

As Amended by House Committee

Session of 2026

HOUSE BILL No. 2763

By Committee on Health and Human Services

Requested by William Wilk on behalf of the Kansas Chamber of Commerce

2-6

1 AN ACT concerning health professions and practices; relating to athletic
2 trainers; enacting the athletic trainer licensure compact to provide
3 interstate practice privileges.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. This section shall be known and may be cited as the
7 athletic trainer licensure compact.

8 ARTICLE 1—PURPOSE

9 (a) The purpose of this compact is to expand mobility of athletic
10 training practice and improve public access to services by providing
11 athletic trainers licensed in a member state the ability to practice in other
12 member states. This compact preserves the regulatory authority of states to
13 protect public health and safety through the current system of state
14 licensure, while also providing for expanded interstate mobility through a
15 compact privilege granted to qualifying professionals.

16 (b) This compact is designed to achieve the following objectives:

17 (1) Increase public access to athletic training by providing for the
18 mutual recognition of other member state licenses;

19 (2) provide opportunities for interstate practice by licensed athletic
20 trainers who meet uniform licensure requirements;

21 (3) promote mobility and workforce development by eliminating the
22 necessity for licenses in multiple states by providing for the mutual
23 recognition of other member state licenses;

24 (4) reduce administrative burden on applicants 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
27 multistate practice of licensed athletic trainers;

28 (7) support relocating active military and their spouses;

29 (8) enhance the exchange of licensure, investigative and disciplinary
30 information among member states;

31 (9) support the uniformity of licensed athletic trainer licensure
32 requirements throughout the states;

33 (10) affirm the authority of all member states to hold a licensed
34 athletic trainer accountable for meeting all state practice laws in the state
35 where the patient is located at the time care is rendered to allow for

1 continuity of competent care through the mutual recognition of member
2 state licenses; and

3 (11) adhere to the substantive language in the model compact
4 language in order to promote uniformity and ensure that all member states
5 have accepted and are mutually obligated to the same terms.

6 ARTICLE 2—DEFINITIONS

7 As used in this compact:

8 (a) "Active military member" means any individual with full-time
9 duty status in the active armed forces of the United States, including
10 members of the national guard and reserve.

11 (b) "Adverse action" means any administrative, civil, equitable or
12 criminal action permitted by a state's laws that is imposed by a licensing
13 authority or other authority against a licensee, including actions against an
14 individual's license or compact privilege such as revocation, suspension,
15 probation, monitoring of the licensee, limitation on the licensee's practice
16 or any other encumbrance on licensure affecting a licensee's authorization
17 to practice, ~~including issuance of a cease and desist action.~~

18 (c) "Alternative program" means a non-disciplinary monitoring or
19 practice remediation process applicable to an athletic trainer approved by a
20 state licensing authority of a member state in which the athletic trainer is
21 licensed. This includes, but is not limited to, programs to which licensees
22 with substance use, addiction or mental health conditions are referred in
23 lieu of adverse action.

24 (d) "Athletic training" means the prevention, examination,
25 assessment, treatment and rehabilitation of emergent, acute or chronic
26 injuries and medical conditions as defined by applicable member state
27 laws and regulations.

28 (e) "Athletic training compact commission" or "commission" means
29 the government agency whose membership consists of all states that have
30 enacted this compact, which is known as the athletic trainer licensure
31 compact commission, as described in ~~section~~ **article 8**, and which shall
32 operate as an instrumentality of the member states.

33 (f) "BOC" means the board of certification, inc. or any successor
34 organization thereto.

35 (g) "CAATE" means the commission on accreditation of athletic
36 training education or any successor organization thereto.

37 (h) "Charter member state" means any member state which enacted
38 this compact by law before the effective date specified in ~~section 12~~ **this**
39 **compact**.

40 (i) ~~"Clinical assessment" means examination or process required for~~
41 ~~licensure as a athletic trainer, as applicable, that provides evidence of~~
42 ~~clinical competence in athletic training.~~

43 (j) "Commissioner" means the individual appointed by a member

1 state to serve as the member of the commission for that member state.

2 ~~(k)~~(j) "Compact" means this athletic trainer compact.

3 ~~(h)~~(k) "Compact privilege" means the authorization granted by a
4 remote state, equivalent to a license, allowing a licensee from another
5 member state to provide athletic training services in a remote state.

6 ~~(m)~~(l) "Compact qualifying license" means a license that is not an
7 encumbered license issued by a member state to practice athletic training
8 that qualifies the licensee to exercise a compact privilege pursuant to
9 ~~section~~ **article 4** of this compact.

10 ~~(n)~~(m) "Continuing competence" means a requirement, as a condition
11 of license renewal, to provide evidence of successful participation, and
12 completion of, educational and professional activities relevant to practice
13 or area of work. for purposes of this compact, evidence of active BOC
14 certification may satisfy the meaning of continuing competence as set
15 forth in this compact.

16 ~~(o)~~(n) "Current significant investigative information" means:

17 (1) Investigative information that a licensing authority, after a
18 preliminary inquiry that includes notification and an opportunity for the
19 subject licensee to respond, if required by state law, has reason to believe
20 is not groundless and, if proved true, would indicate more than a minor
21 infraction; or

22 (2) investigative information that indicates that the subject licensee
23 represents an immediate threat to public health and safety, regardless of
24 whether the subject licensee has been notified and had an opportunity to
25 respond.

26 ~~(p)~~(o) "Criminal background check" means the submission of
27 fingerprints or other biometric-based information for a license applicant
28 for the purpose of obtaining that applicant's criminal history record
29 information, as defined in 28 C.F.R. § 20.3(d) from the federal bureau of
30 investigation and the state's criminal history record repository as defined in
31 28 C.F.R. § 20.3(f).

32 ~~(q)~~(p) "Data system" means the commission's repository of
33 information about licensees, including, but not limited to, examination,
34 licensure, investigative, compact privilege, adverse action and alternative
35 program.

36 ~~(r)~~ "Encumbered license" means a license in which an adverse action
37 restricts a licensee's ability to practice as an athletic trainer.

38 ~~(s)~~(q) "Encumbrance" or "**encumbered**" means a revocation or
39 suspension of, or any limitation on, the full and unrestricted practice of
40 athletic training licensed and regulated by a licensing authority.

41 ~~(t)~~(r) "**Executive committee**" means a group of commissioners
42 elected or appointed to act on behalf of and within the powers granted
43 to them by the compact and the commission.

1 (s) "Investigative information" means information, records and
2 documents received or generated by a licensing authority pursuant to an
3 investigation.

4 ~~(t)~~(t) "Jurisprudence requirement" means the assessment of an
5 individual's knowledge of the laws and rules governing the practice of
6 athletic training, as applicable, in a state.

7 ~~(u)~~(u) "License" means current authorization by a member state to
8 engage in the practice of athletic training.

9 ~~(v)~~(v) "Licensee" or "licensed athletic trainer" means an individual
10 who currently holds an unrestricted license and who meets all of the
11 requirements outlined in article 4 of this compact.

12 ~~(w)~~(w) "Licensing authority" means the board or agency of a state, or
13 equivalent, that is responsible for the licensing and regulation of athletic
14 trainers.

15 ~~(x)~~(x) "Model compact language" means the model language for the
16 athletic trainer compact on file with the council of state governments or
17 other entity as designated by the commission to which all member states
18 shall substantively adhere and adopt.

19 ~~(y)~~(y) "Member state" means a state that has enacted the compact.

20 ~~(z)~~(z) "Remote state" means a member state ~~where a licensee who is~~
21 ~~not licensed as an athletic trainer is exercising or seeking to exercise the~~
22 ~~compact privilege~~ **other than the state of qualifying licensure.**

23 ~~(aa)~~(aa) "Rule" means a regulation adopted by an entity that has the
24 force of law.

25 ~~(bb)~~(bb) "Scope of practice" means the procedures, actions and
26 processes an athletic trainer licensed in a state is permitted to undertake in
27 that state and the circumstances under which the licensee is permitted to
28 undertake those procedures, actions and processes. Such procedures,
29 actions and processes and the circumstances under which they may be
30 undertaken may be established through means, including, but not limited to,
31 statute, regulations, case law and other processes available to the state
32 licensing authority or other government agency. "Scope of practice"
33 includes any state requirements regarding supervision or direction, if
34 required by such state and as further defined by such state's statutes and
35 regulations.

36 ~~(dd)~~ "Significant investigative information" means information,
37 records and documents received or generated by a state licensing authority
38 pursuant to an investigation of a licensee who has violated a statute or
39 regulation that is considered more than a minor infraction for which the
40 state licensing authority could pursue adverse action against the licensee.

41 (cc) "Single state license" means a license issued by any state that
42 authorizes practice only within the issuing state.

43 ~~(ee)~~(dd) "State" means any state, commonwealth, district or territory

1 of the United States of America.

2 ~~(ff)~~(ee) "State of qualifying licensure" means the member state that
3 has issued a compact qualifying license to a licensee.

4 ~~(gg)~~(ff) "Unencumbered license" means a license that authorizes a
5 licensee to engage in the full and unrestricted practice of athletic training.

6 ARTICLE 3—STATE PARTICIPATION IN THE COMPACT

7 (a) ~~To participate in this compact, a state shall:~~ **To be eligible to join**
8 **this compact and to maintain eligibility as a member state, a state**
9 **shall:**

10 (1) **Enact and maintain a statute that is not materially different**
11 **from the model compact language;**

12 (2) License and regulate the practice of athletic training;

13 ~~(2)~~(3) require that licensees in that state maintain continuing
14 competence standards as part of their state practice act or rules; ~~and~~

15 ~~(3)~~(4) have a mechanism in place for receiving and investigating
16 complaints about licensees;

17 ~~(b) To maintain membership in the compact, a member state shall;~~

18 (5) **Grant the compact privilege to a licensee who meets all the**
19 **requirements outlined in article 4 in accordance with the terms of the**
20 **compact and any rules adopted under this compact;**

21 ~~(+)~~(6) Participate fully in the compact commission's data system,
22 including using the unique identifier as defined in rules;

23 ~~(2)~~(7) notify the compact commission, in compliance with the terms
24 of the compact and rules, of any adverse action or the availability of
25 current significant investigative information regarding a licensee;

26 ~~(3)~~(8) **within a time frame established by rule**, implement or
27 utilize procedures for considering the criminal history records of
28 applicants for a compact qualifying license, which includes receiving the
29 results of the federal bureau of investigation record search and shall use
30 those results in making licensure decisions. These procedures shall include
31 the submission of fingerprints or other biometric-based information by
32 applicants for the purpose of obtaining an applicant's criminal history
33 record information from the federal bureau of investigation and the agency
34 responsible for retaining that state's criminal records:

35 (A) Fully implement a criminal background check requirement,
36 ~~within a time frame established by rule~~, in order to participate in the
37 issuance and acceptance of compact privileges; and

38 (B) communication between a member state and the compact
39 commission or among member states regarding the verification of
40 eligibility for licensure through the compact shall not include any
41 information received from the federal bureau of investigation relating to a
42 federal criminal records check performed by a member state; **and**

43 ~~(4)~~(9) comply with and enforce the rules of the compact commission;

1 and

2 ~~(5) grant the compact privilege to a licensee who meets all of the~~
3 ~~requirements outlined in article 4 in accordance with the terms of the~~
4 ~~compact and any rules adopted by the compact.~~

5 ~~(e)(b)~~ Member states may set and collect a fee for ~~granting the~~
6 ~~compact privilege~~ **issuance and renewal of a compact privilege to**
7 **applicants.**

8 ~~(d)(c)~~ Individuals ~~not residing in a member state~~ **without a compact**
9 **qualifying license** shall continue to be able to apply for a member state's
10 single state license as provided under the laws of each member state.
11 ~~However, the single state license granted to these individuals shall not be~~
12 ~~recognized as granting a compact privilege to engage in the practice of~~
13 ~~athletic training in any other member state.~~

14 ~~(e)(d)~~ Nothing in this compact shall affect the requirements
15 established by a member state for the issuance of a single state license.

16 ~~(f)(e)~~ A compact qualifying license issued to a licensee by a member
17 state shall be recognized by each remote state as authorizing that licensee
18 to engage in the practice of athletic training, under a compact privilege, in
19 another member state in accordance with the requirements in article 4.

20 ARTICLE 4—COMPACT PRIVILEGE

21 ~~(a) To exercise the compact privilege under the terms and provisions~~
22 ~~of the compact, the licensee shall:~~

23 ~~(1) Satisfy one of the following:~~ **(a) To be eligible for a compact**
24 **privilege under the terms and provisions of the compact, the licensee**
25 **shall complete a criminal background check performed by the**
26 **licensing authority in the state of qualifying licensure prior to entry in**
27 **the compact and shall:**

28 **(1) Satisfy one of the two following pathways:**

29 (A) Hold a valid, current and active certification through the BOC or
30 its successor organization; or

31 (B) complete all of the following:

32 (i) An education program that is:

33 (a) **At least** a bachelor's degree with a major course of study in
34 athletic training or an equivalent course of study from a college or
35 **university accredited at the time of graduation** by CAATE or its
36 successor organization;

37 (b) an academic degree from a college or university in a foreign
38 country equivalent to the degree described in paragraph (1) with a major
39 course of study as described in paragraph (1) that is accredited by CAATE
40 or its successor organization; or

41 (c) the substantial equivalent of the foregoing that the commission
42 may determine by rule; and

43 (ii) successful completion of the comprehensive exam administered

1 by the BOC or its successor organization ~~not more than three years before~~
2 **preceding** the date of the licensee's application for licensure in the
3 licensee's state of qualifying licensure, or the substantial equivalent of the
4 foregoing requirement, which the commission may determine by rule;

5 (2) hold a compact qualifying license;

6 (3) have not had any encumbrance or restriction against any license
7 or compact privilege to practice athletic training within the previous two
8 years;

9 (4) be eligible for a compact privilege in any member state in
10 accordance with article 4(d), (f), ~~(g)~~ and (h);

11 (5) notify the compact commission that the licensee is seeking the
12 compact privilege within a remote state;

13 (6) pay any applicable fees, including any state fee, for the compact
14 privilege;

15 (7) meet any continuing—~~education~~ **competence** requirements
16 established by the state of qualifying licensure;

17 (8) comply with any requirements of the state of qualifying licensure
18 as set forth in article 3;

19 (9) meet any jurisprudence requirements established by the remote
20 state where the licensee is seeking a compact privilege; and

21 (10) report to the compact commission any adverse action,
22 encumbrance or restriction on a license taken by any non-member state
23 within 30 days from the date that the action is taken.

24 (b) The compact privilege is valid until the expiration date of the
25 compact qualifying license. To maintain a compact privilege, renewal of
26 the compact privilege shall be congruent with the renewal of the compact
27 qualifying licensure as the compact commission may define by rule. The
28 licensee shall comply with the requirements of article 4(a) to maintain the
29 compact privilege in the remote state. **A licensee may apply for and hold**
30 **compact privileges in multiple states.**

31 (c) **A licensed athletic trainer shall follow the scope of practice of**
32 **the member state where the patient is located.** A licensee engaging in
33 the practice of athletic training in a remote state under the compact
34 privilege shall adhere to the scope of practice laws and regulations of the
35 remote state. ~~Practice in a remote state may occur, depending upon~~
36 ~~applicable provisions of state law, when either the patient or the licensee is~~
37 ~~located in the remote state.~~ Licensees shall be responsible for educating
38 themselves on and complying with any and all state laws relating to the
39 remote practice of athletic training, as applicable.

40 (d) A licensee engaging in the practice of athletic training in a remote
41 state is subject to that state's regulatory authority. A remote state may, in
42 accordance with due process and that state's laws, remove a licensee's
43 compact privilege in the remote state for a specific period of time, impose

1 fines, ~~and/or~~ or take any other necessary actions to protect the health and
2 safety of its citizens. Any member state which undertakes such an action
3 shall promptly notify the member state and the commission as specified in
4 the rules. The licensee may be deemed to be ineligible to exercise the
5 compact privilege by any member state until the specific time for removal
6 has passed and all fines are paid.

7 (e) All member state disciplinary orders that impose adverse action
8 against a compact qualifying licensee shall ~~include a statement that the~~
9 ~~licensee's compact privileges are deactivated~~ **result in deactivation** in all
10 member states during the pendency of the order. If a compact qualifying
11 license is encumbered, the licensee shall lose the compact privilege in any
12 remote state until the following occur:

13 (1) The compact qualifying license is no longer encumbered; and

14 (2) the licensee has not had any encumbrance or restriction against
15 any license, compact qualifying license or compact privilege within the
16 previous two years.

17 (f) Once an encumbered license ~~in the home state is restored to an~~
18 ~~unencumbered license as certified by the home state's licensing authority,~~
19 **is restored to good standing as a compact qualifying license as**
20 **certified by the licensing authority,** the licensee shall meet the
21 requirements of article 4(a) to obtain a compact privilege in any remote
22 state.

23 (g) If a licensee's compact privilege in any remote state is removed,
24 that licensee may also lose the compact privilege in other remote states, as
25 each member state shall determine in its sole authority, until the following
26 occur:

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

29 (2) all fines have been paid; and

30 (3) have not had any encumbrance or restriction against any license
31 or compact privilege within the previous two years.

32 (h) Once the requirements of article 4(g) have been met, the licensee
33 shall meet the requirements in article 4(a) to obtain a compact privilege in
34 a remote state.

35 ARTICLE 5—COMPACT QUALIFYING LICENSE

36 (a) A licensee may hold only one compact qualifying license at a
37 time. The procedures for such designation may be further defined by the
38 compact commission by rule.

39 (b) **Nothing in this article shall require that the state of qualifying**
40 **licensure be the state of primary residence or state of primary practice**
41 **for the licensee.**

42 (c) Nothing in this compact shall interfere with a licensee's ability to
43 hold a single state license in multiple states; ~~however, for the purposes of~~

1 ~~this compact, a licensee shall have only one qualifying license.~~

2 ~~(e)(d)~~ Nothing in this compact shall affect the requirements
3 established by a member state for the issuance of a license other than a
4 compact qualifying license.

5 ARTICLE 6—ACTIVE MILITARY MEMBER OR THEIR SPOUSES

6 An active military member ~~and~~ **or** their spouse shall not be required to
7 pay to the commission for a compact privilege ~~any fee that may otherwise~~
8 ~~be charged by the commission.~~ If a remote **member** state chooses to
9 charge a fee for a compact privilege **member state fee**, it may choose to
10 charge a reduced fee or no fee to an active military member ~~and~~ **or** such
11 military member's spouse for a compact privilege.

12 ARTICLE 7—ADVERSE ACTIONS

13 (a) A member state in which a licensee is issued a compact qualifying
14 license shall have the exclusive authority to impose adverse action against
15 the compact qualifying license issued by that member state.

16 (b) A member state may take adverse action based on significant
17 investigative information of a remote state, so long as the member state
18 follows its own procedures for imposing adverse action.

19 (c) Nothing in this compact shall override a member state's decision
20 that participation in an alternative program may be used in lieu of adverse
21 action and that such participation shall remain non-public if required by
22 the member state's laws **or rules**.

23 (d) A remote state shall have the authority to:

24 (1) Take adverse action **as set forth in this compact** against a
25 licensee's compact privilege in that state; and

26 (2) issue subpoenas for both hearings and investigations that require
27 the attendance and testimony of witnesses as well as the production of
28 evidence.

29 (A) Subpoenas may be issued by ~~an~~ **a member state** athletic training
30 licensing authority ~~in a member state~~ for the attendance and testimony of
31 witnesses and the production of evidence.

32 (B) Subpoenas ~~issued by an athletic training licensing authority in a~~
33 ~~member state for the attendance and testimony of witnesses shall be~~
34 ~~enforced in the latter state by any court of competent jurisdiction in the~~
35 ~~latter state, according to the practice and procedure of that court applicable~~
36 ~~to subpoenas issued in proceedings pending before it.~~

37 (C) Subpoenas issued by an athletic training licensing authority in a
38 member state for production of evidence from another member state shall
39 be enforced in the latter state, according to the practice and procedure of
40 that court applicable to subpoenas issued in the proceedings pending
41 before it.

42 (D) ~~The issuing authority shall pay any witness fees, travel expenses,~~
43 ~~mileage and other fees required by the service statutes of the state in which~~

1 ~~the witnesses or evidence are located.~~ **A member state that issues a**
2 **subpoena may request service of that subpoena by another member**
3 **state. The member state receiving the request to serve a subpoena**
4 **shall serve the subpoena if it is deemed enforceable by a court of**
5 **competent jurisdiction according to the practice and procedure in the**
6 **receiving member state.**

7 **(C) The issuing authority shall pay any witness fees, travel**
8 **expenses, mileage and other fees required by the service statutes of the**
9 **state where the witnesses or evidence are located.**

10 (e) For the purposes of taking adverse action, a member state shall
11 give the same priority and effect to reported conduct received from another
12 member state as it would if the conduct had occurred within that state. In
13 so doing, the investigating member state shall apply its own state laws to
14 determine appropriate action.

15 (f) A member state, if otherwise permitted by state law, may recover
16 from the affected licensee the costs of investigations and dispositions of
17 cases resulting from any adverse action taken against that licensee.

18 ~~(g) A member state may take adverse action based on the factual~~
19 ~~findings of another remote state, provided that the member state follows its~~
20 ~~own procedures for taking the adverse action.~~

21 ~~(h) Joint investigations.~~

22 (1) In addition to the authority granted to a member state by its
23 respective state law, any member state may participate with other member
24 states in joint investigations of licensees.

25 (2) Member states shall share any ~~investigative~~ **current significant**
26 **investigative information**, litigation or compliance materials in
27 furtherance of any joint or individual investigation initiated under the
28 compact. **In sharing such information between member state athletic**
29 **trainer licensing authorities, all information obtained shall be kept**
30 **confidential except as otherwise mutually agreed upon by the sharing**
31 **and receiving member state.**

32 **(3) A remote state may issue subpoenas on behalf of a member**
33 **state for both hearings and investigations that require the attendance**
34 **and testimony of witnesses as well as the production of evidence.**

35 ~~(i)(h)~~ If a member state takes adverse action, it shall promptly notify
36 the administrator of the data system. The administrator of the data system
37 shall promptly notify ~~the state of qualifying licensure~~ **all member states**
38 of any adverse actions by remote states.

39 ~~(j)(i) Nothing in this compact shall override a member state's decision~~
40 ~~that participation in an alternative program may be used in lieu of adverse~~
41 ~~action.~~

42 ~~(k)~~ Nothing in this compact shall permit a member state to take any
43 adverse action against a licensee or holder of a compact privilege for

1 conduct or practice occurring in another member state that was legal in the
2 member state at the time it was undertaken.

3 ARTICLE 8—ESTABLISHMENT AND OPERATION OF THE
4 COMMISSION

5 (a) The compact member states hereby create and establish a joint
6 government agency whose membership consists of all member states that
7 have enacted the compact known as the athletic trainer licensure compact
8 commission. The compact commission is an instrumentality of the
9 compact states acting jointly and not an instrumentality of any one state.
10 The compact commission shall come into existence on or after the
11 effective date of the compact as set forth in article 12.

12 (b) Membership, voting and meetings.

13 (1) Each member state shall have and be limited to one ~~delegate,~~
14 ~~referred to as a~~ commissioner, selected by that member state's licensing
15 authority **within 60 days of the member state's effective date.**

16 (2) The commissioner shall be an administrator or their designated
17 staff member of the licensing authority.

18 (3) The compact commission may recommend removal or suspension
19 of any commissioner from office.

20 (4) A member state's licensing authority shall fill any vacancy of its
21 commissioner occurring on the compact commission within 60 days of the
22 vacancy.

23 (5) Each commissioner shall be entitled to one vote on all matters
24 before the compact commission requiring a vote by the commissioners.

25 ~~(6) A commissioner shall vote in person or by such other means as~~
26 ~~provided in the bylaws. The bylaws may provide for commissioners to~~
27 ~~meet by telecommunication, videoconference or other means of~~
28 ~~communication.~~

29 ~~(7) The compact commission shall meet at least once during each~~
30 ~~calendar year. Additional meetings may be held as set forth in the bylaws.~~
31 ~~The compact commission may~~ **A commissioner shall vote in person or**
32 **by such other means as provided in the bylaws. The bylaws may**
33 **provide for commissioners to** meet by telecommunication, video
34 conference or other similar electronic means.

35 (c) The compact commission shall have the following powers:

36 (1) ~~Establish the fiscal year of the compact commission;~~

37 ~~(2) establish code of conduct and conflict of interest policies;~~

38 ~~(3) establish and Amend rules and bylaws;~~

39 **(2) Establish a code of conduct, confidentiality and conflict of**
40 **interest policies for commissioners;**

41 **(3) establish the fiscal year of the compact commission;**

42 (4) maintain its financial records in accordance with the bylaws;

43 ~~(5) meet and take such actions as are consistent with the provisions of~~

1 this compact, the compact commission's rules and the bylaws;

2 ~~(6) initiate and conclude legal proceedings or actions in the name of~~
3 ~~the compact commission, provided that the standing of any licensing~~
4 ~~authority to sue or be sued under applicable law shall not be affected;~~

5 ~~(7) maintain and certify records and information provided to a~~
6 ~~member state as the authenticated business records of the compact~~
7 ~~commission, and designate an agent to do so on the compact commission's~~
8 ~~behalf;~~

9 ~~(8) purchase and maintain insurance and bonds;~~

10 ~~(9) borrow, accept or contract for services of personnel, including, but~~
11 ~~not limited to, employees of a member state;~~

12 ~~(10) conduct an annual financial review;~~

13 ~~(11) hire employees, elect or appoint officers, fix compensation,~~
14 ~~define duties, grant such individuals appropriate authority to carry out the~~
15 ~~purposes of the compact and establish the compact commission's personnel~~
16 ~~policies and programs relating to conflicts of interest, qualifications of~~
17 ~~personnel and other related personnel matters;~~

18 ~~(12) assess and collect fees;~~

19 ~~(13) accept any and all appropriate gifts, donations, grants of money,~~
20 ~~other sources of revenue, equipment, supplies, materials and services, and~~
21 ~~receive, utilize and dispose of the same, provided that at all times the~~
22 ~~compact commission shall avoid any appearance of impropriety or conflict~~
23 ~~of interest;~~

24 ~~(14) lease, purchase, retain, own, hold, improve or use any property,~~
25 ~~real, personal or mixed or any undivided interest therein;~~

26 ~~(15) sell, convey, mortgage, pledge, lease, exchange, abandon or~~
27 ~~otherwise dispose of any property, real, personal or mixed;~~

28 ~~(16) establish a budget and make expenditures;~~

29 ~~(17) borrow money;~~

30 **(5) purchase and maintain insurance and insurance bonds;**

31 **(6) accept or contract for services of personnel, including, but not**
32 **limited to, employees of a member state;**

33 **(7) conduct a financial review or audit;**

34 **(8) hire employees, elect or appoint officers, fix compensation,**
35 **define duties, grant such individuals appropriate authority to carry**
36 **out the purposes of the compact and establish the compact**
37 **commission's personnel policies and programs relating to conflicts of**
38 **interest, qualifications of personnel and other related personnel**
39 **matters;**

40 **(9) enter into contracts or arrangements for the management of**
41 **the affairs of the commission;**

42 **(10) assess and collect fees;**

43 **(11) accept any and all appropriate gifts, donations, grants of**

1 money, other sources of revenue, equipment, supplies, materials and
2 services and receive, utilize and dispose of the same, except that at all
3 times the compact commission shall avoid any appearance of
4 impropriety or conflict of interest;

5 (12) lease, purchase, retain, own, hold, improve, invest or use any
6 property, whether real, personal or mixed, or any undivided interest
7 therein;

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

10 (14) establish a budget and make expenditures;

11 (15) borrow and invest money;

12 (16) meet and take such actions as are consistent with the
13 provisions of this compact, the compact commission's rules and the
14 bylaws;

15 (17) initiate and conclude legal proceedings or actions in the
16 name of the compact commission, except that the standing of any
17 licensing authority to sue or be sued under applicable law shall not be
18 affected;

19 (18) maintain and certify records and information provided to a
20 member state as the authenticated business records of the compact
21 commission and designate an agent to do so on the compact
22 commission's behalf;

23 (19) provide and receive information from and cooperate with
24 law enforcement agencies;

25 (20) determine whether a state's adopted language is materially
26 different from the model compact language such that the state would
27 not qualify for participation in the compact;

28 (21) establish and elect an executive committee, including a
29 chairperson and vice chairperson, secretary, treasurer and such other
30 offices as the commission shall establish by rule or bylaw;

31 (22) appoint committees, including standing committees, composed
32 of members, state regulators, state legislators or their representatives,
33 consumer representatives and such other interested persons as may be
34 designated in this compact and the bylaws;

35 ~~(19) provide and receive information from and cooperate with law~~
36 ~~enforcement agencies;~~

37 ~~(20) establish and elect an executive committee, including a chair,~~
38 ~~vice chair, secretary, treasurer and such other offices as the commission~~
39 ~~shall establish by rule or bylaw;~~

40 ~~(21) enter into contracts or arrangements for the management of the~~
41 ~~affairs of the commission;~~

42 ~~(22) determine whether a state's adopted language is materially~~
43 ~~different from the model compact language such that the state would not~~

1 ~~qualify for participation in the compact; and~~

2 (23) perform such other functions as may be necessary or appropriate
3 to achieve the purposes of this compact.

4 (d) The executive committee.

5 (1) The executive committee shall have the power to act on behalf of
6 the compact commission according to the terms of this compact. The
7 powers, duties and responsibilities of the executive committee shall
8 include:

9 (A) **Exercise the powers and duties of the compact commission**
10 **during the interim between compact commission meetings, except for**
11 **adopting or amending rules, adopting or amending bylaws and**
12 **exercising any other powers and duties expressly reserved to the**
13 **compact commission by rule or bylaw;**

14 (B) Oversee the day-to-day activities of the administration of the
15 compact, including enforcement and compliance with the provisions of the
16 compact, its rules and bylaws and other such duties as deemed necessary;

17 ~~(B)~~(C) recommend to the compact commission changes to the rules
18 or bylaws, changes to this compact legislation, fees charged to compact
19 member states, fees charged to licensees and other fees;

20 ~~(C)~~(D) ensure compact administration services are appropriately
21 provided, including by contract;

22 ~~(D)~~(E) prepare and recommend the budget;

23 ~~(E)~~(F) maintain financial records on behalf of the compact
24 commission;

25 ~~(F)~~(G) monitor compact compliance of member states and provide
26 compliance reports to the compact commission;

27 ~~(G)~~(H) establish additional committees as necessary;

28 ~~(H) exercise the powers and duties of the compact commission during~~
29 ~~the interim between compact commission meetings, except for adopting or~~
30 ~~amending rules, adopting or amending bylaws and exercising any other~~
31 ~~powers and duties expressly reserved to the compact commission by rule~~
32 ~~or bylaw; and~~

33 (I) other duties as provided in the rules or bylaws of the compact
34 commission.

35 (2) The executive committee shall be composed of five ~~members~~
36 **voting members elected by the compact commission:**

37 (A) The chair and vice chair of the compact commission shall be
38 voting members of the executive committee;

39 (B) the compact commission shall elect up to three additional voting
40 members from the current membership of the compact commission to
41 include the offices of treasurer, secretary and one member-at-large; and

42 (C) up to four ex officio, nonvoting member from recognized national
43 athletic trainer organizations.

1 (e) The compact commission may remove any member of the
2 executive committee as provided in the compact commission's bylaws.

3 (1) The executive committee shall meet at least annually. Executive
4 committee meetings shall be open to the public, except that the executive
5 committee may meet in a closed, non-public meeting as provided in
6 subsection (g)(2).

7 (A) The executive committee shall give seven days notice of its
8 meetings, posted on its website and as determined to provide notice to
9 persons with an interest in the business of the compact commission.

10 (B) The executive committee may hold a special meeting in
11 accordance with subsection (g)(1)(B).

12 (C) The compact commission may remove any member of the
13 executive committee as provided in the compact commission's bylaws.

14 (f) The compact commission shall adopt and provide to the member
15 states an annual report.

16 (g) Meetings of the compact commission.

17 (1) All meetings shall be open to the public, except that the compact
18 commission may meet in a closed, non-public meeting as provided in
19 paragraph-(2) (4).

20 ~~(A)(2)~~ Public notice for all meetings of the full compact commission
21 of meetings shall be given in the same manner as required under the
22 rulemaking provisions in article 10, except that the compact commission
23 may hold a special meeting as provided in ~~subparagraph (B)~~ **paragraph**
24 **(3)**.

25 ~~(B)(3)~~ The compact commission may hold a special meeting when it
26 ~~shall~~ **must** meet to conduct emergency business by giving 24 hours' notice
27 to all commissioners, on the compact commission's website and other
28 means as provided in the compact commission's rules. The compact
29 commission's legal counsel shall certify that the compact commission's
30 need to meet qualifies as an emergency.

31 ~~(2)(4)~~ The compact commission or the executive committee or other
32 committees of the compact commission may convene in a closed, non-
33 public meeting for the compact commission or executive committee or
34 other committees of the compact commission to receive legal advice or to
35 discuss:

36 (A) Non-compliance of a member state with its obligations under the
37 compact;

38 (B) the employment, compensation, discipline or other matters,
39 practices or procedures related to specific employees;

40 (C) current or threatened discipline of a licensee by the compact
41 commission or by a member state's licensing authority;

42 (D) current, threatened or reasonably anticipated litigation;

43 (E) negotiation of contracts for the purchase, lease or sale of goods,

1 services or real estate;

2 (F) accusing any person of a crime or formally censuring any person;

3 (G) trade secrets or commercial or financial information that is
4 privileged or confidential;

5 (H) information of a personal nature where disclosure would
6 constitute a clearly unwarranted invasion of personal privacy;

7 (I) investigative records compiled for law enforcement purposes;

8 (J) information related to any investigative reports prepared by or on
9 behalf of or for use of the compact commission or other committee
10 charged with responsibility of investigation or determination of
11 compliance issues pursuant to the compact;

12 (K) matters specifically exempted from disclosure by federal or
13 member state law; or

14 (L) other matters as specified in rules of the compact commission.

15 ~~(3)~~(5) If a meeting or portion of a meeting is closed, the presiding
16 officer shall state that the meeting will be closed and reference each
17 relevant exempting provision and such reference shall be recorded in the
18 minutes.

19 ~~(4) The compact commission shall keep minutes that fully and clearly~~
20 ~~describe all matters discussed in a meeting and shall provide a full and~~
21 ~~accurate summary of actions taken and the reasons therefore, including a~~
22 ~~description of the views expressed. All documents considered in~~
23 ~~connection with an action shall be identified in such minutes. All minutes~~
24 ~~and documents of a closed meeting shall remain under seal, subject to~~
25 ~~release only by a majority vote of the compact commission or order of a~~
26 ~~court of competent jurisdiction.~~

27 (h) Financing of the compact commission.

28 (1) The compact commission shall pay or provide for the payment of
29 the reasonable expenses of its establishment, organization and ongoing
30 activities.

31 (2) The compact commission may accept any and all appropriate
32 revenue sources as provided in ~~subsection (e)(13)~~ **this section**.

33 (3) The compact commission may levy on and collect an annual
34 assessment from each member state and impose fees on licensees of
35 member states to whom it grants a compact privilege to cover the cost of
36 the operations and activities of the compact commission and its staff,
37 which shall be in a total amount sufficient to cover its annual budget as
38 approved each year for which revenue is not provided by other sources.
39 The aggregate annual assessment amount for member states shall be
40 allocated based upon a formula that the compact commission shall adopt
41 by rule.

42 (4) The compact commission shall not incur obligations of any kind
43 prior to securing the funds adequate to meet the same, nor shall the

1 compact commission pledge the credit of any of the member states, except
2 by and with the authority of the member state.

3 (5) The compact commission shall keep accurate accounts of all
4 receipts and disbursements. The receipts and disbursements of the compact
5 commission shall be subject to the financial review and accounting
6 procedures established under its bylaws. However, all receipts and
7 disbursements of funds handled by the compact public accountant, and the
8 report of the financial review shall be included in and become part of the
9 annual report of the compact commission.

10 (i) Qualified immunity, defense and indemnification.

11 (1) The members, officers, executive director, employees and
12 representatives of the compact commission shall be immune from suit and
13 liability, both personally and in their official capacity, for any claim for
14 damage to or loss of property or personal injury or other civil liability
15 caused by or arising out of any actual or alleged act, error or omission that
16 occurred or that the person against whom the claim is made had a
17 reasonable basis for believing occurred within the scope of compact
18 commission employment, duties or responsibilities, provided that nothing
19 in this paragraph shall be construed to protect any such person from suit or
20 liability for any damage, loss, injury or liability caused by the intentional
21 or willful or wanton misconduct of that person. The procurement of
22 insurance of any type by the compact commission shall not in any way
23 compromise or limit the immunity granted under this compact.

24 (2) The compact commission shall defend any member, officer,
25 executive director, employee and representative of the compact
26 commission in any civil action seeking to impose liability arising out of
27 any actual or alleged act, error or omission that occurred within the scope
28 of compact commission employment, duties or responsibilities or as
29 determined by the compact commission that the person against whom the
30 claim is made had a reasonable basis for believing occurred within the
31 scope of compact commission employment, duties or responsibilities;
32 provided that this compact shall not be construed to prohibit that person
33 from retaining their own counsel at their own expense; and provided
34 further, that the actual or alleged act, error or omission did not result from
35 that person's intentional or willful or wanton misconduct.

36 (3) The compact commission shall indemnify and hold harmless any
37 member, officer, executive director, employee and representative of the
38 compact commission for the amount of any settlement or judgment
39 obtained against that person arising out of any actual or alleged act, error
40 or omission that occurred within the scope of compact commission
41 employment, duties or responsibilities or that such person had a reasonable
42 basis for believing occurred within the scope of compact commission
43 employment, duties or responsibilities, provided that the actual or alleged

1 act, error or omission did not result from the intentional or willful or
2 wanton misconduct of that person.

3 (4) Nothing in this compact shall be construed as a limitation on the
4 liability of any licensee for professional malpractice or misconduct, which
5 shall be governed solely by any other applicable state laws.

6 (5) Nothing in this compact shall be interpreted to waive or otherwise
7 abrogate a member state's state action immunity or state action affirmative
8 defense with respect to antitrust claims under the Sherman act, Clayton act
9 or any other state or federal antitrust or anticompetitive law or regulation.

10 (6) This compact shall not be construed to be a waiver of sovereign
11 immunity by the member states or by the compact commission.

12 ARTICLE 9—DATA SYSTEMS

13 (a) The commission shall provide for the development, maintenance,
14 operation and utilization of a coordinated ~~database~~ **member system** and
15 reporting system containing licensure, **compact privileges**, adverse action
16 and the presence of significant investigative information on all licensees
17 and applicants for a license in member states.

18 (b) Notwithstanding any other provision of state law to the contrary, a
19 member state shall submit a uniform data set to the data system on all
20 licensees, applicants and others to whom this compact is applicable as
21 required by the rules of the compact commission, including:

22 (1) Identifying information;

23 (2) licensure data;

24 (3) adverse actions against a licensee, license applicant or compact
25 privilege and information related thereto;

26 (4) non-confidential information related to alternative program
27 participation, the beginning and ending dates of such participation and
28 other information related to such participation not made confidential under
29 member state law;

30 (5) any denial of an application for licensure and the reason for such
31 denial, excluding the reporting of any criminal history record information
32 where prohibited by law;

33 ~~(6) the presence of significant investigative information; and a~~
34 **binary determination regarding the presence of current significant**
35 **investigative information; and**

36 (7) other information that may facilitate the administration of this
37 compact or the protection of the public, as determined by the rules of the
38 commission.

39 (c) The records and information provided to a member state pursuant
40 to this compact or through the data system, when certified by the
41 commission or an agent thereof, shall constitute the authenticated business
42 records of the commission, and shall be entitled to any associated hearsay
43 exception in any relevant judicial, quasi-judicial or administrative

1 proceedings in a member state.

2 (d) **Current** significant investigative information pertaining to a
3 licensee in any member state shall only be available to other member
4 states.

5 (e) It is the responsibility of the member states to monitor the
6 ~~database~~ **data system** to determine whether adverse action has been taken
7 against a licensee or license applicant. Adverse action information
8 pertaining to a licensee or license applicant in any member state shall be
9 available to any other member state.

10 (f) Member states contributing information to the data system may
11 designate information that may not be shared with the public without the
12 express permission of the contributing state.

13 (g) Any information submitted to the data system that is subsequently
14 expunged pursuant to federal law or the laws of the member state
15 contributing the information shall be removed from the data system.

16 ARTICLE 10—RULEMAKING

17 (a) The compact commission shall adopt reasonable rules in order to
18 effectively and efficiently implement and administer the purposes and
19 provisions of the compact. A rule shall be invalid and have no force or
20 effect only if a court of competent jurisdiction holds that the rule is invalid
21 because the compact commission exercised its rulemaking authority in a
22 manner that is beyond the scope and purposes of the compact, or the
23 powers granted hereunder, or based upon another applicable standard of
24 review.

25 (b) The rules of the compact commission shall have the force of law
26 in each member state, provided, however, that where the rules conflict
27 with the laws or regulations of a member state that relate to the
28 ~~procedures, actions and processes~~ **scope of practice**, a licensed athletic
29 trainer is permitted to undertake in that state and the circumstances under
30 which they may do so, as held by a court of competent jurisdiction, the
31 rules of the compact commission shall be ineffective in that state to the
32 extent of the conflict.

33 (c) The compact commission shall exercise its rulemaking powers
34 pursuant to the criteria set forth in this article and the rules adopted
35 thereunder. Rules shall become binding on the day following adoption or
36 as of the date specified in the rule or amendment, whichever is later.

37 (d) If a majority of the legislatures of the member states rejects a rule
38 or portion of a rule by enactment of a statute or resolution in the same
39 manner used to adopt the compact within four years of the date of adoption
40 of the rule, then such rule shall have no further force and effect in any
41 member state.

42 (e) Rules shall be adopted at a regular or special meeting of the
43 compact commission.

1 (f) Prior to adoption of a proposed rule, the compact commission
2 shall hold a public hearing and allow persons to provide oral and written
3 comments, data, facts, opinions and arguments.

4 (g) Prior to adoption of a proposed rule by the compact commission
5 and at least 30 days in advance of the meeting at which the compact
6 commission will hold a public hearing on the proposed rule, the compact
7 commission shall provide a notice of proposed rulemaking:

8 (1) On the website of the compact commission or other publicly
9 accessible platform;

10 (2) to persons who have requested notice of the compact
11 commission's notices of proposed rulemaking; and

12 (3) in such other way as the compact commission may by rule
13 specify.

14 (h) The notice of proposed rulemaking shall include:

15 (1) The time, date and location of the public hearing at which the
16 compact commission shall hear public comments on the proposed rule and,
17 if different, the time, date and location of the meeting where the compact
18 commission shall consider and vote on the proposed rule;

19 (2) if the hearing is held via telecommunication, video conference or
20 other electronic means, the compact commission shall include the
21 mechanism for access to the hearing in the notice of proposed rulemaking;

22 (3) the text of the proposed rule and the reason therefor;

23 (4) a request for comments on the proposed rule from any interested
24 person; and

25 (5) the manner where interested persons may submit written
26 comments.

27 (i) All hearings shall be recorded. A copy of the recording and all
28 written comments and documents received by the compact commission in
29 response to the proposed rule shall be available to the public.

30 (j) Nothing in this article shall be construed as requiring a separate
31 hearing on each rule. Rules may be grouped for the convenience of the
32 compact commission at hearings required by this article.

33 (k) The compact commission shall, by majority vote of all members,
34 take final action on the proposed rule based on the rulemaking record and
35 the full text of the rule.

36 (1) The compact commission may adopt changes to the proposed rule
37 provided the changes do not enlarge the original purpose of the proposed
38 rule.

39 (2) The compact commission shall provide an explanation of the
40 reasons for substantive changes made to the proposed rule as well as
41 reasons for substantive changes not made that were recommended by
42 commenters.

43 (3) The compact commission shall determine a reasonable effective

1 date for the rule. Except for an emergency as provided in article 10(l), the
2 effective date of the rule shall be no sooner than 30 days after issuing the
3 notice that it adopted or amended the rule.

4 (l) Upon determination that an emergency exists, the compact
5 commission may consider and adopt an emergency rule with 24 hours'
6 notice, with opportunity to comment, provided that the usual rulemaking
7 procedures provided in the compact and in this article shall be
8 retroactively applied to the rule as soon as reasonably possible, in no event
9 later than 90 days after the effective date of the rule. For the purposes of
10 this provision, an emergency rule is one that shall be adopted immediately
11 in order to:

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

13 (2) prevent a loss of compact commission or member state funds;

14 (3) meet a deadline for the promulgation of a rule that is established
15 by federal law or rule; or

16 (4) protect public health and safety.

17 (m) The compact commission or an authorized committee of the
18 compact commission shall direct revisions to a previously adopted rule for
19 purposes of correcting typographical errors, errors in format, errors in
20 consistency or grammatical errors. Public notice of any revisions shall be
21 posted on the website of the compact commission. The revision shall be
22 subject to challenge by any person for a period of 30 days after posting.
23 The revision may be challenged only on grounds that the revision results
24 in a material change to a rule. A challenge shall be made in writing and
25 delivered to the compact commission prior to the end of the notice period.
26 If no challenge is made, the revision shall take effect without further
27 action. If the revision is challenged, the revision shall not take effect
28 without the approval of the compact commission.

29 (n) No member state's rulemaking requirements shall apply under this
30 compact.

31 ARTICLE 11—OVERSIGHT, DISPUTE RESOLUTION AND 32 ENFORCEMENT

33 (a) Oversight.

34 (1) The executive and judicial branches of state government in each
35 member state shall enforce this compact and take all actions necessary and
36 appropriate to implement the compact.

37 (2) Except as otherwise provided in this compact, venue is proper and
38 judicial proceedings by or against the compact commission shall be
39 brought solely and exclusively in a court of competent jurisdiction where
40 the principal office of the compact commission is located. The compact
41 commission may waive venue and jurisdictional defenses to the extent it
42 adopts or consents to participate in alternative dispute resolution
43 proceedings. This compact shall not affect or limit the selection or

1 propriety of venue in any action against a licensee for professional
2 malpractice, misconduct or any such similar matter.

3 (3) The compact commission shall be entitled to receive service of
4 process in any proceeding regarding the enforcement or interpretation of
5 the compact and shall have standing to intervene in such a proceeding for
6 all purposes. Failure to provide the compact commission service of process
7 shall render a judgment or order void as to the compact commission, this
8 compact or adopted rules.

9 (b) Default, technical assistance and termination.

10 (1) If the compact commission determines that a member state has
11 defaulted in the performance of its obligations or responsibilities under
12 this compact or the adopted rules, the commission shall provide written
13 notice to the defaulting state. The notice of default shall describe the
14 default, the proposed means of curing the default and any other action that
15 the compact commission may take, and shall offer training and specific
16 technical assistance regarding the default.

17 (2) The compact commission shall provide a copy of the notice of
18 default to the other member states.

19 (c) If a state in default fails to cure the default, the defaulting state
20 may be terminated from the compact upon an affirmative vote of a
21 majority of the commissioners of the member states, and all rights,
22 privileges and benefits conferred on that state by this compact may be
23 terminated on the effective date of termination. A cure of the default does
24 not relieve the offending state of obligations or liabilities incurred during
25 the period of default.

26 (d) Termination of membership in the compact shall be imposed only
27 after all other means of securing compliance have been exhausted. Notice
28 of intent to suspend or terminate shall be given by the compact
29 commission to the governor, the majority and minority leaders of the
30 defaulting state's legislature, the defaulting state's licensing authority and
31 each of the member states' licensing authority.

32 (e) A state that has been terminated is responsible for all assessments,
33 obligations and liabilities incurred through the effective date of
34 termination, including obligations that extend beyond the effective date of
35 termination.

36 (f) Upon the termination of a state's membership from this compact,
37 that state shall immediately provide notice to all licensees within that state
38 of such termination. The terminated state shall continue to recognize all
39 licenses **and compact privileges** granted pursuant to this compact for a
40 minimum of ~~six months~~ **180 days** after the date of such notice of
41 termination.

42 (g) The compact commission shall not bear any costs related to a state
43 that is found to be in default or that has been terminated from the compact,

1 unless agreed upon in writing between the compact commission and the
2 defaulting state.

3 (h) The defaulting state may appeal the action of the compact
4 commission by petitioning the United States District Court for the District
5 of Columbia or the federal district where the compact commission has its
6 principal offices. The prevailing party shall be awarded all costs of such
7 litigation, including reasonable attorney fees.

8 (i) Dispute resolution.

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

12 (2) The compact commission shall adopt a rule providing for both
13 mediation and binding dispute resolution for disputes as appropriate.

14 (j) Enforcement.

15 (1) By ~~supermajority~~ a ²/₃ **majority** vote, the compact commission
16 may initiate legal action against a member state in default in the United
17 States District Court for the District of Columbia or the federal district
18 where the compact commission has its principal offices to enforce
19 compliance with the provisions of the compact and its adopted rules. The
20 relief sought may include both injunctive relief and damages. In the event
21 that judicial enforcement is necessary, the prevailing party shall be
22 awarded all costs of such litigation, including reasonable attorney fees.
23 The remedies in this compact shall not be the exclusive remedies of the
24 compact commission. The compact commission may pursue any other
25 remedies available under federal or the defaulting member state's law.

26 (2) A member state may initiate legal action against the compact
27 commission in the United States District Court for the District of
28 Columbia or the federal district where the compact commission has its
29 principal offices to enforce compliance with the provisions of the compact
30 and its adopted rules. The relief sought may include both injunctive relief
31 and damages. In the event judicial enforcement is necessary, the prevailing
32 party shall be awarded all costs of such litigation, including reasonable
33 attorney fees.

34 (3) No person other than a member state shall enforce this compact
35 against the compact commission.

36 ARTICLE 12—EFFECTIVE DATE, WITHDRAWAL AND
37 AMENDMENT

38 (a) The compact shall come into effect on the date when the compact
39 statute is enacted into law in the seventh member state.

40 (1) On or after the effective date of the compact, the compact
41 commission shall convene and review the enactment of each of the first
42 seven member states or charter member states to determine if the statute
43 enacted by each such charter member state is materially different than the

1 model compact statute.

2 (A) A charter member state whose enactment is found to be
3 materially different from the model compact statute shall be entitled to the
4 default process set forth in article 11.

5 (B) If any member state is later found to be in default, is terminated
6 or withdraws from the compact, the compact commission shall remain in
7 existence and the compact shall remain in effect, even if the number of
8 member states should be fewer than seven.

9 (2) Member states enacting the compact subsequent to the seven
10 initial charter member states shall be subject to the process set forth in **this**
11 ~~article 8(e)(22)~~ to determine if their enactments are materially different
12 from the model compact statute and whether they qualify for participation
13 in the compact.

14 (3) All actions taken for the benefit of the compact commission or in
15 furtherance of the purposes of the administration of the compact prior to
16 the effective date of the compact or the compact commission coming into
17 existence shall be considered to be actions of the compact commission
18 unless specifically repudiated by the compact commission.

19 (4) Any state that joins the compact subsequent to the compact
20 commission's initial adoption of the rules and bylaws shall be subject to
21 the rules and bylaws as they exist on the date on which the compact
22 becomes law in that state. Any rule that has been previously adopted by
23 the compact commission shall have the full force and effect of law on the
24 day the compact becomes law in that state.

25 (b) Any member state may withdraw from this compact by enacting a
26 statute repealing the same.

27 (1) A member state's withdrawal shall not take effect until 180 days
28 after enactment of the repealing statute.

29 (2) Withdrawal shall not affect the continuing requirement of the
30 withdrawing state's licensing authority to comply with the investigative
31 and adverse action reporting requirements of this compact prior to the
32 effective date of withdrawal.

33 (3) Upon the enactment of a statute withdrawing from this compact, a
34 state shall immediately provide notice of such withdrawal to all licensees
35 **and privilege holders** within that state. Notwithstanding any subsequent
36 statutory enactment to the contrary, such withdrawing state shall continue
37 to recognize all compact privileges granted pursuant to this compact for a
38 minimum of 180 days after the date of such notice of withdrawal.

39 (A) Nothing contained in this compact shall be construed to
40 invalidate or prevent any licensure agreement or other cooperative
41 arrangement between a member state and a non-member state that does not
42 conflict with the provisions of this compact.

43 (B) This compact may be amended by the member states. No

1 amendment to this compact shall become effective and binding upon any
2 member state until it is enacted into the laws of all member states.

3 ARTICLE 13—CONSTRUCTION AND SEVERABILITY

4 (a) This compact and the compact commission's rulemaking authority
5 shall be liberally construed so as to effectuate the purposes, and the
6 implementation and administration of the compact. Provisions of the
7 compact expressly authorizing or requiring the promulgation of rules shall
8 not be construed to limit the compact commission's rulemaking authority
9 only for those purposes.

10 (b) The provisions of this compact shall be severable and if any
11 phrase, clause, sentence or provision of this compact is held by a court of
12 competent jurisdiction to be contrary to the constitution of any member
13 state, a state seeking participation in the compact or of the United States,
14 or the applicability thereof to any government, agency, person or
15 circumstance is held to be unconstitutional by a court of competent
16 jurisdiction, the validity of the remainder of this compact and the
17 applicability thereof to any other government, agency, person or
18 circumstance shall not be affected thereby.

19 (c) Notwithstanding ~~subsection (b)~~ **the foregoing**, the compact
20 commission may deny a state's participation in the compact or, ~~in~~
21 ~~accordance with the requirements of article 11(b)~~, terminate a member
22 state's participation in the compact, if it determines that a constitutional
23 requirement of a member state is a material departure from the compact.
24 Otherwise, if this compact shall be held to be contrary to the constitution
25 of any member state, the compact shall remain in full force and effect as to
26 the remaining member states and in full force and effect as to the member
27 state affected as to all severable matters.

28 ARTICLE 14—CONSISTENT EFFECT AND CONFLICT WITH
29 OTHER STATE LAWS

30 (a) This compact shall not prevent or inhibit the enforcement of any
31 other law of a member state that is not inconsistent with the compact.

32 (b) Any laws, statutes, regulations or other legal requirements in a
33 member state in conflict with the compact are superseded to the extent of
34 the conflict.

35 (c) All permissible agreements between the compact commission and
36 the member states are binding in accordance with their terms.

37 Sec. 2. This act shall take effect and be in force from and after its
38 publication in the statute book.