

HB214 ENGROSSED



1 HB214
2 PSBPJGE-2
3 By Representatives Gidley, Paschal, Robertson
4 RFD: Boards, Agencies and Commissions
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A BILL
TO BE ENTITLED
AN ACT

Relating to the Alabama Board of Examiners in Psychology; to enter into the School Psychologist Interstate Licensure Compact by adopting Article 6 of Chapter 26 of Title 34, Code of Alabama 1975.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Article 6, commencing with Section 34-26-100, is added to Chapter 26 of Title 34, Code of Alabama, to read as follows:

Article 6. SCHOOL PSYCHOLOGIST INTERSTATE LICENSURE COMPACT.

§34-26-100. Purpose.

The purpose of this compact is to facilitate the interstate practice of school psychology in educational or school settings, and, in doing so, to improve the availability of school psychological services to the public. This compact is intended to establish a pathway to allow school psychologists to obtain equivalent licenses to provide school psychological services in any member state. In this way, this compact shall enable the member states to ensure that safe and effective school psychological services are available and



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29 delivered by appropriately qualified professionals in their
30 educational settings.

31 To facilitate the objectives described above, this
32 compact shall do the following:

33 (1) Enable school psychologists who qualify for receipt
34 of an equivalent license to practice in other member states
35 without first satisfying burdensome and duplicative
36 requirements.

37 (2) Promote the mobility of school psychologists
38 between and among the member states in order to address
39 workforce shortages and to ensure that safe and reliable
40 school psychological services are available in each member
41 state.

42 (3) Enhance the public accessibility of school
43 psychological services by increasing the availability of
44 qualified, licensed school psychologists through the
45 establishment of an efficient and streamlined pathway for
46 licensees to practice in other member states.

47 (4) Preserve and respect the authority of each member
48 state to protect the health and safety of its residents by
49 ensuring that only qualified, licensed professionals are
50 authorized to provide school psychological services within
51 that state.

52 (5) Require school psychologists practicing within a
53 member state to comply with the scope of practice laws of the
54 state where the school psychological services are being
55 provided.

56 (6) Promote cooperation between the member states in



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57 regulating the practice of school psychology within those
58 states.

59 (7) Facilitate the relocation of military members and
60 their spouses who are licensed to provide school psychological
61 services.

62 §34-26-101. Definitions.

63 As used in this compact, the following terms have the
64 following meanings:

65 (1) ACTIVE MILITARY MEMBER. Any person with full-time
66 duty status in the Armed Forces of the United States,
67 including members of the National Guard and Reserve.

68 (2) ADVERSE ACTION. Disciplinary action or encumbrance
69 imposed on a license by a state licensing authority.

70 (3) ALTERNATIVE PROGRAM. A nondisciplinary,
71 prosecutorial diversion, monitoring, or practice remediation
72 process entered into in lieu of an adverse action which is
73 applicable to a school psychologist and approved by the state
74 licensing authority of a member state where the participating
75 school psychologist is licensed. The term includes, but is not
76 limited to, programs to which licensees with substance abuse
77 or addiction issues may be referred in lieu of an adverse
78 action.

79 (4) COMMISSIONER. The individual appointed by a member
80 state to serve as the representative to the commission for
81 that member state.

82 (5) COMPACT. This School Psychologist Interstate
83 Licensure Compact.

84 (6) CONTINUING PROFESSIONAL EDUCATION. A requirement,



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85 imposed by a member state as a condition of license renewal,
86 to provide evidence of successful participation in
87 professional educational activities relevant to the provision
88 of school psychological services.

89 (7) CRIMINAL BACKGROUND CHECK. The submission of
90 fingerprints or other biometric information for a license
91 applicant for the purpose of obtaining that applicant's
92 criminal history record information, as defined in 28 C.F.R. §
93 20.3(d), and the state's criminal history record repository as
94 defined in 28 C.F.R. § 20.3(f).

95 (8) DOCTORAL LEVEL DEGREE. A graduate degree program
96 that consists of at least 90 graduate semester hours in the
97 field of school psychology, including a supervised internship.

98 (9) ENCUMBERED LICENSE. A license that a state
99 licensing authority has limited in any way other than through
100 an alternative program, including temporary or provisional
101 licenses.

102 (10) EXECUTIVE COMMITTEE. The commission's chair, vice
103 chair, secretary, and treasurer and any other commissioners as
104 may be determined by commission rule or bylaw.

105 (11) EQUIVALENT LICENSE. A license to practice school
106 psychology which a member state has identified as a license
107 that may be provided to school psychologists from other member
108 states pursuant to this compact.

109 (12) HOME STATE. The member state that issued the home
110 state license to the licensee and is the licensee's primary
111 state of practice.

112 (13) HOME STATE LICENSE. The license that is not an



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113 encumbered license issued by the home state to provide school
114 psychological services.

115 (14) LICENSE. A current license, certification, or
116 other authorization granted by a member state's licensing
117 authority that permits an individual to provide school
118 psychological services.

119 (15) LICENSEE. An individual who holds a license from a
120 member state to provide school psychological services.

121 (16) MEMBER STATE. A state that has enacted this
122 compact and has been admitted to the commission in accordance
123 with the provisions herein and commission rules.

124 (17) MODEL COMPACT. The model language for the School
125 Psychologist Interstate Licensure Compact on file with the
126 Council of State Governments or other entity as designated by
127 the commission.

128 (18) PRACTICE OF SCHOOL PSYCHOLOGY. The delivery of
129 school psychological services.

130 (19) QUALIFYING NATIONAL EXAM. A national licensing
131 examination endorsed by the National Association of School
132 Psychologists and any other exam as approved by the rules of
133 the commission.

134 (20) QUALIFYING SCHOOL PSYCHOLOGIST EDUCATION PROGRAM.
135 An education program that awards a specialist-level or
136 doctoral-level degree or equivalent upon completion and is
137 approved by the rules of the commission as meeting the
138 necessary minimum educational standards to ensure that the
139 program's graduates are ready, qualified, and able to engage
140 in the practice of school psychology.



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141 (21) REMOTE STATE. A member state other than the home
142 state where a licensee holds a license through this compact.

143 (22) RULE. A regulation adopted by an entity,
144 including, but not limited to, the commission and the state
145 licensing authority of each member state, which has the force
146 of law.

147 (23) SCHOOL PSYCHOLOGICAL SERVICES. Academic, mental,
148 and behavioral health services, including assessment,
149 prevention, consultation and collaboration, intervention, and
150 evaluation, provided by a school psychologist in a school, as
151 outlined in applicable professional standards as determined by
152 commission rule.

153 (24) SCHOOL PSYCHOLOGIST. An individual who has met the
154 requirements to obtain a home state license that legally
155 conveys the professional title of school psychologist, or its
156 equivalent as determined by the rules of the commission.

157 (25) SCHOOL PSYCHOLOGIST INTERSTATE LICENSURE COMPACT
158 COMMISSION or COMMISSION. The joint government agency
159 established by this compact whose membership consists of
160 representatives from each member state that has enacted this
161 compact, and as further described in Section 34-26-106.

162 (26) SCOPE OF PRACTICE. The procedures, actions, and
163 processes a school psychologist licensed in a state is
164 permitted to undertake in that state and the circumstances
165 under which that licensee is permitted to undertake those
166 procedures, actions, and processes. Such procedures, actions,
167 and processes, and the circumstances under which they may be
168 undertaken, may be established through means, including, but



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169 not limited to, statute, rule, case law, and other processes
170 available to the state licensing authority or other government
171 agency.

172 (27) SPECIALIST-LEVEL DEGREE. A degree program that
173 requires at least 60 graduate semester hours or equivalent in
174 the field of school psychology, including a supervised
175 internship.

176 (28) STATE. Any state, commonwealth, district, or
177 territory of the United States of America.

178 (29) STATE LICENSING AUTHORITY. A member state's
179 regulatory body responsible for issuing licenses or otherwise
180 overseeing the practice of school psychology.

181 (30) STATE SPECIFIC REQUIREMENT. A requirement for
182 licensure covered in coursework or examination that includes
183 content of unique interest to the state.

184 (31) UNENCUMBERED LICENSE. A license that authorizes a
185 licensee to engage in the full and unrestricted practice of
186 school psychology.

187 §34-26-102. State participation in this compact.

188 (a) To be eligible to join this compact, and to
189 maintain eligibility as a member state, a state must:

190 (1) Enact a compact statute that is not materially
191 different from the model compact as defined in the
192 commission's rules.

193 (2) Participate in the sharing of information with
194 other member states as reasonably necessary to accomplish the
195 objectives of this compact, and as further defined in Section
196 34-26-100.



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197 (3) Identify and maintain with the commission a list of
198 equivalent licenses available to licensees who hold a home
199 state license under this compact.

200 (4) Have a mechanism in place for receiving and
201 investigating complaints about licensees.

202 (5) Notify the commission, in compliance with the terms
203 of this compact and the commission's rules, of any adverse
204 action taken against a licensee, or of the availability of
205 investigative information which relates to a licensee or
206 applicant for licensure.

207 (6) Require that applicants for a home state license
208 have:

209 a. Taken and passed a qualifying national exam as
210 defined by the rules of the commission.

211 b. Completed a minimum of 1200 hours of supervised
212 internship, of which at least 600 must have been completed in
213 a school, prior to being approved for licensure.

214 c. Graduated from a qualifying school psychologist
215 education program.

216
217 (7) Comply with the terms of this compact and the rules
218 of the commission.

219 (b) Each member state shall grant an equivalent license
220 to practice school psychology in that state upon application
221 by a licensee who satisfies the criteria of Section
222 34-26-103(a). Each member state shall grant renewal of the
223 equivalent license to a licensee who satisfies the criteria of
224 Section 34-26-103(b).



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225 (c) Member states may set and collect a fee for
226 granting an equivalent license.

227 §34-26-103. School psychologist participation in this
228 compact.

229 (a) To obtain and maintain an equivalent license from a
230 remote state under this compact, a licensee must:

231 (1) Hold and maintain an active home state license.

232 (2) Satisfy any applicable state specific requirements
233 established by the member state after an equivalent license is
234 granted.

235 (3) Complete any administrative or application
236 requirements which the commission may establish by rule, and
237 pay any associated fees.

238 (4) Complete any requirements for renewal in the home
239 state, including applicable continuing professional education
240 requirements.

241 (5) Upon his or her application to receive a license
242 under this compact, undergo a criminal background check in the
243 member state in which the equivalent license is sought in
244 accordance with the laws and rules of the member state.

245 (b) To renew an equivalent license in a member state
246 other than the home state, a licensee must only apply for
247 renewal, complete a background check, and pay renewal fees as
248 determined by the licensing authority.

249 §34-26-104. Active duty military members or their
250 spouses.

251 A licensee who is an active military member or is the
252 spouse of an active military member shall be deemed to hold a



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253 home state license in any of the following locations:

254 (1) The licensee's permanent residence.

255 (2) A member state that is the licensee's primary state
256 of practice.

257 (3) A member state where the licensee has relocated
258 pursuant to a permanent change of station (PCS).

259 §34-26-105. Discipline/Adverse actions.

260 (a) Nothing in this compact shall be deemed or
261 construed to limit the authority of a member state to
262 investigate or impose disciplinary measures on licensees
263 according to its scope of practice laws.

264 (b) Member states shall be authorized to receive, and
265 shall provide, files and information regarding the
266 investigation and discipline, if any, of licensees in other
267 member states upon request. Any member state receiving such
268 information or files shall protect and maintain their security
269 and confidentiality, in at least the same manner that it
270 maintains its own investigatory or disciplinary files and
271 information. Prior to disclosing any disciplinary or
272 investigatory information received from another member state,
273 the disclosing state shall communicate its intention and
274 purpose for such disclosure to the member state which
275 originally provided that information.

276 §34-26-106. Establishment of the School Psychologist
277 Interstate Licensure Compact Commission.

278 (a) The member states hereby create and establish a
279 joint government agency whose membership consists of all
280 member states that have enacted this compact, and this agency



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281 shall be known as the School Psychologist Interstate Licensure
282 Compact Commission. The commission is an instrumentality of
283 the member states acting jointly and not an instrumentality of
284 any one state. The commission shall come into existence on or
285 after the effective date of this compact as set forth in
286 Section 34-26-110.

287 (b) Membership, Voting, and Meetings.

288 (1) Each member state shall have and be limited to one
289 delegate selected by the state licensing authority of that
290 member state.

291 (2) The delegate shall be the primary administrative
292 officer of the member state licensing authority or their
293 designee who is an employee of the member state licensing
294 authority.

295 (3) The commission shall by rule or bylaw establish a
296 term of office for delegates and may by rule or bylaw
297 establish term limits.

298 (4) The commission may recommend removal or suspension
299 of any delegate from office.

300 (5) A member state's licensing authority shall fill any
301 vacancy of its delegate occurring on the commission within 60
302 days of the vacancy.

303 (6) Each delegate shall be entitled to one vote on all
304 matters before the commission requiring a vote by commission
305 delegates.

306 (7) A delegate shall vote in person or by such other
307 means as provided in the bylaws. The bylaws may provide for
308 delegates to meet via telecommunication, videoconference, or



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309 other means of communication.

310 (8) The commission shall meet at least once during each
311 calendar year. Additional meetings may be held as set forth in
312 the bylaws. The commission may meet via telecommunication,
313 video conference, or other similar electronic means.

314 (c) The commission shall have the following powers:

315 (1) To establish the fiscal year of the commission.

316 (2) To establish code of conduct and conflict of
317 interest policies.

318 (3) To establish and amend rules and bylaws.

319 (4) To establish the procedure through which a licensee
320 may change his or her home state.

321 (5) To maintain its financial records in accordance
322 with the bylaws.

323 (6) To meet and take such actions as are consistent
324 with the provisions of this compact, the commission's rules,
325 and the bylaws.

326 (7) To initiate and conclude legal proceedings or
327 actions in the name of the commission, provided that the
328 standing of any member state licensing authority to sue or be
329 sued under applicable law shall not be affected.

330 (8) To maintain and certify records and information
331 provided to a member state as the authenticated business
332 records of the commission, and designate an agent to do so on
333 the commission's behalf.

334 (9) To purchase and maintain insurance and bonds.

335 (10) To borrow, accept, or contract for services of
336 personnel, including, but not limited to, employees of a



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337 member state.

338 (11) To conduct an annual financial review.

339 (12) To hire employees, elect or appoint officers, fix
340 compensation, define duties, grant such individuals
341 appropriate authority to carry out the purposes of this
342 compact, and establish the commission's personnel policies and
343 programs relating to conflicts of interest, qualifications of
344 personnel, and other related personnel matters.

345 (13) To assess and collect fees.

346 (14) To accept any and all appropriate gifts,
347 donations, grants of money, other sources of revenue,
348 equipment, supplies, materials, and services, and receive,
349 utilize, and dispose of those items; provided, that at all
350 times the commission shall avoid any appearance of impropriety
351 or conflict of interest.

352 (15) To lease, purchase, retain, own, hold, improve, or
353 use any property, real, personal, or mixed, or any undivided
354 interest therein.

355 (16) To sell, convey, mortgage, pledge, lease,
356 exchange, abandon, or otherwise dispose of any property real,
357 personal, or mixed.

358 (17) To establish a budget and make expenditures.

359 (18) To borrow money.

360 (19) To appoint committees, including standing
361 committees, composed of members, state regulators, state
362 legislators or their representatives, consumer
363 representatives, and other interested persons as may be
364 designated in this compact and the bylaws.



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365 (20) To provide and receive information from, and
366 cooperate with, law enforcement agencies.

367 (21) To establish and elect an executive committee,
368 including a chair and a vice chair.

369 (22) To determine whether a state's adopted language is
370 materially different from the model compact language such that
371 the state would not qualify for participation in this compact.

372 (23) To perform other functions as may be necessary or
373 appropriate to achieve the purposes of this compact.

374 (d) The Executive Committee.

375 (1) The executive committee shall have the power to act
376 on behalf of the commission according to the terms of this
377 compact and shall have the following powers, duties, and
378 responsibilities:

379 a. To oversee the day-to-day activities of the
380 administration of this compact, including enforcement and
381 compliance with the provisions of this compact, its rules and
382 bylaws, and other such duties as deemed necessary.

383 b. To recommend to the commission changes to the rules
384 or bylaws, changes to this compact legislation, fees charged
385 to member states, fees charged to licensees, and other fees.

386 c. To ensure compact administration services are
387 appropriately provided, including by contract.

388 d. To prepare and recommend the budget.

389 e. To maintain financial records on behalf of the
390 commission.

391 f. To monitor compact compliance of member states and
392 provide compliance reports to the commission.



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393 g. To establish additional committees as necessary.

394 h. To exercise the powers and duties of the commission
395 during interim periods between commission meetings, except for
396 adopting or amending rules, adopting or amending bylaws, and
397 exercising any other powers and duties expressly reserved to
398 the commission by rule or bylaw.

399 i. To perform other duties as provided in the rules or
400 bylaws of the commission.

401 (2) The executive committee shall be composed of up to
402 seven members:

403 a. The chair and vice chair of the commission shall be
404 voting members of the executive committee.

405 b. The commission shall elect five voting members from
406 the current membership of the commission.

407 (3) The commission may remove any member of the
408 executive committee as provided in the commission's bylaws.

409 (4) The executive committee shall meet at least
410 annually.

411 a. Executive committee meetings shall be open to the
412 public, except that the executive committee may meet in a
413 closed, non-public meeting as provided in subdivision (f)(2).

414 b. The executive committee shall give 30 days' notice
415 of its meetings, posted on its website and as determined to
416 provide notice to persons with an interest in the business of
417 the commission.

418 c. The executive committee may hold a special meeting
419 in accordance with paragraph (f)(1)b.

420 (e) The commission shall adopt and provide to the



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421 member states an annual report.

422 (f) Meetings of the commission.

423 (1) All meetings shall be open to the public, except
424 that the commission may meet in a closed, nonpublic meeting as
425 provided in subdivision (2).

426 a. Public notice for all meetings of the full
427 commission shall be given in the same manner as required under
428 the rulemaking provisions in Section 34-26-108, except that
429 the commission may hold a special meeting as provided in
430 paragraph b.

431 b. The commission may hold a special meeting when it
432 must meet to conduct emergency business by giving 48 hours'
433 notice to all commissioners, on the commission's website, and
434 other means as provided in the commission's rules. The
435 commission's legal counsel shall certify that the commission's
436 need to meet qualifies as an emergency.

437 (2) The commission, the executive committee, or other
438 committees of the commission may convene in a closed,
439 nonpublic meeting for the commission, executive committee, or
440 other committees of the commission to receive legal advice or
441 to discuss the following:

442 a. Noncompliance of a member state with its obligations
443 under this compact.

444 b. The employment, compensation, discipline, or other
445 matters, practices, or procedures related to specific
446 employees.

447 c. Current or threatened discipline of a licensee by
448 the commission or by a member state's licensing authority.



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449 d. Current, threatened, or reasonably anticipated
450 litigation.

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

453 f. Accusing any individual of a crime or formally
454 censuring any individual.

455 g. Trade secrets or commercial or financial information
456 that is privileged or confidential.

457 h. Information of a personal nature where disclosure
458 would constitute a clearly unwarranted invasion of personal
459 privacy.

460 i. Investigative records compiled for law enforcement
461 purposes.

462 j. Information related to any investigative reports
463 prepared by, on behalf of, or for use of the commission or
464 other committee charged with responsibility of investigation
465 or determination of compliance issues pursuant to this
466 compact.

467 k. Matters specifically exempted from disclosure by
468 federal or member state law.

469 l. Other matters as adopted by the commission by rule.

470 (3) If a meeting, or portion of a meeting, is closed,
471 the presiding officer shall state that the meeting will be
472 closed and reference each relevant exempting provision, and
473 each reference shall be recorded in the minutes.

474 (4) The commission shall keep minutes that fully and
475 clearly describe all matters discussed in a meeting and shall
476 provide a full and accurate summary of actions taken, and the



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477 reasons therefore, including a description of the views
478 expressed. All documents considered in connection with an
479 action shall be identified in the minutes. All minutes and
480 documents of a closed meeting shall remain under seal, subject
481 to release only by a majority vote of the commission or order
482 of a court of competent jurisdiction.

483 (g) Financing of the commission.

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

487 (2) The commission may accept any and all appropriate
488 revenue sources as provided in subdivision (c)(14).

489 (3) The commission may levy on and collect an annual
490 assessment from each member state and impose fees on licensees
491 practicing in the member states under an equivalent license to
492 cover the cost of the operations and activities of the
493 commission and its staff, which must be in a total amount
494 sufficient to cover its annual budget as approved each year
495 for which revenue is not provided by other sources. The
496 aggregate annual assessment amount for member states shall be
497 allocated based upon a formula that the commission shall adopt
498 by rule.

499 (4) The commission shall not incur obligations of any
500 kind prior to securing the funds adequate to meet those
501 obligations nor shall the commission pledge the credit of any
502 of the member states, except by and with the authority of the
503 member state.

504 (5) The commission shall keep accurate accounts of all



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505 receipts and disbursements. The receipts and disbursements of
506 the commission shall be subject to the financial review and
507 accounting procedures established under its bylaws. However,
508 all receipts and disbursements of funds handled by the
509 commission shall be subject to an annual financial review by a
510 certified or licensed public accountant, and the report of the
511 financial review shall be included in and become part of the
512 annual report of the commission.

513 (h) Qualified immunity, defense, and indemnification.

514 (1) The members, officers, executive director,
515 employees, and representatives of the commission shall be
516 immune from suit and liability, both personally and in their
517 official capacity, for any claim for damage to or loss of
518 property or personal injury or other civil liability caused by
519 or arising out of any actual or alleged act, error, or
520 omission that occurred, or that the individual against whom
521 the claim is made had a reasonable basis for believing
522 occurred within the scope of commission employment, duties, or
523 responsibilities; provided, that nothing in this subdivision
524 shall be construed to protect any such individual from suit or
525 liability for any damage, loss, injury, or liability caused by
526 the intentional, willful, or wanton misconduct of that
527 individual. The procurement of insurance of any type by the
528 commission shall not in any way compromise or limit the
529 immunity granted hereunder.

530 (2) The commission shall defend any member, officer,
531 executive director, employee, and representative of the
532 commission in any civil action seeking to impose liability



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533 arising out of any actual or alleged act, error, or omission
534 that occurred within the scope of commission employment,
535 duties, or responsibilities, or as determined by the
536 commission that the individual against whom the claim is made
537 had a reasonable basis for believing occurred within the scope
538 of commission employment, duties, or responsibilities;
539 provided, that nothing herein shall be construed to prohibit
540 that individual from retaining their own counsel at their own
541 expense; and provided further, that the actual or alleged act,
542 error, or omission did not result from that individual's
543 intentional, willful, or wanton misconduct.

544 (3) The commission shall indemnify and hold harmless
545 any member, officer, executive director, employee, and
546 representative of the commission for the amount of any
547 settlement or judgment obtained against that individual
548 arising out of any actual or alleged act, error, or omission
549 that occurred within the scope of commission employment,
550 duties, or responsibilities, or that such individual had a
551 reasonable basis for believing occurred within the scope of
552 commission employment, duties, or responsibilities; provided,
553 that the actual or alleged act, error, or omission did not
554 result from the intentional, willful, or wanton misconduct of
555 that individual.

556 (4) Nothing herein shall be construed as a limitation
557 on the liability of any licensee for professional malpractice
558 or misconduct, which shall be governed solely by any other
559 applicable state laws.

560 (5) Nothing in this compact shall be interpreted to



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561 waive or otherwise abrogate a member state's state action
562 immunity or state action affirmative defense with respect to
563 antitrust claims under the Sherman Act, Clayton Act, or any
564 other state or federal antitrust or anticompetitive law or
565 regulation.

566 (6) Nothing in this compact shall be construed to be a
567 waiver of sovereign immunity by the member states or by the
568 commission.

569 §34-26-107. Facilitating information exchange.

570 (a) The commission shall provide for facilitating the
571 exchange of information to administer and implement the
572 provisions of this compact in accordance with the rules of the
573 commission, consistent with generally accepted data protection
574 principles.

575 (b) Notwithstanding any other provision of state law to
576 the contrary, a member state shall agree to provide for the
577 facilitation of the following licensee information as required
578 by the rules of the commission, to include the following:

579 (1) Identifying information.

580 (2) Licensure data.

581 (3) Adverse actions against a license and related
582 information.

583 (4) Nonconfidential information related to alternative
584 program participation, the beginning and ending dates of such
585 participation, and other information related to such
586 participation not made confidential under member state law.

587 (5) Any denial of application for licensure, and the
588 reason for the denial.



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589 (6) The presence of investigative information.

590 (7) Other information that may facilitate the
591 administration of this compact or the protection of the
592 public, as determined by the rules of the commission.

593 (c) Nothing in this compact shall be deemed or
594 construed to alter, limit, or inhibit the power of a member
595 state to control and maintain ownership of its licensee
596 information or alter, limit, or inhibit the laws or rules
597 governing licensee information in the member state.

598 §34-26-108. Rulemaking.

599 (a) The commission shall exercise its rulemaking powers
600 pursuant to the criteria set forth in this compact and the
601 rules adopted thereunder. Rules and amendments shall become
602 binding as of the date specified in each rule or amendment.

603 (b) The commission shall adopt reasonable rules to
604 achieve the intent and purpose of this compact. In the event
605 the commission exercises its rulemaking authority in a manner
606 that is beyond purpose and intent of this compact, or the
607 powers granted hereunder, then such an action by the
608 commission shall be invalid and have no force and effect of
609 law in the member states.

610 (c) If a majority of the legislatures of the member
611 states rejects a rule, by enactment of a statute or resolution
612 in the same manner used to adopt this compact within four
613 years of the date of adoption of the rule, then the rule shall
614 have no further force and effect in any member state.

615 (d) Rules or amendments to the rules shall be adopted
616 or ratified at a regular or special meeting of the commission



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617 in accordance with commission rules and bylaws.

618 (e) Prior to adoption of a final rule or rules by the
619 commission, and at least 30 days in advance of the meeting at
620 which the rule will be considered and voted upon, the
621 commission shall file a notice of proposed rulemaking:

622 (1) On the website of the commission or other publicly
623 accessible platform.

624 (2) On the website of each member state licensing
625 authority or other publicly accessible platform or the
626 publication in which each state would otherwise publish
627 proposed rules.

628 (f) Upon determination that an emergency exists, the
629 commission may consider and adopt an emergency rule with 48
630 hours' notice, with opportunity to comment; provided, that the
631 usual rulemaking procedures shall be retroactively applied to
632 the rule as soon as reasonably possible, and in no event later
633 than 90 days after the effective date of the rule. For the
634 purposes of this subsection, an emergency rule is one that
635 must be adopted immediately in order to:

636 (1) Meet an imminent threat to public health, safety,
637 or welfare.

638 (2) Prevent a loss of commission or member state funds.

639 (3) Meet a deadline for the adoption of an
640 administrative rule that is established by federal law or
641 rule.

642 (4) Protect public health and safety.

643 §34-26-109. Oversight, dispute resolution, and
644 enforcement.



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645 (a) Oversight.

646 (1) The executive and judicial branches of the state
647 government in each member state shall enforce this compact and
648 take all actions necessary and appropriate to implement this
649 compact.

650 (2) Venue is proper and judicial proceedings by or
651 against the commission shall be brought solely and exclusively
652 in a court of competent jurisdiction, including, but not
653 limited to, where the principal office of the commission is
654 located. The commission may waive venue and jurisdictional
655 defenses to the extent it adopts or consents to participate in
656 alternative dispute resolution proceedings. Nothing herein
657 shall affect or limit the selection or propriety of venue in
658 any action against a licensee for professional malpractice,
659 misconduct, or any similar matter.

660 (3) The commission shall be entitled to receive service
661 of process in any proceeding regarding the enforcement or
662 interpretation of this compact and shall have standing to
663 intervene in such a proceeding for all purposes. Failure to
664 provide the commission service of process shall render a
665 judgment or order void as to the commission, this compact, or
666 adopted rules.

667 (b) Default, technical assistance, and termination.

668 (1) If the commission determines that a member state
669 has defaulted in the performance of its obligations or
670 responsibilities under this compact or the adopted rules, the
671 commission shall provide written notice to the defaulting
672 state. The notice of default shall describe the default, the



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673 proposed means of curing the default, and any other action
674 that the commission may take, and shall offer training and
675 specific technical assistance regarding the default.

676 (2) The commission shall provide a copy of the notice
677 of default to the other member states.

678 (c) If a state in default fails to cure the default,
679 the defaulting state may be terminated from this compact upon
680 an affirmative vote of a supermajority of the delegates of the
681 member states, and all rights, privileges, and benefits
682 conferred on that state by this compact may be terminated on
683 the effective date of termination. A cure of the default does
684 not relieve the offending state of obligations or liabilities
685 incurred during the period of default.

686 (d) Termination of membership in this compact shall be
687 imposed only after all other means of securing compliance have
688 been exhausted. Notice of intent to suspend or terminate shall
689 be given by the commission to the governor, the majority and
690 minority leaders of the defaulting state's legislature, the
691 defaulting state's licensing authority, and each of the member
692 states' licensing authorities.

693 (e) A state that has been terminated is responsible for
694 all assessments, obligations, and liabilities incurred through
695 the effective date of termination, including obligations that
696 extend beyond the effective date of termination.

697 (f) Upon the termination of a state's membership from
698 this compact, that state shall immediately provide notice to
699 all licensees within that state of the termination. The
700 terminated state shall continue to recognize all licenses



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701 granted pursuant to this compact for a minimum of six months
702 after the date of the notice of termination.

703 (g) The commission shall not bear any costs related to
704 a state that is found to be in default or that has been
705 terminated from this compact, unless agreed upon in writing
706 between the commission and the defaulting state.

707 (h) The defaulting state may appeal the action of the
708 commission by petitioning the United States District Court for
709 the District of Columbia or the federal district where the
710 commission has its principal offices. The prevailing party
711 shall be awarded all costs of the litigation, including
712 reasonable attorney fees.

713 (i) Dispute Resolution.

714 (1) Upon request by a member state, the commission
715 shall attempt to resolve disputes related to this compact that
716 arise among member states and between member and non-member
717 states.

718 (2) The commission shall adopt a rule providing for
719 both mediation and binding dispute resolution for disputes as
720 appropriate.

721 (j) Enforcement.

722 (1) By majority vote as provided by rule, the
723 commission may initiate legal action against a member state in
724 default in the United States District Court for the District
725 of Columbia or the federal district where the commission has
726 its principal offices to enforce compliance with the
727 provisions of this compact and its adopted rules. The relief
728 sought may include both injunctive relief and damages. In the



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729 event judicial enforcement is necessary, the prevailing party
730 shall be awarded all costs of the litigation, including
731 reasonable attorney fees. The remedies herein shall not be the
732 exclusive remedies of the commission. The commission may
733 pursue any other remedies available under federal or the
734 defaulting member state's law.

735 (2) A member state may initiate legal action against
736 the commission in the United States District Court for the
737 District of Columbia or the federal district where the
738 commission has its principal offices to enforce compliance
739 with the provisions of this compact and its adopted rules. The
740 relief sought may include both injunctive relief and damages.
741 In the event judicial enforcement is necessary, the prevailing
742 party shall be awarded all costs of the litigation, including
743 reasonable attorney fees.

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

746 §34-26-110. Effective date, withdrawal, and amendment.

747 (a) This compact shall come into effect on the date on
748 which the compact statute is enacted into law in the seventh
749 member state.

750 (1) On or after the effective date of this compact
751 indicated above, the commission shall convene and review the
752 enactment of each of the charter member states to determine if
753 the statute enacted by each such charter member state is
754 materially different than the model compact statute.

755 a. A charter member state whose enactment is found to
756 be materially different from the model compact statute shall



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757 be entitled to the default process set forth in Section
758 34-26-109(b).

759 b. If any member state is later found to be in default,
760 is terminated, or withdraws from this compact, the commission
761 shall remain in existence and this compact shall remain in
762 effect even if the number of member states should be less than
763 seven.

764 (2) Member states enacting this compact subsequent to
765 the charter member states shall be subject to the process set
766 forth in subdivision (1) to determine if their enactments are
767 materially different from the model compact statute and
768 whether they qualify for participation in this compact.

769 (3) All actions taken for the benefit of the commission
770 or in furtherance of the purposes of the administration of
771 this compact prior to the effective date of this compact or
772 the commission coming into existence shall be considered to be
773 actions of the commission unless specifically repudiated by
774 the commission.

775 a. Any state that joins this compact subsequent to the
776 commission's initial adoption of the rules and bylaws shall be
777 subject to the rules and bylaws as they exist on the date on
778 which this compact becomes law in that state. Any rule that
779 has been previously adopted by the commission shall have the
780 full force and effect of law on the day this compact becomes
781 law in that state.

782 b. Any member state may withdraw from this compact by
783 enacting a statute repealing the same.

784 (b) A member state's withdrawal shall not take effect



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785 until 180 days after enactment of the repealing statute.

786 (c) Withdrawal shall not affect the continuing
787 requirement of the withdrawing state's licensing authority to
788 comply with the investigative and adverse action reporting
789 requirements of this compact prior to the effective date of
790 withdrawal.

791 (d) Upon the enactment of a statute withdrawing from
792 this compact, a state shall immediately provide notice of
793 withdrawal to all licensees within that state. Notwithstanding
794 any subsequent statutory enactment to the contrary, the
795 withdrawing state shall continue to recognize all licenses
796 granted pursuant to this compact for a minimum of six months
797 after the date of the notice of withdrawal.

798 (1) Nothing contained in this compact shall be
799 construed to invalidate or prevent any licensure agreement or
800 other cooperative arrangement between a member state and a
801 non-member state that does not conflict with the provisions of
802 this compact.

803 (2) This compact may be amended by the member states.
804 No amendment to this compact shall become effective and
805 binding upon any member state until it is enacted into the
806 laws of all member states.

807 §34-26-111. Construction and severability.

808 (a) This compact and the commission's rulemaking
809 authority shall be liberally construed so as to effectuate the
810 purposes, implementation, and administration of this compact.
811 Provisions of this compact expressly authorizing or requiring
812 the adoption of rules shall not be construed to limit the



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813 commission's rulemaking authority solely for those purposes.

814 (b) The provisions of this compact shall be severable
815 and if any phrase, clause, sentence, or provision of this
816 compact is held by a court of competent jurisdiction to be
817 contrary to the constitution of any member state, a state
818 seeking participation in this compact, or of the United
819 States, or the applicability thereof to any government,
820 agency, individual, or circumstance is held to be
821 unconstitutional by a court of competent jurisdiction, the
822 validity of the remainder of this compact and the
823 applicability thereof to any other government, agency,
824 individual, or circumstance shall not be affected thereby.

825 (c) Notwithstanding subsection (b), the commission may
826 deny a state's participation in this compact or, in accordance
827 with the requirements of Section 34-26-109(f), terminate a
828 member state's participation in this compact, if it determines
829 that a constitutional requirement of a member state is a
830 material departure from this compact. Otherwise, if this
831 compact shall be held to be contrary to the constitution of
832 any member state, this compact shall remain in full force and
833 effect as to the remaining member states and in full force and
834 effect as to the member state affected as to all severable
835 matters.

836 §34-26-112. Consistent effect and conflict with other
837 states.

838 (a) Nothing herein shall prevent or inhibit the
839 enforcement of any other law of a member state that is not
840 inconsistent with this compact.



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841 (b) Any laws, statutes, rules, or other legal
842 requirements in a member state in conflict with this compact
843 are superseded to the extent of the conflict.

844 (c) All permissible agreements between the commission
845 and the member states are binding in accordance with their
846 terms.

847 (d) Nothing in this compact shall be interpreted to
848 modify, amend, repeal, or supersede any state criminal or
849 civil liability laws.

850 (e) In the event the commission adopts rules to
851 coordinate the implementation or administration of this
852 compact which conflict with Alabama law, Alabama law shall
853 supersede those rules, and Alabama state courts shall retain
854 sole jurisdiction to determine any conflicts.

855 (f) Alabama state courts shall retain sole jurisdiction
856 to determine whether provisions of this compact are in
857 conflict with state laws or the Constitution of Alabama of
858 2022.

859 (g) Except as to judicial proceedings for the
860 enforcement of this compact among member states, individuals
861 may pursue judicial proceedings related to this compact in any
862 Alabama state or federal court that would otherwise have
863 competent jurisdiction.

864 Section 2. This act shall become effective on October
865 1, 2025.

