

LEGISLATURE OF NEBRASKA  
ONE HUNDRED NINTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 84**

Introduced by Rountree, 3.

Read first time January 10, 2025

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to public health; to amend section 38-3113,
- 2 Revised Statutes Cumulative Supplement, 2024; to adopt the School
- 3 Psychologist Interstate Licensure Compact; to harmonize provisions;
- 4 and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

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

5           SECTION 1. PURPOSE

6           The purpose of this Compact is to facilitate the interstate practice  
7 of School Psychology in educational or school settings, and in so doing  
8 to improve the availability of School Psychological Services to the  
9 public. This Compact is intended to establish a pathway to allow School  
10 Psychologists to obtain equivalent licenses to provide School  
11 Psychological Services in any Member State. In this way, this Compact  
12 shall enable the Member States to ensure that safe and effective School  
13 Psychological Services are available and delivered by appropriately  
14 qualified professionals in their educational settings.

15           To facilitate the objectives described above, this Compact:

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

19           B. Promotes the mobility of School Psychologists between and among  
20 the Member States in order to address workforce shortages and to ensure  
21 that safe and reliable School Psychological Services are available in  
22 each Member State;

23           C. Enhances the public accessibility of School Psychological  
24 Services by increasing the availability of qualified, licensed School  
25 Psychologists through the establishment of an efficient and streamlined  
26 pathway for Licensees to practice in other Member States;

27           D. Preserves and respects the authority of each Member State to  
28 protect the health and safety of its residents by ensuring that only  
29 qualified, licensed professionals are authorized to provide School  
30 Psychological Services within that State;

31           E. Requires School Psychologists practicing within a Member State to

1 comply with the Scope of Practice laws present in the State where the  
2 School Psychological Services are being provided;

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

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

7 SECTION 2. DEFINITIONS

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

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

13 C. "Alternative Program" means a nondisciplinary, prosecutorial  
14 diversion, monitoring, or practice remediation process entered into in  
15 lieu of an Adverse Action which is applicable to a School Psychologist  
16 and approved by the State Licensing Authority of a Member State in which  
17 the participating School Psychologist is licensed. This includes, but is  
18 not limited to, programs to which Licensees with substance abuse or  
19 addiction issues may be referred in lieu of an Adverse Action.

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

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

24 F. "Continuing Professional Education" means a requirement, imposed  
25 by a Member State as a condition of License renewal to provide evidence  
26 of successful participation in professional educational activities  
27 relevant to the provision of School Psychological Services.

28 G. "Criminal Background Check" means the submission of fingerprints  
29 or other biometric information for a License applicant for the purpose of  
30 obtaining that applicant's criminal history record information, as  
31 defined in 28 C.F.R. 20.3(d), and the State's criminal history record

1 repository, as defined in 28 C.F.R. 20.3(f).

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

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

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

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

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

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

20 N. "School Psychological Services" means academic, mental, and  
21 behavioral health services including assessment, prevention, consultation  
22 and collaboration, intervention, and evaluation provided by a School  
23 Psychologist in a school, as outlined in applicable professional  
24 standards as determined by Commission Rule.

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

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

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

1 and Commission Rules.

2 R. "Model Compact" means the model language for the School  
3 Psychologist Interstate Licensure Compact on file with the Council of  
4 State Governments or other entity as designated by the Commission.

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

7 T. "School Psychologist Interstate Licensure Compact Commission" or  
8 "Commission" means the joint government agency established by this  
9 Compact whose membership consists of representatives from each Member  
10 State that has enacted the Compact, and as further described in Section  
11 7.

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

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

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

21 X. "Qualifying School Psychologist Education Program" means an  
22 education program which awards a Specialist-Level or Doctoral-Level  
23 degree or equivalent upon completion and is approved by the Rules of the  
24 Commission as meeting the necessary minimum educational standards to  
25 ensure that its graduates are ready, qualified, and able to engage in the  
26 Practice of School Psychology.

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

29 Z. "Rule" means a regulation promulgated by an entity, including,  
30 but not limited to, the Commission and the State Licensing Authority of  
31 each Member State, that has the force of law.

1       AA. "School Psychologist" means an individual who has met the  
2 requirements to obtain a Home State License that legally conveys the  
3 professional title of School Psychologist, or its equivalent as  
4 determined by the Rules of the Commission.

5       BB. "Scope of Practice" means the procedures, actions, and processes  
6 a School Psychologist licensed in a State is permitted to undertake in  
7 that State and the circumstances under which that Licensee is permitted  
8 to undertake those procedures, actions, and processes. Such procedures,  
9 actions, and processes, and the circumstances under which they may be  
10 undertaken, may be established through means including, but not limited  
11 to, statute, regulation, case law, and other processes available to the  
12 State Licensing Authority or other government agency.

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

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

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

21       SECTION 3. STATE PARTICIPATION IN THE COMPACT

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

24       1. Enact a compact statute that is not materially different from the  
25 Model Compact as defined in the Commission's Rules;

26       2. Participate in the sharing of information with other Member  
27 States as reasonably necessary to accomplish the objectives of this  
28 Compact, and as further defined in Section 8;

29       3. Identify and maintain with the Commission a list of Equivalent  
30 Licenses available to Licensees who hold a Home State License under this  
31 Compact;

1        4. Have a mechanism in place for receiving and investigating  
2 complaints about Licensees;

3        5. Notify the Commission, in compliance with the terms of the  
4 Compact and the Commission's Rules, of any Adverse Action taken against a  
5 Licensee, or of the availability of investigative information which  
6 relates to a Licensee or applicant for licensure;

7        6. Require that applicants for a Home State License have:

8        a. Taken and passed a Qualifying National Exam as defined by the  
9 Rules of the Commission;

10       b. Completed a minimum of one thousand two hundred hours of  
11 supervised internship, of which at least six hundred must have been  
12 completed in a school, prior to being approved for licensure; and

13       c. Graduated from a Qualifying School Psychologist Education  
14 Program;

15       7. Comply with the terms of this Compact and the Rules of the  
16 Commission.

17       B. Each Member State shall grant an Equivalent License to practice  
18 School Psychology in that state upon application by a Licensee who  
19 satisfies the criteria of Section 4.A. Each Member State shall grant  
20 renewal of the Equivalent License to a Licensee who satisfies the  
21 criteria of Section 4.B.

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

24       SECTION 4. SCHOOL PSYCHOLOGIST PARTICIPATION IN THE COMPACT

25       A. To obtain and maintain an Equivalent License from a Remote State  
26 under this Compact, a Licensee must:

27       1. Hold and maintain an active Home State License;

28       2. Satisfy any applicable State Specific Requirements established by  
29 the Member State after an Equivalent License is granted;

30       3. Complete any administrative or application requirements which the  
31 Commission may establish by Rule and pay any associated fees;

1       4. Complete any requirements for renewal in the Home State,  
2 including applicable Continuing Professional Education requirements; and  
3       5. Upon application to receive a license under this Compact, undergo  
4 a criminal background check in the Member State in which the Equivalent  
5 License is sought in accordance with the laws and regulations of such  
6 Member State.

7       B. To renew an Equivalent License in a Member State other than the  
8 Home State, a Licensee must only apply for renewal, complete a background  
9 check, and pay renewal fees as determined by the State Licensing  
10 Authority.

11       SECTION 5. ACTIVE MILITARY MEMBERS OR THEIR SPOUSES

12       A Licensee who is an Active Military Member or is the spouse of an  
13 Active Military Member shall be deemed to hold a Home State License in  
14 any of the following locations:

15       A. The Licensee's permanent residence;

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

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

20       SECTION 6. DISCIPLINE AND ADVERSE ACTIONS

21       A. Nothing in this Compact shall be deemed or construed to limit the  
22 authority of a Member State to investigate or impose disciplinary  
23 measures on Licensees according to the Scope of Practice Laws thereof.

24       B. Member States shall be authorized to receive, and shall provide,  
25 files and information regarding the investigation and discipline, if any,  
26 of Licensees in other Member States upon request. Any Member State  
27 receiving such information or files shall protect and maintain the  
28 security and confidentiality thereof, in at least the same manner that it  
29 maintains its own investigatory or disciplinary files and information.  
30 Prior to disclosing any disciplinary or investigatory information  
31 received from another Member State, the disclosing state shall



1 communicate its intention and purpose for such disclosure to the Member  
2 State which originally provided that information.

3 SECTION 7. ESTABLISHMENT OF THE SCHOOL PSYCHOLOGIST INTERSTATE  
4 LICENSURE COMPACT COMMISSION

5 A. The Member States hereby create and establish a joint government  
6 agency whose membership consists of all Member States that have enacted  
7 the Compact, and this agency shall be known as the School Psychologist  
8 Interstate Licensure Compact Commission. The Commission is an  
9 instrumentality of the Member States acting jointly and not an  
10 instrumentality of any one state. The Commission shall come into  
11 existence on or after the effective date of the Compact as set forth in  
12 Section 11.

13 B. Membership, Voting, and Meetings

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

16 2. The delegate shall be the primary administrative officer of the  
17 Member State Licensing Authority or the officer's designee who is an  
18 employee of the Member State Licensing Authority.

19 3. The Commission shall by Rule or bylaw establish a term of office  
20 for delegates and may by Rule or bylaw establish term limits.

21 4. The Commission may recommend removal or suspension of any  
22 delegate from office.

23 5. A Member State's Licensing Authority shall fill any vacancy of  
24 its delegate occurring on the Commission within sixty days of the  
25 vacancy.

26 6. Each delegate shall be entitled to one vote on all matters before  
27 the Commission requiring a vote by Commission delegates.

28 7. A delegate shall vote in person or by such other means as  
29 provided in the bylaws. The bylaws may provide for delegates to meet by  
30 telecommunication, videoconference, or other means of communication.

31 8. The Commission shall meet at least once during each calendar

1 year. Additional meetings may be held as set forth in the bylaws. The  
2 Commission may meet by telecommunication, videoconference, or other  
3 similar electronic means.

4 C. The Commission shall have the following powers:

5 1. Establish the fiscal year of the Commission;

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

7 3. Establish and amend Rules and bylaws;

8 4. Establish the procedure through which a Licensee may change their  
9 Home State;

10 5. Maintain its financial records in accordance with the bylaws;

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

13 7. Initiate and conclude legal proceedings or actions in the name of  
14 the Commission, provided that the standing of any Member State Licensing  
15 Authority to sue or be sued under applicable law shall not be affected;

16 8. Maintain and certify records and information provided to a Member  
17 State as the authenticated business records of the Commission, and  
18 designate an agent to do so on the Commission's behalf;

19 9. Purchase and maintain insurance and bonds;

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

22 11. Conduct an annual financial review;

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

28 13. Assess and collect fees;

29 14. Accept any and all appropriate gifts, donations, grants of  
30 money, other sources of revenue, equipment, supplies, materials, and  
31 services and receive, utilize, and dispose of the same; provided that at

1 all times the Commission shall avoid any appearance of impropriety and/or  
2 conflict of interest;

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

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

7 17. Establish a budget and make expenditures;

8 18. Borrow money;

9 19. Appoint committees, including standing committees, composed of  
10 members, State regulators, State legislators or their representatives,  
11 consumer representatives, and such other interested persons as may be  
12 designated in this Compact and the bylaws;

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

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

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

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

22 D. The Executive Committee

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

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

29 b. Recommend to the Commission changes to the Rules or bylaws,  
30 changes to this Compact legislation, fees charged to Member States, fees  
31 charged to Licensees, and other fees;

1       c. Ensure Compact administration services are appropriately  
2 provided, including by contract;

3       d. Prepare and recommend the budget;

4       e. Maintain financial records on behalf of the Commission;

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

7       g. Establish additional committees as necessary;

8       h. Exercise the powers and duties of the Commission during the  
9 interim between Commission meetings, except for adopting or amending  
10 Rules, adopting or amending bylaws, and exercising any other powers and  
11 duties expressly reserved to the Commission by Rule or bylaw; and

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

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

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

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

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

21       4. The Executive Committee shall meet at least annually.

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

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

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

30       E. The Commission shall adopt and provide to the Member States an  
31 annual report.

1           F. Meetings of the Commission

2           1. All meetings shall be open to the public, except that the  
3 Commission may meet in a closed, nonpublic meeting as provided in  
4 subsection F.2 below.

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

9           b. The Commission may hold a special meeting when it must meet to  
10 conduct emergency business by giving forty-eight hours' notice to all  
11 commissioners on the Commission's website and by other means as provided  
12 in the Commission's rules. The Commission's legal counsel shall certify  
13 that the Commission's need to meet qualifies as an emergency.

14           2. The Commission, the Executive Committee, or other committees of  
15 the Commission may convene in a closed, nonpublic meeting for the  
16 Commission, Executive Committee, or other committees of the Commission to  
17 receive legal advice or to discuss:

18           a. Noncompliance of a Member State with its obligations under the  
19 Compact;

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

22           c. Current or threatened discipline of a Licensee by the Commission  
23 or by a Member State's Licensing Authority;

24           d. Current, threatened, or reasonably anticipated litigation;

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

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

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

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

- 1 i. Investigative records compiled for law enforcement purposes;  
2 j. Information related to any investigative reports prepared by, on  
3 behalf of, or for use of the Commission or other committee charged with  
4 responsibility of investigation or determination of compliance issues  
5 pursuant to the Compact;  
6 k. Matters specifically exempted from disclosure by federal or  
7 Member State law; or  
8 1. Other matters as promulgated by the Commission by Rule.  
9 3. If a meeting, or portion of a meeting, is closed, the presiding  
10 officer shall state that the meeting will be closed and reference each  
11 relevant exempting provision, and such reference shall be recorded in the  
12 minutes.  
13 4. The Commission shall keep minutes that fully and clearly describe  
14 all matters discussed in a meeting and shall provide a full and accurate  
15 summary of actions taken, and the reasons therefore, including a  
16 description of the views expressed. All documents considered in  
17 connection with an action shall be identified in such minutes. All  
18 minutes and documents of a closed meeting shall remain under seal,  
19 subject to release only by a majority vote of the Commission or order of  
20 a court of competent jurisdiction.  
21 G. Financing of the Commission  
22 1. The Commission shall pay, or provide for the payment of, the  
23 reasonable expenses of its establishment, organization, and ongoing  
24 activities.  
25 2. The Commission may accept any and all appropriate revenue sources  
26 as provided in subsection C.14.  
27 3. The Commission may levy on and collect an annual assessment from  
28 each Member State and impose fees on Licensees practicing in the Member  
29 States under an Equivalent License to cover the cost of the operations  
30 and activities of the Commission and its staff, which must be in a total  
31 amount sufficient to cover its annual budget as approved each year for

1 which revenue is not provided by other sources. The aggregate annual  
2 assessment amount for Member States shall be allocated based upon a  
3 formula that the Commission shall promulgate by Rule.

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

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

16 H. Qualified Immunity, Defense, and Indemnification

17 1. The members, officers, executive director, employees, and  
18 representatives of the Commission shall have no greater liability than a  
19 state employee would have under the same or similar circumstances, either  
20 personally or in their official capacity, for any claim for damage to or  
21 loss of property or personal injury or other civil liability caused by or  
22 arising out of any actual or alleged act, error, or omission that  
23 occurred, or that the person against whom the claim is made had a  
24 reasonable basis for believing occurred, within the scope of Commission  
25 employment, duties, or responsibilities; provided that nothing in this  
26 paragraph shall be construed to protect any such person from suit or  
27 liability for any damage, loss, injury, or liability caused by the  
28 intentional or willful or wanton misconduct of that person. The  
29 procurement of insurance of any type by the Commission shall not in any  
30 way compromise or limit the immunity granted hereunder.

31 2. The Commission shall defend any member, officer, executive

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

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

21 4. Nothing herein shall be construed as a limitation on the  
22 liability of any Licensee for professional malpractice or misconduct,  
23 which shall be governed solely by any other applicable state laws.

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

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

31 SECTION 8. FACILITATING INFORMATION EXCHANGE



1       A. The Commission shall provide for facilitating the exchange of  
2 information to administer and implement the provisions of this Compact in  
3 accordance with the Rules of the Commission, consistent with generally  
4 accepted data protection principles.

5       B. Notwithstanding any other provision of State law to the contrary,  
6 a Member State shall agree to provide for the facilitation of the  
7 following Licensee information as required by the Rules of the  
8 Commission, including:

9           1. Identifying information;

10          2. Licensure data;

11          3. Adverse Actions against a License and information related  
12 thereto;

13          4. Nonconfidential information related to Alternative Program  
14 participation, the beginning and ending dates of such participation, and  
15 other information related to such participation not made confidential  
16 under Member State law;

17          5. Any denial of application for licensure, and the reason for such  
18 denial;

19          6. The presence of investigative information; and

20          7. Other information that may facilitate the administration of this  
21 Compact or the protection of the public, as determined by the Rules of  
22 the Commission.

23       C. Nothing in this Compact shall be deemed or construed to alter,  
24 limit, or inhibit the power of a Member State to control and maintain  
25 ownership of its Licensee information or alter, limit, or inhibit the  
26 laws or regulations governing Licensee information in the Member State.

27       SECTION 9. RULEMAKING

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

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

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

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

15           E. Prior to promulgation and adoption of a final Rule or Rules by  
16 the Commission, and at least thirty days in advance of the meeting at  
17 which the Rule will be considered and voted upon, the Commission shall  
18 file a notice of proposed rulemaking:

19           1. On the website of the Commission or other publicly accessible  
20 platform; and

21           2. On the website of each Member State Licensing Authority or other  
22 publicly accessible platform or the publication in which each State would  
23 otherwise publish proposed Rules.

24           F. Upon determination that an emergency exists, the Commission may  
25 consider and adopt an emergency Rule with forty-eight hours' notice, with  
26 opportunity to comment, provided that the usual Rulemaking procedures  
27 shall be retroactively applied to the Rule as soon as reasonably  
28 possible, in no event later than ninety days after the effective date of  
29 the Rule. For the purposes of this provision, an emergency Rule is one  
30 that must be adopted immediately in order to:

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

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

5           SECTION 10. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

6           A. Oversight

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

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

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

24          B. Default, Technical Assistance, and Termination

25          1. If the Commission determines that a Member State has defaulted in  
26 the performance of its obligations or responsibilities under this Compact  
27 or the promulgated Rules, the Commission shall provide written notice to  
28 the defaulting State. The notice of default shall describe the default,  
29 the proposed means of curing the default, and any other action that the  
30 Commission may take and shall offer training and specific technical  
31 assistance regarding the default.

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

3           C. If a State in default fails to cure the default, the defaulting  
4 State may be terminated from the Compact upon an affirmative vote of a  
5 supermajority of the delegates of the Member States, and all rights,  
6 privileges, and benefits conferred on that state by this Compact may be  
7 terminated on the effective date of termination. A cure of the default  
8 does not relieve the offending State of obligations or liabilities  
9 incurred during the period of default.

10           D. Termination of membership in the Compact shall be imposed only  
11 after all other means of securing compliance have been exhausted. Notice  
12 of intent to suspend or terminate shall be given by the Commission to the  
13 governor, the majority and minority leaders of the defaulting State's  
14 legislature, the defaulting State's Licensing Authority, and each of the  
15 Member States' Licensing Authorities.

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

20           F. Upon the termination of a State's membership from this Compact,  
21 that State shall immediately provide notice to all Licensees within that  
22 State of such termination. The terminated State shall continue to  
23 recognize all Licenses granted pursuant to this Compact for a minimum of  
24 six months after the date of the notice of termination.

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

29           H. The defaulting State may appeal the action of the Commission by  
30 petitioning the United States District Court for the District of Columbia  
31 or the federal district where the Commission has its principal offices.

1 The prevailing party shall be awarded all costs of such litigation,  
2 including reasonable attorney's fees.

3 I. Dispute Resolution

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

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

9 J. Enforcement

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

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

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

31 SECTION 11. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

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

3           1. On or after the effective date of the Compact indicated above,  
4 the Commission shall convene and review the enactment of each of the  
5 Charter Member States to determine if the statute enacted by each such  
6 Charter Member State is materially different than the model Compact  
7 statute.

8           a. A Charter Member State whose enactment is found to be materially  
9 different from the model Compact statute shall be entitled to the default  
10 process set forth in Section 10.

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

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

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

25           a. Any State that joins the Compact subsequent to the Commission's  
26 initial adoption of the Rules and bylaws shall be subject to the Rules  
27 and bylaws as they exist on the date on which the Compact becomes law in  
28 that State. Any Rule that has been previously adopted by the Commission  
29 shall have the full force and effect of law on the day the Compact  
30 becomes law in that State.

31           b. Any Member State may withdraw from this Compact by enacting a

1 statute repealing the same.

2 B. A Member State's withdrawal shall not take effect until one  
3 hundred eighty days after enactment of the repealing statute.

4 C. Withdrawal shall not affect the continuing requirement of the  
5 withdrawing State's Licensing Authority to comply with the investigative  
6 and Adverse Action reporting requirements of this Compact prior to the  
7 effective date of withdrawal.

8 D. Upon the enactment of a statute withdrawing from this Compact, a  
9 State shall immediately provide notice of such withdrawal to all  
10 Licensees within that State. Notwithstanding any subsequent statutory  
11 enactment to the contrary, such withdrawing State shall continue to  
12 recognize all licenses granted pursuant to this Compact for a minimum of  
13 six months after the date of such notice of withdrawal.

14 1. Nothing contained in this Compact shall be construed to  
15 invalidate or prevent any licensure agreement or other cooperative  
16 arrangement between a Member State and a non-Member State that does not  
17 conflict with the provisions of this Compact.

18 2. This Compact may be amended by the Member States. No amendment to  
19 this Compact shall become effective and binding upon any Member State  
20 until it is enacted into the laws of all Member States.

21 SECTION 12. CONSTRUCTION AND SEVERABILITY

22 A. This Compact and the Commission's rulemaking authority shall be  
23 liberally construed so as to effectuate the purposes, implementation, and  
24 administration of the Compact. Provisions of the Compact expressly  
25 authorizing or requiring the promulgation of Rules shall not be construed  
26 to limit the Commission's rulemaking authority solely for those purposes.

27 B. The provisions of this Compact shall be severable and if any  
28 phrase, clause, sentence, or provision of this Compact is held by a court  
29 of competent jurisdiction to be contrary to the constitution of any  
30 Member State, a State seeking participation in the Compact, or of the  
31 United States, or the applicability thereof to any government, agency,

1 person, or circumstance is held to be unconstitutional by a court of  
2 competent jurisdiction, the validity of the remainder of this Compact and  
3 the applicability thereof to any other government, agency, person, or  
4 circumstance shall not be affected thereby.

5 C. Notwithstanding subsection 12.B, the Commission may deny a  
6 State's participation in the Compact or, in accordance with the  
7 requirements of subsection 10.B, terminate a Member State's participation  
8 in the Compact, if it determines that a constitutional requirement of a  
9 Member State is a material departure from the Compact. Otherwise, if this  
10 Compact shall be held to be contrary to the constitution of any Member  
11 State, the Compact shall remain in full force and effect as to the  
12 remaining Member States and in full force and effect as to the Member  
13 State affected as to all severable matters.

14 SECTION 13. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

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

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

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

22 **Sec. 2.** Section 38-3113, Revised Statutes Cumulative Supplement,  
23 2024, is amended to read:

24 38-3113 Nothing in the Psychology Practice Act shall be construed to  
25 prevent:

26 (1) The teaching of psychology, the conduct of psychological  
27 research, or the provision of psychological services or consultation to  
28 organizations or institutions if such teaching, research, or service does  
29 not involve the delivery or supervision of direct psychological services  
30 to individuals or groups of individuals who are themselves, rather than a  
31 third party, the intended beneficiaries of such services, without regard



1 to the source or extent of payment for services rendered. Nothing in the  
2 act shall prevent the provision of expert testimony by psychologists who  
3 are otherwise exempted by the act. Persons holding a doctoral degree in  
4 psychology from an institution of higher education may use the title  
5 psychologist in conjunction with the activities permitted by this  
6 subdivision;

7 (2) Members of other recognized professions that are licensed,  
8 certified, or regulated under the laws of this state from rendering  
9 services consistent with their professional training and code of ethics  
10 and within the scope of practice as set out in the statutes regulating  
11 their professional practice if they do not represent themselves to be  
12 psychologists;

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

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

26 (5) Any of the following persons from engaging in activities defined  
27 as the practice of psychology if they do not represent themselves by the  
28 title psychologist, if they do not use terms other than psychological  
29 trainee, psychological intern, psychological resident, or psychological  
30 assistant to refer to themselves, and if they perform their activities  
31 under the supervision and responsibility of a psychologist in accordance

1 with the rules and regulations adopted and promulgated under the  
2 Psychology Practice Act:

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

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

9 (c) An individual with a master's degree in clinical, counseling, or  
10 educational psychology or an educational specialist degree in school  
11 psychology who administers and scores and may develop interpretations of  
12 psychological testing under the supervision of a psychologist. Such  
13 individuals shall be deemed to be conducting their duties as an extension  
14 of the legal and professional authority of the supervising psychologist  
15 and shall not independently provide interpretive information or treatment  
16 recommendations to clients or other health care professionals prior to  
17 obtaining appropriate supervision. The department, with the  
18 recommendation of the board, may adopt and promulgate rules and  
19 regulations governing the conduct and supervision of persons referred to  
20 in this subdivision, including the number of such persons that may be  
21 supervised by a licensed psychologist. Persons who have carried out the  
22 duties described in this subdivision as part of their employment in  
23 institutions accredited by the Department of Health and Human Services,  
24 the State Department of Education, or the Department of Correctional  
25 Services for a period of two years prior to September 1, 1994, may use  
26 the title psychologist associate in the context of their employment in  
27 such settings. Use of the title shall be restricted to duties described  
28 in this subdivision, and the title shall be used in its entirety. Partial  
29 or abbreviated use of the title and use of the title beyond what is  
30 specifically authorized in this subdivision shall constitute the  
31 unlicensed practice of psychology.

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