

ENGROSSED LEGISLATIVE BILL 84

Introduced by Rountree, 3.

A BILL FOR AN ACT relating to public health; to amend section 38-3113, Revised Statutes Cumulative Supplement, 2024; to adopt the School Psychologist Interstate Licensure Compact; to harmonize provisions; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. This section shall be known and cited as the School Psychologist Interstate Licensure Compact. The State of Nebraska adopts the School Psychologist Interstate Licensure Compact in the form substantially as follows:

SECTION 1. PURPOSE

The purpose of this Compact is to facilitate the interstate practice of School Psychology in educational or school settings, and in so doing 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 delivered by appropriately qualified professionals in their educational settings.

To facilitate the objectives described above, this Compact:

A. Enables School Psychologists who qualify for receipt of an Equivalent License to practice in other Member States without first satisfying burdensome and duplicative requirements;

B. Promotes 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;

C. Enhances 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;

D. Preserves and respects 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;

E. Requires School Psychologists practicing within a Member State to comply with the Scope of Practice laws present in the State where the School Psychological Services are being provided;

F. Promotes cooperation between the Member States in regulating the practice of School Psychology within those States; and

G. Facilitates the relocation of military members and their spouses who are licensed to provide School Psychological Services.

SECTION 2. DEFINITIONS

A. "Active Military Member" means any person with full-time duty status in the armed forces of the United States, including members of the National Guard and Reserve.

B. "Adverse Action" means disciplinary action or encumbrance imposed on a License by a State Licensing Authority.

C. "Alternative Program" means 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 in which the participating School Psychologist is licensed. This 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.

D. "Commissioner" means the individual appointed by a Member State to serve as the representative to the Commission for that Member State.

E. "Compact" means this School Psychologist Interstate Licensure Compact.

F. "Continuing Professional Education" means a requirement, 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.

G. "Criminal Background Check" means 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).

H. "Doctoral Level Degree" means a graduate degree program that consists of at least ninety graduate semester hours in the field of School Psychology and that includes a supervised internship.

I. "Encumbered License" means a License that a State Licensing Authority has limited in any way other than through an Alternative Program, including temporary or provisional licenses.

J. "Executive Committee" means the Commission's Chair, Vice Chair, Secretary, and Treasurer and any other Commissioners as may be determined by Commission Rule or bylaw.

K. "Equivalent License" means a license to practice School Psychology which a Member State has identified as a license which may be provided to School Psychologists from other Member States pursuant to this Compact.

L. "Home State" means the Member State that issued the Home State License to the Licensee and is the Licensee's primary state of practice.

M. "Home State License" means the License that is not an Encumbered License issued by the Home State to provide School Psychological Services.

N. "School Psychological Services" means 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.

O. "License" means a current license, certification, or other authorization granted by a Member State's Licensing Authority that permits an individual to provide School Psychological Services.

P. "Licensee" means an individual who holds a License from a Member State to provide School Psychological Services.

Q. "Member State" means a State that has enacted the Compact and been admitted to the Commission in accordance with the provisions herein and Commission Rules.

R. "Model Compact" means 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.

S. "Practice of School Psychology" means the delivery of School Psychological Services.

T. "School Psychologist Interstate Licensure Compact Commission" or "Commission" means the joint government agency established by this Compact whose membership consists of representatives from each Member State that has enacted the Compact, and as further described in Section 7.

U. "State Licensing Authority" means a Member State's regulatory body responsible for issuing Licenses or otherwise overseeing the Practice of School Psychology.

V. "Specialist-Level Degree" means a degree program that requires at least sixty graduate semester hours or equivalent in the field of School Psychology and that includes a supervised internship.

W. "Qualifying National Exam" means a national licensing examination endorsed by the National Association of School Psychologists and any other exam as approved by the Rules of the Commission.

X. "Qualifying School Psychologist Education Program" means an education program which 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 its graduates are ready, qualified, and able to engage in the Practice of School Psychology.

Y. "Remote State" means a Member State other than the Home State where a Licensee holds a License through the Compact.

Z. "Rule" means a regulation promulgated by an entity, including, but not

limited to, the Commission and the State Licensing Authority of each Member State, that has the force of law.

AA. "School Psychologist" means 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.

BB. "Scope of Practice" means 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 not limited to, statute, regulation, case law, and other processes available to the State Licensing Authority or other government agency.

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

DD. "State Specific Requirement" means a requirement for licensure covered in coursework or examination that includes content of unique interest to the State.

EE. "Unencumbered License" means a License that authorizes a Licensee to engage in the full and unrestricted Practice of School Psychology.

SECTION 3. STATE PARTICIPATION IN THE COMPACT

A. To be eligible to join this Compact, and to maintain eligibility as a Member State, a State must:

1. Enact 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 8;

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 the 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 one thousand two hundred hours of supervised internship, of which at least six hundred must have been completed in a school, prior to being approved for licensure; and

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 4.A. Each Member State shall grant renewal of the Equivalent License to a Licensee who satisfies the criteria of Section 4.B.

C. Member States may set and collect a fee for granting an Equivalent License.

SECTION 4. SCHOOL PSYCHOLOGIST PARTICIPATION IN THE 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; and

5. Upon 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 regulations of such 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 State Licensing Authority.

SECTION 5. ACTIVE 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 Home State License in any of the following locations:

A. The Licensee's permanent residence;

B. A Member State that is the Licensee's primary State of Practice; and

C. A Member State where the Licensee has relocated pursuant to a Permanent Change of Station (PCS).

SECTION 6. DISCIPLINE AND 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 the Scope of Practice Laws thereof.

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 the security and confidentiality thereof, 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.

SECTION 7. 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 the Compact, and this agency 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 the Compact as set forth in Section 11.

B. Membership, Voting, and Meetings

1. Each Member State shall have and be limited to one delegate selected by that Member State's State Licensing Authority.

2. The delegate shall be the primary administrative officer of the Member State Licensing Authority or the officer's 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 sixty 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 by telecommunication, videoconference, or other means of communication.

8. The Commission shall meet at least once during each calendar year. Additional meetings may be held as set forth in the bylaws. The Commission may meet by telecommunication, videoconference, or other similar electronic means.

C. The Commission shall have the following powers:

1. Establish the fiscal year of the Commission;
2. Establish code of conduct and conflict of interest policies;
3. Establish and amend Rules and bylaws;
4. Establish the procedure through which a Licensee may change their Home State;
5. Maintain its financial records in accordance with the bylaws;

6. Meet and take such actions as are consistent with the provisions of this Compact, the Commission's Rules, and the bylaws;

7. 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. 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. Purchase and maintain insurance and bonds;

10. Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a Member State;

11. Conduct an annual financial review;

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

13. Assess and collect fees;

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

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

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

17. Establish a budget and make expenditures;

18. Borrow money;

19. Appoint committees, including standing committees, composed of members, State regulators, State legislators or their representatives, consumer

representatives, and such other interested persons as may be designated in this Compact and the bylaws;

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

21. Establish and elect an Executive Committee, including a Chair and a Vice Chair;

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

23. Perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact.

D. The Executive Committee

1. The Executive Committee shall have the power to act on behalf of the Commission according to the terms of this Compact. The powers, duties, and responsibilities of the Executive Committee shall include:

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

b. Recommend to the 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. Ensure Compact administration services are appropriately provided, including by contract;

d. Prepare and recommend the budget;

e. Maintain financial records on behalf of the Commission;

f. Monitor Compact compliance of Member States and provide compliance reports to the Commission;

g. Establish additional committees as necessary;

h. Exercise the powers and duties of the Commission during the interim between Commission meetings, except for adopting or amending Rules, adopting or amending bylaws, and exercising any other powers and duties expressly reserved

to the Commission by Rule or bylaw; and

i. Other duties as provided in the Rules or bylaws of the Commission.

2. The Executive Committee shall be composed of up to seven members:

a. The Chair and Vice Chair of the Commission shall be voting members of the Executive Committee; and

b. The Commission shall elect five voting members from the current membership of the Commission.

3. The Commission may remove any member of the Executive Committee as provided in the Commission's bylaws.

4. The Executive Committee shall meet at least annually.

a. Executive Committee meetings shall be open to the public, except that the Executive Committee may meet in a closed, nonpublic meeting as provided in subsection F.2 below.

b. The Executive Committee shall give thirty days' notice of its meetings, posted on its website and as determined to provide notice to persons with an interest in the business of the Commission.

c. The Executive Committee may hold a special meeting in accordance with subsection F.1.b below.

E. The Commission shall adopt and provide to the 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 subsection F.2 below.

a. Public notice of all meetings of the full Commission shall be given in the same manner as required under the Rulemaking provisions in Section 9, except that the Commission may hold a special meeting as provided in subsection F.1.b below.

b. The Commission may hold a special meeting when it must meet to conduct emergency business by giving forty-eight hours' notice to all commissioners on the Commission's website and by 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:

- a. Noncompliance of a Member State with its obligations under the Compact;
- b. The employment, compensation, discipline, or other matters, practices, or procedures related to specific employees;
- c. Current or threatened discipline of a Licensee by the Commission or by a Member State's Licensing Authority;
- d. Current, threatened, or reasonably anticipated litigation;
- e. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;
- f. Accusing any person of a crime or formally censuring any person;
- g. Trade secrets or commercial or financial information that is privileged or confidential;
- h. Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
- i. Investigative records compiled for law enforcement purposes;
- j. Information related to any investigative reports prepared by, on behalf of, or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact;
- k. Matters specifically exempted from disclosure by federal or Member State law; or
- l. Other matters as promulgated 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 such 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 reasons therefore, including a description of the views

expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the 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 subsection 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 promulgate by Rule.

4. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any of the Member States, except by and with the authority of the Member State.

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

H. Qualified Immunity, Defense, and Indemnification

1. The members, officers, executive director, employees, and representatives of the Commission shall have no greater liability than a state employee would have under the same or similar circumstances, either personally

or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred, within the scope of Commission employment, duties, or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person. The procurement of insurance of any type by the Commission shall not in any way compromise or limit the immunity granted hereunder.

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

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

4. Nothing herein shall be construed as a limitation on the liability of

any Licensee for professional malpractice or misconduct, which shall be governed solely by any other applicable state laws.

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

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

SECTION 8. 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, including:

1. Identifying information;
2. Licensure data;
3. Adverse Actions against a License and information related thereto;
4. Nonconfidential information related to Alternative Program participation, the beginning and ending dates of such participation, and other information related to such participation not made confidential under Member State law;
5. Any denial of application for licensure, and the reason for such denial;
6. The presence of investigative information; and
7. Other information that may facilitate the administration of this Compact or the protection of the public, as determined by the Rules of the Commission.

C. Nothing in this Compact shall be deemed or construed to alter, limit, or inhibit the power of a Member State to control and maintain ownership of its

Licensee information or alter, limit, or inhibit the laws or regulations governing Licensee information in the Member State.

SECTION 9. RULEMAKING

A. The Commission shall exercise its Rulemaking powers pursuant to the criteria set forth in this Compact and the Rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each Rule or amendment.

B. The Commission shall promulgate reasonable Rules to achieve the intent and purpose of this Compact. In the event the Commission exercises its Rulemaking authority in a manner that is beyond purpose and intent of this Compact, or the powers granted hereunder, then such an action by the Commission shall be invalid and have no force and effect of law in the Member States.

C. If a majority of the legislatures of the Member States rejects a Rule, by enactment of a statute or resolution in the same manner used to adopt the Compact within four years of the date of adoption of the Rule, then such Rule shall have no further force and effect in any Member State.

D. Rules or amendments to the Rules shall be adopted or ratified at a regular or special meeting of the Commission in accordance with Commission Rules and Bylaws.

E. Prior to promulgation and adoption of a final Rule or Rules by the Commission, and at least thirty 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;
and

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 forty-eight hours' notice, with opportunity to comment, provided that the usual Rulemaking procedures shall be

retroactively applied to the Rule as soon as reasonably possible, in no event later than ninety days after the effective date of the Rule. For the purposes of this provision, an emergency Rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety, or welfare;
2. Prevent a loss of Commission or Member State funds;
3. Meet a deadline for the promulgation of an administrative Rule that is established by federal law or Rule; or
4. Protect public health and safety.

SECTION 10. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

A. Oversight

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

2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing herein shall affect or limit the selection or propriety of venue in any action against a Licensee for professional malpractice, misconduct, or any such similar matter.

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

B. Default, Technical Assistance, and Termination

1. If the Commission determines that a Member State has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated Rules, the Commission shall provide written notice to the defaulting State. The notice of default shall describe the default, the

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

2. The Commission shall provide a copy of the notice of default to the other Member States.

C. If a State in default fails to cure the default, the defaulting State may be terminated from the Compact upon an affirmative vote of a 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 the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the governor, the majority and minority leaders of the defaulting State's legislature, the defaulting State's 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 such termination. The terminated 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 termination.

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

H. The defaulting State may appeal the action of the Commission by petitioning the United States District Court for the District of Columbia or

the federal district where the Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

I. Dispute Resolution

1. Upon request by a Member State, the Commission shall attempt to resolve disputes related to the Compact that arise among Member States and between Member and non-Member States.

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

J. Enforcement

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

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

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

SECTION 11. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

A. The Compact shall come into effect on the date on which the Compact

statute is enacted into law in the seventh Member State.

1. On or after the effective date of the Compact 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 be entitled to the default process set forth in Section 10.

b. If any Member State is later found to be in default or is terminated or withdraws from the Compact, the Commission shall remain in existence and the Compact shall remain in effect even if the number of Member States should be less than seven.

2. Member States enacting the Compact subsequent to the Charter Member States shall be subject to the process set forth in subsection 7.C.22 to determine if their enactments are materially different from the model Compact statute and whether they qualify for participation in the Compact.

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

a. Any State that joins the Compact subsequent to the Commission's initial adoption of the Rules and bylaws shall be subject to the Rules and bylaws as they exist on the date on which the Compact becomes law in that State. Any Rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the 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 until one hundred eighty 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 such withdrawal to all Licensees within that State. Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing State shall continue to recognize all licenses granted pursuant to this Compact for a minimum of six months after the date of such 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.

SECTION 12. 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 the Compact. Provisions of the Compact expressly authorizing or requiring the promulgation of Rules shall not be construed to limit the Commission's rulemaking authority solely for those purposes.

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

C. Notwithstanding subsection 12.B, the Commission may deny a State's

participation in the Compact or, in accordance with the requirements of subsection 10.B, terminate a Member State's participation in the Compact, if it determines that a constitutional requirement of a Member State is a material departure from the Compact. Otherwise, if this Compact shall be held to be contrary to the constitution of any Member State, the Compact shall remain in full force and effect as to the remaining Member States and in full force and effect as to the Member State affected as to all severable matters.

SECTION 13. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

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

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

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

Sec. 2. Section 38-3113, Revised Statutes Cumulative Supplement, 2024, is amended to read:

38-3113 Nothing in the Psychology Practice Act shall be construed to prevent:

(1) The teaching of psychology, the conduct of psychological research, or the provision of psychological services or consultation to organizations or institutions if such teaching, research, or service does not involve the delivery or supervision of direct psychological services to individuals or groups of individuals who are themselves, rather than a third party, the intended beneficiaries of such services, without regard to the source or extent of payment for services rendered. Nothing in the act shall prevent the provision of expert testimony by psychologists who are otherwise exempted by the act. Persons holding a doctoral degree in psychology from an institution of higher education may use the title psychologist in conjunction with the activities permitted by this subdivision;

(2) Members of other recognized professions that are licensed, certified,

or regulated under the laws of this state from rendering services consistent with their professional training and code of ethics and within the scope of practice as set out in the statutes regulating their professional practice if they do not represent themselves to be psychologists;

(3) Duly recognized members of the clergy from functioning in their ministerial capacity if they do not represent themselves to be psychologists or their services as psychological;

(4) Persons who are certified as school psychologists by the State Board of Education or who hold an Equivalent License under the School Psychologist Interstate Licensure Compact from using the title school psychologist and practicing psychology as defined in the Psychology Practice Act if (a) such practice is restricted to regular employment within a setting under the jurisdiction of the State Board of Education. Such individuals shall be employees of the educational setting and not independent contractors providing psychological services to educational settings, or (b) employed through a service agency with special education programs and rates approved by the State Department of Education; or

(5) Any of the following persons from engaging in activities defined as the practice of psychology if they do not represent themselves by the title psychologist, if they do not use terms other than psychological trainee, psychological intern, psychological resident, or psychological assistant to refer to themselves, and if they perform their activities under the supervision and responsibility of a psychologist in accordance with the rules and regulations adopted and promulgated under the Psychology Practice Act:

(a) A matriculated graduate student in psychology whose activities constitute a part of the course of study for a graduate degree in psychology at an institution of higher education;

(b) An individual pursuing postdoctoral training or experience in psychology, including persons seeking to fulfill the requirements for licensure under the act; or

(c) An individual with a master's degree in clinical, counseling, or

educational psychology or an educational specialist degree in school psychology who administers and scores and may develop interpretations of psychological testing under the supervision of a psychologist. Such individuals shall be deemed to be conducting their duties as an extension of the legal and professional authority of the supervising psychologist and shall not independently provide interpretive information or treatment recommendations to clients or other health care professionals prior to obtaining appropriate supervision. The department, with the recommendation of the board, may adopt and promulgate rules and regulations governing the conduct and supervision of persons referred to in this subdivision, including the number of such persons that may be supervised by a licensed psychologist. Persons who have carried out the duties described in this subdivision as part of their employment in institutions accredited by the Department of Health and Human Services, the State Department of Education, or the Department of Correctional Services for a period of two years prior to September 1, 1994, may use the title psychologist associate in the context of their employment in such settings. Use of the title shall be restricted to duties described in this subdivision, and the title shall be used in its entirety. Partial or abbreviated use of the title and use of the title beyond what is specifically authorized in this subdivision shall constitute the unlicensed practice of psychology.

Sec. 3. Original section 38-3113, Revised Statutes Cumulative Supplement, 2024, is repealed.

PRESIDENT OF THE LEGISLATURE

THIS IS TO CERTIFY that the within LB 84 was passed by the One Hundred Ninth Legislature of Nebraska at its First Session on the day of 20.....

CLERK OF THE LEGISLATURE

Approved:

..... 20....., o'clockM.

GOVERNOR