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New State Laws

Kansas Legislature

Senate Bill 30, concerning labor and employment; relating to occupational licensing; providing for occupational licensing annual reports by agencies to the joint committee on administrative rules and regulations; requiring that adoption of new occupational licenses and material changes to existing occupational licenses by a state agency be approved by the legislature by ratification

Governor's Veto Message for Senate Bill 30

Legislature's Certificate Overriding Governor's Veto of Senate Bill 30

House Bill 2533, concerning health professions and practices; relating to occupational therapy, respiratory therapy, esthetics and athletic training; enacting the occupational therapy licensure compact, respiratory care interstate compact, esthetics licensure compact and athletic trainer licensure compact to provide interstate practice privileges

Bonds

Kansas Development Finance Authority

Notice of Hearing on Proposed Agricultural Development Revenue Bonds for Alex Drake and Crystal Strauss

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Summary Notice of Bond Sale

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State of Kansas

Pooled Money Investment Board

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 75-4210. These rates and their uses are defined in K.S.A. 12-1675(b)(c)(d) and K.S.A. 12-1675a(g).

Effective 5-4-26 through 5-10-26

Term	Rate
1-89 days	3.64%
3 months	3.67%
6 months	3.70%
12 months	3.77%
18 months	3.85%
2 years	3.86%

Joel Oliver
Executive Director
Chief Investment Officer
Pooled Money Investment Board

Doc. No. 054122

State of Kansas

Secretary of State

Notice of Code Mortgage Rate for May 2026

Pursuant to the provisions of K.S.A. 16a-1-301, Section 11, the code mortgage rate during the period of May 1-31, 2026, is 12 percent. The reference rate referred to in the definition of "code mortgage rate" set forth in K.S.A. 16a-1-301(11)(b)(i) is discontinued, has become impractical to use, and/or is otherwise not readily ascertainable from the Federal Home Loan Mortgage Corporation.

Scott Schwab
Secretary of State
State of Kansas

Doc. No. 054123

State of Kansas

Department of Administration Office of Procurement and Contracts

Notice to Bidders

Sealed bids for items listed will be received by the Office of Procurement and Contracts until 2:00 p.m. on the date indicated. For more information, call 785-296-2376.

All bids are to be submitted via email only to procurement@ks.gov. For more information, please visit https://supplier.sok.ks.gov/psc/sokfsprdsup/SUPPLIER/ERP/c/SCP_PUBLIC_MENU_FL.SCP_PUB_BID_CMP_FL.GBL.

5/21/2026	EVT0010813	Parking Lot Construction – Parsons State Hospital
5/26/2026	EVT0010814	Archery Range Improvement – Perry – Kansas Department of Wildlife and Parks
5/26/2026	EVT0010817	Elk Creek Wetlands – Phase 2 – Kansas Department of Wildlife and Parks
5/27/2026	EVT0010818	Demolition of West Cottage and George A York School – Osawatomie State Hospital
5/28/2026	EVT0010791	Waste Tire Disposal and Recycling – Kansas Department of Transportation
6/04/2026	EVT0010793	Players' Loyalty Program and Online Sales Platform – Kansas Lottery
6/08/2026	EVT0010809	Environmental Testing in PFAS following EPA Methods 533 and 1633 – Kansas Department of Health and Environment
6/09/2026	EVT0010804	Janitorial Services – Concordia – Kansas Department of Revenue
6/10/2026	EVT0010816	AWS-ASTM-AASHTO Standards Portal – Kansas Department of Transportation
6/11/2026	EVT0010815	Expanded Information Technology Deployment Program Plan – Kansas Highway Patrol
6/16/2026	EVT0010822	Portable Toilet Services – Larned Correctional Facility

The above referenced bid documents can be downloaded at the following website:

https://supplier.sok.ks.gov/psc/sokfsprdsup/SUPPLIER/ERP/c/SCP_PUBLIC_MENU_FL.SCP_PUB_BID_CMP_FL.GBL

Additional files may be located at the following website (please monitor this website on a regular basis for any changes/addenda):

<https://admin.ks.gov/offices/procurement-contracts/bidding--contracts/additional-bid-opportunities>

5/20/2026	A-015579	Flint Hills Trail – Phase 10 (IV.A) RBC Repair – Kansas Department of Wildlife and Parks
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Information regarding prequalification, projects, and bid documents can be obtained at 785-296-8899 or <http://admin.ks.gov/offices/ofpm/dcc>.

Todd Herman
Director
Office of Procurement and Contracts
Kansas Department of Administration

State of Kansas

Board of Regents Universities

Notice to Bidders

Emporia State University – Bid postings: <https://www.emporia.edu/about-emporia-state-university/business-office/purchasing>. Additional contact info: phone: 620-341-5137, email: purchaseorders@emporia.edu. Mailing address: Emporia State University Purchasing, Campus Box 4021, 1 Kellogg Cir., Emporia, KS 66801.

Fort Hays State University – Electronic bid postings: <http://www.fhsu.edu/purchasing/bids>. Additional contact info: phone: 785- 628-4251, email: purchasing@fhsu.edu. Mailing address: Fort Hays State University Purchasing Office, 601 Park St., Sheridan Hall 318, Hays, KS 67601.

Kansas State University – Bid postings: <https://bidportal.ksu.edu>. Effective August 1, 2023, all bids, quotes, or proposals must be submitted via the Kansas State University Bid Portal at <https://bidportal.ksu.edu>. Division of Financial Services/Purchasing, 2323 Anderson Ave., Kansas State University, Manhattan, KS 66506. Additional contact information, phone: 785-532- 6214, email: kspurch@k-state.edu.

Pittsburg State University – Bid postings: <https://www.pittstate.edu/office/purchasing>. Additional contact info: phone: 620-235-4167, email: purch@pittstate.edu. Mailing address: Pittsburg State University, Purchasing Office, 1701 S. Broadway, Pittsburg, KS 66762.

University of Kansas – Electronic bid postings: <http://www.procurement.ku.edu/>. The University of Kansas exclusively uses the online eBid tool and will no longer accept paper responses unless otherwise specified in a solicitation. Additional contact information, email: purchasing@ku.edu. Mailing address: University of Kansas, Procurement Department, 1246 W. Campus Road Room 20, Lawrence, KS 66045.

University of Kansas Medical Center – Electronic bid postings: <https://www.kumc.edu/finance/supply-chain/bid-opportunities.html>. Additional contact information, phone: 913-588-1117, email: hunkemoore@kumc.edu. The University of Kansas Medical Center accepts only electronic bids.

Wichita State University – Bid postings: https://www.wichita.edu/services/purchasing/Bid_Documents/BidDocuments.php. Additional contact information, phone: 316-978-3080, fax: 316-978-3738, email: purchasing.office@wichita.edu. Mailing address: Wichita State University, Office of Purchasing, 1845 Fairmount Ave., Campus Box 38, Wichita, KS 67260-0038.

Ashley Brandt, MBA
Director of Procurement
Business Office
Emporia State University

State of Kansas

Department of Health and Environment

Notice Concerning Proposed Kansas Air Quality Class I Operating Permit Renewal

Notice is hereby given that the Kansas Department of Health and Environment (KDHE) is soliciting comments regarding a proposed air quality operating permit. ANR Pipeline Company – Greensburg Compressor Station has applied for a Class I operating permit renewal in accordance with the provisions of K.A.R. 28-19-510 et al. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards, and requirements applicable to each source; and the monitoring, recordkeeping, and reporting requirements applicable to each source as of the effective date of permit issuance.

ANR Pipeline Company – Greensburg Compressor Station, 700 Louisiana St., Suite 1300, Houston, TX 77002, owns and operates a natural gas compressor station located at Highway 54, Greensburg, KS 67054.

A copy of the proposed permit, permit application, all supporting documentation, and all information relied upon during the permit application review process are available for public review during normal business hours of 8:00 a.m. to 5:00 p.m. at the KDHE, Bureau of Air (BOA), 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366 and at the Southwest District Office, 302 W. McArtor Rd., Dodge City, KS 67801. To obtain or review the proposed permit and supporting documentation, contact Emilee Agnew at the central office of KDHE at 785-296-1581, or Ethel Evans at the Southwest District Office at 620-356-1075. The standard departmental cost will be assessed for any copies requested. The proposed permit, accompanied with supporting information, is available, free of charge, at the KDHE BOA Public Notice website at <https://www.kdhe.ks.gov/413/Public-Notices>.

Please direct written comments or questions regarding the proposed permit to Emilee Agnew, KDHE, BOA, 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received no later than 12:00 p.m. June 8, 2026.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Emilee Agnew, KDHE BOA, 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366, no later than 12:00 p.m. June 8, 2026, in order for the Secretary of Health and Environment to consider the request.

The United States Environmental Protection Agency (USEPA) has a 45-day review period, which will start concurrently with the public comment period, within which to object to the proposed permit. If the USEPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the USEPA to review the permit. The 60-day public petition period will directly follow the USEPA 45-day review period.

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Ward Burns, USEPA, Region 7, Air Permitting and Standards Branch, 11201 Renner Blvd., Lenexa, KS 66219, phone 913-551-7960, to determine when the 45-day USEPA review period ends and the 60-day petition period commences.

The preceding notice refers to the air permit for ANR Pipeline Company – Greensburg Compressor Station located at Highway 54, Greensburg, KS 67054. If you want more information or you have other questions, please contact the KDHE Non-Discrimination coordinator and call 785-296-5156 or send an email to: KDHE.NonDiscrimination@ks.gov. [El aviso anterior se refiere al permiso de aire para ANR Pipeline Company – Greensburg Compressor Station ubicado en Highway 54, Greensburg, KS 67054. Si desea obtener

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más información en español o tiene otras preguntas, por favor, comuníquese con el Coordinador de No Discriminación de KDHE y llame al 785-296-5156 o envíe un correo electrónico a: KDHE.NonDiscrimination@ks.gov.]

Janet Stanek
Secretary
Kansas Department of Health and Environment

Doc. No. 054127

State of Kansas

Department of Health and Environment

Notice of Proposed Kansas/Federal Water Pollution Control Permits and Applications

In accordance with Kansas Administrative Regulations 28-16-57a through 63, 28-18-1 through 17, 28-18a-1 through 31 and 33, 28-16-150 through 154, 28-46-7, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, various draft water pollution control documents (permits, notices to revoke and reissue, notices to terminate) have been prepared and/or permit applications have been received for discharges to waters of the United States and the state of Kansas for the class of discharges described below.

The proposed actions concerning the draft documents are based on staff review, applying the appropriate standards, regulations, and effluent limitations of the state of Kansas and the Environmental Protection Agency. The final action will result in a Federal National Pollutant Discharge Elimination System Authorization and/or a Kansas Water Pollution Control permit being issued, subject to certain conditions, revocation, and reissuance of the designated permit or termination of the designated permit.

Las acciones propuestas con respecto a los documentos preliminares se basan en la revisión del personal, aplicando los estándares, regulaciones y limitaciones de efluentes apropiados del estado de Kansas y de la Agencia de Protección Ambiental de Estados Unidos. La acción final resultará en la emisión de una Autorización Federal del Sistema Nacional de Eliminación de Descargas de Contaminantes y un permiso de Control de Contaminación del Agua de Kansas, sujeto a ciertas condiciones, revocación y reemisión del permiso designado o terminación del permiso designado. Si desea obtener más información en español o tiene otras preguntas, por favor, comuníquese con el Coordinador de No Discriminación al 785-296-5156 o en: KDHE.NonDiscrimination@ks.gov.

Public Notice No. KS-AG-26-169/179

Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Burton Farms, Inc. Dan Burton 685 K-99 Hwy. Summerfield, KS 66541	SE/4 of Section 36 T01S, R09E Marshall County	Big Blue River Basin

Kansas Permit No. A-BBMS-S040

The proposed action is to reissue an existing state permit for an existing facility for 2,210 head (884 animal units) of swine greater than 55 pounds and 1,070 head (107 animal units) of swine less than or equal to 55 pounds for a total of 991 animal units. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Waste Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
David Delong Feedlot David Delong 1285 Road 210 Emporia, KS 66801	NE/4 of Section 25 T18S, R11E Lyon County	Neosho River Basin

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Kansas Permit No. A-NELY-B002

The proposed action is to reissue an existing state permit for an existing facility for 950 head (950 animal units) of cattle weighing more than 700 pounds. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Waste Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Edward J. Goetz 1742 W. Road 90 S Grainfield, KS 67737	SW/4 of Section 28 T09S, R28W Sheridan County	Saline River Basin

Kansas Permit No. A-SASD-S001

The proposed action is to reissue an existing state permit for an existing facility for 910 head (91 animal units) of swine weighing 55 pounds or less and 1,225 head (490 animal units) of swine weighing more than 55 pounds for a total maximum capacity of 581 animal units. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Waste Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
FBN Hogs FBN Enterprises 302 N. Wolf Oberlin, KS 67749	NW/4 of Section 02 T03S, R29W Decatur County	Upper Republican River Basin

Kansas Permit No. A-URDC-S007

The proposed action is to reissue an existing state permit for an existing facility for 990 head (396 animal units) of swine more than 55 pounds. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Waste Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Hlavaty Feeders Kevin Hlavaty 777 NW 100th Ave. Olmitz, KS 67564	NE/4 of Section 22 T18S, R15W Barton County	Upper Arkansas River Basin

Kansas Permit No. A-UABT-B003

The proposed action is to reissue an existing state permit for an existing facility for 999 head (499.5 animal units) of cattle weighing 700 pounds or less. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Waste Management Plan on file with KDHE.

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Name and Address of Applicant	Legal Description	Receiving Water
Morton County Dairy Tevelde, LLC 975 S Blvd. Richfield, KS 67953	NE/4 of Section 33 T32S, R42W Morton County	Cimarron River Basin
Kansas Permit No. A-CIMT-D001 Federal Permit No. KS0101010		

The proposed action is to reissue an existing State/NPDES permit for an existing facility for 6,000 head (8,400 animal units) of mature dairy cows. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Pork Chop Acres Sharon Schwartz 2051 20th Rd. Washington, KS 66968	SE/4 of Section 20 T02S, R04E Washington County	Big Blue River Basin
Kansas Permit No. A-BBWS-S024		

The proposed action is to reissue an existing state permit for an existing facility for 500 head (200 animal units) of swine more than 55 pounds and 600 head (60 animal units) of swine 55 pounds or less, for a total of 260 animal units. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Waste Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Pruitt Farms Inc. David Pruitt Intersection of V Rd. and K-14 Hwy. Beloit, KS 67420	SE/4 of Section 17 T09S, R07W Mitchell County	Solomon River Basin
Kansas Permit No. A-SOMC-B012		

The proposed action is to reissue an existing state permit for an existing facility of 999 head (999 animal units) of cattle weighing more than 700 pounds. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Waste Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Sunbelt Feed Yard Rick Sander 1551 Road U Hugoton, KS 67951	All of Section 24 T32S, R37W Stevens County	Cimarron River Basin
Kansas Permit No. A-CISV-C002 Federal Permit No. KS0116203		

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The proposed action is to modify and reissue the existing NPDES permit for a facility for a proposed maximum capacity of 45,000 head (45,000 animal units) of cattle weighing greater than 700 pounds and 15 head (30 animal units) of horses for a total animal unit capacity of 45,030. This represents an increase in the permitted animal units from the previous permit. This permit is also being modified to describe the construction of additional pens inside the existing facility footprint. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Prairie View Farms, LLC CR 12S and E. Road 24 Ulysses, KS 67880	S/2 of Section 27 & S/2 of Section 28 & E/2 of Section 29 T30S, R36W Grant County	Cimarron River Basin

Kansas Permit No. A-CIGT-H001
Federal Permit No. KS0095427

The proposed action is to approve an update to the Nutrient Management Plan (NMP) received for this existing facility currently permitted not to exceed 129,600 head (51,840 animal units) of weaned swine weighing up to 70 pounds OR a total maximum capacity not to exceed 64,800 head (25,920 animal units) of finisher swine with an average weight of 150 pounds. The facility's NMP was updated to include a change in the application rate limitation for their fields. One of the fields application rate limitations has become less restrictive than the previous NMP. There are no changes to the permit or in the permitted number of animal units. Only the updated portion of the Nutrient Management Plan is subject to comment. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Stone Post Dairy, LLC 33002 SE K Rd. Jetmore, KS 67854	W/2 of Section 12 T23S, R23W Hodgeman County	Upper Arkansas River Basin

Kansas Permit No. A-UAHG-D001
Federal Permit No. KS0115061

The proposed action is to approve an update to the Nutrient Management Plan (NMP) received for this existing facility currently permitted for 5,000 head (7,000 animal units) of mature dairy cows, 850 head (850 animal units) of dairy cattle weighing greater than 700 pounds, and 1,600 head (800 animal units) of dairy cattle weighing 700 pounds or less; for a total of 8,650 animal units of dairy cattle. The facility's NMP update included changes in the application rate limitations for their fields. Two of the field's application rate limitations have become less restrictive than the previous NMP. Only the updated portion of the Nutrient Management Plan and permit are subject to comment.

Public Notice No. KS-Q-26-060

The requirements of the draft permit public noticed below are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-g), and Federal Surface Water Criteria.

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Name and Address of Applicant	Receiving Stream	Type of Discharge
Lecompton Iron/Manganese Plant PO Box 100 Lecompton, KS 66050	Kansas River	Process Wastewater

Permit No. I-KS33-PO01
Federal Permit No. KS0099473

Legal Description: NW¼, SE¼, Section 34, Township 11S, Range 18E, Douglas County

Location: [39.04992](#), [-95.40024](#)

This action consists of reissuance of an existing NPDES/Kansas Water Pollution Control (KWPC) permit for an existing facility. This is an existing potable water treatment plant treating groundwater. The system uses chemical oxidants to precipitate out and filter the iron and manganese precipitates and an ion exchange system to soften the water prior to chlorination and distribution. This permit contains limits for Total Suspended Solids, and pH. The permit contains monitoring for Total Residual Chlorine, and Total Phosphorus. The facility has a schedule of compliance for lagoon maintenance and land application of solids.

Public Notices No. KS-EG-26-008/013

In accordance with K.A.R. 28-46-7 and that authority vested with the state by the administrator of the U.S. Environmental Protection Agency, draft permit have been prepared for the use of the well(s) described below with the State of Kansas.

Name and Address of Applicant

OxyChem #3
14555 Dallas Pkwy., Suite 400
Dallas, TX 75254

Permit No. KS-01-173-004

Location: [37.58170](#), [-97.42123](#)

Wastewater from this facility consists of stormwater runoff, contaminated groundwater and process wastewater. The wastewater consists primarily of sodium, calcium and magnesium chloride brines which vary in pH. The average chloride concentration of these brines is approximately 20,000 ppm. Trace organic compounds, soluble in brines, are also present. Some of the fluids to be injected are considered hazardous by definition in the Resource Conservation and Recovery Act and K.S.A. 65-3430 et seq. and regulations adopted thereunder. Although OxyChem continuously makes ongoing efforts to investigate and evaluate methods to minimize or eliminate wastes, wastewater is currently generated at the plant and have generally been disposed via permitted Underground Injection Control (UIC) Class I hazardous waste disposal wells. Including Well #3, there are currently 5 active permitted Class I hazardous injection wells in the facility and 2 permitted well locations which are undrilled. Disposal of this wastewater is currently the most environmentally sound disposal method for the plant as the waste is isolated in the subsurface, has no potential for future contact with the surface environment, and does not require additional waste handling. Alternate disposal methods may increase chances for release into the environment, consume more energy/raw materials, and/or generate effluent or byproducts that still require treatment and/or containment.

Name and Address of Applicant

OxyChem #8
14555 Dallas Pkwy., Suite 400
Dallas, TX 75254

Permit No. KS-01-173-007

Location: [37.58298](#), [-97.42205](#)

Wastewater from this facility consists of stormwater runoff, contaminated groundwater and process wastewater. The wastewater consists primarily of sodium, calcium and magnesium chloride brines which vary in pH. The average chloride concentration of these brines is approximately 20,000 ppm. Trace organic compounds, soluble in brines, are also present. Some of the fluids to be injected are considered hazardous by definition in the Resource Conservation and Recovery Act and K.S.A. 65-3430 et seq. and regulations adopted thereunder. Although OxyChem continuously makes ongoing efforts to investigate and evaluate methods to minimize or eliminate wastes, wastewater is currently generated at the plant and have generally been disposed via permitted Underground Injection Control (UIC) Class I hazardous waste disposal wells. Including Well #8, there are currently 5 active permitted Class I hazardous injection wells in the facility and 2 permitted well locations which are undrilled. Disposal of this wastewater is currently the most environmentally sound disposal method for the plant as the waste is isolated in the subsurface, has no potential for future contact with the surface environment, and does not require additional waste handling. Alternate disposal methods may increase chances for release into the environment, consume more energy/raw materials, and/or generate effluent or byproducts that still require treatment and/or containment.

Name and Address of Applicant

OxyChem #9
14555 Dallas Pkwy., Suite 400
Dallas, TX 75254

Permit No. KS-01-173-008

Location: [37.58280](#), [-97.42122](#)

Wastewater from this facility consists of stormwater runoff, contaminated groundwater and process wastewater. The wastewater consists primarily of sodium, calcium and magnesium chloride brines which vary in pH. The average chloride concentration of these brines is approximately 20,000 ppm. Trace organic compounds, soluble in brines, are also present. Some of the fluids to be injected are considered hazardous by definition in the Resource Conservation and Recovery Act and K.S.A. 65-3430 et seq. and regulations adopted thereunder. Although OxyChem continuously makes ongoing efforts to investigate and evaluate methods to minimize or eliminate wastes, wastewater is currently generated at the plant and have generally been disposed via permitted Underground Injection Control (UIC) Class I hazardous waste disposal wells. Including Well #9, there are currently 5 active permitted Class I hazardous injection wells in the facility and 2 permitted well locations which are undrilled. Disposal of this wastewater is currently the most environmentally sound disposal method for the plant as the waste is isolated in the subsurface, has no potential for future contact with the surface environment, and does not require additional waste handling. Alternate disposal methods may increase chances for release into the environment, consume more energy/raw materials, and/or generate effluent or byproducts that still require treatment and/or containment.

Name and Address of Applicant

OxyChem #11
14555 Dallas Pkwy., Suite 400
Dallas, TX 75254

Permit No. KS-01-173-011

Location: [37.58676](#), [-97.42104](#)

Wastewater from this facility consists of stormwater runoff, contaminated groundwater and process wastewater. The wastewater consists primarily of sodium, calcium and magnesium chloride brines which vary in pH. The average chloride concentration of these brines is approximately 20,000 ppm. Trace organic compounds, soluble in brines, are also present. Some of the fluids to be injected are considered hazardous by definition in the Resource Conservation and Recovery Act and K.S.A. 65-3430 et seq. and regulations adopted thereunder. Although OxyChem continuously makes ongoing efforts to investigate and evaluate methods to minimize or eliminate wastes, wastewater is currently generated at the plant and have generally been disposed via permitted Underground Injection Control (UIC) Class I hazardous waste disposal wells. Including Well #11, there are currently 5 active permitted Class I hazardous injection wells in the facility and 2 permitted well locations which are undrilled. Disposal of this wastewater is currently the most environmentally sound disposal method for the plant as the waste is isolated in the subsurface, has no potential for future contact with the surface environment, and does not require additional waste handling. Alternate disposal methods may increase chances for release into the environment, consume more energy/raw materials, and/or generate effluent or byproducts that still require treatment and/or containment.

Name and Address of Applicant

OxyChem #12
14555 Dallas Pkwy., Suite 400
Dallas, TX 75254

Permit No. KS-01-173-012

Location: [37.58604](#), [-97.42515](#)

Wastewater from this facility consists of stormwater runoff, contaminated groundwater and process wastewater. The wastewater consists primarily of sodium, calcium and magnesium chloride brines which vary in pH. The average chloride concentration of these brines is approximately 20,000 ppm. Trace organic compounds, soluble in brines, are also present. Some of the fluids to be injected are considered hazardous by definition in the Resource Conservation and Recovery Act and K.S.A. 65-3430 et seq. and regulations adopted thereunder. Although OxyChem continuously makes ongoing efforts to investigate and evaluate methods to minimize or eliminate wastes, wastewater is currently generated at the plant and have generally been disposed via permitted Underground Injection Control (UIC) Class I hazardous waste disposal wells. Well #12 is undrilled. There are currently 5 active permitted Class I hazardous injection wells in the facility and 1 other permitted well location which is undrilled. Disposal of this wastewater is currently the most environmentally sound disposal method for the plant as the waste is isolated in the subsurface, has no potential for future contact with the surface environment, and does not require additional waste handling. Alternate disposal methods may increase chances for release into the environment, consume more energy/raw materials, and/or generate effluent or byproducts that still require treatment and/or containment.

Name and Address of Applicant

OxyChem #14
14555 Dallas Pkwy., Suite 400
Dallas, TX 75254

Permit No. KS-01-173-014

Location: [37.58854, -97.42367](#)

Wastewater from this facility consists of stormwater runoff, contaminated groundwater and process wastewater. The wastewater consists primarily of sodium, calcium and magnesium chloride brines which vary in pH. The average chloride concentration of these brines is approximately 20,000 ppm. Trace organic compounds, soluble in brines, are also present. Some of the fluids to be injected are considered hazardous by definition in the Resource Conservation and Recovery Act and K.S.A. 65-3430 et seq. and regulations adopted thereunder. Although OxyChem continuously makes ongoing efforts to investigate and evaluate methods to minimize or eliminate wastes, wastewater is currently generated at the plant and have generally been disposed via permitted Underground Injection Control (UIC) Class I hazardous waste disposal wells. Well #14 is undrilled. There are currently 5 active permitted Class I hazardous injection wells in the facility and 1 other permitted well location which which is undrilled. Disposal of this wastewater is currently the most environmentally sound disposal method for the plant as the waste is isolated in the subsurface, has no potential for future contact with the surface environment, and does not require additional waste handling. Alternate disposal methods may increase chances for release into the environment, consume more energy/raw materials, and/or generate effluent or byproducts that still require treatment and/or containment.

Persons wishing to comment on or object to the draft documents and/or permit applications must submit their comments in writing to the Kansas Department of Health and Environment (KDHE) if they wish to have the comments or objections considered in the decision-making process. All written comments regarding the draft documents, application or registration notices received on or before June 6, 2026 will be considered in the formulation of the final determination regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-26-169/179, KS-Q-26-060, KS-EG-26-008/013) and name of the applicant/permittee when preparing comments.

All comments received will be responded to at the time the Secretary of Health and Environment issues a determination regarding final agency action on each draft document/application. If response to any draft document/application indicates significant public interest, a public hearing may be held in conformance with K.A.R. 28-16-61 (28-46-21 for UIC). A request for public hearing must be submitted in writing and shall state the nature of the issues proposed to be raised during the hearing.

Comments or objections for agricultural related draft documents, permit applications, registrations or actions should be submitted to the attention of Casey Guccione, Livestock Waste Management Section at the KDHE, Bureau of Environmental Field Services (BEFS), 1000 SW Jackson, Suite 430, Topeka, KS 66612. Comments or objections for all other proposed permits or actions should be sent to Andrew Bowman at the KDHE, Bureau of Water, 1000 SW Jackson St., Suite 420, Topeka, KS 66612.

All draft documents/applications and the supporting information including any comments received are on file and may be inspected at the offices of the KDHE. For agricultural related draft documents or applications an appointment can be scheduled, or copies requested by contacting Jada Martin at 1000 SW Jackson St., Suite 430, Topeka, KS 66612, telephone 785-296-0076 or email at kdhe.feedlots@ks.gov. Las preguntas o comentarios por escrito deben dirigirse a Erich Glave, Director, Bureau of Environmental Field Services en KDHE: 1000 SW Jackson St., Suite 430, Topeka, KS 66612-1367; por correo electrónico: kdhe.feedlots@ks.gov; por teléfono: 785-

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296-6432. For all other proposed permits or actions an appointment can be scheduled, or copies requested by contacting Jamie Packard, Bureau of Water, 1000 SW Jackson St., Suite 420, Topeka, KS 66612, telephone 785-296-4148 or email at Jamie.Packard@ks.gov. These documents are available upon request at the copying cost assessed by KDHE. Application information and components of plans and specifications for all new and expanding swine facilities are available at <http://www.kdhe.ks.gov/livestock>. The Division of Environment offices are open from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays.

Janet Stanek
Secretary

Kansas Department of Health and Environment

Doc. No. 054128

State of Kansas

Department of Health and Environment

Notice of Water Quality Certification

The Kansas Department of Health and Environment (KDHE) has drafted a water quality certification per Section 401 of the Clean Water Act (CWA) requested by Shoeb Uddin, P.E. on behalf of the City of Topeka, Kansas. The United States Army Corps of Engineers (USACE) CWA Section 404 Public Notice No. NWK-2025-00700 can be found at <https://rrs.usace.army.mil/rrs/public-notice>. The purpose of this project is place fill within Shunganunga Creek for the purpose of stabilizing and restoring the south bank of the Shunganunga Creek and thereby preventing further erosion of the bank. The proposed work would take place along 250 feet of the right descending bank of Shunganunga Creek, and fill materials would consist of 2,209 cubic yards of limestone, shot rock, and soil fill. Approximately 250 trees will be planted on the north bank of the creek, and the south bank of the creek will be replanted with small trees on each layer of geo-reinforced soil. An engineered rock riffle will be constructed upstream of the project, along with extending an existing floodplain bench another 50 linear feet. All disturbed areas will be planted with a mixture of native trees, shrubs and grasses.

The draft certification and additional information containing the link to the USACE Public Notice will be posted on the KDHE website at <https://www.kdhe.ks.gov/1095/Section-401-Water-Quality-Certification>. Persons wishing to comment on the referenced draft document must submit their comments in writing by email to the Kansas Department of Health and Environment at KDHE.NPS@ks.gov by June 6, 2026, if they wish to have their comments considered in the formulation of final determinations for 401 regarding this public notice.

For more information, contact Scott Satterthwaite, Watershed Management Section, Bureau of Environmental Field Services, KDHE at Scott.Satterthwaite@ks.gov.

Janet Stanek
Secretary

Kansas Department of Health and Environment

Doc. No. 054129

State of Kansas

Department of Health and Environment Division of Health Care Finance

Public Notice

The Kansas Department of Health and Environment, Division of Health Care Finance (KDHE-DHCF) is amending the Kansas Medicaid State Plan. Ambulance Response, Treatment in Place, No Transport Services are added to the state plan. This allows EMS providers to receive reimbursement for treatment rendered in response to an emergency call to a member's home or other location, when transportation to the hospital emergency room (ER) was not provided.

The proposed effective date for the State Plan Amendment (SPA) is July 1, 2026.

Fee-For-Service Only

FFY 2026

FFY 2027

Estimated Federal Financial Participation

\$1,734

\$6.935

To request a copy of the proposed SPA, to submit a comment, or to review comments, please contact William C. Stelzner by email at william.stelzner@ks.gov or by mail at:

William C. Stelzner
Kansas Department of Health and Environment
Division of Health Care Finance
900 SW Jackson, Room 900N
Topeka, KS 66612

The last day for public comment is June 8, 2026.

Draft copies of the proposed SPA may also be found at a Local Health Department (LHD).

Christine Osterlund
Medicaid Director
Deputy Secretary of Agency Integration and Medicaid
Division of Health Care Finance
Kansas Department of Health and Environment

Doc. No. 054133

State of Kansas

Department of Health and Environment Division of Health Care Finance

Public Notice

The Kansas Department of Health and Environment, Division of Health Care Finance (KDHE-DHCF) is amending the Kansas Medicaid State Plan. The definitions of the allowed School Based Services (SBS) are updated to match current CMS requirements.

The proposed effective date for the State Plan Amendment (SPA) is July 1, 2026.

Fee-For-Service Only

FFY 2026

FFY 2027

Estimated Federal Financial Participation

\$0

\$0

To request a copy of the proposed SPA, to submit a comment, or to review comments, please contact William C. Stelzner by email at william.stelzner@ks.gov, or by mail at:

William C. Stelzner
Kansas Department of Health and Environment
Division of Health Care Finance
900 SW Jackson, Room 900N
Topeka, KS 66612

The last day for public comment is June 8, 2026.

Christine Osterlund
Medicaid Director
Deputy Secretary of Agency Integration and Medicaid
Division of Health Care Finance
Kansas Department of Health and Environment

Doc. No. 054144

State of Kansas

Department of Transportation

Request for Proposals

KA-4089-04, C-4864-04- Local Statewide NSTM and Pin and Hanger Inspections

Notice to Consulting Firms

The Kansas Department of Transportation (KDOT) is seeking a qualified consulting firm or team of firms to perform professional services for the project(s) described in Table 1 below. Interested consultants must submit a proposal as laid out herein by 12:00 p.m. (Central Time) June 3, 2026, to be considered for selection.

Consultant Prequalification

Interested consulting firms must be prequalified by KDOT or otherwise demonstrate qualification in the following category(s):

- 322 – Bridge Inspection

If a firm is not currently prequalified by KDOT in any of the required categories, a proposal may still be submitted. Firms not prequalified must also provide documentation that demonstrates the firm is qualified for each specified category listed in this solicitation for the project. Firms must use the KDOT prequalification form to provide this documentation. KDOT 1050 Prequalification Category Definitions (Blue Book) can be found at <https://www.ksdot.gov/doing-business/design-consultants/design-consultant-prequalification>. Consultants may create a team to meet the prequalification requirements. All firms doing business with KDOT must be registered and in good standing under the laws of the State of Kansas at the time of contracting and must comply with applicable state and federal laws, rules, and regulations.

Background and Scope of Project

KDOT is seeking a consultant to provide statewide bridge inspection services consisting of required Nonredundant Steel Tension Members (NSTM) inspections and ultrasonic inspections of Pin and Hanger (P/H) connections, all on the local system, starting with the inspections due in 2027. Due to the unique nature of these inspections, as well as the need at times to use specialized access equipment, these independent programs are offered by KDOT to the local bridge owners as a method to economically share the costs of equipment and for the economic benefits of bundling inspections. As such, KDOT intends to select one (1) prime service provider for both programs.

Inspections are to be performed in accordance with the latest published edition of the KDOT Bureau of Local Projects Local Bridge Inspection Manual, Local Nonredundant Steel Tension Members (NSTM) Inspection Scope of Services; and the Local Pin and Hanger (P/H) Inspection Scope of Services (available at <https://kart.ksdot.gov>).

Table 1: Project Summary

Project Number	Scope	Location and Typical Structure Age
KA-4089-04	This project is for the bridge inspection of NSTM bridges on the local road system.	There are currently 59 bridges in the statewide program that require inspection at intervals of 12-months for 7 bridges and 24-months for 52 bridges. Local bridge owners have the option of participating each year, so the number of bridges may fluctuate from year-to-year. See map image of the bridge locations on the Bid Express Request for Proposals page.

Project Number	Scope	Location and Typical Structure Age
C-4864-04	This project is for the ultrasonic inspections of Pin and Hanger Connections on the local road system.	There are currently 34 bridges state-wide with P/H assemblies requiring ultrasonic inspection at intervals of 12-months for 6 bridges, 24-months for 10 bridges, and 48-months for 18 bridges. See map image of the bridge locations in Bid Express Request for Proposals page along with a PDF list of structures and latitude/longitude and interval information for each.

Anticipated Consultant Scope

KDOT anticipates the following to be included in the consultant's scope:

- Appropriate traffic control measures will be needed when lane closures are necessary. The Pin and Hanger portion of the contract will require a summary of the overall program in addition to the individual bridge reports.
- Provide an estimate of cost for work to be performed each year to be approved prior to commencing inspections (NOT with response to this Request for Proposals). Information including historical participation and locations were distributed to prequalified consultants with this Request for Proposals:
 - Note: These files are potentially useful for conceptual planning efforts during proposal development but should not be considered final documents.
- Provide a final cost-per-bridge for each inspection performed at the end of each program year.
- Input inspection data into inspectX.
- Provide PDFs of the Draft Inspection Reports to the KDOT Program Manager for review and approval.
- Upload PDFs of the Final Inspection Reports into inspectX and provide them to the KDOT Program Manager for distribution to the bridge owners.

The scope herein may not be all-inclusive. A scoping meeting will take place after consultant selection is made.

Anticipated Schedule and Key Dates

1. Proposals are due by or before 12:00 p.m. (Central Time) June 3, 2026.
2. Ranking of proposals is expected to occur on or around June 10, 2026. Negotiations with the most highly ranked firm are expected to begin on or around June 19, 2026. An executed agreement is anticipated around June 30, 2026.
3. The program fiscal years for this project are (FY27 to FY30).

Inspection schedules must meet the requirements of 23 CFR Part 650 Subpart C.

Instructions for Proposal

1. No cost or pricing information shall be submitted with the proposal. Proposals including cost or pricing information will be considered non-responsive and withdrawn from further consideration.
2. The consultant's proposal must not exceed 6 pages total (including any cover letter, index, etc.). All pages shall be standard letter size (8.5" x 11"). Any page larger than standard letter size will be counted as two or more pages depending on size.
3. A single PDF (10 MB maximum size) of the proposal must be uploaded to the appropriate bid form on Bid Express by the proposal due date and time.
4. The proposal PDF file name must read:
 - a. "106- KA-4089-04_106 -C-4864-04 – P&H_NSTM BR Insp FIRM NAME"
5. The proposal must be accompanied by Special Attachments No. 8 ("Tax Clearance Certificate"), No. 10 ("Policy Regarding Sexual Harassment"), and No. 12 ("Certification of Company Not Currently Engaged in the Procurement or Obtainment of Certain Equipment, Services, or Systems"). If you need a Tax Clearance Certificate, you can request one at <https://www.ksrevenue.gov/taxclearance.html>. Allow 2-3 business days for processing. Both attachments are required for every firm involved in a multi-consultant team. Upload these files as instructed in Bid Express.

6. Federal Restrictions on Foreign Drones: Effective December 22, 2025, the American Security Drone Act of 2023 (ASDA) and OMB Memorandum M-26-02 strictly prohibit the use of federal funds for UAS manufactured by covered foreign entities. This includes any aircraft, flight controller, camera, or ground control station supplied by a manufacturer that is based in, or subject to the control of, a foreign adversary country, specifically the People's Republic of China.

This prohibition restricts the use of drones from these countries on any federal-aid project even if the drone related costs are billed separately or not at all. Any use of these covered drones including operation, maintenance or data processing on federal aid projects is prohibited. KDOT is evaluating adding a contract provision acknowledging this requirement on contracts moving forward. The prime consultant shall remain fully responsible for monitoring their team, (subconsultant and vendor) compliance with this requirement.

7. The outline in Table 2 below describes the expected proposal organization and content sections.
8. Depending on the number and quality of responses received, KDOT anticipates shortlisting (based on proposals) and holding interviews prior to final selection (which may be based on both proposal and interview content). If KDOT deems interviews to be necessary, interview details and requirements and evaluation criteria for the interview will be distributed to shortlisted consultant teams in advance.
9. Table 3 lists the evaluation criteria and associated weights which will be used to shortlist respondents and may be considered in final selection.

Table 2: Proposal Content

Section	Description of Intent	Page Limit
Cover Letter		1 Page
Project Approach	Demonstrate a unique approach to execute the inspection efforts efficiently and to a high standard. Include cost-effective and optimized solutions to accomplish the anticipated efforts. Include unique qualifications or experience related to the project approach.	
Approach to Schedule	Describe the approach to accomplish the scope of services within the schedule requirements. Include anticipated key milestone dates and availability of staff.	
Approach to Quality Control	Describe methods or procedures your firm will use to provide all drawings, reports and other services with professional quality and technical accuracy.	
Qualifications and Experience	For key personnel to be assigned to the project provide names, office location, qualifications, education, training, and expertise. Identify their area(s) of responsibility and percent of their time dedicated to the project. List work for which you do not have in-house capability and name the firm you propose to subcontract with.	
Past Performance	Describe team's past performance with respect to ability to meet project schedules; quality of work; and ability to control costs on similar projects, especially those performed for KDOT. Include three references and contact information.	
Familiarity with KDOT and Project Area	Describe team's familiarity with KDOT's inspection process and standards. Describe familiarity with the project and any identified special conditions.	

Table 3: Evaluation Factors

Evaluation Factor	Weight
Qualifications and experience of project manager and other key project team members proposed for services	25%
Project approach	10%
Approach and commitment to meet advertised schedule	15%
Past performance history for similar projects/services for KDOT	10%
Approach to quality control	5%
The quality and completeness of the response	15%
Demonstrated understanding of nature and scope of project	20%

Contract Terms and Conditions

KDOT anticipates establishing a year-by-year program agreement for engineering and technical services for the scope described above. The following special attachments will need to be provided by the selected consultant and all subconsultants with the signed work order following negotiations and will become attachments to the contract:

- Special Attachment No. 8 (“Tax Clearance Certificate”)
- Special Attachment No. 10 (“Policy Regarding Sexual Harassment”)
- Special Attachment No. 12 (“Certification of Company Not Currently Engaged in the Procurement or Obtainment of Certain Equipment, Services, or Systems”)

Special Contract Conditions

Bridge inspection team leaders need to meet the requirements in the KDOT- Bureau of Local Projects Bridge Inspection Manual. One consultant will be selected and can bring a subconsultant(s) if they choose. An agreement will be negotiated with the selected firm. KDOT intends for this agreement to have a 4-year term with work orders being initiated annually to cover the work required for each type of inspection in that year.

Questions

All questions regarding this Request for Proposals shall be submitted via Q&A section of bid form in Bid Express.

Questions can be submitted until May 14, 2026; answers will be provided to all prequalified consultants on May 21, 2026.

Calvin Reed
Secretary
Kansas Department of Transportation

State of Kansas

Department of Transportation

Request for Proposals

106-P-1815-27 Updated KDOT Statewide Shoulder Width Map

Notice to Consulting Firms

The Kansas Department of Transportation (KDOT) is seeking a qualified consulting firm or team of firms to perform professional services for the project(s) described below. Interested consultants must submit a proposal as laid out herein by 12:00 p.m. (Central Time) June 3, 2026, to be considered for selection.

Consultant Prequalification

Interested consulting firms must be prequalified by KDOT or otherwise demonstrate qualification in the following category(s):

- 162 – Long Range Planning

If a firm is not currently prequalified by KDOT in any of the required categories, a proposal may still be submitted. Firms not prequalified must also provide documentation that demonstrates the firm is qualified for each specified category listed in this solicitation for the project. Firms must use the KDOT prequalification form to provide this documentation. KDOT 1050 Prequalification Category Definitions (Blue Book) can be found at <https://www.ksdot.gov/doing-business/design-consultants/design-consultant-prequalification>. Consultants may create a team to meet the prequalification requirements. All firms doing business with KDOT must be registered and in good standing under the laws of the State of Kansas at the time of contracting and must comply with applicable state and federal laws, rules, and regulations.

Development of Updated KDOT Statewide Shoulder Width Map Introduction

The goal of this project is to update the KDOT 1998 Shoulder Width Map for new and reconstruction projects and develop a Shoulder Width Map for resurfacing, restoration and rehabilitation (3R) projects utilizing a combination of performance-based analysis and consideration of such things as maintenance, traffic growth, transportation modes, budgetary factors and Oversize and Freight route locations. The data from this analysis will be used to create the updated map. The vendor will work in conjunction with KDOT to develop the map.

Background

In 1998 KDOT developed a shoulder width map for use in new and reconstruction projects on the state highway system.

Project Approach

KDOT seeks proposals from qualified consultants outlining their proposed approach to accomplishing the outcomes and outputs defined in the project scope and addressing the questions and considerations detailed within.

Anticipated Project and Consultant Scope

The scope included herein may not be all-inclusive. A scoping meeting will take place after consultant selection is made. KDOT anticipates the following to be included in the project and consultant's scope:

Project Scope

The updated map will be enhanced to include shoulder type (turf, composite or paved).

- Not included are as follows:
 - Pavement type, concrete or asphalt, will not be determined.
 - Interstate routes and routes within rural town and urban contexts should not be included in the mapping effort.

- The effects of adjusting other roadway cross sectional elements (e.g. lane width, roadside slope) or alignment segments (e.g. horizontal curves) or adding of safety features (e.g. super elevation correction or addition of rumble strips) will not be included in the performance analysis.

Performance-based analyses should follow the methodologies found in NCHRP Report 876 Guidelines for Integrating Safety and Cost-Effectiveness into Resurfacing, Restoration and Rehabilitation (3R) Projects (2021) and the AASHTO Highway Safety Manual (2010) or more current publication. NCHRP Report 876 Guidelines can be found at <https://www.nationalacademies.org/read/25206>.

KDOT will provide items listed below to accomplish these tasks:

- Task 1: Review of Geospatial Data of Existing Routes and Crashes to segment the highway system
- Task 2: Shoulder Scenario Generation
- Task 3: Developing Costs/Mile
- Task 4: Safety Benefit Development
- Task 5: Shoulder Selection Module
- Task 6: Smoothing the results for Mapping
- Task 7: Map Data finalization
- Task 8: Map Development in conjunction with KDOT Staff
- Task 9: Report of Findings and Methodology (so the map may be updated periodically)
- TOTAL PROJECT TIMELINE: 12 Months

KDOT will provide:

- Crash data and costs per crash severity (KABCO)
- AADT counts (vehicles/day)
- Speed Limits
- KDOT developed calibration factors
- KDOT developed Safety Performance Functions (SPFs) (if applicable)
- KDOT Route and Functional Classification Mapping
- KDOT Freight Corridor information and locations
- Kansas Designated Bicycle Routes and USBR System locations
- Crash Modification Factors (CMFs) gathered from the Highway Safety Manual (HSM 2010) or the Federal Highway Administration (FHWA) CMF Clearing House will be reviewed and approved by KDOT before use in analysis.

KDOT will provide data to assist with the development of construction costs per mile but the responsibility of calculating construction costs per mile for various options will be up to the research team. Only costs related to the construction of the shoulders will be needed.

KDOT will provide access to the Street-Smart application roadway data and imagery to assist with evaluating existing roadway widths, number of lanes, and shoulder type.

Estimated Total Project Cost (Lump Sum): \$275,000 (or less)

Deliverables

1. Project updates will be communicated to the Project Monitor (PM) at bi-monthly intervals These meetings will be Teams and/or in-person at the KDOT Lawrence Road Design Office.
 - a. District Test Map: to test our theory for map development, a portion of the state will be mapped on a preliminary basis to show proof of concept. The vendor will assemble the data and make the map. KDOT will review and access the process. Suggested changes will be included in the creation of the statewide map.
 - b. Upon completion of the District Test Map – proceed to completing the same process for a Statewide map in conjunction with KDOT.

2. A draft Final Report, with written verification that the document has been reviewed by a technical writer, will be delivered to the PM two (2) months prior to the Project End Date. This will include a short (1-page) Technical Summary description of the work accomplished with any pictures the vendor would like to share for publicity.
 - a. Documentation of the Map Development Process Report: to be used by KDOT for any future criteria map development. This process should include all formulas, assumptions, methodologies, reference guides as well as sample calculations.
 - b. Documentation of Results: should record KDOT's reasonings for shoulder width selection for final mapping based on safety, maintenance, traffic modal use, expansion, freight, etc.
 - c. All Statewide Data for map development by the vendor for KDOT, as well as a final Statewide map made by the vendor. Final statewide map creation will involve KDOT review in the process and may include some help with development and refinement.
3. A Final Report will be delivered to the PM 1 month prior to the project end date. These written reports shall be submitted to KDOT in Microsoft Office Word format, utilizing KDOT Research Report Style Guide regarding pictures and graphs. All units displayed in the report shall be US Customary – or dual unit with US Customary as the primary.

Anticipated Schedule and Key Dates

1. Proposals are due by or before 12:00 p.m. (Central Time) June 3, 2026.
2. Ranking of proposals is expected to occur on or around June 5, 2026. Negotiations with the most highly ranked firm are expected to begin on or around June 19, 2026. An executed agreement is anticipated around June 30, 2026.
3. The program fiscal year for this project is FY2027 (July 2026 – June 2027).

Instructions for Proposal

1. No cost or pricing information shall be submitted with the proposal. Proposals including cost or pricing information will be considered non-responsive and withdrawn from further consideration.
2. The consultant's proposal must not exceed 8 pages total (including any cover letter, index, etc.). All pages shall be standard letter size (8.5" x 11"). Any page larger than standard letter size will be counted as two or more pages depending on size.
3. A single PDF (10 MB maximum size) of the proposal must be uploaded to the appropriate bid form on Bid Express by the proposal due date and time.
4. The proposal PDF file name must read:
 - a. "106 P-1815-27 _Updated KDOT Statewide Shoulder Width Map_ FIRM NAME".
5. The proposal must be accompanied by Special Attachments No. 8 ("Tax Clearance Certificate"), No. 10 ("Policy Regarding Sexual Harassment"), and No. 12 ("Certification of Company Not Currently Engaged in the Procurement or Obtainment of Certain Equipment, Services, or Systems"). If you need a Tax Clearance Certificate, you can request one at <https://www.ksrevenue.gov/taxclearance.html>. Allow 2-3 business days for processing. Both attachments are required for every firm involved in a multi-consultant team. Upload these files as instructed in Bid Express.
6. Note, Federal Restrictions on Foreign Drones: Effective December 22, 2025, the American Security Drone Act of 2023 (ASDA) and OMB Memorandum M-26-02 strictly prohibit the use of federal funds for UAS manufactured by covered foreign entities. This includes any aircraft, flight controller, camera, or ground control station supplied by a manufacturer that is based in, or subject to the control of, a foreign adversary country, specifically the People's Republic of China.

This prohibition restricts the use of drones from these countries on any federal-aid project even if the drone related costs are billed separately or not at all. Any use of these covered drones including operation, maintenance or data processing on federal aid projects is prohibited. KDOT is evaluating adding a contract provision acknowledging this requirement on contracts moving forward. The prime consultant shall

remain fully responsible for monitoring their team, (subconsultant and vendor) compliance with this requirement.

7. The outline in Table 1 below describes the expected proposal organization and content sections.
8. Depending on the number and quality of responses received, KDOT anticipates shortlisting (based on proposals) and if chooses to hold interviews prior to final selection (which may be based on both proposal and interview content). If KDOT deems interviews to be necessary, interview details and requirements and evaluation criteria for the interview will be distributed to shortlisted consultant teams in advance.
9. Table 2 lists the evaluation criteria and associated weights which will be used to shortlist respondents and may be considered in final selection.

Table 1: Proposal Content

Section	Description of Intent	Page Limit
Cover Letter		1 Page
Project Approach	Demonstrate a unique approach to accomplish the work efficiently and to a high standard. Include the disciplines needed to successfully conduct this work (planning, engineering, safety analysis, economic analysis, facilitation). Include unique qualifications or experience related to the project approach.	
Approach to Schedule	Describe the approach to accomplish the scope of services within the schedule requirements. Include anticipated key milestone dates, milestone products, coordination tactics, and availability of staff.	
Approach to Quality Control	Describe methods or procedures your firm will use to provide all reports and other services with professional quality and technical accuracy.	
Qualifications and Experience	For key personnel to be assigned to the project provide names, office location, qualifications, education, training, and expertise. Identify their area(s) of responsibility and percent of their time dedicated to the project. List work for which you do not have in- house capability and name the firm you propose to subcontract with. Consultant experience must include project management; stakeholder facilitation and organizing; subject matter expertise in the Safe System Approach; behavioral and engineering strategies to improve traffic safety, and traffic safety culture; technical writing and editing; graphic design; and publishing.	
Past Performance	Describe team's past performance with respect to ability to meet project schedules; quality of work; and ability to control costs on similar transportation projects, especially those performed for KDOT. Include three references and contact information.	
Familiarity with KDOT and Project Area	Describe team's familiarity with KDOT's design process and standards. Describe familiarity with this type of project and any identified special conditions. Have familiarity with Federal and State DOT processes, programs and plans. Consultant should have experience with Kansas transportation system network planning and project prioritization methods.	

Table 2: Evaluation Factors

Evaluation Factor	Weight
Qualifications and experience of project manager and other key project team members proposed for services	25%
Project approach	15%
Approach and commitment to meet advertised schedule	5%
Past performance history for similar projects/services for KDOT	15%
Innovation/Creativity in solutions	10%
Unique qualifications	10%
Approach to quality control	5%
Demonstrated understanding of nature and scope of project	10%
Identification of special conditions to be considered for the project	5%

Contract Terms and Conditions

A standard KDOT agreement for engineering and technical services will be used for professional services projects. The following special attachments will need to be provided by the selected consultant and all subconsultants with the signed work order following negotiations and will become attachments to the contract:

- Special Attachment No. 8 (“Tax Clearance Certificate”)
- Special Attachment No. 10 (“Policy Regarding Sexual Harassment”)
- Special Attachment No. 12 (“Certification of Company Not Currently Engaged in the Procurement or Obtainment of Certain Equipment, Services, or Systems”)

Special Contract Conditions

The Kansas Department of Transportation is seeking a one-year (12 month) contract for the development of an updated KDOT Statewide Should Width Map.

Questions

All questions regarding this Request for Proposals shall be submitted via Q&A section of bid form in Bid Express.

Questions can be submitted until May 14, 2026; answers will be provided to all prequalified consultants on May 21, 2026

Calvin Reed
Secretary
Kansas Department of Transportation

State of Kansas

Department of Transportation

Request for Proposals

Construction Inspection Services; Released May 2026

Notice to Consulting Firms

The Kansas Department of Transportation (KDOT) is seeking a qualified consulting firm, or team of firms, to perform construction inspection services on multiple projects in various counties. Summary information for each project is provided below in Table 1.

Interested consultants must upload a proposal by 12:00 p.m. (Central Time) June 3, 2026. to the Bid Express page to be considered for selection.

Consultant Prequalification

Interested consulting firms must be prequalified by KDOT or otherwise demonstrate qualification in the following category(s):

- 241 – Construction Inspection and Testing

If a firm is not currently prequalified by KDOT, a proposal may still be submitted. Firms not prequalified must also provide documentation that demonstrates the firm is qualified for each specified category listed in this notice for the project. Firms must use the KDOT prequalification form to provide this documentation. KDOT 1050 Prequalification Category Definitions (Blue Book) can be found at <https://www.ksdot.gov/doing-business/design-consultants/design-consultant-prequalification>. Consultants may create a team to meet the prequalification requirements. All firms doing business with KDOT must be registered and in good standing under the laws of the State of Kansas at the time of contracting and must comply with applicable state and federal laws, rules, and regulations.

Background and Scope

With this single solicitation, KDOT is requesting consulting services for construction inspections on the projects listed in Table 1. This table provides summary information for each project. One consultant will be selected to perform services associated with the group listed.

Table 1: Summary of Project Information

Group	RT-CO	Project #	Scope, County	Anticipated Start	Working Days or CCD	Office	Comments
26502	U054-087	KA-0161-05	Bridge Repair, Sedgwick	August 22, 2026	250	Wichita Hillside	Project expected to let on July 27, 2026.

Additional project information including construction scope to be inspected, a detailed description of the project location, and resources and inspection scope specifically requested from consultants in this request can be viewed in an online table at <https://ike.ksdot.gov/about/construction-inspection-rfps>. Upon publication of this Request for Proposals, KDOT anticipates the inspection efforts will require full teams (project manager and inspectors, as opposed to single role staff augmentation as is occasionally request) for various types of construction inspection except as noted in the table. Watch the website linked above for updated information. Tabulated information (both in this Request for Proposals and on the website) shall not be relied upon during inspections. It is provided for the convenience of consultants, specifically to aid in making decisions about which projects they are interested in performing.

Specific project needs are subject to modification and/or cancellation at KDOT's discretion.

Anticipated Consultant Scope

The scope of construction inspection services and certifications required for this project are listed in the table available on the website noted above. Inspection efforts will be managed out of the offices listed above in Table 1.

Anticipated Schedule and Key Dates

1. Proposals are due by or before 12:00 p.m. (Central Time) June 3, 2026.
2. Ranking of proposals is expected to occur on or around June 5, 2026. Negotiations with the most highly ranked firm are expected to begin on or around June 15, 2026. An executed agreement is anticipated shortly thereafter.
3. Anticipated scope start date and working days or anticipated calendar completion dates are shown in the table. All dates are subject to change.

Instructions for Proposal

1. No cost or pricing information shall be submitted with the proposal. Proposals including cost or pricing information will be considered non-responsive and withdrawn from further consideration.
2. The consultant's proposal must not exceed the page limit laid out in Table 2 below (including any cover letter, index, etc.). All pages shall be standard letter size (8.5" x 11"). Any page larger than standard letter size will be counted as two or more pages depending on size.
3. A single PDF (10MB maximum size) of the proposal including all attachments must be uploaded to the appropriate bid form on Bid Express by the proposal due date and time.
4. The proposal PDF file name must read:
 - a. "ConstInsp Projects_2026.05 Release FIRM NAME"
5. The proposal must be accompanied by Special Attachments No. 8 ("Tax Clearance Certificate"), No. 10 ("Policy Regarding Sexual Harassment"), and No. 12 ("Certification of Company Not Currently Engaged in the Procurement or Obtainment of Certain Equipment, Services, or Systems"). If you need a Tax Clearance Certificate, you can request one at <https://www.ksrevenue.gov/taxclearance.html>. Allow 2-3 business days for processing. All attachments are required for every firm involved in a multi-consultant team. Upload these files as instructed in Bid Express.
6. Note, Federal Restrictions on Foreign Drones: Effective December 22, 2025, the American Security Drone Act of 2023 (ASDA) and OMB Memorandum M-26-02 strictly prohibit the use of federal funds for UAS manufactured by covered foreign entities. This includes any aircraft, flight controller, camera, or ground control station supplied by a manufacturer that is based in, or subject to the control of, a foreign adversary country, specifically the People's Republic of China.

This prohibition restricts the use of drones from these countries on any federal-aid project even if the drone related costs are billed separately or not at all. Any use of these covered drones including adding a contract provision acknowledging this requirement on contracts moving forward. The prime consultant shall remain fully responsible for monitoring their team, (subconsultant and vendor) compliance with this requirement.

7. The outline in Table 2 below describes the expected proposal organization, content sections, and limits on number of pages.
 - a. Each team is limited to a single, one-page cover letter.
 - b. Each team is limited to two pages per project in which they express interest. In these pages, consultants shall:
 - i. Describe the approach they plan to execute to deliver success on the project.
 - ii. Present the relevant qualifications and experience of the people they are proposing will provide the services.
 - iii. Provide the firm's familiarity with KDOT and the project area.
 - c. Finally, consultants are limited to a single, on-page descriptions of general qualifications ("Past

Performance” selection plus “Approach to Quality Control” section) regardless of the number of projects in which they are expressing interest.

8. Table 3 lists the evaluation criteria and associated weights which will be used to make a selection.
9. Although not anticipated at this time, KDOT reserves the right to interview for the requested services associated with any of the listed projects prior to making final selections.

Table 2: Proposal Content

Section	Description of Intent	Page Limit
Cover Letter		1 Page
Project Approach	Describe how your firm will meet the fluctuating inspection needs of the project.	2 Pages
Qualifications and Experience	For key personnel to be assigned to the project provide names, qualifications, education, training, and expertise. Identify their area(s) of responsibility and percent of their time dedicated to the project. List work for which you do not have in-house capability and name the firm you propose to subcontract with.	
Familiarity with KDOT and Project Area	Describe team’s familiarity with KDOT’s inspection processes and standards. Describe familiarity with the project area and any identified special site conditions.	
Past Performance	Describe team’s past performance with respect to ability to meet project schedules; quality of work; and ability to control costs on similar transportation projects, especially those performed for KDOT. Include three references and contact information.	1 Page total
Approach to Quality Control	Describe methods or procedures your firm will use to provide all services with professional quality and technical accuracy.	

Table 3: Evaluation Factors

Evaluation Factor	Weight
The quality and completeness of the response	10%
Availability to respond to the work	20%
Qualifications and experience of project manager and other key project team members proposed for services	20%
Past performance history for similar projects/services for KDOT	20%
Understanding of the project area	10%
Understanding of KDOT contract administration and closeout procedures	20%

Contract Terms and Conditions

A standard KDOT agreement for engineering and technical services will be used for professional services projects. The following special attachments will need to be provided by the selected consultant and all subconsultants with the signed work order following negotiations and will become attachments to the contract:

- Special Attachment No. 8 (“Tax Clearance Certificate”)
- Special Attachment No. 10 (“Policy Regarding Sexual Harassment”)

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- Special Attachment No. 12 ("Certification of Company Not Currently Engaged in the Procurement or Obtainment of Certain Equipment, Services, or Systems")

Questions

All questions regarding this Request for Proposals shall be submitted via Q&A section of bid form in Bid Express.

Questions can be submitted until May 14, 2026; answers will be provided to all prequalified consultants on May 21, 2026.

Calvin Reed
Secretary
Kansas Department of Transportation

Doc. No. 054132

State of Kansas

Department of Transportation

Request for Proposals

KA-7977-01 Statewide Cameras and ITS Devices

Notice to Consulting Firms

The Kansas Department of Transportation (KDOT) is seeking a qualified consulting firm or team of firms to perform professional services for the project(s) described in Table 1 below. Interested consultants must submit a proposal as laid out herein by 12:00 p.m. Central Time on 6/3/2026 to be considered for selection.

Consultant Prequalification

Interested consulting firms must be prequalified by KDOT or otherwise demonstrate qualification in the following category(s):

- 163 – Congestion Management/ITS

If a firm is not currently prequalified by KDOT, a proposal may still be submitted. Firms not prequalified must also provide documentation that demonstrates the firm is qualified for each specified category listed in this notice for the project. Firms must use the KDOT prequalification form to provide this documentation. KDOT 1050 Prequalification Category Definitions (Blue Book) can be found at <https://www.ksdot.gov/doing-business/design-consultants/design-consultant-prequalification>. Consultants may create a team to meet the prequalification requirements. All firms doing business with KDOT must be registered and in good standing under the laws of the State of Kansas at the time of contracting and must comply with applicable state and federal laws, rules, and regulations.

Table 1: Background and Scope of Project

Project Number	Background and Scope of Project
KA-7977-01	Design for approximately 6 CCTV camera sites, 2 Dynamic Message signs, and 2 speed detectors/RWIS configurations as determined by the ITS Bureau.

Table 2: Project Summary

Project Number	County	Scope	Project Termini
KA-7977-01	106 Statewide	Addition of CCTV cameras two Dynamic Message Signs (DMS)	CCTV Camera Installation and DMS Structure Replacement

Anticipated Consultant Scope

KDOT anticipates the following to be included in the consultant's scope:

1. Preliminary Design Services
2. Final Design Services
3. Letting and Construction Services

KDOT anticipates the following may be included in the consultant's scope in this phase:

1. Project management.
2. Pre-Design: Including kick-off and biweekly coordination meetings, field review, and engineer's estimate.

3. Prepare 95% plans (final date to be determined after award): including base mapping, quality control review, incorporation of KDOT ITS specifications, traffic control plans, and engineering estimates.
4. Prepare final plans 1 month after 95% submittal: Incorporate KDOT design comments, finalize plans sheets and cost estimates.
5. Provide Post-Letting Construction Support services such as progress meetings, submittal reviews, construction questions, and plan sheet revisions if necessary.

The scope included herein may not be all-inclusive. A scoping meeting will take place after consultant selection is made.

Anticipated Schedule and Key Dates

1. Proposals are due by or before 12:00 p.m. (Central Time) June 3, 2026.
2. Anticipated Start Date: July 27, 2026
3. Number of workdays: TBD
4. Anticipated Calendar Completion Date: TBD
5. Ranking of proposals is expected to occur on or around July 9, 2026.
6. Negotiations with the most highly ranked firm are expected to begin on or around July 11, 2026. An executed agreement is anticipated around July 27, 2026.

Instructions for Proposal

1. No cost or pricing information shall be submitted with the proposal. Proposals including cost or pricing information will be considered non-responsive and withdrawn from further consideration.
2. The consultant's proposal must not exceed 4 pages total (including any cover letter, index, etc.). All pages shall be standard letter size (8.5" x 11"). Any page larger than standard letter size will be counted as two or more pages depending on size.
3. A single PDF (10 MB maximum size) of the proposal must be uploaded to the appropriate bid form on Bid Express by the proposal due date and time.
4. The subject line of the email and the PDF file name must read:
 - a. "106 KA-7977-01 Statewide Cameras and ITS Devices_FIRM NAME"
5. The proposal must be accompanied by Special Attachments No. 8 ("Tax Clearance Certificate"), No. 10 ("Policy Regarding Sexual Harassment"), and No. 12 ("Certification of Company Not Currently Engaged in the Procurement or Obtainment of Certain Equipment, Services, or Systems"). If you need a Tax Clearance Certificate, you can request one here at <https://www.ksrevenue.gov/taxclearance.html>. Allow 2-3 business days for processing. Both attachments are required for every firm involved in a multi-consultant team. Upload these files as instructed in Bid Express.
6. Note, Federal Restrictions on Foreign Drones: Effective December 22, 2025, the American Security Drone Act of 2023 (ASDA) and OMB Memorandum M-26-02 strictly prohibit the use of federal funds for UAS manufactured by covered foreign entities. This includes any aircraft, flight controller, camera, or ground control station supplied by a manufacturer that is based in, or subject to the control of, a foreign adversary country, specifically the People's Republic of China.

This prohibition restricts the use of drones from these countries on any federal-aid project even if the drone related costs are billed separately or not at all. Any use of these covered drones including operation, maintenance or data processing on federal aid projects is prohibited. KDOT is evaluating adding a contract provision acknowledging this requirement on contracts moving forward. The prime consultant shall remain fully responsible for monitoring their team, (subconsultant and vendor) compliance with this requirement.

7. The outline in Table 3 below describes the expected proposal organization and content sections.
8. Depending on the number and quality of responses received, KDOT anticipates shortlisting (based on proposals) and if chooses to hold interviews prior to final selection (which may be based on both proposal and interview content). If KDOT deems interviews to be necessary, interview details and requirements and evaluation criteria for the interview will be distributed to shortlisted consultant teams in advance.

9. Table 4 lists the evaluation criteria and associated weights which will be used to make a selection.

Table 3: Proposal Content

Section	Description of Intent	Page Limit
Cover Letter		1 Page
Project Approach	Demonstrate a project approach to accomplish the design efficiently and to a high standard. Include cost-effective and optimized solutions to address the anticipated improvements in the design. Include unique qualifications or experience related to the project approach.	
Approach to Schedule	Describe the approach to accomplish the scope of services within the schedule requirements. Include anticipated key milestone dates and availability of staff.	
Approach to Quality Control	Describe methods or procedures your firm will use to provide all drawings, reports and other services with professional quality and technical accuracy.	
Qualifications and Experience	For key personnel to be assigned to the project provide names, office location, qualifications, education, training, and expertise. Identify their area(s) of responsibility and percent of their time dedicated to the project. List work for which you do not have in-house capability and name the firm you propose to subcontract with.	
Past Performance	Describe team's past performance with respect to ability to meet project schedules; quality of work; and ability to control costs on similar transportation projects, especially those performed for KDOT. Include three references and contact information.	
Familiarity with KDOT and Project Area	Describe team's familiarity with KDOT's design process and standards. Describe familiarity with the project area and any identified special site conditions.	

Table 4: Evaluation Factors

Evaluation Factor	Weight
The quality and completeness of the response	10%
Qualifications and experience of project manager and other key project team members proposed for services	30%
Proposed Project Approach	15%
Availability to respond to the work	15%
Past performance history for similar projects/services for KDOT	30%

Contract Terms and Conditions

A standard KDOT agreement for engineering and technical services will be used for professional services projects. The following special attachments will need to be provided by the selected consultant and all subconsultants with the signed work order following negotiations and will become attachments to the contract:

- Special Attachment No. 8 ("Tax Clearance Certificate")

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- Special Attachment No. 10 (“Policy Regarding Sexual Harassment”)
- Special Attachment No. 12 (“Certification of Company Not Currently Engaged in the Procurement or Obtainment of Certain Equipment, Services, or Systems”)

Questions

All questions regarding this Request for Proposals shall be submitted via Q&A section of bid form in Bid Express.

Questions can be submitted until May 14, 2026; answers will be provided to all prequalified consultants on May 21, 2026

Calvin Reed
Secretary
Kansas Department of Transportation

Doc. No. 054145

(Published in the Kansas Register May 7, 2026.)

Kyle Railroad Company

Request for Proposals

The Kyle Railroad Company is requesting material and labor proposals for a rail improvement project on the Yuma Subdivision. The work consists of the following major items: Installation of 32,000 linear feet of rail and various OTM installation. This project is the recipient of a KDOT State Rail Service Improvement Fund program grant and the contract for work will be directly with Kyle Railroad, which reserves the right to reject any or all bids. Questions regarding the project and interested bidders must request bid documents from purchasing-rfp@gwrr.com.

Abby Morris
Purchasing Manager
Genesee & Wyoming Railroad Services, Inc.

Doc. No. 054142

State of Kansas

Office of the Governor

State of Disaster Emergency Proclamation

By virtue of the authority vested in me by the Kansas Emergency Management Act, Chapter 48, Article 9, of the Kansas Statutes Annotated, to meet the inherent dangers of disasters to which the State and its citizens have been exposed, and upon advice of the State Adjutant General as the Director of the Division of Emergency Management, I hereby proclaim a State of Disaster Emergency as follows:

NATURE OF THE DISASTER

Severe thunderstorms accompanied by strong winds, large hail, damaging winds, and torrential rainfall occurred in eastern Kansas on April 10-11, resulting in flash flooding, requiring water rescues, temporary closure of roadways, and causing damage to roads, bridges, and culverts. More severe thunderstorms with strong winds, large hail, damaging winds, and tornadoes occurred in the evening hours of April 13, over eastern Kansas. Additional thunderstorms accompanied by large hail, damaging winds, and a few tornadoes will be possible through the week in central and eastern regions of the state. Isolated flash flooding could develop in areas that experience repetitive storm activity. In addition, the historically dry fuels may combine with above normal temperatures, low relative humidity, and strong winds, resulting in elevated to critical fire weather conditions and Red Flag Warnings for several days. Local jurisdictions may require support from the state to augment local response and recovery actions resulting from severe thunderstorms and tornadoes, as well as state support to augment fire suppression.

DATE THAT DISASTER AFFECTED THE AREA

April 10, 2026, and continuing

AREA AFFECTED BY THE DISASTER

Chase
Edwards
Franklin
Geary
Linn
Marion
Marshall
Miami
Morris
Nemaha
Norton
Washington

I hereby proclaim, direct and order the Adjutant General of the State of Kansas to activate the disaster response and recovery portions of the Kansas Response Plan and to utilize all available resources of the state to cope with the disaster as necessary. The Adjutant General shall coordinate local and inter-jurisdictional disaster plans applicable to the political subdivisions of areas affected by this Proclamation.

Any or all of the powers conferred upon the Governor by the Kansas Emergency Management Act may be delegated to the Adjutant General as deemed appropriate during this period of proclaimed State of Disaster Emergency. This may be delegated by written orders, or oral orders subsequently reduced to writing with reference to this Proclamation.

I hereby suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business, or the order or rules and regulations of any state agency which implements such statute, if strict

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compliance with the provisions of such statutes, order or rule and regulation would prevent, hinder, or delay in any way necessary action in coping with the disaster as set forth in KSA 48-925(c)(1).

This Proclamation shall be filed promptly with the Division of Emergency Management, the Office of the Secretary of State and each city clerk or county clerk, as appropriate, in the area to which this Proclamation applies. Further dissemination of this Proclamation shall occur by means calculated to bring its contents to the attention of the general public.

PROCLAIMED on the 13th day of April 2026, **MEMORIAZLIED** under the Great Seal of the State the 14th day of April 2026, and **AMENDED** on this 27th day of April 2026.

Laura Kelly
Governor
State of Kansas

Doc. No. 054124

State of Kansas

Office of the Governor

State of Disaster Emergency Proclamation

By virtue of the authority vested in me by the Kansas Emergency Management Act, Chapter 48, Article 9, of the Kansas Statutes Annotated, to meet the inherent dangers of disasters to which the State and its citizens have been exposed, and upon advice of the State Adjutant General as the Director of the Division of Emergency Management, I hereby proclaim a State of Disaster Emergency as follows:

NATURE OF THE DISASTER

Multiple rounds of strong to severe thunderstorms moved through Kansas from Saturday, April 25, through Monday, April 27. On Saturday, the core impacts occurred in central Kansas due to rain, hail, and damaging wind gusts. More intense activity occurred Sunday into Monday, with a few tornadoes, strong winds, large hail, and heavy rainfall. A widespread two to six inches of rainfall occurred along I-70 between Salina and Kansas City, which created flash flooding and flooding, creating overtopped roadways and sporadic water rescues. Rivers and streams within the areas that received heavy rainfall, as well as those downstream, will continue to rise as runoff occurs. Minor to moderate flooding is expected, with the most significant flooding anticipated along the Marais Des Cygnes River.

DATE THAT DISASTER AFFECTED THE AREA

April 25-27, 2026

AREA AFFECTED BY THE DISASTER

Cherokee
Montgomery
Wabaunsee

I hereby proclaim, direct and order the Adjutant General of the State of Kansas to activate the disaster response and recovery portions of the Kansas Response Plan and to utilize all available resources of the state to cope with the disaster as necessary. The Adjutant General shall coordinate local and inter-jurisdictional disaster plans applicable to the political subdivisions of areas affected by this Proclamation.

Any or all of the powers conferred upon the Governor by the Kansas Emergency Management Act may be delegated to the Adjutant General as deemed appropriate during this period of proclaimed State of Disaster Emergency. This may be delegated by written orders, or oral orders subsequently reduced to writing with reference to this Proclamation.

I hereby suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business, or the order or rules and regulations of any state agency which implements such statute, if strict compliance with the provisions of such statutes, order or rule and regulation would prevent, hinder, or delay in any way necessary action in coping with the disaster as set forth in KSA 48-925(c)(1).

This Proclamation shall be filed promptly with the Division of Emergency Management, the Office of the Secretary of State and each city clerk or county clerk, as appropriate, in the area to which this Proclamation applies. Further dissemination of this Proclamation shall occur by means calculated to bring its contents to the attention of the general public.

PROCLAIMED and **MEMORIALIZED** under the Great Seal of the State this 27th day of April 2026.

Laura Kelly
Governor
State of Kansas

State of Kansas

Office of the Governor

Proclaiming States of Drought for Kansas Counties

WHEREAS, the Director of the Kansas Water Office has informed me, pursuant to K.S.A. 74-2608, of drought conditions within the state; and

WHEREAS, there is every indication that drought conditions are present across the state; and

WHEREAS, the Kansas Emergency Management Act (K.S.A. 48-924, et seq.) states that the Governor shall be responsible for meeting the dangers to the state and its people from disasters, and specifically authorizes drought proclamations such as this to address drought conditions; and

WHEREAS, Director of the Kansas Water Office, in consultation with the Governor's Drought Response Team, is authorized to upgrade a county to emergency status, as the need arises; and

NOW, THEREFORE, pursuant to the authority vested in me as Governor of the State of Kansas and K.S.A. 48-924(e), I hereby:

1. Declare a Drought Watch, Drought Warning or Drought Emergency for the counties below:
 - a. Drought Watch counties: Allen, Anderson, Atchison, Bourbon, Brown, Butler, Chase, Chautauqua, Cherokee, Clay, Cloud, Coffey, Cowley, Crawford, Dickinson, Doniphan, Douglas, Elk, Franklin, Geary, Greenwood, Harper, Jackson, Jefferson, Jewell, Johnson, Labette, Leavenworth, Linn, Lyon, Marion, Marshall, Miami, Montgomery, Morris, Nemaha, Neosho, Osage, Ottawa, Pottawatomie, Republic, Riley, Saline, Sedgwick, Shawnee, Sumner, Wabaunsee, Washington, Wilson, Woodson, Wyandotte
 - b. Drought Warning counties: Barber, Barton, Clark, Comanche, Edwards, Ellis, Ellsworth, Finney, Ford, Gove, Graham, Grant, Gray, Greeley, Hamilton, Harvey, Haskell, Hodgeman, Kearny, Kingman, Kiowa, Lane, Lincoln, Logan, McPherson, Meade, Mitchell, Ness, Osborne, Pawnee, Pratt, Reno, Rice, Rooks, Rush, Russell, Scott, Seward, Sheridan, Sherman, Smith, Stafford, Stanton, Thomas, Trego, Wallace, Wichita
 - c. Drought Emergency counties: Cheyenne, Decatur, Morton, Norton, Phillips, Rawlins, Stevens
2. Authorize and direct all agencies under the jurisdiction of the Governor to implement the appropriate Watch, Warning or Emergency level drought response actions assigned to them in the Operations Plan of the Governor's Drought Response Team.

DONE: At the Capitol in Topeka under the Great Seal of the State this 30th day of April 2026.

Laura Kelly
Governor
State of Kansas

Doc. No. 054143

State of Kansas

Legislative Administrative Services

Interim Committee Schedule

The Legislative Research Department gives notice that the following legislative committees plan to meet on the dates listed below based on current information and subject to change. Requests for accommodation to participate in committee meetings should be made at least two working days in advance of the meeting by contacting Legislative Administrative Services at 785-296-2391 or TTY 711, or email legserv@las.ks.gov.

May 4 through May 22, 2026

Date	Room	Time	Committee	Agenda
May 4	582-N	10:00 a.m.	Joint Committee on Administrative Rules and Regulations	https://kslegislature.gov/bills/download/?apn=b2025_26/year2/other_committees/ctte_jt_rules_regs_1/agendas/published/ctte_jt_rules_regs_1_20260504_interim_agenda.pdf
May 6	159-S	1:00 p.m.	Build Kansas Advisory	No Agenda Available
May 6	548-S	8:30 a.m.	Robert G. (Bob) Bethell Joint Committee on Home and Community Based Services and KANCARE Oversight	https://kslegislature.gov/bills/download/?apn=b2025_26/year2/other_committees/ctte_jt_robert_g_bob_bethell_joint_committee_1/agendas/published/ctte_jt_robert_g_bob_bethell_joint_committee_1_20260506_interim_agenda.pdf
May 18	546-S	1:00 p.m.	Joint Committee on Legislative Post Audit	No Agenda Available

Tom Day
Director
Legislative Administrative Services

State of Kansas

Secretary of State
Certification of New State Laws

I, Scott Schwab, Secretary of State of the State of Kansas, do hereby certify that the following bill is a correct copy of the original enrolled bill now on file in my office.

Scott Schwab
Secretary of State
State of Kansas

(Published in the Kansas Register May 7, 2026.)

Senate Bill No. 30

AN ACT concerning labor and employment; relating to occupational licensing; providing for occupational licensing annual reports by agencies to the joint committee on administrative rules and regulations; requiring that adoption of new occupational licenses and material changes to existing occupational licenses by a state agency be approved by the legislature by ratification.

Be it enacted by the Legislature of the State of Kansas:

Section 1. For purposes of sections 1 through 3, and amendments thereto:

- (a) “Agency” means any department, bureau, division, board, authority, agency, commission or institution of the executive branch of state government. “Agency” does not include the behavioral sciences regulatory board, board of examiners in optometry, board of nursing, Kansas dental board, state board of healing arts or state board of pharmacy.
- (b) “Material change” means a modification that significantly affects the nature, scope, value or fundamental aspects of the occupational license that is sufficiently important to influence duties, decisions, rights or obligations of the licensee or license applicant.
- (c) “Occupational license” means a nontransferable and exclusive authorization in law in which the legislature, or an agency as authorized by the legislature, establishes the personal qualifications necessary to engage in, and the rules and regulations that govern, any occupation or profession. “Occupational license” does not include an occupational license regulated by the behavioral sciences regulatory board, board of examiners in optometry, board of nursing, Kansas dental board, state board of healing arts or state board of pharmacy.
- (d) “Welfare” means the protection of the public against fraud or physical or psychological harm. “Welfare” does not include the protection of businesses or agencies, whether publicly or privately owned, against competition.

Sec. 2. (a) Each agency shall submit an annual report to the joint committee on administrative rules and regulations during the month of September of each year.

(b) The report shall contain a list of each occupational license over which the agency has jurisdiction and provide the following for each occupational license:

(1) The number of current holders of the occupational license;

- (2) a brief description of the typical employment of license holders;
- (3) a list of the regulations governing the issuing and maintaining of the occupational license;
- (4) the authorizing and implementing statutes for the regulations;
- (5) whether the occupational license is mandated or regulated by federal requirements;
- (6) a description of the required education, training and testing requirements to obtain the occupational license;
- (7) a description of any continuing education or testing requirements to maintain the occupational license;
- (8) an enumeration of the total fees paid to the agency to obtain and maintain the occupational license;
- (9) an identification of any requirement concerning good moral character to obtain or maintain the occupational license;
- (10) an identification of any restrictions in obtaining or holding the occupational license imposed on individuals with criminal records; and
- (11) a description of any reciprocity agreements allowing for interstate occupational license recognition.

Sec. 3. (a) (1) Any new occupational license or material change to an existing occupational license proposed to be adopted by an agency on or after January 1, 2026, shall require approval of the legislature by ratification before the requirement shall take effect. A requirement shall be deemed ratified if a bill authorizing such requirement is enacted by the legislature in a manner similar to the provisions of K.S.A. 2025 Supp. 77-441, and amendments thereto.

(2) Notwithstanding any current provision of law, every existing statutory grant of authority to an agency to adopt regulations regarding occupational licenses that exists on January 1, 2026, is supplemented by this section.

(b) (1) An agency proposing a new occupational license or material change to an existing occupational license for consideration by the legislature shall submit a written proposal to the Kansas legislative research department addressing the items set forth in paragraph (4). The Kansas legislative research department shall review the agency's written proposal, compile the information provided as necessary and prepare a report for presentation to the legislature, as provided by paragraph (3). The agency shall provide the department with additional information or analysis as the department may request in time so as to enable preparation of a comprehensive and thorough report within the period required by paragraph (3).

(2) Before consideration by the legislature of a bill approving a new occupational license or material change to an existing occupational license proposed for adoption by an agency, a standing committee of the house of representatives and the senate to which legislation of the subject matter pertaining to the occupational license is customarily referred, as determined by the speaker of the house of representatives and the president of the senate, as applicable, shall each conduct a review of the proposed new occupational license or material change to an existing occupational license, including a review of the report by staff pursuant to paragraphs (1) and (3), at such time as the matter is referred to such committee. Each such committee shall provide a written recommendation regarding adoption or denial of the new occupational license or material change to an existing occupational license to the speaker of the house of representatives and the president of the senate, as applicable, for distribution and consideration by the legislature. The report prepared by staff pursuant to paragraphs (1) and (3) shall be included in such written recommendation.

(3) The chairperson of a standing committee of the house of representatives or the senate reviewing a new occupational license or material change to an existing occupational license as provided by paragraph (2) shall request staff from the Kansas legislative research department to prepare the written proposal from the agency proposing such new occupational license or material change to an existing occupational license as a written report to the committee. The report shall be presented to the committee by staff from the Kansas legislative research department within two weeks of such request by the chairperson.

(4) The report shall include:

(A) An analysis and explanation by the agency as to why the new occupational license or material change to an existing occupational license is necessary to protect public health, safety or welfare;

(B) an examination by the agency of available alternative measures, including voluntary certification and other potential less restrictive measures;

(C) an analysis by the agency as to whether the requirement is the least restrictive means to achieve its stated purpose. This item shall include a ranking by the Kansas legislative research department of the agency's proposal on a scale of relative restrictiveness of regulatory measures;

(D) an examination of and comparison as to whether and how other states regulate the profession at issue to be prepared by the Kansas legislative research department;

(E) an examination by the agency of the effect that the new occupational license or material change to an existing occupational license will have on job creation or retention; and

(F) an examination by the agency of the costs and benefits associated with the requirement, including, but not limited to:

(i) Estimated compliance and opportunity costs, including licensing fees, education requirements and associated costs, experience requirements and an estimation of the total number of calendar days dedicated by an applicant to obtaining the license;

(ii) estimated secondary or indirect costs; and

(iii) estimated effect on state expenditures, including estimated administrative expenses.

Sec. 4. This act shall take effect and be in force from and after its publication in the Kansas register.

Doc. No. 054135

State of Kansas

Office of the Governor

Message from the Governor Regarding Veto of Senate Bill 30

This bill would require updates to existing occupational licenses or new licenses to be reviewed and approved by the legislature. This is another inappropriate power grab inserting legislators without the technical knowledge to appropriately judge. Not only do they lack the required expertise, but this process would simply add bureaucratic red tape and bloated administrative busy work. It is the role of the legislature to solve big problems only it can, not micromanage the state agencies with technical expertise for these professions.

Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto Senate Bill 30.

Date April 6, 2026.

Laura Kelly
Governor
State of Kansas

Doc. No. 054136

State of Kansas

Kansas Legislature

CERTIFICATE

In accordance with K.S.A. 45-304, it is certified that **Senate Bill 30** was not approved by the Governor on April 6, 2026; was returned by objections and approved on April 9, 2026 by two-thirds of the members elected to the Senate notwithstanding the objections of the governor; was reconsidered by the House of Representatives and was approved on April 9, 2026, by two-thirds of the members elected to the House, notwithstanding the objections, the bill did pass and shall become law.

This certificate is made this 9th day of April, 2026 by the Chief Clerk and Speaker of the House of Representatives and the President and Secretary of the Senate.

Daniel R. Hawkins
Speaker of the House of Representatives

Susan W. Kannarr
Chief Clerk of the House of Representatives

Ty Masterson
President of the Senate

Corey Carnahan
Secretary of the Senate

Doc. No. 054137

State of Kansas

Secretary of State
Certification of New State Laws

I, Scott Schwab, Secretary of State of the State of Kansas, do hereby certify that the following bill is a correct copy of the original enrolled bill now on file in my office.

Scott Schwab
Secretary of State
State of Kansas

(Published in the Kansas Register May 7, 2026.)

House Bill No. 2533

AN ACT concerning health professions and practices; relating to occupational therapy, respiratory therapy, esthetics and athletic training; enacting the occupational therapy licensure compact, respiratory care interstate compact, esthetics licensure compact and athletic trainer licensure compact to provide interstate practice privileges.

Be it enacted by the Legislature of the State of Kansas:

Section 1. This section shall be known and may be cited as the occupational therapy licensure compact.

ARTICLE 1 – PURPOSE

- (a) The purpose of this compact is to facilitate interstate practice of occupational therapy with the goal of improving public access to occupational therapy services. The practice of occupational therapy occurs in the state where the patient or client is located at the time of the occupational therapy encounter. The compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure.
- (b) This compact is designed to achieve the following objectives:
- (1) Increase public access to occupational therapy services by providing for the mutual recognition of other member state licenses;
 - (2) enhance the states' ability to protect the public's health and safety;
 - (3) encourage the cooperation of member states in regulating multi-state occupational therapy practice;
 - (4) support spouses of relocating military members;
 - (5) enhance the exchange of licensure, investigative and disciplinary information between member states;
 - (6) allow a remote state to hold a provider of services with a compact privilege in that state that is accountable to that state's practice standards; and
 - (7) facilitate the use of telehealth technology in order to increase access to occupational therapy services.

ARTICLE 2 – DEFINITIONS

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

- (a) “Active duty military” means full-time duty status in the active uniformed service of the United States, including members of the national guard and reserve on active duty orders pursuant to 10 U.S.C. chapter 1209 and 10 U.S.C. chapter 1211.
- (b) “Adverse action” means any administrative, civil, equitable or criminal action permitted by a state’s laws that is imposed by a licensing board or other authority against an occupational therapist or occupational therapy assistant, including actions against an individual’s license or compact privilege such as censure, revocation, suspension, probation, monitoring of the licensee or restriction on the licensee’s practice.
- (c) “Alternative program” means a non-disciplinary monitoring process approved by an occupational therapy licensing board.
- (d) “Compact privilege” means the authorization, equivalent to a license, granted by a remote state to allow a licensee from another member state to practice as an occupational therapist or an occupational therapy assistant in the remote state under its laws and rules. The practice of occupational therapy occurs in the member state where the patient or client is located at the time of the occupational therapy encounter.
- (e) “Continuing competence or education” means a requirement, as a condition of license renewal, to provide evidence of participation in or completion of, educational and professional activities relevant to practice or area of work.
- (f) “Current significant investigative information” means investigative information that a licensing board, after an inquiry or investigation that includes notification and an opportunity for the occupational therapist or occupational therapy assistant to respond, if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction.
- (g) “Data system” means a repository of information concerning licensees, including, but not limited to, license status, investigative information, compact privileges and adverse actions.
- (h) “Encumbered license” means a license in which an adverse action restricts the practice of occupational therapy by the licensee or such adverse action has been reported to the national practitioner data bank (NPDB).
- (i) “Executive committee” means a group of directors elected or appointed to act on behalf of and within the powers granted to them by the commission.
- (j) “Home state” means the member state that is the licensee’s primary state of residence.
- (k) “Impaired practitioner” means individuals whose professional practice is adversely affected by substance abuse, addiction or other health-related conditions.
- (l) “Investigative information” means information, records or documents received or generated by an occupational therapy licensing board pursuant to an investigation.
- (m) “Jurisprudence requirement” means the assessment of an individual’s knowledge of the laws and rules governing the practice of occupational therapy in a state.
- (n) “Licensee” means an individual who currently holds an authorization from the state to practice as an occupational therapist or as an occupational therapy assistant.
- (o) “Member state” means a state that has enacted the compact.

- (p) “Occupational therapist” means an individual who is licensed by a state to practice occupational therapy.
- (q) “Occupational therapy assistant” means an individual who is licensed by a state to assist in the practice of occupational therapy.
- (r) “Occupational therapy,” “occupational therapy practice” and the “practice of occupational therapy” mean the care and services provided by an occupational therapist or an occupational therapy assistant as set forth in the member state’s statutes and regulations.
- (s) “Occupational therapy compact commission” or “commission” means the national administrative body whose membership consists of all states that have enacted the compact.
- (t) “Occupational therapy licensing board” or “licensing board” means the agency of a state that is authorized to license and regulate occupational therapists and occupational therapy assistants.
- (u) “Primary state of residence” means the state, also known as the home state, where an occupational therapist or occupational therapy assistant who is not active-duty military declares a primary residence for legal purposes as verified by driver’s license, federal income tax return, lease, deed, mortgage, voter registration or other verifying documentation as further defined by commission rules.
- (v) “Remote state” means a member state other than the home state where a licensee is exercising or seeking to exercise the compact privilege.
- (w) “Rule” means a regulation promulgated by the commission that has the force of law.
- (x) “State” means any state, commonwealth, district or territory of the United States that regulates the practice of occupational therapy.
- (y) “Single-state license” means an occupational therapist or occupational therapy assistant license issued by a member state that authorizes practice only within the issuing state and does not include a compact privilege in any other member state.
- (z) “Telehealth” means the application of telecommunication technology to deliver occupational therapy services for assessment, intervention or consultation.

ARTICLE 3 – STATE PARTICIPATION IN THE COMPACT

- (a) To participate in the compact, a member state shall:
- (1) License occupational therapists and occupational therapy assistants;
 - (2) participate fully in the commission’s data system, including, but not limited to, using the commission’s unique identifier as defined in rules of the commission;
 - (3) have a mechanism in place for receiving and investigating complaints concerning licensees;
 - (4) notify the commission, in compliance with the terms of the compact and rules, of any adverse action or the availability of investigative information regarding a licensee;
 - (5) implement or utilize procedures for considering the criminal history records of applicants for an initial compact privilege. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant’s criminal history record information from the federal bureau of investigation and the agency responsible for retaining that state’s criminal records;
- (A) A member state shall, within a time frame established by the commission, require a criminal background

check for a licensee seeking or applying for a compact privilege whose primary state of residence is in that member state, by receiving the results of the federal bureau of investigation criminal record search and shall use the results in making licensure decisions.

(B) Communication between a member state, the commission and among member states regarding the verification of eligibility for licensure through the compact shall not include any information received from the federal bureau of investigation relating to a federal criminal records check performed by a member state under public law 92-544;

(6) comply with the rules of the commission;

(7) utilize only a recognized national examination as a requirement for licensure pursuant to the rules of the commission; and

(8) have continuing competence or education requirements as a condition for license renewal.

(b) A member state shall grant the compact privilege to a licensee holding a valid unencumbered license in another member state in accordance with the terms of the compact and rules.

(c) Member states may charge a fee for granting the compact privilege.

(d) A member state shall provide for the state's delegate to attend all occupational therapy compact commission meetings.

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

(f) Nothing in this compact shall affect the requirements established by a member state for the issuance of a single-state license.

ARTICLE 4 – COMPACT PRIVILEGE

(a) To exercise the compact privilege under the terms and provisions of the compact, the licensee shall:

(1) Hold a license in the home state;

(2) have a valid United States social security number or national practitioner identification number;

(3) have no encumbrance on any state license;

(4) be eligible for a compact privilege in any member state in accordance with article 4(d), (f), (g) and (h);

(5) have paid all fines and completed all requirements resulting from any adverse action against any license or compact privilege and two years have elapsed from the date of such completion;

(6) notify the commission that the licensee is seeking the compact privilege within a remote state;

(7) pay any applicable fees, including any state fee, for the compact privilege;

(8) complete a criminal background check in accordance with article 3(a)(5), for which the licensee shall be responsible for the payment of any fee associated with the completion of a criminal background check;

(9) meet any jurisprudence requirements established by the remote state where the licensee is seeking a compact privilege; and

(10) report to the commission adverse action taken by any nonmember state within 30 days from the date the adverse action is taken.

(b) The compact privilege is valid until the expiration date of the home state license. The licensee shall comply with the requirements of article 4(a) in order to maintain the compact privilege in the remote state.

(c) A licensee providing occupational therapy in a remote state under the compact privilege shall function within the laws and regulations of the remote state.

(d) Occupational therapy assistants practicing in a remote state shall be supervised by an occupational therapist licensed or holding a compact privilege in that remote state.

(e) A licensee providing occupational therapy in a remote state shall be subject to that state's regulatory authority. A remote state may, in accordance with due process and that state's laws, remove a licensee's compact privilege in the remote state for a specific period of time, impose fines or take any other necessary actions to protect the health and safety of its citizens. The licensee may be ineligible for the compact privilege in any state until the specific time for removal has passed and all fines have been paid.

(f) If a home state license is encumbered, the licensee shall lose the compact privilege in any remote state until the following occur:

(1) The home state license is no longer encumbered; and

(2) two years have elapsed from the date that the home state license is no longer encumbered in accordance with article 4(f)(1).

(g) Once an encumbered license in the home state is restored to good standing, the licensee shall meet the requirements of article 4(a) to obtain a compact privilege in any remote state.

(h) If a licensee's compact privilege in any remote state is removed, the individual may lose the compact privilege in any other remote state until the following occur:

(1) The specific period of time when the compact privilege was removed has ended;

(2) all fines have been paid and all conditions have been met;

(3) two years have elapsed from the date of completing requirements for paragraphs (1) and (2);

(4) the compact privileges are reinstated by the commission; and

(5) the compact data system is updated to reflect reinstatement.

(i) If a licensee's compact privilege in any remote state is removed due to an erroneous charge, privileges shall be restored through the compact data system.

(j) Once the requirements of article 4(h) have been met, the licensee shall meet the requirements in article 4(a) to obtain a compact privilege in a remote state.

ARTICLE 5 – OBTAINING A NEW HOME STATE LICENSE BY VIRTUE OF COMPACT PRIVILEGE

(a) An occupational therapist or occupational therapy assistant may hold a home state license that allows for compact privileges in member states in only one member state at a time.

(b) If an occupational therapist or occupational therapy assistant changes primary state of residence by moving between two member states:

- (1) The occupational therapist or occupational therapy assistant shall file an application for obtaining a new home state license by virtue of a compact privilege, pay all applicable fees and notify the current and new home state in accordance with applicable rules adopted by the commission;
 - (2) upon receipt of an application for obtaining a new home state license by virtue of compact privilege, the new home state shall verify that the occupational therapist or occupational therapy assistant meets the pertinent criteria outlined in article 4 via the data system without need for primary source verification, except for:
 - (A) A federal bureau of investigation fingerprint-based criminal background check if not previously performed or updated pursuant to applicable rules adopted by the commission in accordance with public law 92-544; and
 - (B) other criminal background check as required by the new home state;
 - (3) the occupational therapist or occupational therapy assistant shall submit to any requisite jurisprudence requirements of the new home state;
 - (4) the former home state shall convert the former home state license into a compact privilege once the new home state has activated the new home state license in accordance with applicable rules adopted by the commission;
 - (5) notwithstanding any other provision of this compact, if the occupational therapist or occupational therapy assistant cannot meet the criteria in article 4, the new home state shall apply its requirements for issuing a new single-state license; and
 - (6) the occupational therapist or the occupational therapy assistant shall pay all applicable fees to the new home state to be issued a new home state license.
- (c) If an occupational therapist or occupational therapy assistant changes primary state of residence by moving from a member state to a nonmember state or from a nonmember state to a member state, the state criteria shall apply for the issuance of a single-state license in the new state.
 - (d) Nothing in this compact shall interfere with a licensee's ability to hold a single-state license in multiple states, except that, for the purposes of this compact, a licensee shall have only one home state license.
 - (e) Nothing in this compact shall affect the requirements established by a member state for the issuance of a single-state license.

ARTICLE 6 – ACTIVE-DUTY MILITARY PERSONNEL OR THEIR SPOUSES

Active-duty military personnel or their spouse shall designate a home state where the individual has a current license in good standing. The individual may retain the home state designation during the period the service member is on active duty. Subsequent to designating a home state, the individual shall only change their home state through application for licensure in the new state or through the process described in article 5.

ARTICLE 7 – ADVERSE ACTIONS

- (a) A home state shall have exclusive power to impose adverse action against an occupational therapist's or occupational therapy assistant's license issued by the home state.
- (b) In addition to the other powers conferred by state law, a remote state shall have the authority, in accordance with existing state due process law, to:
 - (1) Take adverse action against an occupational therapist's or occupational therapy assistant's compact privilege within that member state; and

(2) issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing board in a member state for the attendance and testimony of witnesses or the production of evidence from another member state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state where the witnesses or evidence are located.

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

(d) The home state shall complete any pending investigations of an occupational therapist or occupational therapy assistant who changes primary state of residence during the course of the investigations. The home state, where the investigations were initiated, shall also have the authority to take appropriate action and shall promptly report the conclusions of the investigations to the occupational therapy compact commission data system. The occupational therapist compact commission data system administrator shall promptly notify the new home state of any adverse actions.

(e) A member state, if otherwise permitted by state law, may recover from the affected occupational therapist or occupational therapy assistant the costs of investigations and disposition of cases resulting from any adverse action taken against that occupational therapist or occupational therapy assistant.

(f) A member state may take adverse action based on the factual findings of the remote state if the member state follows its own procedures for taking the adverse action.

(g) Joint investigations:

(1) In addition to the authority granted to a member state by its respective state occupational therapy laws and regulations or other applicable state law, any member state may participate with other member states in joint investigations of licensees.

(2) Member states shall share any investigative, litigation or compliance materials in furtherance of any joint or individual investigation initiated under the compact.

(h) If an adverse action is taken by the home state against an occupational therapist's or occupational therapy assistant's license, the occupational therapist's or occupational therapy assistant's compact privilege in all other member states shall be deactivated until all encumbrances have been removed from the state license. All home state disciplinary orders that impose adverse action against an occupational therapist's or occupational therapy assistant's license shall include a statement that the occupational therapist's or occupational therapy assistant's compact privilege is deactivated in all member states during the pendency of the order.

(i) If a member state takes adverse action, it shall promptly notify the administrator of the data system. The administrator of the data system shall promptly notify the home state of any adverse actions by remote states.

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

ARTICLE 8 – ESTABLISHMENT OF THE OCCUPATIONAL THERAPY COMPACT COMMISSION

(a) The compact member states hereby create and establish a joint public agency known as the occupational therapy compact commission.

(1) The commission is an instrumentality of the compact states.

- (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.
- (3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.
- (b) Membership, voting and meetings:
- (1) Each member state shall have and be limited to one delegate selected by that member state's licensing board.
- (2) The delegate shall be either:
- (A) A current member of the licensing board who is an occupational therapist, occupational therapy assistant or public member; or
- (B) an administrator of the licensing board.
- (3) Any delegate may be removed or suspended from office as provided by the law of the state where the delegate is appointed.
- (4) The member state board shall fill any vacancy occurring in the commission within 90 days.
- (5) Each delegate shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.
- (6) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.
- (7) The commission shall establish by rule a term of office for the executive committee delegates.
- (c) The commission shall have the following powers and duties:
- (1) Establish a code of ethics for the commission;
- (2) establish the fiscal year of the commission;
- (3) establish bylaws;
- (4) maintain its financial records in accordance with the bylaws;
- (5) meet and take such actions as are consistent with the provisions of this compact and the bylaws;
- (6) promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all member states;
- (7) bring and prosecute legal proceedings or actions in the name of the commission, except that the standing of any state occupational therapy licensing board to sue or be sued under applicable law shall not be affected;
- (8) purchase and maintain insurance and bonds;
- (9) borrow, accept or contract for services of personnel, including, but not limited to, employees of a member state;

- (10) 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;
 - (11) accept any and all appropriate donations and grants of money, equipment, supplies, materials and services and receive, utilize and dispose of the same except that at all times the commission shall avoid any appearance of impropriety or conflict of interest;
 - (12) lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold, improve or use any property, real, personal or mixed except that at all times the commission shall avoid any appearance of impropriety;
 - (13) sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property, real, personal or mixed;
 - (14) establish a budget and make expenditures;
 - (15) borrow money;
 - (16) appoint committees, including standing committees composed of members, state regulators, state legislators or their representatives and consumer representatives and such other interested persons as may be designated in this compact and the bylaws;
 - (17) provide and receive information from and cooperate with, law enforcement agencies;
 - (18) establish and elect an executive committee; and
 - (19) perform such other functions as may be necessary or appropriate to achieve the purposes of this compact, consistent with the state regulation of occupational therapy licensure and practice.
- (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.
 - (2) The executive committee shall be composed of nine members, as follows:
 - (A) Seven voting members who are elected by the commission from the current membership of the commission;
 - (B) one ex officio, nonvoting member from a recognized national occupational therapy professional association; and
 - (C) one ex officio, nonvoting member from a recognized national occupational therapy certification organization.
 - (3) The ex officio members shall be selected by their respective organizations.
 - (4) The commission may remove any member of the executive committee as provided in bylaws.
 - (5) The executive committee shall meet at least annually.
 - (6) The executive committee shall have the following duties and responsibilities:
 - (A) Recommend to the entire commission changes to the rules or bylaws, changes to this compact legislation,

fees paid by compact member states such as annual dues and any commission compact fee charged to licensees for the compact privilege;

(B) ensure that compact administration services are appropriately provided, contractual or otherwise;

(C) prepare and recommend the budget;

(D) maintain financial records on behalf of the commission;

(E) monitor compact compliance of member states and provide compliance reports to the commission;

(F) establish additional committees as necessary; and

(G) perform other duties as provided in rules or bylaws.

(e) Meetings of the commission:

(1) All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in article 10.

(2) The commission or the executive committee or other committees of the commission may convene in a closed, nonpublic meeting if the commission or executive committee or other committees of the commission must 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 or other matters related to the commission's internal personnel practices and procedures;

(C) current, threatened or reasonably anticipated litigation;

(D) negotiation of contracts for the purchase, lease or sale of goods, services or real estate;

(E) accusing any person of a crime or formally censuring any person;

(F) disclosure of trade secrets or commercial or financial information that is privileged or confidential;

(G) disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(H) disclosure of investigative records compiled for law enforcement purposes;

(I) disclosure of information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with the responsibility of investigation or determination of compliance issues pursuant to the compact; or

(J) matters specifically exempted from disclosure by federal or member state statute.

(3) If a meeting or portion of a meeting is closed pursuant to this provision, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

(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 therefor, 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 by a majority vote of the commission or order of a court of competent jurisdiction.

(f) 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, donations and grants of money, equipment, supplies, materials and services.
- (3) The commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff that shall be in a total amount sufficient to cover its annual budget as approved by the commission each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule binding upon all member states.
- (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 audit and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the commission.

(g) Qualified immunity, defense and indemnification:

- (1) The members, officers, executive director, employees and representatives of the commission shall be immune from suit and liability, 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, except 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.
- (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, except that nothing herein shall be construed to prohibit that person from retaining such person's counsel, provided 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 if the actual or alleged act, error or omission did not result from the intentional or willful or wanton misconduct of that person.

ARTICLE 9 – DATA SYSTEM

- (a) The commission shall provide for the development, maintenance and utilization of a coordinated database and reporting system containing licensure, adverse action and investigative information on all licensed individuals in member states.

(b) A member state shall submit a uniform data set to the data system on all individuals to whom this compact is applicable, utilizing a unique identifier, as required by the rules of the commission, including:

- (1) Identifying information;
- (2) licensure data;
- (3) adverse actions against a license or compact privilege;
- (4) nonconfidential information relating to alternative program participation;
- (5) any denial of application for licensure and the reason for such denial;
- (6) other information that may facilitate the administration of this compact, as determined by the rules of the commission; and
- (7) current significant investigative information.

(c) Current significant investigative information and other investigative information pertaining to a licensee in any member state shall only be available to other member states.

(d) The commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state shall be available to any other member state.

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

(f) Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system.

ARTICLE 10 – RULEMAKING

(a) The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this article 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 in order to effectively and efficiently achieve the purposes of the compact. Notwithstanding the foregoing, in the event that the commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of the compact, or the powers granted hereunder, then such an action by the commission shall be invalid and have no force and effect.

(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 4 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 at a regular or special meeting of the commission.

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

- (1) The commission or other publicly accessible platform; and
- (2) each member state's occupational therapy licensing board or other publicly accessible platform or the publication where each state would otherwise publish proposed rules.

(f) The notice of proposed rulemaking shall include:

- (1) The proposed time, date and location of the meeting where the rule will be considered and voted upon;
- (2) the text of the proposed rule or amendment and the reason for the proposed rule;
- (3) a request for comments on the proposed rule from any interested person; and
- (4) the manner that interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

(g) Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions and arguments, which shall be made available to the public.

(h) The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

- (1) At least 25 persons;
- (2) a state or federal governmental subdivision or agency; or
- (3) an association or organization having at least 25 members.

(i) If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time and date of the scheduled public hearing. If the hearing is held via electronic means, the commission shall publish the mechanism for access to the electronic hearing.

(1) All persons wishing to be heard at the hearing shall notify in writing the executive director of the commission or other designated member of their desire to appear and testify at the hearing within not less than five business days before the scheduled date of the hearing.

(2) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

(3) All hearings shall be recorded. A copy of the recording shall be made available on request.

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

(j) Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

(k) If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing.

(l) The commission shall, by majority vote of all members, take final action on the proposed rule and determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

(m) Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment or hearing, except that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible but in no event later than 90 days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that shall 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.

(n) The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical, formatting, consistency or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision shall take effect without further action. If the revision is challenged, the revision shall not take effect without the approval of the commission.

ARTICLE 11 – OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

(a) Oversight:

(1) The executive, legislative and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.

(2) All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact that may affect the powers, responsibilities or actions of the commission.

(3) The commission shall be entitled to receive service of process in any such proceeding and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission 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:

(A) Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default or any other action to be taken by the commission; and

(B) provide remedial training and specific technical assistance regarding the default.

(2) If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the member states, and all rights, privileges and benefits conferred 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.

(3) 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 and each of the member states.

(4) 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.

(5) 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.

(6) 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 member shall be awarded all costs of such litigation, including reasonable attorney fees.

(c) Dispute resolution:

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

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

(d) Enforcement:

(1) The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

(2) By majority vote, the commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the commission has its principal offices against a member state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event that judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney fees.

(3) The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

ARTICLE 12 – DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR OCCUPATIONAL THERAPY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL AND AMENDMENT

(a) The compact shall come into effect on the date that the compact statute is enacted into law in the 10th member state. The provisions, which become effective at that time, shall be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.

(b) Any state that joins the compact after the commission's initial adoption of the rules shall be subject to the rules as they exist on the date on that 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.

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

(1) A member state's withdrawal shall not take effect until six months after enactment of the repealing statute.

(2) Withdrawal shall not affect the continuing requirement of the withdrawing state's occupational therapy licensing board to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

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

(e) 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.

ARTICLE 13 – CONSTRUCTION AND SEVERABILITY

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any member state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held 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.

ARTICLE 14 – BINDING EFFECT OF COMPACT AND OTHER LAWS

- (a) A licensee providing occupational therapy in a remote state under the compact privilege shall function within the laws and regulations of the remote state.
- (b) Nothing herein shall prevent the enforcement of any other law of a member state that is not inconsistent with the compact.
- (c) Any laws in a member state in conflict with the compact shall be superseded to the extent of the conflict.
- (d) Any lawful actions of the commission, including all rules and bylaws promulgated by the commission, shall be binding upon the member states.
- (e) All agreements between the commission and the member states shall be binding in accordance with their terms.
- (f) In the event that any provision of the compact exceeds the constitutional limits imposed on the legislature of any member state, the provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

Sec. 2. This section shall be known and may be cited as the respiratory care interstate compact.

ARTICLE 1 – TITLE AND PURPOSE

- (a) The purpose of this compact is to facilitate the interstate practice of respiratory therapy with the goal of improving public access to respiratory therapy services by providing respiratory therapists licensed in a member state the ability to practice in other member states. The compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure.
- (b) This compact is designed to achieve the following objectives:
 - (1) Increase public access to respiratory therapy services by creating a responsible, streamlined pathway for licensees to practice in member states with the goal of improving outcomes for patients;
 - (2) enhance states' ability to protect the public's health and safety;
 - (3) promote the cooperation of member states in regulating the practice of respiratory therapy within those member states;
 - (4) ease administrative burdens on states by encouraging the cooperation of member states in regulating multi-state respiratory therapy practice;

- (5) support relocating active military members and their spouses; and
- (6) promote mobility and address workforce shortages.

ARTICLE 2 – DEFINITIONS

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

- (a) “Active military member” means any person with a full-time duty status in the armed forces of the United States, including members of the national guard and reserve.
- (b) “Adverse action” means any administrative, civil, equitable or criminal action permitted by a state’s laws that is imposed by any state authority with regulatory authority over respiratory therapists, such as license denial, censure, revocation, suspension, probation, monitoring of the licensee or restriction on the licensee’s practice, not including participation in an alternative program.
- (c) “Alternative program” means a non-disciplinary monitoring or practice remediation process applicable to a respiratory therapist approved by any state authority with regulatory authority over respiratory therapists. This includes, but is not limited to, programs to which licensees with substance abuse or addiction issues are referred in lieu of adverse action.
- (d) “Charter member states” means those member states that were the first seven states to enact the compact into the laws of their state.
- (e) “Commission” or “respiratory care interstate compact commission” means the governmental instrumentality and body politic whose membership consists of all member states that have enacted the compact.
- (f) “Commissioner” means the individual appointed by a member state to serve as the member of the commission for that member state.
- (g) “Compact” means the respiratory care interstate compact.
- (h) “Compact privilege” means the authorization granted by a remote state to allow a licensee from another member state to practice as a respiratory therapist in the remote state under the remote state’s laws and rules. The practice of respiratory therapy occurs in the member state where the patient is located at the time of the patient encounter.
- (i) “Criminal background check” means the submission by the member state of fingerprints or other biometric-based information on license applicants at the time of initial licensing for the purpose of obtaining that applicant’s criminal history record information, as defined in 28 C.F.R. § 20.3(d) or successor provision, from the federal bureau of investigation and the state’s criminal history record repository, as defined in 28 C.F.R. § 20.3(f) or successor provision.
- (j) “Data system” means the commission’s repository of information about licensees as further set forth in article 8.
- (k) “Domicile” means the jurisdiction that is the licensee’s principal home for legal purposes.
- (l) “Encumbered license” means a license that a state’s respiratory therapy licensing authority has limited in any way.
- (m) “Executive committee” means a group of directors elected or appointed to act on behalf of and within the powers granted to them by the commission.

- (n) "Home state" except as set forth in article 5, means the member state that is the licensee's primary domicile.
- (o) "Home state license" means an active license to practice respiratory therapy in a home state that is not an encumbered license.
- (p) "Jurisprudence requirement" means an assessment of an individual's knowledge of the state laws and regulations governing the practice of respiratory therapy in such state.
- (q) "Licensee" means an individual who currently holds an authorization from the state to practice as a respiratory therapist.
- (r) "Member state" means a state that has enacted the compact and been admitted to the commission in accordance with the provisions in this compact and commission rules.
- (s) "Model compact" means the model for the respiratory care interstate compact on file with the council of state governments or other entity as designated by the commission.
- (t) "Remote state" means a member state where a licensee is exercising or seeking to exercise the compact privilege.
- (u) "Respiratory therapist" or "respiratory care practitioner" means an individual who holds a credential issued by the national board for respiratory care or its successor and a license in a state to practice respiratory therapy. For purposes of this compact, any other title or status adopted by a state to replace the term "respiratory therapist" or "respiratory care practitioner" shall be deemed synonymous with "respiratory therapist" and shall confer the same rights and responsibilities to the licensee under the provisions of this compact at the time of enactment.
- (v) "Respiratory therapy," "respiratory therapy practice," "respiratory care," "the practice of respiratory care" and "the practice of respiratory therapy" mean the care and services provided by or under the direction and supervision of a respiratory therapist or respiratory care practitioner.
- (w) "Respiratory therapy licensing authority" means the agency, board or other body of a state that is responsible for licensing and regulation of respiratory therapists.
- (x) "Rule" means a regulation promulgated by an entity that has the force and effect of law.
- (y) "Scope of practice" means the procedures, actions and processes a respiratory therapist licensed in a state or practicing under a compact privilege in a state is permitted to undertake in that state and the circumstances under which the respiratory therapist is permitted to undertake those procedures, actions and processes. Such procedures, actions, processes and the circumstances under which they may be undertaken may be established through means, including, but not limited to, statute, regulations, case law and other processes available to the state respiratory therapy licensing authority or other governmental agency.
- (z) "Significant investigative information" means information, records and documents received or generated by a state respiratory therapy licensing authority pursuant to an investigation for which a determination has been made that there is probable cause to believe that the licensee has violated a statute or regulation that is considered more than a minor infraction for which the state respiratory therapy licensing authority could pursue adverse action against the licensee.
- (aa) "State" means any state, commonwealth, district or territory of the United States.

ARTICLE 3 – STATE PARTICIPATION IN THIS COMPACT

- (a) In order to participate in this compact and thereafter continue as a member state, a member state shall:
- (1) Enact a compact that is not materially different from the model compact;
 - (2) license respiratory therapists;
 - (3) participate in the commission's data system;
 - (4) have a mechanism in place for receiving and investigating complaints against licensees and compact privilege holders;
 - (5) notify the commission, in compliance with the terms of this compact and commission rules, of any adverse action against a licensee, a compact privilege holder or a license applicant;
 - (6) notify the commission, in compliance with the terms of this compact and commission rules, of the existence of significant investigative information;
 - (7) comply with the rules of the commission;
 - (8) grant the compact privilege to a holder of an active home state license and otherwise meet the applicable requirements of article 4 in a member state; and
 - (9) complete a criminal background check for each new licensee at the time of initial licensure. If expressly authorized or permitted by federal law, whether such federal law is in effect prior to, at or after the time of a member state's enactment of this compact, a member state's enactment of this compact shall hereby authorize the member state's respiratory therapy licensing authority to perform criminal background checks as defined in this compact. The absence of such a federal law as described in this subsection shall not prevent or preclude such authorization if it may be derived or granted through means other than the enactment of this compact.
- (b) Nothing in this compact prohibits a member state from charging a fee for granting and renewing the compact privilege.

ARTICLE 4 – COMPACT PRIVILEGE

- (a) To exercise the compact privilege under the terms and provisions of the compact, the licensee shall:
- (1) Hold and maintain an active home state license as a respiratory therapist;
 - (2) hold and maintain an active credential from the national board for respiratory care or its successor that would qualify such licensee for licensure in the remote state where they are seeking the privilege;
 - (3) have not had any adverse action against a license within the previous two years;
 - (4) notify the commission that the licensee is seeking the compact privilege within a remote state;
 - (5) pay any applicable fees, including any state fees, commission fees and renewal fees, for the compact privilege;
 - (6) meet any jurisprudence requirements established by the remote state where the licensee is seeking a compact privilege;
 - (7) report to the commission adverse action taken by any non-member state within 30 days from the date that the adverse action is taken;

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

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

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

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

(d) If a licensee's compact privilege in a remote state is removed by the remote state, the individual shall lose or be ineligible for the compact privilege in that remote state until the compact privilege is no longer limited or restricted by that state.

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

(1) The home state license is no longer encumbered; and

(2) two years have elapsed from the date that the license is no longer encumbered due to the adverse action.

(f) Once a licensee with a restricted or limited license meets the requirements of subsection (e)(1) and (2), the licensee shall also meet the requirements of subsection (a) to obtain a compact privilege in a remote state.

ARTICLE 5 – ACTIVE MILITARY MEMBER OR THEIR SPOUSE

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

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

ARTICLE 6 – ADVERSE ACTIONS

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

(b) A member state may take adverse action based on significant investigative information of a remote state or the home state, so long as the member state follows its own procedures for imposing adverse action.

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

(d) A remote state shall have the authority to:

- (1) Take adverse actions as set forth in this compact against a licensee's compact privilege in that state;
- (2) issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses and the production of evidence:

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

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

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

(D) The issuing authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state where the witnesses or evidence are located;

(3) unless otherwise prohibited by state law, recover from the licensee the costs of investigations and disposition of cases resulting from any adverse action taken against that licensee;

(4) notwithstanding subsection (d)(2), a member state shall not issue a subpoena to gather evidence of conduct in another member state that is lawful in such other member state for the purpose of taking adverse action against a licensee's compact privilege or application for a compact privilege in that member state; and

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

(e) Joint investigations:

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

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

(f) Nothing in this compact shall be construed to permit a member state to take any adverse action against a licensee or holder of a compact privilege for conduct or practice that was legal in the member state at the time such conduct or practice was undertaken.

(g) Nothing in this compact shall be construed to permit a member state to take disciplinary action against a

licensee or holder of a compact privilege for conduct or practice that was legal in the member state at the time such conduct or practice was undertaken.

ARTICLE 7 – ESTABLISHMENT OF THE RESPIRATORY CARE INTERSTATE COMPACT COMMISSION

(a) The compact member states hereby create and establish a joint governmental agency whose membership consists of all member states that have enacted the compact known as the respiratory care interstate compact commission. The commission is an instrumentality of the compact member states acting jointly and not an instrumentality of any one state. The commission shall come into existence on or after the effective date of the compact, as set forth in article 11.

(b) Membership, voting and meetings:

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

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

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

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

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

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

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

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

(c) The commission shall have the following powers:

(1) Establish and amend the fiscal year of the commission;

(2) establish and amend bylaws and policies, including, but not limited to, a code of conduct and conflict of interest;

(3) establish and amend rules that shall be binding in all member states;

(4) maintain its financial records in accordance with the bylaws;

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

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

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

- (8) purchase and maintain insurance and bonds;
 - (9) accept or contract for services of personnel, including, but not limited to, employees of a member state;
 - (10) conduct an annual financial review;
 - (11) hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel and other related personnel matters;
 - (12) assess and collect fees;
 - (13) accept, receive, utilize and dispose of the same, any and all appropriate gifts, donations, grants of money, other sources of revenue, equipment, supplies, materials and services, except that at all times:
 - (A) The commission shall avoid any appearance of impropriety; and
 - (B) the commission shall avoid any appearance of conflict of interest;
 - (14) lease, purchase, retain, own, hold, improve or use any property, real, personal or mixed or any undivided interest therein;
 - (15) sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property real, personal or mixed;
 - (16) establish a budget and make expenditures;
 - (17) borrow money in a fiscally responsible manner;
 - (18) appoint committees, including standing committees, composed of commissioners state regulators, state legislators or their representatives and consumer representatives and such other interested persons as may be designated in this compact and the bylaws;
 - (19) provide and receive information from and cooperate with law enforcement agencies;
 - (20) establish and elect an executive committee, including a chairperson, vice chairperson, secretary, treasurer and such other offices as the commission shall establish by rule or bylaw;
 - (21) enter into contracts or arrangements for the management of the affairs of the commission;
 - (22) determine whether a state's adopted language is materially different from the model compact language such that the state would not qualify for participation in the compact; and
 - (23) perform such other functions as may be necessary or appropriate to achieve the purposes of this compact.
- (d) The executive committee:
- (1) The executive committee shall have the power to act on behalf of the commission according to the terms of this compact. The powers, duties and responsibilities of the executive committee shall include:
 - (A) Overseeing the day-to-day activities of the administration of the compact, including enforcement and compliance with the provisions of the compact, its rules and bylaws and other such duties as deemed necessary;

- (B) recommending to the commission changes to the rules or bylaws, changes to this compact legislation, fees charged to compact member states, fees charged to licensees and other fees;
 - (C) ensuring compact administration services are appropriately provided, including by contract;
 - (D) preparing and recommending the budget;
 - (E) maintaining financial records on behalf of the commission;
 - (F) monitoring compact compliance of member states and providing compliance reports to the commission;
 - (G) establishing additional committees as necessary;
 - (H) exercising the powers and duties of the commission during the interim between commission meetings, except for adopting or amending rules, adopting or amending bylaws and exercising any other powers and duties expressly reserved to the commission by rule or bylaw; and
 - (I) performing other duties as provided in the rules or bylaws of the commission.
- (2) The executive committee shall be composed of up to nine members, as further set forth in the bylaws of the commission:
- (A) Seven voting members who are elected by the commission from the current membership of the commission; and
 - (B) two ex officio, nonvoting members.
- (3) The commission may remove any member of the executive committee as provided in the commission's bylaws.
- (4) The executive committee shall meet at least annually.
- (A) Executive committee meetings shall be open to the public, except that the executive committee may meet in a closed, nonpublic meeting as provided in subsection (f)(4) below;
 - (B) the executive committee shall give advance notice of its meetings, posted on its website and as determined to provide notice to persons with an interest in the business of the commission; and
 - (C) the executive committee may hold a special meeting in accordance with subsection (f)(2) below.
- (e) The commission shall adopt and provide to the member states an annual report.
- (f) Meetings of the commission:
- (1) All meetings of the commission that are not closed pursuant to paragraph (4) shall be open to the public. Notice of public meetings shall be posted on the commission's website at least 30 days prior to the public meeting.
 - (2) Notwithstanding paragraph (1), the commission may convene an emergency public meeting by providing at least 24 hours' prior notice on the commission's website and any other means as provided in the commission's rules, for any of the reasons it may dispense with notice of proposed rulemaking under article 9(g). The commission's legal counsel shall certify that one of the reasons justifying an emergency public meeting has been met.
 - (3) Notice of all commission meetings shall provide the time, date and location of the meeting, and if the meeting is to be held or accessible via telecommunication, video conference or other electronic means, the notice shall include the mechanism for access to the meeting.

- (4) The commission or the executive committee may convene in a closed, nonpublic meeting for the commission or executive committee to receive or solicit legal advice or to discuss:
- (A) Noncompliance of a member state with its obligations under the compact;
 - (B) the employment, compensation, discipline or other matters, practices or procedures related to specific employees;
 - (C) current or threatened discipline of a licensee or compact privilege holder by the commission or by a member state's respiratory therapy licensing authority;
 - (D) current, threatened or reasonably anticipated litigation;
 - (E) negotiation of contracts for the purchase, lease or sale of goods, services or real estate;
 - (F) accusing any person of a crime or formally censuring any person;
 - (G) trade secrets or commercial or financial information that is privileged or confidential;
 - (H) information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
 - (I) investigative records compiled for law enforcement purposes;
 - (J) information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact;
 - (K) legal advice;
 - (L) matters specifically exempted from disclosure by federal or member state law; or
 - (M) other matters as promulgated by the commission by rule.
- (5) If a meeting or a portion of a meeting is closed, the presiding officer shall state that the meeting will be closed and reference each relevant exempting provision and such reference shall be recorded in the minutes.
- (6) The commission shall keep minutes in accordance with commission rules and bylaws. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the commission or order of a court of competent jurisdiction.
- (g) Financing of the commission:
- (1) The commission shall pay or provide for the payment and reasonable expenses of its establishment organization and ongoing activities.
 - (2) The commission may accept any and all appropriate revenue sources as provided in this compact.
 - (3) The commission may levy on and collect an annual assessment from each member state and impose fees on licensees of member states to whom it grants a compact privilege to cover the cost of the operations and activities of the commission and its staff. The aggregate annual assessment amount for member states, if any, shall be allocated based upon a formula that the commission shall promulgate by rule.
 - (4) The commission shall not incur obligations of any kind prior to securing the funds or a loan adequate to meet such obligations nor shall the commission pledge the credit of any of the member states, except by and with the authority of the member state.

(5) The commission shall keep accurate accounts of all 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 provisions of this compact shall not be construed as a limitation on the liability of any licensee for professional malpractice or misconduct, which shall be governed solely by any other applicable state laws.

(2) The member states, commissioners, officers, executive directors, employees and agents of the commission shall be immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities, except that nothing in this subsection shall be construed to protect any such person from suit or liability for any damage, loss, injury or liability caused by the intentional or willful or wanton misconduct of such person. The procurement of insurance of any type by the commission shall not in any way compromise or limit the immunity granted hereunder.

(3) The commission shall defend any commissioner, officer, executive director, employee and agent of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities or as determined by the commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities, except that nothing in this compact shall be construed to prohibit such person from retaining their own counsel at their own expense and that the actual or alleged act, error or omission did not result from such person's intentional or willful or wanton misconduct.

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

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

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

ARTICLE 8 – DATA SYSTEM

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

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

- (1) Identifying information;
 - (2) licensure data;
 - (3) adverse actions against a licensee, license applicant or compact privilege holder and information related thereto;
 - (4) nonconfidential information related to alternative program participation, the beginning and ending dates of such participation and other information related to such participation not made confidential under member state law;
 - (5) any denial of application for licensure and the reason or reasons for such denial;
 - (6) the presence of current significant investigative information; and
 - (7) other information that may facilitate the administration of this compact or the protection of the public, as determined by the rules of the commission.
- (c) A member state shall not submit any information that constitutes criminal history record information, as defined by applicable federal law, to the data system established hereunder.
- (d) The records and information provided to a member state pursuant to this compact or through the data system, when certified by the commission or an agent thereof, shall constitute the authenticated business records of the commission and shall be entitled to any associated hearsay exception in any relevant judicial, quasi-judicial or administrative proceedings in a member state.
- (e) Significant investigative information pertaining to a licensee in any member state shall only be available to other member states.
- (f) It shall be the responsibility of the member states to report any adverse action against a licensee and to monitor the database to determine whether adverse action has been taken against a licensee. Adverse action information pertaining to a licensee in any member state shall be available to any other member state.
- (g) Member states contributing information to the data system may designate information that shall not be shared with the public without the express permission of the contributing state.
- (h) Any information submitted to the data system that is subsequently expunged pursuant to federal law or the laws of the member state contributing the information shall be removed from the data system.

ARTICLE 9 – RULEMAKING

- (a) The commission shall promulgate reasonable rules in order to effectively and efficiently implement and administer the purposes and provisions of the compact. A rule shall be invalid and have no force and effect only if a court of competent jurisdiction holds that the rule is invalid because the commission exercised its rulemaking authority in a manner that is beyond the scope and purposes of the compact or the powers granted hereunder or based upon another applicable standard of review.
- (b) For purposes of the compact, the rules of the commission shall have the force of law in each member state.
- (c) The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules shall become binding as of the date specified in each rule.
- (d) If a majority of the legislatures of the member states rejects a rule or portion of a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within four years of the date of adoption of the rule, then such rule shall have no further force and effect in any member state.

- (e) Rules shall be adopted at a regular or special meeting of the commission.
- (f) Prior to adoption of a proposed rule, the commission shall hold a public hearing and allow persons to provide oral and written comments, data, facts, opinions and arguments.
- (g) Prior to adoption of a proposed rule by the commission and at least 30 days in advance of the meeting where the commission will hold a public hearing on the proposed rule, the commission shall provide a notice of proposed rulemaking:
 - (1) On the website of the commission or other publicly accessible platform;
 - (2) to persons who have requested notice of the commission's notices of proposed rulemaking; and
 - (3) in such other ways as the commission may specify by rule.
- (h) The notice of proposed rulemaking shall include:
 - (1) The time, date and location of the public hearing where the commission will hear public comments on the proposed rule and, if different, the time, date and location of the meeting where the commission will consider and vote on the proposed rule;
 - (2) if the hearing is held via telecommunication, video conference or other electronic means, the commission shall include the mechanism for access to the hearing in the notice of proposed rulemaking;
 - (3) the text of the proposed rule and the reason therefor;
 - (4) a request for comments on the proposed rule from any interested person; and
 - (5) the manner in which interested persons may submit written comments.
- (i) All hearings will be recorded. A copy of the recording and all written comments and documents received by the commission in response to the proposed rule shall be available to the public.
- (j) Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.
- (k) The commission shall, by majority vote of all commissioners, take final action on the proposed rule based on the rulemaking record and the full text of the rule.
 - (1) The commission may adopt changes to the proposed rule if the changes are consistent with the original purpose of the proposed rule.
 - (2) The commission shall provide an explanation of the reasons for substantive changes made to the proposed rule as well as reasons for substantive changes not made that were recommended by commenters.
 - (3) The commission shall determine a reasonable effective date for the rule. Except for an emergency as provided in subsection (l), the effective date of the rule shall be not earlier than 30 days after issuing the notice that it adopted or amended the rule.
- (l) Upon determination that an emergency exists, the commission may consider and adopt an emergency rule with 24 hours' notice and an opportunity to comment, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible but in no event later than 90 days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that shall be adopted immediately in order to:
 - (1) Meet an imminent threat to public health, safety or welfare;

- (2) prevent a loss of commission or member state funds;
 - (3) meet a deadline for the promulgation of a rule that is established by federal law or rule; or
 - (4) protect public health and safety.
- (m) The commission or an authorized committee of the commission may direct revisions to a previously adopted rule for purposes of correcting typographical errors, errors in format, errors in consistency or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the commission prior to the end of the notice period. If no challenge is made, the revision shall take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.
- (n) A member state's rulemaking process or procedural requirements shall not apply to the commission. The commission shall have no authority over any member state's rulemaking process or procedural requirements that do not pertain to the compact.
- (o) The provisions of this compact and any rule or regulation of the commission shall not be construed to limit, restrict or in any way reduce the ability of a member state to enact and enforce laws, regulations or other rules related to the practice of respiratory therapy in that state, where those laws, regulations or other rules are not inconsistent with the provisions of this compact.

ARTICLE 10 – OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

(a) Oversight:

- (1) The executive and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to implement the compact.
- (2) Venue is proper, and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. The provisions of this compact shall not 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 have standing to intervene in such a proceeding for all purposes. Failure to provide the commission service of process shall render a judgment or order void as to the commission, this compact or promulgated rules.

(b) Default, technical assistance and termination.

- (1) If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall provide written notice to the defaulting state. The notice of default shall describe the default, the proposed means of curing the default and any other action that the commission may take and shall offer training and specific technical assistance regarding the default.
- (2) The commission shall provide a copy of the notice of default to the other member states.
- (c) If a state in default fails to cure the default, the defaulting state may be terminated from the compact

upon an affirmative vote of a majority of the commissioners of the member states and all rights, privileges and benefits conferred on that state by this compact may be terminated on the effective date of termination. A cure of the default shall not relieve the offending state of obligations or liabilities incurred during the period of default.

(d) Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, the defaulting state's respiratory therapy licensing authority and each of the member states' respiratory therapy licensing authorities.

(e) A state that has been terminated shall be responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination, if necessary.

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

(i) Dispute resolution:

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

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

(j) Enforcement:

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

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

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

ARTICLE 11 – EFFECTIVE DATE, WITHDRAWAL AND AMENDMENT

- (a) Effective date means the date that the compact statute is enacted into law in the seventh member state. The compact shall come into effect on the effective date.
- (1) On or after the effective date of the compact, the commission shall convene and review the enactment of each of the first seven member states, charter member states, to determine if the statute enacted by each such charter member state is materially different than the model compact.
- (A) A charter member state whose enactment is found to be materially different from the model compact shall be entitled to the default process set forth in article 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 fewer than seven.
- (2) Member states enacting the compact subsequent to the seven initial charter member states shall be subject to the process set forth in this compact and commission rule to determine if such states' enactments are materially different from the model compact and whether such states qualify for participation in the compact.
- (3) All actions taken for the benefit of the commission or in furtherance of the purposes of the administration of the compact prior to the effective date of the compact or the commission coming into existence shall be considered to be actions of the commission unless specifically repudiated by the commission. The commission shall own and have all rights to any intellectual property developed on behalf or in furtherance of the commission by individuals or entities involved in organizing or establishing the commission, as may be further set forth in rules of the commission.
- (4) Any state that joins the compact subsequent to the commission's initial adoption of the rules and bylaws shall be subject to the rules and bylaws as they exist on the date that the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the date that the compact becomes law in that state.
- (b) Any member state may withdraw from such compact by enacting a statute repealing the same.
- (1) A member state's withdrawal shall not take effect until 180 days after enactment of the repealing statute.
- (2) Withdrawal shall not affect the continuing requirement of the withdrawing state's respiratory therapy licensing authority to comply with the investigative and adverse action reporting requirements of this compact prior to the effective date of withdrawal.
- (3) Upon the enactment of a statute withdrawing from this compact, a state shall immediately provide notice of such withdrawal to all licensees and compact privilege holders, of which the commission has a record, within that state. Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing state shall continue to recognize all licenses granted pursuant to this compact for a minimum of 180 days after the date of such notice of withdrawal.
- (c) The provisions of this compact shall not be construed to invalidate or prevent any licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this compact.
- (d) This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

ARTICLE 12 – CONSTRUCTION AND SEVERABILITY

- (a) This compact and the commission's rulemaking authority shall be liberally construed so as to effectuate the purposes and the implementation and administration of the compact. Provisions of the compact expressly authorizing or requiring the promulgation of rules shall not be construed to limit the commission's rulemaking authority solely for those purposes.
- (b) The provisions of this compact shall be severable, and if any phrase, clause, sentence or provision of this compact is held by a court of competent jurisdiction to be contrary to the constitution of any member state, a state seeking participation in the compact or of the United States or the applicability thereof to any government, agency, person or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this compact and the applicability thereof to any other government, agency, person or circumstance shall not be affected thereby.
- (c) Notwithstanding subsection (b), the commission may deny a state's participation in the compact or, in accordance with the requirements of article 10, terminate a member state's participation in the compact if the commission determines that a constitutional requirement of a member state is a material departure from the compact. 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.

ARTICLE 13 – CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

- (a) Nothing in this compact shall prevent or inhibit the enforcement of any other law of a member state that is not inconsistent with the compact.
- (b) Any laws, statutes, regulations or other legal requirements in a member state in conflict with the compact are superseded to the extent of the conflict, including any subsequently enacted state laws.
- (c) All permissible agreements between the commission and the member states shall be binding in accordance with their terms.
- (d) Except as expressly set forth in this compact, nothing in this compact shall impact initial licensure.

Sec. 3. This section shall be known and may be cited as the esthetics licensure compact.

ARTICLE 1—PURPOSE

- (a) The purpose of this compact is to facilitate the interstate practice and regulation of esthetics with the goal of improving public access thereto, the safety of esthetics services and reducing barriers related to esthetician licensure. Through this compact the member states seek to establish a regulatory framework that provides for a new multistate licensing program. Through this new licensing program, the member states seek to provide increased value and mobility to licensed estheticians in the member states, while ensuring the provision of safe, effective and reliable services to the public.
- (b) This compact is designed to achieve the following objectives, which are ratified by the member states to this compact:
- (1) Provide opportunities for interstate practice by estheticians who meet uniform requirements for multistate licensure;
 - (2) enhance the abilities of member states to protect public health and safety and prevent fraud and unlicensed activity within the profession;

- (3) ensure and encourage cooperation between member states in the licensure and regulation of the practice of esthetics;
- (4) support relocating military members and their spouses;
- (5) facilitate the exchange of information between member states related to the licensure, investigation and discipline of the practice of esthetics; and
- (6) provide for the licensure and mobility of the workforce in the profession.

ARTICLE 2—DEFINITIONS

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

- (a) “Active duty military” means any individual in full-time duty status in the active uniformed service of the United States, including members of the national guard and reserve.
- (b) “Adverse action” means any administrative, civil, equitable or criminal action permitted by a member state’s laws that is imposed by a licensing authority or other regulatory body against an esthetician, including actions against an individual’s license or authorization to practice such as revocation, suspension, probation, monitoring of the licensee, limitation of the licensee’s practice or any other encumbrance on a license affecting an individual’s ability to participate in the esthetics industry, including the issuance of a cease and desist order.
- (c) “Authorization to practice” means a legal authorization associated with a multistate license permitting the practice of esthetics in that remote state, which shall be subject to the enforcement jurisdiction of the licensing authority in that remote state.
- (d) “Alternative program” means a nondisciplinary monitoring or prosecutorial diversion program approved by a member state’s licensing authority.
- (e) “Background check” means the submission of information for an applicant for the purpose of obtaining that applicant’s criminal history record information, as further defined in C.F.R. § 20.3(d), from the federal bureau of investigation and the agency responsible for retaining state criminal or disciplinary history in the applicant’s home state.
- (f) “Charter member state” means a member state that has enacted legislation to adopt this compact where such legislation predates the effective date of this compact as defined in article 13.
- (g) “Commission” means the joint government agency whose membership consists of all states that have enacted this compact, known as the esthetics licensure compact commission, as defined in article 9, and shall operate as an instrumentality of the member states.
- (h) “Current significant investigative information” means investigative information that:
 - (1) A licensing authority, after an inquiry or investigation that complies with a member state’s due process requirements, has reason to believe is not groundless and, if proved true, would indicate a violation of that state’s laws regarding fraud or the practice of esthetics; or
 - (2) indicates that a licensee has engaged in fraud or represents an immediate threat to public health and safety, regardless of whether the licensee has been notified and has had an opportunity to respond.
- (i) “Data system” means a repository of information about licensees, including, but not limited to, license status, investigative information and adverse actions.
- (j) “Disqualifying event” means any event that shall disqualify an individual from holding a multistate license under this compact, which the commission may by rule or order specify.

- (k) “Encumbered license” means a license in which an adverse action restricts the practice of esthetics by a licensee or in which such adverse action has been reported to the commission.
- (l) “Encumbrance” means a revocation or suspension of or any limitation on the full and unrestricted practice of esthetics by a licensing authority.
- (m) “Esthetician” means an individual licensed in such individual’s home state to engage in the practice of esthetics as defined in this article.
- (n) “Esthetics” means the skin care and services for cosmetic purposes provided by an esthetician in a member state as set forth in the relevant statutes and regulations of a member state. The practice of esthetics occurs in the member state where the client is located at the time of service.
- (o) “Executive committee” means a group of delegates elected or appointed to act on behalf of and within the powers granted to them by the commission.
- (p) “Home state” means the member state that is a licensee’s primary state of residence and where that licensee holds an active and unencumbered license to practice esthetics.
- (q) “Investigative information” means information, records or documents received or generated by a licensing authority pursuant to an investigation or other inquiry.
- (r) “Jurisprudence requirement” means the assessment of an individual’s knowledge of the laws and rules governing the practice of esthetics in a state.
- (s) “Licensee” means an individual who currently holds a license from a member state to practice as an esthetician.
- (t) “Licensing authority” means a state’s administrative or regulatory body responsible for regulating the practice of esthetics or that is responsible for issuing licenses to estheticians or otherwise overseeing the practice of esthetics in that state.
- (u) “Member state” means any state that has adopted this compact.
- (v) “Multistate license” means a license issued and subject to the enforcement jurisdiction of the licensing authority in a licensee’s home state that authorizes the practice of esthetics in member states and includes authorizations to practice esthetics in all remote states pursuant to this compact.
- (w) “Remote state” means any member state other than the licensee’s home state.
- (x) “Rule” means any rule or regulation adopted by the commission under this compact, or an authorized entity, that has the force of law.
- (y) “Single-state license” means a license issued by a member state that authorizes the practice of esthetics only within the issuing state and does not include any authorization outside of the issuing state.
- (z) “State” means a state, commonwealth, territory or possession of the United States and the District of Columbia.

ARTICLE 3—MEMBER STATE REQUIREMENTS

- (a) To be eligible to join this compact and to maintain eligibility as a member state, a state shall:
- (1) License estheticians and regulate esthetics;
 - (2) have a mechanism or entity in place to receive and investigate complaints about licensees practicing in that state;

- (3) require that licensees within the state pass a competency examination prior to being licensed to provide esthetics services to the public in that state;
 - (4) require that licensees satisfy educational or training requirements prior to being licensed to provide esthetics services to the public in that state;
 - (5) implement procedures for considering one or more of the following categories of information from applicants for licensure: Criminal history, disciplinary history or background check. Such procedures may include the submission of information by applicants for the purpose of obtaining an applicant's background check as defined in this compact;
 - (6) participate in the data system, including through the use of unique identifying numbers;
 - (7) share information related to adverse actions with the commission and other member states, both through the data system and otherwise;
 - (8) notify the commission and other member states, in compliance with the terms of the compact and rules of the commission, of the existence of investigative information or current significant investigative information in the state's possession regarding a licensee practicing in that state;
 - (9) comply with such rules as may be enacted by the commission to administer the compact; and
 - (10) accept licensees from other member states as established in this compact.
- (b) Member states may charge a fee for granting a multistate license to practice esthetics.
- (c) Individuals not residing in a member state shall continue to be able to apply for a member state's single-state license as provided under the laws of each member state. However, the single-state license granted to these individuals shall not be recognized as granting a multistate license to provide services in any other member state.
- (d) Nothing in this compact shall affect the requirements established by a member state for the issuance of a single-state license.
- (e) A multistate license issued to a licensee by a home state to a resident of that state shall be recognized by each member state as authorizing a licensee to practice esthetics in each member state.
- (f) The commission shall not have the power to define the educational or professional requirements for a license to practice esthetics. The member states shall retain sole jurisdiction over the provision of these requirements.

ARTICLE 4—MULTISTATE LICENSE

- (a) To be eligible to apply to their home state's licensing authority for an initial multistate license under this compact, a licensee shall hold an active and unencumbered single-state license to practice esthetics in their home state.
- (b) Upon the receipt of an application for a multistate license, according to the rules of the commission, a member state's licensing authority shall ascertain whether the applicant meets the requirements for a multistate license under this compact.
- (c) If an applicant meets the requirements for a multistate license under this compact and any applicable rules of the commission, the licensing authority in receipt of the application shall, within a reasonable time, grant a multistate license to that applicant and inform all member states of the grant of such multistate license.

- (d) A multistate license to practice esthetics issued by a member state's licensing authority shall be recognized by each member state as authorizing the practice thereof as though that licensee held a single-state license to do so in each member state, subject to the restrictions in this compact.
- (e) A multistate license granted pursuant to this compact may be effective for a definite period of time, concurrent with the licensure renewal period in the home state.
- (f) To maintain a multistate license under this compact, a licensee shall:
- (1) Agree to abide by the rules of the licensing authority and the state scope of practice laws governing the practice of esthetics of any member state where the licensee provides services;
 - (2) pay all required fees related to the application and process and any other fees that the commission may provide by rule; and
 - (3) comply with any and all other requirements regarding multistate licenses that the commission may provide by rules.
- (g) A licensee practicing in a member state shall be subject to all scope of practice laws governing esthetics services in that state.
- (h) The practice of esthetics under a multistate license granted pursuant to this compact shall subject the licensee to the jurisdiction of the licensing authority, the courts and the laws of the member state where the esthetics services are provided.

ARTICLE 5—REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME STATE

- (a) A licensee may hold a multistate license, issued by their home state, in only one member state at any given time.
- (b) If a licensee changes their home state by moving between two member states:
- (1) The licensee shall immediately apply for the reissuance of their multistate license in their new home state. The licensee shall pay all applicable fees and notify the prior home state in accordance with the rules of the commission;
 - (2) upon receipt of an application to reissue a multistate license, the new home state shall verify that the multistate license is active, unencumbered and eligible for reissuance under the terms of the compact and the rules of the commission. The multistate license issued by the prior home state shall be deactivated and all member states notified in accordance with the applicable rules adopted by the commission;
 - (3) if required for initial licensure, the new home state may require a background check as specified in the laws of the new home state or compliance with any jurisprudence requirements of the new home state; and
 - (4) notwithstanding any other provision of this compact, if a licensee does not meet the requirements set forth in this compact for the reissuance of a multistate license by the new home state, then the licensee shall be subject to the new home state requirements for the issuance of a single-state license in that state.
- (c) If a licensee changes their primary state of residence by moving from a member state to a nonmember state, or from a nonmember state to a member state, then the licensee shall be subject to the state requirements for the issuance of a single-state license in the new home state.
- (d) Nothing in this compact shall interfere with a licensee's ability to hold a single-state license in multiple states, except that, for the purposes of this compact, a licensee shall have only one home state and only one multistate license.

(e) Nothing in this compact shall interfere with the requirements established by a member state for the issuance of a single-state license.

ARTICLE 6—AUTHORITY OF THE COMPACT COMMISSION AND MEMBER STATE LICENSING AUTHORITIES

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

(b) Insofar as practicable, a member state's licensing authority shall cooperate with the commission and with each entity exercising independent regulatory authority over the practice of esthetics according to the provisions of this compact.

(c) Discipline shall be the sole responsibility of the state where esthetics services are provided. Accordingly, each member state's licensing authority shall be responsible for receiving complaints about individuals practicing esthetics in that state and for communicating all relevant investigative information about any such adverse action to the other member states through the data system in addition to any other methods the commission may require by rule.

ARTICLE 7— ADVERSE ACTIONS

(a) A licensee's home state shall have exclusive power to impose an adverse action against a licensee's multistate license issued by the home state.

(b) A home state may take adverse action on a multistate license based on the investigative information, current significant investigative information or adverse action of a remote state.

(c) In addition to the powers conferred by state law, each remote state's licensing authority shall have the power to:

(1) Take adverse action against a licensee's authorization to practice esthetics through the multistate license in that member state, except that:

(A) Only the licensee's home state shall have the power to take adverse action against the multistate license issued by the home state; and

(B) for the purpose of taking an adverse action, the home state's licensing authority shall give the same priority and effect to reported conduct received from a remote state as it would if such conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine the appropriate action;

(2) issue cease and desist orders or impose an encumbrance on a licensee's authorization to practice within that member state;

(3) complete any pending investigations of a licensee who changes their primary state of residence during the course of such an investigation. The licensing authority shall also be empowered to report the results of such an investigation to the commission through the data system as described in this compact;

(4) issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, as well as the production of evidence. Subpoenas issued by a licensing authority in a member state for the attendance and testimony of witnesses or the production of evidence from another member state shall be enforced in the latter. State by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings before it. The issuing licensing authority shall pay

any witness fees, travel expenses, mileage and other fees required by the service statutes of the state where the witnesses or evidence are located;

(5) if otherwise permitted by state law, recover from the affected licensee the costs of investigations and disposition of cases resulting from any adverse action taken against that licensee; and

(6) take adverse action against the licensee's authorization to practice in that state based on the factual findings of another remote state.

(d) A licensee's home state shall complete any pending investigation of an esthetician who changes their primary state of residence while the investigation is pending. The home state shall also have the authority to take appropriate action and shall promptly report the conclusions of the investigations to the data system.

(e) If an adverse action is taken by the home state against a licensee's multistate license, the licensee's authorization to practice in all other member states shall be deactivated until all encumbrances have been removed from the home state license. All home state disciplinary orders that impose an adverse action against a licensee's multistate license shall include a statement that the esthetician's authorization to practice is deactivated in all member states during the pendency of the order.

(f) Nothing in this compact shall override a member state's authority to accept a licensee's participation in an alternative program in lieu of adverse action. A licensee's multistate license shall be suspended for the duration of the licensee's participation in any alternative program.

(g) Joint investigations.

(1) In addition to the authority granted to a member state by its respective scope of practice laws or other applicable state law, a member state may participate with other member states in joint investigations of licensees.

(2) Member states shall share any investigative, litigation or compliance materials in furtherance of any joint or individual investigation initiated under the compact.

ARTICLE 8—ACTIVE DUTY MILITARY AND THEIR SPOUSES

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

ARTICLE 9—ESTABLISHMENT AND OPERATION OF THE ESTHETICS LICENSURE COMPACT COMMISSION

(a) The compact member states create and establish a joint government agency whose membership consists of all member states that have enacted the compact known as the esthetics licensure compact commission. The commission is an instrumentality of the compact 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 article 13.

(b) Membership, voting and meetings.

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

(2) The delegate shall be an administrator of the licensing authority of the member state or their designee.

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

- (4) The commission may recommend removal or suspension of any delegate from office.
- (5) A member state's licensing authority shall fill any vacancy of its delegate occurring on the commission within 60 days of the vacancy.
- (6) Each delegate shall be entitled to one vote on all matters that are voted on by the commission.
- (7) 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, video conference 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) adopt rules and bylaws;
 - (4) maintain its financial records in accordance with the bylaws;
 - (5) meet and take such actions as are consistent with the provisions of this compact, the commission's rules and the bylaws;
 - (6) initiate and conclude legal proceedings or actions in the name of the commission, provided that the standing of any licensing authority to sue or be sued under applicable law shall not be affected;
 - (7) maintain and certify records and information provided to a member state as the authenticated business records of the commission and designate an agent to do so on the commission's behalf;
 - (8) purchase and maintain insurance and bonds;
 - (9) borrow, accept or contract for services of personnel, including, but not limited to, employees of a member state;
 - (10) conduct an annual financial review;
 - (11) hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel and other related personnel matters;
 - (12) as set forth in the commission rules, charge a fee to a licensee for the grant of a multistate license and thereafter, as may be established by commission rule, charge the licensee a multistate license renewal fee for each renewal period. Nothing in this compact shall be construed to prevent a home state from charging a licensee a fee for a multistate license or renewals of a multistate license or a fee for the jurisprudence requirement if the member state imposes such a requirement for the grant of a multistate license;
 - (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, except that, at all times the commission shall avoid any appearance of impropriety 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) elect a chair, vice chair, secretary, treasurer and such other officers of the commission as provided in the commission's bylaws;
 - (22) establish and elect an executive committee, including a chair and a vice chair;
 - (23) adopt and provide to the participating states an annual report;
 - (24) 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
 - (25) perform such other functions as may be necessary or appropriate to achieve the purposes of this compact.
- (d) 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:
- (1) Overseeing the day-to-day activities of the administration of the compact, including compliance with the provisions of the compact, the commission's rules and bylaws and other such duties as deemed necessary;
 - (2) recommending to the commission changes to the rules or bylaws, changes to this compact legislation, fees charged to compact member states, fees charged to licensees and other fees;
 - (3) ensuring compact administration services are appropriately provided, including by contract;
 - (4) preparing and recommending the budget;
 - (5) maintaining financial records on behalf of the commission;
 - (6) monitoring compact compliance of member states and providing compliance reports to the commission;
 - (7) establishing additional committees as necessary;
 - (8) 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
 - (9) other duties as provided in the rules or bylaws of the commission.
- (A) The executive committee shall be composed of up to seven voting members:
- (i) The chair and vice chair of the commission and any other members of the commission who serve on the executive committee shall be voting members of the executive committee.

- (ii) Other than the chair, vice chair, secretary and treasurer, the commission shall elect three voting members from the current membership of the commission.
- (iii) The commission may elect ex officio, nonvoting members from a recognized national organization as approved by the commission. The commission's bylaws shall identify qualifying organizations and the manner of appointment if the number of organizations seeking to appoint an ex officio member exceeds the number of members specified in this article.
- (B) The commission may remove any member of the executive committee as provided in the commission's bylaws.
- (C) The executive committee shall meet at least annually.
 - (i) Annual executive committee meetings, as well as any executive committee meeting at which it does not take or intend to take formal action on a matter for which a commission vote would otherwise be required, shall be open to the public, except that the executive committee may meet in a closed, non-public session of a public meeting when dealing with any of the matters covered under article 9(f)(4).
 - (ii) The executive committee shall give five business days advance notice of its public meetings, posted on its website and as determined to provide notice to persons with an interest in the public matters the executive committee intends to address at those meetings.
- (D) The executive committee may hold an emergency meeting when acting for the commission to:
 - (i) Meet an imminent threat to public health, safety or welfare;
 - (ii) prevent a loss of commission or participating state funds; or
 - (iii) protect public health and safety.
- (e) The commission shall adopt and provide an annual report to the member states.
- (f) Meetings of the commission.
 - (1) All meetings of the commission that are not closed pursuant to this subsection shall be open to the public. Notice of public meetings shall be posted on the commission's website at least 30 days prior to the public meeting.
 - (2) Notwithstanding article 9(f)(1), the commission may convene an emergency public meeting by providing at least 24 hours prior notice on the commission's website and any other means as provided in the commission's rules, for any of the reasons it may dispense with notice of proposed rulemaking under article 11(l). The commission's legal counsel shall certify one of the reasons justifying an emergency public meeting has been met.
 - (3) Notice of all commission meetings shall provide the time, date and location of the meeting and if the meeting is to be held or accessible via telecommunication, video conference or other electronic means, the notice shall include the mechanism for access to the meeting.
 - (4) The commission may convene in a closed, nonpublic meeting for the commission 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 or other matters related to the commission's internal personnel practices and procedures;

- (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 or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact;
 - (K) legal advice;
 - (L) matters specifically exempted from disclosure to the public by federal or member state law; or
 - (M) other matters as adopted by the commission by rule.
- (5) If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the meeting shall be closed and reference each relevant exempting provision and such reference shall be recorded in the minutes.
- (6) 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 therefor, 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 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 sources of revenue, donations and grants of money, equipment, supplies, materials and services.
- (3) The commission may levy on and collect an annual assessment from each member state and impose fees on licensees of member states to whom it grants a multistate license to cover the cost of the operations and activities of the commission and its staff, which shall be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount for member states shall be allocated based upon a formula that the commission shall adopt by rule.
- (4) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same, nor shall the commission pledge the credit of any 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. All receipts and disbursements of funds handled by the commission shall be subject to an annual financial review by a certified or licensed public accountant, and the report of the financial review shall be included in and become part of the annual report of the commission.

(h) Qualified immunity, defense and indemnification.

(1) The members, officers, executive director, employees and representatives of the commission shall be immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred or that the 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 under this compact.

(2) The commission shall defend any member, officer, executive director, employee and 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 as determined by the commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities, provided that nothing in this compact 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 and 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 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.

ARTICLE 10—DATA SYSTEM

(a) The commission shall provide for the development, maintenance, operation and utilization of a coordinated database and reporting system.

(b) The commission shall assign each applicant for a multistate license a unique identifier, as determined by the rules of the commission.

(c) Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this compact is applicable as required by the rules of the 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;
 - (5) any denial of application for licensure and the reason for such denial, excluding the reporting of any criminal history record information where prohibited by law;
 - (6) the existence of investigative information;
 - (7) the existence of current significant investigative information; and
 - (8) other information that may facilitate the administration of this compact or the protection of the public, as determined by the rules of the commission.
- (d) The records and information provided to a member state pursuant to this compact or through the data system, when certified by the commission or an agent thereof, shall constitute the authenticated business records of the commission and shall be entitled to any associated hearsay exception in any relevant judicial, quasi-judicial or administrative proceedings in a member state.
- (e) The existence of current significant investigative information and the existence of investigative information pertaining to a licensee in any member state shall only be available to other member states.
- (f) It is the responsibility of the member states to monitor the database to determine whether adverse action has been taken against such a licensee or license applicant. Adverse action information pertaining to a licensee or license applicant in any member state shall be available to any other member state.
- (g) Member states contributing information to the data system may designate information that shall not be shared with the public without the express permission of the contributing state.
- (h) Any information submitted to the data system that is subsequently expunged pursuant to federal law or the laws of the member state contributing the information shall be removed from the data system.

ARTICLE 11— RULEMAKING

- (a) The commission shall adopt reasonable rules to effectively and efficiently implement and administer the purposes and provisions of the compact. A rule shall be invalid and have no force or effect only if a court of competent jurisdiction holds that such rule is invalid because the commission exercised its rulemaking authority in a manner that is beyond the scope and purposes of the compact, the powers granted in this compact or based upon another applicable standard of review.
- (b) The rules of the commission shall have the force of law in each member state, provided, however, that where the rules of the commission conflict with the laws of the member state that establish the member state's scope of practice laws governing the practice of esthetics as held by a court of competent jurisdiction, the rules of the commission shall be ineffective in that state to the extent of the conflict.
- (c) The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this article and the rules adopted thereunder. Rules shall become binding as of the date specified by the commission for each rule.
- (d) If a majority of the legislatures of the member states rejects a rule or portion of a rule by enactment of a statute or resolution in the same manner used to adopt the compact within four years of the date of adoption

of the rules, then such rules shall have no further force and effect in any member state or to any state applying to participate in the compact.

(e) Rules shall be adopted at a regular or special meeting of the commission.

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

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

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

(2) to persons who have requested notice of the commission's notices of proposed rulemaking; and

(3) in such other ways as the commission may specify by rule.

(h) The notice of proposed rulemaking shall include:

(1) The time, date and location of the public hearing where the commission will hear public comments on the proposed rules and, if different, the time, date and location of the meeting where the commission will consider and vote on the proposed rules;

(2) if the hearing is held via telecommunication, video conference or other electronic means, the commission shall include the mechanism for access to the hearing in the notice of proposed rulemaking;

(3) the text of the proposed rules and the reason therefor;

(4) a request for comments on the proposed rules from any interested person; and

(5) the manner in which interested persons may submit written comments.

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

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

(k) The commission shall, by majority vote of all members, take final action on the proposed rules based on the rulemaking record and the full text of the rules.

(l) The commission may adopt changes to the proposed rules provided the changes do not enlarge the original purpose of the proposed rules.

(2) The commission shall provide an explanation of the reasons for substantive changes made to the proposed rules as well as reasons for substantive changes not made that were recommended by commenters.

(3) The commission shall determine a reasonable effective date for the rules. Except for an emergency as provided in subsection (l), the effective date of the rules shall not be earlier than 45 days after the commission adopted or amended the rules.

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

- (1) Meet an imminent threat to public health, safety or welfare;
- (2) prevent the loss of commission or member state funds;
- (3) meet a deadline for the adoption of a rule that is established by federal law or rule; or
- (4) protect public health and safety.

(m) The commission or an authorized committee of the commission may direct revisions to a previously adopted rule for purposes of correcting typographical errors, errors in format, errors in consistency or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the commission prior to the end of the notice period. If no challenge is made, the revision shall take effect without further action. If the revision is challenged, the revision shall not take effect without the approval of the commission.

- (n) No member state's rulemaking requirements shall apply under this compact.

ARTICLE 12—OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

- (a) Oversight.

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

(2) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing in this compact 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 adopted 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 adopted 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.

(3) If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the delegates of the member states, and all rights, privileges and benefits conferred on that state by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(4) 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 state's licensing authority.

(5) 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.

(6) Upon the termination of a state's membership from this compact, that state shall immediately provide notice to all licensees who hold a multistate license within that state of such termination. The terminated state shall continue to recognize all licenses granted pursuant to this compact for a minimum of 180 days after the date of such notice of termination.

(7) 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.

(8) 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 fees.

(c) Dispute resolution.

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

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

(d) Enforcement.

(1) The commission, in the reasonable exercise of its discretion, shall enforce the provisions of this compact and the commission's rules.

(2) By majority vote as provided by commission rules, 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 adopted rules. The relief sought may include both injunctive relief and damages. In the event that judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees. The remedies in this compact shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or the defaulting member state's laws.

(3) 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 adopted rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees.

(4) No individual or entity other than a member state shall enforce this compact against the commission.

ARTICLE 13—EFFECTIVE DATE, WITHDRAWAL AND AMENDMENT

(a) The compact shall come into effect on the date when the compact statute is enacted into law in the seventh member state. On or after the effective date of the compact, 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.

- (1) 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 article 12.
 - (2) 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.
 - (3) Member states enacting the compact after the charter member states shall be subject to the process set forth in article 9(c)(21) to determine if their enactments are materially different from the model compact statute and whether they qualify for participation in this compact.
 - (4) 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 actions of the commission unless specifically repudiated by the commission.
 - (5) Any state that joins the compact shall be subject to the commission's rules and bylaws as they exist on the date that the compact becomes law in that state. Any rules that have 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 that state's enactment of the compact.
- (1) A member state's withdrawal shall not take effect until 180 days after the enactment of the repealing statute.
 - (2) Withdrawal shall not affect the continuing requirement of the withdrawing state's licensing authority to comply with the investigative and adverse action reporting requirements of this compact prior to the effective date of withdrawal.
 - (3) Upon the enactment of a statute withdrawing from this compact, a state shall immediately provide notice of such withdrawal to all licensees within that state. Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing state shall continue to recognize all licenses granted pursuant to this compact for a minimum of days after the date of such notice of withdrawal.
- (c) Nothing contained in this compact shall be construed to invalidate or prevent any licensure agreement or other cooperative arrangement between a member state and a non-member state that does not conflict with the provisions of this compact.
- (d) This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

ARTICLE 14—CONSTRUCTION AND SEVERABILITY

- (a) This compact and the commission's rulemaking authority shall be liberally construed to effectuate the purposes and the implementation and administration of the compact. The provisions of the compact expressly authorizing or requiring the adoption 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 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 article 14(b), the commission may deny a state's participation in the compact or, in accordance with the requirements of article 12, 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.

ARTICLE 15—CONSISTENT EFFECT AND conflict WITH OTHER STATE LAWS

(a) Nothing in this compact 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, rules and 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.

(d) The purpose of this compact is to facilitate multistate licensure for estheticians. Nothing in this compact shall subject a member state to any laws, regulations, rules or policies from any other member state beyond the intended purpose of this compact.

(e) Nothing in this compact shall require any member state to adopt additional laws, regulations, rules or policies beyond the intended purpose of this compact.

Sec. 4. This section shall be known and may be cited as the athletic trainer licensure compact.

ARTICLE 1—PURPOSE

(a) The purpose of this compact is to expand mobility of athletic training practice and improve public access to services by providing athletic trainers licensed in a member state the ability to practice in other member states. This compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure, while also providing for expanded interstate mobility through a compact privilege granted to qualifying professionals.

(b) This compact is designed to achieve the following objectives:

(1) Increase public access to athletic training by providing for the mutual recognition of other member state licenses;

(2) provide opportunities for interstate practice by licensed athletic trainers who meet uniform licensure requirements;

(3) promote mobility and workforce development by eliminating the necessity for licenses in multiple states by providing for the mutual recognition of other member state licenses;

(4) reduce administrative burden on applicants and member states;

(5) enhance the states' ability to protect the public's health and safety;

- (6) encourage the cooperation of member states in regulating multistate practice of licensed athletic trainers;
- (7) support relocating active military and their spouses;
- (8) enhance the exchange of licensure, investigative and disciplinary information among member states;
- (9) support the uniformity of licensed athletic trainer licensure requirements throughout the states;
- (10) affirm the authority of all member states to hold a licensed athletic trainer accountable for meeting all state practice laws in the state where the patient is located at the time care is rendered to allow for continuity of competent care through the mutual recognition of member state licenses; and
- (11) adhere to the substantive language in the model compact language in order to promote uniformity and ensure that all member states have accepted and are mutually obligated to the same terms.

ARTICLE 2—DEFINITIONS

As used in this compact:

- (a) “Active military member” means any individual with full-time duty status in the active armed forces of the United States, including members of the national guard and reserve.
- (b) “Adverse action” means any administrative, civil, equitable or criminal action permitted by a state's laws that is imposed by a licensing authority or other authority against a licensee, including actions against an individual's license or compact privilege such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee's practice or any other encumbrance on licensure affecting a licensee's authorization to practice.
- (c) “Alternative program” means a non-disciplinary monitoring or practice remediation process applicable to an athletic trainer approved by a state licensing authority of a member state in which the athletic trainer is licensed. This includes, but is not limited to, programs to which licensees with substance use, addiction or mental health conditions are referred in lieu of adverse action.
- (d) “Athletic training” means the prevention, examination, assessment, treatment and rehabilitation of emergent, acute or chronic injuries and medical conditions as defined by applicable member state laws and regulations.
- (e) “Athletic training compact commission” or “commission” means the government agency whose membership consists of all states that have enacted this compact, which is known as the athletic trainer licensure compact commission, as described herein, and which shall operate as an instrumentality of the member states to administer and implement the compact according to its terms.
- (f) “BOC” means the board of certification, inc. or any successor organization thereto.
- (g) “CAATE” means the commission on accreditation of athletic training education or any successor organization thereto.
- (h) “Charter member state” means any member state which enacted this compact by law before the effective date specified in this compact.
- (i) “Commissioner” means the individual appointed by a member state to serve as the member of the commission for that member state.
- (j) “Compact” means this athletic trainer compact.

(k) “Compact privilege” means the authorization granted by a remote state, equivalent to a license, allowing a licensee from another member state to provide athletic training services in a remote state.

(l) “Compact qualifying license” means a license that is not an encumbered license issued by a member state to practice athletic training that qualifies the licensee to exercise a compact privilege pursuant to article 4 of this compact.

(m) “Continuing competence” means a requirement, as a condition of license renewal, to provide evidence of successful participation, and completion of, educational and professional activities relevant to practice or area of work. for purposes of this compact, evidence of active BOC certification may satisfy the meaning of continuing competence as set forth in this compact.

(n) “Current significant investigative information” means:

(1) Investigative information that a licensing authority, after a preliminary inquiry that includes notification and an opportunity for the subject licensee to respond, if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction; or

(2) investigative information that indicates that the subject licensee represents an immediate threat to public health and safety, regardless of whether the subject licensee has been notified and had an opportunity to respond.

(o) “Criminal background check” means the submission of fingerprints or other biometric-based information for a license applicant for the purpose of obtaining that applicant’s criminal history record information, as defined in 28 C.F.R. § 20.3(d) from the federal bureau of investigation and the state’s criminal history record repository as defined in 28 C.F.R. § 20.3(f).

(p) “Data system” means the commission’s repository of information about licensees, including, but not limited to, examination, licensure, investigative, compact privilege, adverse action and alternative program.

(q) “Encumbrance” or “encumbered” means a revocation or suspension of, or any limitation or condition on, the full and unrestricted practice of athletic training licensed and regulated by a licensing authority.

(r) “Executive committee” means a group of commissioners elected or appointed to act on behalf of and within the powers granted to them by the compact and the commission.

(s) “Investigative information” means information, records and documents received or generated by a licensing authority pursuant to an investigation.

(t) “Jurisprudence requirement” means the assessment of an individual’s knowledge of the laws and rules governing the practice of athletic training, as applicable, in a state.

(u) “License” means current authorization by a member state to engage in the practice of athletic training.

(v) “Licensee” or “licensed athletic trainer” means an individual who currently holds an active, unrestricted license and who meets all of the requirements outlined in article 4 of this compact.

(w) “Licensing authority” means the board or agency of a state, or equivalent, that is responsible for the licensing and regulation of athletic trainers.

(x) “Model compact language” means the model language for the athletic trainer compact on file with the council of state governments or other entity as designated by the commission to which all member states shall substantively adhere and adopt.

(y) “Member state” means a state that has enacted the compact.

- (z) “Remote state” means a member state other than the state of qualifying licensure.
- (aa) “Rule” means a regulation adopted by an entity that has the force of law.
- (bb) “Scope of practice” means the procedures, actions and processes an athletic trainer licensed in a state is permitted to undertake in that state and the circumstances under which the licensee is permitted to undertake those procedures, actions and processes. Such procedures, actions and processes and the circumstances under which they may be undertaken may be established through means, including, but not limited to, statute, regulations, case law and other processes available to the state licensing authority or other government agency. “Scope of practice” includes any state requirements regarding supervision or direction, if required by such state and as further defined by such state’s statutes and regulations.
- (cc) “Single state license” means a license issued by any state that authorizes practice only within the issuing state.
- (dd) “State” means any state, commonwealth, district or territory of the United States of America.
- (ee) “State of qualifying licensure” means the member state that has issued a compact qualifying license to a licensee.
- (ff) “Unencumbered license” means a license that authorizes a licensee to engage in the full and unrestricted practice of athletic training.

ARTICLE 3—STATE PARTICIPATION IN THE COMPACT

- (a) To be eligible to join this compact and to maintain eligibility as a member state, a state shall:
 - (1) Enact and maintain a statute that is not materially different from the model compact language;
 - (2) license and regulate the practice of athletic training;
 - (3) require that licensees in that state maintain continuing competence standards as part of their state practice act or rules;
 - (4) have a mechanism in place for receiving and investigating complaints about licensees;
 - (5) grant the compact privilege to a licensee who meets all the requirements outlined in article 4 in accordance with the terms of the compact and any rules adopted under this compact;
 - (6) participate fully in the compact commission’s data system, including using the unique identifier as defined in rules;
 - (7) notify the compact commission, in compliance with the terms of the compact and rules, of any adverse action or the availability of current significant investigative information regarding a licensee;
 - (8) within a time frame established by rule, implement or utilize procedures for considering the criminal history records of applicants for a compact qualifying license, which includes receiving the results of the federal bureau of investigation record search and shall use those results in making licensure decisions. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant’s criminal history record information from the federal bureau of investigation and the agency responsible for retaining that state’s criminal records:
 - (A) Fully implement a criminal background check requirement, in order to participate in the issuance and acceptance of compact privileges; and

- (B) communication between a member state and the compact commission or among member states regarding the verification of eligibility for licensure through the compact shall not include any information received from the federal bureau of investigation relating to a federal criminal records check performed by a member state; and
- (9) comply with and enforce the rules of the compact commission.
- (b) Member states may set and collect a fee for issuance and renewal of a compact privilege to applicants.
- (c) Individuals without a compact qualifying license shall continue to be able to apply for a member state's single state license as provided under the laws of each member state.
- (d) Nothing in this compact shall affect the requirements established by a member state for the issuance of a single state license.
- (e) A compact qualifying license issued to a licensee by a member state shall be recognized by each remote state as authorizing that licensee to engage in the practice of athletic training, under a compact privilege, in another member state in accordance with the requirements in article 4.

ARTICLE 4—COMPACT PRIVILEGE

- (a) To be eligible for a compact privilege under the terms and provisions of the compact, the licensee shall complete a criminal background check performed by the licensing authority in the state of qualifying licensure prior to entry in the compact and shall:
 - (1) Satisfy one of the two following pathways:
 - (A) Hold a valid, current and active certification through the BOC or its successor organization; or
 - (B) if a licensee does not meet the requirements of subparagraph (A), complete all of the following:
 - (i) An education program that is:
 - (a) at least a bachelor's degree with a major course of study in athletic training or an equivalent course of study from a college or university accredited at the time of graduation by CAATE or its successor organization;
 - (b) an academic degree from a college or university in a foreign country equivalent to the degree described in subclause (a) with a major course of study as described in subclause (a) that is accredited by CAATE or its successor organization; or
 - (c) the substantial equivalent of the foregoing that the commission may determine by rule; and
 - (ii) successful completion of the comprehensive exam administered by the BOC or its successor organization preceding the date of the licensee's application for licensure in the licensee's state of qualifying licensure, or the substantial equivalent of the foregoing requirement, which the commission may determine by rule;
 - (2) hold a compact qualifying license;
 - (3) have not had any encumbrance or restriction against any license or compact privilege to practice athletic training within the previous two years;
 - (4) be eligible for a compact privilege in any member state in accordance with article 4;
 - (5) notify the compact commission that the licensee is seeking the compact privilege within a remote state;
 - (6) pay any applicable fees, including any state fee, for the compact privilege;

- (7) meet any continuing competence requirements established by the state of qualifying licensure;
 - (8) comply with any requirements of the state of qualifying licensure as set forth in article 3;
 - (9) meet any jurisprudence requirements established by the remote state where the licensee is seeking a compact privilege; and
 - (10) report to the compact commission any adverse action, encumbrance or restriction on a license taken by any non-member state within 30 days from the date that the action is taken.
- (b) The compact privilege is valid until the expiration date of the compact qualifying license. To maintain a compact privilege, renewal of the compact privilege shall be congruent with the renewal of the compact qualifying license as the compact commission may define by rule. The licensee shall comply with the requirements of this article to maintain the compact privilege in the remote state. A licensee may apply for and hold compact privileges in multiple member states.
- (c) A licensed athletic trainer shall follow the scope of practice of the member state where the patient is located. A licensee engaging in the practice of athletic training in a remote state under the compact privilege shall adhere to the scope of practice laws and regulations of the remote state. Licensees shall be responsible for educating themselves on and complying with any and all state laws relating to the remote practice of athletic training, as applicable.
- (d) A licensee engaging in the practice of athletic training in a remote state is subject to that state's regulatory authority. A remote state may, in accordance with due process and that state's laws, remove a licensee's compact privilege in the remote state for a specific period of time, impose fines, or take any other necessary actions to protect the health and safety of its citizens. Any member state which undertakes such an action shall promptly notify the member state and the commission as specified in the rules. The licensee may be deemed to be ineligible to exercise the compact privilege by any member state until the specific time for removal has passed and all fines are paid.
- (e) All member state disciplinary orders that impose adverse action against a compact qualifying licensee shall result in deactivation of the licensee's compact privilege in all member states during the pendency of the order. If a compact qualifying license is encumbered, the licensee shall lose the compact privilege in any remote state until the following occur:
- (1) The compact qualifying license is no longer encumbered; and
 - (2) the licensee has not had any encumbrance or restriction against any license, compact qualifying license or compact privilege within the previous two years.
- (f) Once an encumbered license is restored to good standing as a compact qualifying license as certified by the licensing authority, the licensee shall meet the requirements of this article to obtain a compact privilege in any remote state.
- (g) If a licensee's compact privilege in any remote state is removed, that licensee may also lose the compact privilege in other remote states, as each member state shall determine in its sole authority, until the following occur:
- (1) The specific period of time for which the compact privilege was removed has ended;
 - (2) all fines have been paid; and
 - (3) have not had any encumbrance or restriction against any license or compact privilege within the previous two years.

(h) Once the requirements of article 4(g) have been met, the licensee shall meet the requirements in article 4(a) to obtain a compact privilege in a remote state.

ARTICLE 5—COMPACT QUALIFYING LICENSE

(a) A licensee may hold only one compact qualifying license at a time. The procedures for such designation may be further defined by the compact commission by rule.

(b) Nothing in this article shall require that the state of qualifying licensure be the state of primary residence or state of primary practice for the licensee.

(c) Nothing in this compact shall interfere with a licensee's ability to hold a single state license in multiple states.

(d) Nothing in this compact shall affect the requirements established by a member state for the issuance of a license other than a compact qualifying license.

ARTICLE 6—ACTIVE MILITARY MEMBERS OR THEIR SPOUSES

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

ARTICLE 7—ADVERSE ACTIONS

(a) A member state in which a licensee is issued a compact qualifying license shall have the exclusive authority to impose adverse action against the compact qualifying license issued by that member state.

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

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

(d) A remote state shall have the authority to:

(1) Take adverse action as set forth in this compact against a licensee's compact privilege in that state; and

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

(A) Subpoenas may be issued by a member state athletic training licensing authority for the attendance and testimony of witnesses and the production of evidence.

(B) A member state that issues a subpoena may request service of that subpoena by another member state. The member state receiving the request to serve a subpoena shall serve the subpoena if it is deemed enforceable by a court of competent jurisdiction according to the practice and procedure in the receiving member state.

(C) The issuing authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state where the witnesses or evidence are located.

(e) For the purposes of taking adverse action, a member state shall give the same priority and effect to reported conduct received from another member state as it would if the conduct had occurred within that

state. In so doing, the investigating member state shall apply its own state laws to determine appropriate action.

(f) A member state, if otherwise permitted by state law, may recover from the affected licensee the costs of investigations and dispositions of cases resulting from any adverse action taken against that licensee.

(g) Joint investigations.

(1) In addition to the authority granted to a member state by its respective state law, any member state may participate with other member states in joint investigations of licensees.

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

(3) A remote state may issue subpoenas on behalf of a member state for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence.

(h) If a member state takes adverse action, it shall promptly notify the administrator of the data system. The administrator of the data system shall promptly notify all member states of any adverse actions by remote states.

(i) Nothing in this compact shall permit a member state to take any adverse action against a licensee or holder of a compact privilege for conduct or practice occurring in another member state that was legal in the member state at the time it was undertaken.

ARTICLE 8—ESTABLISHMENT AND OPERATION OF THE COMMISSION

(a) The compact member states hereby create and establish a joint government agency whose membership consists of all member states that have enacted the compact known as the athletic trainer licensure compact commission. The compact commission is an instrumentality of the member states acting jointly and not an instrumentality of any one state. The compact commission shall come into existence on or after the effective date of the compact as set forth in article 12.

(b) Membership, voting and meetings.

(1) Each member state shall have and be limited to one commissioner, selected by that member state's licensing authority within 60 days of the member state's effective date.

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

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

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

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

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

(c) The compact commission shall have the following powers:

- (1) Adopt and amend rules and bylaws;
- (2) establish a code of conduct, confidentiality and conflict of interest policies for commissioners;
- (3) establish the fiscal year of the compact commission;
- (4) maintain its financial records in accordance with the bylaws;
- (5) purchase and maintain insurance and insurance bonds;
- (6) accept or contract for services of personnel, including, but not limited to, employees of a member state;
- (7) conduct a financial review or audit;
- (8) hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact and establish the compact commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel and other related personnel matters;
- (9) enter into contracts or arrangements for the management of the affairs of the commission;
- (10) assess and collect fees;
- (11) accept any and all appropriate gifts, donations, grants of money, other sources of revenue, equipment, supplies, materials and services and receive, utilize and dispose of the same, except that at all times the compact commission shall avoid any appearance of impropriety or conflict of interest;
- (12) lease, purchase, retain, own, hold, improve, invest or use any property, whether real, personal or mixed, or any undivided interest therein;
- (13) sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property, whether real, personal or mixed;
- (14) establish a budget and make expenditures;
- (15) borrow and invest money;
- (16) meet and take such actions as are consistent with the provisions of this compact, the compact commission's rules and the bylaws;
- (17) initiate and conclude legal proceedings or actions in the name of the compact commission, except that the standing of any licensing authority to sue or be sued under applicable law shall not be affected;
- (18) maintain and certify records and information provided to a member state as the authenticated business records of the compact commission and designate an agent to do so on the compact commission's behalf;
- (19) provide and receive information from and cooperate with law enforcement agencies;
- (20) determine whether a state's adopted language is materially different from the model compact language such that the state would not qualify for participation in the compact;
- (21) establish and elect an executive committee, including a chairperson and vice chairperson, secretary, treasurer and such other offices as the commission shall establish by rule or bylaw;

(22) 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; and

(23) perform such other functions as may be necessary or appropriate to achieve the purposes of this compact.

(d) The executive committee.

(1) The executive committee shall have the power to act on behalf of the compact commission according to the terms of this compact. The powers, duties and responsibilities of the executive committee shall include:

(A) Exercise the powers and duties of the compact commission during the interim between compact commission meetings, except for adopting or amending rules, adopting or amending bylaws and exercising any other powers and duties expressly reserved to the compact commission by rule or bylaw;

(B) oversee the day-to-day activities of the administration of the compact, including enforcement and compliance with the provisions of the compact, its rules and bylaws and other such duties as deemed necessary;

(C) recommend to the compact commission changes to the rules or bylaws, changes to this compact legislation, fees charged to compact member states, fees charged to licensees and other fees;

(D) ensure compact administration services are appropriately provided, including by contract;

(E) prepare and recommend the budget;

(F) maintain financial records on behalf of the compact commission;

(G) monitor compact compliance of member states and provide compliance reports to the compact commission;

(H) establish additional committees as necessary; and

(I) other duties as provided in the rules or bylaws of the compact commission.

(2) The executive committee shall be composed of five voting members elected by the compact commission:

(A) The chair and vice chair of the compact commission shall be voting members of the executive committee;

(B) the compact commission shall elect up to three additional voting members from the current membership of the compact commission to include the offices of treasurer, secretary and one member-at-large; and

(C) up to four ex officio, nonvoting member from recognized national athletic trainer organizations.

(e) The compact commission may remove any member of the executive committee as provided in the compact commission's bylaws.

(1) The executive committee shall meet at least annually. Executive committee meetings shall be open to the public, except that the executive committee may meet in a closed, non-public meeting as provided in this article.

(A) The executive committee shall give advance notice of its meetings, posted on its website and as determined by rule or bylaw to provide notice to persons with an interest in the business of the compact commission.

- (B) The executive committee may hold a special meeting in accordance with this article.
- (f) The compact commission shall adopt and provide to the member states an annual report.
- (g) Meetings of the compact commission.
- (1) All meetings shall be open to the public, except that the compact commission may meet in a closed, non-public meeting as provided in this article.
- (2) Public notice for all meetings of the full compact commission of meetings shall be given in the same manner as required under the rulemaking provisions in this compact, except that the compact commission may hold a special meeting as provided in this article.
- (3) The compact commission may hold a special meeting when it must meet to conduct emergency business by giving 24 hours' notice to all commissioners, on the compact commission's website and other means as provided in the compact commission's rules. The compact commission's legal counsel shall certify that the compact commission's need to meet qualifies as an emergency.
- (4) The compact commission or the executive committee or other committees of the compact commission may convene in a closed, non-public meeting for the compact commission or executive committee or other committees of the compact commission to receive legal advice or to discuss:
 - (A) Non-compliance of a member state with its obligations under the compact;
 - (B) the employment, compensation, discipline or other matters, practices or procedures related to specific employees;
 - (C) current or threatened discipline of a licensee by a member state's licensing authority;
 - (D) current, threatened or reasonably anticipated litigation;
 - (E) negotiation of contracts for the purchase, lease or sale of goods, services or real estate;
 - (F) accusing any person of a crime or formally censuring any person;
 - (G) trade secrets or commercial or financial information that is privileged or confidential;
 - (H) information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
 - (I) investigative records compiled for law enforcement purposes;
 - (J) information related to any investigative reports prepared by or on behalf of or for use of the compact commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact;
 - (K) matters specifically exempted from disclosure by federal or member state law; or
 - (L) other matters as specified in rules of the compact commission.
- (5) If a meeting or portion of a meeting is closed, the compact commission's legal counsel or designee shall certify that the meeting will be closed and reference each relevant exempting provision and such reference shall be recorded in the minutes.

All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the compact commission or order of a court of competent jurisdiction.

(h) Financing of the compact commission.

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

(2) The compact commission may accept any and all appropriate revenue sources as provided in this article.

(3) The compact commission may levy on and collect an annual assessment from each member state and impose fees on licensees of member states to whom it grants a compact privilege to cover the cost of the operations and activities of the compact commission and its staff, which shall be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount for member states shall be allocated based upon a formula that the compact commission shall adopt by rule.

(4) The compact commission shall not incur obligations of any kind prior to securing the funds or a loan adequate to meet the same, nor shall the compact commission pledge the credit of any of the member states, except by and with the authority of the member state.

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

(i) Qualified immunity, defense and indemnification.

(1) The members, officers, executive director, employees and representatives of the compact commission shall be immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of compact commission employment, duties or responsibilities, provided that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury or liability caused by the intentional or willful or wanton misconduct of that person. The procurement of insurance of any type by the compact commission shall not in any way compromise or limit the immunity granted under this compact.

(2) The compact commission shall defend any member, officer, executive director, employee and representative of the compact commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of compact commission employment, duties or responsibilities or as determined by the compact commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of compact commission employment, duties or responsibilities; provided that this compact shall not be construed to prohibit that person from retaining their own counsel at their own expense; and provided further, that the actual or alleged act, error or omission did not result from that person's intentional or willful or wanton misconduct.

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

(4) Nothing in this compact 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) This compact shall not be construed to be a waiver of sovereign immunity by the member states or by the compact commission.

ARTICLE 9—DATA SYSTEMS

(a) The commission shall provide for the development, maintenance, operation and utilization of a coordinated database and reporting system containing licensure, compact privileges, adverse action and the presence of current significant investigative information on all licensees and applicants for a license in member states.

(b) Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all licensees, applicants and others to whom this compact is applicable as required by the rules of the compact commission, including:

(1) Identifying information;

(2) licensure data;

(3) adverse actions against a licensee, license applicant or compact privilege and information related thereto;

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

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

(6) a binary determination regarding the presence of current significant investigative information; and

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

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

(d) Current significant investigative information pertaining to a licensee in any member state shall only be available to other member states.

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

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

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

ARTICLE 10—RULEMAKING

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

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

(c) The compact commission shall exercise its rulemaking powers pursuant to the criteria set forth in this article and the rules adopted thereunder. Rules shall become binding on the day following adoption or as of the date specified in the rule or amendment, whichever is later.

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

(e) Rules shall be adopted at a regular or special meeting of the compact commission.

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

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

- (1) On the website of the compact commission or other publicly accessible platform;
- (2) to persons who have requested notice of the compact commission's notices of proposed rulemaking; and
- (3) in such other way as the compact commission may by rule specify.

(h) The notice of proposed rulemaking shall include:

- (1) The time, date and location of the public hearing at which the compact commission shall hear public comments on the proposed rule and, if different, the time, date and location of the meeting where the compact commission shall consider and vote on the proposed rule;
- (2) if the hearing is held via telecommunication, video conference or other electronic means, the compact commission shall include the mechanism for access to the hearing in the notice of proposed rulemaking;
- (3) the text of the proposed rule and the reason therefor;
- (4) a request for comments on the proposed rule from any interested person; and
- (5) the manner where interested persons may submit written comments.

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

- (j) Nothing in this article shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the compact commission at hearings required by this article.
- (k) The compact commission shall, by majority vote of all members, take final action on the proposed rule based on the rulemaking record and the full text of the rule.
- (l) The compact commission may adopt changes to the proposed rule provided the changes do not enlarge the original purpose of the proposed rule.
- (2) The compact commission shall provide an explanation of the reasons for substantive changes made to the proposed rule as well as reasons for substantive changes not made that were recommended by commenters.
- (3) The compact commission shall determine a reasonable effective date for the rule. Except for an emergency as provided in article 10(l), the effective date of the rule shall be no sooner than 30 days after issuing the notice that it adopted or amended the rule.
- (l) Upon determination that an emergency exists, the compact commission may consider and adopt an emergency rule with 24 hours' notice, with opportunity to comment, provided that the usual rulemaking procedures provided in the compact and in this article shall be retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that shall be adopted immediately in order to:
- (1) Meet an imminent threat to public health, safety or welfare;
 - (2) prevent a loss of compact commission or member state funds;
 - (3) meet a deadline for the promulgation of a rule that is established by federal law or rule; or
 - (4) protect public health and safety.
- (m) The compact commission or an authorized committee of the compact commission shall direct revisions to a previously adopted rule for purposes of correcting typographical errors, errors in format, errors in consistency or grammatical errors. Public notice of any revisions shall be posted on the website of the compact commission. The revision shall be subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the compact commission prior to the end of the notice period. If no challenge is made, the revision shall take effect without further action. If the revision is challenged, the revision shall not take effect without the approval of the compact commission.
- (n) No member state's rulemaking requirements shall apply under this compact.

ARTICLE 11—OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

- (a) Oversight.
- (1) The executive and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to implement the compact.
- (2) Except as otherwise provided in this compact, venue is proper and judicial proceedings by or against the compact commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the compact commission is located. The compact commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. This compact shall not affect or limit the selection or propriety of venue in any action against a licensee for professional malpractice, misconduct or any such similar matter.

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

(b) Default, technical assistance and termination.

(1) If the compact commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the adopted rules, the commission shall provide written notice to the defaulting state. The notice of default shall describe the default, the proposed means of curing the default and any other action that the compact commission may take, and shall offer training and specific technical assistance regarding the default.

(2) The compact commission shall provide a copy of the notice of default to the other member states.

(c) If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the commissioners of the member states, and all rights, privileges and benefits conferred on that state by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(d) Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the compact commission to the governor, the majority and minority leaders of the defaulting state's legislature, the defaulting state's licensing authority and each of the member states' licensing authority.

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

(f) Upon the termination of a state's membership from this compact, that state shall immediately provide notice to all licensees within that state of such termination. The terminated state shall continue to recognize all licenses and compact privileges granted pursuant to this compact for a minimum of 180 days after the date of such notice of termination.

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

(h) The defaulting state may appeal the action of the compact commission by petitioning the United States District Court for the District of Columbia or the federal district where the compact commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees.

(i) Dispute resolution.

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

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

(j) Enforcement.

(1) By a $\frac{2}{3}$ majority vote, the compact commission may initiate legal action against a member state in default

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

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

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

ARTICLE 12—EFFECTIVE DATE, WITHDRAWAL AND AMENDMENT

(a) The compact shall come into effect on the date when the compact statute is enacted into law in the seventh member state.

(1) On or after the effective date of the compact, the compact commission shall convene and review the enactment of each of the first seven member states or 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 language shall be entitled to the default process set forth in article 11.

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

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

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

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

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

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

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

(3) Upon the enactment of a statute withdrawing from this compact, a state shall immediately provide notice

of such withdrawal to all licensees and privilege holders within that state. Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing state shall continue to recognize all compact privileges granted pursuant to this compact for a minimum of 180 days after the date of such notice of withdrawal.

(A) 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.

(B) 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.

ARTICLE 13—CONSTRUCTION AND SEVERABILITY

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

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

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

ARTICLE 14—CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

(a) This compact shall not prevent or inhibit the enforcement of any other law of a member state that is not inconsistent with the compact.

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

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

Sec. 5. This act shall take effect and be in force from and after its publication in the Kansas register.

Doc. No. 054138

State of Kansas

Kansas Development Finance Authority

Notice of Hearing

A public hearing will be held at 9:00 a.m. May 26, 2026, in the offices of Kansas Development Finance Authority, 534 S. Kansas Ave., Suite 800, Topeka, Kansas, on the proposal for the Kansas Development Finance Authority to issue its Agricultural Development Revenue Bonds for the Project(s) numbered below, in the respective maximum principal amounts. The Bond(s) will be issued to assist the respective Borrower (the "Beginning Farmer") named below (who will be the owner and operator of the respective Project) to finance the cost in the amount of the Bond, which is then typically purchased by a lender bank ("Lender") who then through Kansas Development Finance Authority, loans the bond proceeds to the Borrower for the purposes of acquiring the respective Project(s) as described below. Each Project shall be located as shown:

Project No. 001200 Maximum Principal Amount: \$136,500. Owner/Operator: Alex Drake and Crystal Strauss; Description: Acquisition of 160 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes (the "Project"). The Project is being financed by the Lender for Alex Drake and Crystal Strauss (the "Beginning Farmer") and is located at the Northwest Quarter of Section 11, Township 19 South, Range 1 East, Marion County, Kansas approximately 3 miles north of Lehigh, Kansas, at the southeast corner of the intersection of Diamond Road and 240th Street.

Each Bond when issued, will be a limited obligation of the Kansas Development Finance Authority and will not constitute a general obligation or indebtedness of the State of Kansas or any political subdivision thereof, including the Authority, nor will it be an indebtedness for which the faith and credit and taxing powers of the State of Kansas are pledged, but each Bond will be payable solely and only from amounts received from the respective Borrower, the obligation of which will be sufficient to pay the principal of, interest and redemption premium, if any, on each Bond as and when it shall become due.

Interested individuals may participate in the public hearing in person or via conference call. Please call 844-621-3956 and use conference identification number 145 880 8929 followed by # to join the conference.

At the time and place fixed for the hearings, all individuals who appear will be given an opportunity to express their views for or against the proposal to issue any specific Bond for the purpose of financing the respective Project, and all written comments previously filed with the Authority at its offices at Suite 800, 534 S. Kansas Ave., Topeka, KS 66603, will be considered. Additional information regarding any of the projects described above may be obtained by contacting the Authority at the address of its offices shown above.

Rebecca Floyd
President
Kansas Development Finance Authority

Doc. No. 054126

(Published in the Kansas Register May 7, 2026.)

Unified School District No. 322, Pottawatomie County, Kansas (Onaga-Havensville-Wheaton)

Summary Notice of Bond Sale \$12,000,000* General Obligation School Building Bonds, Series 2026

(General Obligation Bonds Payable from Unlimited Ad Valorem Taxes)

Bids

Subject to the Notice of Bond Sale dated April 22, 2026 (the "Notice"), facsimile, email, and electronic bids will be received on behalf of the Clerk of Unified School District No. 322, Pottawatomie County, Kansas (Onaga-Havensville-Wheaton) (the "Issuer") in the case of facsimile or email bids, at the address set forth below, and in the case of electronic bids, through PARITY® until 10:00 a.m. (Central Time) May 19, 2026, for the purchase of the above-referenced bonds (the "Bonds"). No bid of less than 100% of the principal amount of the Bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The Bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The Bonds will be dated June 11, 2026, and will become due on September 1 in the years as follows:

Year	Principal Amount*
2027	\$95,000
2028	265,000
2029	300,000
2030	335,000
2031	365,000
2032	405,000
2033	445,000
2034	485,000
2035	530,000
2036	570,000
2037	610,000
2038	650,000
2039	690,000
2040	740,000
2041	785,000
2042	835,000
2043	890,000
2044	945,000

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Year	Principal Amount*
2045	1,000,000
2046	1,060,000

* Subject to change, see the Notice

The Bonds will bear interest from the date thereof at rates to be determined when the Bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning on March 1, 2027.

Book-Entry-Only System

The Bonds shall be registered under a book-entry-only system administered through DTC.

Paying Agent and Bond Registrar

Treasurer of the State of Kansas, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied (in the manner set forth in the Notice) by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States of America or a wire transfer in Federal Reserve funds immediately available for use by the Issuer in the amount of \$240,000.

Delivery

The Issuer will pay for preparation of the Bonds and will deliver the same properly prepared, executed, and registered without cost to the successful bidder on or about June 11, 2026, to DTC for the account of the successful bidder.

Assessed Valuation and Indebtedness

The Equalized Assessed Tangible Valuation for Computation of Bonded Debt Limitations for the year 2025 is \$38,511,953. The total general obligation indebtedness of the Issuer as of the Dated Date, including the Bonds being sold, is \$12,000,000.

Approval of Bonds

The Bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Wichita, Kansas, Bond Counsel to the Issuer, whose approving legal opinion as to the validity of the Bonds will be furnished and paid for by the Issuer, printed on the Bonds, and delivered to the successful bidder as and when the Bonds are delivered.

Additional Information

Additional information regarding the Bonds may be obtained from the undersigned, or from the Municipal Advisor at the addresses set forth below.

Issuer

Board of Education Office
Attn: Carol Minihan, Clerk and Business Manager
500 High St.
Onaga, KS 66521
785-889-4614
Fax: 785-889-4662
minihanc@usd322.org

Municipal Advisor

Stifel, Nicolaus & Company, Incorporated
Attn: Bret Shogren
8080 E. Central Ave., Suite 340

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Wichita, KS 67206
316-264-9351
Fax: 316-337-8492
shogrenb@stifel.com

Dated April 22, 2026.

Carol Minihan
Clerk and Business Manager
Unified School District No. 322

Doc. No. 054134

State of Kansas

Board of Examiners in Optometry

Notice of Hearing on Proposed Administrative Regulation

The Kansas State Board of Examiners in Optometry will conduct a public hearing at 8:00 a.m. Friday, July 10, 2026, in-person at Committee Room 281-N, 300 SW 10th Ave., Topeka, KS 66612, and via Microsoft Teams, to consider the approval and adoption of a proposed amended regulation (K.A.R. 65-8-4) of the Kansas State Board of Examiners in Optometry on a permanent basis. Other Board business will follow and will include general discussions regarding Board business, action items, and public comment. The meeting will continue until all business is complete.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed amended regulation. All interested parties may submit written comments prior to the hearing by mailing them to the Executive Director of the Kansas Board of Examiners in Optometry, 209 W. Central Ave., Ulysses, KS 67880 or by email to kssbeo@ks.gov. During the public hearing, all interested parties will be given a reasonable opportunity to present their views orally regarding the adoption of the proposed amended regulation. During the public hearing, all written and oral comments submitted by interested parties will be considered by the Board as a basis for approving, amending and approving, or rejecting the proposed amendments to the regulation. In order to provide all parties an opportunity to present their views, it may be necessary to ask that each participant limit any oral presentation to an appropriate time frame.

All interested parties may participate in the Microsoft Teams meeting by emailing kssbeo@ks.gov for the meeting link.

Complete copies of the proposed amended regulation and economic impact statement may be found on the Board's website at <https://kssbeo.ks.gov/> or by contacting Callie McAtee at callie.mcatee@ks.gov or 785-832-9986.

Any individual with a disability may request an accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made at least five (5) working days in advance of the hearing by contacting Callie McAtee at 785-832-9986.

A summary of the proposed regulation and its economic impact follows:

K.A.R. 65-8-4 – Content of Prescription: K.A.R. 65-8-4 is an amended permanent regulation that modernizes the regulation to meet current technology and terminology.

Economic Impact

The adoption of this regulation is not anticipated to result in a negative economic impact to the Board, other state agencies, small businesses, licensees or individual members of the public. There is no environmental impact.

Dr. Dawn Bircher
Board President
Kansas State Board of Examiners in Optometry

Doc. No. 054146

State of Kansas

Department of Commerce Kansas Athletic Commission

Notice of Hearing on Proposed Administrative Regulations

A hearing will be conducted at 10:00 a.m. July 7, 2026, in Kansas Department of Commerce conference room B, Docking State Office Building, 915 SW Harrison St., Topeka, KS 66612, to review and consider the adoption of proposed permanent regulations of the Kansas Department of Commerce. The public hearing will be conducted in person and via video conferencing system. Members of the public who wish to attend the public hearing virtually must pre-register at athleticcommission@ks.gov. Please use July 7, 2026, as the subject line of your pre-registration email.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulations. All interested parties may submit written comments prior to the public hearing to Justin Guinn, Executive Director, 915 SW Harrison St., Suite 250, Topeka, KS 66612-1505 or by email to justin.guinn@ks.gov. All interested parties will be given a reasonable opportunity to present their views orally regarding the adoption of the proposed regulations during the public hearing. In order to provide all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request an accommodation in order to participate in the public hearing and may request the regulations and economic impact statement in an accessible format. Requests for accommodation to participate in the public hearing should be made at least 10 business days in advance of the hearing by contacting Justin Guinn, Executive Director, 915 SW Harrison St., Suite 250, Topeka, KS 66612-1505 or by phone at 785-296-1668. Handicapped parking is located at the main entrance to the building. Curbs at the main entrance are accessible to individuals with disabilities.

Copies of the regulations and economic impact statement may be viewed at <http://kansasfights.com>.

Summaries of the proposed regulations and their economic impact follow.

K.A.R. 128-2-1. The proposed amendment to this regulation incorporates the requirement that all contestants shall have medical certifications submitted to the commission as provided in K.A.R. 128-2-3. The Agency anticipates that the proposed amendment will have minor to no economic impact.

K.A.R. 128-2-3. The proposed amendments to this regulation require a negative HIV, hepatitis B and C test to be conducted within 6 months of a professional contestants scheduled event or 12 months for an amateur contestant's scheduled event and that all the medical certifications required under this regulation be submitted no later than 48 hours prior to the scheduled weigh-in unless approved by the Athletic Commission's Executive Director. The Agency anticipates that the proposed amendments will have minor to no economic impact.

K.A.R. 128-6-4. The proposed amendment to this regulation removes downward striking with an elbow as an intentional foul in professional mixed martial arts contests. The Agency anticipates that the proposed amendment will have minor to no economic impact.

Justin Guinn
Executive Director
Kansas Athletic Commission
Kansas Department of Commerce

State of Kansas

Board of Mortuary Arts Permanent Administrative Regulation

Article 6.—CONTINUING EDUCATION

63-6-2. Standards for approval. (a) A continuing education course or workshop shall be qualified for approval if the board determines that the course or workshop meets the following conditions:

- (1) Constitutes an organized program of learning, including a symposium, that contributes directly to the professional competency of the licensee;
- (2) is related to the profession of mortuary science, funeral directing, cremation, or embalming with content intended to enhance the licensee's knowledge, skill, values, ethics, or ability to practice as an embalmer, crematory operator, or funeral director;
- (3) is conducted by individuals considered experts in the subject matter of the program by reason of education, training, or experience; and
- (4) is accompanied by a paper, a manual, or written outline that substantially describes the subject matter and the length of the program.

(b) Continuing education credit hours for embalmers and funeral directors and credit hours for crematory operators may be approved by the board for any of the following:

- (1) Correspondence work;
- (2) video, sound-recorded, or television programs;
- (3) information transmitted by other similar means as authorized by the board; or
- (4) community service programs that are related to the profession of mortuary science, funeral directing, or embalming.

(c) Continuing education credit for service as a lecturer, presenter, or discussion leader may be approved by the board if this activity contributes to the professional competence of the applicant. Repetitions of an initial presentation shall not be counted. Not more than 50 percent of the total required hours for embalmers and funeral directors may be satisfied in this manner.

(d) The maximum number of credit hours that shall be granted for any single continuing education course or workshop single topic is six.

(e) Lists of approved continuing education programs shall be available on the board's web site.

(f) A person, licensed embalmer, licensed funeral director, crematory operator, or organization requesting approval for a continuing education course or a workshop shall make application at least 30 days before the date of each proposed course or workshop. Applications filed but not meeting this deadline shall be reviewed by the board or the continuing education committee at its next regularly scheduled meeting. (Authorized by and implementing K.S.A. 65-1702, K.S.A. 65-1716, and K.S.A. 65-1772; effective May 1, 1988; amended April 3, 1995; amended Jan. 12, 2001; amended Sept. 16, 2011; amended May 22, 2026.)

Robert Steil
President
Kansas State Board of Mortuary Arts

Index to Administrative Regulations

This index lists in numerical order the new, amended, and revoked administrative regulations with a future effective date and the Kansas Register issue in which the regulation can be found. A complete listing and the complete text of all currently effective regulations required to be published in the Kansas Administrative Regulations can be found at https://www.sos.ks.gov/publications/pubs_kar.aspx.

AGENCY 4: DEPARTMENT OF AGRICULTURE

Reg. No.	Action	Register
4-8-27	Amended	V. 45, Issue 18
4-8-28	Revoked	V. 45, Issue 18
4-8-29	Revoked	V. 45, Issue 18
4-8-30	Revoked	V. 45, Issue 18
4-8-31	Revoked	V. 45, Issue 18
4-8-32	Revoked	V. 45, Issue 18
4-8-33	Revoked	V. 45, Issue 18
4-8-34	Revoked	V. 45, Issue 18
4-8-35	Revoked	V. 45, Issue 18
4-8-36	Revoked	V. 45, Issue 18
4-8-37	Revoked	V. 45, Issue 18
4-8-40	Revoked	V. 45, Issue 18
4-8-44	Amended	V. 45, Issue 18

AGENCY 82: KANSAS CORPORATION COMMISSION

Reg. No.	Action	Register
82-4-1	Amended (T)	V. 45, Issue 17

AGENCY 111: KANSAS LOTTERY

A complete index listing all regulations filed by the Kansas Lottery from 1988 through 2000 can be found in the Vol. 19, No. 52, December 28, 2000 Kansas Register. A list of regulations filed from 2001 through 2003 can be found in the Vol. 22, No. 52, December 25, 2003 Kansas Register. A list of regulations filed from 2004 through 2005 can be found in the Vol. 24, No. 52, December 29, 2005 Kansas Register. A list of regulations filed from 2006 through 2007 can be found in the Vol. 26, No. 52, December 27, 2007 Kansas Register. A list of regulations filed from 2008 through November 2009 can be found in the Vol. 28, No. 53, December 31, 2009 Kansas Register. A list of regulations filed from December 1, 2009, through December 21, 2011, can be found in the Vol. 30, No. 52, December 29, 2011 Kansas Register. A list of regulations filed from December 22, 2011, through November 6, 2013, can be found in the Vol. 32, No. 52, December 26, 2013 Kansas Register. A list of regulations filed from November 7, 2013, through December 31, 2015, can be found in the Vol. 34, No. 53, December 31, 2015 Kansas Register. A list of regulations filed from 2016 through 2017, can be found in the Vol. 36, No. 52, December 28, 2017 Kansas Register. A list of regulations filed from 2018 through 2019, can be found in the Vol. 38, No. 52, December 26, 2019 Kansas Register. A list of regulations filed from 2020 through 2021, can be found in the Vol. 40, No. 52, December 30, 2021 Kansas Register. A list of regulations filed from 2022 through 2023, can be found in the Vol. 42, No. 52, December 28, 2023 Kansas Register. A list of regulations filed from 2024 through 2025, can be found in the Vol. 44, No. 52, December 25, 2025 Kansas Register.

Reg. No.	Action	Register
111-4-3855	New	V. 45, Issue 12
111-4-3856	New	V. 45, Issue 16

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111-19-226	New	V. 45, Issue 3
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111-401-263	New	V. 45, Issue 12
111-401-264	New	V. 45, Issue 12

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-7-1	Amended	V. 45, Issue 17
115-7-4	Amended	V. 45, Issue 17
115-7-10	Amended	V. 45, Issue 17
115-18-8	Amended	V. 45, Issue 17

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