

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding in Title 22.1 a chapter numbered 30, consisting of a section*
 3 *numbered 22.1-387, relating to Interstate Compact for School Psychologists; membership of the*
 4 *Commonwealth.*

5 [H 255]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**

8 **1. That the Code of Virginia is amended by adding in Title 22.1 a chapter numbered 30, consisting of a**
 9 **section numbered 22.1-387, as follows:**

10 CHAPTER 30.

11 INTERSTATE COMPACT FOR SCHOOL PSYCHOLOGISTS.

12 § 22.1-387. *Interstate Compact for School Psychologists.*

13 *The General Assembly hereby enacts, and the Commonwealth of Virginia hereby enters into, the*
 14 *Interstate Compact for School Psychologists with any and all states legally joining therein according to its*
 15 *terms, in the form substantially as follows:*

16 INTERSTATE COMPACT FOR SCHOOL PSYCHOLOGISTS.

17 Section 1. Purpose.

18 *The purpose of this Compact is to facilitate the interstate practice of school psychology in educational or*
 19 *school settings, and in so doing to improve the availability of school psychological services to the public.*
 20 *This Compact is intended to establish a pathway to allow school psychologists to obtain equivalent licenses*
 21 *to provide school psychological services in any member state. In this way, this Compact shall enable the*
 22 *member states to ensure that safe and effective school psychological services are available and delivered by*
 23 *appropriately qualified professionals in their educational settings.*

24 *To facilitate the objectives described above, this Compact:*

25 *1. Enables school psychologists who qualify for receipt of an equivalent license to practice in other*
 26 *member states without first satisfying burdensome and duplicative requirements;*

27 *2. Promotes the mobility of school psychologists between and among the member states in order to*
 28 *address workforce shortages and to ensure that safe and reliable school psychological services are available*
 29 *in each member state;*

30 *3. Enhances the public accessibility of school psychological services by increasing the availability of*
 31 *qualified, licensed school psychologists through the establishment of an efficient and streamlined pathway for*
 32 *licensees to practice in other member states;*

33 *4. Preserves and respects the authority of each member state to protect the health and safety of its*
 34 *residents by ensuring that only qualified, licensed professionals are authorized to provide school*
 35 *psychological services within that state;*

36 *5. Requires school psychologists practicing within a member state to comply with the scope of practice*
 37 *laws present in the state where the school psychological services are being provided;*

38 *6. Promotes cooperation between the member states in regulating the practice of school psychology*
 39 *within those states; and*

40 *7. Facilitates the relocation of military members and their spouses who are licensed to provide school*
 41 *psychological services.*

42 Section 2. Definitions.

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

44 *"Active military member" means any person with full-time duty status in the Armed Forces of the United*
 45 *States, including members of the National Guard and Reserve.*

46 *"Adverse action" means disciplinary action or encumbrance imposed on a license by a state licensing*
 47 *authority.*

48 *"Alternative program" means a non-disciplinary, prosecutorial diversion, monitoring, or practice*
 49 *remediation process entered into in lieu of an adverse action that is applicable to a school psychologist and*
 50 *approved by the state licensing authority of a member state in which the participating school psychologist is*
 51 *licensed. This includes, but is not limited to, programs to which licensees with substance abuse or addiction*
 52 *issues may be referred in lieu of an adverse action.*

53 *"Commissioner" means the individual appointed by a member state to serve as the representative to the*
 54 *Commission for that member state.*

55 *"Compact" means this School Psychologist Interstate Licensure Compact, also known as the Interstate*
 56 *Compact for School Psychologists.*

57 *"Continuing professional education" means a requirement imposed by a member state as a condition of*
58 *license renewal to provide evidence of successful participation in professional educational activities relevant*
59 *to the provision of school psychological services.*

60 *"Criminal background check" means the submission of fingerprints or other biometric information for a*
61 *license applicant for the purpose of obtaining that applicant's criminal history record information, as defined*
62 *in 28 C.F.R. § 20.3(d), in the state's criminal history record repository, as defined in 28 C.F.R. § 20.3(f).*

63 *"Doctoral-level degree" means a graduate degree program that consists of at least 90 graduate semester*
64 *hours in the field of school psychology, including a supervised internship.*

65 *"Encumbered license" means a license that a state licensing authority has limited in any way other than*
66 *through an alternative program, including any temporary or provisional license.*

67 *"Equivalent license" means a license to practice school psychology that a member state has identified as*
68 *a license that may be provided to school psychologists from other member states pursuant to this Compact.*

69 *"Executive committee" means the Commission's chair, vice-chair, secretary, and treasurer and any other*
70 *commissioners as may be determined by Commission rule or bylaw.*

71 *"Home state" means the member state that issued the home state license to the licensee and is the*
72 *licensee's primary state of practice.*

73 *"Home state license" means the license that is not an encumbered license issued by the home state to*
74 *provide school psychological services.*

75 *"License" means a current license, certification, or other authorization granted by a member state's state*
76 *licensing authority that permits an individual to provide school psychological services.*

77 *"Licensee" means an individual who holds a license from a member state to provide school psychological*
78 *services.*

79 *"Member state" means a state that has enacted the Compact and has been admitted to the Commission in*
80 *accordance with the provisions herein and Commission rules.*

81 *"Model compact" means the model language for the School Psychologist Interstate Licensure Compact on*
82 *file with the Council of State Governments or another entity as designated by the Commission.*

83 *"Practice of school psychology" means the delivery of school psychological services.*

84 *"Qualifying national exam" means a national licensing examination endorsed by the National Association*
85 *of School Psychologists and any other exam as approved by the rules of the Commission.*

86 *"Qualifying school psychologist education program" means an education program that awards a*
87 *specialist-level degree or doctoral-level degree or equivalent upon completion and is approved by the rules*
88 *of the Commission as meeting the necessary minimum educational standards to ensure that its graduates are*
89 *ready, qualified, and able to engage in the practice of school psychology.*

90 *"Remote state" means a member state other than the home state where a licensee holds a license through*
91 *the Compact.*

92 *"Rule" means a regulation promulgated by an entity, including the Commission and the state licensing*
93 *authority of each member state, that has the force of law.*

94 *"School psychological services" means academic, mental, and behavioral health services, including*
95 *assessment, prevention, consultation and collaboration, intervention, and evaluation provided by a school*
96 *psychologist in a school, as outlined in applicable professional standards as determined by Commission rule.*

97 *"School psychologist" means an individual who has met the requirements to obtain a home state license*
98 *that legally conveys the professional title of school psychologist, or its equivalent as determined by the rules*
99 *of the Commission.*

100 *"School Psychologist Interstate Licensure Compact Commission" or "Commission" means the joint*
101 *government agency established by this Compact whose membership consists of representatives from each*
102 *member state that has enacted the Compact, and as further described in Section 7.*

103 *"Scope of practice" means the procedures, actions, and processes a school psychologist licensed in a state*
104 *is permitted to undertake in that state and the circumstances under which that licensee is permitted to*
105 *undertake those procedures, actions, and processes. Such procedures, actions, and processes, and the*
106 *circumstances under which they may be undertaken, may be established through means including statute,*
107 *regulations, case law, and other processes available to the state licensing authority or other government*
108 *agency.*

109 *"Specialist-level degree" means a degree program that requires at least 60 graduate semester hours or*
110 *equivalent in the field of school psychology including a supervised internship.*

111 *"State" means any state, commonwealth, district, or territory of the United States of America.*

112 *"State licensing authority" means a member state's regulatory body responsible for issuing licenses or*
113 *otherwise overseeing the practice of school psychology.*

114 *"State-specific requirement" means a requirement for licensure covered in coursework or examination*
115 *that includes content of unique interest to the state.*

116 *"Unencumbered license" means a license that authorizes a licensee to engage in the full and unrestricted*
117 *practice of school psychology.*

- 119 A. To be eligible to join this Compact, and to maintain eligibility as a member state, a state shall:
- 120 1. Enact a compact statute that is not materially different from the model compact, as defined in the
- 121 Commission's rules;
- 122 2. Participate in the sharing of information with other member states as reasonably necessary to
- 123 accomplish the objectives of this Compact, and as further defined in Section 8;
- 124 3. Identify and maintain with the Commission a list of equivalent licenses available to licensees who hold
- 125 a home state license under this Compact;
- 126 4. Have a mechanism in place for receiving and investigating complaints about licensees;
- 127 5. Notify the Commission, in compliance with the terms of the Compact and the Commission's rules, of
- 128 any adverse action taken against a licensee, or of the availability of investigative information that relates to a
- 129 licensee or applicant for licensure;
- 130 6. Require that applicants for a home state license have;
- 131 a. Taken and passed a qualifying national exam as defined by the rules of the Commission;
- 132 b. Completed a minimum of 1,200 hours of supervised internship, of which at least 600 shall have been
- 133 completed in a school, prior to being approved for licensure; and
- 134 c. Graduated from a qualifying school psychologist education program; and
- 135 7. Comply with the terms of this Compact and the rules of the Commission.
- 136 B. Each member state shall grant an equivalent license to practice school psychology in that state upon
- 137 application by a licensee who satisfies the criteria of subsection A of Section 4. Each member state shall
- 138 grant renewal of the equivalent license to a licensee who satisfies the criteria of subsection B of Section 4.
- 139 C. Member states may set and collect a fee for granting an equivalent license.

140 Section 4. School Psychologist Participation in the Compact.

- 141 A. To obtain and maintain an equivalent license from a remote state under this Compact, a licensee shall:
- 142 1. Hold and maintain an active home state license;
- 143 2. Satisfy any applicable state-specific requirements established by the member state after an equivalent
- 144 license is granted;
- 145 3. Complete any administrative or application requirements that the Commission may establish by rule
- 146 and pay any associated fees;
- 147 4. Complete any requirements for renewal in the home state, including applicable continuing professional
- 148 education requirements; and
- 149 5. Upon their application to receive a license under this Compact, undergo a criminal background check
- 150 in the member state in which the equivalent license is sought in accordance with the laws and regulations of
- 151 such member state.
- 152 B. To renew an equivalent license in a member state other than the home state, a licensee shall only apply
- 153 for renewal, complete a criminal background check, and pay renewal fees as determined by the state
- 154 licensing authority.

155 Section 5. Active Military Members or Their Spouses.

- 156 A licensee who is an active military member or is the spouse of an active military member shall be
- 157 deemed to hold a home state license in any of the following locations:
- 158 1. The licensee's permanent residence;
- 159 2. A member state that is the licensee's primary state of practice; or
- 160 3. A member state to which the licensee has relocated pursuant to a permanent change of station.

161 Section 6. Discipline/Adverse Actions.

- 162 A. Nothing in this Compact shall be deemed or construed to limit the authority of a member state to
- 163 investigate or impose disciplinary measures on licensees according to the state practice laws thereof.
- 164 B. Member states shall be authorized to receive, and shall provide, files and information regarding the
- 165 investigation and discipline, if any, of licensees in other member states upon request. Any member state
- 166 receiving such files or information shall protect and maintain the security and confidentiality thereof in at
- 167 least the same manner that it maintains its own investigatory or disciplinary files and information. Prior to
- 168 disclosing any disciplinary or investigatory information received from another member state, the disclosing
- 169 state shall communicate its intention and purpose for such disclosure to the member state that originally
- 170 provided that information.

171 Section 7. Establishment of the School Psychologist Interstate Licensure Compact Commission.

- 172 A. The member states hereby create and establish a joint government agency whose membership consists
- 173 of all member states that have enacted the Compact, and this agency shall be known as the School
- 174 Psychologist Interstate Licensure Compact Commission. The Commission is an instrumentality of the
- 175 member states acting jointly and not an instrumentality of any one state. The Commission shall come into
- 176 existence on or after the effective date of the Compact as set forth in Section 11.
- 177 B. Membership, Voting, and Meetings.
- 178 1. Each member state shall have, and be limited to, one delegate selected by that member state's state
- 179 licensing authority.
- 180 2. The delegate shall be the primary administrative officer of the member state's state licensing authority

181 *or their designee who is an employee of the member state's state licensing authority.*
182 3. *The Commission shall, by rule or bylaw, establish a term of office for delegates and may, by rule or*
183 *bylaw, establish term limits.*
184 4. *The Commission may recommend removal or suspension of any delegate from office.*
185 5. *A member state's state licensing authority shall fill any vacancy of its delegate occurring on the*
186 *Commission within 60 days of the vacancy.*
187 6. *Each delegate shall be entitled to one vote on all matters before the Commission requiring a vote by*
188 *Commission delegates.*
189 7. *A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may*
190 *provide for delegates to meet by telecommunication, videoconference, or other means of communication.*
191 8. *The Commission shall meet at least once during each calendar year. Additional meetings may be held*
192 *as set forth in the bylaws. The Commission may meet by telecommunication, video conference, or other*
193 *similar electronic means.*
194 C. *The Commission shall have the following powers:*
195 1. *Establish the fiscal year of the Commission;*
196 2. *Establish code of conduct and conflict of interest policies;*
197 3. *Establish and amend rules and bylaws;*
198 4. *Establish the procedure through which a licensee may change their home state;*
199 5. *Maintain its financial records in accordance with the bylaws;*
200 6. *Meet and take such actions as are consistent with the provisions of this Compact, the Commission's*
201 *rules, and the bylaws;*
202 7. *Initiate and conclude legal proceedings or actions in the name of the Commission, provided that the*
203 *standing of any member state's state licensing authority to sue or be sued under applicable law shall not be*
204 *affected;*
205 8. *Maintain and certify records and information provided to a member state as the authenticated business*
206 *records of the Commission and designate an agent to do so on the Commission's behalf;*
207 9. *Purchase and maintain insurance and bonds;*
208 10. *Borrow, accept, or contract for services of personnel, including employees of a member state;*
209 11. *Conduct an annual financial review;*
210 12. *Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals*
211 *appropriate authority to carry out the purposes of the Compact, and establish the Commission's personnel*
212 *policies and programs relating to conflicts of interest, qualifications of personnel, and other related*
213 *personnel matters;*
214 13. *Assess and collect fees;*
215 14. *Accept any and all appropriate gifts, donations, grants of money, other sources of revenue, equipment,*
216 *supplies, materials, and services, and receive, utilize, and dispose of the same, provided that at all times the*
217 *Commission shall avoid any appearance of impropriety or conflict of interest;*
218 15. *Lease, purchase, retain, own, hold, improve, or use any property, whether real, personal, or mixed, or*
219 *any undivided interest therein;*
220 16. *Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property*
221 *whether real, personal, or mixed;*
222 17. *Establish a budget and make expenditures;*
223 18. *Borrow money;*
224 19. *Appoint committees, including standing committees, composed of members, state regulators, state*
225 *legislators or their representatives, and consumer representatives, and such other interested persons as may*
226 *be designated in this Compact and the bylaws;*
227 20. *Provide and receive information from, and cooperate with, law-enforcement agencies;*
228 21. *Establish and elect an executive committee, including a chair and a vice-chair;*
229 22. *Determine whether a state's adopted language is materially different from the model compact*
230 *language such that the state would not qualify for participation in the Compact; and*
231 23. *Perform such other functions as may be necessary or appropriate to achieve the purposes of this*
232 *Compact.*
233 D. *The executive committee.*
234 1. *The executive committee shall have the power to act on behalf of the Commission according to the*
235 *terms of this Compact. The powers, duties, and responsibilities of the executive committee shall include:*
236 a. *Overseeing the day-to-day activities of the administration of the Compact, including enforcement and*
237 *compliance with the provisions of the Compact and its rules and bylaws and other such duties as deemed*
238 *necessary;*
239 b. *Recommending to the Commission changes to the rules or bylaws, changes to this Compact legislation,*
240 *fees charged to member states, fees charged to licensees, and other fees;*
241 c. *Ensuring that Compact administration services are appropriately provided, including by contract;*
242 d. *Preparing and recommending the budget;*

- 243 e. Maintaining financial records on behalf of the Commission;
- 244 f. Monitoring the compliance of member states with the Compact and providing compliance reports to the
- 245 Commission;
- 246 g. Establishing additional committees as necessary;
- 247 h. Exercising the powers and duties of the Commission during the interim between Commission meetings,
- 248 except for adopting or amending rules, adopting or amending bylaws, and exercising any other powers and
- 249 duties expressly reserved to the Commission by rule or bylaw; and
- 250 i. Performing other duties as provided in the rules or bylaws of the Commission.
- 251 2. The executive committee shall be composed of up to seven members:
- 252 a. The chair and vice-chair of the Commission shall be voting members of the executive committee; and
- 253 b. The Commission shall elect up to five additional voting members from the current membership of the
- 254 Commission.
- 255 3. The Commission may remove any member of the executive committee as provided in the Commission's
- 256 bylaws.
- 257 4. The executive committee shall meet at least annually.
- 258 5. Executive committee meetings shall be open to the public, except that the executive committee may meet
- 259 in a closed, nonpublic meeting as provided in subdivision F 2.
- 260 6. The executive committee shall give 30 days' notice of its meetings, posted on its website and as
- 261 determined to provide notice to persons with an interest in the business of the Commission.
- 262 7. The executive committee may hold a special meeting in accordance with subdivision F 1 b.
- 263 E. The Commission shall adopt and provide to the member states an annual report.
- 264 F. Meetings of the Commission.
- 265 1. All meetings shall be open to the public, except that the Commission may meet in a closed, nonpublic
- 266 meeting as provided in subdivision F 2.
- 267 a. Public notice for all meetings of the full Commission shall be given in the same manner as required
- 268 under the rulemaking provisions in Section 9, except that the Commission may hold a special meeting as
- 269 provided in subdivision F 1 b.
- 270 b. The Commission may hold a special meeting when it must meet to conduct emergency business by
- 271 giving 48 hours' notice to all commissioners on the Commission's website and by other means as provided in
- 272 the Commission's rules. The Commission's legal counsel shall certify that the Commission's need to meet
- 273 qualifies as an emergency.
- 274 2. The Commission or the executive committee or other committees of the Commission may convene in a
- 275 closed, nonpublic meeting for the Commission or executive committee or other committees of the Commission
- 276 to receive legal advice or to discuss:
- 277 a. Noncompliance of a member state with its obligations under the Compact;
- 278 b. The employment, compensation, or discipline of or other matters, practices, or procedures related to
- 279 specific employees;
- 280 c. Current or threatened discipline of a licensee by the Commission or by a member state's state licensing
- 281 authority;
- 282 d. Current, threatened, or reasonably anticipated litigation;
- 283 e. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;
- 284 f. Accusations of a crime against any person or the formal censuring of any person;
- 285 g. Trade secrets or commercial or financial information that is privileged or confidential;
- 286 h. Information of a personal nature for which disclosure would constitute a clearly unwarranted invasion
- 287 of personal privacy;
- 288 i. Investigative records compiled for law-enforcement purposes;
- 289 j. Information related to any investigative reports prepared by or on behalf of or for use of the
- 290 Commission or another committee charged with responsibility of investigation or determination of
- 291 compliance issues pursuant to the Compact;
- 292 k. Matters specifically exempted from disclosure by federal or member state law; or
- 293 l. Other matters as promulgated by the Commission by rule.
- 294 3. If a meeting or any portion of a meeting is closed, the presiding officer shall state that the meeting will
- 295 be closed and reference each relevant exempting provision and such reference shall be recorded in the
- 296 minutes.
- 297 4. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting
- 298 and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a
- 299 description of the views expressed. All documents considered in connection with an action shall be identified
- 300 in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release
- 301 only by a majority vote of the Commission or order of a court of competent jurisdiction.
- 302 G. Financing of the Commission.
- 303 1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment,
- 304 organization, and ongoing activities.

305 2. The Commission may accept any and all appropriate revenue sources as provided in subdivision C 14.

306 3. The Commission may levy on and collect from each member state an annual assessment and impose
 307 fees on licensees practicing in the member states under an equivalent license to cover the cost of the
 308 operations and activities of the Commission and its staff, which assessment and fees shall be in a total
 309 amount sufficient to cover its annual budget as approved each year for which revenue is not provided by
 310 other sources. The aggregate annual assessment amount for member states shall be allocated based upon a
 311 formula that the Commission shall promulgate by rule.

312 4. The Commission shall neither incur obligations of any kind prior to securing the funds adequate to
 313 meet the same nor pledge the credit of any of the member states except by and with the authority of the
 314 member state.

315 5. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and
 316 disbursements of the Commission shall be subject to the financial review and accounting procedures
 317 established under its bylaws. However, all receipts and disbursements of funds handled by the Commission
 318 shall be subject to an annual financial review by a certified or licensed public accountant and the report of
 319 such financial review shall be included in and become part of the annual report of the Commission.

320 H. Qualified immunity, defense, and indemnification.

321 1. The members, officers, executive director, employees, and representatives of the Commission shall be
 322 immune from suit and liability, both personally and in their official capacity, for any claim for damage to or
 323 loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged
 324 act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable
 325 basis for believing occurred, within the scope of Commission employment, duties, or responsibilities,
 326 provided that nothing in this subdivision shall be construed to protect any such person from suit or liability
 327 for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that
 328 person. The procurement of insurance of any type by the Commission shall not in any way compromise or
 329 limit the immunity granted in this subdivision.

330 2. The Commission shall defend any member, officer, executive director, employee, or representative of
 331 the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error,
 332 or omission that occurred within the scope of Commission employment, duties, or responsibilities, or as
 333 determined by the Commission that the person against whom the claim is made had a reasonable basis for
 334 believing occurred within the scope of Commission employment, duties, or responsibilities, provided that
 335 nothing in this subdivision shall be construed to prohibit that person from retaining his own counsel at his
 336 own expense and provided further that the actual or alleged act, error, or omission did not result from that
 337 person's intentional or willful or wanton misconduct.

338 3. The Commission shall indemnify and hold harmless any member, officer, executive director, employee,
 339 or representative of the Commission for the amount of any settlement or judgment obtained against that
 340 person arising out of any actual or alleged act, error, or omission that occurred within the scope of
 341 Commission employment, duties, or responsibilities or that such person had a reasonable basis for believing
 342 occurred within the scope of Commission employment, duties, or responsibilities, provided that the actual or
 343 alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that
 344 person.

345 4. Nothing in this Compact shall be construed as a limitation on the liability of any licensee for
 346 professional malpractice or misconduct, which shall be governed solely by any other applicable state laws.

347 5. Nothing in this Compact shall be interpreted to waive or otherwise abrogate a member state's state
 348 action immunity or state action affirmative defense with respect to antitrust claims under the federal Sherman
 349 Act, 15 U.S.C. § 1 et seq., the federal Clayton Act, 15 U.S.C. § 12 et seq., or any other state or federal
 350 antitrust or anticompetitive law or regulation.

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

353 Section 8. Facilitating Information Exchange.

354 A. The Commission shall provide for facilitating the exchange of information to administer and implement
 355 the provisions of this Compact in accordance with the rules of the Commission, consistent with generally
 356 accepted data protection principles.

357 B. Notwithstanding any other provision of state law to the contrary, a member state shall agree to provide
 358 for the facilitation of the following licensee information as required by the rules of the Commission:

359 1. Identifying information;

360 2. Licensure data;

361 3. Adverse actions against a license and information related thereto;

362 4. Nonconfidential information related to alternative program participation, the beginning and ending
 363 dates of such participation, and other information related to such participation not made confidential under
 364 member state law;

365 5. Any denial of application for licensure, and the reason for such denial;

366 6. The presence of investigative information; and

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

369 C. Nothing in this Compact shall be deemed or construed to alter, limit, or inhibit the power of a member
370 state to control and maintain ownership of its licensee information or alter, limit, or inhibit the laws or
371 regulations governing licensee information in the member state.

372 Section 9. Rulemaking.

373 A. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this Compact
374 and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in
375 each rule or amendment.

376 B. The Commission shall promulgate reasonable rules to achieve the intent and purpose of this Compact.
377 In the event the Commission exercises its rulemaking authority in a manner that is beyond the purpose and
378 intent of this Compact or the powers granted hereunder, then such an action by the Commission shall be
379 invalid and have no force and effect of law in the member states.

380 C. If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or
381 resolution in the same manner used to adopt the compact within four years of the date of adoption of the rule,
382 then such rule shall have no further force and effect in any member state.

383 D. Rules or amendments to the rules shall be adopted or ratified at a regular or special meeting of the
384 Commission in accordance with Commission rules and bylaws.

385 E. Prior to promulgation and adoption of a final rule or rules by the Commission, and at least 30 days in
386 advance of the meeting at which the rule will be considered and voted upon, the Commission shall file a
387 notice of proposed rulemaking:

388 1. On the website of the Commission or other publicly accessible platform; and

389 2. On the website of each member state's state licensing authority or other publicly accessible platform or
390 the publication in which each state would otherwise publish proposed rules.

391 F. Upon determination that an emergency exists, the Commission may consider and adopt an emergency
392 rule with 48 hours' notice and with opportunity to comment, provided that the usual rulemaking procedures
393 shall be retroactively applied to the rule as soon as reasonably possible but in no event later than 90 days
394 after the effective date of the rule. For the purposes of this subsection, an emergency rule is one that must be
395 adopted immediately in order to:

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

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

398 3. Meet a deadline for the promulgation of an administrative rule that is established by federal law or
399 rule; or

400 4. Protect public health and safety.

401 Section 10. Oversight, Dispute Resolution, and Enforcement.

402 A. Oversight.

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

405 2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and
406 exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The
407 Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in
408 alternative dispute resolution proceedings. Nothing herein shall affect or limit the selection or propriety of
409 venue in any action against a licensee for professional malpractice, misconduct, or any such similar matter.

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

414 B. Default, technical assistance, and termination.

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

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

421 C. If a state in default fails to cure the default, the defaulting state may be terminated from the Compact
422 upon an affirmative vote of a supermajority of the delegates of the member states, and all rights, privileges,
423 and benefits conferred on that state by this Compact may be terminated on the effective date of termination. A
424 cure of the default does not relieve the offending state of obligations or liabilities incurred during the period
425 of default.

426 D. Termination of membership in the Compact shall be imposed only after all other means of securing
427 compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission
428 to the governor, the majority and minority leaders of the defaulting state's legislature, the defaulting state's

429 state licensing authority, and each of the member states' state licensing authorities.

430 E. A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred
431 through the effective date of termination, including obligations that extend beyond the effective date of
432 termination.

433 F. Upon the termination of a state's membership from this Compact, that state shall immediately provide
434 notice to all licensees within that state of such termination. The terminated state shall continue to recognize
435 all licenses granted pursuant to this Compact for a minimum of six months after the date of such notice of
436 termination.

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

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

443 I. Dispute resolution.

444 1. Upon request by a member state, the Commission shall attempt to resolve disputes related to the
445 Compact that arise among member states and between member and nonmember states.

446 2. The Commission shall promulgate a rule providing for both mediation and binding dispute resolution
447 for disputes as appropriate.

448 J. Enforcement.

449 1. By majority vote as provided by rule, the Commission may initiate legal action against a member state
450 in default in the United States District Court for the District of Columbia or the federal district where the
451 Commission has its principal offices to enforce compliance with the provisions of the Compact and its
452 promulgated rules. The relief sought may include both injunctive relief and damages. In the event judicial
453 enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including
454 reasonable attorney fees. The remedies herein shall not be the exclusive remedies of the Commission. The
455 Commission may pursue any other remedies available under federal or the defaulting member state's law.

456 2. A member state may initiate legal action against the Commission in the U.S. District Court for the
457 District of Columbia or the federal district where the Commission has its principal offices to enforce
458 compliance with the provisions of the Compact and its promulgated rules. The relief sought may include both
459 injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be
460 awarded all costs of such litigation, including reasonable attorney fees.

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

462 Section 11. Effective Date, Withdrawal, and Amendment.

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

465 1. On or after the effective date of the Compact indicated above, the Commission shall convene and
466 review the enactment of each of the charter member states to determine if the statute enacted by each such
467 charter member state is materially different than the model Compact statute.

468 a. A charter member state whose enactment is found to be materially different from the model Compact
469 statute shall be entitled to the default process set forth in Section 10.

470 b. If any member state is later found to be in default, or is terminated or withdraws from the Compact, the
471 Commission shall remain in existence and the Compact shall remain in effect even if the number of member
472 states should be less than seven.

473 2. Member states enacting the Compact subsequent to the charter member states shall be subject to the
474 process set forth in subdivision C 22 of Section 7 to determine if their enactments are materially different
475 from the model Compact statute and whether they qualify for participation in the Compact.

476 3. All actions taken for the benefit of the Commission or in furtherance of the purposes of the
477 administration of the Compact prior to the effective date of the Compact or the Commission coming into
478 existence shall be considered to be actions of the Commission unless specifically repudiated by the
479 Commission.

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

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

485 B. A member state's withdrawal shall not take effect until 180 days after enactment of the repealing
486 statute.

487 C. Withdrawal shall not affect the continuing requirement of the withdrawing state's state licensing
488 authority to comply with the investigative and adverse action reporting requirements of this Compact prior to
489 the effective date of withdrawal.

490 D. Upon the enactment of a statute withdrawing from this Compact, a state shall immediately provide

491 notice of such withdrawal to all licensees within that state. Notwithstanding any subsequent statutory
492 enactment to the contrary, such withdrawing state shall continue to recognize all licenses granted pursuant
493 to this Compact for a minimum of six months after the date of such notice of withdrawal.

494 1. Nothing contained in this Compact shall be construed to invalidate or prevent any licensure agreement
495 or other cooperative arrangement between a member state and a nonmember state that does not conflict with
496 the provisions of this Compact.

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

499 Section 12. Construction and Severability.

500 A. This Compact and the Commission's rulemaking authority shall be liberally construed so as to
501 effectuate the purposes and the implementation and administration of the Compact. Provisions of the
502 Compact expressly authorizing or requiring the promulgation of rules shall not be construed to limit the
503 Commission's rulemaking authority solely for those purposes.

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

510 C. Notwithstanding subsection B, the Commission may deny a state's participation in the Compact or, in
511 accordance with the requirements of subsection B of Section 10, terminate a member state's participation in
512 the Compact if it determines that a constitutional requirement of a member state is a material departure from
513 the Compact. Otherwise, if this Compact shall be held to be contrary to the constitution of any member state,
514 the Compact shall remain in full force and effect as to the remaining member states and in full force and
515 effect as to the member state affected as to all severable matters.

516 Section 13. Consistent Effect and Conflict with Other State Laws.

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

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

521 C. All permissible agreements between the Commission and the member states are binding in accordance
522 with their terms.