

SENATE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 2974
AN ACT

To repeal section 324.009, RSMo, and to enact in lieu thereof five new sections relating to licensure reciprocity.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 324.009, RSMo, is repealed and five
2 new sections enacted in lieu thereof, to be known as sections
3 324.009, 324.1800, 332.700, 334.730, and 334.1800, to read as
4 follows:

324.009. 1. For purposes of this section, the
2 following terms mean:

3 (1) "License", a license, certificate, registration,
4 permit, accreditation, or military occupational speciality
5 that enables a person to legally practice an occupation or
6 profession in a particular jurisdiction;

7 (2) "Military", the Armed Forces of the United States
8 including the Air Force, Army, Coast Guard, Marine Corps,
9 Navy, Space Force, National Guard and any other military
10 branch that is designated by Congress as part of the Armed
11 Forces of the United States, and all reserve components and
12 auxiliaries. Such term also includes the military reserves
13 and militia of any United States territory or state;

14 (3) "Missouri law enforcement officer", any person
15 employed by or otherwise serving in a position for the state
16 or a local governmental entity in the state of Missouri as a
17 police officer, peace officer certified under chapter 590,
18 auxiliary police officer, sheriff, sheriff's deputy, member

19 of the patrol as that term is defined in section 43.010, or
20 in some like position involving the enforcement of the law
21 and protection of the public interest at the risk of that
22 person's life and who is a permanent resident of the state
23 of Missouri or who is domiciled in the state of Missouri;

24 (4) "Nonresident military or law enforcement spouse":

25 (a) A nonresident spouse of an active duty member of
26 the Armed Forces of the United States who has been
27 transferred or is scheduled to be transferred to the state
28 of Missouri, or who has been transferred or is scheduled to
29 be transferred to an adjacent state and is or will be
30 domiciled in the state of Missouri, or has moved to the
31 state of Missouri on a permanent change-of-station basis; or

32 (b) A nonresident spouse of a person residing outside
33 the state of Missouri who has accepted an offer of
34 employment from and with the state or a local governmental
35 entity in the state of Missouri and who will become a
36 Missouri law enforcement officer upon the commencement of
37 such employment;

38 (5) "Oversight body", any board, department, agency,
39 or office of a jurisdiction that issues licenses;

40 (6) "Resident military or law enforcement spouse", a
41 spouse of an active duty member of the Armed Forces of the
42 United States who has been transferred or is scheduled to be
43 transferred to the state of Missouri or an adjacent state
44 and who is a permanent resident of the state of Missouri,
45 who is domiciled in the state of Missouri, or who has
46 Missouri as his or her home of record, or a spouse of a
47 Missouri law enforcement officer.

48 2. Any person who holds a valid current license issued
49 by another state, a branch or unit of the military, a
50 territory of the United States, or the District of Columbia,
51 and who has been licensed for at least one year in such

52 other jurisdiction, may submit an application for a license
53 in Missouri in the same occupation or profession, and at the
54 same practice level, for which he or she holds the current
55 license, along with proof of current licensure and proof of
56 licensure for at least one year in the other jurisdiction,
57 to the relevant oversight body in this state.

58 3. The oversight body in this state shall:

59 (1) Within six months of receiving an application
60 described in subsection 2 of this section, waive any
61 examination, educational, or experience requirements for
62 licensure in this state for the applicant if it determines
63 that there were minimum education requirements and, if
64 applicable, work experience and clinical supervision
65 requirements in effect and the other [state] jurisdiction
66 verifies that the person met those requirements in order to
67 be licensed or certified in that [state] jurisdiction. An
68 oversight body that administers an examination on laws of
69 this state as part of its licensing application requirement
70 may require an applicant to take and pass an examination
71 specific to the laws of this state; or

72 (2) Within thirty days of receiving an application
73 described in subsection 2 of this section from a nonresident
74 military or law enforcement spouse or a resident military or
75 law enforcement spouse, waive any examination, educational,
76 or experience requirements for licensure in this state for
77 the applicant and issue such applicant a license under this
78 section if such applicant otherwise meets the requirements
79 of this section.

80 4. (1) The oversight body shall not waive any
81 examination, educational, or experience requirements for any
82 applicant who has had his or her license revoked by an
83 oversight body outside the state; who is currently under
84 investigation, who has a complaint pending, or who is

85 currently under disciplinary action, except as provided in
86 subdivision (2) of this subsection, with an oversight body
87 outside the state; who does not hold a license in good
88 standing with an oversight body outside the state; who has a
89 criminal record that would disqualify him or her for
90 licensure in Missouri; or who does not hold a valid current
91 license in the other jurisdiction on the date the oversight
92 body receives his or her application under this section.

93 (2) If another jurisdiction has taken disciplinary
94 action against an applicant, the oversight body shall
95 determine if the cause for the action was corrected and the
96 matter resolved. If the matter has not been resolved by
97 that jurisdiction, the oversight body may deny a license
98 until the matter is resolved.

99 5. Nothing in this section shall prohibit the
100 oversight body from denying a license to an applicant under
101 this section for any reason described in any section
102 associated with the occupation or profession for which the
103 applicant seeks a license.

104 6. Any person who is licensed under the provisions of
105 this section shall be subject to the applicable oversight
106 body's jurisdiction and all rules and regulations pertaining
107 to the practice of the licensed occupation or profession in
108 this state. Any health care provider licensed under the
109 provisions of this section shall be deemed fully licensed to
110 practice within the profession's scope of practice in this
111 state and may provide telehealth services as described in
112 section 191.1145 to the same extent and in the same manner
113 as a health care provider who received his or her license
114 without a waiver of any requirements.

115 7. This section shall not be construed to waive any
116 requirement for an applicant to pay any fees, post any bonds

117 or surety bonds, or submit proof of insurance associated
118 with the license the applicant seeks.

119 8. This section shall not apply to business,
120 professional, or occupational licenses issued or required by
121 political subdivisions.

122 9. The provisions of this section shall not impede an
123 oversight body's authority to require an applicant to submit
124 fingerprints as part of the application process.

125 10. The provisions of this section shall not be
126 construed to alter the authority granted by, or any
127 requirements promulgated pursuant to, any
128 interjurisdictional or interstate compacts adopted by
129 Missouri statute or any reciprocity agreements with other
130 states in effect, and whenever possible this section shall
131 be interpreted so as to imply no conflict between it and any
132 compact, or any reciprocity agreements with other states in
133 effect.

134 11. Notwithstanding any other provision of law, a
135 license issued under this section shall be valid only in
136 this state and shall not make a licensee eligible to be part
137 of an interstate compact. An applicant who is licensed in
138 another state pursuant to an interstate compact shall not be
139 eligible for licensure by an oversight body under the
140 provisions of this section.

141 12. The provisions of this section shall not apply to
142 any occupation set forth in subsection 6 of section 290.257,
143 or any electrical contractor licensed under sections 324.900
144 to 324.945.

324.1800. SECTION 1. PURPOSE

2 The purpose of this Compact is to facilitate interstate
3 Practice of Dietetics with the goal of improving public
4 access to dietetics services. This Compact preserves the
5 regulatory authority of States to protect public health and

6 safety through the current system of State licensure, while
7 also providing for licensure portability through a Compact
8 Privilege granted to qualifying professionals.

9 This Compact is designed to achieve the following
10 objectives:

11 A. Increase public access to dietetics services;

12 B. Provide opportunities for interstate practice by
13 Licensed Dietitians who meet uniform requirements;

14 C. Eliminate the necessity for Licenses in multiple
15 States;

16 D. Reduce administrative burden on Member States and
17 Licensees;

18 E. Enhance the States' ability to protect the public's
19 health and safety;

20 F. Encourage the cooperation of Member States in
21 regulating multistate practice of Licensed Dietitians;

22 G. Support relocating Active Military Members and
23 their spouses;

24 H. Enhance the exchange of licensure, investigative,
25 and disciplinary information among Member States; and

26 I. Vest all Member States with the authority to hold a
27 Licensed Dietitian accountable for meeting all State
28 practice laws in the State in which the patient is located
29 at the time care is rendered.

30 SECTION 2. DEFINITIONS

31 As used in this Compact, and except as otherwise
32 provided, the following definitions shall apply:

33 A. "ACEND" means the Accreditation Council for
34 Education in Nutrition and Dietetics or its successor
35 organization.

36 B. "Active Military Member" means any individual with
37 full-time duty status in the active armed forces of the

38 United States, including members of the National Guard and
39 Reserve.

40 C. "Adverse Action" means any administrative, civil,
41 equitable or criminal action permitted by a State's laws
42 which is imposed by a Licensing Authority or other authority
43 against a Licensee, including actions against an
44 individual's License or Compact Privilege such as
45 revocation, suspension, probation, monitoring of the
46 Licensee, limitation on the Licensee's practice, or any
47 other Encumbrance on licensure affecting a Licensee's
48 authorization to practice, including issuance of a cease and
49 desist action.

50 D. "Alternative Program" means a non-disciplinary
51 monitoring or practice remediation process approved by a
52 Licensing Authority.

53 E. "Charter Member State" means any Member State which
54 enacted this Compact by law before the Effective Date
55 specified in Section 12.

56 F. "Continuing Education" means a requirement, as a
57 condition of License renewal, to provide evidence of
58 participation in, and completion of, educational and
59 professional activities relevant to practice or area of work.

60 G. "CDR" means the Commission on Dietetic Registration
61 or its successor organization.

62 H. "Compact Commission" means the government agency
63 whose membership consists of all States that have enacted
64 this Compact, which is known as the Dietitian Licensure
65 Compact Commission, as described in Section 8, and which
66 shall operate as an instrumentality of the Member States.

67 I. "Compact Privilege" means a legal authorization,
68 which is equivalent to a License, permitting the Practice of
69 Dietetics in a Remote State.

70 J. "Current Significant Investigative Information"
71 means:
72 1. Investigative Information that a Licensing
73 Authority, after a preliminary inquiry that includes
74 notification and an opportunity for the subject Licensee to
75 respond, if required by State law, has reason to believe is
76 not groundless and, if proved true, would indicate more than
77 a minor infraction; or
78 2. Investigative Information that indicates that the
79 subject Licensee represents an immediate threat to public
80 health and safety regardless of whether the subject Licensee
81 has been notified and had an opportunity to respond.
82 K. "Data System" means a repository of information
83 about Licensees, including, but not limited to, Continuing
84 Education, examination, licensure, investigative, Compact
85 Privilege and Adverse Action information.
86 L. "Encumbered License" means a License in which an
87 Adverse Action restricts a Licensee's ability to practice
88 dietetics.
89 M. "Encumbrance" means a revocation or suspension of,
90 or any limitation on a Licensee's full and unrestricted
91 Practice of Dietetics by a Licensing Authority.
92 N. "Executive Committee" means a group of delegates
93 elected or appointed to act on behalf of, and within the
94 powers granted to them by, this Compact, and the Compact
95 Commission.
96 O. "Home State" means the Member State that is the
97 Licensee's primary State of residence or that has been
98 designated pursuant to Section 6.
99 P. "Investigative Information" means information,
100 records, and documents received or generated by a Licensing
101 Authority pursuant to an investigation.

102 Q. "Jurisprudence Requirement" means an assessment of
103 an individual's knowledge of the State laws and regulations
104 governing the Practice of Dietetics in such State.

105 R. "License" means an authorization from a Member
106 State to either:

107 1. Engage in the Practice of Dietetics (including
108 medical nutrition therapy); or

109 2. Use the title "dietitian," "licensed dietitian,"
110 "licensed dietitian nutritionist," "certified dietitian," or
111 other title describing a substantially similar practitioner
112 as the Compact Commission may further define by Rule.

113 S. "Licensee" or "Licensed Dietitian" means an
114 individual who currently holds a License and who meets all
115 of the requirements outlined in Section 4.

116 T. "Licensing Authority" means the board or agency of
117 a State, or equivalent, that is responsible for the
118 licensing and regulation of the Practice of Dietetics.

119 U. "Member State" means a State that has enacted the
120 Compact.

121 V. "Practice of Dietetics" means the synthesis and
122 application of dietetics as defined by state law and
123 regulations, primarily for the provision of nutrition care
124 services, including medical nutrition therapy, in person or
125 via telehealth, to prevent, manage, or treat diseases or
126 medical conditions and promote wellness.

127 W. "Registered Dietitian" means a person who:

128 1. Has completed applicable education, experience,
129 examination, and recertification requirements approved by
130 CDR;

131 2. Is credentialed by CDR as a registered dietitian or
132 a registered dietitian nutritionist; and

133 3. Is legally authorized to use the title registered
134 dietitian or registered dietitian nutritionist and the
135 corresponding abbreviations "RD" or "RDN."

136 X. "Remote State" means a Member State other than the
137 Home State, where a Licensee is exercising or seeking to
138 exercise a Compact Privilege.

139 Y. "Rule" means a regulation promulgated by the
140 Compact Commission that has the force of law.

141 Z. "Single State License" means a License issued by a
142 Member State within the issuing State and does not include a
143 Compact Privilege in any other Member State.

144 AA. "State" means any state, commonwealth, district,
145 or territory of the United States of America.

146 BB. "Unencumbered License" means a License that
147 authorizes a Licensee to engage in the full and unrestricted
148 Practice of Dietetics.

149 SECTION 3. STATE PARTICIPATION IN THE COMPACT

150 A. To participate in the Compact, a State must
151 currently:

- 152 1. License and regulate the Practice of Dietetics; and
- 153 2. Have a mechanism in place for receiving and
154 investigating complaints about Licensees.

155 B. A Member State shall:

- 156 1. Participate fully in the Compact Commission's Data
157 System, including using the unique identifier as defined in
158 Rules;

- 159 2. Notify the Compact Commission, in compliance with
160 the terms of the Compact and Rules, of any Adverse Action or
161 the availability of Current Significant Investigative
162 Information regarding a Licensee;

- 163 3. Implement or utilize procedures for considering the
164 criminal history record information of applicants for an
165 initial Compact Privilege. These procedures shall include

166 the submission of fingerprints or other biometric-based
167 information by applicants for the purpose of obtaining an
168 applicant's criminal history record information from the
169 Federal Bureau of Investigation and the agency responsible
170 for retaining that State's criminal records;

171 a. A Member State must fully implement a criminal
172 history record information requirement, within a time frame
173 established by Rule, which includes receiving the results of
174 the Federal Bureau of Investigation record search and shall
175 use those results in determining Compact Privilege
176 eligibility.

177 b. Communication between a Member State and the
178 Compact Commission or among Member States regarding the
179 verification of eligibility for a Compact Privilege shall
180 not include any information received from the Federal Bureau
181 of Investigation relating to a federal criminal history
182 record information check performed by a Member State.

183 4. Comply with and enforce the Rules of the Compact
184 Commission;

185 5. Require an applicant for a Compact Privilege to
186 obtain or retain a License in the Licensee's Home State and
187 meet the Home State's qualifications for licensure or
188 renewal of licensure, as well as all other applicable State
189 laws; and

190 6. Recognize a Compact Privilege granted to a Licensee
191 who meets all of the requirements outlined in Section 4 in
192 accordance with the terms of the Compact and Rules.

193 C. Member States may set and collect a fee for
194 granting a Compact Privilege.

195 D. Individuals not residing in a Member State shall
196 continue to be able to apply for a Member State's Single
197 State License as provided under the laws of each Member
198 State. However, the Single State License granted to these

199 individuals shall not be recognized as granting a Compact
200 Privilege to engage in the Practice of Dietetics in any
201 other Member State.

202 E. Nothing in this Compact shall affect the
203 requirements established by a Member State for the issuance
204 of a Single State License.

205 F. At no point shall the Compact Commission have the
206 power to define the requirements for the issuance of a
207 Single State License to practice dietetics. The Member
208 States shall retain sole jurisdiction over the provision of
209 these requirements.

210 SECTION 4. COMPACT PRIVILEGE

211 A. To exercise the Compact Privilege under the terms
212 and provisions of the Compact, the Licensee shall:

213 1. Satisfy one of the following:

214 a. Hold a valid current registration that gives the
215 applicant the right to use the term Registered Dietitian; or

216 b. Complete all of the following:

217 i. An education program which is either:

218 (a) A master's degree or doctoral degree that is
219 programmatically accredited by (i) ACEND; or (ii) a
220 dietetics accrediting agency recognized by the United States
221 Department of Education, which the Compact Commission may by
222 Rule determine, and from a college or university accredited
223 at the time of graduation by the appropriate regional
224 accrediting agency recognized by the Council on Higher
225 Education Accreditation and the United States Department of
226 Education;

227 (b) An academic degree from a college or university in
228 a foreign country equivalent to the degree described in
229 subparagraph (a) that is programmatically accredited by (i)
230 ACEND; or (ii) a dietetics accrediting agency recognized by

231 the United States Department of Education, which the Compact
232 Commission may by Rule determine;

233 ii. A planned, documented, supervised practice
234 experience in dietetics that is programmatically accredited
235 by (i) ACEND; or (ii) a dietetics accrediting agency
236 recognized by the United States Department of Education
237 which the Compact Commission may by Rule determine and which
238 involves at least 1000 hours of practice experience under
239 the supervision of a Registered Dietitian or a Licensed
240 Dietitian; and

241 iii. Successful completion of either: (i) the
242 Registration Examination for Dietitians administered by CDR;
243 or (ii) a national credentialing examination for dietitians
244 approved by the Compact Commission by Rule; such completion
245 being no more than five years prior to the date of the
246 Licensee's application for initial licensure and accompanied
247 by a period of continuous licensure thereafter, all of which
248 may be further governed by the Rules of the Compact
249 Commission;

250 2. Hold an Unencumbered License in the Home State;

251 3. Notify the Compact Commission that the Licensee is
252 seeking a Compact Privilege within a Remote State(s);

253 4. Pay any applicable fees, including any State fee,
254 for the Compact Privilege;

255 5. Meet any Jurisprudence Requirements established by
256 the Remote State(s) in which the Licensee is seeking a
257 Compact Privilege; and

258 6. Report to the Compact Commission any Adverse
259 Action, Encumbrance, or restriction on a License taken by
260 any non-Member State within 30 days from the date the action
261 is taken.

262 B. The Compact Privilege is valid until the expiration
263 date of the Home State License. To maintain a Compact

264 Privilege, renewal of the Compact Privilege shall be
265 congruent with the renewal of the Home State License as the
266 Compact Commission may define by Rule. The Licensee must
267 comply with the requirements of Section 4(A) to maintain the
268 Compact Privilege in the Remote State(s).

269 C. A Licensee exercising a Compact Privilege shall
270 adhere to the laws and regulations of the Remote State.
271 Licensees shall be responsible for educating themselves on,
272 and complying with, any and all State laws relating to the
273 Practice of Dietetics in such Remote State.

274 D. Notwithstanding anything to the contrary provided
275 in this Compact or State law, a Licensee exercising a
276 Compact Privilege shall not be required to complete
277 Continuing Education Requirements required by a Remote
278 State. A Licensee exercising a Compact Privilege is only
279 required to meet any Continuing Education Requirements as
280 required by the Home State.

281 SECTION 5. OBTAINING A NEW HOME STATE LICENSE BASED ON A
282 COMPACT PRIVILEGE

283 A. A Licensee may hold a Home State License, which
284 allows for a Compact Privilege in other Member States, in
285 only one Member State at a time.

286 B. If a Licensee changes Home State by moving between
287 two Member States:

288 1. The Licensee shall file an application for
289 obtaining a new Home State License based on a Compact
290 Privilege, pay all applicable fees, and notify the current
291 and new Home State in accordance with the Rules of the
292 Compact Commission.

293 2. Upon receipt of an application for obtaining a new
294 Home State License by virtue of a Compact Privilege, the new
295 Home State shall verify that the Licensee meets the criteria

296 in Section 4 via the Data System, and require that the
297 Licensee complete the following:

298 a. Federal Bureau of Investigation fingerprint based
299 criminal history record information check;

300 b. Any other criminal history record information
301 required by the new Home State; and

302 c. Any Jurisprudence Requirements of the new Home
303 State.

304 3. The former Home State shall convert the former Home
305 State License into a Compact Privilege once the new Home
306 State has activated the new Home State License in accordance
307 with applicable Rules adopted by the Compact Commission.

308 4. Notwithstanding any other provision of this
309 Compact, if the Licensee cannot meet the criteria in Section
310 4, the new Home State may apply its requirements for issuing
311 a new Single State License.

312 5. The Licensee shall pay all applicable fees to the
313 new Home State in order to be issued a new Home State
314 License.

315 C. If a Licensee changes their State of residence by
316 moving from a Member State to a non-Member State, or from a
317 non-Member State to a Member State, the State criteria shall
318 apply for issuance of a Single State License in the new
319 State.

320 D. Nothing in this Compact shall interfere with a
321 Licensee's ability to hold a Single State License in
322 multiple States; however, for the purposes of this Compact,
323 a Licensee shall have only one Home State License.

324 E. Nothing in this Compact shall affect the
325 requirements established by a Member State for the issuance
326 of a Single State License.

327 SECTION 6. ACTIVE MILITARY MEMBERS OR THEIR SPOUSES

328 An Active Military Member, or their spouse, shall
329 designate a Home State where the individual has a current
330 License in good standing. The individual may retain the
331 Home State designation during the period the service member
332 is on active duty.

333 SECTION 7. ADVERSE ACTIONS

334 A. In addition to the other powers conferred by State
335 law, a Remote State shall have the authority, in accordance
336 with existing State due process law, to:

337 1. Take Adverse Action against a Licensee's Compact
338 Privilege within that Member State; and

339 2. Issue subpoenas for both hearings and
340 investigations that require the attendance and testimony of
341 witnesses as well as the production of evidence. Subpoenas
342 issued by a Licensing Authority in a Member State for the
343 attendance and testimony of witnesses or the production of
344 evidence from another Member State shall be enforced in the
345 latter State by any court of competent jurisdiction,
346 according to the practice and procedure applicable to
347 subpoenas issued in proceedings pending before that court.
348 The issuing authority shall pay any witness fees, travel
349 expenses, mileage, and other fees required by the service
350 statutes of the State in which the witnesses or evidence are
351 located.

352 B. Only the Home State shall have the power to take
353 Adverse Action against a Licensee's Home State License.

354 C. For purposes of taking Adverse Action, the Home
355 State shall give the same priority and effect to reported
356 conduct received from a Member State as it would if the
357 conduct had occurred within the Home State. In so doing,
358 the Home State shall apply its own State laws to determine
359 appropriate action.

360 D. The Home State shall complete any pending
361 investigations of a Licensee who changes Home States during
362 the course of the investigations. The Home State shall also
363 have authority to take appropriate action(s) and shall
364 promptly report the conclusions of the investigations to the
365 administrator of the Data System. The administrator of the
366 Data System shall promptly notify the new Home State of any
367 Adverse Actions.

368 E. A Member State, if otherwise permitted by State
369 law, may recover from the affected Licensee the costs of
370 investigations and dispositions of cases resulting from any
371 Adverse Action taken against that Licensee.

372 F. A Member State may take Adverse Action based on the
373 factual findings of another Remote State, provided that the
374 Member State follows its own procedures for taking the
375 Adverse Action.

376 G. Joint Investigations:

377 1. In addition to the authority granted to a Member
378 State by its respective State law, any Member State may
379 participate with other Member States in joint investigations
380 of Licensees.

381 2. Member States shall share any investigative,
382 litigation, or compliance materials in furtherance of any
383 joint investigation initiated under the Compact.

384 H. If Adverse Action is taken by the Home State
385 against a Licensee's Home State License resulting in an
386 Encumbrance on the Home State License, the Licensee's
387 Compact Privilege(s) in all other Member States shall be
388 revoked until all Encumbrances have been removed from the
389 Home State License. All Home State disciplinary orders that
390 impose Adverse Action against a Licensee shall include a
391 statement that the Licensee's Compact Privileges are revoked
392 in all Member States during the pendency of the order.

393 I. Once an Encumbered License in the Home State is
394 restored to an Unencumbered License (as certified by the
395 Home State's Licensing Authority), the Licensee must meet
396 the requirements of Section 4(A) and follow the
397 administrative requirements to reapply to obtain a Compact
398 Privilege in any Remote State.

399 J. If a Member State takes Adverse Action, it shall
400 promptly notify the administrator of the Data System. The
401 administrator of the Data System shall promptly notify the
402 other Member States of any Adverse Actions.

403 K. Nothing in this Compact shall override a Member
404 State's decision that participation in an Alternative
405 Program may be used in lieu of Adverse Action.

406 SECTION 8. ESTABLISHMENT OF THE DIETITIAN LICENSURE COMPACT
407 COMMISSION

408 A. The Compact Member States hereby create and
409 establish a joint government agency whose membership
410 consists of all Member States that have enacted the Compact
411 known as the Dietitian Licensure Compact Commission. The
412 Compact Commission is an instrumentality of the Compact
413 States acting jointly and not an instrumentality of any one
414 State. The Compact Commission shall come into existence on
415 or after the effective date of the Compact as set forth in
416 Section 12.

417 B. Membership, Voting, and Meetings

418 1. Each Member State shall have and be limited to one
419 (1) delegate selected by that Member State's Licensing
420 Authority.

421 2. The delegate shall be the primary administrator of
422 the Licensing Authority or their designee.

423 3. The Compact Commission shall by Rule or bylaw
424 establish a term of office for delegates and may by Rule or
425 bylaw establish term limits.

426 4. The Compact Commission may recommend removal or
427 suspension of any delegate from office.

428 5. A Member State's Licensing Authority shall fill any
429 vacancy of its delegate occurring on the Compact Commission
430 within 60 days of the vacancy.

431 6. Each delegate shall be entitled to one vote on all
432 matters before the Compact Commission requiring a vote by
433 the delegates.

434 7. Delegates shall meet and vote by such means as set
435 forth in the bylaws. The bylaws may provide for delegates
436 to meet and vote in-person or by telecommunication, video
437 conference, or other means of communication.

438 8. The Compact Commission shall meet at least once
439 during each calendar year. Additional meetings may be held
440 as set forth in the bylaws. The Compact Commission may meet
441 in person or by telecommunication, video conference, or
442 other means of communication.

443 C. The Compact Commission shall have the following
444 powers:

445 1. Establish the fiscal year of the Compact Commission;

446 2. Establish code of conduct and conflict of interest
447 policies;

448 3. Establish and amend Rules and bylaws;

449 4. Maintain its financial records in accordance with
450 the bylaws;

451 5. Meet and take such actions as are consistent with
452 the provisions of this Compact, the Compact Commission's
453 Rules, and the bylaws;

454 6. Initiate and conclude legal proceedings or actions
455 in the name of the Compact Commission, provided that the
456 standing of any Licensing Authority to sue or be sued under
457 applicable law shall not be affected;

- 458 7. Maintain and certify records and information
459 provided to a Member State as the authenticated business
460 records of the Compact Commission, and designate an agent to
461 do so on the Compact Commission's behalf;
- 462 8. Purchase and maintain insurance and bonds;
- 463 9. Borrow, accept, or contract for services of
464 personnel, including, but not limited to, employees of a
465 Member State;
- 466 10. Conduct an annual financial review;
- 467 11. Hire employees, elect or appoint officers, fix
468 compensation, define duties, grant such individuals
469 appropriate authority to carry out the purposes of the
470 Compact, and establish the Compact Commission's personnel
471 policies and programs relating to conflicts of interest,
472 qualifications of personnel, and other related personnel
473 matters;
- 474 12. Assess and collect fees;
- 475 13. Accept any and all appropriate donations, grants
476 of money, other sources of revenue, equipment, supplies,
477 materials, services, and gifts, and receive, utilize, and
478 dispose of the same; provided that at all times the Compact
479 Commission shall avoid any actual or appearance of
480 impropriety or conflict of interest;
- 481 14. Lease, purchase, retain, own, hold, improve, or
482 use any property, real, personal, or mixed, or any undivided
483 interest therein;
- 484 15. Sell, convey, mortgage, pledge, lease, exchange,
485 abandon, or otherwise dispose of any property real,
486 personal, or mixed;
- 487 16. Establish a budget and make expenditures;
- 488 17. Borrow money;
- 489 18. Appoint committees, including standing committees,
490 composed of members, State regulators, State legislators or

491 their representatives, and consumer representatives, and
492 such other interested persons as may be designated in this
493 Compact or the bylaws;

494 19. Provide and receive information from, and
495 cooperate with, law enforcement agencies;

496 20. Establish and elect an Executive Committee,
497 including a chair and a vice chair;

498 21. Determine whether a State's adopted language is
499 materially different from the model compact language such
500 that the State would not qualify for participation in the
501 Compact; and

502 22. Perform such other functions as may be necessary
503 or appropriate to achieve the purposes of this Compact.

504 D. The Executive Committee

505 1. The Executive Committee shall have the power to act
506 on behalf of the Compact Commission according to the terms
507 of this Compact. The powers, duties, and responsibilities
508 of the Executive Committee shall include:

509 a. Oversee the day-to-day activities of the
510 administration of the Compact including enforcement and
511 compliance with the provisions of the Compact, its Rules and
512 bylaws, and other such duties as deemed necessary;

513 b. Recommend to the Compact Commission changes to the
514 Rules or bylaws, changes to this Compact legislation, fees
515 charged to Compact Member States, fees charged to Licensees,
516 and other fees;

517 c. Ensure Compact administration services are
518 appropriately provided, including by contract;

519 d. Prepare and recommend the budget;

520 e. Maintain financial records on behalf of the Compact
521 Commission;

522 f. Monitor Compact compliance of Member States and
523 provide compliance reports to the Compact Commission;

524 g. Establish additional committees as necessary;
525 h. Exercise the powers and duties of the Compact
526 Commission during the interim between Compact Commission
527 meetings, except for adopting or amending Rules, adopting or
528 amending bylaws, and exercising any other powers and duties
529 expressly reserved to the Compact Commission by Rule or
530 bylaw; and
531 i. Other duties as provided in the Rules or bylaws of
532 the Compact Commission.

533 2. The Executive Committee shall be composed of nine
534 members:
535 a. The chair and vice chair of the Compact Commission
536 shall be voting members of the Executive Committee;
537 b. Five voting members from the current membership of
538 the Compact Commission, elected by the Compact Commission;
539 c. One ex-officio, nonvoting member from a recognized
540 professional association representing dietitians; and
541 d. One ex-officio, nonvoting member from a recognized
542 national credentialing organization for dietitians.

543 3. The Compact Commission may remove any member of the
544 Executive Committee as provided in the Compact Commission's
545 bylaws.

546 4. The Executive Committee shall meet at least
547 annually.
548 a. Executive Committee meetings shall be open to the
549 public, except that the Executive Committee may meet in a
550 closed, non-public meeting as provided in subsection (F) (2).
551 b. The Executive Committee shall give 30 days' notice
552 of its meetings, posted on the website of the Compact
553 Commission and as determined to provide notice to persons
554 with an interest in the business of the Compact Commission.
555 c. The Executive Committee may hold a special meeting
556 in accordance with subsection (F) (1) (b).

557 E. The Compact Commission shall adopt and provide to
558 the Member States an annual report.

559 F. Meetings of the Compact Commission

560 1. All meetings shall be open to the public, except
561 that the Compact Commission may meet in a closed, non-public
562 meeting as provided in subsection (F) (2).

563 a. Public notice for all meetings of the full Compact
564 Commission shall be given in the same manner as required
565 under the rulemaking provisions in Section 10, except that
566 the Compact Commission may hold a special meeting as
567 provided in subsection (F) (1) (b).

568 b. The Compact Commission may hold a special meeting
569 when it must meet to conduct emergency business by giving 24
570 hours' notice to all Member States, on the Compact
571 Commission's website, and other means as provided in the
572 Compact Commission's Rules. The Compact Commission's legal
573 counsel shall certify that the Compact Commission's need to
574 meet qualifies as an emergency.

575 2. The Compact Commission or the Executive Committee
576 or other committees of the Compact Commission may convene in
577 a closed, non-public meeting for the Compact Commission or
578 Executive Committee or other committees of the Compact
579 Commission to receive legal advice or to discuss:

580 a. Non-compliance of a Member State with its
581 obligations under the Compact;

582 b. The employment, compensation, discipline, or other
583 matters, practices, or procedures related to specific
584 employees;

585 c. Current or threatened discipline of a Licensee by
586 the Compact Commission or by a Member State's Licensing
587 Authority;

588 d. Current, threatened, or reasonably anticipated
589 litigation;

590 e. Negotiation of contracts for the purchase, lease,
591 or sale of goods, services, or real estate;
592 f. Accusing any person of a crime or formally
593 censuring any person;
594 g. Trade secrets or commercial or financial
595 information that is privileged or confidential;
596 h. Information of a personal nature where disclosure
597 would constitute a clearly unwarranted invasion of personal
598 privacy;
599 i. Investigative records compiled for law enforcement
600 purposes;
601 j. Information related to any investigative reports
602 prepared by or on behalf of or for use of the Compact
603 Commission or other committee charged with responsibility of
604 investigation or determination of compliance issues pursuant
605 to the Compact;
606 k. Matters specifically exempted from disclosure by
607 federal or Member State law; or
608 1. Other matters as specified in the Rules of the
609 Compact Commission.
610 3. If a meeting, or portion of a meeting, is closed,
611 the presiding officer shall state that the meeting will be
612 closed and reference each relevant exempting provision, and
613 such reference shall be recorded in the minutes.
614 4. The Compact Commission shall keep minutes that
615 fully and clearly describe all matters discussed in a
616 meeting and shall provide a full and accurate summary of
617 actions taken, and the reasons therefore, including a
618 description of the views expressed. All documents
619 considered in connection with an action shall be identified
620 in such minutes. All minutes and documents of a closed
621 meeting shall remain under seal, subject to release only by

622 a majority vote of the Compact Commission or order of a
623 court of competent jurisdiction.

624 G. Financing of the Compact Commission

625 1. The Compact Commission shall pay, or provide for
626 the payment of, the reasonable expenses of its
627 establishment, organization, and ongoing activities.

628 2. The Compact Commission may accept any and all
629 appropriate revenue sources as provided in subsection
630 (C) (13).

631 3. The Compact Commission may levy on and collect an
632 annual assessment from each Member State and impose fees on
633 Licenses of Member States to whom it grants a Compact
634 Privilege to cover the cost of the operations and activities
635 of the Compact Commission and its staff, which must, in a
636 total amount, be sufficient to cover its annual budget as
637 approved each year for which revenue is not provided by
638 other sources. The aggregate annual assessment amount for
639 Member States shall be allocated based upon a formula that
640 the Compact Commission shall promulgate by Rule.

641 4. The Compact Commission shall not incur obligations
642 of any kind prior to securing the funds adequate to meet the
643 same; nor shall the Compact Commission pledge the credit of
644 any of the Member States, except by and with the authority
645 of the Member State.

646 5. The Compact Commission shall keep accurate accounts
647 of all receipts and disbursements. The receipts and
648 disbursements of the Compact Commission shall be subject to
649 the financial review and accounting procedures established
650 under its bylaws. However, all receipts and disbursements
651 of funds handled by the Compact Commission shall be subject
652 to an annual financial review by a certified or licensed
653 public accountant, and the report of the financial review

654 shall be included in and become part of the annual report of
655 the Compact Commission.

656 H. Qualified Immunity, Defense, and Indemnification

657 1. The members, officers, executive director,
658 employees and representatives of the Compact Commission
659 shall be immune from suit and liability, both personally and
660 in their official capacity, for any claim for damage to or
661 loss of property or personal injury or other civil liability
662 caused by or arising out of any actual or alleged act,
663 error, or omission that occurred, or that the person against
664 whom the claim is made had a reasonable basis for believing
665 occurred within the scope of Compact Commission employment,
666 duties, or responsibilities; provided that nothing in this
667 paragraph shall be construed to protect any such person from
668 suit or liability for any damage, loss, injury, or liability
669 caused by the intentional or willful or wanton misconduct of
670 that person. The procurement of insurance of any type by
671 the Compact Commission shall not in any way compromise or
672 limit the immunity granted hereunder.

673 2. The Compact Commission shall defend any member,
674 officer, executive director, employee, and representative of
675 the Compact Commission in any civil action seeking to impose
676 liability arising out of any actual or alleged act, error,
677 or omission that occurred within the scope of Compact
678 Commission employment, duties, or responsibilities, or as
679 determined by the Compact Commission that the person against
680 whom the claim is made had a reasonable basis for believing
681 occurred within the scope of Compact Commission employment,
682 duties, or responsibilities; provided that nothing herein
683 shall be construed to prohibit that person from retaining
684 their own counsel at their own expense; and provided
685 further, that the actual or alleged act, error, or omission

686 did not result from that person's intentional or willful or
687 wanton misconduct.

688 3. The Compact Commission shall indemnify and hold
689 harmless any member, officer, executive director, employee,
690 and representative of the Compact Commission for the amount
691 of any settlement or judgment obtained against that person
692 arising out of any actual or alleged act, error, or omission
693 that occurred within the scope of Compact Commission
694 employment, duties, or responsibilities, or that such person
695 had a reasonable basis for believing occurred within the
696 scope of Compact Commission employment, duties, or
697 responsibilities, provided that the actual or alleged act,
698 error, or omission did not result from the intentional or
699 willful or wanton misconduct of that person.

700 4. Nothing herein shall be construed as a limitation
701 on the liability of any Licensee for professional
702 malpractice or misconduct, which shall be governed solely by
703 any other applicable State laws.

704 5. Nothing in this Compact shall be interpreted to
705 waive or otherwise abrogate a Member State's state action
706 immunity or state action affirmative defense with respect to
707 antitrust claims under the Sherman Act, Clayton Act, or any
708 other State or federal antitrust or anticompetitive law or
709 regulation.

710 6. Nothing in this Compact shall be construed to be a
711 waiver of sovereign immunity by the Member States or by the
712 Compact Commission.

713 SECTION 9. DATA SYSTEM

714 A. The Compact Commission shall provide for the
715 development, maintenance, operation, and utilization of a
716 coordinated Data System.

717 B. The Compact Commission shall assign each applicant
718 for a Compact Privilege a unique identifier, as determined
719 by the Rules.

720 C. Notwithstanding any other provision of State law to
721 the contrary, a Member State shall submit a uniform data set
722 to the Data System on all individuals to whom this Compact
723 is applicable as required by the Rules of the Compact
724 Commission, including:

725 1. Identifying information;

726 2. Licensure data;

727 3. Adverse Actions against a License or Compact
728 Privilege and information related thereto;

729 4. Non-confidential information related to Alternative
730 Program participation, the beginning and ending dates of
731 such participation, and other information related to such
732 participation not made confidential under Member State law;

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

735 6. The presence of Current Significant Investigative
736 Information; and

737 7. Other information that may facilitate the
738 administration of this Compact or the protection of the
739 public, as determined by the Rules of the Compact Commission.

740 D. The records and information provided to a Member
741 State pursuant to this Compact or through the Data System,
742 when certified by the Compact Commission or an agent
743 thereof, shall constitute the authenticated business records
744 of the Compact Commission, and shall be entitled to any
745 associated hearsay exception in any relevant judicial, quasi-
746 judicial, or administrative proceedings in a Member State.

747 E. Current Significant Investigative Information
748 pertaining to a Licensee in any Member State will only be
749 available to other Member States.

750 F. It is the responsibility of the Member States to
751 report any Adverse Action against a Licensee and to monitor
752 the Data System to determine whether any Adverse Action has
753 been taken against a Licensee. Adverse Action information
754 pertaining to a Licensee in any Member State will be
755 available to any other Member State.

756 G. Member States contributing information to the Data
757 System may designate information that may not be shared with
758 the public without the express permission of the
759 contributing State.

760 H. Any information submitted to the Data System that
761 is subsequently expunged pursuant to federal law or the laws
762 of the Member State contributing the information shall be
763 removed from the Data System.

764 SECTION 10. RULEMAKING

765 A. The Compact Commission shall promulgate reasonable
766 Rules in order to effectively and efficiently implement and
767 administer the purposes and provisions of the Compact. A
768 Rule shall be invalid and have no force or effect only if a
769 court of competent jurisdiction holds that the Rule is
770 invalid because the Compact Commission exercised its
771 rulemaking authority in a manner that is beyond the scope
772 and purposes of the Compact, or the powers granted
773 hereunder, or based upon another applicable standard of
774 review.

775 B. The Rules of the Compact Commission shall have the
776 force of law in each Member State, provided however that
777 where the Rules conflict with the laws or regulations of a
778 Member State that relate to the procedures, actions, and
779 processes a Licensed Dietitian is permitted to undertake in
780 that State and the circumstances under which they may do so,
781 as held by a court of competent jurisdiction, the Rules of

782 the Compact Commission shall be ineffective in that State to
783 the extent of the conflict.

784 C. The Compact Commission shall exercise its
785 rulemaking powers pursuant to the criteria set forth in this
786 Section and the Rules adopted thereunder. Rules shall
787 become binding on the day following adoption or as of the
788 date specified in the Rule or amendment, whichever is later.

789 D. If a majority of the legislatures of the Member
790 States rejects a Rule or portion of a Rule, by enactment of
791 a statute or resolution in the same manner used to adopt the
792 Compact within four (4) years of the date of adoption of the
793 Rule, then such Rule shall have no further force and effect
794 in any Member State.

795 E. Rules shall be adopted at a regular or special
796 meeting of the Compact Commission.

797 F. Prior to adoption of a proposed Rule, the Compact
798 Commission shall hold a public hearing and allow persons to
799 provide oral and written comments, data, facts, opinions,
800 and arguments.

801 G. Prior to adoption of a proposed Rule by the Compact
802 Commission, and at least thirty (30) days in advance of the
803 meeting at which the Compact Commission will hold a public
804 hearing on the proposed Rule, the Compact Commission shall
805 provide a Notice of Proposed rulemaking:

806 1. On the website of the Compact Commission or other
807 publicly accessible platform;

808 2. To persons who have requested notice of the Compact
809 Commission's notices of proposed rulemaking; and

810 3. In such other way(s) as the Compact Commission may
811 by Rule specify.

812 H. The Notice of Proposed rulemaking shall include:

813 1. The time, date, and location of the public hearing
814 at which the Compact Commission will hear public comments on

815 the proposed Rule and, if different, the time, date, and
816 location of the meeting where the Compact Commission will
817 consider and vote on the proposed Rule;

818 2. If the hearing is held via telecommunication, video
819 conference, or other means of communication, the Compact
820 Commission shall include the mechanism for access to the
821 hearing in the Notice of Proposed rulemaking;

822 3. The text of the proposed Rule and the reason
823 therefore;

824 4. A request for comments on the proposed Rule from
825 any interested person; and

826 5. The manner in which interested persons may submit
827 written comments.

828 I. All hearings will be recorded. A copy of the
829 recording and all written comments and documents received by
830 the Compact Commission in response to the proposed Rule
831 shall be available to the public.

832 J. Nothing in this Section shall be construed as
833 requiring a separate hearing on each Rule. Rules may be
834 grouped for the convenience of the Compact Commission at
835 hearings required by this Section.

836 K. The Compact Commission shall, by majority vote of
837 all members, take final action on the proposed Rule based on
838 the rulemaking record and the full text of the Rule.

839 1. The Compact Commission may adopt changes to the
840 proposed Rule provided the changes do not enlarge the
841 original purpose of the proposed Rule.

842 2. The Compact Commission shall provide an explanation
843 of the reasons for substantive changes made to the proposed
844 Rule as well as reasons for substantive changes not made
845 that were recommended by commenters.

846 3. The Compact Commission shall determine a reasonable
847 effective date for the Rule. Except for an emergency as

848 provided in Section 10(L), the effective date of the Rule
849 shall be no sooner than 30 days after issuing the notice
850 that it adopted or amended the Rule.

851 L. Upon determination that an emergency exists, the
852 Compact Commission may consider and adopt an emergency Rule
853 with 24 hours' notice, with opportunity to comment, provided
854 that the usual rulemaking procedures provided in the Compact
855 and in this Section shall be retroactively applied to the
856 Rule as soon as reasonably possible, in no event later than
857 ninety (90) days after the effective date of the Rule. For
858 the purposes of this provision, an emergency Rule is one
859 that must be adopted immediately in order to:

860 1. Meet an imminent threat to public health, safety,
861 or welfare;

862 2. Prevent a loss of Compact Commission or Member
863 State funds;

864 3. Meet a deadline for the promulgation of a Rule that
865 is established by federal law or rule; or

866 4. Protect public health and safety.

867 M. The Compact Commission or an authorized committee
868 of the Compact Commission may direct revision to a
869 previously adopted Rule for purposes of correcting
870 typographical errors, errors in format, errors in
871 consistency, or grammatical errors. Public notice of any
872 revision shall be posted on the website of the Compact
873 Commission. The revision shall be subject to challenge by
874 any person for a period of thirty (30) days after posting.
875 The revision may be challenged only on grounds that the
876 revision results in a material change to a Rule. A
877 challenge shall be made in writing and delivered to the
878 Compact Commission prior to the end of the notice period.
879 If no challenge is made, the revision will take effect
880 without further action. If the revision is challenged, the

881 revision may not take effect without the approval of the
882 Compact Commission.

883 N. No Member State's rulemaking requirements shall
884 apply under this Compact.

885 SECTION 11. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

886 A. Oversight

887 1. The executive and judicial branches of State
888 government in each Member State shall enforce this Compact
889 and take all actions necessary and appropriate to implement
890 this Compact.

891 2. Except as otherwise provided in this Compact, venue
892 is proper and judicial proceedings by or against the Compact
893 Commission shall be brought solely and exclusively in a
894 court of competent jurisdiction where the principal office
895 of the Compact Commission is located. The Compact
896 Commission may waive venue and jurisdictional defenses to
897 the extent it adopts or consents to participate in
898 alternative dispute resolution proceedings. Nothing herein
899 shall affect or limit the selection or propriety of venue in
900 any action against a Licensee for professional malpractice,
901 misconduct, or any such similar matter.

902 3. The Compact Commission shall be entitled to receive
903 service of process in any proceeding regarding the
904 enforcement or interpretation of the Compact and shall have
905 standing to intervene in such a proceeding for all
906 purposes. Failure to provide the Compact Commission service
907 of process shall render a judgment or order void as to the
908 Compact Commission, this Compact, or promulgated Rules.

909 B. Default, Technical Assistance, and Termination

910 1. If the Compact Commission determines that a Member
911 State has defaulted in the performance of its obligations or
912 responsibilities under this Compact or the promulgated
913 Rules, the Compact Commission shall provide written notice

914 to the defaulting State. The notice of default shall
915 describe the default, the proposed means of curing the
916 default, and any other action that the Compact Commission
917 may take and shall offer training and specific technical
918 assistance regarding the default.

919 2. The Compact Commission shall provide a copy of the
920 notice of default to the other Member States.

921 C. If a State in default fails to cure the default,
922 the defaulting State may be terminated from the Compact upon
923 an affirmative vote of a majority of the delegates of the
924 Member States, and all rights, privileges, and benefits
925 conferred on that State by this Compact may be terminated on
926 the effective date of termination. A cure of the default
927 does not relieve the offending State of obligations or
928 liabilities incurred during the period of default.

929 D. Termination of membership in the Compact shall be
930 imposed only after all other means of securing compliance
931 have been exhausted. Notice of intent to suspend or
932 terminate shall be given by the Compact Commission to the
933 governor, the majority and minority leaders of the
934 defaulting State's legislature, the defaulting State's
935 Licensing Authority, and each of the Member States'
936 Licensing Authority.

937 E. A State that has been terminated is responsible for
938 all assessments, obligations, and liabilities incurred
939 through the effective date of termination, including
940 obligations that extend beyond the effective date of
941 termination.

942 F. Upon the termination of a State's membership from
943 this Compact, that State shall immediately provide notice to
944 all Licensees within that State of such termination. The
945 terminated State shall continue to recognize all Compact

946 Privileges granted pursuant to this Compact for a minimum of
947 six months after the date of said notice of termination.

948 G. The Compact Commission shall not bear any costs
949 related to a State that is found to be in default or that
950 has been terminated from the Compact, unless agreed upon in
951 writing between the Compact Commission and the defaulting
952 State.

953 H. The defaulting State may appeal the action of the
954 Compact Commission by petitioning the United States District
955 Court for the District of Columbia or the federal district
956 where the Compact Commission has its principal offices. The
957 prevailing party shall be awarded all costs of such
958 litigation, including reasonable attorney's fees.

959 I. Dispute Resolution

960 1. Upon request by a Member State, the Compact
961 Commission shall attempt to resolve disputes related to the
962 Compact that arise among Member States and between Member
963 and non-Member States.

964 2. The Compact Commission shall promulgate a Rule
965 providing for both mediation and binding dispute resolution
966 for disputes as appropriate.

967 J. Enforcement

968 1. By supermajority vote, the Compact Commission may
969 initiate legal action against a Member State in default in
970 the United States District Court for the District of
971 Columbia or the federal district where the Compact
972 Commission has its principal offices to enforce compliance
973 with the provisions of the Compact and its promulgated
974 Rules. The relief sought may include both injunctive relief
975 and damages. In the event judicial enforcement is
976 necessary, the prevailing party shall be awarded all costs
977 of such litigation, including reasonable attorney's fees.
978 The remedies herein shall not be the exclusive remedies of

979 the Compact Commission. The Compact Commission may pursue
980 any other remedies available under federal or the defaulting
981 Member State's law.

982 2. A Member State may initiate legal action against
983 the Compact Commission in the United States District Court
984 for the District of Columbia or the federal district where
985 the Compact Commission has its principal offices to enforce
986 compliance with the provisions of the Compact and its
987 promulgated Rules. The relief sought may include both
988 injunctive relief and damages. In the event judicial
989 enforcement is necessary, the prevailing party shall be
990 awarded all costs of such litigation, including reasonable
991 attorney's fees.

992 3. No party other than a Member State shall enforce
993 this Compact against the Compact Commission.

994 SECTION 12. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

995 A. The Compact shall come into effect on the date on
996 which the Compact statute is enacted into law in the seventh
997 Member State.

998 1. On or after the effective date of the Compact, the
999 Compact Commission shall convene and review the enactment of
1000 each of the first seven Member States ("Charter Member
1001 States") to determine if the statute enacted by each such
1002 Charter Member State is materially different than the model
1003 Compact statute.

1004 a. A Charter Member State whose enactment is found to
1005 be materially different from the model Compact statute shall
1006 be entitled to the default process set forth in Section 11.

1007 b. If any Member State is later found to be in
1008 default, or is terminated, or withdraws from the Compact,
1009 the Compact Commission shall remain in existence and the
1010 Compact shall remain in effect even if the number of Member
1011 States should be less than seven.

1012 2. Member States enacting the Compact subsequent to
1013 the seven initial Charter Member States shall be subject to
1014 the process set forth in Section 8(C) (21) to determine if
1015 their enactments are materially different from the model
1016 Compact statute and whether they qualify for participation
1017 in the Compact.

1018 3. All actions taken for the benefit of the Compact
1019 Commission or in furtherance of the purposes of the
1020 administration of the Compact prior to the effective date of
1021 the Compact or the Compact Commission coming into existence
1022 shall be considered to be actions of the Compact Commission
1023 unless specifically repudiated by the Compact Commission.

1024 4. Any State that joins the Compact subsequent to the
1025 Compact Commission's initial adoption of the Rules and
1026 bylaws shall be subject to the Rules and bylaws as they
1027 exist on the date on which the Compact becomes law in that
1028 State. Any Rule that has been previously adopted by the
1029 Compact Commission shall have the full force and effect of
1030 law on the day the Compact becomes law in that State.

1031 B. Any Member State may withdraw from this Compact by
1032 enacting a statute repealing the same.

1033 1. A Member State's withdrawal shall not take effect
1034 until 180 days after enactment of the repealing statute.

1035 2. Withdrawal shall not affect the continuing
1036 requirement of the withdrawing State's Licensing Authority
1037 to comply with the investigative and Adverse Action
1038 reporting requirements of this Compact prior to the
1039 effective date of withdrawal.

1040 3. Upon the enactment of a statute withdrawing from
1041 this Compact, a State shall immediately provide notice of
1042 such withdrawal to all Licensees within that State.
1043 Notwithstanding any subsequent statutory enactment to the
1044 contrary, such withdrawing State shall continue to recognize

1045 all Compact Privileges granted pursuant to this Compact for
1046 a minimum of 180 days after the date of such notice of
1047 withdrawal.

1048 C. Nothing contained in this Compact shall be
1049 construed to invalidate or prevent any licensure agreement
1050 or other cooperative arrangement between a Member State and
1051 a non-Member State that does not conflict with the
1052 provisions of this Compact.

1053 D. This Compact may be amended by the Member States.
1054 No amendment to this Compact shall become effective and
1055 binding upon any Member State until it is enacted into the
1056 laws of all Member States.

1057 SECTION 13. CONSTRUCTION AND SEVERABILITY

1058 A. This Compact and the Compact Commission's
1059 rulemaking authority shall be liberally construed so as to
1060 effectuate the purposes and the implementation and
1061 administration of the Compact. Provisions of the Compact
1062 expressly authorizing or requiring the promulgation of Rules
1063 shall not be construed to limit the Compact Commission's
1064 rulemaking authority solely for those purposes.

1065 B. The provisions of this Compact shall be severable
1066 and if any phrase, clause, sentence, or provision of this
1067 Compact is held by a court of competent jurisdiction to be
1068 contrary to the constitution of any Member State, a State
1069 seeking participation in the Compact, or of the United
1070 States, or the applicability thereof to any government,
1071 agency, person, or circumstance is held to be
1072 unconstitutional by a court of competent jurisdiction, the
1073 validity of the remainder of this Compact and the
1074 applicability thereof to any other government, agency,
1075 person, or circumstance shall not be affected thereby.

1076 C. Notwithstanding Section 13(B), the Compact
1077 Commission may deny a State's participation in the Compact

1078 or, in accordance with the requirements of Section 11(B),
1079 terminate a Member State's participation in the Compact, if
1080 it determines that a constitutional requirement of a Member
1081 State is a material departure from the Compact. Otherwise,
1082 if this Compact shall be held to be contrary to the
1083 constitution of any Member State, the Compact shall remain
1084 in full force and effect as to the remaining Member States
1085 and in full force and effect as to the Member State affected
1086 as to all severable matters.

1087 SECTION 14. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE
1088 LAWS

1089 A. Nothing herein shall prevent or inhibit the
1090 enforcement of any other law of a Member State that is not
1091 inconsistent with the Compact.

1092 B. Any laws, statutes, regulations, or other legal
1093 requirements in a Member State in conflict with the Compact
1094 are superseded to the extent of the conflict.

1095 C. All permissible agreements between the Compact
1096 Commission and the Member States are binding in accordance
1097 with their terms.

332.700. SECTION 1. TITLE AND PURPOSE

2 This statute shall be known and cited as the Dentist
3 and Dental Hygienist Compact. The purposes of this Compact
4 are to facilitate the interstate practice of dentistry and
5 dental hygiene and improve public access to dentistry and
6 dental hygiene services by providing Dentists and Dental
7 Hygienists licensed in a Participating State the ability to
8 practice in Participating States in which they are not
9 licensed. The Compact does this by establishing a pathway
10 for Dentists and Dental Hygienists licensed in a
11 Participating State to obtain a Compact Privilege that
12 authorizes them to practice in another Participating State
13 in which they are not licensed. The Compact enables

14 Participating States to protect the public health and safety
15 with respect to the practice of such Dentists and Dental
16 Hygienists, through the State's authority to regulate the
17 practice of dentistry and dental hygiene in the State. The
18 Compact:

19 A. Enables Dentists and Dental Hygienists who qualify
20 for a Compact Privilege to practice in other Participating
21 States without satisfying burdensome and duplicative
22 requirements associated with securing a License to practice
23 in those States;

24 B. Promotes mobility and addresses workforce shortages
25 through each Participating State's acceptance of a Compact
26 Privilege to practice in that State;

27 C. Increases public access to qualified, licensed
28 Dentists and Dental Hygienists by creating a responsible,
29 streamlined pathway for Licensees to practice in
30 Participating States;

31 D. Enhances the ability of Participating States to
32 protect the public's health and safety;

33 E. Does not interfere with licensure requirements
34 established by a Participating State;

35 F. Facilitates the sharing of licensure and
36 disciplinary information among Participating States;

37 G. Requires Dentists and Dental Hygienists who
38 practice in a Participating State pursuant to a Compact
39 Privilege to practice within the Scope of Practice
40 authorized in that State;

41 H. Extends the authority of a Participating State to
42 regulate the practice of dentistry and dental hygiene within
43 its borders to Dentists and Dental Hygienists who practice
44 in the State through a Compact Privilege;

45 I. Promotes the cooperation of Participating States in
46 regulating the practice of dentistry and dental hygiene
47 within those States;

48 J. Facilitates the relocation of military members and
49 their spouses who are licensed to practice dentistry or
50 dental hygiene.

51 SECTION 2. DEFINITIONS

52 As used in this Compact, unless the context requires
53 otherwise, the following definitions shall apply:

54 A. "Active Military Member" means any person with full-
55 time duty status in the armed forces of the United States,
56 including members of the National Guard and Reserve.

57 B. "Adverse Action" means disciplinary action or
58 encumbrance imposed on a License or Compact Privilege by a
59 State Licensing Authority.

60 C. "Alternative Program" means a non-disciplinary
61 monitoring or practice remediation process applicable to a
62 Dentist or Dental Hygienist approved by a State Licensing
63 Authority of a Participating State in which the Dentist or
64 Dental Hygienist is licensed. This includes, but is not
65 limited to, programs to which Licensees with substance abuse
66 or addiction issues are referred in lieu of Adverse Action.

67 D. "Clinical Assessment" means examination or process,
68 required for licensure as a Dentist or Dental Hygienist as
69 applicable, that provides evidence of clinical competence in
70 dentistry or dental hygiene.

71 E. "Commissioner" means the individual appointed by a
72 Participating State to serve as the member of the Commission
73 for that Participating State.

74 F. "Compact" means this Dentist and Dental Hygienist
75 Compact.

76 G. "Compact Privilege" means the authorization granted
77 by a Remote State to allow a Licensee from a Participating

78 State to practice as a Dentist or Dental Hygienist in a
79 Remote State.

80 H. "Continuing Professional Development" means a
81 requirement, as a condition of License renewal to provide
82 evidence of successful participation in educational or
83 professional activities relevant to practice or area of work.

84 I. "Criminal Background Check" means the submission of
85 fingerprints or other biometric-based information for a
86 License applicant for the purpose of obtaining that
87 applicant's criminal history record information, as defined
88 in 28 C.F.R. § 20.3(d) from the Federal Bureau of
89 Investigation and the State's criminal history record
90 repository as defined in 28 C.F.R. § 20.3(f).

91 J. "Data System" means the Commission's repository of
92 information about Licensees, including but not limited to
93 examination, licensure, investigative, Compact Privilege,
94 Adverse Action, and Alternative Program.

95 K. "Dental Hygienist" means an individual who is
96 licensed by a State Licensing Authority to practice dental
97 hygiene.

98 L. "Dentist" means an individual who is licensed by a
99 State Licensing Authority to practice dentistry.

100 M. "Dentist and Dental Hygienist Compact Commission"
101 or "Commission" means a joint government agency established
102 by this Compact comprised of each State that has enacted the
103 Compact and a national administrative body comprised of a
104 Commissioner from each State that has enacted the Compact.

105 N. "Encumbered License" means a License that a State
106 Licensing Authority has limited in any way other than
107 through an Alternative Program.

108 O. "Executive Board" means the Chair, Vice Chair,
109 Secretary and Treasurer and any other Commissioners as may
110 be determined by Commission Rule or bylaw.

111 P. "Jurisprudence Requirement" means the assessment of
112 an individual's knowledge of the laws and Rules governing
113 the practice of dentistry or dental hygiene, as applicable,
114 in a State.

115 Q. "License" means current authorization by a State,
116 other than authorization pursuant to a Compact Privilege, or
117 other privilege, for an individual to practice as a Dentist
118 or Dental Hygienist in that State.

119 R. "Licensee" means an individual who holds an
120 unrestricted License from a Participating State to practice
121 as a Dentist or Dental Hygienist in that State.

122 S. "Model Compact" means the model for the Dentist and
123 Dental Hygienist Compact on file with the Council of State
124 Governments or other entity as designated by the Commission.

125 T. "Participating State" means a State that has
126 enacted the Compact and been admitted to the Commission in
127 accordance with the provisions herein and Commission Rules.

128 U. "Qualifying License" means a License that is not an
129 Encumbered License issued by a Participating State to
130 practice dentistry or dental hygiene.

131 V. "Remote State" means a Participating State where a
132 Licensee who is not licensed as a Dentist or Dental
133 Hygienist is exercising or seeking to exercise the Compact
134 Privilege.

135 W. "Rule" means a regulation promulgated by an entity
136 that has the force of law.

137 X. "Scope of Practice" means the procedures, actions,
138 and processes a Dentist or Dental Hygienist licensed in a
139 State is permitted to undertake in that State and the
140 circumstances under which the Licensee is permitted to
141 undertake those procedures, actions and processes. Such
142 procedures, actions and processes and the circumstances
143 under which they may be undertaken may be established

144 through means, including, but not limited to, statute,
145 regulations, case law, and other processes available to the
146 State Licensing Authority or other government agency.

147 Y. "Significant Investigative Information" means
148 information, records, and documents received or generated by
149 a State Licensing Authority pursuant to an investigation for
150 which a determination has been made that there is probable
151 cause to believe that the Licensee has violated a statute or
152 regulation that is considered more than a minor infraction
153 for which the State Licensing Authority could pursue Adverse
154 Action against the Licensee.

155 Z. "State" means any state, commonwealth, district, or
156 territory of the United States of America that regulates the
157 practices of dentistry and dental hygiene.

158 AA. "State Licensing Authority" means an agency or
159 other entity of a State that is responsible for the
160 licensing and regulation of Dentists or Dental Hygienists.

161 SECTION 3. STATE PARTICIPATION IN THE COMPACT

162 A. In order to join the Compact and thereafter
163 continue as a Participating State, a State must:

164 1. Enact a compact that is not materially different
165 from the Model Compact as determined in accordance with
166 Commission Rules;

167 2. Participate fully in the Commission's Data System;

168 3. Have a mechanism in place for receiving and
169 investigating complaints about its Licensees and License
170 applicants;

171 4. Notify the Commission, in compliance with the terms
172 of the Compact and Commission Rules, of any Adverse Action
173 or the availability of Significant Investigative Information
174 regarding a Licensee and License applicant;

175 5. Fully implement a Criminal Background Check
176 requirement, within a time frame established by Commission

177 Rule, by receiving the results of a qualifying Criminal
178 Background Check;

179 6. Comply with the Commission Rules applicable to a
180 Participating State;

181 7. Accept the National Board Examinations of the Joint
182 Commission on National Dental Examinations or another
183 examination accepted by Commission Rule as a licensure
184 examination;

185 8. Accept for licensure that applicants for a Dentist
186 License graduate from a predoctoral dental education program
187 accredited by the Commission on Dental Accreditation, or
188 another accrediting agency recognized by the United States
189 Department of Education for the accreditation of dentistry
190 and dental hygiene education programs, leading to the Doctor
191 of Dental Surgery (D.D.S.) or Doctor of Dental Medicine
192 (D.M.D.) degree;

193 9. Accept for licensure that applicants for a Dental
194 Hygienist License graduate from a dental hygiene education
195 program accredited by the Commission on Dental Accreditation
196 or another accrediting agency recognized by the United
197 States Department of Education for the accreditation of
198 dentistry and dental hygiene education programs;

199 10. Require for licensure that applicants successfully
200 complete a Clinical Assessment;

201 11. Have Continuing Professional Development
202 requirements as a condition for License renewal; and

203 12. Pay a participation fee to the Commission as
204 established by Commission Rule.

205 B. Providing alternative pathways for an individual to
206 obtain an unrestricted License does not disqualify a State
207 from participating in the Compact.

208 C. When conducting a Criminal Background Check the
209 State Licensing Authority shall:

- 210 1. Consider that information in making a licensure
211 decision;
- 212 2. Maintain documentation of completion of the
213 Criminal Background Check and background check information
214 to the extent allowed by State and federal law; and
- 215 3. Report to the Commission whether it has completed
216 the Criminal Background Check and whether the individual was
217 granted or denied a License.

218 D. A Licensee of a Participating State who has a
219 Qualifying License in that State and does not hold an
220 Encumbered License in any other Participating State, shall
221 be issued a Compact Privilege in a Remote State in
222 accordance with the terms of the Compact and Commission
223 Rules. If a Remote State has a Jurisprudence Requirement a
224 Compact Privilege will not be issued to the Licensee unless
225 the Licensee has satisfied the Jurisprudence Requirement.

226 SECTION 4. COMPACT PRIVILEGE

227 A. To obtain and exercise the Compact Privilege under
228 the terms and provisions of the Compact, the Licensee shall:

- 229 1. Have a Qualifying License as a Dentist or Dental
230 Hygienist in a Participating State;
- 231 2. Be eligible for a Compact Privilege in any Remote
232 State in accordance with subsections D, G, and H of this
233 section;
- 234 3. Submit to an application process whenever the
235 Licensee is seeking a Compact Privilege;
- 236 4. Pay any applicable Commission and Remote State fees
237 for a Compact Privilege in the Remote State;
- 238 5. Meet any Jurisprudence Requirement established by a
239 Remote State in which the Licensee is seeking a Compact
240 Privilege;

241 6. Have passed a National Board Examination of the
242 Joint Commission on National Dental Examinations or another
243 examination accepted by Commission Rule;

244 7. For a Dentist, have graduated from a predoctoral
245 dental education program accredited by the Commission on
246 Dental Accreditation, or another accrediting agency
247 recognized by the United States Department of Education for
248 the accreditation of dentistry and dental hygiene education
249 programs, leading to the Doctor of Dental Surgery (D.D.S.)
250 or Doctor of Dental Medicine (D.M.D.) degree;

251 8. For a Dental Hygienist, have graduated from a
252 dental hygiene education program accredited by the
253 Commission on Dental Accreditation or another accrediting
254 agency recognized by the United States Department of
255 Education for the accreditation of dentistry and dental
256 hygiene education programs;

257 9. Have successfully completed a Clinical Assessment
258 for licensure;

259 10. Report to the Commission Adverse Action taken by
260 any non-Participating State when applying for a Compact
261 Privilege and, otherwise, within thirty (30) days from the
262 date the Adverse Action is taken;

263 11. Report to the Commission when applying for a
264 Compact Privilege the address of the Licensee's primary
265 residence and thereafter immediately report to the
266 Commission any change in the address of the Licensee's
267 primary residence; and

268 12. Consent to accept service of process by mail at
269 the Licensee's primary residence on record with the
270 Commission with respect to any action brought against the
271 Licensee by the Commission or a Participating State, and
272 consent to accept service of a subpoena by mail at the
273 Licensee's primary residence on record with the Commission

274 with respect to any action brought or investigation
275 conducted by the Commission or a Participating State.

276 B. The Licensee must comply with the requirements of
277 subsection A of this section to maintain the Compact
278 Privilege in the Remote State. If those requirements are
279 met, the Compact Privilege will continue as long as the
280 Licensee maintains a Qualifying License in the State through
281 which the Licensee applied for the Compact Privilege and
282 pays any applicable Compact Privilege renewal fees.

283 C. A Licensee providing dentistry or dental hygiene in
284 a Remote State under the Compact Privilege shall function
285 within the Scope of Practice authorized by the Remote State
286 for a Dentist or Dental Hygienist licensed in that State.

287 D. A Licensee providing dentistry or dental hygiene
288 pursuant to a Compact Privilege in a Remote State is subject
289 to that State's regulatory authority. A Remote State may,
290 in accordance with due process and that State's laws, by
291 Adverse Action revoke or remove a Licensee's Compact
292 Privilege in the Remote State for a specific period of time
293 and impose fines or take any other necessary actions to
294 protect the health and safety of its citizens. If a Remote
295 State imposes an Adverse Action against a Compact Privilege
296 that limits the Compact Privilege, that Adverse Action
297 applies to all Compact Privileges in all Remote States. A
298 Licensee whose Compact Privilege in a Remote State is
299 removed for a specified period of time is not eligible for a
300 Compact Privilege in any other Remote State until the
301 specific time for removal of the Compact Privilege has
302 passed and all encumbrance requirements are satisfied.

303 E. If a License in a Participating State is an
304 Encumbered License, the Licensee shall lose the Compact
305 Privilege in a Remote State and shall not be eligible for a

306 Compact Privilege in any Remote State until the License is
307 no longer encumbered.

308 F. Once an Encumbered License in a Participating State
309 is restored to good standing, the Licensee must meet the
310 requirements of subsection A of this section to obtain a
311 Compact Privilege in a Remote State.

312 G. If a Licensee's Compact Privilege in a Remote State
313 is removed by the Remote State, the individual shall lose or
314 be ineligible for the Compact Privilege in any Remote State
315 until the following occur:

316 1. The specific period of time for which the Compact
317 Privilege was removed has ended; and

318 2. All conditions for removal of the Compact Privilege
319 have been satisfied.

320 H. Once the requirements of subsection G of this
321 section have been met, the Licensee must meet the
322 requirements in subsection A of this section to obtain a
323 Compact Privilege in a Remote State.

324 SECTION 5. ACTIVE MILITARY MEMBER OR THEIR SPOUSES

325 An Active Military Member and their spouse shall not be
326 required to pay to the Commission for a Compact Privilege
327 the fee otherwise charged by the Commission. If a Remote
328 State chooses to charge a fee for a Compact Privilege, it
329 may choose to charge a reduced fee or no fee to an Active
330 Military Member and their spouse for a Compact Privilege.

331 SECTION 6. ADVERSE ACTIONS

332 A. A Participating State in which a Licensee is
333 licensed shall have exclusive authority to impose Adverse
334 Action against the Qualifying License issued by that
335 Participating State.

336 B. A Participating State may take Adverse Action based
337 on the Significant Investigative Information of a Remote

338 State, so long as the Participating State follows its own
339 procedures for imposing Adverse Action.

340 C. Nothing in this Compact shall override a
341 Participating State's decision that participation in an
342 Alternative Program may be used in lieu of Adverse Action
343 and that such participation shall remain non-public if
344 required by the Participating State's laws. Participating
345 States must require Licensees who enter any Alternative
346 Program in lieu of discipline to agree not to practice
347 pursuant to a Compact Privilege in any other Participating
348 State during the term of the Alternative Program without
349 prior authorization from such other Participating State.

350 D. Any Participating State in which a Licensee is
351 applying to practice or is practicing pursuant to a Compact
352 Privilege may investigate actual or alleged violations of
353 the statutes and regulations authorizing the practice of
354 dentistry or dental hygiene in any other Participating State
355 in which the Dentist or Dental Hygienist holds a License or
356 Compact Privilege.

357 E. A Remote State shall have the authority to:

358 1. Take Adverse Actions as set forth in Section 4.D
359 against a Licensee's Compact Privilege in the State;

360 2. In furtherance of its rights and responsibilities
361 under the Compact and the Commission's Rules issue subpoenas
362 for both hearings and investigations that require the
363 attendance and testimony of witnesses, and the production of
364 evidence. Subpoenas issued by a State Licensing Authority
365 in a Participating State for the attendance and testimony of
366 witnesses, or the production of evidence from another
367 Participating State, shall be enforced in the latter State
368 by any court of competent jurisdiction, according to the
369 practice and procedure of that court applicable to subpoenas
370 issued in proceedings pending before it. The issuing

371 authority shall pay any witness fees, travel expenses,
372 mileage, and other fees required by the service statutes of
373 the State where the witnesses or evidence are located; and

374 3. If otherwise permitted by State law, recover from
375 the Licensee the costs of investigations and disposition of
376 cases resulting from any Adverse Action taken against that
377 Licensee.

378 F. Joint Investigations

379 1. In addition to the authority granted to a
380 Participating State by its Dentist or Dental Hygienist
381 licensure act or other applicable State law, a Participating
382 State may jointly investigate Licensees with other
383 Participating States.

384 2. Participating States shall share any Significant
385 Investigative Information, litigation, or compliance
386 materials in furtherance of any joint or individual
387 investigation initiated under the Compact.

388 G. Authority to Continue Investigation

389 1. After a Licensee's Compact Privilege in a Remote
390 State is terminated, the Remote State may continue an
391 investigation of the Licensee that began when the Licensee
392 had a Compact Privilege in that Remote State.

393 2. If the investigation yields what would be
394 Significant Investigative Information had the Licensee
395 continued to have a Compact Privilege in that Remote State,
396 the Remote State shall report the presence of such
397 information to the Data System as required by Section 8.B.6
398 as if it was Significant Investigative Information.

399 SECTION 7. ESTABLISHMENT AND OPERATION OF THE COMMISSION

400 A. The Compact Participating States hereby create and
401 establish a joint government agency whose membership
402 consists of all Participating States that have enacted the
403 Compact. The Commission is an instrumentality of the

404 Participating States acting jointly and not an
405 instrumentality of any one State. The Commission shall come
406 into existence on or after the effective date of the Compact
407 as set forth in Section 11.A.

408 B. Participation, Voting, and Meetings

409 1. Each Participating State shall have and be limited
410 to one (1) Commissioner selected by that Participating
411 State's State Licensing Authority or, if the State has more
412 than one State Licensing Authority, selected collectively by
413 the State Licensing Authorities.

414 2. The Commissioner shall be a member or designee of
415 such Authority or Authorities.

416 3. The Commission may by Rule or bylaw establish a
417 term of office for Commissioners and may by Rule or bylaw
418 establish term limits.

419 4. The Commission may recommend to a State Licensing
420 Authority or Authorities, as applicable, removal or
421 suspension of an individual as the State's Commissioner.

422 5. A Participating State's State Licensing Authority,
423 or Authorities, as applicable, shall fill any vacancy of its
424 Commissioner on the Commission within sixty (60) days of the
425 vacancy.

426 6. Each Commissioner shall be entitled to one vote on
427 all matters that are voted upon by the Commission.

428 7. The Commission shall meet at least once during each
429 calendar year. Additional meetings may be held as set forth
430 in the bylaws. The Commission may meet by
431 telecommunication, video conference or other similar
432 electronic means.

433 C. The Commission shall have the following powers:

434 1. Establish the fiscal year of the Commission;

435 2. Establish a code of conduct and conflict of
436 interest policies;

- 437 3. Adopt Rules and bylaws;
- 438 4. Maintain its financial records in accordance with
439 the bylaws;
- 440 5. Meet and take such actions as are consistent with
441 the provisions of this Compact, the Commission's Rules, and
442 the bylaws;
- 443 6. Initiate and conclude legal proceedings or actions
444 in the name of the Commission, provided that the standing of
445 any State Licensing Authority to sue or be sued under
446 applicable law shall not be affected;
- 447 7. Maintain and certify records and information
448 provided to a Participating State as the authenticated
449 business records of the Commission, and designate a person
450 to do so on the Commission's behalf;
- 451 8. Purchase and maintain insurance and bonds;
- 452 9. Borrow, accept, or contract for services of
453 personnel, including, but not limited to, employees of a
454 Participating State;
- 455 10. Conduct an annual financial review;
- 456 11. Hire employees, elect or appoint officers, fix
457 compensation, define duties, grant such individuals
458 appropriate authority to carry out the purposes of the
459 Compact, and establish the Commission's personnel policies
460 and programs relating to conflicts of interest,
461 qualifications of personnel, and other related personnel
462 matters;
- 463 12. As set forth in the Commission Rules, charge a fee
464 to a Licensee for the grant of a Compact Privilege in a
465 Remote State and thereafter, as may be established by
466 Commission Rule, charge the Licensee a Compact Privilege
467 renewal fee for each renewal period in which that Licensee
468 exercises or intends to exercise the Compact Privilege in
469 that Remote State. Nothing herein shall be construed to

470 prevent a Remote State from charging a Licensee a fee for a
471 Compact Privilege or renewals of a Compact Privilege, or a
472 fee for the Jurisprudence Requirement if the Remote State
473 imposes such a requirement for the grant of a Compact
474 Privilege;

475 13. Accept any and all appropriate gifts, donations,
476 grants of money, other sources of revenue, equipment,
477 supplies, materials, and services, and receive, utilize, and
478 dispose of the same; provided that at all times the
479 Commission shall avoid any appearance of impropriety and/or
480 conflict of interest;

481 14. Lease, purchase, retain, own, hold, improve, or
482 use any property, real, personal, or mixed, or any undivided
483 interest therein;

484 15. Sell, convey, mortgage, pledge, lease, exchange,
485 abandon, or otherwise dispose of any property real,
486 personal, or mixed;

487 16. Establish a budget and make expenditures;

488 17. Borrow money;

489 18. Appoint committees, including standing committees,
490 which may be composed of members, State regulators, State
491 legislators or their representatives, and consumer
492 representatives, and such other interested persons as may be
493 designated in this Compact and the bylaws;

494 19. Provide and receive information from, and
495 cooperate with, law enforcement agencies;

496 20. Elect a Chair, Vice Chair, Secretary and Treasurer
497 and such other officers of the Commission as provided in the
498 Commission's bylaws;

499 21. Establish and elect an Executive Board;

500 22. Adopt and provide to the Participating States an
501 annual report;

502 23. Determine whether a State's enacted compact is
503 materially different from the Model Compact language such
504 that the State would not qualify for participation in the
505 Compact; and

506 24. Perform such other functions as may be necessary
507 or appropriate to achieve the purposes of this Compact.

508 D. Meetings of the Commission

509 1. All meetings of the Commission that are not closed
510 pursuant to this subsection shall be open to the public.
511 Notice of public meetings shall be posted on the
512 Commission's website at least thirty (30) days prior to the
513 public meeting.

514 2. Notwithstanding subsection D.1 of this section, the
515 Commission may convene an emergency public meeting by
516 providing at least twenty-four (24) hours prior notice on
517 the Commission's website, and any other means as provided in
518 the Commission's Rules, for any of the reasons it may
519 dispense with notice of proposed rulemaking under Section
520 9.M. The Commission's legal counsel shall certify that one
521 of the reasons justifying an emergency public meeting has
522 been met.

523 3. Notice of all Commission meetings shall provide the
524 time, date, and location of the meeting, and if the meeting
525 is to be held or accessible via telecommunication, video
526 conference, or other electronic means, the notice shall
527 include the mechanism for access to the meeting through such
528 means.

529 4. The Commission may convene in a closed, non-public
530 meeting for the Commission to receive legal advice or to
531 discuss:

532 a. Non-compliance of a Participating State with its
533 obligations under the Compact;

534 b. The employment, compensation, discipline or other
535 matters, practices or procedures related to specific
536 employees or other matters related to the Commission's
537 internal personnel practices and procedures;
538 c. Current or threatened discipline of a Licensee or
539 Compact Privilege holder by the Commission or by a
540 Participating State's Licensing Authority;
541 d. Current, threatened, or reasonably anticipated
542 litigation;
543 e. Negotiation of contracts for the purchase, lease,
544 or sale of goods, services, or real estate;
545 f. Accusing any person of a crime or formally
546 censuring any person;
547 g. Trade secrets or commercial or financial
548 information that is privileged or confidential;
549 h. Information of a personal nature where disclosure
550 would constitute a clearly unwarranted invasion of personal
551 privacy;
552 i. Investigative records compiled for law enforcement
553 purposes;
554 j. Information related to any investigative reports
555 prepared by or on behalf of or for use of the Commission or
556 other committee charged with responsibility of investigation
557 or determination of compliance issues pursuant to the
558 Compact;
559 k. Legal advice;
560 l. Matters specifically exempted from disclosure to
561 the public by federal or Participating State law; and
562 m. Other matters as promulgated by the Commission by
563 Rule.
564 5. If a meeting, or portion of a meeting, is closed,
565 the presiding officer shall state that the meeting will be

566 closed and reference each relevant exempting provision, and
567 such reference shall be recorded in the minutes.

568 6. The Commission shall keep minutes that fully and
569 clearly describe all matters discussed in a meeting and
570 shall provide a full and accurate summary of actions taken,
571 and the reasons therefore, including a description of the
572 views expressed. All documents considered in connection
573 with an action shall be identified in such minutes. All
574 minutes and documents of a closed meeting shall remain under
575 seal, subject to release only by a majority vote of the
576 Commission or order of a court of competent jurisdiction.

577 E. Financing of the Commission

578 1. The Commission shall pay, or provide for the
579 payment of, the reasonable expenses of its establishment,
580 organization, and ongoing activities.

581 2. The Commission may accept any and all appropriate
582 sources of revenue, donations, and grants of money,
583 equipment, supplies, materials, and services.

584 3. The Commission may levy on and collect an annual
585 assessment from each Participating State and impose fees on
586 Licensees of Participating States when a Compact Privilege
587 is granted, to cover the cost of the operations and
588 activities of the Commission and its staff, which must be in
589 a total amount sufficient to cover its annual budget as
590 approved each fiscal year for which sufficient revenue is
591 not provided by other sources. The aggregate annual
592 assessment amount for Participating States shall be
593 allocated based upon a formula that the Commission shall
594 promulgate by Rule.

595 4. The Commission shall not incur obligations of any
596 kind prior to securing the funds adequate to meet the same;
597 nor shall the Commission pledge the credit of any

598 Participating State, except by and with the authority of the
599 Participating State.

600 5. The Commission shall keep accurate accounts of all
601 receipts and disbursements. The receipts and disbursements
602 of the Commission shall be subject to the financial review
603 and accounting procedures established under its bylaws. All
604 receipts and disbursements of funds handled by the
605 Commission shall be subject to an annual financial review by
606 a certified or licensed public accountant, and the report of
607 the financial review shall be included in and become part of
608 the annual report of the Commission.

609 F. The Executive Board

610 1. The Executive Board shall have the power to act on
611 behalf of the Commission according to the terms of this
612 Compact. The powers, duties, and responsibilities of the
613 Executive Board shall include:

614 a. Overseeing the day-to-day activities of the
615 administration of the Compact including compliance with the
616 provisions of the Compact and the Commission's Rules and
617 bylaws;

618 b. Recommending to the Commission changes to the Rules
619 or bylaws, changes to this Compact legislation, fees charged
620 to Compact Participating States, fees charged to Licensees,
621 and other fees;

622 c. Ensuring Compact administration services are
623 appropriately provided, including by contract;

624 d. Preparing and recommending the budget;

625 e. Maintaining financial records on behalf of the
626 Commission;

627 f. Monitoring Compact compliance of Participating
628 States and providing compliance reports to the Commission;

629 g. Establishing additional committees as necessary;

630 h. Exercising the powers and duties of the Commission
631 during the interim between Commission meetings, except for
632 adopting or amending Rules, adopting or amending bylaws, and
633 exercising any other powers and duties expressly reserved to
634 the Commission by Rule or bylaw; and

635 i. Other duties as provided in the Rules or bylaws of
636 the Commission.

637 2. The Executive Board shall be composed of up to
638 seven (7) members:

639 a. The Chair, Vice Chair, Secretary and Treasurer of
640 the Commission and any other members of the Commission who
641 serve on the Executive Board shall be voting members of the
642 Executive Board; and

643 b. Other than the Chair, Vice Chair, Secretary, and
644 Treasurer, the Commission may elect up to three (3) voting
645 members from the current membership of the Commission.

646 3. The Commission may remove any member of the
647 Executive Board as provided in the Commission's bylaws.

648 4. The Executive Board shall meet at least annually.

649 a. An Executive Board meeting at which it takes or
650 intends to take formal action on a matter shall be open to
651 the public, except that the Executive Board may meet in a
652 closed, non-public session of a public meeting when dealing
653 with any of the matters covered under subsection D.4.

654 b. The Executive Board shall give five (5) business
655 days' notice of its public meetings, posted on its website
656 and as it may otherwise determine to provide notice to
657 persons with an interest in the public matters the Executive
658 Board intends to address at those meetings.

659 5. The Executive Board may hold an emergency meeting
660 when acting for the Commission to:

661 a. Meet an imminent threat to public health, safety,
662 or welfare;

663 b. Prevent a loss of Commission or Participating State
664 funds; or

665 c. Protect public health and safety.

666 G. Qualified Immunity, Defense, and Indemnification

667 1. The members, officers, executive director,
668 employees and representatives of the Commission shall be
669 immune from suit and liability, both personally and in their
670 official capacity, for any claim for damage to or loss of
671 property or personal injury or other civil liability caused
672 by or arising out of any actual or alleged act, error, or
673 omission that occurred, or that the person against whom the
674 claim is made had a reasonable basis for believing occurred
675 within the scope of Commission employment, duties or
676 responsibilities; provided that nothing in this paragraph
677 shall be construed to protect any such person from suit or
678 liability for any damage, loss, injury, or liability caused
679 by the intentional or willful or wanton misconduct of that
680 person. The procurement of insurance of any type by the
681 Commission shall not in any way compromise or limit the
682 immunity granted hereunder.

683 2. The Commission shall defend any member, officer,
684 executive director, employee, and representative of the
685 Commission in any civil action seeking to impose liability
686 arising out of any actual or alleged act, error, or omission
687 that occurred within the scope of Commission employment,
688 duties, or responsibilities, or as determined by the
689 Commission that the person against whom the claim is made
690 had a reasonable basis for believing occurred within the
691 scope of Commission employment, duties, or responsibilities;
692 provided that nothing herein shall be construed to prohibit
693 that person from retaining their own counsel at their own
694 expense; and provided further, that the actual or alleged

695 act, error, or omission did not result from that person's
696 intentional or willful or wanton misconduct.

697 3. Notwithstanding subsection G.1 of this section,
698 should any member, officer, executive director, employee, or
699 representative of the Commission be held liable for the
700 amount of any settlement or judgment arising out of any
701 actual or alleged act, error, or omission that occurred
702 within the scope of that individual's employment, duties, or
703 responsibilities for the Commission, or that the person to
704 whom that individual is liable had a reasonable basis for
705 believing occurred within the scope of the individual's
706 employment, duties, or responsibilities for the Commission,
707 the Commission shall indemnify and hold harmless such
708 individual, provided that the actual or alleged act, error,
709 or omission did not result from the intentional or willful
710 or wanton misconduct of the individual.

711 4. Nothing herein shall be construed as a limitation
712 on the liability of any Licensee for professional
713 malpractice or misconduct, which shall be governed solely by
714 any other applicable State laws.

715 5. Nothing in this Compact shall be interpreted to
716 waive or otherwise abrogate a Participating State's state
717 action immunity or state action affirmative defense with
718 respect to antitrust claims under the Sherman Act, Clayton
719 Act, or any other State or federal antitrust or
720 anticompetitive law or regulation.

721 6. Nothing in this Compact shall be construed to be a
722 waiver of sovereign immunity by the Participating States or
723 by the Commission.

724 SECTION 8. DATA SYSTEM

725 A. The Commission shall provide for the development,
726 maintenance, operation, and utilization of a coordinated
727 database and reporting system containing licensure, Adverse

728 Action, and the presence of Significant Investigative
729 Information on all Licensees and applicants for a License in
730 Participating States.

731 B. Notwithstanding any other provision of State law to
732 the contrary, a Participating State shall submit a uniform
733 data set to the Data System on all individuals to whom this
734 Compact is applicable as required by the Rules of the
735 Commission, including:

736 1. Identifying information;

737 2. Licensure data;

738 3. Adverse Actions against a Licensee, License
739 applicant or Compact Privilege and information related
740 thereto;

741 4. Non-confidential information related to Alternative
742 Program participation, the beginning and ending dates of
743 such participation, and other information related to such
744 participation;

745 5. Any denial of an application for licensure, and the
746 reason(s) for such denial (excluding the reporting of any
747 criminal history record information where prohibited by law);

748 6. The presence of Significant Investigative
749 Information; and

750 7. Other information that may facilitate the
751 administration of this Compact or the protection of the
752 public, as determined by the Rules of the Commission.

753 C. The records and information provided to a
754 Participating State pursuant to this Compact or through the
755 Data System, when certified by the Commission or an agent
756 thereof, shall constitute the authenticated business records
757 of the Commission, and shall be entitled to any associated
758 hearsay exception in any relevant judicial, quasi-judicial
759 or administrative proceedings in a Participating State.

760 D. Significant Investigative Information pertaining to
761 a Licensee in any Participating State will only be available
762 to other Participating States.

763 E. It is the responsibility of the Participating
764 States to monitor the database to determine whether Adverse
765 Action has been taken against a Licensee or License
766 applicant. Adverse Action information pertaining to a
767 Licensee or License applicant in any Participating State
768 will be available to any other Participating State.

769 F. Participating States contributing information to
770 the Data System may designate information that may not be
771 shared with the public without the express permission of the
772 contributing State.

773 G. Any information submitted to the Data System that
774 is subsequently expunged pursuant to federal law or the laws
775 of the Participating State contributing the information
776 shall be removed from the Data System.

777 SECTION 9. RULEMAKING

778 A. The Commission shall promulgate reasonable Rules in
779 order to effectively and efficiently implement and
780 administer the purposes and provisions of the Compact. A
781 Commission Rule shall be invalid and have no force or effect
782 only if a court of competent jurisdiction holds that the
783 Rule is invalid because the Commission exercised its
784 rulemaking authority in a manner that is beyond the scope
785 and purposes of the Compact, or the powers granted
786 hereunder, or based upon another applicable standard of
787 review.

788 B. The Commission shall promulgate Rules in accordance
789 with the authority granted under this Compact. All
790 Commission Rules shall be consistent with the Constitution
791 of the United States and, to the extent applicable, the
792 constitutions of Participating States, and shall further the

793 purposes and intent of this Compact. Any Rule adopted by
794 the Commission that exceeds the scope of the Commission's
795 authority or is otherwise inconsistent with this Compact or
796 applicable constitutional requirements shall be subject to
797 challenge and determination in accordance with the dispute
798 resolution and enforcement provisions under Section 10 of
799 this Compact.

800 C. The Rules of the Commission shall have the force of
801 law in each Participating State, provided however that where
802 the Rules of the Commission conflict with the laws of the
803 Participating State that establish the Participating State's
804 Scope of Practice as held by a court of competent
805 jurisdiction, the Rules of the Commission shall be
806 ineffective in that State to the extent of the conflict.

807 D. The Commission shall exercise its Rulemaking powers
808 pursuant to the criteria set forth in this section and the
809 Rules adopted thereunder. Rules shall become binding as of
810 the date specified by the Commission for each Rule.

811 E. If a majority of the legislatures of the
812 Participating States rejects a Commission Rule or portion of
813 a Commission Rule, by enactment of a statute or resolution
814 in the same manner used to adopt the Compact, within four
815 (4) years of the date of adoption of the Rule, then such
816 Rule shall have no further force and effect in any
817 Participating State or to any State applying to participate
818 in the Compact.

819 F. Rules shall be adopted at a regular or special
820 meeting of the Commission.

821 G. Prior to adoption of a proposed Rule, the
822 Commission shall hold a public hearing and allow persons to
823 provide oral and written comments, data, facts, opinions,
824 and arguments.

825 H. Prior to adoption of a proposed Rule by the
826 Commission, and at least thirty (30) days in advance of the
827 meeting at which the Commission will hold a public hearing
828 on the proposed Rule, the Commission shall provide a Notice
829 of Proposed Rulemaking:

830 1. On the website of the Commission or other publicly
831 accessible platform;

832 2. To persons who have requested notice of the
833 Commission's notices of proposed rulemaking; and

834 3. In such other way(s) as the Commission may by Rule
835 specify.

836 I. The Notice of Proposed Rulemaking shall include:

837 1. The time, date, and location of the public hearing
838 at which the Commission will hear public comments on the
839 proposed Rule and, if different, the time, date, and
840 location of the meeting where the Commission will consider
841 and vote on the proposed Rule;

842 2. If the hearing is held via telecommunication, video
843 conference, or other electronic means, the Commission shall
844 include the mechanism for access to the hearing in the
845 Notice of Proposed Rulemaking;

846 3. The text of the proposed Rule and the reason
847 therefor;

848 4. A request for comments on the proposed Rule from
849 any interested person; and

850 5. The manner in which interested persons may submit
851 written comments.

852 J. All hearings will be recorded. A copy of the
853 recording and all written comments and documents received by
854 the Commission in response to the proposed Rule shall be
855 available to the public.

856 K. Nothing in this section shall be construed as
857 requiring a separate hearing on each Commission Rule. Rules

858 may be grouped for the convenience of the Commission at
859 hearings required by this section.

860 L. The Commission shall, by majority vote of all
861 Commissioners, take final action on the proposed Rule based
862 on the rulemaking record.

863 1. The Commission may adopt changes to the proposed
864 Rule provided the changes do not enlarge the original
865 purpose of the proposed Rule.

866 2. The Commission shall provide an explanation of the
867 reasons for substantive changes made to the proposed Rule as
868 well as reasons for substantive changes not made that were
869 recommended by commenters.

870 3. The Commission shall determine a reasonable
871 effective date for the Rule. Except for an emergency as
872 provided in subsection M, the effective date of the Rule
873 shall be no sooner than thirty (30) days after the
874 Commission issuing the notice that it adopted or amended the
875 Rule.

876 M. Upon determination that an emergency exists, the
877 Commission may consider and adopt an emergency Rule with 24
878 hours' notice, with opportunity to comment, provided that
879 the usual rulemaking procedures provided in the Compact and
880 in this section shall be retroactively applied to the Rule
881 as soon as reasonably possible, in no event later than
882 ninety (90) days after the effective date of the Rule. For
883 the purposes of this provision, an emergency Rule is one
884 that must be adopted immediately in order to:

885 1. Meet an imminent threat to public health, safety,
886 or welfare;

887 2. Prevent a loss of Commission or Participating State
888 funds;

889 3. Meet a deadline for the promulgation of a Rule that
890 is established by federal law or rule; or

891 4. Protect public health and safety.

892 N. The Commission or an authorized committee of the
893 Commission may direct revisions to a previously adopted Rule
894 for purposes of correcting typographical errors, errors in
895 format, errors in consistency, or grammatical errors.

896 Public notice of any revisions shall be posted on the
897 website of the Commission. The revision shall be subject to
898 challenge by any person for a period of thirty (30) days
899 after posting. The revision may be challenged only on
900 grounds that the revision results in a material change to a
901 Rule. A challenge shall be made in writing and delivered to
902 the Commission prior to the end of the notice period. If no
903 challenge is made, the revision will take effect without
904 further action. If the revision is challenged, the revision
905 may not take effect without the approval of the Commission.

906 O. No Participating State's rulemaking requirements
907 shall apply under this Compact.

908 SECTION 10. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

909 A. Oversight

910 1. The executive and judicial branches of State
911 government in each Participating State shall enforce this
912 Compact and take all actions necessary and appropriate to
913 implement the Compact.

914 2. Venue is proper and judicial proceedings by or
915 against the Commission shall be brought solely and
916 exclusively in a court of competent jurisdiction where the
917 principal office of the Commission is located. The
918 Commission may waive venue and jurisdictional defenses to
919 the extent it adopts or consents to participate in
920 alternative dispute resolution proceedings. Nothing herein
921 shall affect or limit the selection or propriety of venue in
922 any action against a Licensee for professional malpractice,
923 misconduct or any such similar matter.

924 3. The Commission shall be entitled to receive service
925 of process in any proceeding regarding the enforcement or
926 interpretation of the Compact or Commission Rule and shall
927 have standing to intervene in such a proceeding for all
928 purposes. Failure to provide the Commission service of
929 process shall render a judgment or order void as to the
930 Commission, this Compact, or promulgated Rules.

931 B. Default, Technical Assistance, and Termination

932 1. If the Commission determines that a Participating
933 State has defaulted in the performance of its obligations or
934 responsibilities under this Compact or the promulgated
935 Rules, the Commission shall provide written notice to the
936 defaulting State. The notice of default shall describe the
937 default, the proposed means of curing the default, and any
938 other action that the Commission may take, and shall offer
939 training and specific technical assistance regarding the
940 default.

941 2. The Commission shall provide a copy of the notice
942 of default to the other Participating States.

943 C. If a State in default fails to cure the default,
944 the defaulting State may be terminated from the Compact upon
945 an affirmative vote of a majority of the Commissioners, and
946 all rights, privileges and benefits conferred on that State
947 by this Compact may be terminated on the effective date of
948 termination. A cure of the default does not relieve the
949 offending State of obligations or liabilities incurred
950 during the period of default.

951 D. Termination of participation in the Compact shall
952 be imposed only after all other means of securing compliance
953 have been exhausted. Notice of intent to suspend or
954 terminate shall be given by the Commission to the governor,
955 the majority and minority leaders of the defaulting State's
956 legislature, the defaulting State's State Licensing

957 Authority or Authorities, as applicable, and each of the
958 Participating States' State Licensing Authority or
959 Authorities, as applicable.

960 E. A State that has been terminated is responsible for
961 all assessments, obligations, and liabilities incurred
962 through the effective date of termination, including
963 obligations that extend beyond the effective date of
964 termination.

965 F. Upon the termination of a State's participation in
966 this Compact, that State shall immediately provide notice to
967 all Licensees of the State, including Licensees of other
968 Participating States issued a Compact Privilege to practice
969 within that State, of such termination. The terminated
970 State shall continue to recognize all Compact Privileges
971 then in effect in that State for a minimum of one hundred
972 eighty (180) days after the date of said notice of
973 termination.

974 G. The Commission shall not bear any costs related to
975 a State that is found to be in default or that has been
976 terminated from the Compact, unless agreed upon in writing
977 between the Commission and the defaulting State.

978 H. The defaulting State may appeal the action of the
979 Commission by petitioning the United States District Court
980 for the District of Columbia or the federal district where
981 the Commission has its principal offices. The prevailing
982 party shall be awarded all costs of such litigation,
983 including reasonable attorney's fees.

984 I. Dispute Resolution

985 1. Upon request by a Participating State, the
986 Commission shall attempt to resolve disputes related to the
987 Compact that arise among Participating States and between
988 Participating States and non-Participating States.

989 2. The Commission shall promulgate a Rule providing
990 for both mediation and binding dispute resolution for
991 disputes as appropriate.

992 J. Enforcement

993 1. The Commission, in the reasonable exercise of its
994 discretion, shall enforce the provisions of this Compact and
995 the Commission's Rules.

996 2. By majority vote, the Commission may initiate legal
997 action against a Participating State in default in the
998 United States District Court for the District of Columbia or
999 the federal district where the Commission has its principal
1000 offices to enforce compliance with the provisions of the
1001 Compact and its promulgated Rules. The relief sought may
1002 include both injunctive relief and damages. In the event
1003 judicial enforcement is necessary, the prevailing party
1004 shall be awarded all costs of such litigation, including
1005 reasonable attorney's fees. The remedies herein shall not
1006 be the exclusive remedies of the Commission. The Commission
1007 may pursue any other remedies available under federal or the
1008 defaulting Participating State's law.

1009 3. A Participating State may initiate legal action
1010 against the Commission in the United States District Court
1011 for the District of Columbia or the federal district where
1012 the Commission has its principal offices to enforce
1013 compliance with the provisions of the Compact and its
1014 promulgated Rules. The relief sought may include both
1015 injunctive relief and damages. In the event judicial
1016 enforcement is necessary, the prevailing party shall be
1017 awarded all costs of such litigation, including reasonable
1018 attorney's fees.

1019 4. No individual or entity other than a Participating
1020 State may enforce this Compact against the Commission.

1021 SECTION 11. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

1022 A. The Compact shall come into effect on the date on
1023 which the Compact statute is enacted into law in the seventh
1024 Participating State.

1025 1. On or after the effective date of the Compact, the
1026 Commission shall convene and review the enactment of each of
1027 the States that enacted the Compact prior to the Commission
1028 convening ("Charter Participating States") to determine if
1029 the statute enacted by each such Charter Participating State
1030 is materially different than the Model Compact.

1031 a. A Charter Participating State whose enactment is
1032 found to be materially different from the Model Compact
1033 shall be entitled to the default process set forth in
1034 Section 10.

1035 b. If any Participating State is later found to be in
1036 default, or is terminated or withdraws from the Compact, the
1037 Commission shall remain in existence and the Compact shall
1038 remain in effect even if the number of Participating States
1039 should be less than seven (7).

1040 2. Participating States enacting the Compact
1041 subsequent to the Charter Participating States shall be
1042 subject to the process set forth in Section 7.C.23 to
1043 determine if their enactments are materially different from
1044 the Model Compact and whether they qualify for participation
1045 in the Compact.

1046 3. All actions taken for the benefit of the Commission
1047 or in furtherance of the purposes of the administration of
1048 the Compact prior to the effective date of the Compact or
1049 the Commission coming into existence shall be considered to
1050 be actions of the Commission unless specifically repudiated
1051 by the Commission.

1052 4. Any State that joins the Compact subsequent to the
1053 Commission's initial adoption of the Rules and bylaws shall
1054 be subject to the Commission's Rules and bylaws as they

1055 exist on the date on which the Compact becomes law in that
1056 State. Any Rule that has been previously adopted by the
1057 Commission shall have the full force and effect of law on
1058 the day the Compact becomes law in that State.

1059 B. Any Participating State may withdraw from this
1060 Compact by enacting a statute repealing that State's
1061 enactment of the Compact.

1062 1. A Participating State's withdrawal shall not take
1063 effect until one hundred eighty (180) days after enactment
1064 of the repealing statute.

1065 2. Withdrawal shall not affect the continuing
1066 requirement of the withdrawing State's Licensing Authority
1067 or Authorities to comply with the investigative and Adverse
1068 Action reporting requirements of this Compact prior to the
1069 effective date of withdrawal.

1070 3. Upon the enactment of a statute withdrawing from
1071 this Compact, the State shall immediately provide notice of
1072 such withdrawal to all Licensees within that State.
1073 Notwithstanding any subsequent statutory enactment to the
1074 contrary, such withdrawing State shall continue to recognize
1075 all Compact Privileges to practice within that State granted
1076 pursuant to this Compact for a minimum of one hundred eighty
1077 (180) days after the date of such notice of withdrawal.

1078 C. Nothing contained in this Compact shall be
1079 construed to invalidate or prevent any licensure agreement
1080 or other cooperative arrangement between a Participating
1081 State and a non-Participating State that does not conflict
1082 with the provisions of this Compact.

1083 D. This Compact may be amended by the Participating
1084 States. No amendment to this Compact shall become effective
1085 and binding upon any Participating State until it is enacted
1086 into the laws of all Participating States.

1087 SECTION 12. CONSTRUCTION AND SEVERABILITY

1120 A. Nothing herein shall prevent or inhibit the
1121 enforcement of any other law of a Participating State that
1122 is not inconsistent with the Compact.

1123 B. Except as explicitly permitted herein, nothing in
1124 this Compact, nor any Rule of the Commission, shall be
1125 construed to limit, restrict, or in any way reduce the
1126 ability of a Participating State to enact and enforce laws,
1127 regulations, or other rules related to the practice of
1128 dentistry and dental hygiene within such Participating
1129 State, including but not limited to standards of practice,
1130 Scope of Practice, office safety requirements, patient care
1131 standards, and all other aspects of professional practice
1132 occurring within such Participating State's borders.

1133 C. Any laws, statutes, regulations, or other legal
1134 requirements in a Participating State in conflict with the
1135 Compact are superseded to the extent of the conflict.

1136 D. All permissible agreements between the Commission
1137 and the Participating States are binding in accordance with
1138 their terms.

334.730. SECTION 1. TITLE AND PURPOSE

2 This statute shall be known and cited as the Athletic
3 Trainer Compact. The purposes of this compact are to expand
4 mobility of Athletic Training practice and improve public
5 access to services by providing qualified Licensed Athletic
6 Trainers the ability to practice in other Member States.
7 This compact preserves the regulatory authority of States to
8 protect public health and safety through the current system
9 of State licensure.

10 This compact is designed to achieve the following
11 objectives:

12 A. Increase public access to Athletic Training and
13 enhance continuity of care by providing for the mutual
14 recognition of other Licenses issued by Member States;

15 B. Provide an additional streamlined opportunity for
16 interstate practice by Licensed Athletic Trainers who meet
17 compact uniform requirements;

18 C. Promote mobility and workforce development by
19 eliminating the necessity for Licenses in multiple States by
20 providing for the mutual recognition of other Licenses
21 issued by Member States;

22 D. Reduce administrative burdens on Licensed Athletic
23 Trainers and Member States;

24 E. Enhance the States' ability to protect the public's
25 health and safety;

26 F. Encourage the cooperation of Member States in
27 regulating interstate practice of Licensed Athletic Trainers;

28 G. Support relocating Active Military Members and
29 their spouses;

30 H. Enhance the exchange of licensure, investigative,
31 and disciplinary information among Member States;

32 I. Allow for the use of telehealth to facilitate
33 increased access to Athletic Training services;

34 J. Support the uniformity of Licensed Athletic Trainer
35 licensure requirements throughout the States;

36 K. Affirm the authority of all Member States to hold a
37 Licensed Athletic Trainer accountable for abiding by the
38 Scope of Practice in the State in which the patient is
39 located at the time of care; and

40 L. Require adherence to the Model Compact Language in
41 order to promote uniformity and ensure that all Member
42 States have accepted and are mutually obligated to the same
43 terms.

44 SECTION 2. DEFINITIONS

45 As used in this compact, unless the context requires
46 otherwise, the following definitions shall apply:

47 A. "Active Military Member" means any individual with
48 full-time duty status in the active armed forces of the
49 United States, including members of the National Guard and
50 Reserve.

51 B. "Adverse Action" means any administrative, civil,
52 equitable or criminal action permitted by a State's laws
53 which is imposed by a Licensing Authority or other authority
54 against a Licensee, including actions against an
55 individual's License or Compact Privilege such as
56 revocation, suspension, probation, monitoring of the
57 Licensee, limitation on the Licensee's practice, or any
58 other Encumbrance on licensure affecting a Licensee's
59 authorization to practice.

60 C. "Alternative Program" means a non-disciplinary
61 monitoring or practice remediation process applicable to an
62 Athletic Trainer approved by a State Licensing Authority of
63 a Member State in which the Athletic Trainer is licensed.
64 This includes, but is not limited to, programs to which
65 Licensees with substance use, addiction, or mental health
66 conditions are referred in lieu of Adverse Action.

67 D. "Athletic Training" means the prevention,
68 examination, assessment, treatment and rehabilitation of
69 emergent, acute, or chronic injuries and medical conditions
70 as defined by applicable Member State laws and regulations.

71 E. "Athletic Trainer Compact Commission" or "Compact
72 Commission" means the government agency whose membership
73 consists of all States that have enacted this compact, as
74 described herein and which shall operate as an
75 instrumentality of the Member States to administer and
76 implement the compact according to its terms.

77 F. "BOC" means the Board of Certification, Inc. or any
78 successor organization thereto.

79 G. "CAATE" means the Commission on Accreditation of
80 Athletic Training Education or any successor organization
81 thereto.

82 H. "Charter Member State" means any Member State which
83 enacted and made effective this compact by law before the
84 compact effective date specified herein.

85 I. "Commissioner" means the individual appointed by a
86 Member State to serve as the member of the Commission for
87 that Member State.

88 J. "Compact Privilege" means the legal authorization
89 granted by a Remote State, equivalent to a License, allowing
90 a Licensee from another Member State to provide Athletic
91 Training services in a Remote State.

92 K. "Compact Qualifying License" means a License that
93 is not an Encumbered License issued by a Member State to
94 practice Athletic Training which qualifies the Licensee to
95 exercise a Compact Privilege pursuant to Section 4 of this
96 compact.

97 L. "Continuing Competence" means a requirement, as a
98 condition of License renewal, to provide evidence of
99 successful participation, and completion of, educational and
100 professional activities relevant to practice or area of
101 work. For purposes of this compact, evidence of active BOC
102 certification may satisfy the meaning of Continuing
103 Competence as set forth herein.

104 M. "Current Significant Investigative Information"
105 means the existence of:

106 1. Investigative Information that a Licensing
107 Authority, after a preliminary inquiry that includes
108 notification and an opportunity for the subject Licensee to
109 respond, if required by State law, has reason to believe is
110 not groundless and, if proven true, would indicate more than
111 a minor infraction; or

112 2. Investigative Information that indicates that the
113 subject Licensee represents an immediate threat to public
114 health and safety regardless of whether the subject Licensee
115 has been notified and had an opportunity to respond.

116 N. "Criminal Background Check" means the submission of
117 fingerprints or other biometric-based information for a
118 License applicant for the purpose of obtaining that
119 applicant's criminal history record information, as defined
120 in 28 C.F.R. § 20.3(d) from the Federal Bureau of
121 Investigation and the State's criminal history record
122 repository as defined in 28 C.F.R. § 20.3(f).

123 O. "Data System" means the Commission's repository of
124 information about Licensees, including but not limited to
125 examination, licensure, investigative, Compact Privilege,
126 Adverse Action, and Alternative Program.

127 P. "Encumbrance" or "Encumbered" means a revocation or
128 suspension of, or any limitation or condition on, the full
129 and unrestricted practice of Athletic Training.

130 Q. "Executive Committee" means a group of
131 commissioners elected or appointed to act on behalf of, and
132 within the powers granted to them by, the compact and
133 Commission.

134 R. "Investigative Information" means information,
135 records, and documents received or generated by a Licensing
136 Authority pursuant to an investigation.

137 S. "Jurisprudence Requirement" means the assessment of
138 an individual's knowledge of the laws and Rules governing
139 the practice of Athletic Training, as applicable, in a State.

140 T. "License" means current authorization by a Member
141 State to engage in the practice of Athletic Training.

142 U. "Licensee" or "Licensed Athletic Trainer" means an
143 individual who currently holds an active, unrestricted

144 License and who meets all of the requirements outlined in
145 Section 4 of this compact.

146 V. "Licensing Authority" means the board or agency of
147 a State, or equivalent, that is responsible for the
148 licensing and regulation of Athletic Trainers.

149 W. "Model Compact Language" means the model language
150 for the Athletic Trainer Compact on file with The Council of
151 State Governments or other entity as designated by the
152 Commission to which all Member States must substantively
153 adhere and adopt.

154 X. "Member State" means a State that has enacted the
155 compact.

156 Y. "Remote State" means a Member State other than the
157 State of Qualifying Licensure.

158 Z. "Rule" means a regulation promulgated by an
159 authorized entity that has the force of law.

160 AA. "Scope of Practice" means the procedures, actions,
161 and processes an Athletic Trainer licensed in a State is
162 permitted to undertake in that State and the circumstances
163 under which the Licensee is permitted to undertake those
164 procedures, actions and processes. Such procedures, actions
165 and processes and the circumstances under which they may be
166 undertaken may be established through means, including, but
167 not limited to, statute, regulations, case law, and other
168 processes available to the State Licensing Authority or
169 other government agency. Scope of Practice shall include
170 any State requirements regarding supervision or direction,
171 if required by such State and as further defined by such
172 State's statutes and regulations.

173 BB. "Single State License" means a License issued by
174 any State that authorizes practice only within the issuing
175 State.

176 CC. "State" means any state, commonwealth, district,
177 or territory of the United States of America.

178 DD. "State of Qualifying Licensure" means the Member
179 State who has issued a Compact Qualifying License to a
180 Licensee pursuant to this compact.

181 EE. "Unencumbered License" means a License that
182 authorizes a Licensee to engage in the full and unrestricted
183 practice of Athletic Training.

184 SECTION 3. STATE PARTICIPATION IN THE COMPACT

185 A. To be eligible to join this compact and to maintain
186 eligibility as a Member State, a State must:

187 1. Enact and maintain a statute that is not materially
188 different from the Model Compact Language;

189 2. License and regulate the practice of Athletic
190 Training;

191 3. Require that Licensees in that State maintain
192 Continuing Competence standards as part of their State
193 practice act or Rules;

194 4. Have a mechanism in place for receiving and
195 investigating complaints about Licensees;

196 5. Grant the Compact Privilege to a Licensee who meets
197 all the requirements outlined in Section 4 in accordance
198 with the terms of the compact and any Rules promulgated
199 thereunder;

200 6. Participate fully in the Compact Commission's Data
201 System, including using the unique identifier as defined in
202 Rules;

203 7. Notify the Compact Commission, in compliance with
204 the terms of the compact and Rules, of any Adverse Action or
205 the availability of Current Significant Investigative
206 Information regarding a Licensee;

207 8. Within a time frame established by Rule, implement
208 or utilize procedures for considering the criminal history

209 records of applicants for a Compact Qualifying License which
210 includes receiving the results of the Federal Bureau of
211 Investigation record search and shall use those results in
212 making licensure decisions. These procedures shall include
213 the submission of fingerprints or other biometric-based
214 information by applicants for the purpose of obtaining an
215 applicant's criminal history record information from the
216 Federal Bureau of Investigation and the agency responsible
217 for retaining that State's criminal records; and

218 a. A Member State must fully implement a Criminal
219 Background Check requirement in order to participate in the
220 issuance and acceptance of Compact Privileges.

221 b. Communication between a Member State and the
222 Compact Commission or among Member States regarding the
223 verification of eligibility for licensure through the
224 compact shall not include any information received from the
225 Federal Bureau of Investigation relating to a federal
226 criminal records check performed by a Member State.

227 9. Comply with and enforce the Rules of the Compact
228 Commission.

229 B. Member States may set and collect a fee for
230 issuance and renewal of a Compact Privilege to applicants.

231 C. Individuals without a Compact Qualifying License
232 shall continue to be able to apply for a Member State's
233 Single-State License as provided under the laws of each
234 Member State.

235 D. Nothing in this compact shall affect the
236 requirements established by a Member State for the issuance
237 of a Single State License.

238 E. A Compact Qualifying License shall be recognized by
239 each Remote State as authorizing that Licensee to engage in
240 the practice of Athletic Training, under a Compact

241 Privilege, in another Member State in accordance with the
242 requirements in Section 4.

243 SECTION 4. COMPACT PRIVILEGE

244 A. To be eligible for a Compact Privilege under the
245 terms and provisions of the compact, the Licensee shall
246 complete a Criminal Background Check performed by the
247 Licensing Authority in the State of Qualifying Licensure
248 prior to entry in the compact and shall:

249 1. Satisfy one of the following two pathways:

250 a. Hold a valid current active certification through
251 the BOC, or its successor organization; or

252 b. If a Licensee does not meet the requirements of
253 4.A.1.a., the following must be completed:

254 i. An education program which is either:

255 1. At least a bachelor's degree with a major course of
256 study in Athletic Training, or an equivalent course of study
257 from a college or university accredited at the time of
258 graduation by CAATE, or its successor organization;

259 2. An academic degree from a college or university in
260 a foreign country equivalent to the degree described in
261 subparagraph 1 of this subsection with a major course of
262 study as described in subparagraph 1 of this subsection that
263 is accredited by CAATE, or its successor organization; or

264 3. The substantial equivalent of the foregoing which
265 the Commission may determine by Rule.

266 ii. Successful completion of the exam administered by
267 the BOC, or its successor organization, preceding the date
268 of the Licensee's application for Licensure in their State
269 of Qualifying Licensure or the substantial equivalent of the
270 foregoing requirement which the Commission may determine by
271 Rule.

272 2. Hold a Compact Qualifying License;

273 3. Have not had any Encumbrance against any license or
274 Compact Privilege to practice Athletic Training within the
275 previous two (2) years;

276 4. Be eligible for a Compact Privilege in any Member
277 State in accordance with Section 4;

278 5. Notify the Compact Commission that the Licensee is
279 seeking the Compact Privilege within a Remote State(s);

280 6. Pay any applicable fees, including any State fee,
281 for the Compact Privilege;

282 7. Meet only the Continuing Competence requirements
283 established by the State of Qualifying Licensure;

284 8. Comply with any requirements of the State of
285 Qualifying Licensure as set forth in Section 3;

286 9. Meet any Jurisprudence Requirements established by
287 the Remote State(s) in which the Licensee is seeking a
288 Compact Privilege; and

289 10. Report to the Compact Commission any Adverse
290 Action, Encumbrance, or restriction on a license taken by
291 any non-Member State within 30 days from the date the action
292 is taken.

293 B. The Compact Privilege is valid until the expiration
294 date of the Compact Qualifying License. To maintain a
295 Compact Privilege, renewal of the Compact Privilege shall be
296 congruent with the renewal of the Compact Qualifying License
297 as the Compact Commission may define by Rule. The Licensee
298 must comply with the requirements of this section to
299 maintain the Compact Privilege in the Remote State. A
300 Licensee may apply for and hold Compact Privileges in
301 multiple Member States.

302 C. A Licensed Athletic Trainer must follow the Scope
303 of Practice of the Member State where the patient is
304 located. A Licensee engaging in the practice of Athletic
305 Training in a Remote State under the Compact Privilege shall

306 adhere to the Scope of Practice laws and regulations of the
307 Remote State. Licensees shall be responsible for educating
308 themselves on, and complying with, any and all Scope of
309 Practice laws and regulations and State laws relating to the
310 remote practice of Athletic Training, as applicable.

311 D. A Licensee engaging in the practice of Athletic
312 Training in a Remote State is subject to that State's
313 regulatory authority. A Remote State may, in accordance
314 with due process and that State's laws, remove a Licensee's
315 Compact Privilege in the Remote State for a specific period
316 of time, impose fines, or take any other necessary actions
317 to protect the health and safety of its citizens. Any
318 Member State which undertakes such an action shall promptly
319 notify the Member State and the Commission as specified in
320 the Rules. The Licensee may be deemed to be ineligible to
321 exercise the Compact Privilege by any Member State until the
322 specific time for removal has passed and all fines are paid.

323 E. All Member State disciplinary orders that impose
324 Adverse Action against a Compact Qualifying License shall
325 result in deactivation of the Licensee's Compact Privilege
326 in all Member States during the pendency of the order. If a
327 Compact Qualifying License is Encumbered, the Licensee shall
328 lose the Compact Privilege in any Remote State until the
329 following occur:

330 1. The Compact Qualifying License is no longer
331 Encumbered; and

332 2. The Licensee has not had any Encumbrance or
333 restriction against any License, Compact Qualifying License
334 or Compact Privilege within the previous two (2) years.

335 F. Once an Encumbered License is restored to good
336 standing as a Compact Qualifying License (as certified by
337 the Licensing Authority), the Licensee must meet the

338 requirements of this section to obtain a Compact Privilege
339 in any Remote State.

340 G. If a Licensee's Compact Privilege in any Remote
341 State is removed, that Licensee may also lose the Compact
342 Privilege in other Remote States, as each Member State shall
343 determine in its sole authority, until the following occur:

344 1. The specific period of time for which the Compact
345 Privilege was removed has ended;

346 2. All fines have been paid; and

347 3. Have not had any Encumbrance or restriction against
348 any License or Compact Privilege within the previous two (2)
349 years.

350 H. Once the requirements of Section 4.G have been met,
351 the Licensee must meet the requirements in Section 4.A to
352 obtain a Compact Privilege in a Remote State.

353 SECTION 5. COMPACT QUALIFYING LICENSE

354 A. A Licensee may only designate one License as their
355 Compact Qualifying License at a time. The procedures for
356 such designation may be further defined by Compact
357 Commission Rule.

358 B. Nothing in this Section shall require that the
359 State of Qualifying Licensure be the State of primary
360 residence or State of primary practice for the Licensee.

361 C. Nothing in this compact shall interfere with a
362 Licensee's ability to hold a Single State License in
363 multiple States.

364 D. Nothing in this compact shall affect the
365 requirements established by a Member State for the issuance
366 of a Single State License.

367 SECTION 6. ACTIVE MILITARY MEMBER OR THEIR SPOUSES

368 An Active Military Member or their spouse shall not be
369 required to pay a fee to the Commission for a Compact
370 Privilege. If a Member State chooses to charge a Member

371 State fee, it may choose to charge a reduced fee or no fee
372 to an Active Military Member or their spouse for a Compact
373 Privilege.

374 SECTION 7. ADVERSE ACTIONS

375 A. A Member State in which a Licensee is issued a
376 Compact Qualifying License shall have the exclusive
377 authority to impose Adverse Action against the Compact
378 Qualifying License issued by that Member State.

379 B. A Member State may take Adverse Action based on
380 Current Significant Investigative Information of a Remote
381 State, so long as the Member State follows its own
382 procedures for imposing Adverse Action.

383 C. Nothing in this compact shall override a Member
384 State's decision that participation in an Alternative
385 Program may be used in lieu of Adverse Action and that such
386 participation shall remain non-public if required by the
387 Member State's laws or Rules.

388 D. A Remote State shall have the authority to:

389 1. Take Adverse Actions as set forth herein against a
390 Licensee's Compact Privilege in that State; and
391 2. Issue subpoenas for both hearings and
392 investigations that require the attendance and testimony of
393 witnesses as well as the production of evidence.

394 a. Subpoenas may be issued by a Member State Athletic
395 Training Licensing Authority for the attendance and
396 testimony of witnesses and the production of evidence.

397 b. A Member State which issues a subpoena may request
398 service of that subpoena by another Member State. The
399 Member State receiving the request to serve a subpoena shall
400 serve the subpoena if it is deemed enforceable by a court of
401 competent jurisdiction according to the practice and
402 procedure in the receiving Member State.

403 c. The issuing authority shall pay any witness fees,
404 travel expenses, mileage, and other fees required by the
405 service statutes of the State where the witnesses or
406 evidence are located.

407 E. For purposes of taking Adverse Action, a Member
408 State shall give the same priority and effect to reported
409 conduct received from another Member State as it would if
410 the conduct had occurred within that State. In so doing,
411 the investigating Member State shall apply its own State
412 laws to determine appropriate action.

413 F. A Member State, if otherwise permitted by State
414 law, may recover from the affected Licensee the costs of
415 investigations and dispositions of cases resulting from any
416 Adverse Action taken against that Licensee.

417 G. Joint Investigations:

418 1. In addition to the authority granted to a Member
419 State by its respective State law, any Member State may
420 participate with other Member States in joint investigations
421 of Licensees.

422 2. Member States shall share any Current Significant
423 Investigative Information, litigation, or compliance
424 materials in furtherance of any joint or individual
425 investigation initiated under the compact. In sharing such
426 information between Member State Athletic Trainer Licensing
427 Authorities, all information obtained shall be kept
428 confidential, except as otherwise mutually agreed upon by
429 the sharing and receiving Member State(s).

430 3. A Remote State may issue subpoenas on behalf of a
431 Member State for both hearings and investigations that
432 require the attendance and testimony of witnesses as well as
433 the production of evidence.

434 H. If a Member State takes Adverse Action, it shall
435 promptly notify the administrator of the Data System. The

436 administrator of the Data System shall promptly notify all
437 Member States of any Adverse Actions by Remote States.

438 I. Nothing in this compact may permit a Member State
439 to take any Adverse Action against a Licensee or holder of a
440 Compact Privilege for conduct or practice occurring in
441 another Member State that was legal in the Member State at
442 the time it was undertaken.

443 SECTION 8. ESTABLISHMENT AND OPERATION OF THE COMMISSION

444 A. The compact Member States hereby create and
445 establish a joint government agency whose membership
446 consists of all Member States that have enacted the compact
447 known as the Athletic Trainer Licensure Compact Commission.
448 The Compact Commission is an instrumentality of the Member
449 States acting jointly and not an instrumentality of any one
450 State. The Compact Commission shall come into existence on
451 or after the effective date of the compact as set forth in
452 Section 12.

453 B. Membership, Voting, and Meetings:

454 1. Each Member State shall have and be limited to one
455 (1) Commissioner selected by that Member State's Licensing
456 Authority within 60 days of the Member State's effective
457 date.

458 2. The Commissioner shall be an administrator or their
459 designated staff or current board member of the Licensing
460 Authority.

461 3. The Compact Commission may recommend removal or
462 suspension of any Commissioner from office.

463 4. A Member State's Licensing Authority shall fill any
464 vacancy of its Commissioner occurring on the Compact
465 Commission within 60 days of the vacancy.

466 5. Each Commissioner shall be entitled to one vote on
467 all matters before the Compact Commission requiring a vote
468 by the Commissioners.

469 6. The Compact Commission shall meet at least once
470 during each calendar year. Additional meetings may be held
471 as set forth in the Commission bylaws. A Commissioner shall
472 vote in person or by such other means as provided in the
473 bylaws. The bylaws may provide for Commissioners to meet by
474 telecommunication, videoconference, or other means of
475 communication.

476 C. The Compact Commission shall have the following
477 powers:

- 478 1. Promulgate, adopt, and amend Rules and bylaws;
- 479 2. Establish code of conduct, confidentiality, and
480 conflict of interest policies for Commissioners;
- 481 3. Establish the fiscal year of the Compact Commission;
- 482 4. Maintain its financial records in accordance with
483 the bylaws;
- 484 5. Purchase and maintain insurance and insurance bonds;
- 485 6. Accept, or contract for services of personnel,
486 including, but not limited to, employees of a Member State;
- 487 7. Conduct a financial review or audit;
- 488 8. Hire employees, elect or appoint officers, fix
489 compensation, define duties, grant such individuals
490 appropriate authority to carry out the purposes of the
491 compact, and establish the Compact Commission's personnel
492 policies and programs relating to conflicts of interest,
493 qualifications of personnel, and other related personnel
494 matters;
- 495 9. Enter into contracts or arrangements for the
496 management of the affairs of the Commission;
- 497 10. Assess and collect fees;
- 498 11. Accept any and all appropriate gifts, donations,
499 grants of money, other sources of revenue, equipment,
500 supplies, materials, and services, and receive, utilize, and
501 dispose of the same; provided that at all times the Compact

502 Commission shall avoid any appearance of impropriety or
503 conflict of interest;

504 12. Lease, purchase, retain, own, hold, improve,
505 invest, or use any property, real, personal, or mixed, or
506 any undivided interest therein;

507 13. Sell, convey, mortgage, pledge, lease, exchange,
508 abandon, or otherwise dispose of any property real,
509 personal, or mixed;

510 14. Establish a budget and make expenditures;

511 15. Borrow and invest money;

512 16. Meet and take such actions as are consistent with
513 the provisions of this compact, the Compact Commission's
514 Rules, and the bylaws;

515 17. Initiate and conclude legal proceedings or actions
516 in the name of the Compact Commission, provided that the
517 standing of any Licensing Authority to sue or be sued under
518 applicable law shall not be affected;

519 18. Maintain and certify records and information
520 provided to a Member State as the authenticated business
521 records of the Compact Commission, and designate an agent to
522 do so on the Compact Commission's behalf;

523 19. Provide and receive information from, and
524 cooperate with, law enforcement agencies;

525 20. Determine whether a State's adopted language is
526 materially different from the Model Compact Language such
527 that the State would not qualify for participation in the
528 compact;

529 21. Establish and elect an Executive Committee,
530 including a chair and a vice chair, secretary, treasurer,
531 and such other offices as the Commission shall establish by
532 Rule or bylaw;

533 22. Appoint committees, including standing committees,
534 composed of Member State Commissioners, State regulators,

535 State legislators or their representatives, and consumer
536 representatives, and such other interested persons as may be
537 designated in this compact and the bylaws; and

538 23. Perform such other functions as may be necessary
539 or appropriate to achieve the purposes of this compact.

540 D. The Executive Committee:

541 1. The Executive Committee shall have the power to act
542 on behalf of the Compact Commission according to the terms
543 of this compact. The powers, duties, and responsibilities
544 of the Executive Committee shall include:

545 a. Exercise the powers and duties of the Compact
546 Commission during the interim between Compact Commission
547 meetings, except for adopting or amending Rules, adopting or
548 amending bylaws, and exercising any other powers and duties
549 expressly reserved to the Compact Commission by Rule or
550 bylaw;

551 b. Oversee the day-to-day activities of the
552 administration of the compact including enforcement and
553 compliance with the provisions of the compact, its Rules and
554 bylaws, and other such duties as deemed necessary;

555 c. Recommend to the Compact Commission changes to the
556 Rules or bylaws, changes to this compact legislation, fees
557 charged to Compact Member States, fees charged to Licensees,
558 and other fees;

559 d. Ensure compact administration services are
560 appropriately provided, including by contract;

561 e. Prepare and recommend the budget;

562 f. Maintain financial records on behalf of the Compact
563 Commission;

564 g. Monitor compact compliance of Member States and
565 provide compliance reports to the Compact Commission;

566 h. Establish additional committees as necessary; and

567 i. Other duties as provided in the Rules or bylaws of
568 the Compact Commission.

569 2. The Executive Committee shall be composed of five
570 voting members, elected by the Compact Commission:

571 a. The chair and vice chair of the Compact Commission,
572 shall be voting members of the Executive Committee;

573 b. The Compact Commission shall elect up to three
574 additional voting members from the current membership of the
575 Compact Commission to include the offices of treasurer,
576 secretary, and one member-at-large; and

577 c. Up to four (4) ex-officio, nonvoting members from
578 recognized national athletic trainer organizations.

579 3. The Compact Commission may remove any member of the
580 Executive Committee as provided in the Compact Commission's
581 bylaws.

582 4. The Executive Committee shall meet at least
583 annually:

584 a. Executive Committee meetings shall be open to the
585 public, except that the Executive Committee may meet in a
586 closed, non-public meeting as provided in this section.

587 b. The Executive Committee shall give advance notice
588 of its meetings, posted on its website and as determined by
589 rule or bylaw to provide notice to persons with an interest
590 in the business of the Compact Commission.

591 c. The Executive Committee may hold a special meeting
592 in accordance with this section.

593 E. The Compact Commission shall adopt and provide to
594 the Member States an annual report.

595 F. Meetings of the Compact Commission:

596 1. All meetings shall be open to the public, except
597 that the Compact Commission may meet in a closed, non-public
598 meeting as provided in this section.

599 2. Public notice for all meetings of the full Compact
600 Commission of meetings shall be given in the same manner as
601 required under the rulemaking provisions in this compact,
602 except that the Compact Commission may hold a special
603 meeting as provided in this section.

604 3. The Compact Commission may hold a special meeting
605 when it must meet to conduct emergency business by giving 24
606 hours' notice to all Commissioners, on the Compact
607 Commission's website, and other means as provided in the
608 Compact Commission's Rules. The Compact Commission's legal
609 counsel shall certify that the Compact Commission's need to
610 meet qualifies as an emergency.

611 4. The Compact Commission or the Executive Committee
612 or other committees of the Compact Commission may convene in
613 a closed, non-public meeting for the Compact Commission or
614 Executive Committee or other committees of the Compact
615 Commission to receive legal advice or to discuss:

616 a. Non-compliance of a Member State with its
617 obligations under the compact;

618 b. The employment, compensation, discipline or other
619 matters, practices or procedures related to specific
620 employees;

621 c. Current or threatened discipline of a Licensee by a
622 Member State's Licensing Authority;

623 d. Current, threatened, or reasonably anticipated
624 litigation;

625 e. Negotiation of contracts for the purchase, lease,
626 or sale of goods, services, or real estate;

627 f. Accusing any person of a crime or formally
628 censuring any person;

629 g. Trade secrets or commercial or financial
630 information that is privileged or confidential;

631 h. Information of a personal nature where disclosure
632 would constitute a clearly unwarranted invasion of personal
633 privacy;

634 i. Investigative records compiled for law enforcement
635 purposes;

636 j. Information related to any investigative reports
637 prepared by or on behalf of or for use of the Compact
638 Commission or other committee charged with responsibility of
639 investigation or determination of compliance issues pursuant
640 to the compact;

641 k. Matters specifically exempted from disclosure by
642 federal or Member State law; or

643 l. Other matters as specified in Rules of the Compact
644 Commission.

645 5. If a meeting, or portion of a meeting, is closed,
646 the Compact Commission's legal counsel or designee shall
647 certify that the meeting will be closed and reference each
648 relevant exempting provision, and such reference shall be
649 recorded in the minutes. All minutes and documents of a
650 closed meeting shall remain under seal, subject to release
651 only by a majority vote of the Compact Commission or order
652 of a court of competent jurisdiction.

653 G. Financing of the Compact Commission:

654 1. The Compact Commission shall pay, or provide for
655 the payment of, the reasonable expenses of its
656 establishment, organization, and ongoing activities.

657 2. The Compact Commission may accept any and all
658 appropriate revenue sources as provided in this section.

659 3. The Compact Commission may levy on and collect an
660 annual assessment from each Member State and impose fees on
661 Licensees of Member States to whom it grants a Compact
662 Privilege to cover the cost of the operations and activities
663 of the Compact Commission and its staff, which must be in a

664 total amount sufficient to cover its annual budget as
665 approved each year for which revenue is not provided by
666 other sources. The aggregate annual assessment amount for
667 Member States shall be allocated based upon a formula that
668 the Compact Commission shall promulgate by Rule.

669 4. The Compact Commission shall not incur obligations
670 of any kind prior to securing the funds or a loan adequate
671 to meet the same; nor shall the Compact Commission pledge
672 the credit of any of the Member States, except by and with
673 the authority of the Member State.

674 5. The Compact Commission shall keep accurate accounts
675 of all receipts and disbursements. The receipts and
676 disbursements of the Compact Commission shall be subject to
677 the financial review or audit and accounting procedures
678 established under its bylaws. However, all receipts and
679 disbursements of funds handled by the Compact Commission
680 shall be subject to an annual financial review or audit by a
681 certified or licensed public accountant, and the report of
682 the financial review or audit shall be included in and
683 become part of the annual report of the Compact Commission.

684 H. Qualified Immunity, Defense, and Indemnification:

685 1. The members, officers, executive director,
686 employees and representatives of the Compact Commission
687 shall be immune from suit and liability, both personally and
688 in their official capacity, for any claim for damage to or
689 loss of property or personal injury or other civil liability
690 caused by or arising out of any actual or alleged act,
691 error, or omission that occurred, or that the person against
692 whom the claim is made had a reasonable basis for believing
693 occurred within the scope of Compact Commission employment,
694 duties or responsibilities; provided that nothing in this
695 paragraph shall be construed to protect any such person from
696 suit or liability for any damage, loss, injury, or liability

697 caused by the intentional or willful or wanton misconduct of
698 that person. The procurement of insurance of any type by
699 the Compact Commission shall not in any way compromise or
700 limit the immunity granted hereunder.

701 2. The Compact Commission shall defend any member,
702 officer, executive director, employee, and representative of
703 the Compact Commission in any civil action seeking to impose
704 liability arising out of any actual or alleged act, error,
705 or omission that occurred within the scope of Compact
706 Commission employment, duties, or responsibilities, or as
707 determined by the Compact Commission that the person against
708 whom the claim is made had a reasonable basis for believing
709 occurred within the scope of Compact Commission employment,
710 duties, or responsibilities; provided that nothing herein
711 shall be construed to prohibit that person from retaining
712 their own counsel at their own expense; and provided
713 further, that the actual or alleged act, error, or omission
714 did not result from that person's intentional or willful or
715 wanton misconduct.

716 3. The Compact Commission shall indemnify and hold
717 harmless any member, officer, executive director, employee,
718 and representative of the Compact Commission for the amount
719 of any settlement or judgment obtained against that person
720 arising out of any actual or alleged act, error, or omission
721 that occurred within the scope of Compact Commission
722 employment, duties, or responsibilities, or that such person
723 had a reasonable basis for believing occurred within the
724 scope of Compact Commission employment, duties, or
725 responsibilities, provided that the actual or alleged act,
726 error, or omission did not result from the intentional or
727 willful or wanton misconduct of that person.

728 4. Nothing herein shall be construed as a limitation
729 on the liability of any Licensee for professional

730 malpractice or misconduct, which shall be governed solely by
731 any other applicable State laws.

732 5. Nothing in this compact shall be interpreted to
733 waive or otherwise abrogate a Member State's state action
734 immunity or state action affirmative defense with respect to
735 antitrust claims under the Sherman Act, Clayton Act, or any
736 other State or federal antitrust or anticompetitive law or
737 regulation.

738 6. Nothing in this compact shall be construed to be a
739 waiver of sovereign immunity by the Member States or by the
740 Compact Commission.

741 SECTION 9. DATA SYSTEM

742 A. The Commission shall provide for the development,
743 maintenance, operation, and utilization of a coordinated
744 Data System and reporting system containing licensure,
745 Compact Privileges, Adverse Action, and the presence of
746 Current Significant Investigative Information on all
747 Licensees and applicants for a License in Member States.

748 B. Notwithstanding any other provision of State law to
749 the contrary, a Member State shall submit a uniform data set
750 to the Data System on all Licensees, applicants, and others
751 to whom this compact is applicable as required by the Rules
752 of the Compact Commission, including:

753 1. Personally identifying information;

754 2. Licensure data;

755 3. Adverse Actions against a Licensee, License
756 applicant or Compact Privilege and information related
757 thereto;

758 4. Non-confidential information related to Alternative
759 Program participation, the beginning and ending dates of
760 such participation, and other information related to such
761 participation;

762 5. Any denial of an application for licensure and the
763 reason(s) for such denial (excluding the reporting of any
764 criminal history record information where prohibited by law);

765 6. A binary determination regarding the presence of
766 Current Significant Investigative Information; and

767 7. Other information that may facilitate the
768 administration of this compact or the protection of the
769 public, as determined by the Rules of the Commission.

770 C. The records and information provided to a Member
771 State pursuant to this compact or through the Data System,
772 when certified by the Commission or an agent thereof, shall
773 constitute the authenticated business records of the
774 Commission, and shall be entitled to any associated hearsay
775 exception in any relevant judicial, quasi-judicial or
776 administrative proceedings in a Member State.

777 D. Current Significant Investigative Information
778 pertaining to a Licensee in any Member State will only be
779 available to other Member States.

780 E. It is the responsibility of the Member States to
781 monitor the Data System to determine whether Adverse Action
782 has been taken against a Licensee or License applicant.
783 Adverse Action information pertaining to a Licensee or
784 License applicant in any Member State will be available to
785 any other Member State.

786 F. Member States contributing information to the Data
787 System may designate information that may not be shared with
788 the public without the express permission of the
789 contributing State.

790 G. Any information submitted to the Data System that
791 is subsequently expunged pursuant to federal law or the laws
792 of the Member State contributing the information shall be
793 removed from the Data System.

794 SECTION 10. RULEMAKING

795 A. The Compact Commission shall promulgate reasonable
796 Rules in order to effectively and efficiently implement and
797 administer the purposes and provisions of the compact. A
798 Rule shall be invalid and have no force or effect only if a
799 court of competent jurisdiction holds that the Rule is
800 invalid because the Compact Commission exercised its
801 rulemaking authority in a manner that is beyond the scope
802 and purposes of the compact, or the powers granted
803 hereunder, or based upon another applicable standard of
804 review.

805 B. The Rules of the Compact Commission shall have the
806 force of law in each Member State, provided however that
807 where the Rules conflict with the laws or regulations of a
808 Member State that relate to the Scope of Practice a Licensed
809 Athletic Trainer is permitted to undertake in that State and
810 the circumstances under which they may do so, as held by a
811 court of competent jurisdiction, the Rules of the Compact
812 Commission shall be ineffective in that State to the extent
813 of the conflict.

814 C. The Compact Commission shall exercise its
815 rulemaking powers pursuant to the criteria set forth in this
816 section and the Rules adopted thereunder. Rules of this
817 compact shall become binding on the day following adoption
818 or as of the date specified in the Rule or amendment,
819 whichever is later.

820 D. If a majority of the legislatures of the Member
821 States rejects a Rule or portion of a Rule, by enactment of
822 a statute or resolution in the same manner used to adopt the
823 compact within four (4) years of the date of adoption of the
824 Rule, then such Rule shall have no further force and effect
825 in any Member State.

826 E. Rules shall be adopted at a regular or special
827 meeting of the Compact Commission.

828 F. Prior to adoption of a proposed Rule, the Compact
829 Commission shall hold a public hearing and allow persons to
830 provide oral and written comments, data, facts, opinions,
831 and arguments. At least thirty (30) days in advance of the
832 public hearing on the proposed Rule, the Compact Commission
833 shall provide a notice of proposed rulemaking:

834 1. On the website of the Compact Commission or other
835 publicly accessible platform;

836 2. To persons who have requested notice of the Compact
837 Commission's notices of proposed rulemaking; and

838 3. In such other way(s) as the Compact Commission may
839 by Rule specify.

840 G. The notice of proposed rulemaking shall include:

841 1. The time, date, and location of the public hearing
842 at which the Compact Commission will hear public comments on
843 the proposed Rule and, if different, the time, date, and
844 location of the meeting where the Compact Commission will
845 consider and vote on the proposed Rule;

846 2. If the hearing is held via telecommunication, video
847 conference, or other electronic means, the Compact
848 Commission shall include the mechanism for access to the
849 hearing in the notice of proposed rulemaking;

850 3. The text of the proposed Rule and the reason
851 therefor;

852 4. A request for comments on the proposed Rule from
853 any interested person; and

854 5. The manner in which interested persons may submit
855 written comments.

856 H. All hearings will be recorded. A copy of the
857 recording and all written comments and documents received by
858 the Compact Commission in response to the proposed Rule
859 shall be available to the public.

860 I. Nothing in this section shall be construed as
861 requiring a separate hearing on each Rule. Rules may be
862 grouped for the convenience of the Compact Commission at
863 hearings required by this section.

864 J. The Compact Commission shall, by majority vote of
865 all members, take final action on the proposed Rule based on
866 the rulemaking record and the full text of the Rule.

867 1. The Compact Commission may adopt changes to the
868 proposed Rule provided the changes do not enlarge the
869 original purpose of the proposed Rule.

870 2. The Compact Commission shall provide an explanation
871 of the reasons for substantive changes made to the proposed
872 Rule as well as reasons for substantive changes not made
873 that were recommended by commenters.

874 3. The Compact Commission shall determine a reasonable
875 effective date for the Rule. Except for an emergency as
876 provided in this section, the effective date of the Rule
877 shall be no sooner than 30 days after issuing the notice
878 that it adopted or amended the Rule.

879 K. Upon determination that an emergency exists, the
880 Compact Commission may consider and adopt an emergency Rule
881 with 24 hours' notice, with opportunity to comment, provided
882 that the usual rulemaking procedures provided in the compact
883 and in this section shall be retroactively applied to the
884 Rule as soon as reasonably possible, in no event later than
885 ninety (90) days after the effective date of the Rule. For
886 the purposes of this provision, an emergency Rule is one
887 that must be adopted immediately in order to:

888 1. Meet an imminent threat to public health, safety,
889 or welfare;

890 2. Prevent a loss of Compact Commission or Member
891 State funds;

892 3. Meet a deadline for the promulgation of a Rule that
893 is established by federal law or rule; or

894 4. Protect public health and safety.

895 L. The Compact Commission or an authorized committee
896 of the Compact Commission may direct revisions to a
897 previously adopted Rule for purposes of correcting
898 typographical errors, errors in format, errors in
899 consistency, or grammatical errors. Public notice of any
900 revisions shall be posted on the website of the Compact
901 Commission. The revision shall be subject to challenge by
902 any person for a period of thirty (30) days after posting.
903 The revision may be challenged only on grounds that the
904 revision results in a material change to a Rule. A
905 challenge shall be made in writing and delivered to the
906 Compact Commission prior to the end of the notice period.
907 If no challenge is made, the revision will take effect
908 without further action. If the revision is challenged, the
909 revision may not take effect without the approval of the
910 Compact Commission.

911 M. No Member State's rulemaking requirements shall
912 apply under this compact.

913 SECTION 11. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

914 A. Oversight:

915 1. The executive and judicial branches of State
916 government in each Member State shall enforce this compact
917 and take all actions necessary and appropriate to implement
918 the compact.

919 2. Except as otherwise provided in this compact, venue
920 is proper and judicial proceedings by or against the Compact
921 Commission shall be brought solely and exclusively in a
922 court of competent jurisdiction where the principal office
923 of the Compact Commission is located. The Compact
924 Commission may waive venue and jurisdictional defenses to

925 the extent it adopts or consents to participate in
926 alternative dispute resolution proceedings. Nothing herein
927 shall affect or limit the selection or propriety of venue in
928 any action against a Licensee for professional malpractice,
929 misconduct or any such similar matter.

930 3. The Compact Commission shall be entitled to receive
931 service of process in any proceeding regarding the
932 enforcement or interpretation of the compact and shall have
933 standing to intervene in such a proceeding for all
934 purposes. Failure to provide the Compact Commission service
935 of process shall render a judgment or order void as to the
936 Compact Commission, this compact, or promulgated Rules.

937 B. Default, Technical Assistance, and Termination:

938 1. If the Compact Commission determines that a Member
939 State has defaulted in the performance of its obligations or
940 responsibilities under this compact or the promulgated
941 Rules, the Commission shall provide written notice to the
942 defaulting State. The notice of default shall describe the
943 default, the proposed means of curing the default, and any
944 other action that the Compact Commission may take, and shall
945 offer training and specific technical assistance regarding
946 the default.

947 2. The Compact Commission shall provide a copy of the
948 notice of default to the other Member States.

949 C. If a State in default fails to cure the default,
950 the defaulting State may be terminated from the compact upon
951 an affirmative vote of a majority of the Commissioners of
952 the Member States, and all rights, privileges and benefits
953 conferred on that State by this compact may be terminated on
954 the effective date of termination. A cure of the default
955 does not relieve the offending State of obligations or
956 liabilities incurred during the period of default.

957 D. Termination of membership in the compact shall be
958 imposed only after all other means of securing compliance
959 have been exhausted. Notice of intent to suspend or
960 terminate shall be given by the Compact Commission to the
961 governor, the majority and minority leaders of the
962 defaulting State's legislature, the defaulting State's
963 Licensing Authority and each of the Member States' Licensing
964 Authority.

965 E. A State that has been terminated is responsible for
966 all assessments, obligations, and liabilities incurred
967 through the effective date of termination, including
968 obligations that extend beyond the effective date of
969 termination.

970 F. Upon the termination of a State's membership from
971 this compact, that State shall immediately provide notice to
972 all Licensees within that State of such termination. The
973 terminated State shall continue to recognize all Licenses
974 and Compact Privileges granted pursuant to this compact for
975 a minimum of 180 days after the date of said notice of
976 termination.

977 G. The Compact Commission shall not bear any costs
978 related to a State that is found to be in default or that
979 has been terminated from the compact, unless agreed upon in
980 writing between the Compact Commission and the defaulting
981 State.

982 H. The defaulting State may appeal the action of the
983 Compact Commission by petitioning the United States District
984 Court for the District of Columbia or the federal district
985 where the Compact Commission has its principal offices. The
986 prevailing party shall be awarded all costs of such
987 litigation, including reasonable attorney's fees.

988 I. Dispute Resolution:

989 1. Upon request by a Member State, the Compact
990 Commission shall attempt to resolve disputes related to the
991 compact that arise among Member States and between Member
992 and non-Member States.

993 2. The Compact Commission shall promulgate a Rule
994 providing for both mediation and binding dispute resolution
995 for disputes as appropriate.

996 J. Enforcement:

997 1. By two-thirds majority (2/3) vote, the Compact
998 Commission may initiate legal action against a Member State
999 in default in the United States District Court for the
1000 District of Columbia or the federal district where the
1001 Compact Commission has its principal offices to enforce
1002 compliance with the provisions of the compact and its
1003 promulgated Rules. The relief sought may include both
1004 injunctive relief and damages. In the event judicial
1005 enforcement is necessary, the prevailing party shall be
1006 awarded all costs of such litigation, including reasonable
1007 attorney's fees. The remedies herein shall not be the
1008 exclusive remedies of the Compact Commission. The Compact
1009 Commission may pursue any other remedies available under
1010 federal or the defaulting Member State's law.

1011 2. A Member State may initiate legal action against
1012 the Compact Commission in the United States District Court
1013 for the District of Columbia or the federal district where
1014 the Compact Commission has its principal offices to enforce
1015 compliance with the provisions of the compact and its
1016 promulgated Rules. The relief sought may include both
1017 injunctive relief and damages. In the event judicial
1018 enforcement is necessary, the prevailing party shall be
1019 awarded all costs of such litigation, including reasonable
1020 attorney's fees.

1021 3. No person other than a Member State shall enforce
1022 this compact against the Compact Commission.

1023 SECTION 12. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

1024 A. The compact shall come into effect on the date on
1025 which the compact statute is enacted into law in the seventh
1026 Member State.

1027 1. On or after the effective date of the compact, the
1028 Compact Commission shall convene and review the enactment of
1029 each of the first seven Member States ("Charter Member
1030 States") to determine if the statute enacted and made
1031 effective by each such Charter Member State is materially
1032 different than the model compact statute.

1033 a. A Charter Member State whose enactment is found to
1034 be materially different from the Model Compact Language
1035 shall be entitled to the default process set forth in
1036 Section 11.

1037 b. If any Member State is later found to be in
1038 default, or is terminated or withdraws from the compact, the
1039 Compact Commission shall remain in existence and the compact
1040 shall remain in effect even if the number of Member States
1041 should be less than seven.

1042 2. Member States enacting the compact subsequent to
1043 the seven initial Charter Member States shall be subject to
1044 the process set forth in this section to determine if their
1045 enactments are materially different from the model compact
1046 statute and whether they qualify for participation in the
1047 compact.

1048 3. All actions taken for the benefit of the Compact
1049 Commission or in furtherance of the purposes of the
1050 administration of the compact prior to the effective date of
1051 the compact or the Compact Commission coming into existence
1052 shall be considered to be actions of the Compact Commission
1053 unless specifically repudiated by the Compact Commission.

1054 4. Any State that joins the compact subsequent to the
1055 Compact Commission's initial adoption of the Rules and
1056 bylaws shall be subject to the Rules and bylaws as they
1057 exist on the date on which the compact becomes law in that
1058 State. Any Rule that has been previously adopted by the
1059 Compact Commission shall have the full force and effect of
1060 law on the day the compact becomes law in that State.

1061 B. Any Member State may withdraw from this compact by
1062 enacting a statute repealing the same.

1063 1. A Member State's withdrawal shall not take effect
1064 until 180 days after enactment of the repealing statute.

1065 2. Withdrawal shall not affect the continuing
1066 requirement of the withdrawing State's Licensing Authority
1067 to comply with the investigative and Adverse Action
1068 reporting requirements of this compact prior to the
1069 effective date of withdrawal.

1070 3. Upon the enactment of a statute withdrawing from
1071 this compact, a State shall immediately provide notice of
1072 such withdrawal to all Licensees and privilege holders
1073 within that State. Notwithstanding any subsequent statutory
1074 enactment to the contrary, such withdrawing State shall
1075 continue to recognize all Compact Privileges granted
1076 pursuant to this compact for a minimum of 180 days after the
1077 date of such notice of withdrawal.

1078 4. Nothing contained in this compact shall be
1079 construed to invalidate or prevent any licensure agreement
1080 or other cooperative arrangement between a Member State and
1081 a non-Member State that does not conflict with the
1082 provisions of this compact.

1083 5. This compact may be amended by the Member States.
1084 No amendment to this compact shall become effective and
1085 binding upon any Member State until it is enacted into the
1086 laws of all Member States.

1118 A. Nothing herein shall prevent or inhibit the
1119 enforcement of any other law of a Member State that is not
1120 inconsistent with the compact.

1121 B. Any laws, statutes, regulations, or other legal
1122 requirements in a Member State in conflict with the compact
1123 are superseded to the extent of the conflict.

1124 C. All permissible agreements between the Compact
1125 Commission and the Member States are binding in accordance
1126 with their terms.

334.1800. This section shall be known and may be cited
2 as the "PA Licensure Compact".

3 SECTION 1. PURPOSE

4 In order to strengthen access to Medical Services, and
5 in recognition of the advances in the delivery of Medical
6 Services, the Participating States of the PA Licensure
7 Compact have allied in common purpose to develop a
8 comprehensive process that complements the existing
9 authority of State Licensing Boards to license and
10 discipline Physician Assistants and seeks to enhance the
11 portability of a License to practice as a Physician
12 Assistant while safeguarding the safety of patients. This
13 Compact allows Medical Services to be provided by Physician
14 Assistants, via the mutual recognition of the Licensee's
15 Qualifying License by other Compact Participating States.
16 This Compact also adopts the prevailing standard for
17 Physician Assistant licensure and affirms that the practice
18 and delivery of Medical Services by the Physician Assistant
19 occurs where the patient is located at the time of the
20 patient encounter, and therefore requires the Physician
21 Assistant to be under the jurisdiction of the State
22 Licensing Board where the patient is located. State
23 Licensing Boards that participate in this Compact retain the
24 jurisdiction to impose Adverse Action against a Compact

25 Privilege in that State issued to a Physician Assistant
26 through the procedures of this Compact. The PA Licensure
27 Compact will alleviate burdens for military families by
28 allowing active duty military personnel and their spouses to
29 obtain a Compact Privilege based on having an unrestricted
30 License in good standing from a Participating State.

31 SECTION 2. DEFINITIONS

32 In this Compact:

33 A. "Adverse Action" means any administrative, civil,
34 equitable, or criminal action permitted by a State's laws
35 which is imposed by a Licensing Board or other authority
36 against a Physician Assistant License or License application
37 or Compact Privilege such as License denial, censure,
38 revocation, suspension, probation, monitoring of the
39 Licensee, or restriction on the Licensee's practice.

40 B. "Compact Privilege" means the authorization granted
41 by a Remote State to allow a Licensee from another
42 Participating State to practice as a Physician Assistant to
43 provide Medical Services and other licensed activity to a
44 patient located in the Remote State under the Remote State's
45 laws and regulations.

46 C. "Conviction" means a finding by a court that an
47 individual is guilty of a felony or misdemeanor offense
48 through adjudication or entry of a plea of guilt or no
49 contest to the charge by the offender.

50 D. "Criminal Background Check" means the submission of
51 fingerprints or other biometric-based information for a
52 License applicant for the purpose of obtaining that
53 applicant's criminal history record information, as defined
54 in 28 C.F.R. § 20.3(d), from the State's criminal history
55 record repository as defined in 28 C.F.R. § 20.3(f).

56 E. "Data System" means the repository of information
57 about Licensees, including but not limited to License status

58 and Adverse Actions, which is created and administered under
59 the terms of this Compact.

60 F. "Executive Committee" means a group of directors
61 and ex-officio individuals elected or appointed pursuant to
62 Section 7.F.2.

63 G. "Impaired Practitioner" means a Physician Assistant
64 whose practice is adversely affected by health-related
65 condition(s) that impact their ability to practice.

66 H. "Investigative Information" means information,
67 records, or documents received or generated by a Licensing
68 Board pursuant to an investigation.

69 I. "Jurisprudence Requirement" means the assessment of
70 an individual's knowledge of the laws and Rules governing
71 the practice of a Physician Assistant in a State.

72 J. "License" means current authorization by a State,
73 other than authorization pursuant to a Compact Privilege,
74 for a Physician Assistant to provide Medical Services, which
75 would be unlawful without current authorization.

76 K. "Licensee" means an individual who holds a License
77 from a State to provide Medical Services as a Physician
78 Assistant.

79 L. "Licensing Board" means any State entity authorized
80 to license and otherwise regulate Physician Assistants.

81 M. "Medical Services" means health care services
82 provided for the diagnosis, prevention, treatment, cure or
83 relief of a health condition, injury, or disease, as defined
84 by a State's laws and regulations. The Medical Services
85 provided by a Physician Assistant to a patient located in
86 Missouri are defined by Missouri's state laws and
87 regulations.

88 N. "Model Compact" means the model for the PA
89 Licensure Compact on file with The Council of State
90 Governments or other entity as designated by the Commission.

91 O. "Participating State" means a State that has
92 enacted this Compact.

93 P. "PA" or "Physician Assistant" means an individual
94 who is licensed as a physician assistant in a State. For
95 purposes of this Compact, any other title or status adopted
96 by a State to replace the term "Physician Assistant" shall
97 be deemed synonymous with "Physician Assistant" and shall
98 confer the same rights and responsibilities to the Licensee
99 under the provisions of this Compact at the time of its
100 enactment.

101 Q. "PA Licensure Compact Commission," "Compact
102 Commission," or "Commission" mean the national
103 administrative body created pursuant to Section 7.A of this
104 Compact.

105 R. "Qualifying License" means an unrestricted License
106 issued by a Participating State to provide Medical Services
107 as a Physician Assistant.

108 S. "Remote State" means a Participating State where a
109 Licensee who is not licensed as a Physician Assistant is
110 exercising or seeking to exercise the Compact Privilege.

111 T. "Rule" means a regulation promulgated by an entity
112 that has the force and effect of law.

113 U. "Significant Investigative Information" means
114 Investigative Information that a Licensing Board, after an
115 inquiry or investigation that includes notification and an
116 opportunity for the Physician Assistant to respond if
117 required by State law, has reason to believe is not
118 groundless and, if proven true, would indicate more than a
119 minor infraction.

120 V. "State" means any state, commonwealth, district, or
121 territory of the United States.

122 SECTION 3. STATE PARTICIPATION IN THIS COMPACT

- 123 A. To participate in this Compact, a Participating
124 State shall:
- 125 1. License Physician Assistants;
 - 126 2. Participate in the Compact Commission's Data System;
 - 127 3. Have a mechanism in place for receiving and
128 investigating complaints against Licensees and License
129 applicants;
 - 130 4. Notify the Commission, in compliance with the terms
131 of this Compact and Commission Rules, of any Adverse Action
132 against a Licensee or License applicant and the existence of
133 Significant Investigative Information regarding a Licensee
134 or License applicant;
 - 135 5. Fully implement a Criminal Background Check
136 requirement, within a time frame established by Commission
137 Rule, by its Licensing Board receiving the results of a
138 Criminal Background Check and reporting to the Commission
139 whether the License applicant has been granted a License;
 - 140 6. Comply with the Rules of the Compact Commission;
 - 141 7. Utilize passage of a recognized national exam such
142 as the NCCPA PANCE as a requirement for Physician Assistant
143 licensure;
 - 144 8. Grant the Compact Privilege to a holder of a
145 Qualifying License in a Participating State.
- 146 B. Nothing in this Compact prohibits a Participating
147 State from charging a fee for granting the Compact Privilege.

148 SECTION 4. COMPACT PRIVILEGE

- 149 A. To exercise the Compact Privilege, a Licensee must:
- 150 1. Have graduated from a Physician Assistant program
151 accredited by the Accreditation Review Commission on
152 Education for the Physician Assistant, Inc. or other
153 programs authorized by Commission Rule;
 - 154 2. Hold current NCCPA certification;
 - 155 3. Have no felony or misdemeanor Conviction;

156 4. Have never had a controlled substance license,
157 permit, or registration suspended or revoked by a State or
158 by the United States Drug Enforcement Administration;

159 5. Have a unique identifier as determined by
160 Commission Rule;

161 6. Hold a Qualifying License;

162 7. Have had no revocation of a License or limitation
163 or restriction on any License currently held due to an
164 Adverse Action;

165 8. If a Licensee has had a limitation or restriction
166 on a License or Compact Privilege due to an Adverse Action,
167 two years must have elapsed from the date on which the
168 License or Compact Privilege is no longer limited or
169 restricted due to the Adverse Action;

170 9. If a Compact Privilege has been revoked or is
171 limited or restricted in a Participating State for conduct
172 that would not be a basis for disciplinary action in a
173 Participating State in which the Licensee is practicing or
174 applying to practice under a Compact Privilege, that
175 Participating State shall have the discretion not to
176 consider such action as an Adverse Action requiring the
177 denial or removal of a Compact Privilege in that State;

178 10. Notify the Compact Commission that the Licensee is
179 seeking the Compact Privilege in a Remote State;

180 11. Meet any Jurisprudence Requirement of a Remote
181 State in which the Licensee is seeking to practice under the
182 Compact Privilege and pay any fees applicable to satisfying
183 the Jurisprudence Requirement;

184 12. Report to the Commission any Adverse Action taken
185 by a non-Participating State within thirty (30) days after
186 the action is taken.

187 B. The Compact Privilege is valid until the expiration
188 or revocation of the Qualifying License unless terminated

189 pursuant to an Adverse Action. The Licensee must also
190 comply with all of the requirements of Section 4.A above to
191 maintain the Compact Privilege in a Remote State. If the
192 Participating State takes Adverse Action against a
193 Qualifying License, the Licensee shall lose the Compact
194 Privilege in any Remote State in which the Licensee has a
195 Compact Privilege until all of the following occur:

196 1. The License is no longer limited or restricted; and
197 2. Two (2) years have elapsed from the date on which
198 the License is no longer limited or restricted due to the
199 Adverse Action.

200 C. Once a restricted or limited License satisfies the
201 requirements of Sections 4.B.1 and 4.B.2, the Licensee must
202 meet the requirements of Section 4.A to obtain a Compact
203 Privilege in any Remote State.

204 D. For each Remote State in which a Physician
205 Assistant seeks authority to prescribe controlled
206 substances, the Physician Assistant shall satisfy all
207 requirements imposed by such State in granting or renewing
208 such authority.

209 SECTION 5. DESIGNATION OF THE STATE FROM WHICH LICENSEE IS
210 APPLYING FOR A COMPACT PRIVILEGE

211 A. Upon a Licensee's application for a Compact
212 Privilege, the Licensee shall identify to the Commission the
213 Participating State from which the Licensee is applying, in
214 accordance with applicable Rules adopted by the Commission,
215 and subject to the following requirements:

216 1. When applying for a Compact Privilege, the Licensee
217 shall provide the Commission with the address of the
218 Licensee's primary residence and thereafter shall
219 immediately report to the Commission any change in the
220 address of the Licensee's primary residence.

221 2. When applying for a Compact Privilege, the Licensee
222 is required to consent to accept service of process by mail
223 at the Licensee's primary residence on file with the
224 Commission with respect to any action brought against the
225 Licensee by the Commission or a Participating State,
226 including a subpoena, with respect to any action brought or
227 investigation conducted by the Commission or a Participating
228 State.

229 SECTION 6. ADVERSE ACTIONS

230 A. A Participating State in which a Licensee is
231 licensed shall have exclusive power to impose Adverse Action
232 against the Qualifying License issued by that Participating
233 State.

234 B. In addition to the other powers conferred by State
235 law, a Remote State shall have the authority, in accordance
236 with existing State due process law, to do all of the
237 following:

238 1. Take Adverse Action against a Physician Assistant's
239 Compact Privilege within that State to remove a Licensee's
240 Compact Privilege or take other action necessary under
241 applicable law to protect the health and safety of its
242 citizens.

243 2. Issue subpoenas for both hearings and
244 investigations that require the attendance and testimony of
245 witnesses as well as the production of evidence. Subpoenas
246 issued by a Licensing Board in a Participating State for the
247 attendance and testimony of witnesses or the production of
248 evidence from another Participating State shall be enforced
249 in the latter State by any court of competent jurisdiction,
250 according to the practice and procedure of that court
251 applicable to subpoenas issued in proceedings pending before
252 it. The issuing authority shall pay any witness fees,
253 travel expenses, mileage and other fees required by the

254 service statutes of the State in which the witnesses or
255 evidence are located.

256 3. Notwithstanding Section 6.B.2, subpoenas may not be
257 issued by a Participating State to gather evidence of
258 conduct in another State that is lawful in that other State
259 for the purpose of taking Adverse Action against a
260 Licensee's Compact Privilege or application for a Compact
261 Privilege in that Participating State.

262 4. Nothing in this Compact authorizes a Participating
263 State to impose discipline against a Physician Assistant's
264 Compact Privilege or to deny an application for a Compact
265 Privilege in that Participating State for the individual's
266 otherwise lawful practice in another State.

267 C. For purposes of taking Adverse Action, the
268 Participating State which issued the Qualifying License
269 shall give the same priority and effect to reported conduct
270 received from any other Participating State as it would if
271 the conduct had occurred within the Participating State
272 which issued the Qualifying License. In so doing, that
273 Participating State shall apply its own State laws to
274 determine appropriate action.

275 D. A Participating State, if otherwise permitted by
276 State law, may recover from the affected Physician Assistant
277 the costs of investigations and disposition of cases
278 resulting from any Adverse Action taken against that
279 Physician Assistant.

280 E. A Participating State may take Adverse Action based
281 on the factual findings of a Remote State, provided that the
282 Participating State follows its own procedures for taking
283 the Adverse Action.

284 F. Joint Investigations

285 1. In addition to the authority granted to a
286 Participating State by its respective State Physician

287 Assistant laws and regulations or other applicable State
288 law, any Participating State may participate with other
289 Participating States in joint investigations of Licensees.

290 2. Participating States shall share any investigative,
291 litigation, or compliance materials in furtherance of any
292 joint or individual investigation initiated under this
293 Compact.

294 G. If an Adverse Action is taken against a Physician
295 Assistant's Qualifying License, the Physician Assistant's
296 Compact Privilege in all Remote States shall be deactivated
297 until two (2) years have elapsed after all restrictions have
298 been removed from the State License. All disciplinary
299 orders by the Participating State which issued the
300 Qualifying License that impose Adverse Action against a
301 Physician Assistant's License shall include a Statement that
302 the Physician Assistant's Compact Privilege is deactivated
303 in all Participating States during the pendency of the order.

304 H. If any Participating State takes Adverse Action, it
305 promptly shall notify the administrator of the Data System.

306 SECTION 7. ESTABLISHMENT OF THE PA LICENSURE COMPACT
307 COMMISSION

308 A. The Participating States hereby create and
309 establish a joint government agency and national
310 administrative body known as the PA Licensure Compact
311 Commission. The Commission is an instrumentality of the
312 Compact States acting jointly and not an instrumentality of
313 any one State. The Commission shall come into existence on
314 or after the effective date of the Compact as set forth in
315 Section 11.A.

316 B. Membership, Voting, and Meetings

317 1. Each Participating State shall have and be limited
318 to one (1) delegate selected by that Participating State's
319 Licensing Board or, if the State has more than one Licensing

320 Board, selected collectively by the Participating State's
321 Licensing Boards.

322 2. The delegate shall be either:

323 a. A current Physician Assistant, physician or public
324 member of a Licensing Board or Physician Assistant
325 council/committee; or

326 b. An administrator of a Licensing Board.

327 3. Any delegate may be removed or suspended from
328 office as provided by the laws of the State from which the
329 delegate is appointed.

330 4. The Participating State Licensing Board shall fill
331 any vacancy occurring in the Commission within sixty (60)
332 days.

333 5. Each delegate shall be entitled to one (1) vote on
334 all matters voted on by the Commission and shall otherwise
335 have an opportunity to participate in the business and
336 affairs of the Commission. A delegate shall vote in person
337 or by such other means as provided in the bylaws. The
338 bylaws may provide for delegates' participation in meetings
339 by telecommunications, video conference, or other means of
340 communication.

341 6. The Commission shall meet at least once during each
342 calendar year. Additional meetings shall be held as set
343 forth in this Compact and the bylaws.

344 7. The Commission shall establish by Rule a term of
345 office for delegates.

346 C. The Commission shall have the following powers and
347 duties:

348 1. Establish a code of ethics for the Commission;

349 2. Establish the fiscal year of the Commission;

350 3. Establish fees;

351 4. Establish bylaws;

352 5. Maintain its financial records in accordance with
353 the bylaws;

354 6. Meet and take such actions as are consistent with
355 the provisions of this Compact and the bylaws;

356 7. Promulgate Rules limited to the Commission's
357 authority to facilitate and coordinate implementation and
358 administration of this Compact. The Rules authorized by the
359 Compact shall have the force and effect of law and shall be
360 binding in all Participating States;

361 8. Bring and prosecute legal proceedings or actions in
362 the name of the Commission, provided that the standing of
363 any State Licensing Board to sue or be sued under applicable
364 law shall not be affected;

365 9. Purchase and maintain insurance and bonds;

366 10. Borrow, accept, or contract for services of
367 personnel, including, but not limited to, employees of a
368 Participating State;

369 11. Hire employees and engage contractors, elect or
370 appoint officers, fix compensation, define duties, grant
371 such individuals appropriate authority to carry out the
372 purposes of this Compact, and establish the Commission's
373 personnel policies and programs relating to conflicts of
374 interest, qualifications of personnel, and other related
375 personnel matters;

376 12. Accept any and all appropriate donations and
377 grants of money, equipment, supplies, materials and
378 services, and receive, utilize and dispose of the same;
379 provided that at all times the Commission shall avoid any
380 appearance of impropriety or conflict of interest;

381 13. Lease, purchase, accept appropriate gifts or
382 donations of, or otherwise own, hold, improve or use, any
383 property, real, personal or mixed; provided that at all

384 times the Commission shall avoid any appearance of
385 impropriety;
386 14. Sell, convey, mortgage, pledge, lease, exchange,
387 abandon, or otherwise dispose of any property real,
388 personal, or mixed;
389 15. Establish a budget and make expenditures;
390 16. Borrow money;
391 17. Appoint committees, including standing committees
392 composed of members, State regulators, State legislators or
393 their representatives, and consumer representatives, and
394 such other interested persons as may be designated in this
395 Compact and the bylaws;
396 18. Provide and receive information from, and
397 cooperate with, law enforcement agencies;
398 19. Elect a Chair, Vice Chair, Secretary and Treasurer
399 and such other officers of the Commission as provided in the
400 Commission's bylaws;
401 20. Reserve for itself, in addition to those reserved
402 exclusively to the Commission under the Compact, powers that
403 the Executive Committee may not exercise;
404 21. Approve or disapprove a State's participation in
405 the Compact based upon its determination as to whether the
406 State's Compact legislation departs in a material manner
407 from the Model Compact language;
408 22. Prepare and provide to the Participating States an
409 annual report; and
410 23. Perform such other functions as may be necessary
411 or appropriate to achieve the purposes of this Compact
412 consistent with the State regulation of Physician Assistant
413 licensure and practice.
414 D. Meetings of the Commission
415 1. All meetings of the Commission that are not closed
416 pursuant to this subsection shall be open to the public.

417 Notice of public meetings shall be posted on the
418 Commission's website at least thirty (30) days prior to the
419 public meeting.

420 2. Notwithstanding Section 7.D.1, the Commission may
421 convene a public meeting by providing at least twenty-four
422 (24) hours prior notice on the Commission's website, and any
423 other means as provided in the Commission's Rules, for any
424 of the reasons it may dispense with Notice of Proposed
425 Rulemaking under Section 9.L.

426 3. The Commission may convene in a closed, non-public
427 meeting or non-public part of a public meeting to receive
428 legal advice or to discuss:

429 a. Non-compliance of a Participating State with its
430 obligations under this Compact;

431 b. The employment, compensation, discipline or other
432 matters, practices or procedures related to specific
433 employees or other matters related to the Commission's
434 internal personnel practices and procedures;

435 c. Current, threatened, or reasonably anticipated
436 litigation;

437 d. Negotiation of contracts for the purchase, lease,
438 or sale of goods, services, or real estate;

439 e. Accusing any person of a crime or formally
440 censuring any person;

441 f. Disclosure of trade secrets or commercial or
442 financial information that is privileged or confidential;

443 g. Disclosure of information of a personal nature
444 where disclosure would constitute a clearly unwarranted
445 invasion of personal privacy;

446 h. Disclosure of investigative records compiled for
447 law enforcement purposes;

448 i. Disclosure of information related to any
449 investigative reports prepared by or on behalf of or for use

450 of the Commission or other committee charged with
451 responsibility of investigation or determination of
452 compliance issues pursuant to this Compact;

453 j. Legal advice; or

454 k. Matters specifically exempted from disclosure by
455 federal or Participating States' statutes.

456 4. If a meeting, or portion of a meeting, is closed
457 pursuant to this provision, the chair of the meeting or the
458 chair's designee shall certify that the meeting or portion
459 of the meeting may be closed and shall reference each
460 relevant exempting provision.

461 5. The Commission shall keep minutes that fully and
462 clearly describe all matters discussed in a meeting and
463 shall provide a full and accurate summary of actions taken,
464 including a description of the views expressed. All
465 documents considered in connection with an action shall be
466 identified in such minutes. All minutes and documents of a
467 closed meeting shall remain under seal, subject to release
468 by a majority vote of the Commission or order of a court of
469 competent jurisdiction.

470 E. Financing of the Commission

471 1. The Commission shall pay, or provide for the
472 payment of, the reasonable expenses of its establishment,
473 organization, and ongoing activities.

474 2. The Commission may accept any and all appropriate
475 revenue sources, donations, and grants of money, equipment,
476 supplies, materials, and services.

477 3. The Commission may levy on and collect an annual
478 assessment from each Participating State and may impose
479 Compact Privilege fees on Licensees of Participating States
480 to whom a Compact Privilege is granted to cover the cost of
481 the operations and activities of the Commission and its
482 staff, which must be in a total amount sufficient to cover

483 its annual budget as approved by the Commission each year
484 for which revenue is not provided by other sources. The
485 aggregate annual assessment amount levied on Participating
486 States shall be allocated based upon a formula to be
487 determined by Commission Rule.

488 a. A Compact Privilege expires when the Licensee's
489 Qualifying License in the Participating State from which the
490 Licensee applied for the Compact Privilege expires.

491 b. If the Licensee terminates the Qualifying License
492 through which the Licensee applied for the Compact Privilege
493 before its scheduled expiration, and the Licensee has a
494 Qualifying License in another Participating State, the
495 Licensee shall inform the Commission that it is changing to
496 that Participating State the Participating State through
497 which it applies for a Compact Privilege and pay to the
498 Commission any Compact Privilege fee required by Commission
499 Rule.

500 4. The Commission shall not incur obligations of any
501 kind prior to securing the funds adequate to meet the same;
502 nor shall the Commission pledge the credit of any of the
503 Participating States, except by and with the authority of
504 the Participating State.

505 5. The Commission shall keep accurate accounts of all
506 receipts and disbursements. The receipts and disbursements
507 of the Commission shall be subject to the financial review
508 and accounting procedures established under its bylaws. All
509 receipts and disbursements of funds handled by the
510 Commission shall be subject to an annual financial review by
511 a certified or licensed public accountant, and the report of
512 the financial review shall be included in and become part of
513 the annual report of the Commission.

514 F. The Executive Committee

515 1. The Executive Committee shall have the power to act
516 on behalf of the Commission according to the terms of this
517 Compact and Commission Rules.

518 2. The Executive Committee shall be composed of nine
519 (9) members:

520 a. Seven voting members who are elected by the
521 Commission from the current membership of the Commission;

522 b. One ex-officio, nonvoting member from a recognized
523 national Physician Assistant professional association; and

524 c. One ex-officio, nonvoting member from a recognized
525 national Physician Assistant certification organization.

526 3. The ex-officio members will be selected by their
527 respective organizations.

528 4. The Commission may remove any member of the
529 Executive Committee as provided in its bylaws.

530 5. The Executive Committee shall meet at least
531 annually.

532 6. The Executive Committee shall have the following
533 duties and responsibilities:

534 a. Recommend to the Commission changes to the
535 Commission's Rules or bylaws, changes to this Compact
536 legislation, fees to be paid by Compact Participating States
537 such as annual dues, and any Commission Compact fee charged
538 to Licensees for the Compact Privilege;

539 b. Ensure Compact administration services are
540 appropriately provided, contractual or otherwise;

541 c. Prepare and recommend the budget;

542 d. Maintain financial records on behalf of the
543 Commission;

544 e. Monitor Compact compliance of Participating States
545 and provide compliance reports to the Commission;

546 f. Establish additional committees as necessary;

547 g. Exercise the powers and duties of the Commission
548 during the interim between Commission meetings, except for
549 issuing proposed rulemaking or adopting Commission Rules or
550 bylaws, or exercising any other powers and duties
551 exclusively reserved to the Commission by the Commission's
552 Rules; and

553 h. Perform other duties as provided in the
554 Commission's Rules or bylaws.

555 7. All meetings of the Executive Committee at which it
556 votes or plans to vote on matters in exercising the powers
557 and duties of the Commission shall be open to the public and
558 public notice of such meetings shall be given as public
559 meetings of the Commission are given.

560 8. The Executive Committee may convene in a closed,
561 non-public meeting for the same reasons that the Commission
562 may convene in a non-public meeting as set forth in Section
563 7.D.3 and shall announce the closed meeting as the
564 Commission is required to under Section 7.D.4 and keep
565 minutes of the closed meeting as the Commission is required
566 to under Section 7.D.5.

567 G. Qualified Immunity, Defense, and Indemnification

568 1. The members, officers, executive director,
569 employees and representatives of the Commission shall be
570 immune from suit and liability, both personally and in their
571 official capacity, for any claim for damage to or loss of
572 property or personal injury or other civil liability caused
573 by or arising out of any actual or alleged act, error, or
574 omission that occurred, or that the person against whom the
575 claim is made had a reasonable basis for believing occurred
576 within the scope of Commission employment, duties or
577 responsibilities; provided that nothing in this paragraph
578 shall be construed to protect any such person from suit or
579 liability for any damage, loss, injury, or liability caused

580 by the intentional or willful or wanton misconduct of that
581 person. The procurement of insurance of any type by the
582 Commission shall not in any way compromise or limit the
583 immunity granted hereunder.

584 2. The Commission shall defend any member, officer,
585 executive director, employee, and representative of the
586 Commission in any civil action seeking to impose liability
587 arising out of any actual or alleged act, error, or omission
588 that occurred within the scope of Commission employment,
589 duties, or responsibilities, or as determined by the
590 commission that the person against whom the claim is made
591 had a reasonable basis for believing occurred within the
592 scope of Commission employment, duties, or responsibilities;
593 provided that nothing herein shall be construed to prohibit
594 that person from retaining their own counsel at their own
595 expense; and provided further, that the actual or alleged
596 act, error, or omission did not result from that person's
597 intentional or willful or wanton misconduct.

598 3. The Commission shall indemnify and hold harmless
599 any member, officer, executive director, employee, and
600 representative of the Commission for the amount of any
601 settlement or judgment obtained against that person arising
602 out of any actual or alleged act, error, or omission that
603 occurred within the scope of Commission employment, duties,
604 or responsibilities, or that such person had a reasonable
605 basis for believing occurred within the scope of Commission
606 employment, duties, or responsibilities, provided that the
607 actual or alleged act, error, or omission did not result
608 from the intentional or willful or wanton misconduct of that
609 person.

610 4. Venue is proper and judicial proceedings by or
611 against the Commission shall be brought solely and
612 exclusively in a court of competent jurisdiction where the

613 principal office of the Commission is located. The
614 Commission may waive venue and jurisdictional defenses in
615 any proceedings as authorized by Commission Rules.

616 5. Nothing herein shall be construed as a limitation
617 on the liability of any Licensee for professional
618 malpractice or misconduct, which shall be governed solely by
619 any other applicable State laws.

620 6. Nothing herein shall be construed to designate the
621 venue or jurisdiction to bring actions for alleged acts of
622 malpractice, professional misconduct, negligence, or other
623 such civil action pertaining to the practice of a Physician
624 Assistant. All such matters shall be determined exclusively
625 by State law other than this Compact.

626 7. Nothing in this Compact shall be interpreted to
627 wave or otherwise abrogate a Participating State's state
628 action immunity or state action affirmative defense with
629 respect to antitrust claims under the Sherman Act, Clayton
630 Act, or any other State or federal antitrust or
631 anticompetitive law or regulation.

632 8. Nothing in this Compact shall be construed to be a
633 waiver of sovereign immunity by the Participating States or
634 by the Commission.

635 SECTION 8. DATA SYSTEM

636 A. The Commission shall provide for the development,
637 maintenance, operation, and utilization of a coordinated
638 data and reporting system containing licensure, Adverse
639 Action, and the reporting of the existence of Significant
640 Investigative Information on all licensed Physician
641 Assistants and applicants denied a License in Participating
642 States.

643 B. Notwithstanding any other State law to the
644 contrary, a Participating State shall submit a uniform data
645 set to the Data System on all Physician Assistants to whom

646 this Compact is applicable (utilizing a unique identifier)
647 as required by the Rules of the Commission, including:
648 1. Identifying information;
649 2. Licensure data;
650 3. Adverse Actions against a License or Compact
651 Privilege;
652 4. Any denial of application for licensure, and the
653 reason(s) for such denial (excluding the reporting of any
654 criminal history record information where prohibited by law);
655 5. The existence of Significant Investigative
656 Information; and
657 6. Other information that may facilitate the
658 administration of this Compact, as determined by the Rules
659 of the Commission.
660 C. Significant Investigative Information pertaining to
661 a Licensee in any Participating State shall only be
662 available to other Participating States.
663 D. The Commission shall promptly notify all
664 Participating States of any Adverse Action taken against a
665 Licensee or an individual applying for a License that has
666 been reported to it. This Adverse Action information shall
667 be available to any other Participating State.
668 E. Participating States contributing information to
669 the Data System may, in accordance with State or federal
670 law, designate information that may not be shared with the
671 public without the express permission of the contributing
672 State. Notwithstanding any such designation, such
673 information shall be reported to the Commission through the
674 Data System.
675 F. Any information submitted to the Data System that
676 is subsequently expunged pursuant to federal law or the laws
677 of the Participating State contributing the information

678 shall be removed from the Data System upon reporting of such
679 by the Participating State to the Commission.

680 G. The records and information provided to a
681 Participating State pursuant to this Compact or through the
682 Data System, when certified by the Commission or an agent
683 thereof, shall constitute the authenticated business records
684 of the Commission, and shall be entitled to any associated
685 hearsay exception in any relevant judicial, quasi-judicial
686 or administrative proceedings in a Participating State.

687 SECTION 9. RULEMAKING

688 A. The Commission shall exercise its rulemaking powers
689 pursuant to the criteria set forth in this section and the
690 Rules adopted thereunder. Commission Rules shall become
691 binding as of the date specified by the Commission for each
692 Rule.

693 B. The Commission shall promulgate reasonable Rules in
694 order to effectively and efficiently implement and
695 administer this Compact and achieve its purposes. A
696 Commission Rule shall be invalid and have no force or effect
697 only if a court of competent jurisdiction holds that the
698 Rule is invalid because the Commission exercised its
699 rulemaking authority in a manner that is beyond the scope of
700 the purposes of this Compact, or the powers granted
701 hereunder, or based upon another applicable standard of
702 review.

703 C. The Rules of the Commission shall have the force of
704 law in each Participating State, provided however that where
705 the Rules of the Commission conflict with the laws of the
706 Participating State that establish the Medical Services a
707 Physician Assistant may perform in the Participating State,
708 as held by a court of competent jurisdiction, the Rules of
709 the Commission shall be ineffective in that State to the
710 extent of the conflict.

711 D. If a majority of the legislatures of the
712 Participating States rejects a Commission Rule, by enactment
713 of a statute or resolution in the same manner used to adopt
714 this Compact within four (4) years of the date of adoption
715 of the Rule, then such Rule shall have no further force and
716 effect in any Participating State or to any State applying
717 to participate in the Compact.

718 E. Commission Rules shall be adopted at a regular or
719 special meeting of the Commission.

720 F. Prior to promulgation and adoption of a final Rule
721 or Rules by the Commission, and at least thirty (30) days in
722 advance of the meeting at which the Rule will be considered
723 and voted upon, the Commission shall file a Notice of
724 Proposed Rulemaking:

725 1. On the website of the Commission or other publicly
726 accessible platform; and

727 2. To persons who have requested notice of the
728 Commission's Notices of Proposed Rulemaking; and

729 3. In such other way(s) as the Commission may by Rule
730 specify.

731 G. The Notice of Proposed Rulemaking shall include:

732 1. The time, date, and location of the public hearing
733 on the proposed Rule and the proposed time, date and
734 location of the meeting in which the proposed Rule will be
735 considered and voted upon;

736 2. The text of the proposed Rule and the reason for
737 the proposed Rule;

738 3. A request for comments on the proposed Rule from
739 any interested person and the date by which written comments
740 must be received; and

741 4. The manner in which interested persons may submit
742 notice to the Commission of their intention to attend the
743 public hearing or provide any written comments.

744 H. Prior to adoption of a proposed Rule, the
745 Commission shall allow persons to submit written data,
746 facts, opinions, and arguments, which shall be made
747 available to the public.

748 I. If the hearing is to be held via electronic means,
749 the Commission shall publish the mechanism for access to the
750 electronic hearing.

751 1. All persons wishing to be heard at the hearing
752 shall as directed in the Notice of Proposed Rulemaking, not
753 less than five (5) business days before the scheduled date
754 of the hearing, notify the Commission of their desire to
755 appear and testify at the hearing.

756 2. Hearings shall be conducted in a manner providing
757 each person who wishes to comment a fair and reasonable
758 opportunity to comment orally or in writing.

759 3. All hearings shall be recorded. A copy of the
760 recording and the written comments, data, facts, opinions,
761 and arguments received in response to the proposed
762 rulemaking shall be made available to a person upon request.

763 4. Nothing in this section shall be construed as
764 requiring a separate hearing on each proposed Rule.
765 Proposed Rules may be grouped for the convenience of the
766 Commission at hearings required by this section.

767 J. Following the public hearing the Commission shall
768 consider all written and oral comments timely received.

769 K. The Commission shall, by majority vote of all
770 delegates, take final action on the proposed Rule and shall
771 determine the effective date of the Rule, if adopted, based
772 on the rulemaking record and the full text of the Rule.

773 1. If adopted, the Rule shall be posted on the
774 Commission's website.

775 2. The Commission may adopt changes to the proposed
776 Rule provided the changes do not enlarge the original
777 purpose of the proposed Rule.

778 3. The Commission shall provide on its website an
779 explanation of the reasons for substantive changes made to
780 the proposed Rule as well as reasons for substantive changes
781 not made that were recommended by commenters.

782 4. The Commission shall determine a reasonable
783 effective date for the Rule. Except for an emergency as
784 provided in Section 9.L, the effective date of the Rule
785 shall be no sooner than thirty (30) days after the
786 Commission issued the notice that it adopted the Rule.

787 L. Upon determination that an emergency exists, the
788 Commission may consider and adopt an emergency Rule with
789 twenty-four (24) hours prior notice, without the opportunity
790 for comment, or hearing, provided that the usual rulemaking
791 procedures provided in this Compact and in this section
792 shall be retroactively applied to the Rule as soon as
793 reasonably possible, in no event later than ninety (90) days
794 after the effective date of the Rule. For the purposes of
795 this provision, an emergency Rule is one that must be
796 adopted immediately by the Commission in order to:

797 1. Meet an imminent threat to public health, safety,
798 or welfare;

799 2. Prevent a loss of Commission or Participating State
800 funds;

801 3. Meet a deadline for the promulgation of a
802 Commission Rule that is established by federal law or Rule;
803 or

804 4. Protect public health and safety.

805 M. The Commission or an authorized committee of the
806 Commission may direct revisions to a previously adopted
807 Commission Rule for purposes of correcting typographical

808 errors, errors in format, errors in consistency, or
809 grammatical errors. Public notice of any revisions shall be
810 posted on the website of the Commission. The revision shall
811 be subject to challenge by any person for a period of thirty
812 (30) days after posting. The revision may be challenged
813 only on grounds that the revision results in a material
814 change to a Rule. A challenge shall be made as set forth in
815 the notice of revisions and delivered to the Commission
816 prior to the end of the notice period. If no challenge is
817 made, the revision will take effect without further action.
818 If the revision is challenged, the revision may not take
819 effect without the approval of the Commission.

820 N. No Participating State's rulemaking requirements
821 shall apply under this Compact.

822 SECTION 10. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

823 A. Oversight

824 1. The executive and judicial branches of State
825 government in each Participating State shall enforce this
826 Compact and take all actions necessary and appropriate to
827 implement the Compact.

828 2. Venue is proper and judicial proceedings by or
829 against the Commission shall be brought solely and
830 exclusively in a court of competent jurisdiction where the
831 principal office of the Commission is located. The
832 Commission may waive venue and jurisdictional defenses to
833 the extent it adopts or consents to participate in
834 alternative dispute resolution proceedings. Nothing herein
835 shall affect or limit the selection or propriety of venue in
836 any action against a Licensee for professional malpractice,
837 misconduct or any such similar matter.

838 3. The Commission shall be entitled to receive service
839 of process in any proceeding regarding the enforcement or
840 interpretation of the Compact or the Commission's Rules and

841 shall have standing to intervene in such a proceeding for
842 all purposes. Failure to provide the Commission with
843 service of process shall render a judgment or order in such
844 proceeding void as to the Commission, this Compact, or
845 Commission Rules.

846 B. Default, Technical Assistance, and Termination

847 1. If the Commission determines that a Participating
848 State has defaulted in the performance of its obligations or
849 responsibilities under this Compact or the Commission Rules,
850 the Commission shall provide written notice to the
851 defaulting State and other Participating States. The notice
852 shall describe the default, the proposed means of curing the
853 default and any other action that the Commission may take
854 and shall offer remedial training and specific technical
855 assistance regarding the default.

856 2. If a State in default fails to cure the default,
857 the defaulting State may be terminated from this Compact
858 upon an affirmative vote of a majority of the delegates of
859 the Participating States, and all rights, privileges and
860 benefits conferred by this Compact upon such State may be
861 terminated on the effective date of termination. A cure of
862 the default does not relieve the offending State of
863 obligations or liabilities incurred during the period of
864 default.

865 3. Termination of participation in this Compact shall
866 be imposed only after all other means of securing compliance
867 have been exhausted. Notice of intent to suspend or
868 terminate shall be given by the Commission to the governor,
869 the majority and minority leaders of the defaulting State's
870 legislature, and to the Licensing Board(s) of each of the
871 Participating States.

872 4. A State that has been terminated is responsible for
873 all assessments, obligations, and liabilities incurred

874 through the effective date of termination, including
875 obligations that extend beyond the effective date of
876 termination.

877 5. The Commission shall not bear any costs related to
878 a State that is found to be in default or that has been
879 terminated from this Compact, unless agreed upon in writing
880 between the Commission and the defaulting State.

881 6. The defaulting State may appeal its termination
882 from the Compact by the Commission by petitioning the United
883 States District Court for the District of Columbia or the
884 federal district where the Commission has its principal
885 offices. The prevailing member shall be awarded all costs
886 of such litigation, including reasonable attorney's fees.

887 7. Upon the termination of a State's participation in
888 the Compact, the State shall immediately provide notice to
889 all Licensees within that State of such termination:

890 a. Licensees who have been granted a Compact Privilege
891 in that State shall retain the Compact Privilege for one
892 hundred eighty (180) days following the effective date of
893 such termination.

894 b. Licensees who are licensed in that State who have
895 been granted a Compact Privilege in a Participating State
896 shall retain the Compact Privilege for one hundred eighty
897 (180) days unless the Licensee also has a Qualifying License
898 in a Participating State or obtains a Qualifying License in
899 a Participating State before the one hundred eighty (180)-
900 day period ends, in which case the Compact Privilege shall
901 continue.

902 C. Dispute Resolution

903 1. Upon request by a Participating State, the
904 Commission shall attempt to resolve disputes related to this
905 Compact that arise among Participating States and between
906 participating and non-Participating States.

907 2. The Commission shall promulgate a Rule providing
908 for both mediation and binding dispute resolution for
909 disputes as appropriate.

910 D. Enforcement

911 1. The Commission, in the reasonable exercise of its
912 discretion, shall enforce the provisions of this Compact and
913 Rules of the Commission.

914 2. If compliance is not secured after all means to
915 secure compliance have been exhausted, by majority vote, the
916 Commission may initiate legal action in the United States
917 District Court for the District of Columbia or the federal
918 district where the Commission has its principal offices,
919 against a Participating State in default to enforce
920 compliance with the provisions of this Compact and the
921 Commission's promulgated Rules and bylaws. The relief
922 sought may include both injunctive relief and damages. In
923 the event judicial enforcement is necessary, the prevailing
924 party shall be awarded all costs of such litigation,
925 including reasonable attorney's fees.

926 3. The remedies herein shall not be the exclusive
927 remedies of the Commission. The Commission may pursue any
928 other remedies available under federal or State law.

929 E. Legal Action Against the Commission

930 1. A Participating State may initiate legal action
931 against the Commission in the United States District Court
932 for the District of Columbia or the federal district where
933 the Commission has its principal offices to enforce
934 compliance with the provisions of the Compact and its
935 Rules. The relief sought may include both injunctive relief
936 and damages. In the event judicial enforcement is
937 necessary, the prevailing party shall be awarded all costs
938 of such litigation, including reasonable attorney's fees.

939 2. No person other than a Participating State shall
940 enforce this Compact against the Commission.

941 SECTION 11. DATE OF IMPLEMENTATION OF THE PA LICENSURE
942 COMPACT COMMISSION

943 A. This Compact shall come into effect on the date on
944 which this Compact statute is enacted into law in the
945 seventh Participating State.

946 1. On or after the effective date of the Compact, the
947 Commission shall convene and review the enactment of each of
948 the States that enacted the Compact prior to the Commission
949 convening ("Charter Participating States") to determine if
950 the statute enacted by each such Charter Participating State
951 is materially different than the Model Compact.

952 a. A Charter Participating State whose enactment is
953 found to be materially different from the Model Compact
954 shall be entitled to the default process set forth in
955 Section 10.B.

956 b. If any Participating State later withdraws from the
957 Compact or its participation is terminated, the Commission
958 shall remain in existence and the Compact shall remain in
959 effect even if the number of Participating States should be
960 less than seven. Participating States enacting the Compact
961 subsequent to the Commission convening shall be subject to
962 the process set forth in Section 7.C.21 to determine if
963 their enactments are materially different from the Model
964 Compact and whether they qualify for participation in the
965 Compact.

966 2. Participating States enacting the Compact
967 subsequent to the seven initial Charter Participating States
968 shall be subject to the process set forth in Section 7.C.21
969 to determine if their enactments are materially different
970 from the Model Compact and whether they qualify for
971 participation in the Compact.

972 3. All actions taken for the benefit of the Commission
973 or in furtherance of the purposes of the administration of
974 the Compact prior to the effective date of the Compact or
975 the Commission coming into existence shall be considered to
976 be actions of the Commission unless specifically repudiated
977 by the Commission.

978 B. Any State that joins this Compact shall be subject
979 to the Commission's Rules and bylaws as they exist on the
980 date on which this Compact becomes law in that State. Any
981 Rule that has been previously adopted by the Commission
982 shall have the full force and effect of law on the day this
983 Compact becomes law in that State.

984 C. Any Participating State may withdraw from this
985 Compact by enacting a statute repealing the same.

986 1. A Participating State's withdrawal shall not take
987 effect until one hundred eighty (180) days after enactment
988 of the repealing statute. During this one hundred eighty
989 (180) day-period, all Compact Privileges that were in effect
990 in the withdrawing State and were granted to Licensees
991 licensed in the withdrawing State shall remain in effect.
992 If any Licensee licensed in the withdrawing State is also
993 licensed in another Participating State or obtains a license
994 in another Participating State within the one hundred eighty
995 (180) days, the Licensee's Compact Privileges in other
996 Participating States shall not be affected by the passage of
997 the one hundred eighty (180) days.

998 2. Withdrawal shall not affect the continuing
999 requirement of the State Licensing Board(s) of the
1000 withdrawing State to comply with the investigative, and
1001 Adverse Action reporting requirements of this Compact prior
1002 to the effective date of withdrawal.

1003 3. Upon the enactment of a statute withdrawing a State
1004 from this Compact, the State shall immediately provide

1005 notice of such withdrawal to all Licensees within that
1006 State. Such withdrawing State shall continue to recognize
1007 all licenses granted pursuant to this Compact for a minimum
1008 of one hundred eighty (180) days after the date of such
1009 notice of withdrawal.

1010 D. Nothing contained in this Compact shall be
1011 construed to invalidate or prevent any Physician Assistant
1012 licensure agreement or other cooperative arrangement between
1013 Participating States and between a Participating State and
1014 non-Participating State that does not conflict with the
1015 provisions of this Compact.

1016 E. This Compact may be amended by the Participating
1017 States. No amendment to this Compact shall become effective
1018 and binding upon any Participating State until it is enacted
1019 materially in the same manner into the laws of all
1020 Participating States as determined by the Commission.

1021 SECTION 12. CONSTRUCTION AND SEVERABILITY

1022 A. This Compact and the Commission's rulemaking
1023 authority shall be liberally construed so as to effectuate
1024 the purposes, and the implementation and administration of
1025 the Compact. Provisions of the Compact expressly
1026 authorizing or requiring the promulgation of Rules shall not
1027 be construed to limit the Commission's rulemaking authority
1028 solely for those purposes.

1029 B. The provisions of this Compact shall be severable
1030 and if any phrase, clause, sentence or provision of this
1031 Compact is held by a court of competent jurisdiction to be
1032 contrary to the constitution of any Participating State, a
1033 State seeking participation in the Compact, or of the United
1034 States, or the applicability thereof to any government,
1035 agency, person or circumstance is held to be
1036 unconstitutional by a court of competent jurisdiction, the
1037 validity of the remainder of this Compact and the

1038 applicability thereof to any other government, agency,
1039 person or circumstance shall not be affected thereby.

1040 C. Notwithstanding Section 12.B, the Commission may
1041 deny a State's participation in the Compact or, in
1042 accordance with the requirements of Section 10.B, terminate
1043 a Participating State's participation in the Compact, if it
1044 determines that a constitutional requirement of a
1045 Participating State is, or would be with respect to a State
1046 seeking to participate in the Compact, a material departure
1047 from the Compact. Otherwise, if this Compact shall be held
1048 to be contrary to the constitution of any Participating
1049 State, the Compact shall remain in full force and effect as
1050 to the remaining Participating States and in full force and
1051 effect as to the Participating State affected as to all
1052 severable matters.

1053 SECTION 13. BINDING EFFECT OF COMPACT

1054 A. Nothing herein prevents the enforcement of any
1055 other law of a Participating State that is not inconsistent
1056 with this Compact.

1057 B. Any laws in a Participating State in conflict with
1058 this Compact are superseded to the extent of the conflict.

1059 C. All agreements between the Commission and the
1060 Participating States are binding in accordance with their
1061 terms.