

308 (3) If otherwise permitted by state law, recover from the licensee the costs of  
309 investigations and disposition of cases resulting from any adverse action taken against that  
310 licensee.

311 (f) Joint Investigations

312 (1) In addition to the authority granted to a member state by its respective physical  
313 therapy practice act or other applicable state law, a member state may participate with other  
314 member states in joint investigations of licensees.

315 (2) Member states shall share any investigative, litigation, or compliance materials in  
316 furtherance of any joint or individual investigation initiated under the compact.

317 Section 7.

318 (a) The compact member states hereby create and establish a joint public agency  
319 known as the physical therapy compact commission:

320 (1) The commission is an instrumentality of the compact states.

321 (2) Venue is proper and judicial proceedings by or against the commission shall be  
322 brought solely and exclusively in a court of competent jurisdiction where the principal office of  
323 the commission is located. The commission may waive venue and jurisdictional defenses to the  
324 extent it adopts or consents to participate in alternative dispute resolution proceedings.

325 (3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.

326 (b) Membership, Voting, and Meetings

327 (1) Each member state shall have and be limited to 1 delegate selected by that member  
328 state's licensing board.

329 (2) The delegate shall be a current member of the licensing board, who is a physical  
330 therapist, physical therapist assistant, public member, or the board administrator.

331 (3) Any delegate may be removed or suspended from office as provided by the law of  
332 the state from which the delegate is appointed.

333 (4) The member state board shall fill any vacancy occurring in the commission.

334 (5) Each delegate shall be entitled to 1 vote with regard to the promulgation of rules and  
335 creation of bylaws and shall otherwise have an opportunity to participate in the business and  
336 affairs of the Commission.

337 (6) A delegate shall vote in person or by such other means as provided in the bylaws. The  
338 bylaws may provide for delegates' participation in meetings by telephone or other means of  
339 communication.

340 (7) The commission shall meet at least once during each calendar year. Additional  
341 meetings shall be held as set forth in the bylaws.

342 (c) The commission shall have the following powers and duties:

343 (1) Establish the fiscal year of the commission;

- 344 (2) Establish bylaws;
- 345 (3) Maintain its financial records in accordance with the bylaws;
- 346 (4) Meet and take such actions as are consistent with the provisions of this compact and  
347 the bylaws;
- 348 (5) Promulgate uniform rules to facilitate and coordinate implementation and  
349 administration of this compact. The rules shall have the force and effect of law and shall be  
350 binding in all member states;
- 351 (6) Bring and prosecute legal proceedings or actions in the name of the commission,  
352 provided that the standing of any state physical therapy licensing board to sue or be sued under  
353 applicable law shall not be affected;
- 354 (7) Purchase and maintain insurance and bonds;
- 355 (8) Borrow, accept, or contract for services of personnel, including, but not limited to,  
356 employees of a member state;
- 357 (9) Hire employees, elect or appoint officers, fix compensation, define duties, grant such  
358 individuals appropriate authority to carry out the purposes of the compact, and to establish the  
359 commission's personnel policies and programs relating to conflicts of interest, qualifications of  
360 personnel, and other related personnel matters;
- 361 (10) Accept any and all appropriate donations and grants of money, equipment, supplies,  
362 materials and services, and to receive, utilize and dispose of the same; provided that at all times  
363 the commission shall avoid any appearance of impropriety or conflict of interest;

364 (11) Lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold,  
365 improve or use, any property, real, personal or mixed; provided that at all times the commission  
366 shall avoid any appearance of impropriety;

367 (12) Sell convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of  
368 any property real, personal, or mixed;

369 (13) Establish a budget and make expenditures;

370 (14) Borrow money;

371 (15) Appoint committees, including standing committees composed of members, state  
372 regulators, state legislators or their representatives, and consumer representatives, and such other  
373 interested persons as may be designated in this compact and the bylaws;

374 (16) Provide and receive information from, and cooperate with, law enforcement  
375 agencies;

376 (17) Establish and elect an executive board; and

377 (18) Perform such other functions as may be necessary or appropriate to achieve the  
378 purposes of this compact consistent with the state regulation of physical therapy licensure and  
379 practice.

380 (d) The Executive Board

381 The executive board shall have the power to act on behalf of the commission according to  
382 the terms of this compact

383 (1) The executive board shall be composed of 9 members: 7 voting members who are  
384 elected by the Commission from the current membership of the commission; 1 ex-officio,  
385 nonvoting member from the recognized national physical therapy professional association; and 1  
386 ex-officio, nonvoting member from the recognized membership organization of the physical  
387 therapy licensing boards.

388 (2) The ex-officio members will be selected by their respective organizations.

389 (3) The commission may remove any member of the executive board as provided in  
390 bylaws.

391 (4) The executive board shall meet at least annually.

392 (5) The executive board shall have the following duties and responsibilities: (i)  
393 recommend to the entire commission changes to the rules or bylaws, changes to this compact  
394 legislation, fees paid by compact member states such as annual dues, and any commission  
395 compact fee charged to licensees for the compact privilege; (ii) ensure compact administration  
396 services are appropriately provided, contractual or otherwise; (iii) prepare and recommend the  
397 budget; (iv) maintain financial records on behalf of the commission; (v) monitor compact  
398 compliance of member states and provide compliance reports to the commission; (vi) establish  
399 additional committees as necessary; and (vii) other duties as provided in rules or bylaws.

400 (e) Meetings of the Commission

401 (1) All meetings of the commission shall be open to the public, and public notice of  
402 meetings shall be given in the same manner as required under the rulemaking provisions in  
403 section 9.

404 (2) The commission or the executive board or other committees of the commission may  
405 convene in a closed, non-public meeting if the commission or executive board or other  
406 committees of the commission must discuss: (i) non-compliance of a member state with its  
407 obligations under the compact; (ii) the employment, compensation, discipline or other matters,  
408 practices or procedures related to specific employees or other matters related to the  
409 commission's internal personnel practices and procedures; (iii) current, threatened, or reasonably  
410 anticipated litigation; (iv) negotiation of contracts for the purchase, lease, or sale of goods,  
411 services, or real estate; (v) accusing any person of a crime or formally censuring any person; (vi)  
412 disclosure of trade secrets or commercial or financial information that is privileged or  
413 confidential; (vii) disclosure of information of a personal nature where disclosure would  
414 constitute a clearly unwarranted invasion of personal privacy; (viii) disclosure of investigative  
415 records compiled for law enforcement purposes; (ix) disclosure of information related to any  
416 investigative reports prepared by or on behalf of or for use of the commission or other committee  
417 charged with responsibility of investigation or determination of compliance issues pursuant to  
418 the compact; or (x) matters specifically exempted from disclosure by federal or member state  
419 statute.

420 (3) If a meeting, or portion of a meeting, is closed pursuant to this provision, the  
421 commission's legal counsel or designee shall certify that the meeting may be closed and shall  
422 reference each relevant exempting provision.

423 (4) The commission shall keep minutes that fully and clearly describe all matters  
424 discussed in a meeting and shall provide a full and accurate summary of actions taken, and the  
425 reasons therefore, including a description of the views expressed. All documents considered in  
426 connection with an action shall be identified in such minutes. All minutes and documents of a

427 closed meeting shall remain under seal, subject to release by a majority vote of the commission  
428 or order of a court of competent jurisdiction.

429 (f) Financing of the Commission

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

432 (2) The commission may accept any and all appropriate revenue sources, donations, and  
433 grants of money, equipment, supplies, materials, and services.

434 (3) The commission may levy on and collect an annual assessment from each member  
435 state or impose fees on other parties to cover the cost of the operations and activities of the  
436 commission and its staff, which must be in a total amount sufficient to cover its annual budget as  
437 approved each year for which revenue is not provided by other sources. The aggregate annual  
438 assessment amount shall be allocated based upon a formula to be determined by the commission,  
439 which shall promulgate a rule binding upon all member states.

440 (4) The commission shall not incur obligations of any kind prior to securing the funds  
441 adequate to meet the same; nor shall the commission pledge the credit of any of the member  
442 states, except by and with the authority of the member state.

443 (5) The commission shall keep accurate accounts of all receipts and disbursements. The  
444 receipts and disbursements of the commission shall be subject to the audit and accounting  
445 procedures established under its bylaws. However, all receipts and disbursements of funds  
446 handled by the Commission shall be audited yearly by a certified or licensed public accountant,



447 and the report of the audit shall be included in and become part of the annual report of the  
448 commission.

449 (g) Qualified Immunity, Defense and Indemnification

450 (1) The members, officers, executive director, employees and representatives of the  
451 commission shall be immune from suit and liability, either personally or in their official capacity,  
452 for any claim for damage to or loss of property or personal injury or other civil liability caused  
453 by or arising out of any actual or alleged act, error or omission that occurred, or that the person  
454 against whom the claim is made had a reasonable basis for believing occurred within the scope  
455 of commission employment, duties or responsibilities; provided that nothing in this paragraph  
456 shall be construed to protect any such person from suit or liability for any damage, loss, injury,  
457 or liability caused by the intentional or willful or wanton misconduct of that person.

458 (2) The commission shall defend any member, officer, executive director, employee or  
459 representative of the Commission in any civil action seeking to impose liability arising out of  
460 any actual or alleged act, error, or omission that occurred within the scope of commission  
461 employment, duties, or responsibilities, or that the person against whom the claim is made had a  
462 reasonable basis for believing occurred within the scope of commission employment, duties, or  
463 responsibilities; provided that nothing herein shall be construed to prohibit that person from  
464 retaining his or her own counsel; and provided further, that the actual or alleged act, error, or  
465 omission did not result from that person's intentional or willful or wanton misconduct.

466 (3) The commission shall indemnify and hold harmless any member, officer, executive  
467 director, employee, or representative of the commission for the amount of any settlement or  
468 judgment obtained against that person arising out of any actual or alleged act, error or omission

469 that occurred within the scope of commission employment, duties, or responsibilities, or that  
470 such person had a reasonable basis for believing occurred within the scope of commission  
471 employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission  
472 did not result from the intentional or willful or wanton misconduct of that person.

473 Section 8.

474 (a) The commission shall provide for the development, maintenance, and utilization  
475 of a coordinated database and reporting system containing licensure, adverse action, and  
476 investigative information on all licensed individuals in member states.

477 (b) Notwithstanding any other provision of state law to the contrary, a member state  
478 shall submit a uniform data set to the data system on all individuals to whom this compact is  
479 applicable as required by the rules of the commission, including:

480 (1) Identifying information;

481 (2) Licensure data;

482 (3) Adverse actions against a license or compact privilege;

483 (4) Non-confidential information related to alternative program participation;

484 (5) Any denial of application for licensure, and the reason(s) for such denial; and

485 (6) Other information that may facilitate the administration of this compact, as  
486 determined by the rules of the commission.

487 (c) Investigative information pertaining to a licensee in any member state will only be  
488 available to other party states.

489           (d)     The commission shall promptly notify all member states of any adverse action  
490 taken against a licensee or an individual applying for a license. Adverse action information  
491 pertaining to a licensee in any member state will be available to any other member state.

492           (e)     Member states contributing information to the data system may designate  
493 information that may not be shared with the public without the express permission of the  
494 contributing state.

495           (f)     Any information submitted to the data system that is subsequently required to be  
496 expunged by the laws of the member state contributing the information shall be removed from  
497 the data system.

498           Section 9.

499           (a)     The commission shall exercise its rulemaking powers pursuant to criteria set forth  
500 in this Section and the rules adopted thereunder. Rules and amendments shall become binding as  
501 of the date specified in each rule or the amendment.

502           (b)     If a majority of the legislatures of the member states rejects a rule, by enactment  
503 of a statute or resolution in the same manner used to adopt the compact within 4 years of the date  
504 of adoption of the rule, then such rule shall have no further force and effect in any member state.

505           (c)     Rules or amendments to the rules shall be adopted at a regular or special meeting  
506 of the commission.

507           (d)     Prior to promulgation and adoption of a final rule or rules by the commission, and  
508 at least 30 days in advance of the meeting at which the rule will be considered and voted upon,  
509 the commission shall file a notice of proposed rulemaking:

510 (1) On the website of the commission or other publicly accessible platform; and  
511 (2) On the website of each member state physical therapy licensing board or other  
512 publicly accessible platform or the publication in which each state would otherwise publish  
513 proposed rules.

514 (e) The notice of proposed rulemaking shall include:

515 (1) The proposed time, date, and location of the meeting in which the rule will be  
516 considered and voted upon;

517 (2) The text of the proposed rule or amendment and the reason for the proposed rule;

518 (3) A request for comments on the proposed rule from any interested person; and

519 (4) The manner in which interested persons may submit notice to the commission of  
520 their intention to attend the public hearing and any written comments.

521 (f) Prior to adoption of a proposed rule, the commission shall allow persons to submit  
522 written data, facts, opinions, and arguments, which shall be made available to the public.

523 (g) The commission shall grant an opportunity for a public hearing before it adopts a  
524 rule or amendment if a hearing is requested by:

525 (1) At least 25 persons;

526 (2) A state or federal governmental subdivision or agency; or

527 (3) An association having at least 25 members.

528           (h)     If a hearing is held on the proposed rule or amendment, the commission shall  
529 publish the place, time, and date of the scheduled public hearing. If the hearing is held via  
530 electronic means, the commission shall publish the mechanism for access to the electronic  
531 hearing.

532           (1) All persons wishing to be heard at the hearing shall notify the executive director of  
533 the commission or other designated member in writing of their desire to appear and testify at the  
534 hearing not less than 5 business days before the scheduled date of the hearing.

535           (2) Hearings shall be conducted in a manner providing each person who wishes to  
536 comment a fair and reasonable opportunity to comment orally or in writing.

537           (3) All hearings will be recorded. A copy of the recording will be made available on  
538 request.

539           (4) Nothing in this section shall be construed as requiring a separate hearing on each rule.  
540 Rules may be grouped for the convenience of the commission at hearings required by this  
541 section.

542           (i)     Following the scheduled hearing date, or by the close of business on the  
543 scheduled hearing date if the hearing was not held, the commission shall consider all written and  
544 oral comments received.

545           (j)     If no written notice of intent to attend the public hearing by interested parties is  
546 received, the commission may proceed with promulgation of the proposed rule without a public  
547 hearing.

548 (k) The commission shall, by majority vote of all members, take final action on the  
549 proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking  
550 record and the full text of the rule.

551 (l) Upon determination that an emergency exists, the commission may consider and  
552 adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that  
553 the usual rulemaking procedures provided in the compact and in this section shall be  
554 retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days  
555 after the effective date of the rule. For the purposes of this provision, an emergency rule is one  
556 that must be adopted immediately in order to:

557 (1) Meet an imminent threat to public health, safety, or welfare;

558 (2) Prevent a loss of commission or member state funds;

559 (3) Meet a deadline for the promulgation of an administrative rule that is established by  
560 federal law or rule; or

561 (4) Protect public health and safety.

562 (m) The commission or an authorized committee of the commission may direct  
563 revisions to a previously adopted rule or amendment for purposes of correcting typographical  
564 errors, errors in format, errors in consistency, or grammatical errors. Public notice of any  
565 revisions shall be posted on the website of the commission. The revision shall be subject to  
566 challenge by any person for a period of 30 days after posting. The revision may be challenged  
567 only on grounds that the revision results in a material change to a rule. A challenge shall be  
568 made in writing, and delivered to the chair of the commission prior to the end of the notice

569 period. If no challenge is made, the revision will take effect without further action. If the  
570 revision is challenged, the revision may not take effect without the approval of the commission.

571 Section 10.

572 (a) Oversight

573 (1) The executive, legislative, and judicial branches of state government in each member  
574 state shall enforce this compact and take all actions necessary and appropriate to effectuate the  
575 compact's purposes and intent. The provisions of this compact and the rules promulgated  
576 hereunder shall have standing as statutory law.

577 (2) All courts shall take judicial notice of the compact and the rules in any judicial or  
578 administrative proceeding in a member state pertaining to the subject matter of this compact  
579 which may affect the powers, responsibilities or actions of the commission.

580 (3) The commission shall be entitled to receive service of process in any such  
581 proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to  
582 provide service of process to the commission shall render a judgment or order void as to the  
583 commission, this compact, or promulgated rules.

584 (b) Default, Technical Assistance, and Termination

585 (1) If the commission determines that a member state has defaulted in the performance  
586 of its obligations or responsibilities under this compact or the promulgated rules, the commission  
587 shall: (i) provide written notice to the defaulting state and other member states of the nature of  
588 the default, the proposed means of curing the default or any other action to be taken by the

589 commission; and (ii) provide remedial training and specific technical assistance regarding the  
590 default.

591 (2) If a state in default fails to cure the default, the defaulting state may be terminated  
592 from the compact upon an affirmative vote of a majority of the member states, and all rights,  
593 privileges and benefits conferred by this compact may be terminated on the effective date of  
594 termination. A cure of the default does not relieve the offending state of obligations or liabilities  
595 incurred during the period of default.

596 (3) Termination of membership in the compact shall be imposed only after all other  
597 means of securing compliance have been exhausted. Notice of intent to suspend or terminate  
598 shall be given by the commission to the governor, the majority and minority leaders of the  
599 defaulting state's legislature, and each of the member states.

600 (4) A state that has been terminated is responsible for all assessments, obligations, and  
601 liabilities incurred through the effective date of termination, including obligations that extend  
602 beyond the effective date of termination.

603 (5) The commission shall not bear any costs related to a state that is found to be in  
604 default or that has been terminated from the compact, unless agreed upon in writing between the  
605 Commission and the defaulting state.

606 (6) The defaulting state may appeal the action of the commission by petitioning the  
607 United States district court for the District of Columbia or the federal district where the  
608 commission has its principal offices. The prevailing member shall be awarded all costs of such  
609 litigation, including reasonable attorney's fees.



610 (c) Dispute Resolution

611 (1) Upon request by a member state, the commission shall attempt to resolve disputes  
612 related to the compact that arise among member states and between member and non-member  
613 states.

614 (2) The commission shall promulgate a rule providing for both mediation and binding  
615 dispute resolution for disputes as appropriate.

616 (d) Enforcement

617 (1) The commission, in the reasonable exercise of its discretion, shall enforce the  
618 provisions and rules of this compact.

619 (2) By majority vote, the commission may initiate legal action in the United States  
620 district court for the District of Columbia or the federal district where the commission has its  
621 principal offices against a member state in default to enforce compliance with the provisions of  
622 the compact and its promulgated rules and bylaws. The relief sought may include both  
623 injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing  
624 member shall be awarded all costs of such litigation, including reasonable attorney's fees.

625 (3) The remedies herein shall not be the exclusive remedies of the commission. The  
626 commission may pursue any other remedies available under federal or state law.

627 Section 11.

628 (a) The compact shall come into effect on the date on which the compact statute is  
629 enacted into law in the tenth member state. The provisions, which become effective at that time,  
630 shall be limited to the powers granted to the commission relating to assembly and the

631 promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers  
632 necessary to the implementation and administration of the compact.

633 (b) Any state that joins the compact subsequent to the commission's initial adoption  
634 of the rules shall be subject to the rules as they exist on the date on which the compact becomes  
635 law in that state. Any rule that has been previously adopted by the commission shall have the full  
636 force and effect of law on the day the compact becomes law in that state.

637 (c) Any member state may withdraw from this compact by enacting a statute  
638 repealing the same.

639 (1) A member state's withdrawal shall not take effect until 6 months after enactment of  
640 the repealing statute.

641 (2) Withdrawal shall not affect the continuing requirement of the withdrawing state's  
642 physical therapy licensing board to comply with the investigative and adverse action reporting  
643 requirements of this act prior to the effective date of withdrawal.

644 (d) Nothing contained in this compact shall be construed to invalidate or prevent any  
645 physical therapy licensure agreement or other cooperative arrangement between a member state  
646 and a non-member state that does not conflict with the provisions of this compact.

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

650 Section 12.

651           This compact shall be liberally construed to effectuate the purposes thereof. The  
652 provisions of this compact shall be severable and if any phrase, clause, sentence or provision of  
653 this compact is declared to be contrary to the constitution of any party state or of the United  
654 States or the applicability thereof to any government, agency, person or circumstance is held  
655 invalid, the validity of the remainder of this compact and the applicability thereof to any  
656 government, agency, person or circumstance shall not be affected thereby. If this compact shall  
657 be held contrary to the constitution of any party state, the compact shall remain in full force and  
658 effect as to the remaining party states and in full force and effect as to the party state affected as  
659 to all severable matters.

660           Section 13.

661           The executive director of the board of allied health professions, or the board executive  
662 director's designee, shall be the administrator of the physical therapy compact for the  
663 commonwealth.

664           Section 14.

665           The board of allied health professions may promulgate regulations as necessary to  
666 implement the provisions of this chapter.

667           Section 15.

668           The board of allied health professions may recover from a physical therapist or a physical  
669 therapist assistant the costs of investigation and disposition of cases resulting in any adverse  
670 disciplinary action taken against that physical therapist's or physical therapist assistant's

671 privilege to practice. Funds collected pursuant to this section shall be deposited in the Quality in  
672 Health Professions Trust Fund established pursuant to section 35X of chapter 10.

673 Section 16.

674 The board of allied health professions may take disciplinary action against the practice  
675 privilege of a physical therapist or a physical therapist assistant practicing in the commonwealth  
676 under a license issued by a member state. The board's disciplinary action may be based on  
677 disciplinary action against the physical therapist's or physical therapist assistant's license taken  
678 by that licensee's home state.

679 Section 17.

680 In reporting information to the coordinated licensure information system under section 8  
681 of this chapter related to the physical therapy compact, the board of allied health professions may  
682 disclose personally identifiable information about the physical therapist or physical therapist  
683 assistant, including social security number.

684 Section 18.

685 This physical therapy compact shall be subject to the applicable laws and regulations of  
686 the commonwealth, including chapters 13, 30A and 112 of the general laws.

687 Section 19.

688 The compact administrator who represents the commonwealth, as provided in the  
689 compact, shall not be entitled to any additional compensation for executing his duties and  
690 responsibilities as compact administrator but shall be entitled to reimbursement for reasonable  
691 expenses actually incurred in connection with his duties and responsibilities as compact

692 administrator in the same manner as for expenses incurred in connection with other duties and  
693 responsibilities of his office or employment.

694 SECTION 7. The General Laws are hereby amended by inserting after chapter 112A  
695 the following chapter:-

696 CHAPTER 112B Psychology Interjurisdictional Compact Act

697 Section 1.

698 This act shall be known and may be cited as the Psychology Interjurisdictional Compact  
699 Act.

700 Section 2.

701 The Governor of the Commonwealth of Massachusetts, on behalf of this State, is hereby  
702 authorized to execute a compact in substantially the following form with any one or more of the  
703 states of the United States and the General Assembly hereby signifies in advance its approval  
704 and ratification of the compact.

705 Section 3.

706 Whereas, states license psychologists, in order to protect the public through verification  
707 of education, training and experience and ensure accountability for professional practice; and

708 Whereas, this compact is intended to regulate the day to day practice of telepsychology  
709 by psychologists across state boundaries in the performance of their psychological practice as  
710 assigned by an appropriate authority; and

711           Whereas, this compact is intended to regulate the temporary in-person, face-to-face  
712 practice of psychology by psychologists across state boundaries for 30 days within a calendar  
713 year in the performance of their psychological practice as assigned by an appropriate authority;

714           Whereas, this compact is intended to authorize state psychology regulatory authorities to  
715 afford legal recognition, in a manner consistent with the terms of the compact, to psychologists  
716 licensed in another state;

717           Whereas, this compact recognizes that states have a vested interest in protecting the  
718 public's health and safety through their licensing and regulation of psychologists and that such  
719 state regulation will best protect public health and safety;

720           Whereas, this compact does not apply when a psychologist is licensed in both the home  
721 state and receiving states; and

722           Whereas, this compact does not apply to permanent in-person, face-to-face practice, it  
723 does allow for authorization of temporary psychological practice.

724           Consistent with these principles, this compact is designed to achieve the following  
725 purposes and objectives:

726           (a) Increase public access to professional psychological services by allowing for  
727 telepsychological practice across state lines as well as temporary in-person, face-to-face services  
728 into a state which the psychologist is not licensed to practice psychology;

729           (b) Enhance the states' ability to protect the public's health and safety, especially  
730 client/patient safety;

731 (c) Encourage the cooperation of compact states in the areas of psychology licensure and  
732 regulation;

733 (d) Facilitate the exchange of information between compact states regarding psychologist  
734 licensure, adverse actions and disciplinary history;

735 (e) Promote compliance with the laws governing psychological practice in each compact  
736 state; and

737 (f) Invest all compact states with the authority to hold licensed psychologists accountable  
738 through the mutual recognition of compact state licenses.

739 Section 4.

740 “Adverse action”, any action taken by a state psychology regulatory authority which  
741 finds a violation of a statute or regulation that is identified by the state psychology regulatory  
742 authority as discipline and is a matter of public record.

743 “Association of state and provincial psychology boards” or “ASPPB”, the recognized  
744 membership organization composed of state and provincial psychology regulatory authorities  
745 responsible for the licensure and registration of psychologists throughout the United States and  
746 Canada.

747 “Authority to practice interjurisdictional telepsychology”, a licensed psychologist’s  
748 authority to practice telepsychology, within the limits authorized under this compact, in another  
749 compact state.

750 “Bylaws”, the bylaws established by the psychology interjurisdictional compact  
751 commission pursuant to section 12 for its governance, or for directing and controlling its actions  
752 and conduct.

753 “Client/patient”, the recipient of psychological services, whether psychological services  
754 are delivered in the context of healthcare, corporate, supervision, or consulting services.

755 “Commissioner”, the voting representative appointed by each state psychology regulatory  
756 authority pursuant to section 12.

757 “Compact state”, a state that has enacted this compact legislation and which has not  
758 withdrawn pursuant to subsection (c) of section 15 or been terminated pursuant to subsection (b)  
759 of section 14.

760 “Coordinated licensure information system” or “coordinated database”, an integrated  
761 process for collecting, storing, and sharing information on psychologists' licensure and  
762 enforcement activities related to psychology licensure laws, which is administered by the  
763 recognized membership organization composed of state and provincial psychology regulatory  
764 authorities.

765 “Confidentiality”, the principle that data or information is not made available or disclosed  
766 to unauthorized persons or processes.

767 “Day”, any part of a day in which psychological work is performed.

768 “Distant state”, the compact state where a psychologist is physically present (not through  
769 the use of telecommunications technologies), to provide temporary in-person, face-to-face  
770 psychological services.



771 “E.Passport”, a certificate issued by the Association of State and Provincial Psychology  
772 Boards that promotes the standardization in the criteria of interjurisdictional telepsychology  
773 practice and facilitates the process for licensed psychologists to provide telepsychological  
774 services across state lines.

775 “Executive board”, a group of directors elected or appointed to act on behalf of, and  
776 within the powers granted to them by, the commission.

777 “Home state”, a compact state where a psychologist is licensed to practice psychology. If  
778 the psychologist is licensed in more than one compact state and is practicing under the  
779 Authorization to Practice Interjurisdictional Telepsychology, the home state is the compact state  
780 where the psychologist is physically present when the telepsychological services are delivered. If  
781 the psychologist is licensed in more than one compact state and is practicing under the temporary  
782 authorization to practice, the home state is any compact state where the psychologist is licensed.

783 “Identity history summary”, a summary of information retained by the Federal Bureau of  
784 Investigation, or other designee with similar authority, in connection with arrests and, in some  
785 instances, federal employment, naturalization, or military service.

786 “In-person, face-to-face”, interactions in which the psychologist and the client/patient are  
787 in the same physical space and which does not include interactions that may occur through the  
788 use of telecommunication technologies.

789 “Interjurisdictional practice certificate” or “IPC”, a certificate issued by the Association  
790 of State and Provincial Psychology Boards (ASPPB) that grants temporary authority to practice  
791 based on notification to the State Psychology Regulatory Authority of intention to practice  
792 temporarily, and verification of one's qualifications for such practice.

793 “License”, authorization by a state psychology regulatory authority to engage in the  
794 independent practice of psychology, which would be unlawful without the authorization.

795 “Non-compact state”, any state which is not at the time a compact state.

796 “Psychologist”, an individual licensed for the independent practice of psychology.

797 “Psychology interjurisdictional compact” or “PSYPACT”, an agreement among member  
798 states, established and governed by the PSYPACT commission, to facilitate the practice of  
799 telepsychology and the temporary in-person, face-to-face practice of psychology across state  
800 boundaries.

801 “Psychology interjurisdictional compact commission” or “commission”, the national  
802 administration of which all compact states are members.

803 “Receiving state”, a compact state where the client/patient is physically located when the  
804 telepsychological services are delivered.

805 “Rule”, a written statement by the Psychology Interjurisdictional Compact Commission  
806 promulgated pursuant to section 13 of the compact that is of general applicability, implements,  
807 interprets, or prescribes a policy or provision of the compact, or an organizational, procedural, or  
808 practice requirement of the commission and has the force and effect of statutory law in a  
809 compact state, and includes the amendment, repeal or suspension of an existing rule.

810 “Significant investigatory information”, investigative information that a state psychology  
811 regulatory authority, after a preliminary inquiry that includes notification and an opportunity to  
812 respond if required by state law, has reason to believe, if proven true, would indicate more than a  
813 violation of state statute or ethics code that would be considered more substantial than minor

814 infraction; or investigative information that indicates that the psychologist represents an  
815 immediate threat to public health and safety regardless of whether the psychologist has been  
816 notified or had an opportunity to respond.

817 “State”, a state, commonwealth, territory, or possession of the United States, and the  
818 District of Columbia.

819 “State psychology regulatory authority”, the board, office or other agency with the  
820 legislative mandate to license and regulate the practice of psychology.

821 “Telepsychology”, the provision of psychological services using telecommunication  
822 technologies.

823 “Temporary authorization to practice”, a licensed psychologist's authority to conduct  
824 temporary in-person, face-to-face practice, within the limits authorized under this compact, in  
825 another compact state.

826 “Temporary in-person, face-to-face practice”, where a psychologist is physically present  
827 (not through the use of telecommunications technologies), in the distant state to provide for the  
828 practice of psychology for 30 days within a calendar year and based on notification to the distant  
829 state.

830 Section 5.

831 (a) The home state shall be a compact state where a psychologist is licensed to  
832 practice psychology.

833 (b) A psychologist may hold one or more compact state licenses at a time. If the  
834 psychologist is licensed in more than one compact state, the home state is the compact state

835 where the psychologist is physically present when the services are delivered as authorized by the  
836 authority to practice interjurisdictional telepsychology under the terms of this Compact.

837 (c) Any compact state may require a psychologist not previously licensed in a  
838 compact state to obtain and retain a license to be authorized to practice in the compact state  
839 under circumstances not authorized by the authority to practice interjurisdictional telepsychology  
840 under the terms of this Compact.

841 (d) Any compact state may require a psychologist to obtain and retain a license to be  
842 authorized to practice in a compact state under circumstances not authorized a temporary  
843 authorization to practice under the terms of this compact.

844 (e) A home state 's license authorizes a psychologist to practice in a receiving state  
845 under the authority to practice interjurisdictional telepsychology only if the compact state:

846 (1) Currently requires the psychologist to hold an active E.Passport;

847 (2) Has a mechanism in place for receiving and investigating complaints about licensed  
848 individuals;

849 (3) Notifies the commission, in compliance with the terms herein, of any adverse action  
850 or significant investigatory information regarding a licensed individual;

851 (4) Requires an identity history summary of all applicants at initial licensure, including  
852 the use of the results of fingerprints or other biometric data checks compliant with the  
853 requirements of the Federal Bureau of Investigation, or other designee with similar authority, no  
854 later than 10 years after activation of the compact; and

855 (5) Complies with the bylaws and rules of the commission.

856 (f) A home state's license grants temporary authorization to practice to a psychologist in  
857 a distant state only if the compact state:

858 (1) Currently requires the psychologist to hold an active IPC;

859 (2) Has a mechanism in place for receiving and investigating complaints about licensed  
860 individuals;

861 (3) Notifies the commission, in compliance with the terms herein, of any adverse action  
862 or significant investigatory information regarding a licensed individual;

863 (4) Requires an identity history summary of all applicants at initial licensure, including  
864 the use of the results of fingerprints or other biometric data checks compliant with the  
865 requirements of the Federal Bureau of Investigation, or other designee with similar authority, no  
866 later than 10 years after activation of the compact; and

867 (5) Complies with the bylaws and rules of the commission.

868 Section 6.

869 (a) Compact states shall recognize the right of a psychologist, licensed in a compact  
870 state in conformance with section 5, to practice telepsychology in other compact states (receiving  
871 states) in which the psychologist is not licensed, under the authority to practice interjurisdictional  
872 telepsychology as provided in the compact.

873 (b) To exercise the authority to practice interjurisdictional telepsychology under the  
874 terms and provisions of this compact, a psychologist licensed to practice in a compact state must:

875 (1) Hold a graduate degree in psychology from an institute of higher education that was,  
876 at the time the degree was awarded: (i) regionally accredited by an accrediting body recognized  
877 by the United States Department of Education to grant graduate degrees, or authorized by  
878 Provincial Statute or Royal Charter to grant doctoral degrees; or (ii) a foreign college or  
879 university deemed to be equivalent to 1(a) above by a foreign credential evaluation service that is  
880 a member of the National Association of Credential Evaluation Services (NACES) or by a  
881 recognized foreign credential evaluation service; and

882 (2) Hold a graduate degree in psychology that meets the following criteria:

883 (i) The program, wherever it may be administratively housed, must be clearly identified  
884 and labeled as a psychology program. Such a program must specify in pertinent institutional  
885 catalogues and brochures its intent to educate and train professional psychologists;

886 (ii) The psychology program must stand as a recognizable, coherent, organizational entity  
887 within the institution;

888 (iii) There must be a clear authority and primary responsibility for the core and specialty  
889 areas whether or not the program cuts across administrative lines;

890 (iv) The program must consist of an integrated, organized sequence of study;

891 (v) There must be an identifiable psychology faculty sufficient in size and breadth to  
892 carry out its responsibilities;

893 (vi) The designated director of the program must be a psychologist and a member of the  
894 core faculty;

895 (vii) The program must have an identifiable body of students who are matriculated in that  
896 program for a degree;

897 (viii) The program must include supervised practicum, internship, or field training  
898 appropriate to the practice of psychology;

899 (ix) The curriculum shall encompass a minimum of three academic years of full-time  
900 graduate study for doctoral degree and a minimum of one academic year of full-time graduate  
901 study for master's degree;

902 (x) The program includes an acceptable residency as defined by the Rules of the  
903 Commission.

904 (3) Possess a current, full and unrestricted license to practice psychology in a home state  
905 which is a compact state;

906 (4) Have no history of adverse action that violate the Rules of the Commission;

907 (5) Have no criminal record history reported on an Identity History Summary that  
908 violates the Rules of the Commission;

909 (6) Possess a current, active E.Passport;

910 (7) Provide attestations in regard to areas of intended practice, conformity with standards  
911 of practice, competence in telepsychology technology; criminal background; and knowledge and  
912 adherence to legal requirements in the home and receiving states, and provide a release of  
913 information to allow for primary source verification in a manner specified by the Commission;  
914 and

915 (8) Meet other criteria as defined by the rules of the commission.

916 (c) The home state maintains authority over the license of any psychologist practicing  
917 into a receiving state under the authority to practice interjurisdictional telepsychology.

918 (d) A psychologist practicing into a receiving state under the authority to practice  
919 interjurisdictional telepsychology will be subject to the receiving state's scope of practice. A  
920 receiving state may, in accordance with that state's due process law, limit or revoke a  
921 psychologist's authority to practice interjurisdictional telepsychology in the receiving state and  
922 may take any other necessary actions under the receiving state's applicable law to protect the  
923 health and safety of the receiving state's citizens. If a receiving state takes action, the state shall  
924 promptly notify the home state and the Commission.

925 (e) If a psychologist's license in any home state, another compact state, or any authority  
926 to practice interjurisdictional telepsychology in any receiving state, is restricted, suspended or  
927 otherwise limited, the E.Passport shall be revoked and therefore the psychologist shall not be  
928 eligible to practice telepsychology in a compact state under authority to practice  
929 interjurisdictional telepsychology.

930 Section 7.

931 (a) Compact states shall also recognize the right of a psychologist, licensed in a compact  
932 state in conformance with section 5, to practice temporarily in other compact states (distant  
933 states) in which the psychologist is not licensed, as provided in the compact.

934 (b) To exercise the temporary authorization to practice under the terms and provisions of  
935 this compact, a psychologist licensed to practice in a compact state must:



936 (1) Hold a graduate degree in psychology from an institute of higher education that was,  
937 at the time the degree was awarded:

938 (i) Regionally accredited by an accrediting body recognized by the United States  
939 Department of Education to grant graduate degrees, or authorized by Provincial Statute or Royal  
940 Charter to grant doctoral degrees; or

941 (ii) A foreign college or university deemed to be equivalent to 1(a) above by a foreign  
942 credential evaluation service that is a member of the National Association of Credential  
943 Evaluation Services (NACES) or by a recognized foreign credential evaluation service; and

944 (2) Hold a graduate degree in psychology that meets the following criteria:

945 (i) The program, wherever it may be administratively housed, must be clearly identified  
946 and labeled as a psychology program. Such a program must specify in pertinent institutional  
947 catalogs and brochures its intent to educate and train professional psychologists;

948 (ii) The psychology program must stand as a recognizable, coherent, organizational entity  
949 within the institution;

950 (iii) There must be a clear authority and primary responsibility for the core and specialty  
951 areas whether or not the program cuts across administrative lines;

952 (iv) The program must consist of an integrated, organized sequence of study;

953 (v) There must be an identifiable psychology faculty sufficient in size and breadth to  
954 carry out its responsibilities;

955 (vi) The designated director of the program must be a psychologist and a member of the  
956 core faculty;

957 (vii) The program must have an identifiable body of students who are matriculated in that  
958 program for a degree;

959 (viii) The program must include supervised practicum, internship, or field training  
960 appropriate to the practice of psychology;

961 (ix) The curriculum shall encompass a minimum of three academic years of full-time  
962 graduate study for doctoral degrees and a minimum of one academic year of full-time graduate  
963 study for master's degree;

964 (x) The program includes an acceptable residency as defined by the Rules of the  
965 Commission.

966 (3) Possess a current, full and unrestricted license to practice psychology in a home state  
967 which is a compact state;

968 (4) No history of adverse action that violate the Rules of the Commission;

969 (5) No criminal record history that violates the Rules of the Commission;

970 (6) Possess a current, active IPC;

971 (7) Provide attestations in regard to areas of intended practice and work experience and  
972 provide a release of information to allow for primary source verification in a manner specified by  
973 the Commission; and

974 (8) Meet other criteria as defined by the Rules of the Commission.

975 (c) A psychologist practicing into a distant state under the temporary authorization to  
976 practice shall practice within the scope of practice authorized by the distant state.

977 (d) A psychologist practicing into a distant state under the temporary authorization to  
978 practice will be subject to the distant state's authority and law. A distant state may, in  
979 accordance with that state's due process law, limit or revoke a psychologist's temporary  
980 authorization to practice in the distant state and may take any other necessary actions under the  
981 distant state's applicable law to protect the health and safety of the distant state's citizens. If a  
982 distant state takes action, the state shall promptly notify the home state and the commission.

983 (e) If a psychologist's license in any home state, another compact state, or any  
984 temporary authorization to practice in any distant state, is restricted, suspended or otherwise  
985 limited, the IPC shall be revoked and therefore the psychologist shall not be eligible to practice  
986 in a compact state under the temporary authorization to practice.

987 Section 8.

988 A psychologist may practice in a receiving state under authority to practice  
989 interjurisdictional telepsychology only in the performance of the scope of practice for  
990 psychology as assigned by an appropriate State Psychology Regulatory Authority, as defined in  
991 the Rules of the Commission, and under the following circumstances: (1) the psychologist  
992 initiates a client/patient contact in a home state via telecommunications technologies with a  
993 client/patient in a receiving state; and (2) other conditions regarding telepsychology as  
994 determined by rules promulgated by the commission.

995 Section 9.

996 (a) A home state shall have the power to impose adverse action against a  
997 psychologist's license issued by the home state. A distant state shall have the power to take  
998 adverse action on a psychologist's temporary authorization to practice within that distant state.

999 (b) A receiving state may take adverse action on a psychologist's authority to practice  
1000 interjurisdictional telepsychology within that receiving state. A home state may take adverse  
1001 action against a psychologist based on an adverse action taken by a distant state regarding  
1002 temporary in-person, face-to-face practice.

1003 (c) If a home state takes adverse action against a psychologist's license, that  
1004 psychologist's authority to practice interjurisdictional telepsychology is terminated and the  
1005 E.Passport is revoked. Furthermore, that psychologist's temporary authorization to practice is  
1006 terminated and the IPC is revoked.

1007 (1) All home state disciplinary orders which impose adverse action shall be reported to  
1008 the commission in accordance with the rules promulgated by the commission. A compact state  
1009 shall report adverse actions in accordance with the rules of the commission.

1010 (2) In the event discipline is reported on a psychologist, the psychologist will not be  
1011 eligible for telepsychology or temporary in-person, face-to-face practice in accordance with the  
1012 rules of the commission.

1013 (3) Other actions may be imposed as determined by the rules promulgated by the  
1014 commission.

1015 (d) A home state's psychology regulatory authority shall investigate and take  
1016 appropriate action with respect to reported inappropriate conduct engaged in by a licensee which

1017 occurred in a receiving state as it would if such conduct had occurred by a licensee within the  
1018 home state. In such cases, the home state's law shall control in determining any adverse action  
1019 against a psychologist's license.

1020 (e) A distant state's psychology regulatory authority shall investigate and take  
1021 appropriate action with respect to reported inappropriate conduct engaged in by a psychologist  
1022 practicing under temporary authorization to practice which occurred in that distant state as it  
1023 would if such conduct had occurred by a licensee within the home state. In such cases, distant  
1024 state's law shall control in determining any adverse action against a psychologist's temporary  
1025 authorization to practice.

1026 (f) Nothing in this compact shall override a compact state's decision that a  
1027 psychologist's participation in an alternative program may be used in lieu of adverse action and  
1028 that such participation shall remain non-public if required by the compact state's law. Compact  
1029 states must require psychologists who enter any alternative programs to not provide  
1030 telepsychology services under the authority to practice interjurisdictional telepsychology or  
1031 provide temporary psychological services under the temporary authorization to practice in any  
1032 other compact state during the term of the alternative program.

1033 (g) No other judicial or administrative remedies shall be available to a psychologist in  
1034 the event a compact state imposes an adverse action pursuant to subsection (c).

1035 Section 10.

1036 (a) In addition to any other powers granted under state law, a compact state's  
1037 psychology regulatory authority shall have the authority under this compact to:

1038           (1) Issue subpoenas, for both hearings and investigations, which require the attendance  
1039 and testimony of witnesses and the production of evidence. Subpoenas issued by a compact  
1040 state’s psychology regulatory authority for the attendance and testimony of witnesses, or the  
1041 production of evidence from another compact state shall be enforced in the latter state by any  
1042 court of competent jurisdiction, according to that court’s practice and procedure in considering  
1043 subpoenas issued in its own proceedings. The issuing state psychology regulatory authority shall  
1044 pay any witness fees, travel expenses, mileage and other fees required by the service statutes of  
1045 the state where the witnesses or evidence are located; and

1046           (2) Issue cease and desist or injunctive relief orders to revoke a psychologist's authority  
1047 to practice interjurisdictional telepsychology or temporary authorization to practice.

1048           (3) During the course of any investigation, a psychologist may not change his or her  
1049 home state licensure. A home state psychology regulatory authority is authorized to complete  
1050 any pending investigations of a psychologist and to take any actions appropriate under its law.  
1051 The home state psychology regulatory authority shall promptly report the conclusions of such  
1052 investigations to the commission. Once an investigation has been completed, and pending the  
1053 outcome of said investigation, the psychologist may change his or her home state licensure. The  
1054 commission shall promptly notify the new home state of any such decisions as provided in the  
1055 rules of the commission. All information provided to the commission or distributed by compact  
1056 states pursuant to the psychologist shall be confidential, filed under seal and used for  
1057 investigatory or disciplinary matters. The commission may create additional rules for mandated  
1058 or discretionary sharing of information by compact states.

1059           Section 11.

1060 (a) The commission shall provide for the development and maintenance of a  
1061 coordinated licensure information system and reporting system containing licensure and  
1062 disciplinary action information on all psychologists individuals to whom this compact is  
1063 applicable in all compact states as defined by the rules of the commission.

1064 (b) Notwithstanding any other provision of state law to the contrary, a compact state  
1065 shall submit a uniform data set to the coordinated database on all licensees as required by the  
1066 rules of the commission, including:

1067 (1) Identifying information;

1068 (2) Licensure data;

1069 (3) Significant investigatory information;

1070 (4) Adverse actions against a psychologist's license;

1071 (5) An indicator that a psychologist's authority to practice interjurisdictional  
1072 telepsychology or temporary authorization to practice is revoked;

1073 (6) Non-confidential information related to alternative program participation information;

1074 (7) Any denial of application for licensure, and the reasons for such denial; and

1075 (8) Other information which may facilitate the administration of this compact, as  
1076 determined by the rules of the commission.

1077 (c) The coordinated database administrator shall promptly notify all compact states of  
1078 any adverse action taken against, or significant investigative information on, any licensee in a  
1079 compact state.

1080 (d) Compact states reporting information to the coordinated database may designate  
1081 information that may not be shared with the public without the express permission of the  
1082 compact state reporting the information.

1083 (e) Any information submitted to the coordinated database that is subsequently  
1084 required to be expunged by the law of the compact state reporting the information shall be  
1085 removed from the coordinated database.

1086 Section 12.

1087 (a) The compact states hereby create and establish a joint public agency known as the  
1088 Psychology Interjurisdictional Compact Commission.

1089 (1) The commission is a body politic and an instrumentality of the compact states.

1090 (2) Venue is proper and judicial proceedings by or against the Commission shall be  
1091 brought solely and exclusively in a court of competent jurisdiction where the principal office of  
1092 the commission is located. The commission may waive venue and jurisdictional defenses to the  
1093 extent it adopts or consents to participate in alternative dispute resolution proceedings.

1094 (3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.

1095 (b) Membership, Voting, and Meetings

1096 (1) The commission shall consist of one voting representative appointed by each compact  
1097 state who shall serve as that state's commissioner. The state psychology regulatory authority  
1098 shall appoint its delegate. This delegate shall be empowered to act on behalf of the compact  
1099 state. This delegate shall be limited to: (i) executive director, executive secretary or similar  
1100 executive; (ii) current member of the state psychology regulatory authority of a compact state; or



1101 (iii) designee empowered with the appropriate delegate authority to act on behalf of the compact  
1102 state.

1103 (2) Any commissioner may be removed or suspended from office as provided by the law  
1104 of the state from which the commissioner is appointed. Any vacancy occurring in the  
1105 commission shall be filled in accordance with the laws of the compact state in which the vacancy  
1106 exists.

1107 (3) Each commissioner shall be entitled to 1 vote with regard to the promulgation of  
1108 rules and creation of bylaws and shall otherwise have an opportunity to participate in the  
1109 business and affairs of the commission. A commissioner shall vote in person or by such other  
1110 means as provided in the bylaws. The bylaws may provide for commissioners' participation in  
1111 meetings by telephone or other means of communication.

1112 (4) The commission shall meet at least once during each calendar year. Additional  
1113 meetings shall be held as set forth in the bylaws.

1114 (5) All meetings shall be open to the public, and public notice of meetings shall be given  
1115 in the same manner as required under the rulemaking provisions in section 13.

1116 (6) The commission may convene in a closed, non-public meeting if the commission  
1117 must discuss:

1118 (i) Non-compliance of a compact state with its obligations under the compact;

1119 (ii) The employment, compensation, discipline or other personnel matters, practices or  
1120 procedures related to specific employees or other matters related to the commission's internal  
1121 personnel practices and procedures;

- 1122 (iii) Current, threatened, or reasonably anticipated litigation against the commission;
- 1123 (iv) Negotiation of contracts for the purchase or sale of goods, services or real estate;
- 1124 (v) Accusation against any person of a crime or formally censuring any person;
- 1125 (vi) Disclosure of trade secrets or commercial or financial information which is  
1126 privileged or confidential;
- 1127 (vii) Disclosure of information of a personal nature where disclosure would constitute a  
1128 clearly unwarranted invasion of personal privacy;
- 1129 (viii) Disclosure of investigatory records compiled for law enforcement purposes;
- 1130 (ix) Disclosure of information related to any investigatory reports prepared by or on  
1131 behalf of or for use of the commission or other committee charged with responsibility for  
1132 investigation or determination of compliance issues pursuant to the compact; or
- 1133 (x) Matters specifically exempted from disclosure by federal and state statute.
- 1134 (7) If a meeting, or portion of a meeting, is closed pursuant to this provision, the  
1135 commission's legal counsel or designee shall certify that the meeting may be closed and shall  
1136 reference each relevant exempting provision. The commission shall keep minutes which fully  
1137 and clearly describe all matters discussed in a meeting and shall provide a full and accurate  
1138 summary of actions taken, of any person participating in the meeting, and the reasons therefore,  
1139 including a description of the views expressed. All documents considered in connection with an  
1140 action shall be identified in such minutes. All minutes and documents of a closed meeting shall  
1141 remain under seal, subject to release only by a majority vote of the commission or order of a  
1142 court of competent jurisdiction.

1143 (c) The commission shall, by a majority vote of the commissioners, prescribe bylaws  
1144 and rules to govern its conduct as may be necessary or appropriate to carry out the purposes and  
1145 exercise the powers of the compact, including but not limited to:

1146 (1) Establishing the fiscal year of the commission;

1147 (2) Providing reasonable standards and procedures (i) for the establishment and meetings  
1148 of other committees; and (ii) governing any general or specific delegation of any authority or  
1149 function of the commission;

1150 (3) Providing reasonable procedures for calling and conducting meetings of the  
1151 commission, ensuring reasonable advance notice of all meetings and providing an opportunity  
1152 for attendance of such meetings by interested parties, with enumerated exceptions designed to  
1153 protect the public's interest, the privacy of individuals of such proceedings, and proprietary  
1154 information, including trade secrets. The commission may meet in closed session only after a  
1155 majority of the commissioners vote to close a meeting to the public in whole or in part. As soon  
1156 as practicable, the commission must make public a copy of the vote to close the meeting  
1157 revealing the vote of each commissioner with no proxy votes allowed;

1158 (4) Establishing the titles, duties and authority and reasonable procedures for the election  
1159 of the officers of the commission;

1160 (5) Providing reasonable standards and procedures for the establishment of the personnel  
1161 policies and programs of the commission. Notwithstanding any civil service or other similar law  
1162 of any compact state, the bylaws shall exclusively govern the personnel policies and programs of  
1163 the commission;

1164 (6) Promulgating a code of ethics to address permissible and prohibited activities of  
1165 commission members and employees;

1166 (7) Providing a mechanism for concluding the operations of the Commission and the  
1167 equitable disposition of any surplus funds that may exist after the termination of the compact  
1168 after the payment or reserving of all of its debts and obligations;

1169 (8) The commission shall publish its bylaws in a convenient form and file a copy thereof  
1170 and a copy of any amendment thereto, with the appropriate agency or officer in each of the  
1171 compact states;

1172 (9) The commission shall maintain its financial records in accordance with the bylaws;  
1173 and

1174 (10) The commission shall meet and take such actions as are consistent with the  
1175 provisions of this compact and the bylaws.

1176 (d) The commission shall have the following powers:

1177 (1) The authority to promulgate uniform rules to facilitate and coordinate  
1178 implementation and administration of this compact. The rule shall have the force and effect of  
1179 law and shall be binding in all compact states;

1180 (2) To bring and prosecute legal proceedings or actions in the name of the Commission,  
1181 provided that the standing of any state psychology regulatory authority or other regulatory body  
1182 responsible for psychology licensure to sue or be sued under applicable law shall not be affected;

1183 (3) To purchase and maintain insurance and bonds;

1184 (4) To borrow, accept or contract for services of personnel, including, but not limited to,  
1185 employees of a compact state;

1186 (5) To hire employees, elect or appoint officers, fix compensation, define duties, grant  
1187 such individuals appropriate authority to carry out the purposes of the compact, and to establish  
1188 the commission's personnel policies and programs relating to conflicts of interest, qualifications  
1189 of personnel, and other related personnel matters;

1190 (6) To accept any and all appropriate donations and grants of money, equipment,  
1191 supplies, materials and services, and to receive, utilize and dispose of the same; provided that at  
1192 all times the commission shall strive to avoid any appearance of impropriety or conflict of  
1193 interest;

1194 (7) To lease, purchase, accept appropriate gifts or donations of, or otherwise to own,  
1195 hold, improve or use, any property, real, personal or mixed; provided that at all times the  
1196 commission shall strive to avoid any appearance of impropriety;

1197 (8) To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of  
1198 any property real, personal or mixed;

1199 (9) To establish a budget and make expenditures;

1200 (10) To borrow money;

1201 (11) To appoint committees, including advisory committees comprised of members, state  
1202 regulators, state legislators or their representatives, and consumer representatives, and such other  
1203 interested persons as may be designated in this compact and the bylaws;

1204 (12) To provide and receive information from, and to cooperate with, law enforcement  
1205 agencies;

1206 (13) To adopt and use an official seal; and

1207 (14) To perform such other functions as may be necessary or appropriate to achieve the  
1208 purposes of this compact consistent with the state regulation of psychology licensure, temporary  
1209 in-person, face-to-face practice and telepsychology practice.

1210 (e) The Executive Board

1211 The elected officers shall serve as the Executive board, which shall have the power to act  
1212 on behalf of the commission according to the terms of this compact.

1213 (1) The executive board shall be comprised of 6 members: 5 voting members who are  
1214 elected from the current membership of the commission by the commission; and 1 ex-officio,  
1215 non-voting member from the recognized membership organization composed of state and  
1216 provincial psychology regulatory authorities.

1217 (2) The ex-officio member must have served as staff or member on a state psychology  
1218 regulatory authority and will be selected by its respective organization.

1219 (3) The commission may remove any member of the executive board as provided in  
1220 bylaws.

1221 (4) The executive board shall meet at least annually.

1222 (5) The executive board shall have the following duties and responsibilities:

1223 (i) Recommend to the entire commission changes to the rules or bylaws, changes to this  
1224 compact legislation, fees paid by compact states such as annual dues, and any other applicable  
1225 fees;

1226 (ii) Ensure compact administration services are appropriately provided, contractual or  
1227 otherwise;

1228 (iii) Prepare and recommend the budget;

1229 (iv) Maintain financial records on behalf of the commission;

1230 (v) Monitor compact compliance of member states and provide compliance reports to the  
1231 commission;

1232 (vi) Establish additional committees as necessary; and

1233 (vii) Other duties as provided in rules or bylaws.

1234 (f) Financing of the Commission

1235 (1) The commission shall pay, or provide for the payment of the reasonable expenses of  
1236 its establishment, organization and ongoing activities.

1237 (2) The commission may accept any and all appropriate revenue sources, donations and  
1238 grants of money, equipment, supplies, materials and services.

1239 (3) The commission may levy on and collect an annual assessment from each compact  
1240 state or impose fees on other parties to cover the cost of the operations and activities of the  
1241 commission and its staff which must be in a total amount sufficient to cover its annual budget as  
1242 approved each year for which revenue is not provided by other sources. The aggregate annual

1243 assessment amount shall be allocated based upon a formula to be determined by the commission  
1244 which shall promulgate a rule binding upon all compact states.

1245 (4) The commission shall not incur obligations of any kind prior to securing the funds  
1246 adequate to meet the same; nor shall the commission pledge the credit of any of the compact  
1247 states, except by and with the authority of the compact state.

1248 (5) The commission shall keep accurate accounts of all receipts and disbursements. The  
1249 receipts and disbursements of the commission shall be subject to the audit and accounting  
1250 procedures established under its bylaws. However, all receipts and disbursements of funds  
1251 handled by the commission shall be audited yearly by a certified or licensed public accountant  
1252 and the report of the audit shall be included in and become part of the annual report of the  
1253 commission.

1254 (g) Qualified Immunity, Defense, and Indemnification

1255 (1) The members, officers, executive director, employees and representatives of the  
1256 commission shall be immune from suit and liability, either personally or in their official capacity,  
1257 for any claim for damage to or loss of property or personal injury or other civil liability caused  
1258 by or arising out of any actual or alleged act, error or omission that occurred, or that the person  
1259 against whom the claim is made had a reasonable basis for believing occurred within the scope  
1260 of commission employment, duties or responsibilities; provided that nothing in this paragraph  
1261 shall be construed to protect any such person from suit or liability for any damage, loss, injury or  
1262 liability caused by the intentional or willful or wanton misconduct of that person.

1263 (2) The commission shall defend any member, officer, executive director, employee or  
1264 representative of the commission in any civil action seeking to impose liability arising out of any



1265 actual or alleged act, error or omission that occurred within the scope of commission  
1266 employment, duties or responsibilities, or that the person against whom the claim is made had a  
1267 reasonable basis for believing occurred within the scope of commission employment, duties or  
1268 responsibilities; provided that nothing herein shall be construed to prohibit that person from  
1269 retaining his or her own counsel; and provided further, that the actual or alleged act, error or  
1270 omission did not result from that person's intentional or willful or wanton misconduct.

1271 (3) The commission shall indemnify and hold harmless any member, officer, executive  
1272 director, employee or representative of the commission for the amount of any settlement or  
1273 judgment obtained against that person arising out of any actual or alleged act, error or omission  
1274 that occurred within the scope of commission employment, duties or responsibilities, or that such  
1275 person had a reasonable basis for believing occurred within the scope of commission  
1276 employment, duties or responsibilities, provided that the actual or alleged act, error or omission  
1277 did not result from the intentional or willful or wanton misconduct of that person.

1278 Section 13.

1279 (a) The commission shall exercise its rulemaking powers pursuant to the criteria set  
1280 forth in this section and the rules adopted thereunder. Rules and amendments shall become  
1281 binding as of the date specified in each rule or amendment.

1282 (b) If a majority of the legislatures of the compact states rejects a rule, by enactment  
1283 of a statute or resolution in the same manner used to adopt the compact, then such rule shall have  
1284 no further force and effect in any compact state.

1285 (c) Rules or amendments to the rules shall be adopted at a regular or special meeting  
1286 of the commission.

1287 (d) Prior to promulgation and adoption of a final rule or rules by the commission, and  
1288 at least 60 days in advance of the meeting at which the rule will be considered and voted upon,  
1289 the commission shall file a notice of proposed rulemaking:

1290 (1) On the website of the commission; and

1291 (2) On the website of each compact states' psychology regulatory authority or the  
1292 publication in which each state would otherwise publish proposed rules.

1293 (e) The notice of proposed rulemaking shall include:

1294 (1) The proposed time, date, and location of the meeting in which the rule will be  
1295 considered and voted upon;

1296 (2) The text of the proposed rule or amendment and the reason for the proposed rule;

1297 (3) A request for comments on the proposed rule from any interested person; and

1298 (4) The manner in which interested persons may submit notice to the commission of their  
1299 intention to attend the public hearing and any written comments.

1300 (f) Prior to adoption of a proposed rule, the commission shall allow persons to submit  
1301 written data, facts, opinions and arguments, which shall be made available to the public.

1302 (g) The commission shall grant an opportunity for a public hearing before it adopts a  
1303 rule or amendment if a hearing is requested by:

1304 (1) At least 25 persons who submit comments independently of each other;

1305 (2) A governmental subdivision or agency; or

1306 (3) A duly appointed person in an association that has having at least 25 members.

1307 (h) If a hearing is held on the proposed rule or amendment, the commission shall  
1308 publish the place, time, and date of the scheduled public hearing.

1309 (1) All persons wishing to be heard at the hearing shall notify the executive director of  
1310 the commission or other designated member in writing of their desire to appear and testify at the  
1311 hearing not less than 5 business days before the scheduled date of the hearing.

1312 (2) Hearings shall be conducted in a manner providing each person who wishes to  
1313 comment a fair and reasonable opportunity to comment orally or in writing.

1314 (3) No transcript of the hearing is required, unless a written request for a transcript is  
1315 made, in which case the person requesting the transcript shall bear the cost of producing the  
1316 transcript. A recording may be made in lieu of a transcript under the same terms and conditions  
1317 as a transcript. This subsection shall not preclude the commission from making a transcript or  
1318 recording of the hearing if it so chooses.

1319 (4) Nothing in this section shall be construed as requiring a separate hearing on each rule.  
1320 Rules may be grouped for the convenience of the commission at hearings required by this  
1321 section.

1322 (i) Following the scheduled hearing date, or by the close of business on the  
1323 scheduled hearing date if the hearing was not held, the commission shall consider all written and  
1324 oral comments received.

1325 (j) The commission shall, by majority vote of all members, take final action on the  
1326 proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking  
1327 record and the full text of the rule.

1328 (k) If no written notice of intent to attend the public hearing by interested parties is  
1329 received, the commission may proceed with promulgation of the proposed rule without a public  
1330 hearing.

1331 (l) Upon determination that an emergency exists, the commission may consider and  
1332 adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that  
1333 the usual rulemaking procedures provided in the compact and in this section shall be  
1334 retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days  
1335 after the effective date of the rule. For the purposes of this provision, an emergency rule is one  
1336 that must be adopted immediately in order to:

1337 (1) Meet an imminent threat to public health, safety, or welfare;

1338 (2) Prevent a loss of commission or compact state funds;

1339 (3) Meet a deadline for the promulgation of an administrative rule that is established by  
1340 federal law or rule; or

1341 (4) Protect public health and safety.

1342 (m) The commission or an authorized committee of the commission may direct  
1343 revisions to a previously adopted rule or amendment for purposes of correcting typographical  
1344 errors, errors in format, errors in consistency, or grammatical errors. Public notice of any  
1345 revisions shall be posted on the website of the commission. The revision shall be subject to

1346 challenge by any person for a period of 30 days after posting. The revision may be challenged  
1347 only on grounds that the revision results in a material change to a rule. A challenge shall be  
1348 made in writing, and delivered to the chair of the commission prior to the end of the notice  
1349 period. If no challenge is made, the revision will take effect without further action. If the  
1350 revision is challenged, the revision may not take effect without the approval of the commission.

1351 Section 14.

1352 (a) Oversight

1353 (1) The executive, legislative and judicial branches of state government in each compact  
1354 state shall enforce this compact and take all actions necessary and appropriate to effectuate the  
1355 compact's purposes and intent. The provisions of this compact and the rules promulgated  
1356 hereunder shall have standing as statutory law.

1357 (2) All courts shall take judicial notice of the compact and the rules in any judicial or  
1358 administrative proceeding in a compact state pertaining to the subject matter of this compact  
1359 which may affect the powers, responsibilities or actions of the commission.

1360 (3) The commission shall be entitled to receive service of process in any such  
1361 proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to  
1362 provide service of process to the commission shall render a judgment or order void as to the  
1363 commission, this compact or promulgated rules.

1364 (b) Default, Technical Assistance, and Termination

1365 (1) If the commission determines that a compact state has defaulted in the performance  
1366 of its obligations or responsibilities under this compact or the promulgated rules, the commission

1367 shall: (i) provide written notice to the defaulting state and other compact states of the nature of  
1368 the default, the proposed means of remedying the default or any other action to be taken by the  
1369 commission; and (ii) provide remedial training and specific technical assistance regarding the  
1370 default.

1371 (2) If a state in default fails to remedy the default, the defaulting state may be terminated  
1372 from the compact upon an affirmative vote of a majority of the compact states, and all rights,  
1373 privileges and benefits conferred by this compact shall be terminated on the effective date of  
1374 termination. A remedy of the default does not relieve the offending state of obligations or  
1375 liabilities incurred during the period of default.

1376 (3) Termination of membership in the compact shall be imposed only after all other  
1377 means of securing compliance have been exhausted. Notice of intent to suspend or terminate  
1378 shall be submitted by the commission to the governor, the majority and minority leaders of the  
1379 defaulting state's legislature, and each of the compact states.

1380 (4) A compact state which has been terminated is responsible for all assessments,  
1381 obligations and liabilities incurred through the effective date of termination, including  
1382 obligations which extend beyond the effective date of termination.

1383 (5) The commission shall not bear any costs incurred by the state which is found to be in  
1384 default or which has been terminated from the compact, unless agreed upon in writing between  
1385 the commission and the defaulting state.

1386 (6) The defaulting state may appeal the action of the commission by petitioning the  
1387 United States district court for the State of Georgia or the federal district where the compact has

1388 its principal offices. The prevailing member shall be awarded all costs of such litigation,  
1389 including reasonable attorney's fees.

1390 (c) Dispute Resolution

1391 (1) Upon request by a compact state, the commission shall attempt to resolve disputes  
1392 related to the compact which arise among compact states and between compact and non-compact  
1393 states.

1394 (2) The commission shall promulgate a rule providing for both mediation and binding  
1395 dispute resolution for disputes that arise before the commission.

1396 (d) Enforcement

1397 (1) The commission, in the reasonable exercise of its discretion, shall enforce the  
1398 provisions and rules of this compact.

1399 (2) By majority vote, the commission may initiate legal action in the United States  
1400 district court for the State of Georgia or the federal district where the compact has its principal  
1401 offices against a compact state in default to enforce compliance with the provisions of the  
1402 compact and its promulgated rules and bylaws. The relief sought may include both injunctive  
1403 relief and damages. In the event judicial enforcement is necessary, the prevailing member shall  
1404 be awarded all costs of such litigation, including reasonable attorney's fees.

1405 (3) The remedies herein shall not be the exclusive remedies of the commission. The  
1406 commission may pursue any other remedies available under federal or state law.

1407 Section 15.

1408           (a)     The compact shall come into effect on the date on which the compact is enacted  
1409 into law in the seventh compact state. The provisions which become effective at that time shall  
1410 be limited to the powers granted to the commission relating to assembly and the promulgation of  
1411 rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the  
1412 implementation and administration of the compact.

1413           (b)     Any state which joins the compact subsequent to the commission's initial adoption  
1414 of the rules shall be subject to the rules as they exist on the date on which the compact becomes  
1415 law in that state. Any rule which has been previously adopted by the commission shall have the  
1416 full force and effect of law on the day the compact becomes law in that state.

1417           (c)     Any compact state may withdraw from this compact by enacting a statute  
1418 repealing the same.

1419           (1) A compact state's withdrawal shall not take effect until 6 months after enactment of  
1420 the repealing statute.

1421           (2) Withdrawal shall not affect the continuing requirement of the withdrawing state's  
1422 psychology regulatory authority to comply with the investigative and adverse action reporting  
1423 requirements of this act prior to the effective date of withdrawal.

1424           (d)     Nothing contained in this compact shall be construed to invalidate or prevent any  
1425 psychology licensure agreement or other cooperative arrangement between a compact state and a  
1426 non-compact state which does not conflict with the provisions of this compact.



1427           (e)     This compact may be amended by the compact states. No amendment to this  
1428 compact shall become effective and binding upon any compact state until it is enacted into the  
1429 law of all compact states.

1430           Section 16.

1431           This compact shall be liberally construed so as to effectuate the purposes thereof. If this  
1432 compact shall be held contrary to the constitution of any state member thereto, the compact shall  
1433 remain in full force and effect as to the remaining compact states.

1434           Section 17.

1435           The compact administrator who represents the commonwealth, as provided in the  
1436 compact, shall not be entitled to any additional compensation for executing his duties and  
1437 responsibilities as compact administrator but shall be entitled to reimbursement for reasonable  
1438 expenses actually incurred in connection with his duties and responsibilities as compact  
1439 administrator in the same manner as for expenses incurred in connection with other duties and  
1440 responsibilities of his office or employment.

1441           Section 18.

1442           The executive director of the board of registration of psychologists, or the board  
1443 executive director's designee, shall be the administrator of the psychology interjurisdictional  
1444 compact for the commonwealth.

1445           Section 19.

1446           The board of registration of psychologists may promulgate regulations as necessary to  
1447 implement the provisions of this chapter.

1448 Section 20.

1449 The board of registration of psychologists may recover from a psychologist the costs of  
1450 investigation and disposition of cases resulting in any adverse disciplinary action taken against a  
1451 psychologist's authority to practice interjurisdictional telepsychology or temporary authorization  
1452 to practice. Funds collected pursuant to this section shall be deposited in the Quality in Health  
1453 Professions Trust Fund established pursuant to section 35X of chapter 10.

1454 Section 21.

1455 The board of registration of psychologists may take disciplinary action against a  
1456 psychologist practicing in the commonwealth under the authority to practice interjurisdictional  
1457 telepsychology or temporary authorization to practice under a license issued by a member state.  
1458 The board's disciplinary action may be based on disciplinary action against the psychologist's  
1459 license taken by that licensee's home state.

1460 Section 22.

1461 In reporting information to the coordinated licensure information system under section 11  
1462 of this chapter related to the Psychology Interjurisdictional Compact Act, the board of  
1463 registration of psychologists may disclose personally identifiable information about the  
1464 psychologist, including social security number.

1465 Section 23.

1466 This psychology interjurisdictional compact shall be subject to the applicable laws and  
1467 regulations of the commonwealth, including chapters 13, 30A and 112 of the general laws.

1468 SECTION 8. The General Laws are hereby amended by inserting after chapter 112B the  
1469 following chapter:-

1470 Chapter 112C. Nurse Licensure Compact

1471 Section 1.

1472 As used in this chapter, the following words shall have the following meanings:

1473 “Adverse action”, any administrative, civil, equitable or criminal action permitted by a  
1474 state’s laws which is imposed by a licensing board or other authority against a nurse, including  
1475 actions against an individual’s license or multistate licensure privilege such as revocation,  
1476 suspension, probation, monitoring of the licensee, limitation on the licensee’s practice, or any  
1477 other encumbrance on licensure affecting a nurse’s authorization to practice, including issuance  
1478 of a cease and desist action.

1479 “Alternative program”, a non-disciplinary monitoring program approved by a licensing  
1480 board.

1481 “Compact” or “Nurse Licensure Compact”, the legally binding agreement between party  
1482 states as adopted by the National Council of State Boards of Nursing Nurse Licensure Compact  
1483 in its final version dated May 4, 2015, and entered into by the commonwealth in accordance with  
1484 this chapter.

1485 “Coordinated licensure information system”, an integrated process for collecting, storing  
1486 and sharing information on nurse licensure and enforcement activities related to nurse licensure  
1487 laws that is administered by a nonprofit organization composed of and controlled by licensing  
1488 boards.

1489 “Current significant investigative information”, (i) investigative information that a  
1490 licensing board, after a preliminary inquiry that includes notification and an opportunity for the  
1491 nurse to respond, if required by state law, has reason to believe is not groundless and, if proved  
1492 true, would indicate more than a minor infraction or (ii) investigative information that indicates  
1493 that the nurse represents an immediate threat to public health and safety regardless of whether  
1494 the nurse has been notified and had an opportunity to respond.

1495 “Encumbrance”, a revocation or suspension of, or any limitation on, the full and  
1496 unrestricted practice of nursing imposed by a licensing board.

1497 “Home state”, the party state which is the nurse’s primary state of residence.

1498 “Interstate commission”, the Interstate Commission of Nurse Licensure Compact  
1499 Administrators as established in section 6 of this chapter.

1500 “Licensing board”, a party state’s regulatory body responsible for issuing nurse licenses.

1501 “Multistate license”, a license to practice as a registered nurse or a licensed practical or  
1502 vocational nurse issued by a home state licensing board that authorizes the licensed nurse to  
1503 practice in all party states under a multistate licensure privilege.

1504 “Multistate licensure privilege”, a legal authorization associated with a multistate license  
1505 permitting the practice of nursing as either a registered nurse or as a licensed practical or  
1506 vocational nurse in a remote state.

1507 “Nurse”, registered nurse or a licensed practical or vocational nurse, as those terms are  
1508 defined by each party state’s practice laws.

1509 “Nurse Licensing Compact” or “NLC”, an agreement among member states, established  
1510 and governed by the National Council of State Boards of Nursing, allowing nurses licensed in  
1511 one NLC member state to practice in other NLC member states without having to obtain  
1512 additional licenses.

1513 “Party state”, the commonwealth and any other state that has adopted this compact.

1514 “Remote state”, a party state other than the home state.

1515 “Single-state license”, a nurse license issued by a party state that authorizes practice only  
1516 within the issuing state and does not include a multistate licensure privilege to practice in any  
1517 other party state.

1518 “State”, a state, territory or possession of the United States and the District of Columbia.

1519 “State practice laws”, a party state’s laws, rules and regulations that govern the practice  
1520 of nursing, define the scope of nursing practice, and establish the methods and grounds for  
1521 imposing discipline. “State practice laws” do not include requirements necessary to obtain and  
1522 retain a license, except for qualifications or requirements of the home state.

1523 Section 2.

1524 (a) A multistate license to practice as a nurse issued by a home state to a resident in  
1525 that state will be recognized by each party state as authorizing a nurse to practice as a registered  
1526 nurse or as a licensed practical or vocational nurse, under a multistate licensure privilege, in each  
1527 party state.

1528 (b) A state must implement procedures for considering the criminal history records of  
1529 applicants for initial multistate license or licensure by endorsement. Such procedures shall

1530 include the submission of fingerprints or other biometric-based information by applicants for the  
1531 purpose of obtaining an applicant's criminal history record information from the Federal Bureau  
1532 of Investigation and the agency responsible for retaining that state's criminal records.

1533 (c) Each party state shall require the following for an applicant to obtain or retain a  
1534 multistate license in the home state:

1535 (1) Meets the home state's qualifications for licensure or renewal of licensure, as well as  
1536 all other applicable state laws;

1537 (2) (i) Has graduated or is eligible to graduate from a licensing board-approved registered  
1538 nurse or practical or vocational nurse pre-licensure education program; or (ii) has graduated from  
1539 a foreign registered nurse or practical or vocational nurse pre-licensure education program that  
1540 (A) has been approved by the authorized accrediting body in the applicable country and (B) has  
1541 been verified by an independent credentials review agency to be comparable to a licensing  
1542 board-approved pre-licensure education program;

1543 (3) Has, if a graduate of a foreign pre-licensure education program not taught in English  
1544 or if English is not the individual's native language, successfully passed an English proficiency  
1545 examination that includes the components of reading, speaking, writing and listening;

1546 (4) Has successfully passed an NCLEX-RN® or NCLEX-PN® Examination or  
1547 recognized predecessor, as applicable;

1548 (5) Is eligible for or holds an active, unencumbered license;

1549 (6) Has submitted, in connection with an application for initial licensure or licensure by  
1550 endorsement, fingerprints or other biometric data for the purpose of obtaining criminal history

1551 record information from the Federal Bureau of Investigation and the agency responsible for  
1552 retaining that state's criminal records;

1553 (7) Has not been convicted or found guilty, or entered into an agreed disposition, of a  
1554 felony offense under applicable state or federal criminal law;

1555 (8) Has not been convicted or found guilty, or entered into an agreed disposition, of a  
1556 misdemeanor offense related to the practice of nursing as determined on a case-by-case basis;

1557 (9) Is not currently enrolled in an alternative program;

1558 (10) Is subject to self-disclosure requirements regarding current participation in an  
1559 alternative program; and

1560 (11) Has a valid United States Social Security number.

1561 (d) All party states shall be authorized, in accordance with existing state due process  
1562 law, to take adverse action against a nurse's multistate licensure privilege such as revocation,  
1563 suspension, probation or any other action that affects a nurse's authorization to practice under a  
1564 multistate licensure privilege, including cease and desist actions. If a party state takes such  
1565 action, it shall promptly notify the administrator of the coordinated licensure information system.  
1566 The administrator of the coordinated licensure information system shall promptly notify the  
1567 home state of any such actions by remote states.

1568 (e) A nurse practicing in a party state must comply with the state practice laws of the  
1569 state in which the client is located at the time service is provided. The practice of nursing is not  
1570 limited to patient care, but shall include all nursing practice as defined by the state practice laws  
1571 of the party state in which the client is located. The practice of nursing in a party state under a

1572 multistate licensure privilege will subject a nurse to the jurisdiction of the licensing board, the  
1573 courts and the laws of the party state in which the client is located at the time service is provided.

1574 (f) Individuals not residing in a party state shall continue to be able to apply for a  
1575 party state's single-state license as provided under the laws of each party state. However, the  
1576 single-state license granted to these individuals will not be recognized as granting the privilege to  
1577 practice nursing in any other party state. Nothing in this compact shall affect the requirements  
1578 established by a party state for the issuance of a single-state license.

1579 (g) Any nurse holding a home state multistate license, on the effective date of this  
1580 compact, may retain and renew the multistate license issued by the nurse's then-current home  
1581 state, provided that:

1582 (1) A nurse, who changes primary state of residence after this compact's effective date,  
1583 must meet all applicable requirements under section 2 to obtain a multistate license from a new  
1584 home state.

1585 (2) A nurse who fails to satisfy the multistate licensure requirements in section 2 due to a  
1586 disqualifying event occurring after this compact's effective date shall be ineligible to retain or  
1587 renew a multistate license, and the nurse's multistate license shall be revoked or deactivated in  
1588 accordance with applicable rules adopted by the interstate commission.

1589 Section 3.

1590 (a) Upon application for a multistate license, the licensing board in the issuing party  
1591 state shall ascertain, through the coordinated licensure information system, whether the applicant  
1592 has ever held, or is the holder of, a license issued by any other state, whether there are any



1593 encumbrances on any license or multistate licensure privilege held by the applicant, whether any  
1594 adverse action has been taken against any license or multistate licensure privilege held by the  
1595 applicant and whether the applicant is currently participating in an alternative program.

1596 (b) A nurse may hold a multistate license, issued by the home state, in only 1 party  
1597 state at a time.

1598 (c) If a nurse changes primary state of residence by moving between two party states,  
1599 the nurse must apply for licensure in the new home state, and the multistate license issued by the  
1600 prior home state will be deactivated in accordance with applicable rules adopted by the interstate  
1601 commission.

1602 (1) The nurse may apply for licensure in advance of a change in primary state of  
1603 residence.

1604 (2) A multistate license shall not be issued by the new home state until the nurse provides  
1605 satisfactory evidence of a change in primary state of residence to the new home state and  
1606 satisfies all applicable requirements to obtain a multistate license from the new home state.

1607 (d) If a nurse changes primary state of residence by moving from a party state to a  
1608 non-party state, the multistate license issued by the prior home state will convert to a single-state  
1609 license, valid only in the former home state.

1610 Section 4.

1611 (a) In addition to the other powers conferred by state law, a licensing board shall  
1612 have the authority to:

1613 (1) Take adverse action against a nurse's multistate licensure privilege to practice within  
1614 that party state.

1615 (i) Only the home state shall have the power to take adverse action against a nurse's  
1616 license issued by the home state.

1617 (ii) For purposes of taking adverse action, the home state licensing board shall give the  
1618 same priority and effect to reported conduct received from a remote state as it would if such  
1619 conduct had occurred within the home state. In so doing, the home state shall apply its own state  
1620 laws to determine appropriate action.

1621 (2) Issue cease and desist orders or impose an encumbrance on a nurse's authority to  
1622 practice within that party state.

1623 (3) Complete any pending investigations of a nurse who changes primary state of  
1624 residence during the course of such investigations. The licensing board shall also have the  
1625 authority to take appropriate action(s) and shall promptly report the conclusions of such  
1626 investigations to the administrator of the coordinated licensure information system. The  
1627 administrator of the coordinated licensure information system shall promptly notify the new  
1628 home state of any such actions.

1629 (4) Issue subpoenas for both hearings and investigations that require the attendance and  
1630 testimony of witnesses, as well as, the production of evidence. Subpoenas issued by a licensing  
1631 board in a party state for the attendance and testimony of witnesses or the production of evidence  
1632 from another party state shall be enforced in the latter state by any court of competent  
1633 jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued  
1634 in proceedings pending before it. The issuing authority shall pay any witness fees, travel

1635 expenses, mileage and other fees required by the service statutes of the state in which the  
1636 witnesses or evidence are located.

1637 (5) Obtain and submit, for each nurse licensure applicant, fingerprint or other biometric-  
1638 based information to the Federal Bureau of Investigation for criminal background checks,  
1639 receive the results of the Federal Bureau of Investigation record search on criminal background  
1640 checks and use the results in making licensure decisions.

1641 (6) If otherwise permitted by state law, recover from the affected nurse the costs of  
1642 investigations and disposition of cases resulting from any adverse action taken against that nurse.

1643 (7) Take adverse action based on the factual findings of the remote state, provided that  
1644 the licensing board follows its own procedures for taking such adverse action.

1645 (b) If adverse action is taken by the home state against a nurse's multistate license,  
1646 the nurse's multistate licensure privilege to practice in all other party states shall be deactivated  
1647 until all encumbrances have been removed from the multistate license. All home state  
1648 disciplinary orders that impose adverse action against a nurse's multistate license shall include a  
1649 statement that the nurse's multistate licensure privilege is deactivated in all party states during  
1650 the pendency of the order.

1651 (c) Nothing in this compact shall override a party state's decision that participation in  
1652 an alternative program may be used in lieu of adverse action. The home state licensing board  
1653 shall deactivate the multistate licensure privilege under the multistate license of any nurse for the  
1654 duration of the nurse's participation in an alternative program.

1655 Section 5.

1656 (a) All party states shall participate in a coordinated licensure information system of  
1657 all licensed registered nurses and licensed practical or vocational nurses. This system will  
1658 include information on the licensure and disciplinary history of each nurse, as submitted by party  
1659 states, to assist in the coordination of nurse licensure and enforcement efforts.

1660 (b) The interstate commission, in consultation with the administrator of the  
1661 coordinated licensure information system, shall formulate necessary and proper procedures for  
1662 the identification, collection and exchange of information under this compact.

1663 (c) All licensing boards shall promptly report to the coordinated licensure  
1664 information system any adverse action, any current significant investigative information, denials  
1665 of applications (with the reasons for such denials) and nurse participation in alternative programs  
1666 known to the licensing board regardless of whether such participation is deemed nonpublic or  
1667 confidential under state law.

1668 (d) Current significant investigative information and participation in nonpublic or  
1669 confidential alternative programs shall be transmitted through the coordinated licensure  
1670 information system only to party state licensing boards.

1671 (e) Notwithstanding any other provision of law, all party state licensing boards  
1672 contributing information to the coordinated licensure information system may designate  
1673 information that may not be shared with non-party states or disclosed to other entities or  
1674 individuals without the express permission of the contributing state.

1675 (f) Any personally identifiable information obtained from the coordinated licensure  
1676 information system by a party state licensing board shall not be shared with non-party states or

1677 disclosed to other entities or individuals except to the extent permitted by the laws of the party  
1678 state contributing the information.

1679 (g) Any information contributed to the coordinated licensure information system that  
1680 is subsequently required to be expunged by the laws of the party state contributing that  
1681 information shall also be expunged from the coordinated licensure information system.

1682 (h) The compact administrator of each party state shall furnish a uniform data set to  
1683 the compact administrator of each other party state, which shall include, at a minimum:

1684 (1) Identifying information;

1685 (2) Licensure data;

1686 (3) Information related to alternative program participation; and

1687 (4) Other information that may facilitate the administration of this compact, as  
1688 determined by interstate commission rules.

1689 (i) The compact administrator of a party state shall provide all investigative documents  
1690 and information requested by another party state.

1691 Section 6.

1692 (a) The party states hereby create and establish a joint public entity known as the  
1693 Interstate Commission of Nurse Licensure Compact Administrators.

1694 (1) The interstate commission is an instrumentality of the party states.

1695 (2) Venue is proper, and judicial proceedings by or against the interstate commission  
1696 shall be brought solely and exclusively, in a court of competent jurisdiction where the principal  
1697 office of the interstate commission is located. The interstate commission may waive venue and  
1698 jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute  
1699 resolution proceedings.

1700 (3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.

1701 (b) Membership, Voting and Meetings

1702 (1) Each party state shall have and be limited to one administrator. The head of the state  
1703 licensing board or designee shall be the administrator of this compact for each party state. Any  
1704 administrator may be removed or suspended from office as provided by the law of the state from  
1705 which the administrator is appointed. Any vacancy occurring in the interstate commission shall  
1706 be filled in accordance with the laws of the party state in which the vacancy exists.

1707 (2) Each administrator shall be entitled to 1 vote with regard to the promulgation of rules  
1708 and creation of bylaws and shall otherwise have an opportunity to participate in the business and  
1709 affairs of the interstate commission. An administrator shall vote in person or by such other means  
1710 as provided in the bylaws. The bylaws may provide for an administrator's participation in  
1711 meetings by telephone or other means of communication.

1712 (3) The interstate commission shall meet at least once during each calendar year.  
1713 Additional meetings shall be held as set forth in the bylaws or rules of the interstate commission.

1714 (4) All meetings shall be open to the public, and public notice of meetings shall be given  
1715 in the same manner as required under the rulemaking provisions in section 7.

1716 (5) The interstate commission may convene in a closed, nonpublic meeting if the  
1717 interstate commission must discuss:

1718 (i) Noncompliance of a party state with its obligations under this compact;

1719 (ii) The employment, compensation, discipline or other personnel matters, practices or  
1720 procedures related to specific employees or other matters related to the interstate commission's  
1721 internal personnel practices and procedures;

1722 (iii) Current, threatened or reasonably anticipated litigation;

1723 (iv) Negotiation of contracts for the purchase or sale of goods, services or real estate;

1724 (v) Accusing any person of a crime or formally censuring any person;

1725 (vi) Disclosure of trade secrets or commercial or financial information that is privileged  
1726 or confidential;

1727 (vii) Disclosure of information of a personal nature where disclosure would constitute a  
1728 clearly unwarranted invasion of personal privacy;

1729 (viii) Disclosure of investigatory records compiled for law enforcement purposes;

1730 (ix) Disclosure of information related to any reports prepared by or on behalf of the  
1731 interstate commission for the purpose of investigation of compliance with this compact; or

1732 (x) Matters specifically exempted from disclosure by federal or state statute.

1733 (6) If a meeting, or portion of a meeting, is closed pursuant to this provision, the  
1734 interstate commission's legal counsel or designee shall certify that the meeting may be closed

1735 and shall reference each relevant exempting provision. The interstate commission shall keep  
1736 minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full  
1737 and accurate summary of actions taken, and the reasons therefor, including a description of the  
1738 views expressed. All documents considered in connection with an action shall be identified in  
1739 such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to  
1740 release by a majority vote of the interstate commission or order of a court of competent  
1741 jurisdiction.

1742 (c) The interstate commission shall, by a majority vote of the administrators,  
1743 prescribe bylaws or rules to govern its conduct as may be necessary or appropriate to carry out  
1744 the purposes and exercise the powers of this compact, including but not limited to:

1745 (1) Establishing the fiscal year of the interstate commission;

1746 (2) Providing reasonable standards and procedures:

1747 (i) For the establishment and meetings of other committees; and

1748 (ii) Governing any general or specific delegation of any authority or function of the  
1749 interstate commission;

1750 (3) Providing reasonable procedures for calling and conducting meetings of the interstate  
1751 commission, ensuring reasonable advance notice of all meetings and providing an opportunity  
1752 for attendance of such meetings by interested parties, with enumerated exceptions designed to  
1753 protect the public's interest, the privacy of individuals, and proprietary information, including  
1754 trade secrets. The interstate commission may meet in closed session only after a majority of the  
1755 administrators vote to close a meeting in whole or in part. As soon as practicable, the interstate



1756 commission must make public a copy of the vote to close the meeting revealing the vote of each  
1757 administrator, with no proxy votes allowed;

1758 (4) Establishing the titles, duties and authority and reasonable procedures for the election  
1759 of the officers of the interstate commission;

1760 (5) Providing reasonable standards and procedures for the establishment of the personnel  
1761 policies and programs of the interstate commission. Notwithstanding any civil service or other  
1762 similar laws of any party state, the bylaws shall exclusively govern the personnel policies and  
1763 programs of the interstate commission; and

1764 (6) Providing a mechanism for winding up the operations of the interstate commission  
1765 and the equitable disposition of any surplus funds that may exist after the termination of this  
1766 compact after the payment or reserving of all of its debts and obligations;

1767 (d) The interstate commission shall publish its bylaws and rules, and any amendments  
1768 thereto, in a convenient form on the website of the interstate commission.

1769 (e) The interstate commission shall maintain its financial records in accordance with the  
1770 bylaws.

1771 (f) The interstate commission shall meet and take such actions as are consistent with the  
1772 provisions of this compact and the bylaws.

1773 (g) The interstate commission shall have the following powers:

1774 (1) To promulgate uniform rules to facilitate and coordinate implementation and  
1775 administration of this compact. The rules shall have the force and effect of law and shall be  
1776 binding in all party states;

1777           (2) To bring and prosecute legal proceedings or actions in the name of the interstate  
1778 commission, provided that the standing of any licensing board to sue or be sued under applicable  
1779 law shall not be affected;

1780           (3) To purchase and maintain insurance and bonds;

1781           (4) To borrow, accept or contract for services of personnel, including, but not limited to,  
1782 employees of a party state or nonprofit organizations;

1783           (5) To cooperate with other organizations that administer state compacts related to the  
1784 regulation of nursing, including but not limited to sharing administrative or staff expenses, office  
1785 space or other resources;

1786           (6) To hire employees, elect or appoint officers, fix compensation, define duties, grant  
1787 such individuals appropriate authority to carry out the purposes of this compact, and to establish  
1788 the interstate commission's personnel policies and programs relating to conflicts of interest,  
1789 qualifications of personnel and other related personnel matters;

1790           (7) To accept any and all appropriate donations, grants and gifts of money, equipment,  
1791 supplies, materials and services, and to receive, utilize and dispose of the same; provided that at  
1792 all times the interstate commission shall avoid any appearance of impropriety or conflict of  
1793 interest;

1794           (8) To lease, purchase, accept appropriate gifts or donations of, or otherwise to own,  
1795 hold, improve or use, any property, whether real, personal or mixed; provided that at all times the  
1796 interstate commission shall avoid any appearance of impropriety;

1797 (9) To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of  
1798 any property, whether real, personal or mixed;

1799 (10) To establish a budget and make expenditures;

1800 (11) To borrow money;

1801 (12) To appoint committees, including advisory committees comprised of administrators,  
1802 state nursing regulators, state legislators or their representatives, and consumer representatives,  
1803 and other such interested persons;

1804 (13) To provide and receive information from, and to cooperate with, law enforcement  
1805 agencies;

1806 (14) To adopt and use an official seal; and

1807 (15) To perform such other functions as may be necessary or appropriate to achieve the  
1808 purposes of this compact consistent with the state regulation of nurse licensure and practice.

1809 (h) Financing of the interstate commission

1810 (1) The interstate commission shall pay, or provide for the payment of, the reasonable  
1811 expenses of its establishment, organization and ongoing activities.

1812 (2) The interstate commission may also levy on and collect an annual assessment from  
1813 each party state to cover the cost of its operations, activities and staff in its annual budget as  
1814 approved each year. The aggregate annual assessment amount, if any, shall be allocated based  
1815 upon a formula to be determined by the interstate commission, which shall promulgate a rule that  
1816 is binding upon all party states.

1817 (3) The interstate commission shall not incur obligations of any kind prior to securing the  
1818 funds adequate to meet the same; nor shall the interstate commission pledge the credit of any of  
1819 the party states, except by, and with the authority of, such party state.

1820 (4) The interstate commission shall keep accurate accounts of all receipts and  
1821 disbursements. The receipts and disbursements of the interstate commission shall be subject to  
1822 the audit and accounting procedures established under its bylaws. However, all receipts and  
1823 disbursements of funds handled by the interstate commission shall be audited yearly by a  
1824 certified or licensed public accountant, and the report of the audit shall be included in and  
1825 become part of the annual report of the interstate commission.

1826 (i) Qualified Immunity, Defense and Indemnification

1827 (1) The administrators, officers, executive director, employees and representatives of the  
1828 interstate commission shall be immune from suit and liability, either personally or in their  
1829 official capacity, for any claim for damage to or loss of property or personal injury or other civil  
1830 liability caused by or arising out of any actual or alleged act, error or omission that occurred, or  
1831 that the person against whom the claim is made had a reasonable basis for believing occurred,  
1832 within the scope of interstate commission employment, duties or responsibilities; provided that  
1833 nothing in this paragraph shall be construed to protect any such person from suit or liability for  
1834 any damage, loss, injury or liability caused by the intentional, willful or wanton misconduct of  
1835 that person.

1836 (2) The interstate commission shall defend any administrator, officer, executive director,  
1837 employee or representative of the interstate commission in any civil action seeking to impose  
1838 liability arising out of any actual or alleged act, error or omission that occurred within the scope

1839 of interstate commission employment, duties or responsibilities, or that the person against whom  
1840 the claim is made had a reasonable basis for believing occurred within the scope of interstate  
1841 commission employment, duties or responsibilities; provided that nothing herein shall be  
1842 construed to prohibit that person from retaining his or her own counsel; and provided further that  
1843 the actual or alleged act, error or omission did not result from that person's intentional, willful or  
1844 wanton misconduct.

1845 (3) The interstate commission shall indemnify and hold harmless any administrator,  
1846 officer, executive director, employee or representative of the interstate commission for the  
1847 amount of any settlement or judgment obtained against that person arising out of any actual or  
1848 alleged act, error or omission that occurred within the scope of interstate commission  
1849 employment, duties or responsibilities, or that such person had a reasonable basis for believing  
1850 occurred within the scope of interstate commission employment, duties or responsibilities,  
1851 provided that the actual or alleged act, error or omission did not result from the intentional,  
1852 willful or wanton misconduct of that person.

1853 Section 7.

1854 (a) The interstate commission shall exercise its rulemaking powers pursuant to the criteria  
1855 set forth in this section and the rules adopted thereunder. Rules and amendments shall become  
1856 binding as of the date specified in each rule or amendment and shall have the same force and  
1857 effect as provisions of this compact.

1858 (b) Rules or amendments to the rules shall be adopted at a regular or special meeting of  
1859 the interstate commission.

1860 (c) Prior to promulgation and adoption of a final rule or rules by the interstate  
1861 commission, and at least 60 days in advance of the meeting at which the rule will be considered  
1862 and voted upon, the interstate commission shall file a notice of proposed rulemaking:

1863 (1) On the website of the interstate commission; and

1864 (2) On the website of each licensing board or the publication in which each state would  
1865 otherwise publish proposed rules.

1866 (d) The notice of proposed rulemaking shall include:

1867 (1) The proposed time, date and location of the meeting in which the rule will be  
1868 considered and voted upon;

1869 (2) The text of the proposed rule or amendment, and the reason for the proposed rule;

1870 (3) A request for comments on the proposed rule from any interested person; and

1871 (4) The manner in which interested persons may submit notice to the interstate  
1872 commission of their intention to attend the public hearing and any written comments.

1873 (e) Prior to adoption of a proposed rule, the interstate commission shall allow persons to  
1874 submit written data, facts, opinions and arguments, which shall be made available to the public.

1875 (f) The interstate commission shall grant an opportunity for a public hearing before it  
1876 adopts a rule or amendment.

1877 (g) The interstate commission shall publish the place, time and date of the scheduled  
1878 public hearing.

1879 (1) Hearings shall be conducted in a manner providing each person who wishes to  
1880 comment a fair and reasonable opportunity to comment orally or in writing. All hearings will be  
1881 recorded, and a copy will be made available upon request.

1882 (2) Nothing in this section shall be construed as requiring a separate hearing on each rule.  
1883 Rules may be grouped for the convenience of the interstate commission at hearings required by  
1884 this section.

1885 (h) If no one appears at the public hearing, the interstate commission may proceed with  
1886 promulgation of the proposed rule.

1887 (i) Following the scheduled hearing date, or by the close of business on the scheduled  
1888 hearing date if the hearing was not held, the interstate commission shall consider all written and  
1889 oral comments received.

1890 (j) The interstate commission shall, by majority vote of all administrators, take final  
1891 action on the proposed rule and shall determine the effective date of the rule, if any, based on the  
1892 rulemaking record and the full text of the rule.

1893 (k) Upon determination that an emergency exists, the interstate commission may consider  
1894 and adopt an emergency rule without prior notice, opportunity for comment or hearing, provided  
1895 that the usual rulemaking procedures provided in this compact and in this section shall be  
1896 retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days  
1897 after the effective date of the rule. For the purposes of this provision, an emergency rule is one  
1898 that must be adopted immediately in order to:

1899 (1) Meet an imminent threat to public health, safety or welfare;

1900 (2) Prevent a loss of interstate commission or party state funds; or

1901 (3) Meet a deadline for the promulgation of an administrative rule that is required by  
1902 federal law or rule.

1903 (1) The interstate commission may direct revisions to a previously adopted rule or  
1904 amendment for purposes of correcting typographical errors, errors in format, errors in  
1905 consistency or grammatical errors. Public notice of any revisions shall be posted on the website  
1906 of the interstate commission. The revision shall be subject to challenge by any person for a  
1907 period of thirty (30) days after posting. The revision may be challenged only on grounds that the  
1908 revision results in a material change to a rule. A challenge shall be made in writing, and  
1909 delivered to the interstate commission, prior to the end of the notice period. If no challenge is  
1910 made, the revision will take effect without further action. If the revision is challenged, the  
1911 revision may not take effect without the approval of the interstate commission.

1912 Section 8.

1913 (a) Oversight

1914 (1) Each party state shall enforce this compact and take all actions necessary and  
1915 appropriate to effectuate this compact's purposes and intent.

1916 (2) The interstate commission shall be entitled to receive service of process in any  
1917 proceeding that may affect the powers, responsibilities or actions of the interstate commission,  
1918 and shall have standing to intervene in such a proceeding for all purposes. Failure to provide  
1919 service of process in such proceeding to the interstate commission shall render a judgment or  
1920 order void as to the interstate commission, this compact or promulgated rules.



1921 (b) Default, Technical Assistance and Termination

1922 (1) If the interstate commission determines that a party state has defaulted in the  
1923 performance of its obligations or responsibilities under this compact or the promulgated rules,  
1924 the interstate commission shall:

1925 (i) Provide written notice to the defaulting state and other party states of the nature of the  
1926 default, the proposed means of curing the default or any other action to be taken by the interstate  
1927 commission; and

1928 (ii) Provide remedial training and specific technical assistance regarding the default.

1929 (2) If a state in default fails to cure the default, the defaulting state's membership in this  
1930 compact may be terminated upon an affirmative vote of a majority of the administrators, and all  
1931 rights, privileges and benefits conferred by this compact may be terminated on the effective date  
1932 of termination. A cure of the default does not relieve the offending state of obligations or  
1933 liabilities incurred during the period of default.

1934 (3) Termination of membership in this compact shall be imposed only after all other  
1935 means of securing compliance have been exhausted. Notice of intent to suspend or terminate  
1936 shall be given by the interstate commission to the governor of the defaulting state and to the  
1937 executive officer of the defaulting state's licensing board and each of the party states.

1938 (4) A state whose membership in this compact has been terminated is responsible for all  
1939 assessments, obligations and liabilities incurred through the effective date of termination,  
1940 including obligations that extend beyond the effective date of termination.

1941 (5) The interstate commission shall not bear any costs related to a state that is found to be  
1942 in default or whose membership in this compact has been terminated unless agreed upon in  
1943 writing between the interstate commission and the defaulting state.

1944 (6) The defaulting state may appeal the action of the interstate commission by petitioning  
1945 the United States district court for the District of Columbia or the federal district in which the  
1946 interstate commission has its principal offices. The prevailing party shall be awarded all costs of  
1947 such litigation, including reasonable attorneys' fees.

1948 (c) Dispute Resolution

1949 (1) Upon request by a party state, the interstate commission shall attempt to resolve  
1950 disputes related to the Compact that arise among party states and between party and non-party  
1951 states.

1952 (2) The interstate commission shall promulgate a rule providing for both mediation and  
1953 binding dispute resolution for disputes, as appropriate.

1954 (3) In the event the interstate commission cannot resolve disputes among party states  
1955 arising under this compact:

1956 (i) The party states may submit the issues in dispute to an arbitration panel, which will be  
1957 comprised of individuals appointed by the compact administrator in each of the affected party  
1958 states and an individual mutually agreed upon by the compact administrators of all the party  
1959 states involved in the dispute.

1960 (ii) The decision of a majority of the arbitrators shall be final and binding.

1961 (d) Enforcement

1962 (1) The interstate commission, in the reasonable exercise of its discretion, shall enforce  
1963 the provisions and rules of this compact.

1964 (2) By majority vote, the interstate commission may initiate legal action in the United  
1965 States district court for the District of Columbia or the federal district in which the interstate  
1966 commission has its principal offices against a party state that is in default to enforce compliance  
1967 with the provisions of this compact and its promulgated rules and bylaws. The relief sought may  
1968 include both injunctive relief and damages. In the event judicial enforcement is necessary, the  
1969 prevailing party shall be awarded all costs of such litigation, including reasonable attorneys'  
1970 fees.

1971 (3) The remedies herein shall not be the exclusive remedies of the interstate commission.  
1972 The interstate commission may pursue any other remedies available under federal or state law.

1973 Section 9.

1974 (a) This compact shall become effective and binding on the earlier of the date of  
1975 legislative enactment of this compact into law by no less than 26 states or December 31, 2018.  
1976 All party states to this compact, that also were parties to the prior Nurse Licensure Compact,  
1977 superseded by this compact, shall be deemed to have withdrawn from said prior compact within  
1978 6 months after the effective date of this compact.

1979 (b) Each party state to this compact shall continue to recognize a nurse's multistate  
1980 licensure privilege to practice in that party state issued under the prior compact until such party  
1981 state has withdrawn from the prior compact.

1982 (c) Any party state may withdraw from this compact by enacting a statute repealing  
1983 the same. A party state's withdrawal shall not take effect until 6 months after enactment of the  
1984 repealing statute.

1985 (d) A party state's withdrawal or termination shall not affect the continuing  
1986 requirement of the withdrawing or terminated state's licensing board to report adverse actions  
1987 and significant investigations occurring prior to the effective date of such withdrawal or  
1988 termination.

1989 (e) Nothing contained in this compact shall be construed to invalidate or prevent any  
1990 nurse licensure agreement or other cooperative arrangement between a party state and a non-  
1991 party state that is made in accordance with the other provisions of this compact.

1992 (f) This compact may be amended by the party states. No amendment to this  
1993 compact shall become effective and binding upon the party states unless and until it is enacted  
1994 into the laws of all party states.

1995 (g) Representatives of non-party states to this compact shall be invited to participate  
1996 in the activities of the interstate commission, on a nonvoting basis, prior to the adoption of this  
1997 compact by all states.

1998 Section 10.

1999 This compact shall be liberally construed so as to effectuate the purposes thereof. The  
2000 provisions of this compact shall be severable, and if any phrase, clause, sentence or provision of  
2001 this compact is declared to be contrary to the constitution of any party state or of the United  
2002 States, or if the applicability thereof to any government, agency, person or circumstance is held

2003 invalid, the validity of the remainder of this compact and the applicability thereof to any  
2004 government, agency, person or circumstance shall not be affected thereby. If this compact shall  
2005 be held to be contrary to the constitution of any party state, this compact shall remain in full  
2006 force and effect as to the remaining party states and in full force and effect as to the party state  
2007 affected as to all severable matters.

2008           Section 11.

2009           The executive director of the board of registration in nursing, or the board executive  
2010 director's designee, shall be the administrator of the Nurse Licensure Compact for the  
2011 commonwealth.

2012           Section 12.

2013           The board of registration in nursing shall adopt regulations in the same manner as all  
2014 other states legally joining in the compact and may adopt additional regulations as necessary to  
2015 implement the provisions of this chapter.

2016           Section 13.

2017           The board of registration in nursing may recover from a nurse the costs of investigation  
2018 and disposition of cases resulting in any adverse disciplinary action taken against that nurse's  
2019 license or privilege to practice. Funds collected pursuant to this section shall be deposited in the  
2020 Quality in Health Professions Trust Fund established pursuant to section 35X of chapter 10.

2021           Section 14.

2022           The board of registration in nursing may take disciplinary action against the practice  
2023 privilege of a registered nurse or of a licensed practical or vocational nurse practicing in the

2024 commonwealth under a license issued by party state. The board's disciplinary action may be  
2025 based on disciplinary action against the nurse's license taken by the nurse's home state.

2026 Section 15.

2027 In reporting information to the coordinated licensure information system under section 5  
2028 of this chapter related to the Nurse Licensure Compact, the board of registration in nursing may  
2029 disclose personally identifiable information about the nurse, including social security number.

2030 Section 16.

2031 Nothing in this chapter, nor the entrance of the commonwealth into the Nurse Licensure  
2032 Compact shall be construed to supersede existing labor laws.

2033 Section 17.

2034 As part of the licensure and background check process for a multistate license and to  
2035 determine the suitability of an applicant for multistate licensure, the board of registration in  
2036 nursing, prior to issuing any multistate license, shall conduct a fingerprint-based check of the  
2037 state and national criminal history databases, as authorized by 28 CFR 20.33 and Public Law 92-  
2038 544.

2039 Fingerprints shall be submitted to the identification section of the department of state  
2040 police for a state criminal history check and forwarded to the Federal Bureau of Investigation for  
2041 a national criminal history check, according to the policies and procedures established by the  
2042 state identification section and by the department of criminal justice information services. The  
2043 department of state police and Federal Bureau of Investigation are expressly authorized to search  
2044 criminal justice databases including all latent fingerprint submissions. Fingerprint submissions

2045 may be retained by the Federal Bureau of Investigation, the state identification section and the  
2046 department of criminal justice information services for requests submitted by the board of  
2047 registration in nursing as authorized under this section to ensure the continued suitability of these  
2048 individuals for licensure. The department of criminal justice information services shall  
2049 disseminate the results of the state and national criminal background checks to the executive  
2050 director of the board of registration in nursing and authorized staff of the board. The department  
2051 of criminal justice information services shall only disseminate information under this section that  
2052 would otherwise be available to the board of registration in nursing as provided in this section.

2053 All applicants shall pay a fee to be established by the secretary of administration and  
2054 finance, in consultation with the secretary of public safety, to offset the costs of operating and  
2055 administering a fingerprint-based criminal background check system. The secretary of  
2056 administration and finance, in consultation with the secretary of public safety, may increase the  
2057 fee accordingly if the Federal Bureau of Investigation increases its fingerprint background check  
2058 service fee. The board may pay the fee on behalf of applicants or reimburse applicants for all or  
2059 part of the fee on the grounds of financial hardship. Any fees collected from fingerprinting  
2060 activity under this chapter shall be deposited into the Fingerprint-Based Background Check Trust  
2061 Fund, established in section 2HHHH of chapter 29.

2062 The board of registration in nursing may receive all criminal offender record information  
2063 and the results of checks of state and national criminal history databases under said Public Law  
2064 92-544, but they shall not receive juvenile adjudications and delinquency matters or sealed  
2065 records. When the board of registration in nursing obtains the results of checks of state and  
2066 national criminal history databases, it shall treat the information according to sections 167 to

2067 178, inclusive, of chapter 6 and the regulations thereunder regarding criminal offender record  
2068 information.

2069 Notwithstanding subsections 9 and 9½ of section 4 of chapter 151B, if the board of  
2070 registration in nursing receives criminal record information from the state or national fingerprint-  
2071 based criminal background checks that includes no disposition or is otherwise incomplete, the  
2072 agency head may request that an applicant for licensure provide additional information regarding  
2073 the results of the criminal background checks to assist the agency head in determining the  
2074 applicant's suitability for licensure.

2075 Section 18.

2076 The compact administrator who represents the commonwealth, as provided in the  
2077 compact, shall not be entitled to any additional compensation for executing his duties and  
2078 responsibilities as compact administrator but shall be entitled to reimbursement for reasonable  
2079 expenses actually incurred in connection with his duties and responsibilities as compact  
2080 administrator in the same manner as for expenses incurred in connection with other duties and  
2081 responsibilities of his office or employment.

2082 SECTION 9. Notwithstanding any general or special law to the contrary, the secretary of  
2083 administration and finance, following a public hearing, shall increase the fee for obtaining or  
2084 renewing a license, certificate, registration, permit or authority issued by a board within the  
2085 department of public health, excluding the board of registration in medicine, as necessary to  
2086 implement the provisions of the chapter 112C of the General Laws. The amount of the increase  
2087 in fees shall be deposited in the Quality in Health Professions Trust Fund established in section  
2088 35X of chapter 10.



2089           SECTION 10. The implementation date of the commonwealth's entry into the Nurse  
2090   Licensure Compact shall be on the earlier of (a) the date of notification of implementation by the  
2091   board of registration in nursing to the Director of the Nurse Licensure Compact, or (b) 6 months  
2092   from the effective date of this act. Prior to said implementation date, the board of registration in  
2093   nursing may take such actions as are necessary to implement chapter 112C of the General Laws  
2094   and effectuate entry into the Nurse Licensure Compact.