



41 K. Adhere to the substantive language in the Model Compact Language in order to promote  
42 uniformity and ensure that all member states have accepted and are mutually obligated to  
43 the same terms

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45 **SECTION 2. DEFINITIONS**

46 As used in this Compact, unless the context requires otherwise, the following definitions shall  
47 apply:

- 48 A. **“Active Military Member”** means any individual with full-time duty status in the active  
49 armed forces of the United States, including members of the National Guard and Reserve.  
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- 51 B. **“Adverse Action”** means any administrative, civil, equitable or criminal action permitted  
52 by a State’s laws which is imposed by a Licensing Authority or other authority against a  
53 Licensee, including actions against an individual’s License or Compact Privilege such as  
54 revocation, suspension, probation, monitoring of the Licensee, limitation on the  
55 Licensee’s practice, or any other Encumbrance on licensure affecting a Licensee  
56 authorization to practice, including issuance of a cease and desist action.  
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- 58 C. **“Alternative Program”** means a non-disciplinary monitoring or practice remediation  
59 process applicable to an Athletic Trainer approved by a State Licensing Authority of a  
60 Member State in which the Athletic Trainer is licensed. This includes, but is not limited  
61 to, programs to which Licensees with substance use, addiction, or mental health  
62 conditions are referred in lieu of Adverse Action.  
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- 64 D. **“Athletic Training”** means the prevention, examination, assessment, treatment and  
65 rehabilitation of emergent, acute, or chronic injuries and medical conditions as defined by  
66 applicable Member state laws and regulations.  
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- 68 E. **“Athletic Training Compact Commission” or “Commission”** means the government  
69 agency whose membership consists of all States that have enacted this Compact, which is  
70 known as the Athletic Trainer Licensure Compact Commission, as described in Section 8,  
71 and which shall operate as an instrumentality of the Member States.  
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- 73 F. **“BOC”** means the Board of Certification, Inc. or any successor organization thereto.  
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- 75 G. **“CAATE”** means the Commission on Accreditation of Athletic Training Education or  
76 any successor organization thereto.  
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- 78 H. **“Charter Member State”** means any Member State which enacted this compact by law  
79 before the Effective Date specified in Section 12.  
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- 81 I. **“Clinical Assessment”** means examination or process, required for licensure as a  
82 Athletic Trainer as applicable, that provides evidence of clinical competence in Athletic  
83 Training.

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- J. **“Commissioner”** means the individual appointed by a Member State to serve as the member of the Commission for that Member State.
  - K. **“Compact”** means this Athletic Trainer Compact.
  - L. **“Compact Privilege”** means the 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.
  - M. **“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.
  - N. **“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 hereinabove.
  - O. **“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.
  - P. **“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. § 20.3(d) from the Federal Bureau of Investigation and the State’s criminal history record repository as defined in 28 C.F.R. § 20.3(f).
  - Q. **“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.
  - R. **“Encumbered License”** in which an Adverse Action restricts a Licensee’s ability to practice as an Athletic Trainer.
  - S. **“Encumbrance”** means a revocation or suspension of, or any limitation on, the full and unrestricted practice of Athletic Training licensed and regulated by a Licensing Authority.

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- T. **“Investigative Information”** means information, records, and documents received or generated by a Licensing Authority pursuant to an investigation.
  - U. **“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.
  - V. **“License”** means current authorization by a Member State to engage in the practice of Athletic Training.
  - W. **“Licensee” or “Licensed Athletic Trainer”** means an individual who currently holds an unrestricted License and who meets all of the requirements outlined in Section 4 of this Compact.
  - X. **“Licensing Authority”** means the board or agency of a State, or equivalent, that is responsible for the licensing and regulation of Athletic Trainers.
  - Y. **“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.
  - Z. **“Member State”** means a State that has enacted the Compact.
  - AA. **“Remote State”** means a Member State where a Licensee who is not licensed as an Athletic Trainer is exercising or seeking to exercise the Compact Privilege.
  - BB. **“Rule”** means a regulation promulgated by an entity that has the force of law.
  - CC. **“Scope of Practice”** means the procedures, actions, and processes a 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.
  - DD. **“Significant Investigative Information”** means information, records, and documents received or generated by a State 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 Licensing Authority could pursue Adverse Action against the Licensee.

172 EE. **“State”** means any state, commonwealth, district, or territory of the United States of  
173 America.

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175 FF. **“State of Qualifying Licensure”** means the Member State who has issued a Compact  
176 Qualifying License to a Licensee.

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178 GG. **“Unencumbered License”** means a License that authorizes a Licensee to engage in  
179 the full and unrestricted practice of Athletic Training.

180 **SECTION 3. STATE PARTICIPATION IN THE COMPACT**

181 A. To Participate in the Compact, a State must currently:

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183 1. License and regulate the Practice of Athletic Training;  
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185 2. Require that Licensees in that State maintain Continuing Competence standards as  
186 part of their State practice act or rules; and  
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188 3. Have a mechanism in place for receiving and investigating complaints about  
189 Licensees.

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191 B. To maintain membership in the Compact, a Member State shall:

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193 1. Participate fully in the Compact Commission’s Data System, including using the  
194 unique identifier as defined in Rules;  
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196 2. Notify the Compact Commission, in compliance with the terms of the Compact  
197 and Rules, of any Adverse Action or the availability of Current Significant  
198 Investigative Information regarding a Licensee;  
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200 3. Implement or utilize procedures for considering the criminal history records of  
201 applicants for a Compact Qualifying License which includes receiving the results  
202 of the Federal Bureau of Investigation record search and shall use those results in  
203 making licensure decisions. These procedures shall include the submission of  
204 fingerprints or other biometric-based information by applicants for the purpose of  
205 obtaining an applicant’s criminal history record information from the Federal  
206 Bureau of Investigation and the agency responsible for retaining that State’s  
207 criminal records;  
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209 a. A Member State must fully implement a criminal background check  
210 requirement, within a time frame established by Rule, in order to participate in  
211 the issuance and acceptance of Compact Privileges.  
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213 b. Communication between a Member State and the Compact Commission or  
214 among Member States regarding the verification of eligibility for licensure  
215 through the Compact shall not include any information received from the

216 Federal Bureau of Investigation relating to a federal criminal records check  
217 performed by a Member State.  
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219 4. Comply with and enforce the Rules of the Compact Commission;  
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222 5. Grant the Compact Privilege to a Licensee who meets all of the requirements  
223 outlined in Section 4 in accordance with the terms of the Compact and any Rules  
224 promulgated thereunder.  
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226 C. Member States may set and collect a fee for granting the Compact Privilege.  
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228 D. Individuals not residing in a Member State shall continue to be able to apply for a  
229 Member State's Single State License as provided under the laws of each Member State.  
230 However, the Single State License granted to these individuals shall not be recognized as  
231 granting a Compact Privilege to engage in the Practice of Athletic Training in any other  
232 Member State.  
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234 E. Nothing in this Compact shall affect the requirements established by a Member State for  
235 the issuance of a Single State License.  
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237 F. A Compact Qualifying License issued to a Licensee by a Member State shall be  
238 recognized by each Remote State as authorizing that Licensee to engage in the Practice of  
239 Athletic Training, under a Compact Privilege, in another Member State in accordance  
240 with the requirements in Section 4.  
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#### 243 SECTION 4. COMPACT PRIVILEGE

244 A. To exercise the Compact Privilege under the terms and provisions of the Compact, the  
245 Licensee shall:  
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247 1. Satisfy one of the following:  
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249 a. Hold a valid current active certification through the BOC, or its successor  
250 organization; or  
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252 b. Complete all of the following:  
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254 i. An education program which is either:  
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256 1. A bachelor's degree with a major course of study in Athletic  
257 Training, or an equivalent course of study from a college or  
258 university accredited at the time of graduation by CAATE, or its  
259 successor organization; or

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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 comprehensive exam administered by the BOC”, or its successor organization, no more than three years preceding the date of the Licensee’s application for Licensure in their Home State, 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 or restriction 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 4D, F, G, and H;
  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 any Continuing Education 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.
  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 Section 4.A to maintain the Compact Privilege in the Remote State.

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- C. 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. Practice in a Remote State may occur, depending upon applicable provisions of state law, when either the patient or the Licensee is located in the Remote State. Licensees shall be responsible for educating themselves on, and complying with, any and all 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, and/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 Licensee shall include a statement that the Licensee’s Compact Privileges are deactivated 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 Section 4.A 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.

351 H. Once the requirements of Section 4.G have been met, the Licensee must meet the  
352 requirements in Section 4.A to obtain a Compact Privilege in a Remote State.  
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354 **SECTION 5: COMPACT QUALIFYING LICENSE**

355 A. A Licensee may hold only one Compact Qualifying License at a time. The procedures for  
356 such designation may be further defined by the Compact Commission by Rule.

357 B. Nothing in this Compact shall interfere with a Licensee's ability to hold a Single State  
358 License in multiple States, however for the purposes of this Compact, a Licensee shall  
359 have only one Qualifying License.

360 C. Nothing in this Compact shall affect the requirements established by a Member State for  
361 the issuance of a License other than a Compact Qualifying License.  
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363 **SECTION 6. ACTIVE MILITARY MEMBER OR THEIR SPOUSES**

364 An Active Military Member and their spouse shall not be required to pay to the Commission  
365 for a Compact Privilege any fee that may otherwise be charged by the Commission. If a  
366 Remote State chooses to charge a fee for a Compact Privilege, it may choose to charge a  
367 reduced fee or no fee to an Active Military Member and their spouse for a Compact  
368 Privilege.  
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370 **SECTION 7. ADVERSE ACTIONS**

371 A. A Member State in which a Licensee is issued a Compact Qualifying License shall have  
372 the exclusive authority to impose Adverse Action against the Compact Qualifying  
373 License issued by that Member State.  
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375 B. A Member State may take Adverse Action based on Significant Investigative Information  
376 of a Remote State, so long as the Member State follows its own procedures for imposing  
377 Adverse Action.  
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379 C. Nothing in this Compact shall override a Member State's decision that participation in an  
380 Alternative Program may be used in lieu of Adverse Action and that such participation  
381 shall remain non-public if required by the Member State's laws.  
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383 D. A Remote State shall have the authority to:

384 1. Take Adverse Actions as set forth herein against a Licensee's Compact Privilege  
385 in that State, and  
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387 2. Issue subpoenas for both hearings and investigations that require the attendance  
388 and testimony of witnesses as well as the production of evidence.

- 389 a. Subpoenas may be issued by an Athletic Training Licensing Authority in a  
390 Member State for the attendance and testimony of witnesses and the  
391 production of evidence.
- 392 b. Subpoenas issued by an Athletic Training Licensing Authority in a Member  
393 State for the attendance and testimony of witnesses shall be enforced in the  
394 latter State by any court of competent jurisdiction in the latter State, according  
395 to the practice and procedure of that court applicable to subpoenas issued in  
396 proceedings pending before it.
- 397 c. Subpoenas issued by an Athletic Training Licensing Authority in a Member  
398 State for production of evidence from another Member State shall be enforced  
399 in the latter State, according to the practice and procedure of that court  
400 applicable to subpoenas issued in the proceedings pending before it.
- 401 d. The issuing authority shall pay any witness fees, travel expenses, mileage, and  
402 other fees required by the service statutes of the State where the witnesses or  
403 evidence are located.
- 404 E. For purposes of taking Adverse Action, a Member State shall give the same priority and  
405 effect to reported conduct received from another Member State as it would if the conduct  
406 had occurred within that State. In so doing, the investigating Member State shall apply its  
407 own State laws to determine appropriate action.
- 408 F. A Member State, if otherwise permitted by State law, may recover from the affected  
409 Licensee the costs of investigations and dispositions of cases resulting from any Adverse  
410 Action taken against that Licensee.
- 411 G. A Member State may take Adverse Action based on the factual findings of another  
412 Remote State, provided that the Member State follows its own procedures for taking the  
413 Adverse Action.
- 414 H. Joint Investigations:
- 415 1. In addition to the authority granted to a Member State by its respective State law,  
416 any Member State may participate with other Member States in joint  
417 investigations of Licensees.
- 418 2. Member States shall share any investigative, litigation, or compliance materials in  
419 furtherance of any joint or individual investigation initiated under the Compact.
- 420 I. If a Member State takes Adverse Action, it shall promptly notify the administrator of the  
421 Data System. The administrator of the Data System shall promptly notify the State of  
422 Qualifying Licensure of any Adverse Actions by Remote States.
- 423 J. Nothing in this Compact shall override a Member State's decision that participation in an  
424 Alternative Program may be used in lieu of Adverse Action.

425 K. Nothing in this Compact may permit a Member State to take any Adverse Action against  
426 a Licensee or holder of a Compact Privilege for conduct or practice occurring in another  
427 Member State that was legal in the Member State at the time it was undertaken.  
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429 **SECTION 8. ESTABLISHMENT AND OPERATION OF THE COMMISSION**

430 A. The Compact Member States hereby create and establish a joint government agency  
431 whose membership consists of all Member States that have enacted the compact known  
432 as the Athletic Trainer Licensure Compact Commission. The Compact Commission is an  
433 instrumentality of the Compact States acting jointly and not an instrumentality of any one  
434 State. The Compact Commission shall come into existence on or after the effective date  
435 of the Compact as set forth in Section 12.

436 B. Membership, Voting, and Meetings

437 1. Each Member State shall have and be limited to one (1) delegate, referred to as a  
438 “Commissioner,” selected by that Member State’s Licensing Authority.

439 2. The Commissioner shall be an administrator or their designated staff member of  
440 the Licensing Authority.

441 3. The Compact Commission may recommend removal or suspension of any  
442 Commissioner from office.

443 4. A Member State’s Licensing Authority shall fill any vacancy of its Commissioner  
444 occurring on the Compact Commission within 60 days of the vacancy.

445 5. Each Commissioner shall be entitled to one vote on all matters before the  
446 Compact Commission requiring a vote by the Commissioners.

447 6. A Commissioner shall vote in person or by such other means as provided in the  
448 bylaws. The bylaws may provide for Commissioners to meet by  
449 telecommunication, videoconference, or other means of communication.

450 7. The Compact Commission shall meet at least once during each calendar year.  
451 Additional meetings may be held as set forth in the bylaws. The Compact  
452 Commission may meet by telecommunication, video conference or other similar  
453 electronic means.

454 C. The Compact Commission shall have the following powers:

455 1. Establish the fiscal year of the Compact Commission;

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

457 3. Establish and amend Rules and bylaws;

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

- 459 5. Meet and take such actions as are consistent with the provisions of this Compact,  
460 the Compact Commission's Rules, and the bylaws;
- 461 6. Initiate and conclude legal proceedings or actions in the name of the Compact  
462 Commission, provided that the standing of any Licensing Authority to sue or be  
463 sued under applicable law shall not be affected;
- 464 7. Maintain and certify records and information provided to a Member State as the  
465 authenticated business records of the Compact Commission, and designate an  
466 agent to do so on the Compact Commission's behalf;
- 467 8. Purchase and maintain insurance and bonds;
- 468 9. Borrow, accept, or contract for services of personnel, including, but not limited to,  
469 employees of a Member State;
- 470 10. Conduct an annual financial review;
- 471 11. Hire employees, elect or appoint officers, fix compensation, define duties, grant  
472 such individuals appropriate authority to carry out the purposes of the Compact,  
473 and establish the Compact Commission's personnel policies and programs  
474 relating to conflicts of interest, qualifications of personnel, and other related  
475 personnel matters;
- 476 12. Assess and collect fees;
- 477 13. Accept any and all appropriate gifts, donations, grants of money, other sources of  
478 revenue, equipment, supplies, materials, and services, and receive, utilize, and  
479 dispose of the same; provided that at all times the Compact Commission shall  
480 avoid any appearance of impropriety or conflict of interest;
- 481 14. Lease, purchase, retain, own, hold, improve, or use any property, real, personal, or  
482 mixed, or any undivided interest therein;
- 483 15. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of  
484 any property real, personal, or mixed;
- 485 16. Establish a budget and make expenditures;
- 486 17. Borrow money;
- 487 18. Appoint committees, including standing committees, composed of members, State  
488 regulators, State legislators or their representatives, and consumer representatives,  
489 and such other interested persons as may be designated in this Compact and the  
490 bylaws;

- 491 19. Provide and receive information from, and cooperate with, law enforcement  
492 agencies;
- 493 20. Establish and elect an Executive Committee, including a chair and a vice chair,  
494 secretary, treasurer, and such other offices as the Commission shall establish by  
495 Rule or bylaw;
- 496 21. Enter into contracts or arrangements for the management of the affairs of the  
497 Commission;
- 498 22. Determine whether a State's adopted language is materially different from the  
499 model compact language such that the State would not qualify for participation in  
500 the Compact; and
- 501 23. Perform such other functions as may be necessary or appropriate to achieve the  
502 purposes of this Compact.

503 D. The Executive Committee

- 504 1. The Executive Committee shall have the power to act on behalf of the Compact  
505 Commission according to the terms of this Compact. The powers, duties, and  
506 responsibilities of the Executive Committee shall include:
- 507 a. Oversee the day-to-day activities of the administration of the compact  
508 including enforcement and compliance with the provisions of the compact, its  
509 Rules and bylaws, and other such duties as deemed necessary;
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- 511 b. Recommend to the Compact Commission changes to the Rules or bylaws,  
512 changes to this Compact legislation, fees charged to Compact Member States,  
513 fees charged to Licensees, and other fees;
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- 515 c. Ensure Compact administration services are appropriately provided, including  
516 by contract;
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- 518 d. Prepare and recommend the budget;
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- 520 e. Maintain financial records on behalf of the Compact Commission;
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- 522 f. Monitor Compact compliance of Member States and provide compliance  
523 reports to the Compact Commission;
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- 525 g. Establish additional committees as necessary;
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- 527 h. Exercise the powers and duties of the Compact Commission during the  
528 interim between Compact Commission meetings, except for adopting or  
529 amending Rules, adopting or amending bylaws, and exercising any other  
530 powers and duties expressly reserved to the Compact Commission by Rule or  
531 bylaw; and  
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533 i. Other duties as provided in the Rules or bylaws of the Compact Commission.  
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535 2. The Executive Committee shall be composed of five voting members:  
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537 a. The chair and vice chair of the Compact Commission shall be voting members  
538 of the Executive Committee;  
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540 b. The Compact Commission shall elect up to three additional voting members  
541 from the current membership of the Compact Commission to include the  
542 offices of Treasurer, Secretary, and one member-at-large; and  
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544 c. Up to four (4) ex-officio, nonvoting member from recognized national  
545 Athletic Trainer organizations.  
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547 E. The Compact Commission may remove any member of the Executive Committee as  
548 provided in the Compact Commission's bylaws.  
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550 1. The Executive Committee shall meet at least annually.  
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552 a. Executive Committee meetings shall be open to the public, except that the  
553 Executive Committee may meet in a closed, non-public meeting as provided  
554 in subsection G.2 below.  
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556 b. The Executive Committee shall give seven (7) days notice of its meetings,  
557 posted on its website and as determined to provide notice to persons with an  
558 interest in the business of the Compact Commission.  
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560 c. The Executive Committee may hold a special meeting in accordance with  
561 subsection G.1.b. below.  
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563 F. The Compact Commission shall adopt and provide to the Member States an annual  
564 report.  
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566 G. Meetings of the Compact Commission  
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568 1. All meetings shall be open to the public, except that the Compact Commission may meet  
569 in a closed, non-public meeting as provided in subsection G.2 below.  
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- 564 a. Public notice for all meetings of the full Compact Commission of meetings shall  
565 be given in the same manner as required under the Rulemaking provisions in  
566 Section 10, except that the Compact Commission may hold a special meeting as  
567 provided in subsection G.1.b below.
- 568 b. The Compact Commission may hold a special meeting when it must meet to  
569 conduct emergency business by giving 24 hours' notice to all commissioners, on  
570 the Compact Commission's website, and other means as provided in the Compact  
571 Commission's rules. The Compact Commission's legal counsel shall certify that  
572 the Compact Commission's need to meet qualifies as an emergency.
- 573 2. The Compact Commission or the Executive Committee or other committees of the  
574 Compact Commission may convene in a closed, non-public meeting for the Compact  
575 Commission or Executive Committee or other committees of the Compact Commission  
576 to receive legal advice or to discuss:
- 577 a. Non-compliance of a Member State with its obligations under the Compact;  
578 b. The employment, compensation, discipline or other matters, practices or  
579 procedures related to specific employees;  
580 c. Current or threatened discipline of a Licensee by the Compact Commission or  
581 by a Member State's Licensing Authority;  
582 d. Current, threatened, or reasonably anticipated litigation;  
583 e. Negotiation of contracts for the purchase, lease, or sale of goods, services, or  
584 real estate;  
585 f. Accusing any person of a crime or formally censuring any person;  
586 g. Trade secrets or commercial or financial information that is privileged or  
587 confidential;  
588 h. Information of a personal nature where disclosure would constitute a clearly  
589 unwarranted invasion of personal privacy;  
590 i. Investigative records compiled for law enforcement purposes;  
591 j. Information related to any investigative reports prepared by or on behalf of or  
592 for use of the Compact Commission or other committee charged with  
593 responsibility of investigation or determination of compliance issues pursuant  
594 to the Compact;  
595 k. Matters specifically exempted from disclosure by federal or Member State  
596 law; or

- 597 1. Other matters as specified in Rules of the Compact Commission.
- 598 3. If a meeting, or portion of a meeting, is closed, the presiding officer shall state that  
599 the meeting will be closed and reference each relevant exempting provision, and such  
600 reference shall be recorded in the minutes.
- 601 a. The Compact Commission shall keep minutes that fully and clearly describe  
602 all matters discussed in a meeting and shall provide a full and accurate  
603 summary of actions taken, and the reasons therefore, including a description  
604 of the views expressed. All documents considered in connection with an  
605 action shall be identified in such minutes. All minutes and documents of a  
606 closed meeting shall remain under seal, subject to release only by a majority  
607 vote of the Compact Commission or order of a court of competent  
608 jurisdiction.  
609

#### 610 H. Financing of the Compact Commission 611

- 612 1. The Compact Commission shall pay, or provide for the payment of, the reasonable  
613 expenses of its establishment, organization, and ongoing activities.  
614
- 615 2. The Compact Commission may accept any and all appropriate revenue sources as  
616 provided in subsection C.13.  
617
- 618 3. The Compact Commission may levy on and collect an annual assessment from each  
619 Member State and impose fees on Licensees of Member States to whom it grants a  
620 Compact Privilege to cover the cost of the operations and activities of the Compact  
621 Commission and its staff, which must be in a total amount sufficient to cover its  
622 annual budget as approved each year for which revenue is not provided by other  
623 sources. The aggregate annual assessment amount for Member States shall be  
624 allocated based upon a formula that the Compact Commission shall promulgate by  
625 Rule.  
626
- 627 4. The Compact Commission shall not incur obligations of any kind prior to securing  
628 the funds adequate to meet the same; nor shall the Compact Commission pledge the  
629 credit of any of the Member States, except by and with the authority of the Member  
630 State.  
631
- 632 5. The Compact Commission shall keep accurate accounts of all receipts and  
633 disbursements. The receipts and disbursements of the Compact Commission shall be  
634 subject to the financial review and accounting procedures established under its  
635 bylaws. However, all receipts and disbursements of funds handled by the Compact

636 Commission shall be subject to an annual financial review by a certified or licensed  
637 public accountant, and the report of the financial review shall be included in and  
638 become part of the annual report of the Compact Commission.  
639

640 I. Qualified Immunity, Defense, and Indemnification  
641

642 1. The members, officers, executive director, employees and representatives of the  
643 Compact Commission shall be immune from suit and liability, both personally and in  
644 their official capacity, for any claim for damage to or loss of property or personal  
645 injury or other civil liability caused by or arising out of any actual or alleged act,  
646 error, or omission that occurred, or that the person against whom the claim is made  
647 had a reasonable basis for believing occurred within the scope of Compact  
648 Commission employment, duties or responsibilities; provided that nothing in this  
649 paragraph shall be construed to protect any such person from suit or liability for any  
650 damage, loss, injury, or liability caused by the intentional or willful or wanton  
651 misconduct of that person. The procurement of insurance of any type by the Compact  
652 Commission shall not in any way compromise or limit the immunity granted  
653 hereunder.  
654

655 2. The Compact Commission shall defend any member, officer, executive director,  
656 employee, and representative of the Compact Commission in any civil action seeking  
657 to impose liability arising out of any actual or alleged act, error, or omission that  
658 occurred within the scope of Compact Commission employment, duties, or  
659 responsibilities, or as determined by the Compact Commission that the person against  
660 whom the claim is made had a reasonable basis for believing occurred within the  
661 scope of Compact Commission employment, duties, or responsibilities; provided that  
662 nothing herein shall be construed to prohibit that person from retaining their own  
663 counsel at their own expense; and provided further, that the actual or alleged act,  
664 error, or omission did not result from that person's intentional or willful or wanton  
665 misconduct.  
666

667 3. The Compact Commission shall indemnify and hold harmless any member, officer,  
668 executive director, employee, and representative of the Compact Commission for the  
669 amount of any settlement or judgment obtained against that person arising out of any  
670 actual or alleged act, error, or omission that occurred within the scope of Compact  
671 Commission employment, duties, or responsibilities, or that such person had a  
672 reasonable basis for believing occurred within the scope of Compact Commission  
673 employment, duties, or responsibilities, provided that the actual or alleged act, error,  
674 or omission did not result from the intentional or willful or wanton misconduct of that

675 person.

676

677 4. Nothing herein shall be construed as a limitation on the liability of any Licensee for  
678 professional malpractice or misconduct, which shall be governed solely by any other  
679 applicable State laws.

680 5. Nothing in this Compact shall be interpreted to waive or otherwise abrogate a  
681 Member State's state action immunity or state action affirmative defense with respect  
682 to antitrust claims under the Sherman Act, Clayton Act, or any other State or federal  
683 antitrust or anticompetitive law or regulation.

684

685 6. Nothing in this Compact shall be construed to be a waiver of sovereign immunity by  
686 the Member States or by the Compact Commission.

687 **SECTION 9. DATA SYSTEM**

688 A. The Commission shall provide for the development, maintenance, operation, and  
689 utilization of a coordinated database and reporting system containing licensure, Adverse  
690 Action, and the presence of Significant Investigative Information on all Licensees and  
691 applicants for a License in Member States.

692

693 B. Notwithstanding any other provision of State law to the contrary, a Member State  
694 shall submit a uniform data set to the Data System on all Licensees, applicants, and  
695 others to whom this Compact is applicable as required by the Rules of the Compact  
696 Commission, including:

697

698 1. Identifying information;

699

700 2. Licensure data;

701

702 3. Adverse Actions against a Licensee, License applicant or Compact Privilege  
703 and information related thereto;

704

705 4. Non-confidential information related to Alternative Program participation, the  
706 beginning and ending dates of such participation, and other information related to  
707 such participation;

708

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

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713 6. The presence of Significant Investigative Information; and

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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. 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 database 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 procedures, actions, and processes 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.

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- 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 way(s) 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 electronic means, the Compact Commission shall include the mechanism for access to the hearing in the Notice of Proposed Rulemaking;

- 793 3. The text of the proposed Rule and the reason therefor;  
794  
795 4. A request for comments on the proposed Rule from any interested person; and  
796  
797 5. The manner in which interested persons may submit written comments.  
798  
799 I. All hearings will be recorded. A copy of the recording and all written comments and  
800 documents received by the Compact Commission in response to the proposed Rule shall  
801 be available to the public.  
802  
803 J. Nothing in this section shall be construed as requiring a separate hearing on each Rule.  
804 Rules may be grouped for the convenience of the Compact Commission at hearings  
805 required by this section.  
806  
807 K. The Compact Commission shall, by majority vote of all members, take final action on the  
808 proposed Rule based on the Rulemaking record and the full text of the Rule.  
809  
810 1. The Compact Commission may adopt changes to the proposed Rule provided the  
811 changes do not enlarge the original purpose of the proposed Rule.  
812  
813 2. The Compact Commission shall provide an explanation of the reasons for  
814 substantive changes made to the proposed Rule as well as reasons for substantive  
815 changes not made that were recommended by commenters.  
816  
817 3. The Compact Commission shall determine a reasonable effective date for the  
818 Rule. Except for an emergency as provided in Section 10.L, the effective date of  
819 the rule shall be no sooner than 30 days after issuing the notice that it adopted or  
820 amended the Rule.  
821  
822 L. Upon determination that an emergency exists, the Compact Commission may consider  
823 and adopt an emergency Rule with 24 hours' notice, with opportunity to comment,  
824 provided that the usual Rulemaking procedures provided in the Compact and in this  
825 section shall be retroactively applied to the Rule as soon as reasonably possible, in no  
826 event later than ninety (90) days after the effective date of the Rule. For the purposes of  
827 this provision, an emergency Rule is one that must be adopted immediately in order to:  
828  
829 1. Meet an imminent threat to public health, safety, or welfare;  
830  
831 2. Prevent a loss of Compact Commission or Member State funds;  
832

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

835

836 4. Protect public health and safety.

837

838 M. The Compact Commission or an authorized committee of the Compact Commission may  
839 direct revisions to a previously adopted Rule for purposes of correcting typographical  
840 errors, errors in format, errors in consistency, or grammatical errors. Public notice of any  
841 revisions shall be posted on the website of the Compact Commission. The revision shall  
842 be subject to challenge by any person for a period of thirty (30) days after posting. The  
843 revision may be challenged only on grounds that the revision results in a material change  
844 to a Rule. A challenge shall be made in writing and delivered to the Compact  
845 Commission prior to the end of the notice period. If no challenge is made, the revision  
846 will take effect without further action. If the revision is challenged, the revision may not  
847 take effect without the approval of the Compact Commission.

848

849 N. No Member State's rulemaking requirements shall apply under this compact.

## 850 **SECTION 11. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT**

### 851 A. Oversight

852

853 1. The executive and judicial branches of State government in each Member State  
854 shall enforce this Compact and take all actions necessary and appropriate to  
855 implement the Compact.

856

857 2. Except as otherwise provided in this Compact, venue is proper and judicial  
858 proceedings by or against the Compact Commission shall be brought solely and  
859 exclusively in a court of competent jurisdiction where the principal office of the  
860 Compact Commission is located. The Compact Commission may waive venue  
861 and jurisdictional defenses to the extent it adopts or consents to participate in  
862 alternative dispute resolution proceedings. Nothing herein shall affect or limit the  
863 selection or propriety of venue in any action against a Licensee for professional  
864 malpractice, misconduct or any such similar matter.

865

866 3. The Compact Commission shall be entitled to receive service of process in any  
867 proceeding regarding the enforcement or interpretation of the Compact and shall  
868 have standing to intervene in such a proceeding for all purposes. Failure to  
869 provide the Compact Commission service of process shall render a judgment or  
870 order void as to the Compact Commission, this Compact, or promulgated Rules.

871

### 872 B. Default, Technical Assistance, and Termination

873

- 874 1. If the Compact Commission determines that a Member State has defaulted in the  
875 performance of its obligations or responsibilities under this Compact or the  
876 promulgated Rules, the Commission shall provide written notice to the defaulting  
877 State. The notice of default shall describe the default, the proposed means of  
878 curing the default, and any other action that the Compact Commission may take,  
879 and shall offer training and specific technical assistance regarding the default.  
880
- 881 2. The Compact Commission shall provide a copy of the notice of default to the  
882 other Member States.  
883
- 884 C. If a State in default fails to cure the default, the defaulting State may be terminated from  
885 the Compact upon an affirmative vote of a majority of the Commissioners of the Member  
886 States, and all rights, privileges and benefits conferred on that State by this Compact may  
887 be terminated on the effective date of termination. A cure of the default does not relieve  
888 the offending State of obligations or liabilities incurred during the period of default.  
889
- 890 D. Termination of membership in the Compact shall be imposed only after all other means  
891 of securing compliance have been exhausted. Notice of intent to suspend or terminate  
892 shall be given by the Compact Commission to the governor, the majority and minority  
893 leaders of the defaulting State's legislature, the defaulting State's Licensing Authority and  
894 each of the Member States' Licensing Authority.  
895
- 896 E. A State that has been terminated is responsible for all assessments, obligations, and  
897 liabilities incurred through the effective date of termination, including obligations that  
898 extend beyond the effective date of termination.  
899
- 900 F. Upon the termination of a State's membership from this Compact, that State shall  
901 immediately provide notice to all Licensees within that State of such termination. The  
902 terminated State shall continue to recognize all Licenses granted pursuant to this  
903 Compact for a minimum of six (6) months after the date of said notice of termination.  
904
- 905 G. The Compact Commission shall not bear any costs related to a State that is found to be in  
906 default or that has been terminated from the Compact, unless agreed upon in writing  
907 between the Compact Commission and the defaulting State.  
908
- 909 H. The defaulting State may appeal the action of the Compact Commission by petitioning  
910 the U.S. District Court for the District of Columbia or the federal district where the  
911 Compact Commission has its principal offices. The prevailing party shall be awarded all  
912 costs of such litigation, including reasonable attorney's fees.  
913
- 914 I. Dispute Resolution  
915
- 916 1. Upon request by a Member State, the Compact Commission shall attempt to  
917 resolve disputes related to the Compact that arise among Member States and  
918 between Member and non-Member States.  
919

920 2. The Compact Commission shall promulgate a Rule providing for both mediation  
921 and binding dispute resolution for disputes as appropriate.  
922

923 J. Enforcement  
924

925 1. By supermajority vote, the Compact Commission may initiate legal action against  
926 a Member State in default in the United States District Court for the District of  
927 Columbia or the federal district where the Compact Commission has its principal  
928 offices to enforce compliance with the provisions of the Compact and its  
929 promulgated Rules. The relief sought may include both injunctive relief and  
930 damages. In the event judicial enforcement is necessary, the prevailing party shall  
931 be awarded all costs of such litigation, including reasonable attorney’s fees. The  
932 remedies herein shall not be the exclusive remedies of the Compact Commission.  
933 The Compact Commission may pursue any other remedies available under federal  
934 or the defaulting Member State’s law.  
935

936 2. A Member State may initiate legal action against the Compact Commission in the  
937 U.S. District Court for the District of Columbia or the federal district where the  
938 Compact Commission has its principal offices to enforce compliance with the  
939 provisions of the Compact and its promulgated Rules. The relief sought may  
940 include both injunctive relief and damages. In the event judicial enforcement is  
941 necessary, the prevailing party shall be awarded all costs of such litigation,  
942 including reasonable attorney’s fees.  
943

944 3. No person other than a Member State shall enforce this compact against the  
945 Compact Commission.

946 **SECTION 12. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT**

947 A. The Compact shall come into effect on the date on which the Compact statute is enacted  
948 into law in the seventh Member State.  
949

950 1. On or after the effective date of the Compact, the Compact Commission shall  
951 convene and review the enactment of each of the first seven Member States  
952 (“Charter Member States”) to determine if the statute enacted by each such  
953 Charter Member State is materially different than the model Compact statute.  
954

955 a. A Charter Member State whose enactment is found to be materially different  
956 from the model Compact statute shall be entitled to the default process set  
957 forth in Section 11.  
958

959 b. If any Member State is later found to be in default, or is terminated or  
960 withdraws from the Compact, the Compact Commission shall remain in

961 existence and the Compact shall remain in effect even if the number of  
962 Member States should be less than seven.

- 963
- 964 2. Member States enacting the Compact subsequent to the seven initial Charter  
965 Member States shall be subject to the process set forth in Section 8.C.22 to  
966 determine if their enactments are materially different from the model Compact  
967 statute and whether they qualify for participation in the Compact.  
968
- 969 3. All actions taken for the benefit of the Compact Commission or in furtherance of  
970 the purposes of the administration of the Compact prior to the effective date of the  
971 Compact or the Compact Commission coming into existence shall be considered  
972 to be actions of the Compact Commission unless specifically repudiated by the  
973 Compact Commission.  
974
- 975 4. Any State that joins the Compact subsequent to the Compact Commission's initial  
976 adoption of the Rules and bylaws shall be subject to the Rules and bylaws as they  
977 exist on the date on which the Compact becomes law in that State. Any Rule that  
978 has been previously adopted by the Compact Commission shall have the full force  
979 and effect of law on the day the Compact becomes law in that State.  
980

981 B. Any Member State may withdraw from this Compact by enacting a statute repealing the  
982 same.

- 983
- 984 1. A Member State's withdrawal shall not take effect until 180 days after enactment  
985 of the repealing statute.  
986
- 987 2. Withdrawal shall not affect the continuing requirement of the withdrawing State's  
988 Licensing Authority to comply with the investigative and Adverse Action  
989 reporting requirements of this Compact prior to the effective date of withdrawal.  
990
- 991 3. Upon the enactment of a statute withdrawing from this compact, a State shall  
992 immediately provide notice of such withdrawal to all Licensees within that State.  
993 Notwithstanding any subsequent statutory enactment to the contrary, such  
994 withdrawing State shall continue to recognize all Compact Privileges granted  
995 pursuant to this compact for a minimum of 180 days after the date of such notice  
996 of withdrawal.  
997
- 998 a. Nothing contained in this Compact shall be construed to invalidate or prevent  
999 any licensure agreement or other cooperative arrangement between a Member

1000 State and a non-Member State that does not conflict with the provisions of this  
1001 Compact.

1002  
1003 b. This Compact may be amended by the Member States. No amendment to this  
1004 Compact shall become effective and binding upon any Member State until it is  
1005 enacted into the laws of all Member States.

1006 **SECTION 13. CONSTRUCTION AND SEVERABILITY**

1007 A. This Compact and the Compact Commission's rulemaking authority shall be liberally  
1008 construed so as to effectuate the purposes, and the implementation and administration of  
1009 the Compact. Provisions of the Compact expressly authorizing or requiring the  
1010 promulgation of Rules shall not be construed to limit the Compact Commission's  
1011 rulemaking authority solely for those purposes.

1012  
1013 B. The provisions of this Compact shall be severable and if any phrase, clause, sentence or  
1014 provision of this Compact is held by a court of competent jurisdiction to be contrary to  
1015 the constitution of any Member State, a State seeking participation in the Compact, or of  
1016 the United States, or the applicability thereof to any government, agency, person or  
1017 circumstance is held to be unconstitutional by a court of competent jurisdiction, the  
1018 validity of the remainder of this Compact and the applicability thereof to any other  
1019 government, agency, person or circumstance shall not be affected thereby.

1020  
1021 C. Notwithstanding subsection B of this section, the Compact Commission may deny a  
1022 State's participation in the Compact or, in accordance with the requirements of Section  
1023 11.B, terminate a Member State's participation in the Compact, if it determines that a  
1024 constitutional requirement of a Member State is a material departure from the Compact.  
1025 Otherwise, if this Compact shall be held to be contrary to the constitution of any Member  
1026 State, the Compact shall remain in full force and effect as to the remaining Member  
1027 States and in full force and effect as to the Member State affected as to all severable  
1028 matters.

1029 **SECTION 14. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS**

1030 A. Nothing herein shall prevent or inhibit the enforcement of any other law of a Member  
1031 State that is not inconsistent with the Compact.

1032  
1033 B. Any laws, statutes, regulations, or other legal requirements in a Member State in conflict  
1034 with the Compact are superseded to the extent of the conflict.

1035  
1036 C. All permissible agreements between the Compact Commission and the Member States  
1037 are binding in accordance with their terms.