AN ACT relating to respiratory care.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 314A IS CREATED TO READ AS FOLLOWS:

RESPIRATORY CARE INTERSTATE COMPACT

SECTION 1.

TITLE AND PURPOSE

A. The purpose of this compact is to facilitate the interstate practice of respiratory therapy with the goal of improving public access to respiratory therapy services by providing respiratory therapists licensed in a member state 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 respiratory therapy services by creating a responsible, streamlined pathway for licensees to practice in member states with the goal of improving outcomes for patients;

2. Enhance states' ability to protect the public's health and safety;

3. Promote the cooperation of member states in regulating the practice of respiratory therapy within those member states;

4. Ease administrative burdens on states by encouraging the cooperation of member states in regulating multistate respiratory therapy practice;

5. Support relocating active military members and their spouses; and

6. Promote mobility and address workforce shortages.

SECTION 2.

DEFINITIONS

As used in this compact, unless the context requires otherwise, the following definitions shall apply:

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

B. "Adverse action" means any administrative, civil, equitable, or criminal action permitted by a state's laws which is imposed by any state authority with regulatory authority over respiratory therapists, such as license denial, censure, revocation, suspension, probation, monitoring of the licensee, or restriction on the licensee's practice, not including participation in an alternative program;

C. "Alternative program" means a nondisciplinary monitoring or practice remediation process applicable to a respiratory therapist approved by any state authority with regulatory authority over respiratory therapists. This includes but is not limited to programs to which licensees with substance abuse or addiction issues are referred in lieu of adverse action;

D. "Charter member states" means those member states who were the first seven (7) states to enact the compact into the laws of their state;

E. "Commission" or "Respiratory Care Interstate Compact Commission" means the government instrumentality and body politic whose membership consists of all member states that have enacted the compact;

F. "Commissioner" means the individual appointed by a member state to serve as the member of the commission for that member state;

G. "Compact" means the Respiratory Care Interstate Compact;

H. "Compact privilege" means the authorization granted by a remote state to allow a licensee from another member state to practice as a respiratory therapist in the remote state under the remote state's laws and rules. The practice of respiratory therapy occurs in the member state where the patient is located at the time of the patient encounter;

I. "Criminal background check" means the submission by the member state of

fingerprints or other biometric-based information on license applicants at the time of initial licensing for the purpose of obtaining that applicant's criminal history record information, as defined in 28 C.F.R. sec. 20.3(d) or successor provision, from the Federal Bureau of Investigation and the state's criminal history record repository, as defined in 28 C.F.R. sec. 20.3(f) or successor provision;

J. "Data system" means the commission's repository of information about licensees as further set forth in Section 8 of this compact;

K. "Domicile" means the jurisdiction which is the licensee's principal home for legal purposes;

L. "Encumbered license" means a license that a state's respiratory therapy licensing authority has limited in any way;

M. "Executive committee" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission;

N. "Home state" except as set forth in Section 5 of this compact, means the member state that is the licensee's primary domicile;

O. "Home state license" means an active license to practice respiratory therapy in a home state that is not an encumbered license;

P. "Jurisprudence requirement" means an assessment of an individual's knowledge of the state laws and regulations governing the practice of respiratory therapy in such state;

Q. "Licensee" means an individual who currently holds an authorization from the state to practice as a respiratory therapist;

R. "Member state" means a state that has enacted the compact and been admitted to the commission in accordance with the provisions herein and commission rules;

S. "Model compact" means the model for the Respiratory Care Interstate Compact on file with the Council of State Governments or other entity as designated by the

commission;

T. "Remote state" means a member state where a licensee is exercising or seeking to exercise the compact privilege;

U. "Respiratory therapist" or "respiratory care practitioner" means an individual who holds a credential issued by the National Board for Respiratory Care, or its successor, and holds a license in a state to practice respiratory therapy. For purposes of this compact, any other title or status adopted by a state to replace the term "respiratory therapist" or "respiratory care practitioner" shall be deemed synonymous with "respiratory therapist" and shall confer the same rights and responsibilities to the licensee under the provisions of this compact at the time of its enactment;

V. "Respiratory therapy," "respiratory therapy practice," "respiratory care," "the practice of respiratory care," and "the practice of respiratory therapy" means the care and services provided by or under the direction and supervision of a respiratory therapist or respiratory care practitioner;

W. "Respiratory therapy licensing authority" means the agency, board, or other body of a state that is responsible for licensing and regulation of respiratory therapists;

X. "Rule" means a regulation promulgated by the commission that has the force and effect of law;

Y. "Scope of practice" means the procedures, actions, and processes a respiratory therapist licensed in a state or practicing under a compact privilege in a state is permitted to undertake in that state and the circumstances under which the respiratory therapist is permitted to undertake those procedures, actions, and processes. Such procedures, actions, and processes, and the circumstances under which they may be undertaken, may be established through means, including but not limited to statutes, regulations, case law, and other processes available to the

state respiratory therapy licensing authority or other government agency;

Z. "Significant investigative information" means information, records, and documents received or generated by a state respiratory therapy licensing authority pursuant to an investigation for which a determination has been made that there is probable cause to believe that the licensee has violated a statute or regulation that is considered more than a minor infraction for which the state respiratory therapy licensing authority could pursue adverse action against the licensee; and

AA. "State" means any state, commonwealth, district, or territory of the United States.

SECTION 3.

STATE PARTICIPATION IN THIS COMPACT

A. In order to participate in this compact and thereafter continue as a member state, a member state shall:

1. Enact a compact that is not materially different from the model compact;

2. License respiratory therapists;

3. Participate in the commission's data system;

4. Have a mechanism in place for receiving and investigating complaints against licensees and compact privilege holders;

5. Notify the commission, in compliance with the terms of this compact and commission rules, of any adverse action against a licensee, a compact privilege holder, or a license applicant;

6. Notify the commission, in compliance with the terms of this compact and commission rules, of the existence of significant investigative information;

7. Comply with the rules of the commission;

8. Grant the compact privilege to a holder of an active home state license and otherwise meet the applicable requirements of Section 4 of this compact in a member state; and

9. a. Complete a criminal background check for each new licensee at the

time of initial licensure.

b. Where expressly authorized or permitted by federal law, whether such federal law is in effect prior to, at, or after the time of a member state's enactment of this compact, a member state's enactment of this compact shall hereby authorize the member state's respiratory therapy licensing authority to perform criminal background checks as defined in Section 2 of this compact. The absence of such a federal law as described in this subsection shall not prevent or preclude such authorization where it may be derived or granted through means other than the enactment of this compact.

B. Nothing in this compact prohibits a member state from charging a fee for granting and renewing the compact privilege.

SECTION 4.

COMPACT PRIVILEGE

A. To exercise the compact privilege under the terms and provisions of the compact, the licensee shall:

1. Hold and maintain an active home state license as a respiratory therapist;

2. Hold and maintain an active credential from the National Board for Respiratory Care, or its successor, that would qualify them for licensure in the remote state in which they are seeking the compact privilege;

3. Have not had any adverse action against a license within the previous two (2) years;

4. Notify the commission that the licensee is seeking the compact privilege within a remote state;

5. Pay any applicable fees, including any state and commission fees and renewal fees, for the compact privilege;

6. Meet any jurisprudence requirements established by the remote state in

which the licensee is seeking a compact privilege;

7. Report to the commission adverse action taken by any nonmember state within thirty (30) days from the date the adverse action is taken;

8. Report to the commission, when applying for a compact privilege, the address of the licensee's domicile and thereafter promptly report to the commission any change in the address of the licensee's domicile within thirty (30) days of the effective date of the change in address; and

9. Consent to accept service of process by mail at the licensee's domicile on record with the commission with respect to any action brought against the licensee by the commission or a member state, and consent to accept service of a subpoena by mail at the licensee's domicile on record with the commission with respect any action brought or investigation conducted by the commission or a member state.

B. The compact privilege is valid until the expiration date or revocation of the home state license unless terminated pursuant to adverse action. The licensee must comply with all of the requirements of subsection A. of this section to maintain the compact privilege in a remote state. If those requirements are met, no adverse actions are taken, and the licensee has paid any applicable compact privilege renewal fees, then the licensee will maintain the licensee's compact privilege.

C. A licensee providing respiratory therapy in a remote state under the compact privilege shall function within the scope of practice authorized by the remote state for the type of respiratory therapist license the licensee holds. Such procedures, actions, processes, and the circumstances under which they may be undertaken may be established through means, including but not limited to statutes, regulations, case law, and other processes available to the state respiratory therapy licensing authority or other government agency.

D. If a licensee's compact privilege in a remote state is removed by the remote state,

the individual shall lose or be ineligible for the compact privilege in that remote state until the compact privilege is no longer limited or restricted by that state.

E. If a home state license is encumbered, the licensee shall lose the compact privilege in all remote states until the following occur:

1. The home state license is no longer encumbered; and

2. Two (2) years have elapsed from the date on which the license is no longer encumbered due to the adverse action.

F. Once a licensee with a restricted or limited license meets the requirements of subsection E. of this section, the licensee must also meet the requirements of subsection A. of this section to obtain a compact privilege in a remote state.

SECTION 5.

ACTIVE MILITARY MEMBER OR THEIR SPOUSE

A. An active military member, or their spouse, shall designate a home state where the individual has a current license in good standing. The individual may retain the home state designation during the period the service member is on active duty.

B. An active military member and their spouse shall not be required to pay to the commission for a compact privilege any fee that may otherwise be charged by the commission. If a remote state chooses to charge a fee for a compact privilege, it may choose to charge a reduced fee or no fee to an active military member and their spouse for a compact privilege.

SECTION 6.

ADVERSE ACTIONS

A. A member state in which a licensee is licensed shall have authority to impose adverse action against the license issued by that member state.

B. A member state may take adverse action based on significant investigative information of a remote state or the home state, so long as the member state

follows its own procedures for imposing adverse action.

C. Nothing in this compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action and that such participation shall remain nonpublic if required by the member state's laws.

D. A remote state shall have the authority to:

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

2. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, and the production of evidence.

a. Subpoenas may be issued by a respiratory therapy licensing authority in a member state for the attendance and testimony of witnesses and the production of evidence.

b. Subpoenas issued by a respiratory therapy licensing authority in a member state for the attendance and testimony of witnesses shall be enforced in the latter state by any court of competent jurisdiction in the latter state, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it.

c. Subpoenas issued by a respiratory therapy licensing authority in a member state for production of evidence from another member state shall be enforced in the latter state, according to the practice and procedure of that court applicable to subpoenas issued in the proceedings pending before it.

d. 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;

3. Unless otherwise prohibited by state law, recover from the licensee the costs

of investigations and disposition of cases resulting from any adverse action taken against that licensee;

4. Notwithstanding paragraph 2. of this subsection, a member state may not issue a subpoena to gather evidence of conduct in another member state that is lawful in such other member state for the purpose of taking adverse action against a licensee's compact privilege or application for a compact privilege in that member state; and

5. Nothing in this compact authorizes a member state to impose discipline against a respiratory therapist's compact privilege in that member state for the individual's otherwise lawful practice in another state.

E. Joint investigations.

1. In addition to the authority granted to a member state by its respective respiratory therapy practice act or other applicable state law, a member state may participate with other member states in joint investigations of licensees, provided, however, that a member state receiving such a request has no obligation to respond to any subpoena issued regarding an investigation of conduct or practice that was lawful in a member state at the time it was undertaken.

2. Member states shall share any significant investigative information, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the compact. In sharing such information between member state respiratory therapy licensing authorities, all information obtained shall be kept confidential, except as otherwise mutually agreed upon by the sharing and receiving member state or states.

F. 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 that was legal in the member state at the time it was undertaken.

G. Nothing in this compact may permit a member state to take disciplinary action against a licensee or holder of a compact privilege for conduct or practice that was legal in the member state at the time it was undertaken.

SECTION 7.

ESTABLISHMENT OF THE RESPIRATORY CARE INTERSTATE COMPACT COMMISSION

A. The compact member states hereby create and establish a joint government agency whose membership consists of all member states that have enacted the compact known as the Respiratory Care Interstate Compact Commission. The commission is an instrumentality of the compact member states acting jointly and not an instrumentality of any one (1) state. The commission shall come into existence on or after the effective date of the compact, as set forth in Section 11 of this compact.

B. Membership, Voting, and Meetings.

1. Each member state shall have and be limited to one (1) commissioner selected by that member state's respiratory therapy licensing authority.

2. The commissioner shall be an administrator or their designated staff member of the member state's respiratory therapy licensing authority.

3. The commission shall by rule or bylaw establish a term of office for commissioners and may by rule or bylaw establish term limits.

4. The commission may recommend to a member state the removal or suspension any commissioner from office.

5. A member state's respiratory therapy licensing authority shall fill any vacancy of its commissioner occurring on the commission within sixty (60) days of the vacancy.

6. Each commissioner shall be entitled to one (1) vote on all matters before the commission requiring a vote by commissioners.

7. A commissioner shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for commissioners to meet by telecommunication, videoconference, or other means of communication.

8. The commission shall meet at least once during each calendar year. Additional meetings may be held as set forth in the bylaws.

C. The commission shall have the following powers:

1. Establish and amend the fiscal year of the commission;

2. Establish and amend bylaws and policies, including but not limited to a code of conduct and conflict of interest;

3. Establish and amend rules, which shall be binding in all member states;

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

5. Meet and take such actions as are consistent with the provisions of this compact, the commission's rules, and the bylaws;

6. Initiate and conduct legal proceedings or actions in the name of the commission, provided that the standing of any respiratory therapy licensing authority to sue or be sued under applicable law shall not be affected;

7. Maintain and certify records and information provided to a member state as the authenticated business records of the commission, and designate an agent to do so on the commission's behalf;

8. Purchase and maintain insurance and bonds;

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

10. Conduct an annual financial review;

11. 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 commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other

related personnel matters;

12. Assess and collect fees;

13. 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:

a. The commission shall avoid any appearance of impropriety; and

b. The commission shall avoid any appearance of conflict of interest;

14. Lease, purchase, retain, own, hold, improve, or use any property, real, personal, or mixed, or any undivided interest therein;

15. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed;

16. Establish a budget and make expenditures;

17. Borrow money in a fiscally responsible manner;

18. Appoint committees, including standing committees, composed of commissioners, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this compact and the bylaws;

19. Provide and receive information from, and cooperate with, law enforcement agencies;

20. Establish and elect an executive committee, including a chair, vice-chair, secretary, treasurer, and such other offices as the commission shall establish by rule or bylaw;

21. Enter into contracts or arrangements for the management of the affairs of the commission;

22. Determine whether a state's adopted language is materially different from the model compact language such that the state would not qualify for participation in the compact; and

23. Perform such other functions as 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 commission according to the terms of this compact. The powers, duties, and responsibilities of the executive committee shall include:

a. Overseeing the day-to-day activities of the administration of the compact, including enforcement and compliance with the provisions of the compact, its rules and bylaws, and other such duties as deemed necessary;

b. Recommending to the 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;

c. Ensuring compact administration services are appropriately provided, including by contract;

d. Preparing and recommending the budget;

e. Maintaining financial records on behalf of the commission;

f. Monitoring compact compliance of member states and providing compliance reports to the commission;

g. Establishing additional committees as necessary;

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

i. Performing other duties as provided in the rules or bylaws of the commission.

2. The executive committee shall be composed of up to nine (9) members, as further set forth in the bylaws of the commission:

a. Seven (7) voting members who are elected by the commission from the current membership of the commission; and

b. Two (2) ex-officio, nonvoting members;

3. The commission may remove any member of the executive committee as provided in the 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, non-public meeting as provided in subsection F.4. of this section;

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

c. The executive committee may hold a special meeting in accordance with subsection F.2. of this section.

E. The commission shall adopt and provide to the member states an annual report.

F. Meetings of the Compact Commission.

1. All meetings of the commission that are not closed pursuant to paragraph 4. of this subsection shall be open to the public. Notice of public meetings shall be posted on the commission's website at least thirty (30) days prior to the public meeting.

2. Notwithstanding paragraph 1. of this subsection, the commission may convene an emergency public meeting by providing at least twenty-four (24) hours prior notice on the commission's website, and any other means as provided in the commission's rules, for any of the reasons it may dispense with notice of proposed rulemaking under subsection G. of Section 9 of this

compact. The commission's legal counsel shall certify that one (1) of the reasons justifying an emergency public meeting has been met.

3. Notice of all commission meetings shall provide the time, date, and location of the meeting, and if the meeting is to be held or accessible via telecommunication, video conference, or other electronic means, the notice shall include the mechanism for access to the meeting.

4. The commission or the executive committee may convene in a closed, nonpublic meeting for the commission or executive committee to receive or solicit legal advice or to discuss:

a. Noncompliance of a member state with its obligations under the compact;

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

c. Current or threatened discipline of a licensee or compact privilege holder by the commission or by a member state's respiratory therapy licensing authority;

d. Current, threatened, or reasonably anticipated litigation;

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

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

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

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

i. Investigative records compiled for law enforcement purposes;

j. Information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged

with responsibility of investigation or determination of compliance issues pursuant to the compact;

k. Legal advice;

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

m. Other matters as promulgated by the commission by rule.

5. If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the meeting will be closed and reference each relevant exempting provision, and such reference shall be recorded in the minutes.

6. The commission shall keep minutes in accordance with commission rules and bylaws. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the commission or order of a court of competent jurisdiction.

G. Financing of the Compact Commission.

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

2. The commission may accept any and all appropriate revenue sources as provided herein.

3. The 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 commission and its staff. The aggregate annual assessment amount for member states, if any, shall be allocated based upon a formula that the commission shall promulgate by rule.

4. The commission shall not incur obligations of any kind prior to securing the funds or a loan adequate to meet the same; nor shall the commission

pledge the credit of any of the member states, except by and with the authority of the member state.

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

H. Qualified Immunity, Defense, and Indemnification.

1. Nothing herein 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.

2. The member states, commissioners, officers, executive directors, employees, and agents of the 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 commission employment, duties or responsibilities, provided that nothing in this subsection shall be construed to protect any such 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 commission shall not in any way compromise or limit the immunity granted hereunder.

3. The commission shall defend any commissioner, officer, executive director, employee, and agent of the commission in any civil action seeking to impose

liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or as determined by the commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that nothing herein shall be construed to prohibit that person from retaining their own counsel at their 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.

4. The commission shall indemnify and hold harmless any commissioner, member, officer, executive director, employee, and agent of the 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 commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of 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.

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 or regulation.

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

7. The liability of the executive director and employees of the compact commission or representatives of the compact commission, acting within the scope of such person's employment or duties for acts, errors, or omissions

occurring within such person's state, may not exceed the limits of liability set forth under the constitution and laws of that state for state officials, employees, and agents. The compact commission is considered to be an instrumentality of the states for the purposes of any such action.

SECTION 8.

DATA SYSTEM

A. The commission shall provide for the development, maintenance, operation, and utilization of a coordinated database and reporting system containing licensure, adverse action, and the presence of significant investigative information.

B. Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system as required by the rules of the commission, including but not limited to:

1. Identifying information;

2. Licensure data;

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

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

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

6. The presence of current significant investigative information; and

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

C. No member state shall submit any information which constitutes criminal history record information, as defined by applicable federal law, to the data system established hereunder.

D. The records and information provided to a member state pursuant to this compact

or through the data system, when certified by the commission or an agent thereof, shall constitute the authenticated business records of the commission, and shall be entitled to any associated hearsay exception in any relevant judicial, quasi-judicial, or administrative proceedings in a member state.

E. Significant investigative information pertaining to a licensee in any member state will only be available to other member states.

F. It is the responsibility of the member states to report any adverse action against a licensee and to monitor the database to determine whether adverse action has been taken against a licensee. adverse action information pertaining to a licensee in any member state will be available to any other member state.

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

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

SECTION 9.

RULEMAKING

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

B. For purposes of the compact, the rules of the commission shall have the force of law in each member state.

C. The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules shall become binding as of the date specified in each rule.

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 (4) years of the date of adoption of the rule, then such 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 commission.

F. Prior to adoption of a proposed rule, the commission shall hold a public hearing and allow persons to provide oral and written comments, data, facts, opinions, and arguments.

G. Prior to adoption of a proposed rule by the commission, and at least thirty (30) days in advance of the meeting at which the commission will hold a public hearing on the proposed rule, the commission shall provide a notice of proposed rulemaking:

1. On the website of the commission or other publicly accessible platform;

2. To persons who have requested notice of the commission's notices of proposed rulemaking, and

3. In such other ways as the commission may by rule specify.

H. The notice of proposed rulemaking shall include:

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

2. If the hearing is held via telecommunication, video conference, or other electronic means, 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.

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

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

K. The commission shall, by majority vote of all commissioners, take final action on the proposed rule based on the rulemaking record and the full text of the rule.

1. The commission may adopt changes to the proposed rule provided the changes are consistent with the original purpose of the proposed rule.

2. The 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.

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

L. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule with twenty-four (24) hours' notice, and with opportunity to comment, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that

must be adopted immediately in order to:

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

2. Prevent a loss of commission or member state funds;

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

4. Protect public health and safety.

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

N. No member state's rulemaking process or procedural requirements shall apply to the commission. The commission shall have no authority over any member state's rulemaking process or procedural requirements that do not pertain to the compact.

O. Nothing in this compact, nor any rule or regulation of the commission, shall be construed to limit, restrict, or in any way reduce the ability of a member state to enact and enforce laws, regulations, or other rules related to the practice of respiratory therapy in that state, where those laws, regulations, or other rules are not inconsistent with the provisions of this compact.

SECTION 10.

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. Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it 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 such similar matter.

3. The 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 such a proceeding for all purposes. Failure to provide the commission service of process shall render a judgment or order void as to the commission, this compact, or promulgated rules.

B. Default, Technical Assistance, and Termination.

1. If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated 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 commission may take, and shall offer training and specific technical assistance regarding the default.

2. The 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 been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, the defaulting state's respiratory therapy licensing authority and each of the member states' respiratory therapy licensing authorities.

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

F. Upon the termination of a state's membership from this compact, that state shall immediately provide notice to all licensees and compact privilege holders, of which the commission has a record, within that state of such termination. The terminated state shall continue to recognize all licenses granted pursuant to this compact for a minimum of one hundred eighty (180) days after the date of said notice of termination.

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

H. The defaulting state may appeal the action of the commission by petitioning the

United States District Court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

I. Dispute Resolution.

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

2. The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes, as appropriate.

J. Enforcement.

1. By majority vote, as may be further provided by rule, the commission may initiate legal action against a member state in default in the United States District Court for the District of Columbia or the federal district where the commission has its principal offices to enforce compliance with the provisions of the compact and its promulgated rules. A member state by enactment of this compact consents to venue and jurisdiction in such court for the purposes set forth herein. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees. The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or the defaulting member state's law.

2. A member state may initiate legal action against the commission in the United States District Court for the District of Columbia or the federal district where the commission has its principal offices to enforce compliance with the provisions of the compact and its promulgated rules. The relief sought may include both injunctive relief and damages. In the

event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

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

SECTION 11.

EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

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

1. On or after the effective date of the compact, the commission shall convene and review the enactment of each of the first seven (7) member states to determine if the statute enacted by each such charter member state is materially different than the model compact.

a. A charter member state whose enactment is found to be materially different from the model compact shall be entitled to the default process set forth in Section 10 of this compact.

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

2. Member states enacting the compact subsequent to the seven (7) initial charter member states shall be subject to the process set forth herein and commission rule to determine if their enactments are materially different from the model compact and whether they qualify for participation in the compact.

3. All actions taken for the benefit of the commission or in furtherance of the purposes of the administration of the compact prior to the effective date of the compact or the commission coming into existence shall be considered to

be actions of the commission unless specifically repudiated by the commission. The commission shall own and have all rights to any intellectual property developed on behalf or in furtherance of the commission by individuals or entities involved in organizing or establishing the commission, as may be further set forth in rules of the commission.

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

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

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

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

3. Upon the enactment of a statute withdrawing from this compact, a state shall immediately provide notice of such withdrawal to all licensees and compact privilege holders, of which the commission has a record, within that state. Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing state shall continue to recognize all licenses granted pursuant to this compact for a minimum of one hundred eighty (180) days after the date of such notice of withdrawal.

C. Nothing contained in this compact shall be construed to invalidate or prevent any licensure agreement or other cooperative arrangement between a member state

and a nonmember state that does not conflict with the provisions of this compact.

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

SECTION 12.

CONSTRUCTION AND SEVERABILITY

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

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

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

SECTION 13.

CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

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

B. Any laws, statutes, regulations, or other legal requirements in a member state in conflict with the compact are superseded to the extent of the conflict, including any subsequently enacted state laws.

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

D. Other than as expressly set forth herein, nothing in this compact will impact initial licensure.

SECTION 14.

APPLICABILITY TO KENTUCKY STATE GOVERNMENT

In order to clarify the effect of certain provisions of this compact and to ensure that the rights and responsibilities of the various branches of government are maintained, the following shall be in effect in this state:

A. By entering into this compact, this state authorizes the state respiratory therapy licensing authority as defined in Section 2.W. of this compact and as created by KRS 314A.200 to implement the provisions of this compact;

B. Notwithstanding any provision of this compact to the contrary:

1. When a rule is adopted pursuant to Section 9 of this compact, the state respiratory therapy licensing authority as defined in Section 2.W. of this compact shall have sixty (60) days to review the rule for the purpose of filing the rule as an emergency administrative regulation pursuant to KRS 13A.190 and for filing the rule as an accompanying ordinary administrative regulation, in accordance with the requirements in KRS Chapter 13A. Failure by the state respiratory therapy licensing authority as defined in

Section 2.W. of this compact to promulgate a rule adopted by the Respiratory Care Interstate Compact Commission as an administrative regulation pursuant to KRS Chapter 13A shall result in the initiation of the process for withdrawal as set forth in Section 11 of this compact. Nothing in these provisions shall negate the applicability and effect of a commission rule or Section 9 of this compact to this state;

2. If the proposed administrative regulation is found deficient and the deficiency is not resolved pursuant to KRS 13A.330 or 13A.335, the provisions of Section 10 of this compact shall apply. If the deficiency is resolved in a manner determined by the Respiratory Care Interstate Compact Commission to be inconsistent with this compact or its rules, or if the procedures under Section 10 of this compact fail to resolve an issue, the withdrawal provisions of Section 11 of this compact shall apply; and

3. If a court of competent jurisdiction determines that the Respiratory Care Interstate Compact Commission created by Section 7 of this compact exercises its rulemaking authority in a manner that is beyond the scope of the purposes of this compact, or the powers granted under this compact, then such an action by the commission shall be invalid and have no force or effect;

C. Section 7.G. of this compact pertaining to the financing of the Respiratory Care Interstate Compact Commission shall not be interpreted to obligate the general fund of this state. Any funds used to finance this compact shall be from money collected pursuant to KRS 314A.215; and

D. This compact shall apply only to those respiratory therapists who practice or work under a compact privilege.

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 310 IS CREATED TO READ AS FOLLOWS:

SECTION 1.

PURPOSE

The purpose of this compact is to facilitate interstate practice of dietetics with the goal of improving public access to dietetics services. This compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure, while also providing for licensure portability through a compact privilege granted to qualifying professionals. This compact is designed to achieve the following objectives:

A. Increase public access to dietetics services;

B. Provide opportunities for interstate practice by licensed dietitians who meet uniform requirements;

C. Eliminate the necessity for licenses in multiple states;

D. Reduce administrative burden on member states and licensees;

E. Enhance the states' ability to protect the public's health and safety;

F. Encourage the cooperation of member states in regulating multistate practice of licensed dietitians;

G. Support relocating active military members and their spouses;

H. Enhance the exchange of licensure, investigative, and disciplinary information among member states; and

I. Vest all member states with the authority to hold a licensed dietitian accountable for meeting all state practice laws in the state in which the patient is located at the time care is rendered.

SECTION 2.

DEFINITIONS

As used in this compact, and except as otherwise provided, the following definitions shall apply:

A. "ACEND" means the Accreditation Council for Education in Nutrition and

Dietetics or its successor organization;

B. "Active military member" means any individual with full-time duty status in the active Armed Forces of the United States, including members of the National Guard and Reserve;

C. "Adverse action" means any administrative, civil, equitable, or criminal action permitted by a state's laws which is imposed by a licensing authority or other authority against a licensee, including actions against an individual's license or compact privilege such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee's practice, or any other encumbrance on licensure affecting a licensee's authorization to practice, including issuance of a cease and desist action;

D. "Alternative program" means a nondisciplinary monitoring or practice remediation process approved by a licensing authority;

E. "CDR" means the Commission on Dietetic Registration or its successor organization;

F. "Charter member state" means any member state which enacted this compact by law before the effective date specified in Section 12 of this compact;

G. "Compact commission" means the government agency whose membership consists of all states that have enacted this compact, which is known as the Dietitian Licensure Compact Commission, as described in Section 8 of this compact, and which shall operate as an instrumentality of the member states;

H. "Compact privilege" means a legal authorization, which is equivalent to a license, permitting the practice of dietetics in a remote state;

I. "Continuing education" means a requirement, as a condition of license renewal, to provide evidence of participation in, and completion of, educational and professional activities relevant to practice or area of work;

J. "Current significant investigative information" means:

1. 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 proved true, would indicate more than a minor infraction; or

2. 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;

K. "Data system" means a repository of information about licensees, including but not limited to continuing education, examination, licensure, investigative, compact privilege, and adverse action information;

L. "Encumbered license" means a license in which an adverse action restricts a licensee's ability to practice dietetics;

M. "Encumbrance" means a revocation or suspension of, or any limitation on, a licensee's full and unrestricted practice of dietetics by a licensing authority;

N. "Executive committee" means a group of delegates elected or appointed to act on behalf of, and within the powers granted to them by, this compact and the compact commission;

O. "Home state" means the member state that is the licensee's primary state of residence or that has been designated pursuant to Section 6 of this compact;

P. "Investigative information" means information, records, and documents received or generated by a licensing authority pursuant to an investigation;

Q. "Jurisprudence requirement" means an assessment of an individual's knowledge of the state laws and regulations governing the practice of dietetics in such state;

R. "License" means an authorization from a member state to either:

1. Engage in the practice of dietetics, including medical nutrition therapy; or

2. Use the title "dietitian," "licensed dietitian," "licensed dietitian nutritionist," "certified dietitian," or other title describing a substantially

similar practitioner as the compact commission may further define by rule;

S. "Licensee" or "licensed dietitian" means an individual who currently holds a license and who meets all of the requirements outlined in Section 4 of this compact;

T. "Licensing authority" means the board or agency of a state, or equivalent, that is responsible for the licensing and regulation of the practice of dietetics;

U. "Member state" means a state that has enacted the compact;

V. "Practice of dietetics" means the synthesis and application of dietetics as defined by state law and administrative regulations, primarily for the provision of nutrition care services, including medical nutrition therapy, in person or via telehealth, to prevent, manage, or treat diseases or medical conditions and promote wellness;

W. "Registered dietitian" means a person who:

1. Has completed applicable education, experience, examination, and recertification requirements approved by CDR;

2. Is credentialed by CDR as a registered dietitian or a registered dietitian nutritionist; and

3. Is legally authorized to use the title registered dietitian or registered dietitian nutritionist and the corresponding abbreviations "RD" or "RDN";

X. "Remote state" means a member state other than the home state, where a licensee is exercising or seeking to exercise a compact privilege;

Y. "Rule" means a regulation promulgated by the compact commission that has the force of law;

Z. "Single state license" means a license issued by a member state within the issuing state and does not include a compact privilege in any other member state;

AA. "State" means any state, commonwealth, district, or territory of the United States of America; and

AB. "Unencumbered license" means a license that authorizes a licensee to engage in the full and unrestricted practice of dietetics.

SECTION 3.

STATE PARTICIPATION IN THE COMPACT

A. To participate in the compact, a state must currently:

1. License and regulate the practice of dietetics; and

2. Have a mechanism in place for receiving and investigating complaints about licensees.

B. A member state shall:

1. Participate fully in the compact commission's data system, including using the unique identifier as defined in the rules;

2. 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;

3. Implement or utilize procedures for considering the criminal history record information of applicants for an initial compact privilege. 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.

a. A member state must fully implement a criminal history record information requirement, within a time frame established by rule, which includes receiving the results of the Federal Bureau of Investigation record search and shall use those results in determining compact privilege eligibility.

b. Communication between a member state and the compact commission

or among member states regarding the verification of eligibility for a compact privilege shall not include any information received from the Federal Bureau of Investigation relating to a federal criminal history record information check performed by a member state;

4. Comply with and enforce the rules of the compact commission;

5. Require an applicant for a compact privilege to obtain or retain a license in the licensee's home state and meet the home state's qualifications for licensure or renewal of licensure, as well as all other applicable state laws; and

6. Recognize a compact privilege granted to a licensee who meets all of the requirements outlined in Section 4 of this compact in accordance with the terms of the compact and rules.

C. Member states may set and collect a fee for granting a compact privilege.

D. Individuals not residing in a member state shall continue to be able to apply for a member state's single state license as provided under the laws of each member state. However, the single state license granted to these individuals shall not be recognized as granting a compact privilege to engage in the practice of dietetics in any other member state.

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

F. At no point shall the compact commission have the power to define the requirements for the issuance of a single state license to practice dietetics. The member states shall retain sole jurisdiction over the provision of these requirements.

SECTION 4.

COMPACT PRIVILEGE

A. To exercise the compact privilege under the terms and provisions of the compact,

the licensee shall:

1. Satisfy one (1) of the following:

a. Hold a valid current registration that gives the applicant the right to use the term registered dietitian; or

b. Complete all of the following:

i. An education program which is either:

(a) A master's degree or doctoral degree that is programmatically accredited by ACEND or by a dietetics accrediting agency recognized by the United States Department of Education, which the compact commission may by rule determine, and from a college or university accredited at the time of graduation by the appropriate regional accrediting agency recognized by the Council on Higher Education Accreditation and the United States Department of Education; or

(b) An academic degree from a college or university in a foreign country equivalent to the degree described in subsection A.1.b.i. of this section that is programmatically accredited by ACEND or by a dietetics accrediting agency recognized by the United States Department of Education, which the compact commission may by rule determine;

ii. A planned, documented, supervised practice experience in dietetics that is programmatically accredited by ACEND or by a dietetics accrediting agency recognized by the United States Department of Education which the compact commission may by rule determine and which involves at least one thousand (1,000) hours of practice experience under the supervision of a registered dietitian or a licensed dietitian; and

iii. Successful completion of either the registration examination for dietitians administered by CDR or a national credentialing examination for dietitians approved by the compact commission by rule, with such completion being no more than five (5) years prior to the date of the licensee's application for initial licensure and accompanied by a period of continuous licensure thereafter, all of which may be further governed by the Rules of the compact commission;

2. Hold an unencumbered license in the home state;

3. Notify the compact commission that the licensee is seeking a compact privilege within a remote state or states;

4. Pay any applicable fees, including any state fee, for the compact privilege;

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

6. Report to the compact commission any adverse action, encumbrance, or restriction on a license taken by any nonmember state within thirty (30) days from the date the action is taken.

B. The compact privilege is valid until the expiration date of the home state license. To maintain a compact privilege, renewal of the compact privilege shall be congruent with the renewal of the home state license as the compact commission may define by rule. The licensee must comply with the requirements of subsection A. of this section to maintain the compact privilege in the remote state or states.

C. A licensee exercising a compact privilege shall adhere to the laws and regulations of the remote state. Licensees shall be responsible for educating themselves on, and complying with, any and all state laws relating to the practice of dietetics in such remote state.

D. Notwithstanding anything to the contrary provided in this compact or state law, a

licensee exercising a compact privilege shall not be required to complete continuing education requirements required by a remote state. A licensee exercising a compact privilege is only required to meet any continuing education requirements as required by the home state.

SECTION 5.

OBTAINING A NEW HOME STATE LICENSE BASED ON A COMPACT PRIVILEGE

A. A licensee may hold a home state license, which allows for a compact privilege in other member states, in only one (1) member state at a time.

B. If a licensee changes home state by moving between two (2) member states:

1. The licensee shall file an application for obtaining a new home state license based on a compact privilege, pay all applicable fees, and notify the current and new home state in accordance with the rules of the compact commission;

2. Upon receipt of an application for obtaining a new home state license by virtue of a compact privilege, the new home state shall verify that the licensee meets the criteria in Section 4 of this compact via the data system, and require that the licensee complete the following:

a. Federal Bureau of Investigation fingerprint based criminal history record information check;

b. Any other criminal history record information required by the new home state; and

c. Any jurisprudence requirements of the new home state;

3. The former home state shall convert the former home state license into a compact privilege once the new home state has activated the new home state license in accordance with applicable rules adopted by the compact commission;

4. Notwithstanding any other provision of this compact, if the licensee cannot meet the criteria in Section 4 of this compact, the new home state may apply its requirements for issuing a new single state license; and

5. The licensee shall pay all applicable fees to the new home state in order to be issued a new home state license.

C. If a license changes their state of residence by moving from a member state to a nonmember state, or from a nonmember state to a member state, the state criteria shall apply for issuance of a single state license in the new state.

D. Nothing in this compact shall interfere with a licensee's ability to hold a single state license in multiple states; however, for the purposes of this compact, a licensee shall have only one (1) home state license.

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

SECTION 6.

ACTIVE MILITARY MEMBERS OR THEIR SPOUSES

An active military member, or their spouse, shall designate a home state where the individual has a current license in good standing. The individual may retain the home state designation during the period the service member is on active duty.

SECTION 7.

ADVERSE ACTIONS

A. In addition to the other powers conferred by state law, a remote state shall have the authority, in accordance with existing state due process law, to:

1. Take adverse action against a licensee's compact privilege within that member state; and

2. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing authority in a member state for the

attendance and testimony of witnesses or the production of evidence from another member state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure applicable to subpoenas issued in proceedings pending before that court. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state in which the witnesses or evidence are located.

B. Only the home state shall have the power to take adverse action against a licensee's home state license.

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

D. The home state shall complete any pending investigations of a licensee who changes home states during the course of the investigations. The home state shall also have authority to take appropriate action and shall promptly report the conclusions of the investigations to the administrator of the data system. The administrator of the data system shall promptly notify the new home state of any adverse actions.

E. 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.

F. A member state may take adverse action based on the factual findings of another remote state, provided that the member state follows its own procedures for taking the adverse action.

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 investigative, litigation, or compliance materials in furtherance of any joint investigation initiated under the compact.

H. If adverse action is taken by the home state against a licensee's home state resulting in an encumbrance on the home state license, the licensee's compact privilege in all other member states shall be revoked until all encumbrances have been removed from the home state license. All home state disciplinary orders that impose adverse action against a licensee shall include a statement that the licensee's compact privileges are revoked in all member states during the pendency of the order.

I. Once an encumbered license in the home state is restored to an unencumbered license, as certified by the home state's licensing authority, the licensee must meet the requirements of Section 4A. of this compact and follow the administrative requirements to reapply to obtain a compact privilege in any remote state.

J. If a member state takes adverse action, it shall promptly notify the administrator of the data system. The administrator of the data system shall promptly notify the other member states state of any adverse actions.

K. Nothing in this compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action.

SECTION 8.

ESTABLISHMENT OF THE DIETITIAN LICENSURE COMPACT COMMISSION

A. The compact member states hereby create and establish a joint government agency whose membership consists of all member states that have enacted the compact known as the Dietitian Licensure Compact Commission. The compact commission is an instrumentality of the compact states acting jointly and not an

instrumentality of any one (1) state. The compact commission shall come into existence on or after the effective date of the compact as set forth in Section 12 of this compact.

B. Membership, Voting, and Meetings.

1. Each member state shall have and be limited to one (1) delegate selected by that member state's licensing authority.

2. The delegate shall be the primary administrator of the licensing authority or their designee.

3. The compact commission shall by rule or bylaw establish a term of office for delegates and may by rule or bylaw establish term limits.

4. The compact commission may recommend removal or suspension of any delegate from office.

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

6. Each delegate shall be entitled to one (1) vote on all matters before the compact commission requiring a vote by the delegates.

7. Delegates shall meet and vote by such means as set forth in the bylaws. The bylaws may provide for delegates to meet and vote in-person or by telecommunication, video conference, or other means of communication.

8. The compact commission shall meet at least once during each calendar year. Additional meetings may be held as set forth in the bylaws. The compact commission may meet in person or by telecommunication, video conference, or other means of communication.

C. The compact commission shall have the following powers:

1. Establish the fiscal year of the compact commission;

2. Establish code of conduct and conflict of interest policies;

3. Establish and amend rules and bylaws;

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

5. Meet and take such actions as are consistent with the provisions of this compact, the compact commission's rules, and the bylaws;

6. Initiate and conclude legal proceedings or actions in the name of the compact commission, provided that the standing of any licensing authority to sue or be sued under applicable law shall not be affected;

7. Maintain and certify records and information provided to a member state as the authenticated business records of the compact commission, and designate an agent to do so on the compact commission's behalf;

8. Purchase and maintain insurance and bonds;

9. Borrow, accept, or contract for services of personnel, including but not limited to employees of a member state;

10. Conduct an annual financial review;

11. 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;

12. Assess and collect fees;

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

14. Lease, purchase, retain, own, hold, improve, or use any property, real, personal, or mixed, or any undivided interest therein;

15. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise

dispose of any property, real, personal, or mixed;

16. Establish a budget and make expenditures;

17. Borrow money;

18. Appoint committees, including standing committees, composed of members, state regulators, state legislators or their representatives, consumer representatives, and such other interested persons as may be designated in this compact or the bylaws;

19. Provide and receive information from, and cooperate with, law enforcement agencies;

20. Establish and elect an executive committee, including a chair and a vice chair;

21. Determine whether a state's adopted language is materially different from the model compact language such that the state would not qualify for participation in the compact; and

22. Perform such other functions as 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. Oversee the day-to-day activities of the administration of the compact including enforcement and compliance with the provisions of the compact, its rules and bylaws, and other such duties as deemed necessary;

b. 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;

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

d. Prepare and recommend the budget;

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

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

g. Establish additional committees as necessary;

h. 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; and

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

2. The executive committee shall be composed of nine (9) members:

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

b. Five (5) voting members from the current membership of the compact commission, elected by the compact commission;

c. One (1) ex officio, nonvoting member from a recognized professional association representing dietitians; and

d. One (1) ex officio, nonvoting member from a recognized national credentialing organization for dietitians.

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 subsection F.2. of this section.

b. The executive committee shall give thirty (30) days' notice of its meetings, posted on the website of the compact commission and as determined to provide notice to persons with an interest in the business of the compact commission.

c. The executive committee may hold a special meeting in accordance with subsection F.1.b. of this section.

E. The compact commission shall adopt and provide to the member states an annual report.

F. Meetings of the Compact Commission.

1. All meetings shall be open to the public, except that the compact commission may meet in a closed, nonpublic meeting as provided in subsection F.2. of this section.

a. Public notice for all meetings of the full compact commission shall be given in the same manner as required under the rulemaking provisions in Section 10 of this compact, except that the compact commission may hold a special meeting as provided in subsection F.1.b. of this section.

b. The compact commission may hold a special meeting when it must meet to conduct emergency business by giving twenty-four (24) hours' notice to all member states, on the compact commission's website, and other means as provided in the compact commission's rules. The compact commission's legal counsel shall certify that the compact commission's need to meet qualifies as an emergency.

2. The compact commission or the executive committee or other committees of the compact commission may convene in a closed, nonpublic meeting for

the compact commission or executive committee or other committees of the compact commission to receive legal advice or to discuss:

a. Noncompliance of a member state with its obligations under the compact;

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

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

d. Current, threatened, or reasonably anticipated litigation;

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

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

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

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

i. Investigative records compiled for law enforcement purposes;

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

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

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

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

4. The compact commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such 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 subsection C.13. of 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, in a total amount, be 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 promulgate by rule.

4. The compact commission shall not incur obligations of any kind prior to securing the funds 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 disbursements of the compact commission shall be subject to the financial review 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 by a certified or licensed public accountant, and the report of the financial review 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 paragraph shall be construed to protect any such 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 hereunder.

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 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 herein shall be construed to prohibit that person from retaining their own counsel at their 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 herein 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.

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 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.

7. The liability of the executive director and employees of the compact commission or representatives of the compact commission, acting within the

scope of such person's employment or duties for acts, errors, or omissions occurring within such person's state, may not exceed the limits of liability set forth under the constitution and laws of that state for state officials, employees, and agents. The compact commission is considered to be an instrumentality of the states for the purposes of any such action.

SECTION 9.

DATA SYSTEM

A. The compact commission shall provide for the development, maintenance, operation, and utilization of a coordinated data system.

B. The compact commission shall assign each applicant for a compact privilege a unique identifier, as determined by the rules.

C. 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 individuals to whom this compact is applicable as required by the rules of the compact commission, including:

1. Identifying information;

2. Licensure data;

3. Adverse actions against a license or compact privilege and information related thereto;

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

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

6. The presence of current significant investigative information; and

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

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

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

F. It is the responsibility of the member states to report any adverse action against a licensee and to monitor the data system to determine whether any adverse action has been taken against a licensee. Adverse action information pertaining to a licensee in any member state will be available to any other member state.

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

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

SECTION 10.

RULEMAKING

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

B. The rules of the compact commission shall have the force of law in each member

state, provided however that where the rules conflict with the laws or regulations of a member state that relate to the procedures, actions, and processes a licensed dietitian is permitted to undertake in that state and the circumstances under which they may do so, as held by a court of competent jurisdiction, the rules of the compact commission shall be ineffective in that state to the extent of the conflict.

C. The compact commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules shall become binding on the day following adoption or 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 (4) years of the date of adoption of the rule, then such 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.

G. Prior to adoption of a proposed rule by the compact commission, and at least thirty (30) days in advance of the meeting at which the compact commission will hold a 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 such other ways as the compact commission may by rule specify.

H. 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;

2. If the hearing is held via telecommunication, video conference, or other means of communication, 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.

I. 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.

J. 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.

K. The compact commission shall, by majority vote of all members, 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.

3. The compact commission shall determine a reasonable effective date for the

rule. Except for an emergency as provided in subsection 10.L. of this section, the effective date of the rule shall be no sooner than thirty (30) days after issuing the notice that it adopted or amended the rule.

L. Upon determination that an emergency exists, the compact commission may consider and adopt an emergency rule with twenty-four (24) hours' notice, with opportunity to comment, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

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

2. Prevent a loss of compact commission or member state funds;

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

4. Protect public health and safety.

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

N. No member state's rulemaking requirements shall apply under this compact.

SECTION 11.

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 this 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 it 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 such similar matter.

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 such a 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 promulgated 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 promulgated rules, the compact 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 delegates 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 been exhausted. Notice of intent to suspend or terminate shall be given by the compact commission to the Governor, the majority and minority leaders of the defaulting state's legislature, the defaulting state's licensing authority, and each of the member states' licensing authority.

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

F. Upon the termination of a state's membership from this compact, that state shall immediately provide notice to all licensees within that state of such termination. The terminated state shall continue to recognize all compact privileges granted pursuant to this compact for a minimum of six (6) months after the date of said notice of termination.

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

H. The defaulting state may appeal the action of the compact commission by

petitioning the United States District Court for the District of Columbia or the federal district where the compact commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

I. Dispute Resolution.

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

2. The compact commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

J. Enforcement.

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

2. A member state may initiate legal action against the compact commission in the United States District Court for the District of Columbia or the federal district where the compact commission has its principal offices to enforce compliance with the provisions of the compact and its promulgated rules. The relief sought may include both injunctive relief and damages. In the

event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

3. No party other than a member state shall enforce this compact against the compact commission.

SECTION 12.

EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

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

1. On or after the effective date of the compact, the compact commission shall convene and review the enactment of each of the first seven (7) member states ("charter member states") to determine if the statute enacted by each such charter member state is materially different than the model compact statute.

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

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

2. Member states enacting the compact subsequent to the seven (7) initial charter member states shall be subject to the process set forth in Section 8.C.21. of this compact to determine if their enactments are materially different from the model compact statute and whether they qualify for participation in the compact.

3. All actions taken for the benefit of the compact commission or in furtherance of the purposes of the administration of the compact prior to

the effective date of the compact or the compact commission coming into existence shall be considered to be actions of the compact commission unless specifically repudiated by the compact commission.

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

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

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

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

3. Upon the enactment of a statute withdrawing from this compact, a state shall immediately provide notice of such withdrawal to all licensees within that state. Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing state shall continue to recognize all compact privileges granted pursuant to this compact for a minimum of one hundred eighty (180) days after the date of such notice of withdrawal.

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

D. This compact may be amended by the member states. No amendment to this

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

SECTION 13.

CONSTRUCTION AND SEVERABILITY

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

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

C. Notwithstanding subsection B. of this section, the compact commission may deny a state's participation in the compact or, in accordance with the requirements of Section 11.B. of this compact, terminate a member state's participation in the compact, if it determines that a constitutional requirement of a member state is a material departure from the compact. Otherwise, if this compact shall be held to be contrary to the constitution of any member state, the compact shall remain in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters.

SECTION 14.

CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

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

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

C. All permissible agreements between the compact commission and the member states are binding in accordance with their terms.

SECTION 15.

APPLICABILITY TO KENTUCKY STATE GOVERNMENT

In order to clarify the effect of certain provisions of this compact and to ensure that the rights and responsibilities of the various branches of government are maintained, the following shall be in effect in this state:

A. By entering into this compact, this state authorizes the state licensing authority as defined in Section 2.T. of this compact and as created by KRS 310.040 to implement the provisions of this compact;

B. Notwithstanding any provision of this compact to the contrary:

1. When a rule is adopted pursuant to Section 10 of this compact, the state licensing authority as defined in Section 2.T. of this compact shall have sixty (60) days to review the rule for the purpose of filing the rule as an emergency administrative regulation pursuant to KRS 13A.190 and for filing the rule as an accompanying ordinary administrative regulation, following the requirements of KRS Chapter 13A. Failure by the state licensing authority as defined in Section 2.T. of this compact to promulgate a rule adopted by the Dietitian Licensure Compact Commission as an administrative regulation pursuant to KRS Chapter 13A shall result in the initiation of the process for withdrawal as set forth in Section 12 of this compact. Nothing in these provisions shall negate the applicability and effect of a commission rule or Section 11 of this compact to this state;

2. If the proposed administrative regulation is found deficient and the deficiency is not resolved pursuant to KRS 13A.330 or 13A.335, the provisions of Section 11 of this compact shall apply. If the deficiency is resolved in a manner determined by the Dietitian Licensure Compact Commission to be inconsistent with this compact or its rules, or if the procedures under Section 11 of this compact fail to resolve an issue, the withdrawal provisions of Section 12 of this compact shall apply; and

3. If a court of competent jurisdiction determines that the Dietitian Licensure Compact Commission created by Section 8 of this compact exercises its rulemaking authority in a manner that is beyond the scope of the purposes of this compact, or the powers granted under this compact, then such an action by the commission shall be invalid and have no force or effect;

C. Section 8.G. of this compact pertaining to the financing of the Dietitian Licensure Compact Commission shall not be interpreted to obligate the general fund of this state. Any funds used to finance this compact shall be from money collected pursuant to KRS 310.041; and

D. This compact shall apply only to those dietitians who practice or work under a compact privilege.

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 310 IS CREATED TO READ AS FOLLOWS:

(1) The board shall require a criminal background check by means of a fingerprint check by the Department of Kentucky State Police and the Federal Bureau of Investigation for:

(a) Applicants applying for initial licensure after the effective date of this Act; and

(b) Applicants applying for an initial compact privilege granted under Section 1 of this Act to practice dietetics in Kentucky.

(2) The board may require a criminal background check by means of a fingerprint check by the Department of Kentucky State Police and the Federal Bureau of Investigation for a licensee who is the subject of an active investigation for a violation under this chapter or administrative regulations promulgated thereunder.

(3) A criminal background check shall not be required by the board solely for the purposes of renewing a license granted under KRS 310.021.

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO READ AS FOLLOWS:

ATHLETIC TRAINER COMPACT

SECTION 1. TITLE AND PURPOSE

This statute 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.

This compact is designed to achieve the following objectives:

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

B. Provide an additional streamlined opportunity for interstate practice by licensed athletic trainers who meet compact uniform requirements;

C. Promote mobility and workforce development by eliminating the necessity for licenses in multiple states by providing for the mutual recognition of other licenses issued by member states;

D. Reduce administrative burdens on licensed athletic trainers and member states;

E. Enhance the states' ability to protect the public's health and safety;

F. Encourage the cooperation of member states in regulating interstate practice of

licensed athletic trainers;

G. Support relocating active military members and their spouses;

H. Enhance the exchange of licensure, investigative, and disciplinary information among member states;

I. Allow for the use of telehealth to facilitate increased access to athletic training services;

J. Support the uniformity of licensed athletic trainer licensure requirements throughout the states;

K. Affirm the authority of all member states to hold a licensed athletic trainer accountable for abiding by the scope of practice in the state in which the patient is located at the time of care; and

L. Require adherence to the model compact language in order to promote uniformity and ensure that all member states have accepted and are mutually obligated to the same terms.

SECTION 2. DEFINITIONS

As used in this compact, unless the context requires otherwise, the following definitions shall apply:

A. "Active military member" means any individual with full-time duty status in the active armed forces of the United States, including members of the National Guard and Reserve;

B. "Adverse action" means any administrative, civil, equitable or criminal action permitted by a state's laws which is imposed by a licensing authority or other authority against a licensee, including actions against an individual's license or compact privilege such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee's practice, or any other encumbrance on licensure affecting a licensee's authorization to practice;

C. "Alternative program" means a non-disciplinary monitoring or practice

remediation process applicable to an athletic trainer approved by a state licensing authority of a member state in which the athletic trainer is licensed. This includes, but is not limited to, programs to which licensees with substance use, addiction, or mental health conditions are referred in lieu of adverse action;

D. "Athletic training" means the prevention, examination, assessment, treatment and rehabilitation of emergent, acute, or chronic injuries and medical conditions as defined by applicable member state laws and regulations;

E. "Athletic Trainer Compact Commission" or "Compact Commission" means the government agency whose membership consists of all states that have enacted this compact, as described herein and which shall operate as an instrumentality of the member states to administer and implement the compact according to its terms;

F. "BOC" means the Board of Certification, Inc., or any successor organization thereto;

G. "CAATE" means the Commission on Accreditation of Athletic Training Education or any successor organization thereto;

H. "Charter member state" means any member state which enacted and made effective this compact by law before the compact effective date specified herein;

I. "Commissioner" means the individual appointed by a member state to serve as the member of the commission for that member state;

J. "Compact privilege" means 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;

K. "Compact qualifying license" means 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 4 of this compact;

L. "Continuing competence" means 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 herein;

M. "Current significant investigative information" means the existence of:

1. 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

2. 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;

N. "Criminal background check" means 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. sec. 20.3(d) from the Federal Bureau of Investigation and the state's criminal history record repository as defined in 28 C.F.R. sec. 20.3(f);

O. "Data system" means the commission's repository of information about licensees, including but not limited to examination, licensure, investigative, compact privilege, adverse action, and alternative program;

P. "Encumbrance" or "encumbered" means a revocation or suspension of, or any limitation or condition on, the full and unrestricted practice of athletic training;

Q. "Executive committee" means a group of commissioners elected or appointed to act on behalf of, and within the powers granted to them by, the compact and commission;

R. "Investigative information" means information, records, and documents received or generated by a licensing authority pursuant to an investigation;

S. "Jurisprudence requirement" means the assessment of an individual's knowledge of the laws and rules governing the practice of athletic training, as applicable, in a state;

T. "License" means current authorization by a member state to engage in the practice of athletic training;

U. "Licensee" or "licensed athletic trainer" means an individual who currently holds an active, unrestricted license and who meets all of the requirements outlined in Section 4 of this compact;

V. "Licensing authority" means the board or agency of a state, or equivalent, that is responsible for the licensing and regulation of athletic trainers;

W. "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;

X. "Member state" means a state that has enacted the compact;

Y. "Remote state" means a member state other than the state of qualifying licensure;

Z. "Rule" means a regulation promulgated by an authorized entity that has the force of law;

AA. "Scope of practice" means 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. Such procedures, actions and processes and the circumstances under which they may be undertaken may be established through means, including, but not limited to, statute, regulations, 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 such state and as further defined by such

state's statutes and regulations;

BB. "Single state license" means a license issued by any state that authorizes practice only within the issuing state;

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

DD. "State of qualifying licensure" means the member state who has issued a compact qualifying license to a licensee pursuant to this compact; and

EE. "Unencumbered license" means a license that authorizes a licensee to engage in the full and unrestricted practice of athletic training.

SECTION 3. 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 all the requirements outlined in Section 4 of this compact in accordance with the terms of the compact and any rules promulgated thereunder;

6. Participate fully in the compact commission's data system, including using the unique identifier as defined in 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 shall 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; and

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

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 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 4 of this compact.

SECTION 4. COMPACT PRIVILEGE

A. To be eligible for a compact privilege under the terms and provisions of the compact, the licensee shall complete a criminal background check performed by the licensing authority in the state of qualifying licensure prior to entry in the compact and shall:

1. Satisfy one of the following two pathways:

a. Hold a valid current active certification through the BOC, or its successor organization; or

b. If a licensee does not meet the requirements of Section 4.A.1.a. of this compact, the following must be completed:

i. An education program which is either:

1. At least a bachelor's degree with a major course of study in athletic training, or an equivalent course of study from a college or university accredited at the time of graduation by CAATE, or its successor organization;

2. An academic degree from a college or university in a foreign country equivalent to the degree described in subparagraph 1 of this subsection with a major course of study as described in subparagraph 1 of this subsection that is accredited by CAATE, or its successor organization; or

3. The substantial equivalent of the foregoing which the commission may determine by rule.

ii. Successful completion of the exam administered by the BOC, or its successor organization, preceding the date of the licensee's application for licensure in their 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 (2) years;

4. Be eligible for a compact privilege in any member state in accordance with Section 4 of this compact;

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

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

7. Meet only the continuing competence requirements established by the state of qualifying licensure;

8. Comply with any requirements of the state of qualifying licensure as set forth in Section 3 of this compact;

9. Meet any jurisprudence requirements established by the remote state(s) 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 regulations of the remote state. Licensees shall be responsible for educating themselves on, and complying with, any and all scope of practice laws and regulations state laws relating to the remote practice of athletic training, as applicable.

D. A licensee engaging in the practice of athletic training in a remote state is subject to that state's regulatory authority. A remote state may, in accordance with due process and that state's laws, 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 citizens. 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; and

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

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; and

3. Have not had any encumbrance or restriction against any license or compact privilege within the previous two (2) years.

H. Once the requirements of Section 4.G of this compact have been met, the licensee must meet the requirements in Section 4.A of this compact to obtain a compact privilege in a remote state.

SECTION 5. COMPACT QUALIFYING LICENSE

A. A licensee may only designate one license as their compact qualifying license at a time. The procedures for such 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.

SECTION 6. ACTIVE MILITARY MEMBER OR THEIR SPOUSES

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

SECTION 7. ADVERSE ACTIONS

A. A member state in which a licensee is issued a compact qualifying license shall

have the exclusive authority to impose adverse action against the compact qualifying license issued by that member state.

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

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

D. A remote state shall have the authority to:

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

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

a. Subpoenas may be issued by a member state athletic training licensing authority for the attendance and testimony 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 it 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 in furtherance of any joint or individual investigation initiated under the compact. In sharing such 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(s).

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, it 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.

SECTION 8. 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 the 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 compact commission shall come into existence on or after the effective date of the compact as set forth in Section 12 of this compact.

B. Membership, Voting, and Meetings

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

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

3. The compact commission may recommend removal or suspension of any commissioner from office.

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

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

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

C. The compact commission shall have the following powers:

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

2. Establish code of conduct, confidentiality, and conflict of interest policies

for commissioners;

3. Establish the fiscal year of the compact commission;

4. Maintain its 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, invest, or use any property, real, personal, or mixed, or any undivided interest therein;

13. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;

14. Establish a budget and make expenditures;

15. Borrow and invest money;

16. Meet and take such actions as are consistent with the provisions of this

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

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

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

19. Provide and receive information from, and cooperate with, law enforcement agencies;

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

21. Establish and elect an executive committee, including a chair and a vice chair, secretary, treasurer, and such other offices as the commission shall establish by rule or bylaw;

22. Appoint committees, including standing committees, composed of member state commissioners, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this compact and the bylaws; and

23. Perform such other functions as 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 the compact including enforcement and compliance with the provisions of the compact, its rules and bylaws, and other such 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;

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:

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

2. 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.

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

E. The compact commission shall adopt and provide to the member states an annual report.

F. Meetings of the Compact Commission:

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

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

3. The compact commission may hold a special meeting when it must meet to conduct emergency business by giving twenty-four hours' notice to all commissioners, on the compact commission's website, and other means as

provided in the compact commission's rules. The compact commission's legal counsel shall certify that the compact commission's need to meet qualifies as an emergency.

4. The compact commission or the executive committee or other committees of the compact commission may convene in a closed, non-public meeting for the compact commission or executive committee or other committees of the compact commission to receive legal advice or to discuss:

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

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

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

d. Current, threatened, or reasonably anticipated litigation;

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

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

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

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

i. Investigative records compiled for law enforcement purposes;

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

k. Matters specifically exempted from disclosure by federal or member

state law; or

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

5. If a meeting, or portion of a meeting, is closed, the compact commission's legal counsel or designee shall certify that the meeting will be closed and reference each relevant exempting provision, and such 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 promulgate 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 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 paragraph shall be construed to protect any such 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 hereunder.

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 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 herein shall be construed to prohibit that person from retaining their own counsel at their 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 herein 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.

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 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.

7. The liability of the executive director and employees of the interstate commission or representatives of the interstate commission, acting within

the scope of such person's employment or duties for acts, errors, or omissions occurring within such person's state, may not exceed the limits of liability set forth under the constitution and laws of that state for state officials, employees, and agents. The interstate commission is considered to be an instrumentality of the states for the purposes of any such action.

SECTION 9. 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. Non-confidential information related to alternative program participation, the beginning and ending dates of such participation, and other information related to such participation;

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

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

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

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

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

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

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

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

SECTION 10. RULEMAKING

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

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

C. The compact commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules of this compact shall become binding on the day following adoption or 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 such 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 thirty 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 such other way(s) as the compact commission may by rule 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;

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 shall, by majority vote of all members, 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.

3. The compact commission shall determine a reasonable effective date for the rule. Except for an emergency as provided in this section, the effective date of the rule shall be no sooner than thirty days after issuing the notice that it

adopted or amended the rule.

K. Upon determination that an emergency exists, the compact commission may consider and adopt an emergency rule with twenty-four hours' notice, with opportunity to comment, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

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

2. Prevent a loss of compact commission or member state funds;

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

4. Protect public health and safety.

L. The compact commission or an authorized committee of the compact commission may direct revisions to a previously adopted rule for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the compact commission. The revision shall be subject to challenge by any person for a period of thirty days 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.

SECTION 11. 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 it 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 such similar matter.

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 such a 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 promulgated 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 promulgated 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 been exhausted. Notice of intent to suspend or terminate shall be given by the compact commission to the governor, the majority and minority leaders of the defaulting state's legislature, the defaulting state's licensing authority and each of the member states' licensing authority.

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

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

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

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

fees.

I. Dispute Resolution:

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

2. The compact commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

J. Enforcement:

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

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

3. No person other than a member state shall enforce this compact against the

compact commission.

SECTION 12. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

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

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

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

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

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

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

4. Any state that joins the compact subsequent to the compact commission's initial adoption of the rules and bylaws shall be subject to the rules and

bylaws as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the compact commission shall have the full force and effect of law on the day the compact becomes law in that state.

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

1. A member state's withdrawal shall not take effect until one hundred eighty days after enactment of the repealing statute.

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

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

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

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

SECTION 13. CONSTRUCTION AND SEVERABILITY

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

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

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

SECTION 14. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

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

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

C. All permissible agreements between the compact commission and the member

states are binding in accordance with their terms.

SECTION 15. APPLICABILITY TO KENTUCKY STATE GOVERNMENT

In order to clarify the effect of certain provisions of this compact and to ensure that the rights and responsibilities of the various branches of government are maintained, the following shall be in effect in this state:

A. By entering into this compact, this state authorizes the state athletic trainer licensing authority as defined in Section 2.V. of this compact and as created by KRS 311.530 and authorized to promulgate administrative regulations under KRS 311.901 to implement the provisions of this compact;

B. Notwithstanding any provision of this compact to the contrary:

1. When a rule is adopted pursuant to Section 10 of this compact, the state athletic trainer licensing authority as defined in Section 2.V. of this compact shall have sixty days to review the rule for the purpose of filing the rule as an emergency administrative regulation pursuant to KRS 13A.190 and for filing the rule as an accompanying ordinary administrative regulation, in accordance with the requirements in KRS Chapter 13A. Failure by the state athletic trainer licensing authority as defined in Section 2.V. of this compact to promulgate a rule adopted by the athletic trainer licensure compact commission as an administrative regulation pursuant to KRS Chapter 13A shall result in the initiation of the process for withdrawal as set forth in Section 12 of this compact. Nothing in these provisions shall negate the applicability and effect of a commission rule or Section 10 of this compact to this state;

2. If the proposed administrative regulation is found deficient and the deficiency is not resolved pursuant to KRS 13A.330 or 13A.335, the provisions of Section 11 of this compact shall apply. If the deficiency is resolved in a manner determined by the athletic trainer licensure compact

commission to be inconsistent with this compact or its rules, or if the procedures under Section 11 of this compact fail to resolve an issue, the withdrawal provisions of Section 12 of this compact shall apply; and

3. If a court of competent jurisdiction determines that the Athletic Trainer Compact Commission created by Section 8 of this compact exercises its rulemaking authority in a manner that is beyond the scope of the purposes of this compact, or the powers granted under this compact, then such an action by the commission shall be invalid and have no force or effect;

C. Section 8.G. of this compact pertaining to the financing of the Athletic Trainer Compact Commission shall not be interpreted to obligate the general fund of this state. Any funds used to finance this compact shall be from money collected pursuant to KRS 311.610; and

D. This compact shall apply only to those athletic trainers who practice or work under a compact privilege.