

## HB275 INTRODUCED



1 HB275  
2 5V1JQ3M-1  
3 By Representatives Mooney, Baker, Gray, Tillman  
4 RFD: Boards, Agencies and Commissions  
5 First Read: 15-Jan-26



SYNOPSIS:

This bill would adopt the Athletic Trainer Compact as a means of providing uniformity in licensing requirements and interstate practice throughout member states.

This bill would establish requirements and obligations for participation in this compact.

This bill would provide for disciplinary actions and joint investigation procedures.

This bill would establish and provide for the operation of the Athletic Trainer Compact Commission.

This bill would also provide for the management, implementation, and enforcement of the compact among member states.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to athletic trainers; to adopt the Athletic Trainer Compact as Article 3 of Chapter 40 of Title 34, Code of Alabama 1975; to allow licensed athletic trainers to practice among compact states; to establish requirements and obligations for participation in the compact; to provide for



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disciplinary actions and joint investigation procedures; and to establish and provide for the operation of the Athletic Trainer Compact Commission and enforcement of the compact among member states.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Article 3, commencing with Section 34-40-60, is added to Chapter 40 of Title 34, Code of Alabama 1975, to read as follows:

### Article 3 ATHLETIC TRAINER COMPACT

#### §34-40-60 Title and purpose.

(a) This article shall be known and cited as the Athletic Trainer Compact. The purposes of this compact are to expand mobility of athletic training practice and improve public access to services by providing qualified licensed athletic trainers the ability to practice in other member states. This compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure.

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

(1) Increase public access to athletic training and enhance continuity of care by providing for the mutual recognition of other licenses issued by member states.

(2) Provide an additional streamlined opportunity for interstate practice by licensed athletic trainers who meet compact uniform requirements.

(3) Promote mobility and workforce development by eliminating the necessity for licenses in multiple states by



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57 providing for the mutual recognition of other licenses issued  
58 by member states.

59 (4) Reduce administrative burdens on licensed athletic  
60 trainers and member states.

61 (5) Enhance the states' ability to protect the public's  
62 health and safety.

63 (6) Encourage the cooperation of member states in  
64 regulating interstate practice of licensed athletic trainers.

65 (7) Support relocating active military members and  
66 their spouses.

67 (8) Enhance the exchange of licensure, investigative,  
68 and disciplinary information among member states.

69 (9) Allow for the use of telehealth to facilitate  
70 increased access to athletic training services.

71 (10) Support the uniformity of licensed athletic  
72 trainer licensure requirements throughout the states.

73 (11) Affirm the authority of all member states to hold  
74 a licensed athletic trainer accountable for abiding by the  
75 scope of practice in the state in which the patient is located  
76 at the time of care.

77 (12) Require adherence to the model compact language in  
78 order to promote uniformity and ensure that all member states  
79 have accepted and are mutually obligated to the same terms.

### 80 §34-40-61 Definitions.

81 As used in this compact, unless the context requires  
82 otherwise, the following terms have the following meanings:

83 (1) ACTIVE MILITARY MEMBER. Any individual with  
84 full-time duty status in the active Armed Forces of the United



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85 States, including members of the National Guard and Reserve.

86 (2) ADVERSE ACTION. Any administrative, civil,  
87 equitable, or criminal action permitted by a state's laws  
88 which is imposed by a licensing authority or other authority  
89 against a licensee, including actions against an individual's  
90 license or compact privilege such as revocation, suspension,  
91 probation, monitoring of the licensee, limitation on the  
92 licensee's practice, or any other encumbrance on licensure  
93 affecting a licensee's authorization to practice.

94 (3) ALTERNATIVE PROGRAM. A nondisciplinary monitoring  
95 or practice remediation process applicable to an athletic  
96 trainer approved by a state licensing authority of a member  
97 state in which the athletic trainer is licensed. This  
98 includes, but is not limited to, programs to which licensees  
99 with substance use, addiction, or mental health conditions are  
100 referred in lieu of adverse action.

101 (4) ATHLETIC TRAINER COMPACT COMMISSION or COMPACT  
102 COMMISSION. The government agency whose membership consists of  
103 all states that have enacted this compact, as described in  
104 this compact and which shall operate as an instrumentality of  
105 the member states to administer and implement the compact  
106 according to its terms.

107 (5) ATHLETIC TRAINING. The prevention, examination,  
108 assessment, treatment, and rehabilitation of emergent, acute,  
109 or chronic injuries and medical conditions as defined by  
110 applicable member state laws and rules.

111 (6) BOC. The Board of Certification, Inc., or any  
112 successor organization thereto.



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(7) CAATE. The Commission on Accreditation of Athletic Training Education or any successor organization thereto.

(8) CHARTER MEMBER STATE. Any member state which enacted and made effective this compact by law before the compact effective date specified in this compact.

(9) COMMISSIONER. The individual appointed by a member state to serve as the member of the commission for that member state.

(10) COMPACT PRIVILEGE. The legal authorization granted by a remote state, equivalent to a license, allowing a licensee from another member state to provide athletic training services in a remote state.

(11) COMPACT QUALIFYING LICENSE. A license that is not an encumbered license issued by a member state to practice athletic training which qualifies the licensee to exercise a compact privilege pursuant to Section 34-40-63.

(12) CONTINUING COMPETENCE. A requirement, as a condition of license renewal, to provide evidence of successful participation and completion of educational and professional activities relevant to practice or area of work. For purposes of this compact, evidence of active BOC certification may satisfy the meaning of continuing competence as set forth in this compact.

(13) CRIMINAL BACKGROUND CHECK. The submission of fingerprints or other biometric-based information for a license applicant for the purpose of obtaining that applicant's criminal history record information, as defined in 28 C.F.R. § 20.3(d) from the Federal Bureau of Investigation



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and the state's criminal history record repository as defined in 28 C.F.R. § 20.3(f).

(14) CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION. The existence of:

a. Investigative information that a licensing authority, after a preliminary inquiry that includes notification and an opportunity for the subject licensee to respond, if required by state law, has reason to believe is not groundless and, if proven true, would indicate more than a minor infraction; or

b. Investigative information that indicates that the subject licensee represents an immediate threat to public health and safety regardless of whether the subject licensee has been notified and had an opportunity to respond.

(15) DATA SYSTEM. The commission's repository of information about licensees, including, but not limited to, examination, licensure, investigative, compact privilege, adverse action, and alternative program.

(16) ENCUMBRANCE or ENCUMBERED. A revocation or suspension of, or any limitation or condition on, the full and unrestricted practice of athletic training.

(17) EXECUTIVE COMMITTEE. A group of commissioners elected or appointed to act on behalf of, and within the powers granted to them by, the compact and commission.

(18) INVESTIGATIVE INFORMATION. Information, records, and documents received or generated by a licensing authority pursuant to an investigation.

(19) JURISPRUDENCE REQUIREMENT. The assessment of an



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individual's knowledge of the laws and rules governing the practice of athletic training, as applicable, in a state.

(20) LICENSE. The current authorization by a member state to engage in the practice of athletic training.

(21) LICENSEE or LICENSED ATHLETIC TRAINER. An individual who currently holds an active, unrestricted license and who meets all of the requirements outlined in Section 34-40-63.

(22) LICENSING AUTHORITY. The board or agency of a state, or equivalent, that is responsible for the licensing and regulation of athletic trainers.

(23) MEMBER STATE. A state that has enacted this compact.

(24) MODEL COMPACT LANGUAGE. The model language for the athletic trainer compact on file with the council of state governments or other entity as designated by the commission to which all member states must substantively adhere and adopt.

(25) REMOTE STATE. A member state other than the state of qualifying licensure.

(26) RULE. A regulation adopted by an authorized entity that has the force of law.

(27) SCOPE OF PRACTICE. The procedures, actions, and processes an athletic trainer licensed in a state is permitted to undertake in that state and the circumstances under which the licensee is permitted to undertake those procedures, actions, and processes. The procedures, actions, and processes, and the circumstances under which they may be undertaken may be established through means, including, but





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not limited to, statute, rules, case law, and other processes available to the state licensing authority or other government agency. Scope of practice shall include any state requirements regarding supervision or direction, if required by the state and as further defined by the state's statutes and rules.

(28) SINGLE STATE LICENSE. A license issued by any state that authorizes practice only within the issuing state.

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

(30) STATE OF QUALIFYING LICENSURE. The member state which has issued a compact qualifying license to a licensee pursuant to this compact.

(31) UNENCUMBERED LICENSE. A license that authorizes a licensee to engage in the full and unrestricted practice of athletic training.

§34-40-62 State participation in the compact.

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

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

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

(3) Require that licensees in that state maintain continuing competence standards as part of their state practice act or rules;

(4) Have a mechanism in place for receiving and investigating complaints about licensees;

(5) Grant the compact privilege to a licensee who meets



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225 all the requirements outlined in Section 34-40-63 in  
226 accordance with the terms of the compact and any rules adopted  
227 thereunder;

228           (6) Participate fully in the compact commission's data  
229     system, including using the unique identifier as defined in  
230     rules;

(7) Notify the compact commission, in compliance with the terms of the compact and rules, of any adverse action or the availability of current significant investigative information regarding a licensee;

(8) Within a time frame established by rule, implement or utilize procedures for considering the criminal history records of applicants for a compact qualifying license which includes receiving the results of the Federal Bureau of Investigation record search and use those results in making licensure decisions. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records;

246           a. A member state must fully implement a criminal  
247 background check requirement in order to participate in the  
248 issuance and acceptance of compact privileges.

b. Communication between a member state and the compact commission or among member states regarding the verification of eligibility for licensure through the compact shall not include any information received from the Federal Bureau of



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Investigation relating to a federal criminal records check performed by a member state; and

(9) Comply with and enforce the rules of the compact commission.

(b) Member states may set and collect a fee for issuance and renewal of a compact privilege to applicants.

(c) Individuals without a compact qualifying license shall continue to be able to apply for a member state's single state license as provided under the laws of each member state.

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

(e) A compact qualifying license shall be recognized by each remote state as authorizing that licensee to engage in the practice of athletic training, under a compact privilege, in another member state in accordance with the requirements in Section 34-40-63.

§34-40-63 Compact privilege.

(a) To be eligible for a compact privilege under the terms and provisions of this compact, the licensee shall complete a criminal background check performed by the licensing authority in the state of qualifying licensure before entry in the compact and shall:

(1) Satisfy one of the following two pathways:

a. Hold a valid current active certification through BOC.

b. If a licensee does not meet the requirements of paragraph a., the following must be completed:



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1. An education program which is either:

(i) At least a bachelor's degree with a major course of study in athletic training, an equivalent course of study from a college or university accredited at the time of graduation by CAATE;

(ii) An academic degree from a college or university in a foreign country equivalent to the degree described in item (i) with a major course of study as described in item (i) that is accredited by CAATE; or

(iii) The substantial equivalent of the foregoing which the commission may determine by rule.

2. Successful completion of the exam administered by BOC, preceding the date of the licensee's application for licensure in his or her state of qualifying licensure or the substantial equivalent of the foregoing requirement which the commission may determine by rule;

(2) Hold a compact qualifying license;

(3) Have not had any encumbrance against any license or compact privilege to practice athletic training within the previous two years;

(4) Be eligible for a compact privilege in any member state in accordance with this section;

(5) Notify the compact commission that the licensee is seeking the compact privilege within a remote state or remote states;

(6) Pay any applicable fees, including any state fee, for the compact privilege;

(7) Meet only the continuing competence requirements



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established by the state of qualifying licensure;

(8) Comply with any requirements of the state of qualifying licensure as set forth in Section 34-40-62;

(9) Meet any jurisprudence requirements established by the remote state or remote states in which the licensee is seeking a compact privilege; and

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

(b) The compact privilege is valid until the expiration date of the compact qualifying license. To maintain a compact privilege, renewal of the compact privilege shall be congruent with the renewal of the compact qualifying license as the compact commission may define by rule. The licensee must comply with the requirements of this section to maintain the compact privilege in the remote state. A licensee may apply for and hold compact privileges in multiple member states.

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

(d) A licensee engaging in the practice of athletic



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

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

(1) The compact qualifying license is no longer encumbered.

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

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



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

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

(2) All fines have been paid.

(3) The licensee has not had any encumbrance or restriction against any license or compact privilege within the previous two years.

(h) Once the requirements of subsection (g) have been met, the licensee must meet the requirements in subsection (a) to obtain a compact privilege in a remote state.

### §34-40-64 Compact qualification.

(a) A licensee may only designate one license as his or her compact qualifying license at a time. The procedures for the designation may be further defined by compact commission rule.

(b) Nothing in this section shall require that the state of qualifying licensure be the state of primary residence or state of primary practice for the licensee.

(c) Nothing in this compact shall interfere with a licensee's ability to hold a single state license in multiple states.

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

### §34-40-65 Active military member or his or her spouse.



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393           An active military member or his or her spouse shall  
394 not be required to pay a fee to the commission for a compact  
395 privilege. If a member state chooses to charge a member state  
396 fee, the member state may choose to charge a reduced fee or no  
397 fee to an active military member or his or her spouse for a  
398 compact privilege.

399           §34-40-66 Adverse actions.

400           (a) A member state in which a licensee is issued a  
401 compact qualifying license shall have the exclusive authority  
402 to impose adverse action against the compact qualifying  
403 license issued by that member state.

404           (b) A member state may take adverse action based on  
405 current significant investigative information of a remote  
406 state, so long as the member state follows its own procedures  
407 for imposing adverse action.

408           (c) Nothing in this compact shall override a member  
409 state's decision that participation in an alternative program  
410 may be used in lieu of adverse action and that such  
411 participation shall remain nonpublic if required by the member  
412 state's laws or rules.

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

414           (1) Take adverse actions as set forth in this compact  
415 against a licensee's compact privilege in that state; and

416           (2) Issue subpoenas for both hearings and  
417 investigations that require the attendance and testimony of  
418 witnesses as well as the production of evidence.

419           a. Subpoenas may be issued by a member state athletic  
420 training licensing authority for the attendance and testimony





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of witnesses and the production of evidence.

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

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

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

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

(g) Joint investigations.

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

(2) Member states shall share any current significant investigative information, litigation, or compliance materials



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in furtherance of any joint or individual investigation initiated under this compact. In sharing this information between member state athletic trainer licensing authorities, all information obtained shall be kept confidential, except as otherwise mutually agreed upon by the sharing and receiving member state or member states.

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

(h) If a member state takes adverse action, the member state shall promptly notify the administrator of the data system. The administrator of the data system shall promptly notify all member states of any adverse actions by remote states.

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

§34-40-67 Establishment and operation of the commission.

(a) The compact member states hereby create and establish a joint government agency whose membership consists of all member states that have enacted this compact known as the Athletic Trainer Licensure Compact Commission. The compact commission is an instrumentality of the member states acting jointly and not an instrumentality of any one state. The



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477 compact commission shall come into existence on or after the  
478 effective date of the compact as set forth in Section  
479 34-40-71.

480 (b) Membership, voting, and meetings.

481 (1) Each member state shall have and be limited to one  
482 commissioner selected by that member state's licensing  
483 authority within 60 days of the member state's effective date.

484 (2) The commissioner shall be an administrator or his  
485 or her designated staff or current board member of the  
486 licensing authority.

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

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

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

495 (6) The compact commission shall meet at least once  
496 during each calendar year. Additional meetings may be held as  
497 set forth in the commission bylaws. A commissioner shall vote  
498 in person or by other means as provided in the bylaws. The  
499 bylaws may provide for commissioners to meet by  
500 telecommunication, videoconference, or other means of  
501 communication.

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

504 (1) Adopt and amend rules and bylaws.



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(2) Establish code of conduct, confidentiality, and conflict of interest policies for commissioners.

(3) Establish the fiscal year of the compact commission.

(4) Maintain commission financial records in accordance with the bylaws.

(5) Purchase and maintain insurance and insurance bonds.

(6) Accept or contract for services of personnel, including, but not limited to, employees of a member state.

(7) Conduct a financial review or audit.

(8) Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and establish the compact commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters.

(9) Enter into contracts or arrangements for the management of the affairs of the commission.

(10) Assess and collect fees.

(11) Accept any and all appropriate gifts, donations, grants of money, other sources of revenue, equipment, supplies, materials, and services, and receive, utilize, and dispose of the same, provided that at all times the compact commission shall avoid any appearance of impropriety or conflict of interest.

(12) Lease, purchase, retain, own, hold, improve,



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533 invest, or use any property, real, personal, or mixed, or any  
534 undivided interest therein.

535 (13) Sell, convey, mortgage, pledge, lease, exchange,  
536 abandon, or otherwise dispose of any property real, personal,  
537 or mixed.

538 (14) Establish a budget and make expenditures.

539 (15) Borrow and invest money.

540 (16) Meet and take actions that are consistent with  
541 this compact, the compact commission's rules, and the bylaws.

542 (17) Initiate and conclude legal proceedings or actions  
543 in the name of the compact commission, provided that the  
544 standing of any licensing authority to sue or be sued under  
545 applicable law shall not be affected.

546 (18) Maintain and certify records and information  
547 provided to a member state as the authenticated business  
548 records of the compact commission, and designate an agent to  
549 do so on the compact commission's behalf.

550 (19) Provide and receive information from, and  
551 cooperate with, law enforcement agencies.

552 (20) Determine whether a state's adopted language is  
553 materially different from the model compact language such that  
554 the state would not qualify for participation in the compact.

555 (21) Establish and elect an executive committee,  
556 including a chair and a vice chair, secretary, treasurer, and  
557 other offices that the commission shall establish by rule or  
558 bylaw.

559 (22) Appoint committees, including standing committees,  
560 composed of member state commissioners, state regulators,



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state legislators or their representatives, and consumer representatives, and other interested persons that may be designated in this compact and the bylaws.

(23) Perform other functions that may be necessary or appropriate to achieve the purposes of this compact.

(d) The executive committee.

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

a. Exercise the powers and duties of the compact commission during the interim between compact commission meetings, except for adopting or amending rules, adopting or amending bylaws, and exercising any other powers and duties expressly reserved to the compact commission by rule or bylaw;

b. Oversee the day-to-day activities of the administration of this compact including enforcement and compliance with this compact, its rules and bylaws, and other duties as deemed necessary;

c. Recommend to the compact commission changes to the rules or bylaws, changes to this compact legislation, fees charged to compact member states, fees charged to licensees, and other fees;

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

e. Prepare and recommend the budget;

f. Maintain financial records on behalf of the compact commission;



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g. Monitor compact compliance of member states and provide compliance reports to the compact commission;

h. Establish additional committees as necessary; and

i. Other duties as provided in the rules or bylaws of the compact commission.

(2) The executive committee shall be composed of five voting members, elected by the compact commission:

a. The chair and vice chair of the compact commission shall be voting members of the executive committee;

b. The compact commission shall elect up to three additional voting members from the current membership of the compact commission to include the offices of treasurer, secretary, and one member-at-large; and

c. Up to four ex officio, nonvoting members from recognized national athletic trainer organizations.

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

(4) The executive committee shall meet at least annually:

a. Executive committee meetings shall be open to the public, except that the executive committee may meet in a closed, nonpublic meeting as provided in this section;

b. The executive committee shall give advance notice of its meetings, posted on its website and as determined, by rule or bylaw, to provide notice to persons with an interest in the business of the compact commission; and

c. The executive committee may hold a special meeting



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617 in accordance with this section.

618 (e) The compact commission shall adopt and provide to  
619 the member states an annual report.

620 (f) Meetings of the compact commission.

621 (1) All meetings shall be open to the public, except  
622 that the compact commission may meet in a closed, nonpublic  
623 meeting as provided in this section.

624 (2) Public notice for all meetings of the full compact  
625 commission shall be given in the same manner as required under  
626 the rulemaking provisions in this compact, except that the  
627 compact commission may hold a special meeting as provided in  
628 this section.

629 (3) The compact commission may hold a special meeting  
630 when it must meet to conduct emergency business by giving  
631 24-hours' notice to all commissioners, on the compact  
632 commission's website, and other means as provided in the  
633 compact commission's rules. The compact commission's legal  
634 counsel shall certify that the compact commission's need to  
635 meet qualifies as an emergency.

636 (4) The compact commission or the executive committee  
637 or other committees of the compact commission may convene in a  
638 closed, nonpublic meeting for the compact commission or  
639 executive committee or other committees of the compact  
640 commission to receive legal advice or to discuss:

641 a. Noncompliance of a member state with its obligations  
642 under this compact;

643 b. The employment, compensation, discipline or other  
644 matters, practices, or procedures related to specific





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645 employees;

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

648 d. Current, threatened, or reasonably anticipated  
649 litigation;

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

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

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

656 h. Information of a personal nature where disclosure  
657 would constitute a clearly unwarranted invasion of personal  
658 privacy;

659 i. Investigative records compiled for law enforcement  
660 purposes;

661 j. Information related to any investigative reports  
662 prepared by or on behalf of or for the use of the compact  
663 commission or other committee charged with the responsibility  
664 of investigation or determination of compliance issues  
665 pursuant to this compact;

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

668 l. Other matters as specified in rules of the compact  
669 commission.

670 (5) If a meeting, or portion of a meeting, is closed,  
671 the compact commission's legal counsel or designee shall  
672 certify that the meeting will be closed and reference each



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relevant exempting provision, and the reference shall be recorded in the minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the compact commission or order of a court of competent jurisdiction.

(g) Financing of the compact commission.

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

(2) The compact commission may accept any and all appropriate revenue sources as provided in this section.

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

(4) The compact commission shall not incur obligations of any kind prior to securing the funds or a loan adequate to meet the same; nor shall the compact commission pledge the credit of any of the member states, except by and with the authority of the member state.

(5) The compact commission shall keep accurate accounts of all receipts and disbursements. The receipts and



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disbursements of the compact commission shall be subject to the financial review or audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the compact commission shall be subject to an annual financial review or audit by a certified or licensed public accountant, and the report of the financial review or audit shall be included in and become part of the annual report of the compact commission.

(h) Qualified immunity, defense, and indemnification.

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

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



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liability arising out of any actual or alleged act, error, or omission that occurred within the scope of compact commission employment, duties, or responsibilities, or as determined by the compact commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of compact commission employment, duties, or responsibilities, provided that nothing in this subdivision shall be construed to prohibit that person from retaining his or her own counsel at his or her own expense, and provided further that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

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

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



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

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

§34-40-68 Data system.

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

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

(1) Personally identifying information;

(2) Licensure data;

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

(4) Nonconfidential information related to alternative program participation, the beginning and ending dates of the



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785 participation, and other information related to the  
786 participation;

787 (5) Any denial of an application for licensure, and the  
788 reasons for the denial, excluding the reporting of any  
789 criminal history record information where prohibited by law;

790 (6) A binary determination regarding the presence of  
791 current significant investigative information; and

792 (7) Other information that may facilitate the  
793 administration of this compact or the protection of the  
794 public, as determined by the rules of the commission.

795 (c) The records and information provided to a member  
796 state pursuant to this compact or through the data system,  
797 when certified by the commission or an agent thereof, shall  
798 constitute the authenticated business records of the  
799 commission, and shall be entitled to any associated hearsay  
800 exception in any relevant judicial, quasi-judicial, or  
801 administrative proceedings in a member state.

802 (d) Current significant investigative information  
803 pertaining to a licensee in any member state will only be  
804 available to other member states.

805 (e) It is the responsibility of the member states to  
806 monitor the data system to determine whether adverse action  
807 has been taken against a licensee or license applicant.  
808 Adverse action information pertaining to a licensee or license  
809 applicant in any member state will be available to any other  
810 member state.

811 (f) Member states contributing information to the data  
812 system may designate information that may not be shared with



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813 the public without the express permission of the contributing  
814 state.

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

819 §34-40-69 Rulemaking.

820 (a) The compact commission shall adopt reasonable rules  
821 in order to effectively and efficiently implement and  
822 administer the purposes and provisions of this compact. A rule  
823 shall be invalid and have no force or effect only if a court  
824 of competent jurisdiction holds that the rule is invalid  
825 because the compact commission exercised its rulemaking  
826 authority in a manner that is beyond the scope and purposes of  
827 the compact, or the powers granted hereunder, or based upon  
828 another applicable standard of review.

829 (b) The rules of the compact commission shall have the  
830 force of law in each member state, provided that where the  
831 rules conflict with the laws or rules of a member state that  
832 relate to the scope of practice a licensed athletic trainer is  
833 permitted to undertake in that state and the circumstances  
834 under which they may do so, as held by a court of competent  
835 jurisdiction, the rules of the compact commission shall be  
836 ineffective in that state to the extent of the conflict.

837 (c) The compact commission shall exercise its  
838 rulemaking powers pursuant to the criteria set forth in this  
839 section and the rules adopted thereunder. Rules of this  
840 compact shall become binding on the day following adoption or



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as of the date specified in the rule or amendment, whichever is later.

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

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

(f) Prior to adoption of a proposed rule, the compact commission shall hold a public hearing and allow persons to provide oral and written comments, data, facts, opinions, and arguments. At least 30 days in advance of the public hearing on the proposed rule, the compact commission shall provide a notice of proposed rulemaking:

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

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

(3) In other ways that the compact commission, by rule, may specify.

(g) The notice of proposed rulemaking shall include:

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





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

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

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

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

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

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

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

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

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



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897           (3) The compact commission shall determine a reasonable  
898 effective date for the rule. Except for an emergency as  
899 provided in this section, the effective date of the rule shall  
900 be no sooner than 30 days after issuing the notice that it  
901 adopted or amended the rule.

902           (k) Upon determination that an emergency exists, the  
903 compact commission may consider and adopt an emergency rule  
904 with 24-hours' notice, with opportunity to comment, provided  
905 that the usual rulemaking procedures provided in the compact  
906 and in this section shall be retroactively applied to the rule  
907 as soon as reasonably possible, in no event later than 90 days  
908 after the effective date of the rule. For the purposes of this  
909 subsection, an emergency rule is one that must be adopted  
910 immediately in order to:

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

913           (2) Prevent a loss of compact commission or member  
914 state funds;

915           (3) Meet a deadline for the adoption of a rule that is  
916 established by federal law or rule; or

917           (4) Protect public health and safety.

918           (1) The compact commission or an authorized committee  
919 of the compact commission may direct revisions to a previously  
920 adopted rule for purposes of correcting typographical errors,  
921 errors in format, errors in consistency, or grammatical  
922 errors. Public notice of any revision shall be posted on the  
923 website of the compact commission. The revision shall be  
924 subject to challenge by any person for a period of 30 days



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after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the compact commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the compact commission.

(m) No member state's rulemaking requirements shall apply under this compact.

§34-40-70 Oversight, dispute resolution, and enforcement.

(a) Oversight.

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

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



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

(b) Default, technical assistance, and termination.

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

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

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

(d) Termination of membership in the compact shall be imposed only after all other means of securing compliance have



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981 been exhausted. Notice of intent to suspend or terminate shall  
982 be given by the compact commission to the governor, the  
983 majority and minority leaders of the defaulting state's  
984 legislature, the defaulting state's licensing authority and  
985 each of the member states' licensing authorities.

986 (e) A state that has been terminated is responsible for  
987 all assessments, obligations, and liabilities incurred through  
988 the effective date of termination, including obligations that  
989 extend beyond the effective date of termination.

990 (f) Upon the termination of a state's membership from  
991 this compact, that state shall immediately provide notice to  
992 all licensees within that state of the termination. The  
993 terminated state shall continue to recognize all licenses and  
994 compact privileges granted pursuant to this compact for a  
995 minimum of 180 days after the date of the notice of  
996 termination.

997 (g) The compact commission shall not bear any costs  
998 related to a state that is found to be in default or that has  
999 been terminated from the compact, unless agreed upon in  
1000 writing between the compact commission and the defaulting  
1001 state.

1002 (h) The defaulting state may appeal the action of the  
1003 compact commission by petitioning the U.S. District Court for  
1004 the District of Columbia or the federal district where the  
1005 compact commission has its principal offices. The prevailing  
1006 party shall be awarded all costs of the litigation, including  
1007 reasonable attorney fees.

1008 (i) Dispute resolution.



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1009           (1) Upon request by a member state, the compact  
1010 commission shall attempt to resolve disputes related to the  
1011 compact that arise among member states and between member and  
1012 nonmember states.

1013           (2) The compact commission shall adopt a rule providing  
1014 for both mediation and binding alternate dispute resolution  
1015 for disputes as appropriate.

1016           (j) Enforcement.

1017           (1) By two-thirds majority vote, the compact commission  
1018 may initiate legal action against a member state in default in  
1019 the U.S. District Court for the District of Columbia or the  
1020 federal district where the compact commission has its  
1021 principal offices to enforce compliance with this compact and  
1022 its adopted rules. The relief sought may include both  
1023 injunctive relief and damages. In the event judicial  
1024 enforcement is necessary, the prevailing party shall be  
1025 awarded all costs of the litigation, including reasonable  
1026 attorney fees. The remedies herein shall not be the exclusive  
1027 remedies of the compact commission. The compact commission may  
1028 pursue any other remedies available under federal or the  
1029 defaulting member state's law.

1030           (2) A member state may initiate legal action against  
1031 the compact commission in the U.S. District Court for the  
1032 District of Columbia or the federal district where the compact  
1033 commission has its principal offices to enforce compliance  
1034 with this compact and its adopted rules. The relief sought may  
1035 include both injunctive relief and damages. In the event  
1036 judicial enforcement is necessary, the prevailing party shall



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1037 be awarded all costs of the litigation, including reasonable  
1038 attorney fees.

1039 (3) No person other than a member state shall enforce  
1040 this compact against the compact commission.

1041 §34-40-71 Effective date, withdrawal, and amendment.

1042 (a) This compact shall come into effect on the date on  
1043 which the compact statute is enacted into law in the seventh  
1044 member state.

1045 (1) On or after the effective date of the compact, the  
1046 compact commission shall convene and review the enactment of  
1047 each of the first seven member states (charter member states)  
1048 to determine if the statute enacted and made effective by each  
1049 charter member state is materially different than the model  
1050 compact statute.

1051 a. A charter member state whose enactment is found to  
1052 be materially different from the model compact language shall  
1053 be entitled to the default process set forth in Section  
1054 34-40-70.

1055 b. If any member state is later found to be in default,  
1056 or is terminated or withdraws from the compact, the compact  
1057 commission shall remain in existence and the compact shall  
1058 remain in effect even if the number of member states should be  
1059 less than seven.

1060 (2) Member states enacting the compact subsequent to  
1061 the seven initial charter member states shall be subject to  
1062 the process set forth in this section to determine if their  
1063 enactments are materially different from the model compact  
1064 statute and whether they qualify for participation in the



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1065 compact.

1066 (3) All actions taken for the benefit of the compact  
1067 commission or in furtherance of the purposes of the  
1068 administration of the compact prior to the effective date of  
1069 the compact or the compact commission coming into existence  
1070 shall be considered to be actions of the compact commission  
1071 unless specifically repudiated by the compact commission.

1072 (4) Any state that joins this compact subsequent to the  
1073 compact commission's initial adoption of the rules and bylaws  
1074 shall be subject to the rules and bylaws as they exist on the  
1075 date on which this compact becomes law in that state. Any rule  
1076 that has been previously adopted by the compact commission  
1077 shall have the full force and effect of law on the day the  
1078 compact becomes law in that state.

1079 (b) Any member state may withdraw from this compact by  
1080 enacting a statute repealing the same.

1081 (1) A member state's withdrawal shall not take effect  
1082 until 180 days after enactment of the repealing statute.

1083 (2) Withdrawal shall not affect the continuing  
1084 requirement of the withdrawing state's licensing authority to  
1085 comply with the investigative and adverse action reporting  
1086 requirements of this compact prior to the effective date of  
1087 withdrawal.

1088 (3) Upon the enactment of a statute withdrawing from  
1089 this compact, a state shall immediately provide notice of the  
1090 withdrawal to all licensees and privilege holders within that  
1091 state. Notwithstanding any subsequent statutory enactment to  
1092 the contrary, the withdrawing state shall continue to





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1093 recognize all compact privileges granted pursuant to this  
1094 compact for a minimum of 180 days after the date of the notice  
1095 of withdrawal.

1096 (4) Nothing contained in this compact shall be  
1097 construed to invalidate or prevent any licensure agreement or  
1098 other cooperative arrangement between a member state and a  
1099 nonmember state that does not conflict with this compact.

1100 (5) This compact may be amended by the member states.  
1101 No amendment to this compact shall become effective and  
1102 binding upon any member state until the amendment is enacted  
1103 into the laws of all member states.

1104 §34-40-72 Construction and severability.

1105 (a) This compact and the compact commission's  
1106 rulemaking authority shall be liberally construed so as to  
1107 effectuate the purposes and the implementation and  
1108 administration of this compact. Provisions of the compact  
1109 expressly authorizing or requiring the adoption of rules shall  
1110 not be construed to limit the compact commission's rulemaking  
1111 authority solely for those purposes.

1112 (b) The provisions of this compact shall be severable  
1113 and if any phrase, clause, sentence, or provision of this  
1114 compact is held by a court of competent jurisdiction to be  
1115 contrary to the constitution of any member state, a state  
1116 seeking participation in the compact, or of the United States,  
1117 or the applicability thereof to any government, agency,  
1118 person, or circumstance is held to be unconstitutional by a  
1119 court of competent jurisdiction, the validity of the remainder  
1120 of this compact and the applicability thereof to any other



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1121 government, agency, person, or circumstance shall not be  
1122 affected thereby.

1123 (c) Notwithstanding the foregoing, the compact  
1124 commission may deny a state's participation in the compact or  
1125 terminate a member state's participation in the compact if the  
1126 compact commission determines that a constitutional  
1127 requirement of a member state is a material departure from  
1128 this compact. Otherwise, if this compact shall be held to be  
1129 contrary to the constitution of any member state, this compact  
1130 shall remain in full force and effect as to the remaining  
1131 member states and in full force and effect as to the member  
1132 state affected as to all severable matters.

1133 §34-40-73 Consistent effect and conflict with other  
1134 state laws.

1135 (a) Nothing herein shall prevent or inhibit the  
1136 enforcement of any other law of a member state that is not  
1137 inconsistent with this compact.

1138 (b) Any laws, statutes, rules, or other legal  
1139 requirements in a member state in conflict with this compact  
1140 are superseded to the extent of the conflict.

1141 (c) All permissible agreements between the compact  
1142 commission and the member states are binding in accordance  
1143 with their terms.

1144 Section 2. This act shall become effective on October  
1145 1, 2026.