

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 An Act to amend the Code of Virginia by adding a section numbered 54.1-2957.4:1, relating to Athletic
3 Trainer Compact.

4 [H 574]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding a section numbered 54.1-2957.4:1 as follows:**8 **§ 54.1-2957.4:1. Athletic Trainer Compact.**

9 *The General Assembly hereby enacts, and the Commonwealth of Virginia hereby enters into, the Athletic*
10 *Trainer Compact with any and all states legally joining therein according to its terms, in the form*
11 *substantially as follows:*

12 *Section 1. Title and purpose.*

13 *This statute shall be known and cited as the Athletic Trainer Compact. The purposes of this Compact are*
14 *to expand mobility of athletic training practice and improve public access to services by providing qualified*
15 *licensed athletic trainers the ability to practice in other member states. This Compact preserves the*
16 *regulatory authority of states to protect public health and safety through the current system of state licensure.*
17 *This Compact is designed to achieve the following objectives:*

18 *1. Increase public access to athletic training and enhance continuity of care by providing for the mutual*
19 *recognition of other licenses issued by member states;*20 *2. Provide an additional streamlined opportunity for interstate practice by licensed athletic trainers who*
21 *meet compact uniform requirements;*22 *3. Promote mobility and workforce development by eliminating the necessity for licenses in multiple states*
23 *by providing for the mutual recognition of other licenses issued by member states;*24 *4. Reduce administrative burdens on licensed athletic trainers and member states;*25 *5. Enhance the states' ability to protect the public's health and safety;*26 *6. Encourage the cooperation of member states in regulating interstate practice of licensed athletic*
27 *trainers;*28 *7. Support relocating active military members and their spouses;*29 *8. Enhance the exchange of licensure, investigative, and disciplinary information among member states;*30 *9. Allow for the use of telehealth to facilitate increased access to athletic training services;*31 *10. Support the uniformity of licensed athletic trainer licensure requirements throughout the states;*32 *11. Affirm the authority of all member states to hold a licensed athletic trainer accountable for abiding by*
33 *the scope of practice in the state in which the patient is located at the time of care; and*34 *12. Require adherence to the model compact language in order to promote uniformity and ensure that all*
35 *member states have accepted and are mutually obligated to the same terms.*36 *Section 2. Definitions.*37 *As used in this Compact, unless the context requires otherwise, the following definitions shall apply:*38 *"Active military member" means any individual with full-time duty status in the active armed forces of the*
39 *United States, including members of the National Guard and Reserve.*40 *"Adverse action" means any administrative, civil, equitable or criminal action permitted by a state's laws*
41 *which is imposed by a licensing authority or other authority against a licensee, including actions against an*
42 *individual's license or compact privilege such as revocation, suspension, probation, monitoring of the*
43 *licensee, limitation on the licensee's practice, or any other encumbrance on licensure affecting a licensee's*
44 *authorization to practice.*45 *"Alternative program" means a non-disciplinary monitoring or practice remediation process applicable*
46 *to an athletic trainer approved by a state licensing authority of a member state in which the athletic trainer is*
47 *licensed. This includes, but is not limited to, programs to which licensees with substance use, addiction, or*
48 *mental health conditions are referred in lieu of adverse action.*49 *"Athletic Trainer Compact Commission" or "Compact Commission" means the government agency whose*
50 *membership consists of all states that have enacted this compact, as described herein and which shall operate*
51 *as an instrumentality of the member states to administer and implement the Compact according to its terms.*52 *"Athletic training" means the prevention, examination, assessment, treatment, and rehabilitation of*
53 *emergent, acute, or chronic injuries and medical conditions as defined by applicable member state laws and*
54 *regulations.*55 *"BOC" means the Board of Certification, Inc. or any successor organization thereto.*56 *"CAATE" means the Commission on Accreditation of Athletic Training Education or any successor*

ENROLLED

HB574ER

- 57 organization thereto.
- 58 "Charter member state" means any member state which enacted and made effective this compact by law
59 before the compact effective date specified herein.
- 60 "Commissioner" means the individual appointed by a member state to serve as the member of the
61 Compact Commission for that member state.
- 62 "Compact privilege" means the legal authorization granted by a remote state, equivalent to a license,
63 allowing a licensee from another member state to provide athletic training services in a remote state.
- 64 "Compact qualifying license" means a license that is not an encumbered license issued by a member state
65 to practice athletic training which qualifies the licensee to exercise a compact privilege pursuant to Section 4
66 of this compact.
- 67 "Continuing competence" means a requirement, as a condition of license renewal, to provide evidence of
68 successful participation, and completion of, educational and professional activities relevant to practice or
69 area of work. For purposes of this compact, evidence of active BOC certification may satisfy the meaning of
70 continuing competence as set forth herein.
- 71 "Current significant investigative information" means the existence of:
- 72 1. Investigative information that a licensing authority, after a preliminary inquiry that includes
73 notification and an opportunity for the subject licensee to respond, if required by state law, has reason to
74 believe is not groundless and, if proven true, would indicate more than a minor infraction; or
- 75 2. Investigative information that indicates that the subject licensee represents an immediate threat to
76 public health and safety regardless of whether the subject licensee has been notified and had an opportunity
77 to respond.
- 78 "Criminal background check" means the submission of fingerprints or other biometric-based information
79 for a license applicant for the purpose of obtaining that applicant's criminal history record information, as
80 defined in 28 C.F.R. § 20.3(d) from the Federal Bureau of Investigation and the state's criminal history
81 record repository as defined in 28 C.F.R. § 20.3(f).
- 82 "Data system" means the Commission's repository of information about licensees, including but not
83 limited to examination, licensure, investigative, compact privilege, adverse action, and alternative program.
- 84 "Encumbrance" or "encumbered" means a revocation or suspension of, or any limitation or condition on,
85 the full and unrestricted practice of athletic training.
- 86 "Executive committee" means a group of commissioners elected or appointed to act on behalf of, and
87 within the powers granted to them by, the Compact and Commission.
- 88 "Investigative information" means information, records, and documents received or generated by a
89 licensing authority pursuant to an investigation.
- 90 "Jurisprudence requirement" means the assessment of an individual's knowledge of the laws and rules
91 governing the practice of athletic training, as applicable, in a state.
- 92 "License" means current authorization by a member state to engage in the practice of athletic training.
- 93 "Licensee" or "licensed athletic trainer" means an individual who currently holds an active, unrestricted
94 license and who meets all of the requirements outlined in Section 4 of this Compact.
- 95 "Licensing authority" means the board or agency of a state, or equivalent, that is responsible for the
96 licensing and regulation of athletic trainers.
- 97 "Model compact language" means the model language for the Athletic Trainer Compact on file with the
98 Council of State Governments or other entity as designated by the Commission to which all member states
99 must substantively adhere and adopt.
- 100 "Member state" means a state that has enacted the Compact.
- 101 "Remote state" means a member state other than the state of qualifying licensure.
- 102 "Rule" means a regulation promulgated by an authorized entity that has the force of law.
- 103 "Scope of practice" means the procedures, actions, and processes an athletic trainer licensed in a state is
104 permitted to undertake in that state and the circumstances under which the licensee is permitted to undertake
105 those procedures, actions, and processes. Such procedures, actions, and processes and the circumstances
106 under which they may be undertaken may be established through means, including, but not limited to, statute,
107 regulations, case law, and other processes available to the state licensing authority or other government
108 agency. Scope of practice shall include any state requirements regarding supervision or direction, if required
109 by such state and as further defined by such state's statutes and regulations.
- 110 "Single state license" means a license issued by any state that authorizes practice only within the issuing
111 state.
- 112 "State" means any state, commonwealth, district, or territory of the United States of America.
- 113 "State of qualifying licensure" means the member state who has issued a compact qualifying license to a
114 licensee pursuant to this Compact.
- 115 "Unencumbered license" means a license that authorizes a licensee to engage in the full and unrestricted
116 practice of athletic training.
- 117 Section 3. State participation in the Compact.
- 118 A. To be eligible to join this Compact and to maintain eligibility as a member state, a state must:

- 119 1. Enact and maintain a statute that is not materially different from the model Compact language;
 120 2. License and regulate the practice of athletic training;
 121 3. Require that licensees in that state maintain continuing competence standards as part of their state
 122 practice act or rules;
 123 4. Have a mechanism in place for receiving and investigating complaints about licensees;
 124 5. Grant the Compact privilege to a licensee who meets all the requirements outlined in Section 4 in
 125 accordance with the terms of the Compact and any rules promulgated thereunder;
 126 6. Participate fully in the Compact Commission's data system, including using the unique identifier as
 127 defined in rules;
 128 7. Notify the Compact Commission, in compliance with the terms of the Compact and rules, of any
 129 adverse action or the availability of current significant investigative information regarding a licensee;
 130 8. Within a time frame established by rule, implement or utilize procedures for considering the criminal
 131 history records of applicants for a compact qualifying license which includes receiving the results of the
 132 Federal Bureau of Investigation record search and shall use those results in making licensure decisions.
 133 These procedures shall include the submission of fingerprints or other biometric-based information by
 134 applicants for the purpose of obtaining an applicant's criminal history record information from the Federal
 135 Bureau of Investigation and the agency responsible for retaining that state's criminal records;
 136 a. A member state must fully implement a criminal background check requirement in order to participate
 137 in the issuance and acceptance of compact privileges; and
 138 b. Communication between a member state and the Compact Commission or among member states
 139 regarding the verification of eligibility for licensure through the Compact shall not include any information
 140 received from the Federal Bureau of Investigation relating to a federal criminal records check performed by
 141 a member state; and
 142 9. Comply with and enforce the rules of the Compact Commission.
 143 B. Member states may set and collect a fee for issuance and renewal of a compact privilege to applicants.
 144 C. Individuals without a compact qualifying license shall continue to be able to apply for a member state's
 145 single-state license as provided under the laws of each member state.
 146 D. Nothing in this Compact shall affect the requirements established by a member state for the issuance of
 147 a single state license.
 148 E. A compact qualifying license shall be recognized by each remote state as authorizing that licensee to
 149 engage in the practice of athletic training, under a compact privilege, in another member state in accordance
 150 with the requirements in Section 4.
 151 Section 4. Compact privilege.
 152 A. To be eligible for a compact privilege under the terms and provisions of the Compact, the licensee shall
 153 complete a criminal background check performed by the licensing authority in the state of qualifying
 154 licensure prior to entry in the Compact and shall:
 155 1. Satisfy one of the following two pathways:
 156 a. Hold a valid current active certification through the BOC, or its successor organization; or
 157 b. If a licensee does not meet the requirements of subdivision a, the following must be completed:
 158 (1) An education program which is either:
 159 (a) At least a bachelor's degree with a major course of study in athletic training, or an equivalent course
 160 of study from a college or university accredited at the time of graduation by CAATE, or its successor
 161 organization;
 162 (b) An academic degree from a college or university in a foreign country equivalent to the degree
 163 described in subdivision (a) with a major course of study as described in subdivision (a) that is accredited by
 164 CAATE, or its successor organization; or
 165 (c) The substantial equivalent of the foregoing which the Commission may determine by rule.
 166 (2) Successful completion of the exam administered by the BOC, or its successor organization, preceding
 167 the date of the licensee's application for Licensure in their state of qualifying licensure or the substantial
 168 equivalent of the foregoing requirement which the Commission may determine by rule.
 169 2. Hold a compact qualifying license;
 170 3. Have not had any encumbrance against any license or compact privilege to practice athletic training
 171 within the previous two years;
 172 4. Be eligible for a compact privilege in any member state in accordance with this Section 4;
 173 5. Notify the Compact Commission that the licensee is seeking the Compact Privilege within a remote
 174 state(s);
 175 6. Pay any applicable fees, including any state fee, for the compact privilege;
 176 7. Meet only the continuing competence requirements established by the state of qualifying licensure;
 177 8. Comply with any requirements of the state of qualifying licensure as set forth in Section 3;
 178 9. Meet any jurisprudence requirements established by the remote state(s) in which the licensee is seeking
 179 a compact privilege; and
 180 10. Report to the Compact Commission any adverse action, encumbrance, or restriction on a license

181 taken by any non-member state within 30 days from the date the action is taken.

182 B. The compact privilege is valid until the expiration date of the compact qualifying license. To maintain
183 a compact privilege, renewal of the compact privilege shall be congruent with the renewal of the compact
184 qualifying license as the Compact Commission may define by rule. The licensee must comply with the
185 requirements of this section to maintain the compact privilege in the remote state. A licensee may apply for
186 and hold compact privileges in multiple member states.

187 C. A licensed athletic trainer must follow the scope of practice of the member state where the patient is
188 located. A licensee engaging in the practice of athletic training in a remote state under the compact privilege
189 shall adhere to the scope of practice laws and regulations of the remote state. Licensees shall be responsible
190 for educating themselves on, and complying with, any and all scope of practice laws and regulations state
191 laws relating to the remote practice of athletic training, as applicable.

192 D. A licensee engaging in the practice of athletic training in a remote state is subject to that state's
193 regulatory authority. A remote state may, in accordance with due process and that state's laws, remove a
194 licensee's compact privilege in the remote state for a specific period of time, impose fines, or take any other
195 necessary actions to protect the health and safety of its citizens. Any member state which undertakes such an
196 action shall promptly notify the member state and the Commission as specified in the rules. The licensee may
197 be deemed to be ineligible to exercise the compact privilege by any member state until the specific time for
198 removal has passed and all fines are paid.

199 E. All member state disciplinary orders that impose adverse action against a compact qualifying license
200 shall result in deactivation of the licensee's compact privilege in all member states during the pendency of the
201 order. If a compact qualifying license is encumbered, the licensee shall lose the compact privilege in any
202 remote state until the following occur:

203 1. The compact qualifying license is no longer encumbered; and

204 2. The licensee has not had any encumbrance or restriction against any license, compact qualifying
205 license, or compact privilege within the previous two years.

206 F. Once an encumbered license is restored to good standing as a compact qualifying license (as certified
207 by the licensing authority), the licensee must meet the requirements of this section to obtain a compact
208 privilege in any remote state.

209 G. If a licensee's compact privilege in any remote state is removed, that licensee may also lose the
210 compact privilege in other remote states, as each member state shall determine in its sole authority, until the
211 following occur:

212 1. The specific period of time for which the compact privilege was removed has ended;

213 2. All fines have been paid; and

214 3. Have not had any encumbrance or restriction against any license or compact privilege within the
215 previous two years.

216 H. Once the requirements of subsection G have been met, the licensee must meet the requirements in
217 subsection A to obtain a compact privilege in a remote state.

218 Section 5. Compact qualifying license.

219 A. A licensee may only designate one license as their compact qualifying license at a time. The procedures
220 for such designation may be further defined by Compact Commission rule.

221 B. Nothing in this section shall require that the state of qualifying licensure be the state of primary
222 residence or state of primary practice for the licensee.

223 C. Nothing in this Compact shall interfere with a licensee's ability to hold a single state license in multiple
224 states.

225 D. Nothing in this Compact shall affect the requirements established by a member state for the issuance of
226 a single state license.

227 Section 6. Active military member or their spouses.

228 An active military member or their spouse shall not be required to pay a fee to the Commission for a
229 compact privilege. If a member state chooses to charge a member state fee, it may choose to charge a
230 reduced fee or no fee to an active military member or their spouse for a compact privilege.

231 Section 7. Adverse actions.

232 A. A member state in which a licensee is issued a compact qualifying license shall have the exclusive
233 authority to impose adverse action against the compact qualifying license issued by that member state.

234 B. A member state may take adverse action based on current significant investigative information of a
235 remote state, so long as the member state follows its own procedures for imposing adverse action.

236 C. Nothing in this Compact shall override a member state's decision that participation in an alternative
237 program may be used in lieu of adverse action and that such participation shall remain non-public if
238 required by the member state's laws or rules.

239 D. A remote state shall have the authority to:

240 1. Take adverse actions as set forth herein against a licensee's compact privilege in that state; and

241 2. Issue subpoenas for both hearings and investigations that require the attendance and testimony of
242 witnesses as well as the production of evidence.

243 a. Subpoenas may be issued by a member state athletic training licensing authority for the attendance and
244 testimony of witnesses and the production of evidence.

245 b. A member state which issues a subpoena may request service of that subpoena by another member
246 state. The member state receiving the request to serve a subpoena shall serve the subpoena if it is deemed
247 enforceable by a court of competent jurisdiction according to the practice and procedure in the receiving
248 member state.

249 c. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by
250 the service statutes of the state where the witnesses or evidence are located.

251 E. For purposes of taking adverse action, a member state shall give the same priority and effect to
252 reported conduct received from another member state as it would if the conduct had occurred within that
253 state. In so doing, the investigating member state shall apply its own state laws to determine appropriate
254 action.

255 F. A member state, if otherwise permitted by state law, may recover from the affected licensee the costs of
256 investigations and dispositions of cases resulting from any adverse action taken against that licensee.

257 G. Joint investigations:

258 1. In addition to the authority granted to a member state by its respective state law, any member state may
259 participate with other member states in joint investigations of licensees.

260 2. Member states shall share any current significant investigative information, litigation, or compliance
261 materials in furtherance of any joint or individual investigation initiated under the Compact. In sharing such
262 information between member state athletic trainer Licensing Authorities, all information obtained shall be
263 kept confidential, except as otherwise mutually agreed upon by the sharing and receiving member state(s).

264 3. A remote state may issue subpoenas on behalf of a member state for both hearings and investigations
265 that require the attendance and testimony of witnesses as well as the production of evidence.

266 H. If a member state takes adverse action, it shall promptly notify the administrator of the data system.
267 The administrator of the data system shall promptly notify all member states of any adverse actions by remote
268 states.

269 I. Nothing in this Compact may permit a member state to take any adverse action against a licensee or
270 holder of a compact privilege for conduct or practice occurring in another member state that was legal in the
271 member state at the time it was undertaken.

272 Section 8. Establishment and operation of the Commission.

273 A. The compact member states hereby create and establish a joint government agency whose membership
274 consists of all member states that have enacted the Compact known as the Athletic Trainer Licensure
275 Compact Commission. The Compact Commission is an instrumentality of the member states acting jointly
276 and not an instrumentality of any one state. The Compact Commission shall come into existence on or after
277 the effective date of the Compact as set forth in Section 12.

278 B. Membership, voting, and meetings:

279 1. Each member state shall have and be limited to one Commissioner selected by that member state's
280 licensing authority within 60 days of the member state's effective date.

281 2. The Commissioner shall be an administrator or their designated staff or current board member of the
282 licensing authority.

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

284 4. A member state's licensing authority shall fill any vacancy of its Commissioner occurring on the
285 Compact Commission within 60 days of the vacancy.

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

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

292 C. The Compact Commission shall have the following powers:

293 1. Promulgate, adopt, and amend rules and bylaws;

294 2. Establish code of conduct, confidentiality, and conflict of interest policies for Commissioners;

295 3. Establish the fiscal year of the Compact Commission;

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

297 5. Purchase and maintain insurance and insurance bonds;

298 6. Accept, or contract for services of personnel, including, but not limited to, employees of a member
299 state;

300 7. Conduct a financial review or audit;

301 8. Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals
302 appropriate authority to carry out the purposes of the Compact, and establish the Compact Commission's
303 personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other
304 related personnel matters;

- 305 9. Enter into contracts or arrangements for the management of the affairs of the Commission;
306 10. Assess and collect fees;
307 11. Accept any and all appropriate gifts, donations, grants of money, other sources of revenue, equipment,
308 supplies, materials, and services, and receive, utilize, and dispose of the same; provided that at all times the
309 Compact Commission shall avoid any appearance of impropriety or conflict of interest;
310 12. Lease, purchase, retain, own, hold, improve, invest, or use any property, real, personal, or mixed, or
311 any undivided interest therein;
312 13. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real,
313 personal, or mixed;
314 14. Establish a budget and make expenditures;
315 15. Borrow and invest money;
316 16. Meet and take such actions as are consistent with the provisions of this Compact, the Compact
317 Commission's rules, and the bylaws;
318 17. Initiate and conclude legal proceedings or actions in the name of the Compact Commission, provided
319 that the standing of any licensing authority to sue or be sued under applicable law shall not be affected;
320 18. Maintain and certify records and information provided to a member state as the authenticated
321 business records of the Compact Commission, and designate an agent to do so on the Compact Commission's
322 behalf;
323 19. Provide and receive information from, and cooperate with, law-enforcement agencies;
324 20. Determine whether a state's adopted language is materially different from the model Compact
325 language such that the state would not qualify for participation in the Compact;
326 21. Establish and elect an executive committee, including a chair and a vice chair, secretary, treasurer,
327 and such other offices as the Commission shall establish by rule or bylaw;
328 22. Appoint committees, including standing committees, composed of member state Commissioners, state
329 regulators, state legislators or their representatives, and consumer representatives, and such other interested
330 persons as may be designated in this Compact and the bylaws; and
331 23. Perform such other functions as may be necessary or appropriate to achieve the purposes of this
332 Compact.
333 D. The executive committee:
334 1. The executive committee shall have the power to act on behalf of the Compact Commission according
335 to the terms of this Compact. The powers, duties, and responsibilities of the executive committee shall
336 include:
337 a. Exercise the powers and duties of the Compact Commission during the interim between Compact
338 Commission meetings, except for adopting or amending rules, adopting or amending bylaws, and exercising
339 any other powers and duties expressly reserved to the Compact Commission by rule or bylaw;
340 b. Oversee the day-to-day activities of the administration of the Compact including enforcement and
341 compliance with the provisions of the Compact, its rules and bylaws, and other such duties as deemed
342 necessary;
343 c. Recommend to the Compact Commission changes to the rules or bylaws, changes to this Compact
344 legislation, fees charged to Compact member states, fees charged to licensees, and other fees;
345 d. Ensure Compact administration services are appropriately provided, including by contract;
346 e. Prepare and recommend the budget;
347 f. Maintain financial records on behalf of the Compact Commission;
348 g. Monitor Compact compliance of member states and provide compliance reports to the Compact
349 Commission;
350 h. Establish additional committees as necessary; and
351 i. Other duties as provided in the rules or bylaws of the Compact Commission.
352 2. The executive committee shall be composed of five voting members, elected by the Compact
353 Commission:
354 a. The chair and vice chair of the Compact Commission shall be voting members of the executive
355 committee;
356 b. The Compact Commission shall elect up to three additional voting members from the current
357 membership of the Compact Commission to include the offices of treasurer, secretary, and one member-at-
358 large; and
359 c. Up to four ex officio, nonvoting members from recognized national athletic trainer organizations.
360 3. The Compact Commission may remove any member of the executive committee as provided in the
361 Compact Commission's bylaws.
362 4. The executive committee shall meet at least annually:
363 a. Executive committee meetings shall be open to the public, except that the executive committee may meet
364 in a closed, non-public meeting as provided in this section.
365 b. The executive committee shall give advance notice of its meetings, posted on its website and as
366 determined by rule or bylaw to provide notice to persons with an interest in the business of the Compact

367 Commission.

368 c. The executive committee may hold a special meeting in accordance with this section.

369 E. The Compact Commission shall adopt and provide to the member states an annual report.

370 F. Meetings of the Compact Commission:

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

373 2. Public notice for all meetings of the full Compact Commission of meetings shall be given in the same
374 manner as required under the rulemaking provisions in this Compact, except that the Compact Commission
375 may hold a special meeting as provided in this section.

376 3. The Compact Commission may hold a special meeting when it must meet to conduct emergency
377 business by giving 24 hours' notice to all Commissioners, on the Compact Commission's website, and other
378 means as provided in the Compact Commission's rules. The Compact Commission's legal counsel shall
379 certify that the Compact Commission's need to meet qualifies as an emergency.

380 4. The Compact Commission or the executive committee or other committees of the Compact Commission
381 may convene in a closed, non-public meeting for the Compact Commission or executive committee or other
382 committees of the Compact Commission to receive legal advice or to discuss:

383 a. Non-compliance of a member state with its obligations under the Compact;

384 b. The employment, compensation, discipline or other matters, practices, or procedures related to specific
385 employees;

386 c. Current or threatened discipline of a licensee by a member state's licensing authority;

387 d. Current, threatened, or reasonably anticipated litigation;

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

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

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

391 h. Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of
392 personal privacy;

393 i. Investigative records compiled for law-enforcement purposes;

394 j. Information related to any investigative reports prepared by or on behalf of or for use of the Compact
395 Commission or other committee charged with responsibility of investigation or determination of compliance
396 issues pursuant to the Compact;

397 k. Matters specifically exempted from disclosure by federal or member state law; or

398 l. Other matters as specified in rules of the Compact Commission.

399 5. If a meeting, or portion of a meeting, is closed, the Compact Commission's legal counsel or designee
400 shall certify that the meeting will be closed and reference each relevant exempting provision, and such
401 reference shall be recorded in the minutes. All minutes and documents of a closed meeting shall remain
402 under seal, subject to release only by a majority vote of the Compact Commission or order of a court of
403 competent jurisdiction.

404 G. Financing of the Compact Commission:

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

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

409 3. The Compact Commission may levy on and collect an annual assessment from each member state and
410 impose fees on licensees of member states to whom it grants a compact privilege to cover the cost of the
411 operations and activities of the Compact Commission and its staff, which must be in a total amount sufficient
412 to cover its annual budget as approved each year for which revenue is not provided by other sources. The
413 aggregate annual assessment amount for member states shall be allocated based upon a formula that the
414 Compact Commission shall promulgate by rule.

415 4. The Compact Commission shall not incur obligations of any kind prior to securing the funds or a loan
416 adequate to meet the same; nor shall the Compact Commission pledge the credit of any of the member states,
417 except by and with the authority of the member state.

418 5. The Compact Commission shall keep accurate accounts of all receipts and disbursements. The receipts
419 and disbursements of the Compact Commission shall be subject to the financial review or audit and
420 accounting procedures established under its bylaws. However, all receipts and disbursements of funds
421 handled by the Compact Commission shall be subject to an annual financial review or audit by a certified or
422 licensed public accountant, and the report of the financial review or audit shall be included in and become
423 part of the annual report of the Compact Commission.

424 H. Qualified immunity, defense, and indemnification:

425 1. The members, officers, executive director, employees, and representatives of the Compact Commission
426 shall be immune from suit and liability, both personally and in their official capacity, for any claim for
427 damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual
428 or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a

429 reasonable basis for believing occurred within the scope of Compact Commission employment, duties, or
430 responsibilities, provided that nothing in this subdivision shall be construed to protect any such person from
431 suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton
432 misconduct of that person. The procurement of insurance of any type by the Compact Commission shall not
433 in any way compromise or limit the immunity granted hereunder.

434 2. The Compact Commission shall defend any member, officer, executive director, employee, and
435 representative of the Compact Commission in any civil action seeking to impose liability arising out of any
436 actual or alleged act, error, or omission that occurred within the scope of Compact Commission employment,
437 duties, or responsibilities, or as determined by the Compact Commission that the person against whom the
438 claim is made had a reasonable basis for believing occurred within the scope of Compact Commission
439 employment, duties, or responsibilities, provided that nothing herein shall be construed to prohibit that
440 person from retaining their own counsel at their own expense, and provided further, that the actual or
441 alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

442 3. The Compact Commission shall indemnify and hold harmless any member, officer, executive director,
443 employee, and representative of the Compact Commission for the amount of any settlement or judgment
444 obtained against that person arising out of any actual or alleged act, error, or omission that occurred within
445 the scope of Compact Commission employment, duties, or responsibilities, or that such person had a
446 reasonable basis for believing occurred within the scope of Compact Commission employment, duties, or
447 responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional
448 or willful or wanton misconduct of that person.

449 4. Nothing herein shall be construed as a limitation on the liability of any licensee for professional
450 malpractice or misconduct, which shall be governed solely by any other applicable state laws.

451 5. Nothing in this Compact shall be interpreted to waive or otherwise abrogate a member state's state
452 action immunity or state action affirmative defense with respect to antitrust claims under the Sherman Act,
453 Clayton Act, or any other state or federal antitrust or anticompetitive law or regulation.

454 6. Nothing in this Compact shall be construed to be a waiver of sovereign immunity by the member states
455 or by the Compact Commission.

456 Section 9. Data System.

457 A. The Commission shall provide for the development, maintenance, operation, and utilization of a
458 coordinated data system and reporting system containing licensure, compact privileges, adverse action, and
459 the presence of current significant investigative information on all licensees and applicants for a license in
460 member states.

461 B. Notwithstanding any other provision of state law to the contrary, a member state shall submit a
462 uniform data set to the data system on all licensees, applicants, and others to whom this Compact is
463 applicable as required by the rules of the Compact Commission, including:

464 1. Personally identifying information;

465 2. Licensure data;

466 3. Adverse actions against a licensee, license applicant or compact privilege and information related
467 thereto;

468 4. Non-confidential information related to alternative program participation, the beginning and ending
469 dates of such participation, and other information related to such participation;

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

472 6. A binary determination regarding the presence of current significant investigative information; and

473 7. Other information that may facilitate the administration of this Compact or the protection of the public,
474 as determined by the rules of the Commission.

475 C. The records and information provided to a member state pursuant to this Compact through the data
476 system, when certified by the Commission or an agent thereof, shall constitute the authenticated business
477 records of the Commission, and shall be entitled to any associated hearsay exception in any relevant judicial,
478 quasi-judicial, or administrative proceedings in a member state.

479 D. Current significant investigative information pertaining to a licensee in any member state will only be
480 available to other member states.

481 E. It is the responsibility of the member states to monitor the data system to determine whether adverse
482 action has been taken against a licensee or license applicant. Adverse action information pertaining to a
483 licensee or license applicant in any member state will be available to any other member state.

484 F. Member states contributing information to the data system may designate information that may not be
485 shared with the public without the express permission of the contributing state.

486 G. Any information submitted to the data system that is subsequently expunged pursuant to federal law or
487 the laws of the member state contributing the information shall be removed from the data system.

488 Section 10. Rulemaking.

489 A. The Compact Commission shall promulgate reasonable rules in order to effectively and efficiently
490 implement and administer the purposes and provisions of the Compact. A rule shall be invalid and have no

491 force or effect only if a court of competent jurisdiction holds that the rule is invalid because the Compact
 492 Commission exercised its rulemaking authority in a manner that is beyond the scope and purposes of the
 493 Compact, or the powers granted hereunder, or based upon another applicable standard of review.

494 B. The rules of the Compact Commission shall have the force of law in each member state, provided,
 495 however, that where the rules conflict with the laws or regulations of a member state that relate to the scope
 496 of practice a licensed athletic trainer is permitted to undertake in that state and the circumstances under
 497 which they may do so, as held by a court of competent jurisdiction, the rules of the Compact Commission
 498 shall be ineffective in that state to the extent of the conflict.

499 C. The Compact Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this
 500 section and the rules adopted thereunder. Rules of this Compact shall become binding on the day following
 501 adoption or as of the date specified in the rule or amendment, whichever is later.

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

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

506 F. Prior to adoption of a proposed rule, the Compact Commission shall hold a public hearing and allow
 507 persons to provide oral and written comments, data, facts, opinions, and arguments. At least 30 days in
 508 advance of the public hearing on the proposed rule, the Compact Commission shall provide a notice of
 509 proposed rulemaking:

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

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

513 3. In such other way(s) as the Compact Commission may by rule specify.

514 G. The notice of proposed rulemaking shall include:

515 1. The time, date, and location of the public hearing at which the Compact Commission will hear public
 516 comments on the proposed rule and, if different, the time, date, and location of the meeting where the
 517 Compact Commission will consider and vote on the proposed rule;

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

520 3. The text of the proposed rule and the reason therefor;

521 4. A request for comments on the proposed rule from any interested person; and

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

523 H. All hearings will be recorded. A copy of the recording and all written comments and documents
 524 received by the Compact Commission in response to the proposed rule shall be available to the public.

525 I. Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be
 526 grouped for the convenience of the Compact Commission at hearings required by this section.

527 J. The Compact Commission shall, by majority vote of all members, take final action on the proposed rule
 528 based on the rulemaking record and the full text of the rule.

529 1. The Compact Commission may adopt changes to the proposed rule provided the changes do not
 530 enlarge the original purpose of the proposed rule.

531 2. The Compact Commission shall provide an explanation of the reasons for substantive changes made to
 532 the proposed rule as well as reasons for substantive changes not made that were recommended by
 533 commenters.

534 3. The Compact Commission shall determine a reasonable effective date for the rule. Except for an
 535 emergency as provided in this section, the effective date of the rule shall be no sooner than 30 days after
 536 issuing the notice that it adopted or amended the rule.

537 K. Upon determination that an emergency exists, the Compact Commission may consider and adopt an
 538 emergency rule with 24 hours' notice, with opportunity to comment, provided that the usual rulemaking
 539 procedures provided in the Compact and in this section shall be retroactively applied to the rule as soon as
 540 reasonably possible, in no event later than 90 days after the effective date of the rule. For the purposes of this
 541 provision, an emergency rule is one that must be adopted immediately in order to:

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

543 2. Prevent a loss of Compact Commission or member state funds;

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

545 4. Protect public health and safety.

546 L. The Compact Commission or an authorized committee of the Compact Commission may direct
 547 revisions to a previously adopted rule for purposes of correcting typographical errors, errors in format,
 548 errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of
 549 the Compact Commission. The revision shall be subject to challenge by any person for a period of 30 days
 550 after posting. The revision may be challenged only on grounds that the revision results in a material change
 551 to a rule. A challenge shall be made in writing and delivered to the Compact Commission prior to the end of
 552 the notice period. If no challenge is made, the revision will take effect without further action. If the revision is

553 *challenged, the revision may not take effect without the approval of the Compact Commission.*

554 *M. No member state's rulemaking requirements shall apply under this Compact.*

555 *Section 11. Oversight, dispute resolution, and enforcement.*

556 *A. Oversight:*

557 *1. The executive and judicial branches of state government in each member state shall enforce this*
558 *Compact and take all actions necessary and appropriate to implement the Compact.*

559 *2. Except as otherwise provided in this Compact, venue is proper and judicial proceedings by or against*
560 *the Compact Commission shall be brought solely and exclusively in a court of competent jurisdiction where*
561 *the principal office of the Compact Commission is located. The Compact Commission may waive venue and*
562 *jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution*
563 *proceedings. Nothing herein shall affect or limit the selection or propriety of venue in any action against a*
564 *licensee for professional malpractice, misconduct, or any such similar matter.*

565 *3. The Compact Commission shall be entitled to receive service of process in any proceeding regarding*
566 *the enforcement or interpretation of the Compact and shall have standing to intervene in such a proceeding*
567 *for all purposes. Failure to provide the Compact Commission service of process shall render a judgment or*
568 *order void as to the Compact Commission, this Compact, or promulgated rules.*

569 *B. Default, technical assistance, and termination:*

570 *1. If the Compact Commission determines that a member state has defaulted in the performance of its*
571 *obligations or responsibilities under this Compact or the promulgated rules, the Commission shall provide*
572 *written notice to the defaulting state. The notice of default shall describe the default, the proposed means of*
573 *curing the default, and any other action that the Compact Commission may take, and shall offer training and*
574 *specific technical assistance regarding the default.*

575 *2. The Compact Commission shall provide a copy of the notice of default to the other member states.*

576 *C. If a state in default fails to cure the default, the defaulting state may be terminated from the Compact*
577 *upon an affirmative vote of a majority of the Commissioners of the member states, and all rights, privileges,*
578 *and benefits conferred on that state by this Compact maybe terminated on the effective date of termination. A*
579 *cure of the default does not relieve the offending state of obligations or liabilities incurred during the period*
580 *of default.*

581 *D. Termination of membership in the Compact shall be imposed only after all other means of securing*
582 *compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Compact*
583 *Commission to the governor, the majority and minority leaders of the defaulting state's legislature, the*
584 *defaulting state's licensing authority, and each of the member states' licensing authority.*

585 *E. A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred*
586 *through the effective date of termination, including obligations that extend beyond the effective date of*
587 *termination.*

588 *F. Upon the termination of a state's membership from this Compact, that state shall immediately provide*
589 *notice to all licensees within that state of such termination. The terminated state shall continue to recognize*
590 *all licenses and compact privileges granted pursuant to this Compact for a minimum of 180 days after the*
591 *date of said notice of termination.*

592 *G. The Compact Commission shall not bear any costs related to a state that is found to be in default or*
593 *that has been terminated from the Compact, unless agreed upon in writing between the Compact Commission*
594 *and the defaulting state.*

595 *H. The defaulting state may appeal the action of the Compact Commission by petitioning the U.S. District*
596 *Court for the District of Columbia or the federal district where the Compact Commission has its principal*
597 *offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees.*

598 *I. Dispute resolution:*

599 *1. Upon request by a member state, the Compact Commission shall attempt to resolve disputes related to*
600 *the Compact that arise among member states and between member and non-member states.*

601 *2. The Compact Commission shall promulgate a rule providing for both mediation and binding dispute*
602 *resolution for disputes as appropriate.*

603 *J. Enforcement:*

604 *1. By two-thirds majority vote, the Compact Commission may initiate legal action against a member state*
605 *in default in the United States District Court for the District of Columbia or the federal district where the*
606 *Compact Commission has its principal offices to enforce compliance with the provisions of the Compact and*
607 *its promulgated rules. The relief sought may include both injunctive relief and damages. In the event judicial*
608 *enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including*
609 *reasonable attorney fees. The remedies herein shall not be the exclusive remedies of the Compact*
610 *Commission. The Compact Commission may pursue any other remedies available under federal or the*
611 *defaulting member state's law.*

612 *2. A member state may initiate legal action against the Compact Commission in the U.S. District Court*
613 *for the District of Columbia or the federal district where the Compact Commission has its principal offices to*
614 *enforce compliance with the provisions of the Compact and its promulgated rules. The relief sought may*

615 include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing
616 party shall be awarded all costs of such litigation, including reasonable attorney fees.

617 3. No person other than a member state shall enforce this Compact against the Compact Commission.

618 Section 12. Effective date, withdrawal, and amendment.

619 A. The Compact shall come into effect on the date on which the Compact statute is enacted into law in the
620 seventh member state.

621 1. On or after the effective date of the Compact, the Compact Commission shall convene and review the
622 enactment of each of the first seven member states (the charter member states) to determine if the statute
623 enacted and made effective by each such charter member state is materially different than the model compact
624 statute.

625 a. A charter member state whose enactment is found to be materially different from the model compact
626 language shall be entitled to the default process set forth in Section 11.

627 b. If any member state is later found to be in default, or is terminated or withdraws from the Compact, the
628 Compact Commission shall remain in existence and the Compact shall remain in effect even if the number of
629 member states should be less than seven. Member states enacting the Compact subsequent to the seven initial
630 charter member states shall be subject to the process set forth in this section to determine if their enactments
631 are materially different from the model Compact statute and whether they qualify for participation in the
632 Compact.

633 2. All actions taken for the benefit of the Compact Commission or in furtherance of the purposes of the
634 administration of the Compact prior to the effective date of the Compact or the Compact Commission coming
635 into existence shall be considered to be actions of the Compact Commission unless specifically repudiated by
636 the Compact Commission.

637 3. Any state that joins the Compact subsequent to the Compact Commission's initial adoption of the rules
638 and bylaws shall be subject to the rules and bylaws as they exist on the date on which the Compact becomes
639 law in that state. Any rule that has been previously adopted by the Compact Commission shall have the full
640 force and effect of law on the day the Compact becomes law in that state.

641 B. Any member state may withdraw from this Compact by enacting a statute repealing the same.

642 1. A member state's withdrawal shall not take effect until 180 days after enactment of the repealing
643 statute.

644 2. Withdrawal shall not affect the continuing requirement of the withdrawing state's licensing authority to
645 comply with the investigative and adverse action reporting requirements of this Compact prior to the effective
646 date of withdrawal.

647 3. Upon the enactment of a statute withdrawing from this Compact, a state shall immediately provide
648 notice of such withdrawal to all licensees and privilege holders within that state. Notwithstanding any
649 subsequent statutory enactment to the contrary, such withdrawing state shall continue to recognize all
650 compact privileges granted pursuant to this Compact for a minimum of 180 days after the date of such notice
651 of withdrawal.

652 4. Nothing contained in this Compact shall be construed to invalidate or prevent any licensure agreement
653 or other cooperative arrangement between a member state and a non-member state that does not conflict
654 with the provisions of this Compact.

655 5. This Compact may be amended by the member states. No amendment to this Compact shall become
656 effective and binding upon any member state until it is enacted into the laws of all member states.

657 Section 13. Construction and Severability.

658 A. This Compact and the Compact Commission's rulemaking authority shall be liberally construed so as
659 to effectuate the purposes, and the implementation and administration of the Compact. Provisions of the
660 Compact expressly authorizing or requiring the promulgation of rules shall not be construed to limit the
661 Compact Commission's rulemaking authority solely for those purposes.

662 B. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of
663 this Compact is held by a court of competent jurisdiction to be contrary to the constitution of any member
664 state, a state seeking participation in the Compact, or of the United States, or the applicability thereof to any
665 government, agency, person or circumstance is held to be unconstitutional by a court of competent
666 jurisdiction, the validity of the remainder of this Compact and the applicability thereof to any other
667 government, agency, person or circumstance shall not be affected thereby.

668 C. Notwithstanding the foregoing, the Compact Commission may deny a state's participation in the
669 Compact or terminate a member state's participation in the Compact if it determines that a constitutional
670 requirement of a member state is a material departure from the Compact. Otherwise, if this Compact shall be
671 held to be contrary to the constitution of any member state, the Compact shall remain in full force and effect
672 as to the remaining member states and in full force and effect as to the member state affected as to all
673 severable matters.

674 Section 14. Consistent effect and conflict with other state laws.

675 A. Nothing herein shall prevent or inhibit the enforcement of any other law of a member state that is not
676 inconsistent with the Compact.

677 *B. Any laws, statutes, regulations, or other legal requirements in a member state in conflict with the*
678 *Compact are superseded to the extent of the conflict.*

679 *C. All permissible agreements between the Compact Commission and the member states are binding in*
680 *accordance with their terms.*

681 **2. Pursuant to Section 12 of § 54.1-2957.4:1 of the Code of Virginia, as created by this act, the Athletic**
682 **Trainer Compact shall become effective on the date the Compact is enacted by a seventh participating**
683 **state or upon the effective date of this act, whichever is later.**