



PA Compact Model Legislation

Special Note

The following language must be enacted by a state to officially join the PA Compact.

No substantive changes should be made to the model language.

Substantive changes may jeopardize the enacting state's participation in the compact.

The Council of State Governments National Center for Interstate Compacts is available to review state Compact legislation to ensure consistency with the model language. Please direct any inquiries to Abigail Mortell at amortell@csg.org.

PA LICENSURE COMPACT

Section 1. Purpose

In order to strengthen access to Medical Services, and in recognition of the advances in the delivery of Medical Services, the Participating States of the PA Licensure Compact have allied in common purpose to develop a comprehensive process that complements the existing authority of State Licensing Boards to license and discipline PAs and seeks to enhance the portability of a License to practice as a PA while safeguarding the safety of patients. This Compact allows Medical Services to be provided by PAs, via the mutual recognition of the Licensee's Qualifying License by other Compact Participating States. This Compact also adopts the prevailing standard for PA licensure and affirms that the practice and delivery of Medical Services by the PA occurs where the patient is located at the time of the patient encounter, and therefore requires the PA to be under the jurisdiction of the State Licensing Board where the patient is located. State Licensing Boards that participate in this Compact retain the jurisdiction to impose Adverse Action against a Compact Privilege in that State issued to a PA through the procedures of this Compact. The PA Licensure Compact will alleviate burdens for military families by allowing active duty military personnel and their spouses to obtain a Compact Privilege based on having an unrestricted License in good standing from a Participating State.

Section 2. Definitions

In this Compact:

- A. **"Adverse Action"** means any administrative, civil, equitable, or criminal action permitted by a State's laws which is imposed by a Licensing Board or other authority against a PA License or License application or Compact Privilege such as License denial, censure, revocation, suspension, probation, monitoring of the Licensee, or restriction on the Licensee's practice.
- B. **"Compact Privilege"** means the authorization granted by a Remote State to allow a Licensee from another Participating State to practice as a PA to provide Medical Services and other licensed activity to a patient located in the Remote State under the Remote State's laws and regulations.
- C. **"Conviction"** means a finding by a court that an individual is guilty of a felony or misdemeanor offense through adjudication or entry of a plea of guilt or no contest to the charge by the offender
- D. **"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 State's criminal history record repository as defined in 28 C.F.R. § 20.3(f).
- E. **"Data System"** means the repository of information about Licensees, including but not limited to License status and Adverse Actions, which is created and administered under

the terms of this Compact.

- F. **“Executive Committee”** means a group of directors and ex-officio individuals elected or appointed pursuant to Section 7.F.2.
- G. **“Impaired Practitioner”** means a PA whose practice is adversely affected by health-related condition(s) that impact their ability to practice.
- H. **“Investigative Information”** means information, records, or documents received or generated by a Licensing Board pursuant to an investigation.
- I. **“Jurisprudence Requirement”** means the assessment of an individual’s knowledge of the laws and Rules governing the practice of a PA in a State.
- J. **“License”** means current authorization by a State, other than authorization pursuant to a Compact Privilege, for a PA to provide Medical Services, which would be unlawful without current authorization.
- K. **“Licensee”** means an individual who holds a License from a State to provide Medical Services as a PA.
- L. **“Licensing Board”** means any State entity authorized to license and otherwise regulate PAs.
- M. **“Medical Services”** means health care services provided for the diagnosis, prevention, treatment, cure or relief of a health condition, injury, or disease, as defined by a State’s laws and regulations.
- N. **“Model Compact”** means the model for the PA Licensure Compact on file with The Council of State Governments or other entity as designated by the Commission.
- O. **“Participating State”** means a State that has enacted this Compact.
- P. **“PA”** means an individual who is licensed as a physician assistant in a State. For purposes of this Compact, any other title or status adopted by a State to replace the term “physician assistant” shall be deemed synonymous with “physician assistant” and shall confer the same rights and responsibilities to the Licensee under the provisions of this Compact at the time of its enactment.
- Q. **“PA Licensure Compact Commission,” “Compact Commission,” or “Commission”** mean the national administrative body created pursuant to Section 7.A of this Compact.
- R. **“Qualifying License”** means an unrestricted License issued by a Participating State to provide Medical Services as a PA.
- S. **“Remote State”** means a Participating State where a Licensee who is not licensed as a PA is exercising or seeking to exercise the Compact Privilege.
- T. **“Rule”** means a regulation promulgated by an entity that has the force and effect of law.
- U. **“Significant Investigative Information”** means Investigative Information that a Licensing Board, after an inquiry or investigation that includes notification and an opportunity for the PA to respond if required by State law, has reason to believe is not groundless and, if proven true, would indicate more than a minor infraction.
- V. **“State”** means any state, commonwealth, district, or territory of the United States.

81 **Section 3. State Participation in this Compact**

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83 A. To participate in this Compact, a Participating State shall:

- 84 1. License PAs.
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- 86 2. Participate in the Compact Commission's Data System.
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- 88 3. Have a mechanism in place for receiving and investigating complaints against
- 89 Licensees and License applicants.
- 90
- 91 4. Notify the Commission, in compliance with the terms of this Compact and
- 92 Commission Rules, of any Adverse Action against a Licensee or License applicant
- 93 and the existence of Significant Investigative Information regarding a Licensee or
- 94 License applicant.
- 95
- 96 5. Fully implement a Criminal Background Check requirement, within a time frame
- 97 established by Commission Rule, by its Licensing Board receiving the results of a
- 98 Criminal Background Check and reporting to the Commission whether the License
- 99 applicant has been granted a License.
- 100
- 101 6. Comply with the Rules of the Compact Commission.
- 102
- 103 7. Utilize passage of a recognized national exam such as the NCCPA PANCE as a
- 104 requirement for PA licensure.
- 105
- 106 8. Grant the Compact Privilege to a holder of a Qualifying License in a
- 107 Participating State.
- 108

109 B. Nothing in this Compact prohibits a Participating State from charging a fee for granting

110 the Compact Privilege.

111

112 **Section 4. Compact Privilege**

113 A. To exercise the Compact Privilege, a Licensee must:

- 114 1. Have graduated from a PA program accredited by the Accreditation Review
- 115 Commission on Education for the Physician Assistant, Inc. or other programs
- 116 authorized by Commission Rule.
- 117
- 118 2. Hold current NCCPA certification.
- 119
- 118 3. Have no felony or misdemeanor Conviction.
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- 119 4. Have never had a controlled substance license, permit, or registration suspended

120 or revoked by a State or by the United States Drug Enforcement Administration.

121 5. Have a unique identifier as determined by Commission Rule.

122 6. Hold a Qualifying License.

123 7. Have had no revocation of a License or limitation or restriction on any License
124 currently held due to an adverse action.

125 8. If a Licensee has had a limitation or restriction on a License or Compact Privilege
126 due to an Adverse Action, two years must have elapsed from the date on which
127 the License or Compact Privilege is no longer limited or restricted due to the
128 Adverse Action.

129 9. If a Compact Privilege has been revoked or is limited or restricted in a
130 Participating State for conduct that would not be a basis for disciplinary action in a
131 Participating State in which the Licensee is practicing or applying to practice under
132 a Compact Privilege, that Participating State shall have the discretion not to
133 consider such action as an Adverse Action requiring the denial or removal of a
134 Compact Privilege in that State.

135 10. Notify the Compact Commission that the Licensee is seeking the Compact
136 Privilege in a Remote State.

137 11. Meet any Jurisprudence Requirement of a Remote State in which the Licensee is
138 seeking to practice under the Compact Privilege and pay any fees applicable to
139 satisfying the Jurisprudence Requirement.

140 12. Report to the Commission any Adverse Action taken by a non-participating State
141 within thirty (30) days after the action is taken.

142 B. The Compact Privilege is valid until the expiration or revocation of the Qualifying License
143 unless terminated pursuant to an Adverse Action. The Licensee must also comply with all
144 of the requirements of Subsection A above to maintain the Compact Privilege in a Remote
145 State. If the Participating State takes Adverse Action against a Qualifying License, the
146 Licensee shall lose the Compact Privilege in any Remote State in which the Licensee has
147 a Compact Privilege until all of the following occur:

148 1. The License is no longer limited or restricted; and

149 2. Two (2) years have elapsed from the date on which the License is no longer
150 limited or restricted due to the Adverse Action.

151 C. Once a restricted or limited License satisfies the requirements of Subsection B.1 and 2,
152 the Licensee must meet the requirements of Subsection A to obtain a Compact Privilege
153 in any Remote State.

- D. For each Remote State in which a PA seeks authority to prescribe controlled substances, the PA shall satisfy all requirements imposed by such State in granting or renewing such authority.

Section 5. Designation of the State from Which Licensee is Applying for a Compact Privilege

- A. Upon a Licensee's application for a Compact Privilege, the Licensee shall identify to the Commission the Participating State from which the Licensee is applying, in accordance with applicable Rules adopted by the Commission, and subject to the following requirements:

1. When applying for a Compact Privilege, the Licensee shall provide the Commission with the address of the Licensee's primary residence and thereafter shall immediately report to the Commission any change in the address of the Licensee's primary residence.
2. When applying for a Compact Privilege, the Licensee is required to consent to accept service of process by mail at the Licensee's primary residence on file with the Commission with respect to any action brought against the Licensee by the Commission or a Participating State, including a subpoena, with respect to any action brought or investigation conducted by the Commission or a Participating State.

Section 6. Adverse Actions

- A. A Participating State in which a Licensee is licensed shall have exclusive power to impose Adverse Action against the Qualifying License issued by that Participating 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 do all of the following:
1. Take Adverse Action against a PA's Compact Privilege within that State to remove a Licensee's Compact Privilege or take other action necessary under applicable law to protect the health and safety of its citizens.
 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 Participating State for the attendance and testimony of witnesses or the production of evidence from another Participating State shall be enforced in the latter State by any court of competent jurisdiction,

193 according to the practice and procedure of that court applicable to subpoenas
194 issued in proceedings pending before it. The issuing authority shall pay any
195 witness fees, travel expenses, mileage and other fees required by the service
196 statutes of the State in which the witnesses or evidence are located.
197

198 3. Notwithstanding paragraph 2, subpoenas may not be issued by a Participating
199 State to gather evidence of conduct in another State that is lawful in that other
200 State for the purpose of taking Adverse Action against a Licensee's Compact
201 Privilege or application for a Compact Privilege in that Participating State.
202

203 4. Nothing in this Compact authorizes a Participating State to impose discipline
204 against a PA's Compact Privilege or to deny an application for a Compact
205 Privilege in that Participating State for the individual's otherwise lawful practice in
206 another State.
207

208 C. For purposes of taking Adverse Action, the Participating State which issued the Qualifying
209 License shall give the same priority and effect to reported conduct received from any
210 other Participating State as it would if the conduct had occurred within the Participating
211 State which issued the Qualifying License. In so doing, that Participating State shall apply
212 its own State laws to determine appropriate action.
213

214 D. A Participating State, if otherwise permitted by State law, may recover from the affected
215 PA the costs of investigations and disposition of cases resulting from any Adverse Action
216 taken against that PA.
217

218 E. A Participating State may take Adverse Action based on the factual findings of a Remote
219 State, provided that the Participating State follows its own procedures for taking the
220 Adverse Action.
221

222 F. Joint Investigations

223 1. In addition to the authority granted to a Participating State by its respective State
224 PA laws and regulations or other applicable State law, any Participating State may
225 participate with other Participating States in joint investigations of Licensees.

226 2. Participating States shall share any investigative, litigation, or compliance
227 materials in furtherance of any joint or individual investigation initiated under this
228 Compact.
229

230 G. If an Adverse Action is taken against a PA's Qualifying License, the PA's Compact
231 Privilege in all Remote States shall be deactivated until two (2) years have elapsed after
232 all restrictions have been removed from the State License. All disciplinary orders by the

Participating State which issued the Qualifying License that impose Adverse Action against a PA's License shall include a Statement that the PA's Compact Privilege is deactivated in all Participating States during the pendency of the order.

- H. If any Participating State takes Adverse Action, it promptly shall notify the administrator of the Data System.

Section 7. Establishment of the PA Licensure Compact Commission

- A. The Participating States hereby create and establish a joint government agency and national administrative body known as the PA 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 Section 11.A.

B. Membership, Voting, and Meetings

1. Each Participating State shall have and be limited to one (1) delegate selected by that Participating State's Licensing Board or, if the State has more than one Licensing Board, selected collectively by the Participating State's Licensing Boards.
2. The delegate shall be either:
 - a. A current PA, physician or public member of a Licensing Board or PA Council/Committee; or
 - b. An administrator of a Licensing Board.
3. Any delegate may be removed or suspended from office as provided by the laws of the State from which the delegate is appointed.
4. The Participating State Licensing Board shall fill any vacancy occurring in the Commission within sixty (60) days.
5. Each delegate shall be entitled to one (1) vote on all matters voted on by the Commission 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 telecommunications, video conference, 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 this Compact and the bylaws.

267 7. The Commission shall establish by Rule a term of office for delegates.

268 C. The Commission shall have the following powers and duties:

269 1. Establish a code of ethics for the Commission;

270 2. Establish the fiscal year of the Commission;

271 3. Establish fees;

272 4. Establish bylaws;

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

274 6. Meet and take such actions as are consistent with the provisions of this Compact
275 and the bylaws;

276 7. Promulgate Rules to facilitate and coordinate implementation and administration of
277 this Compact. The Rules shall have the force and effect of law and shall be
278 binding in all Participating States;

279 8. Bring and prosecute legal proceedings or actions in the name of the Commission,
280 provided that the standing of any State Licensing Board to sue or be sued under
281 applicable law shall not be affected;

282 9. Purchase and maintain insurance and bonds;

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

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

290 12. Accept any and all appropriate donations and grants of money, equipment,
291 supplies, materials and services, and receive, utilize and dispose of the same;
292 provided that at all times the Commission shall avoid any appearance of
293 impropriety or conflict of interest;

294 13. Lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold,
295 improve or use, any property, real, personal or mixed; provided that at all times the
296 Commission shall avoid any appearance of impropriety;

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

- 299 15. Establish a budget and make expenditures;
- 300 16. Borrow money;
- 301 17. Appoint committees, including standing committees composed of members, State
302 regulators, State legislators or their representatives, and consumer
303 representatives, and such other interested persons as may be designated in this
304 Compact and the bylaws;
- 305 18. Provide and receive information from, and cooperate with, law enforcement
306 agencies;
- 307 19. Elect a Chair, Vice Chair, Secretary and Treasurer and such other officers of the
308 Commission as provided in the Commission's bylaws.
- 309 20. Reserve for itself, in addition to those reserved exclusively to the Commission
310 under the Compact, powers that the Executive Committee may not exercise;
- 311 21. Approve or disapprove a State's participation in the Compact based upon its
312 determination as to whether the State's Compact legislation departs in a material
313 manner from the Model Compact language;
- 314 22. Prepare and provide to the Participating States an annual report; and
- 315 23. Perform such other functions as may be necessary or appropriate to achieve the
316 purposes of this Compact consistent with the State regulation of PA licensure and
317 practice.

318 D. Meetings of the Commission

- 319 1. All meetings of the Commission that are not closed pursuant to this
320 subsection shall be open to the public. Notice of public meetings shall be
321 posted on the Commission's website at least thirty (30) days prior to the
322 public meeting.
323
- 324 2. Notwithstanding subsection D.1 of this section, the Commission may
325 convene a public meeting by providing at least twenty-four (24) hours prior
326 notice on the Commission's website, and any other means as provided in
327 the Commission's Rules, for any of the reasons it may dispense with
328 notice of proposed rulemaking under Section 9.L.
329
- 330 3. The Commission may convene in a closed, non-public meeting or non-
331 public part of a public meeting to receive legal advice or to discuss:
332
- 333 a. Non-compliance of a Participating State with its obligations under
334 this Compact;

- 335
- 336 b. The employment, compensation, discipline or other matters,
- 337 practices or procedures related to specific employees or other
- 338 matters related to the Commission's internal personnel practices
- 339 and procedures;
- 340
- 341 c. Current, threatened, or reasonably anticipated litigation;
- 342
- 343 d. Negotiation of contracts for the purchase, lease, or sale of goods,
- 344 services, or real estate;
- 345
- 346 e. Accusing any person of a crime or formally censuring any person;
- 347
- 348 f. Disclosure of trade secrets or commercial or financial information
- 349 that is privileged or confidential;
- 350
- 351 g. Disclosure of information of a personal nature where disclosure
- 352 would constitute a clearly unwarranted invasion of personal
- 353 privacy;
- 354
- 355 h. Disclosure of investigative records compiled for law enforcement
- 356 purposes;
- 357
- 358 i. Disclosure of information related to any investigative reports
- 359 prepared by or on behalf of or for use of the Commission or other
- 360 committee charged with responsibility of investigation or
- 361 determination of compliance issues pursuant to this Compact;
- 362
- 363 j. Legal advice; or
- 364
- 365 k. Matters specifically exempted from disclosure by federal or
- 366 Participating States' statutes.
- 367 4. If a meeting, or portion of a meeting, is closed pursuant to this provision, the
- 368 chair of the meeting or the chair's designee shall certify that the meeting or
- 369 portion of the meeting may be closed and shall reference each relevant
- 370 exempting provision.
- 371 5. The Commission shall keep minutes that fully and clearly describe all matters
- 372 discussed in a meeting and shall provide a full and accurate summary of actions
- 373 taken, including a description of the views expressed. All documents considered
- 374 in connection with an action shall be identified in such minutes. All minutes and
- 375 documents of a closed meeting shall remain under seal, subject to release by a

376 majority vote of the Commission or order of a court of competent jurisdiction.

377 E. Financing of the Commission

- 378 1. The Commission shall pay, or provide for the payment of, the reasonable
379 expenses of its establishment, organization, and ongoing activities.
- 380 2. The Commission may accept any and all appropriate revenue sources,
381 donations, and grants of money, equipment, supplies, materials, and services.
- 382 3. The Commission may levy on and collect an annual assessment from each
383 Participating State and may impose Compact Privilege fees on Licensees of
384 Participating States to whom a Compact Privilege is granted to cover the cost of
385 the operations and activities of the Commission and its staff, which must be in a
386 total amount sufficient to cover its annual budget as approved by the Commission
387 each year for which revenue is not provided by other sources. The aggregate
388 annual assessment amount levied on Participating States shall be allocated
389 based upon a formula to be determined by Commission Rule.
- 390 a. A Compact Privilege expires when the Licensee's Qualifying License in
391 the Participating State from which the Licensee applied for the Compact
392 Privilege expires.
- 393 b. If the Licensee terminates the Qualifying License through which the
394 Licensee applied for the Compact Privilege before its scheduled
395 expiration, and the Licensee has a Qualifying License in another
396 Participating State, the Licensee shall inform the Commission that it is
397 changing to that Participating State the Participating State through which
398 it applies for a Compact Privilege and pay to the Commission any
399 Compact Privilege fee required by Commission Rule.
- 400 4. The Commission shall not incur obligations of any kind prior to securing the funds
401 adequate to meet the same; nor shall the Commission pledge the credit of any of
402 the Participating States, except by and with the authority of the Participating
403 State.
- 404 5. The Commission shall keep accurate accounts of all receipts and disbursements.
405 The receipts and disbursements of the Commission shall be subject to the
406 financial review and accounting procedures established under its bylaws. All
407 receipts and disbursements of funds handled by the Commission shall be subject
408 to an annual financial review by a certified or licensed public accountant, and the
409 report of the financial review shall be included in and become part of the annual
410 report of the Commission.

411

412 F. The Executive Committee

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1. The Executive Committee shall have the power to act on behalf of the Commission according to the terms of this Compact and Commission Rules.
2. The Executive Committee shall be composed of nine (9) members:
 - 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 PA professional association; and
 - c. One ex-officio, nonvoting member from a recognized national PA certification organization.
3. The ex-officio members will be selected by their respective organizations.
4. The Commission may remove any member of the Executive Committee as provided in its 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 Commission changes to the Commission's Rules or bylaws, changes to this Compact legislation, fees to be paid by Compact Participating States such as annual dues, and any Commission Compact fee charged to Licensees for the Compact Privilege;
 - b. Ensure 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 Participating States and provide compliance reports to the Commission;
 - f. Establish additional committees as necessary;
 - g. Exercise the powers and duties of the Commission during the interim between Commission meetings, except for issuing proposed rulemaking or adopting Commission Rules or bylaws, or exercising any other powers and duties exclusively reserved to the Commission by the Commission's Rules; and

456 h. Perform other duties as provided in the Commission's Rules or bylaws.

457
458 7. All meeting of the Executive Committee at which it votes or plans to vote on
459 matters in exercising the powers and duties of the Commission shall be open to
460 the public and public notice of such meetings shall be given as public meetings of
461 the Commission are given.

462
463 8. The Executive Committee may convene in a closed, non-public meeting for the
464 same reasons that the Commission may convene in a non-public meeting as set
465 forth in Section 7.D 3 and shall announce the closed meeting as the Commission
466 is required to under Section 7.D.4 and keep minutes of the closed meeting as the
467 Commission is required to under Section 7.D.5.

468 G. Qualified Immunity, Defense, and Indemnification

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

480
481 2. The Commission shall defend any member, officer, executive director, employee,
482 and representative of the Commission in any civil action seeking to impose liability
483 arising out of any actual or alleged act, error, or omission that occurred within the
484 scope of Commission employment, duties, or responsibilities, or as determined by
485 the commission that the person against whom the claim is made had a reasonable
486 basis for believing occurred within the scope of Commission employment, duties,
487 or responsibilities; provided that nothing herein shall be construed to prohibit that
488 person from retaining their own counsel at their own expense; and provided
489 further, that the actual or alleged act, error, or omission did not result from that
490 person's intentional or willful or wanton misconduct.

491
492 3. The Commission shall indemnify and hold harmless any member, officer,
493 executive director, employee, and representative of the Commission for the
494 amount of any settlement or judgment obtained against that person arising out of
495 any actual or alleged act, error, or omission that occurred within the scope of
496 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. 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 in any proceedings as authorized by Commission Rules.
5. Nothing herein shall be construed as a limitation on the liability of any Licensee for professional malpractice or misconduct, which shall be governed solely by any other applicable State laws.
6. Nothing herein shall be construed to designate the venue or jurisdiction to bring actions for alleged acts of malpractice, professional misconduct, negligence, or other such civil action pertaining to the practice of a PA. All such matters shall be determined exclusively by State law other than this Compact.
7. Nothing in this Compact shall be interpreted to waive or otherwise abrogate a Participating 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.
8. Nothing in this Compact shall be construed to be a waiver of sovereign immunity by the Participating States or by the Commission.

Section 8. Data System

- A. The Commission shall provide for the development, maintenance, operation, and utilization of a coordinated data and reporting system containing licensure, Adverse Action, and the reporting of the existence of Significant Investigative Information on all licensed PAs and applicants denied a License in Participating States.
- B. Notwithstanding any other State law to the contrary, a Participating State shall submit a uniform data set to the Data System on all PAs 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;

- 535 4. Any denial of application for licensure, and the reason(s) for such denial
536 (excluding the reporting of any Criminal history record information where
537 prohibited by law);
- 538 5. The existence of Significant Investigative Information; and
- 539 6. Other information that may facilitate the administration of this Compact, as
540 determined by the Rules of the Commission.
- 541 C. Significant Investigative Information pertaining to a Licensee in any Participating State
542 shall only be available to other Participating States.
- 543 D. The Commission shall promptly notify all Participating States of any Adverse Action taken
544 against a Licensee or an individual applying for a License that has been reported to it.
545 This Adverse Action information shall be available to any other Participating State.
- 546 E. Participating States contributing information to the Data System may, in accordance with
547 State or federal law, designate information that may not be shared with the public without
548 the express permission of the contributing State. Notwithstanding any such designation,
549 such information shall be reported to the Commission through the Data System.
- 550 F. Any information submitted to the Data System that is subsequently expunged pursuant to
551 federal law or the laws of the Participating State contributing the information shall be
552 removed from the Data System upon reporting of such by the Participating State to the
553 Commission.
- 554 G. The records and information provided to a Participating State pursuant to this Compact or
555 through the Data System, when certified by the Commission or an agent thereof, shall
556 constitute the authenticated business records of the Commission, and shall be entitled to
557 any associated hearsay exception in any relevant judicial, quasi-judicial or administrative
558 proceedings in a Participating State.

559
560 **Section 9. Rulemaking**

- 561 A. The Commission shall exercise its Rulemaking powers pursuant to the criteria set forth in
562 this Section and the Rules adopted thereunder. Commission Rules shall become binding
563 as of the date specified by the Commission for each Rule.
- 564 B. The Commission shall promulgate reasonable Rules in order to effectively and efficiently
565 implement and administer this Compact and achieve its purposes. A Commission Rule
566 shall be invalid and have not force or effect only if a court of competent jurisdiction holds
567 that the Rule is invalid because the Commission exercised its rulemaking authority in a
568 manner that is beyond the scope of the purposes of this Compact, or the powers granted
569 hereunder, or based upon another applicable standard of review.

570 C. The Rules of the Commission shall have the force of law in each Participating State,
571 provided however that where the Rules of the Commission conflict with the laws of the
572 Participating State that establish the medical services a PA may perform in the
573 Participating State, as held by a court of competent jurisdiction, the Rules of the
574 Commission shall be ineffective in that State to the extent of the conflict.

575 D. If a majority of the legislatures of the Participating States rejects a Commission Rule, by
576 enactment of a statute or resolution in the same manner used to adopt this Compact
577 within four (4) years of the date of adoption of the Rule, then such Rule shall have no
578 further force and effect in any Participating State or to any State applying to participate in
579 the Compact.

580 E. Commission Rules shall be adopted at a regular or special meeting of the Commission.

581 F. Prior to promulgation and adoption of a final Rule or Rules by the Commission, and at
582 least thirty (30) days in advance of the meeting at which the Rule will be considered and
583 voted upon, the Commission shall file a Notice of Proposed Rulemaking:

- 584 1. On the website of the Commission or other publicly accessible platform; and
- 585 2. To persons who have requested notice of the Commission's notices of proposed
586 rulemaking, and
- 587 3. In such other way(s) as the Commission may by Rule specify.

588 G. The Notice of Proposed Rulemaking shall include:

- 589 1. The time, date, and location of the public hearing on the proposed Rule and the
590 proposed time, date and location of the meeting in which the proposed Rule will be
591 considered and voted upon;
- 592 2. The text of the proposed Rule and the reason for the proposed Rule;
- 593 3. A request for comments on the proposed Rule from any interested person and the
594 date by which written comments must be received; and
- 595 4. The manner in which interested persons may submit notice to the Commission of
596 their intention to attend the public hearing or provide any written comments.

597 H. Prior to adoption of a proposed Rule, the Commission shall allow persons to submit
598 written data, facts, opinions, and arguments, which shall be made available to the public.

599 I. If the hearing is to be held via electronic means, the Commission shall publish the
600 mechanism for access to the electronic hearing.

- 601 1. All persons wishing to be heard at the hearing shall as directed in the Notice of
602 Proposed Rulemaking, not less than five (5) business days before the scheduled

603 date of the hearing, notify the Commission of their desire to appear and testify at
604 the hearing.

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

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608 3. All hearings shall be recorded. A copy of the recording and the written comments,
609 data, facts, opinions, and arguments received in response to the proposed
610 rulemaking shall be made available to a person upon request.

611 4. Nothing in this section shall be construed as requiring a separate hearing on each
612 proposed Rule. Proposed Rules may be grouped for the convenience of the
613 Commission at hearings required by this section.

614 J. Following the public hearing the Commission shall consider all written and oral comments
615 timely received.

616 K. The Commission shall, by majority vote of all delegates, take final action on the proposed
617 Rule and shall determine the effective date of the Rule, if adopted, based on the
618 Rulemaking record and the full text of the Rule.

619 1. If adopted, the Rule shall be posted on the Commission's website.

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621 2. The Commission may adopt changes to the proposed Rule provided the changes
622 do not enlarge the original purpose of the proposed Rule.

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624 3. The Commission shall provide on its website an explanation of the reasons for
625 substantive changes made to the proposed Rule as well as reasons for
626 substantive changes not made that were recommended by commenters.

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628 4. The Commission shall determine a reasonable effective date for the Rule. Except
629 for an emergency as provided in subsection L, the effective date of the Rule shall
630 be no sooner than thirty (30) days after the Commission issued the notice that it
631 adopted the Rule.

632 L. Upon determination that an emergency exists, the Commission may consider and adopt
633 an emergency Rule with twenty-four (24) hours prior notice, without the opportunity for
634 comment, or hearing, provided that the usual rulemaking procedures provided in this
635 Compact and in this section shall be retroactively applied to the Rule as soon as
636 reasonably possible, in no event later than ninety (90) days after the effective date of the
637 Rule. For the purposes of this provision, an emergency Rule is one that must be adopted
638 immediately by the Commission in order to:

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

2. Prevent a loss of Commission or Participating State funds;
 3. Meet a deadline for the promulgation of a Commission 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 Commission 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 thirty (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 as set forth in the notice of revisions and delivered to the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.
- N. No Participating State's rulemaking requirements shall apply under this Compact.

Section 10. Oversight, Dispute Resolution, and Enforcement

A. Oversight

1. The executive and judicial branches of State government in each Participating State shall enforce this Compact and take all actions necessary and appropriate to implement the Compact.
2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing herein shall affect or limit the selection or propriety of venue in any action against a licensee for professional malpractice, misconduct or any such similar matter.
3. The Commission shall be entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the Compact or the Commission's Rules and shall have standing to intervene in such a proceeding for all purposes. Failure to provide the Commission with service of process shall render a judgment or order in such proceeding void as to the Commission, this Compact, or Commission Rules.

B. Default, Technical Assistance, and Termination

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1. If the Commission determines that a Participating State has defaulted in the performance of its obligations or responsibilities under this Compact or the Commission Rules, the Commission shall provide written notice to the defaulting State and other Participating States. The notice shall describe the default, the proposed means of curing the default and any other action that the Commission may take and shall offer remedial training and specific technical assistance regarding the default.

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2. If a State in default fails to cure the default, the defaulting State may be terminated from this Compact upon an affirmative vote of a majority of the delegates of the Participating States, and all rights, privileges and benefits conferred by this Compact upon such State 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.

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3. Termination of participation in this Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the governor, the majority and minority leaders of the defaulting State's legislature, and to the Licensing Board(s) of each of the Participating States.

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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.

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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 this Compact, unless agreed upon in writing between the Commission and the defaulting State.

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6. The defaulting State may appeal its termination from the Compact by the Commission by petitioning the U.S. 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's fees.

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7. Upon the termination of a State's participation in the Compact, the State shall immediately provide notice to all Licensees within that State of such termination:

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a. Licensees who have been granted a Compact Privilege in that State shall retain the Compact Privilege for one hundred eighty (180) days following the effective date of such termination.

b. Licensees who are licensed in that State who have been granted a

Compact Privilege in a Participating State shall retain the Compact Privilege for one hundred eighty (180) days unless the Licensee also has a Qualifying License in a Participating State or obtains a Qualifying License in a Participating State before the one hundred eighty (180)-day period ends, in which case the Compact Privilege shall continue.

C. Dispute Resolution

1. Upon request by a Participating State, the Commission shall attempt to resolve disputes related to this Compact that arise among Participating States and between participating and non-Participating 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 of this Compact and Rules of the Commission.
2. If compliance is not secured after all means to secure compliance have been exhausted, 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 Participating State in default to enforce compliance with the provisions of this Compact and the Commission's promulgated Rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.
3. 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.

E. Legal Action Against the Commission

1. A Participating State may initiate legal action against the Commission in the U.S. 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 Rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.
2. No person other than a Participating State shall enforce this Compact against the Commission.

Section 11. Date of Implementation of the PA Licensure Compact Commission

A. This Compact shall come into effect on the date on which this Compact statute is enacted into law in the seventh Participating State.

1. On or after the effective date of the Compact, the Commission shall convene and review the enactment of each of the States that enacted the Compact prior to the Commission convening ("Charter Participating States") to determine if the statute enacted by each such Charter Participating State is materially different than the Model Compact.

a. A Charter Participating State whose enactment is found to be materially different from the Model Compact shall be entitled to the default process set forth in Section 10.B.

b. If any Participating State later withdraws from the Compact or its participation is terminated, the Commission shall remain in existence and the Compact shall remain in effect even if the number of Participating States should be less than seven. Participating States enacting the Compact subsequent to the Commission convening shall be subject to the process set forth in Section 7.C.21 to determine if their enactments are materially different from the Model Compact and whether they qualify for participation in the Compact.

2. Participating States enacting the Compact subsequent to the seven initial Charter Participating States shall be subject to the process set forth in Section 7.C.21 to determine if their enactments are materially different from the Model Compact and whether they qualify for participation in the Compact.

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

B. Any State that joins this Compact shall be subject to the Commission's Rules and bylaws as they exist on the date on which this Compact becomes law in that State. Any Rule that has been previously adopted by the Commission shall have the full force and effect of law on the day this Compact becomes law in that State.

C. Any Participating State may withdraw from this Compact by enacting a statute repealing the same.

1. A Participating State's withdrawal shall not take effect until one hundred eighty (180) days after enactment of the repealing statute. During this one hundred eighty (180) day-period, all Compact Privileges that were in effect in the withdrawing State and were granted to Licensees licensed in the withdrawing State shall remain in effect. If any Licensee licensed in the withdrawing State is also licensed in another Participating State or obtains a license in another Participating State within the one hundred eighty (180) days, the Licensee's Compact Privileges in other Participating States shall not be affected by the passage of the one hundred eighty (180) days.
 2. Withdrawal shall not affect the continuing requirement of the State Licensing Board(s) of the withdrawing State 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 a State from this Compact, the State shall immediately provide notice of such withdrawal to all Licensees within that State. Such withdrawing State shall continue to recognize all licenses granted pursuant to this Compact for a minimum of one hundred eighty (180) days after the date of such notice of withdrawal.
- D. Nothing contained in this Compact shall be construed to invalidate or prevent any PA licensure agreement or other cooperative arrangement between Participating States and between a Participating State and non-Participating State that does not conflict with the provisions of this Compact.
- E. This Compact may be amended by the Participating States. No amendment to this Compact shall become effective and binding upon any Participating State until it is enacted materially in the same manner into the laws of all Participating States as determined by the Commission.

Section 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 Participating State, a State seeking participation in the Compact, or of the United States, or the applicability thereof to any government, agency, person or

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

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830 C. Notwithstanding subsection B or this section, the Commission may deny a State's
831 participation in the Compact or, in accordance with the requirements of Section 10.B,
832 terminate a Participating State's participation in the Compact, if it determines that a
833 constitutional requirement of a Participating State is, or would be with respect to a State
834 seeking to participate in the Compact, a material departure from the Compact.
835 Otherwise, if this Compact shall be held to be contrary to the constitution of any
836 Participating State, the Compact shall remain in full force and effect as to the remaining
837 Participating States and in full force and effect as to the Participating State affected as to
838 all severable matters.
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840 **Section 13. Binding Effect of Compact**

- 841 A. Nothing herein prevents the enforcement of any other law of a Participating State that is
842 not inconsistent with this Compact.
- 843 B. Any laws in a Participating State in conflict with this Compact are superseded to the
844 extent of the conflict.
- 845 C. All agreements between the Commission and the Participating States are binding in
846 accordance with their terms.