



**House Boards, Agencies and Commissions Reported
Substitute for HB214**

A BILL
TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

Article 6. SCHOOL PSYCHOLOGIST INTERSTATE LICENSURE
COMPACT.

§34-26-100. Purpose.

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



**House Boards, Agencies and Commissions Reported
Substitute for HB214**

delivered by appropriately qualified professionals in their educational settings.

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

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

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

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

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

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

(6) Promote cooperation between the member states in



**House Boards, Agencies and Commissions Reported
Substitute for HB214**

regulating the practice of school psychology within those states.

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

§34-26-101. Definitions.

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

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

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

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

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

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

(6) CONTINUING PROFESSIONAL EDUCATION. A requirement,



**House Boards, Agencies and Commissions Reported
Substitute for HB214**

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

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

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

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

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

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

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

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



**House Boards, Agencies and Commissions Reported
Substitute for HB214**

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

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

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

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

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

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

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

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



**House Boards, Agencies and Commissions Reported
Substitute for HB214**

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

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

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

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

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

(26) SCOPE OF PRACTICE. The procedures, actions, and processes a school psychologist licensed in a state is permitted to undertake in that state and the circumstances under which that 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



**House Boards, Agencies and Commissions Reported
Substitute for HB214**

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

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

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

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

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

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

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

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

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

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



**House Boards, Agencies and Commissions Reported
Substitute for HB214**

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

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

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

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

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

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

c. Graduated from a qualifying school psychologist education program.

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

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



**House Boards, Agencies and Commissions Reported
Substitute for HB214**

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

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

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

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

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

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

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

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

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

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

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



**House Boards, Agencies and Commissions Reported
Substitute for HB214**

home state license in any of the following locations:

(1) The licensee's permanent residence.

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

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

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

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

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

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

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



**House Boards, Agencies and Commissions Reported
Substitute for HB214**

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

(b) Membership, Voting, and Meetings.

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

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

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

(4) The 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 commission within 60 days of the vacancy.

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

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



**House Boards, Agencies and Commissions Reported
Substitute for HB214**

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. The commission may meet via telecommunication, video conference, or other similar electronic means.

(c) The commission shall have the following powers:

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

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

(3) To establish and amend rules and bylaws.

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

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

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

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

(8) To 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.

(9) To purchase and maintain insurance and bonds.

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



**House Boards, Agencies and Commissions Reported
Substitute for HB214**

337 member state.

338 (11) To conduct an annual financial review.

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

345 (13) To assess and collect fees.

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

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

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

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

359 (18) To borrow money.

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



**House Boards, Agencies and Commissions Reported
Substitute for HB214**

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

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

(22) To 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 this compact.

(23) To perform 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 and shall have the following powers, duties, and responsibilities:

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

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

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

d. To prepare and recommend the budget.

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

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



**House Boards, Agencies and Commissions Reported
Substitute for HB214**

393 g. To establish additional committees as necessary.

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

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

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

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

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

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

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

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

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

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

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



**House Boards, Agencies and Commissions Reported
Substitute for HB214**

member states an annual report.

(f) Meetings of the commission.

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

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

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

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

a. Noncompliance of a member state with its obligations under this 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 commission or by a member state's licensing authority.



**House Boards, Agencies and Commissions Reported
Substitute for HB214**

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 individual of a crime or formally censuring any individual.

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, on behalf of, or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to this compact.

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

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

(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 each reference shall be recorded in the minutes.

(4) The 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



**House Boards, Agencies and Commissions Reported
Substitute for HB214**

reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified 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 commission or order of a court of competent jurisdiction.

(g) Financing of the 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 in subdivision (c)(14).

(3) The commission may levy on and collect an annual assessment from each member state and impose fees on licensees practicing in the member states under an equivalent license to cover the cost of the operations and activities of the 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 commission shall adopt by rule.

(4) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet those obligations 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



**House Boards, Agencies and Commissions Reported
Substitute for HB214**

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) The members, officers, executive director, employees, and representatives 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 individual 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 subdivision shall be construed to protect any such individual from suit or liability for any damage, loss, injury, or liability caused by the intentional, willful, or wanton misconduct of that individual. The procurement of insurance of any type by the commission shall not in any way compromise or limit the immunity granted hereunder.

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



**House Boards, Agencies and Commissions Reported
Substitute for HB214**

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 individual 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 individual 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 individual's intentional, willful, or wanton misconduct.

(3) The commission shall indemnify and hold harmless any member, officer, executive director, employee, and representative of the commission for the amount of any settlement or judgment obtained against that individual 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 individual 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, willful, or wanton misconduct of that individual.

(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



**House Boards, Agencies and Commissions Reported
Substitute for HB214**

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.

§34-26-107. Facilitating information exchange.

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

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

(1) Identifying information.

(2) Licensure data.

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

(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 reason for the denial.



**House Boards, Agencies and Commissions Reported
Substitute for HB214**

589 (6) The presence of investigative information.

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

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

598 §34-26-108. Rulemaking.

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

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

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

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



**House Boards, Agencies and Commissions Reported
Substitute for HB214**

in accordance with commission rules and bylaws.

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

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

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

(f) Upon determination that an emergency exists, the commission may consider and adopt an emergency rule with 48 hours' notice, with opportunity to comment; provided, that the usual rulemaking procedures shall be retroactively applied to the rule as soon as reasonably possible, and in no event later than 90 days after the effective date of the rule. For the purposes of this subsection, 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 adoption of an administrative rule that is established by federal law or rule.

(4) Protect public health and safety.

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



**House Boards, Agencies and Commissions Reported
Substitute for HB214**

645 (a) Oversight.

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

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

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

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

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



**House Boards, Agencies and Commissions Reported
Substitute for HB214**

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 this compact upon an affirmative vote of a supermajority 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 this 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 licensing authority, and each of the member states' 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.

(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 the termination. The terminated state shall continue to recognize all licenses



**House Boards, Agencies and Commissions Reported
Substitute for HB214**

granted pursuant to this compact for a minimum of six months after the date of the 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 this 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 the litigation, including reasonable attorney fees.

(i) Dispute Resolution.

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

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

(j) Enforcement.

(1) By majority vote as 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 this compact and its adopted rules. The relief sought may include both injunctive relief and damages. In the



**House Boards, Agencies and Commissions Reported
Substitute for HB214**

event judicial enforcement is necessary, the prevailing party shall be awarded all costs of the litigation, including reasonable attorney 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 this compact and its adopted 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 the litigation, including reasonable attorney fees.

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

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

(a) This 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 this compact indicated above, the commission shall convene and review the enactment of each of the 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



**House Boards, Agencies and Commissions Reported
Substitute for HB214**

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

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

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

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

a. Any state that joins this 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 this 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 day this compact becomes law in that state.

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

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



**House Boards, Agencies and Commissions Reported
Substitute for HB214**

until 180 days after enactment of the repealing statute.

(c) 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.

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

(1) 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.

(2) 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.

§34-26-111. Construction and severability.

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



**House Boards, Agencies and Commissions Reported
Substitute for HB214**

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 this compact, or of the United States, or the applicability thereof to any government, agency, individual, 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, individual, or circumstance shall not be affected thereby.

(c) Notwithstanding subsection (b), the commission may deny a state's participation in this compact or, in accordance with the requirements of Section 34-26-109(f), terminate a member state's participation in this compact, if it determines that a constitutional requirement of a member state is a material departure from this compact. Otherwise, if this compact shall be held to be contrary to the constitution of any member state, this 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.

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

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



**House Boards, Agencies and Commissions Reported
Substitute for HB214**

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

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

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

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

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

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

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