

## PA Compact Commission

**Title of Rule:** State of Qualifying License Process

### **History of Rule:**

**Reason for Rule:** To establish the process for a PA to select the participating state where a qualifying license is held and to be used to qualify for a compact privilege in a remote state.

### **Effective Date:**

**Chapter 2:** State of Qualifying License

**Authority:** Section 5: Designation of the State from Which Licensee is Applying for a Compact Privilege

Section 7: Establishment of PA Compact Commission

Section 9: Rulemaking

### **2.0 Purpose:**

Pursuant to Section 5, the PA Compact Commission shall promulgate applicable rules for a Licensee to identify the Participating State which the Licensee has selected to use as their Qualifying License. This Rule will become effective upon adoption by the PA Compact Commission as provided in Section 9 of the PA Compact.

### **2.1 Definitions:**

#### **As used in this chapter:**

(a) **"Compact"** means the PA Licensure Compact.

(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) **"Employer"** means a person, business, or organization located in a PA's designated state of principal licensure that employs or contracts with a PA to provide medical services. Excluding:

(1) an employer that only maintains a registration with the Secretary of State of a participating state,

(2) an employer that only has the presence of a registered agent who is located in a participating state.

(d) **"Licensee"** means an individual who holds a License from a State to provide Medical Services as a PA.

(e) **"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.

(f) **"Participating State"** means a State that has enacted this Compact.

(g) **"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.

(h) **"PA Licensure Compact Commission," "Compact Commission," or "Commission"** mean the national administrative body created pursuant to Section 7.A of this Compact.

(i) **"Qualifying License"** means an unrestricted License issued by a Participating State to provide Medical Services as a PA.

(j) **"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.

(k) **"State of Qualifying License"** means a Participating State where a PA holds a qualifying license and which has been designated as such by the PA for purposes of registration and participation in the Compact.

## **2.1 State of qualifying license designation:**

(a) The PA shall designate a Participating State as the state of qualifying license for purposes of registration for a compact privilege through the Compact if the PA possesses a full and unrestricted license to conduct medical services in that state, and the state is:

- (1) The state of primary residence for the PA, or
- (2) The state where at least twenty-five percent of the medical services occurs, or
- (3) The location of the PA's current employer, or
- (4) If no state qualifies under subparagraph (1), subparagraph (2), or subparagraph (3), the state designated as state of residence for purposes of federal income tax.

(b) Regardless of the designation qualification under subsection (a), the PA shall provide the Commission the primary residence address and consent to service of process by mail at the primary residence address under Section 5(A)(2) of the Compact. A change of primary residence address shall be reported to the Commission within thirty (30) days.

(c) The PA shall submit with any designation or redesignation request proof of the requirements in subparagraph (a) as determined by the Commission. The designated

69 State of Qualifying License may, at any time, require the PA to submit additional  
70 documents to verify subparagraph (a) requirements.

71  
72 **2.2 Redesignation of the state of qualifying license:**

73 (a) If the PA voluntarily terminates their qualifying license through which they applied for  
74 their current compact privilege(s) and that qualifying license has not yet expired, the  
75 PA shall redesignate their state of qualifying license by following this process:

76 (1) Complete a state of qualifying license redesignation form at the Commission's  
77 website,

78 (2) Pay a non-refundable fee of \$50 to the Commission,

79 (3) Meet the requirements of paragraph 2.1 with the new state of qualifying  
80 license, and

81 (4) Have no pending investigation of the current qualifying license at the time of  
82 the redesignation request.

83 (b) Upon approval of a redesignation form and confirmation from the current state of  
84 qualifying license that there is no pending investigation, the PA and the Commission  
85 shall notify the new state of qualifying license and current state of qualifying license of  
86 the applicant's redesignation,

87 (c) Any PA information collected by the Commission during the process to redesignate a  
88 state of qualifying license shall be available to all participating states.

89 (d) Any compact privilege(s) held prior to redesignation shall expire when the original  
90 qualifying license expires or terminates.

## PA Compact Commission

**Title of Rule:** Compact Privilege

### **History of Rule:**

**Reason for Rule:** To establish the eligibility for a compact privilege and create the process for a PA to apply for a compact privilege in a remote state.

### **Effective Date:**

**Chapter 3:** Compact Privilege

**Authority:** Section 4: Compact Privilege

Section 7: Establishment of PA Compact Commission

Section 9: Rulemaking

### **3.0 Purpose:**

Pursuant to Section 4, the PA Compact Commission shall promulgate applicable rules for a Licensee to exercise a Compact Privilege. This Rule will become effective upon adoption by the PA Compact Commission as provided in Section 9 of the PA Compact.

### **3.1 Definitions:**

- (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"** means the PA Licensure Compact.
- (c) **"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.
- (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) **"Jurisprudence Requirement"** means the assessment of an individual's knowledge of the laws and Rules governing the practice of a PA in a State.
- (g) **"Licensee"** means an individual who holds a License from a State to provide Medical Services as a PA.

- (h) **"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.
- (i) **"Non-participating State"** means a State that has not enacted this Compact.
- (j) **"Participating State"** means a State that has enacted this Compact.
- (k) **"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.
- (l) **"PA Licensure Compact Commission," "Compact Commission," or "Commission"** mean the national administrative body created pursuant to Section 7.A of this Compact.
- (m) **"Qualifying License"** means an unrestricted License issued by a Participating State to provide Medical Services as a PA.
- (n) **"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.
- (o) **"State"** means any state, commonwealth, district, or territory of the United States.
- (p) **"State of Qualifying License"** means a Participating State where a PA holds a qualifying license and which has been designated as such by the PA for purposes of registration and participation in the Compact.

### 3.2 Delegation of compact privilege responsibilities

- (a) Participating states are deemed to have delegated and assigned to the Compact Commission the following responsibilities in the compact privilege process:
- (1) The Compact Commission shall provide participating states an online application for use by PAs seeking compact privileges through their designated state of qualifying license.
  - (2) The Compact Commission shall use information from its data system to facilitate an application for review by the PA's designated state of qualifying license.
  - (3) The Compact Commission shall provide and administer a process to collect service fees and state fees from the PA and remit these fees to the participating state boards and the Compact Commission.

### 3.3 Eligibility for compact privilege

- (a) A PA must meet the following requirements to receive a compact privilege under the terms and provisions of the Compact:
- (1) Graduated from a PA program accredited by the Accreditation Review Commission on Education for the Physician Assistant, Inc.
  - (2) Holds a current certification from the national commission on certification of physician assistants.

- 78 (3) Has never been found guilty by a court of a felony or misdemeanor offense through  
79 an adjudication or by an entry of a plea of guilt or no contest to the charge.
- 80 (4) Has never had a controlled substance license, permit, or registration suspended or  
81 revoked by a State or by the United States Drug Enforcement Administration.
- 82 (5) Has a unique identifier that is a social security number.
- 83 (6) Holds an unrestricted License issued by a participating state to provide medical  
84 services as a PA.
- 85 (7) Has had no revocation of any License or limitation or restriction on any License  
86 currently held due to an adverse action.
- 87 i. If a PA has had a limitation or restriction on a License or Compact  
88 Privilege due to an Adverse Action, two years must have elapsed from the  
89 date on which the License or Compact Privilege is no longer limited or  
90 restricted due to the Adverse Action.
- 91 (8) Notifies the Compact Commission that the PA is seeking the Compact Privilege in a  
92 Remote State.
- 93 (9) Meets any Jurisprudence Requirement of a Remote State in which the PA is seeking  
94 to practice under a Compact Privilege and pay any fees applicable to satisfying the  
95 Jurisprudence Requirement.
- 96 (10) Complies with each remote states' laws and regulations related to supervision by or  
97 collaboration with a physician.
- 98 (11) Complies with each remote states' laws and regulations related to authority to  
99 prescribe controlled substances for each remote state in which the PA seeks  
100 authority to prescribe controlled substances.
- 101 (12) Reports to the Commission any Adverse Action taken by a non-participating State  
102 within thirty (30) days after the action is taken.
- 103

### 104 3.4 Compact privilege process

#### 105 (a) A PA shall:

- 106 (1) Submit an online application through the Compact Commission's data system along  
107 with a sworn statement attesting to the truthfulness and accuracy of all information  
108 provided by the applicant.
- 109 (2) During the application process designate a state of qualifying license. The PA must  
110 meet one of the state of qualifying license eligibility requirements in Rule 2 at the  
111 time of application. A member state shall apply Rule 2 requirements  
112 contemporaneously when evaluating a licensee's compact privilege eligibility under  
113 Compact Section 4 and this Rule.
- 114 (3) Submit to a criminal background check through the process designated by the state  
115 of qualifying license which will include the submission of fingerprints or other  
116 biometric based information.
- 117 (4) Submit any other information requested by the state of qualifying license necessary  
118 to confirm eligibility.
- 119 (5) Pay the nonrefundable fees required by the state of qualifying license and the  
120 Compact Commission.

- 121
- 122 (b) When the state of qualifying license receives the application through the Compact
- 123 Commission that state shall:
- 124 (1) Evaluate the PA's eligibility for participating in the compact privilege process;
- 125 (2) Perform a criminal background check pursuant to Public Law 92-544 as required by
- 126 the terms and provisions of the Compact;
- 127 (3) Determine whether the PA meets one of the state of qualifying license eligibility
- 128 requirements in Rule 2 at the time of application; and
- 129 (4) Issue notice to the Compact Commission verifying or denying the PA's eligibility to
- 130 participate in the Compact and confirming that the state will serve as the state of
- 131 qualifying license.
- 132
- 133 (c) Upon notice from the Compact Commission of eligibility approval by the state of qualifying
- 134 license, the PA shall:
- 135 (1) Complete the registration process established by the Compact Commission.
- 136 (2) Identify the remote state(s) for which a compact privilege is requested.
- 137 (3) Submit any additional information required by the remote state(s).
- 138 (4) Submit satisfactory proof that the PA has entered into a supervision or collaborative
- 139 agreement with a physician licensed in the remote state which the PA is applying for
- 140 a compact privilege, if such agreement is required by the remote state's laws and
- 141 regulations. An agreement must meet all requirements of the remote state's laws and
- 142 regulations and be submitted for each remote state where the PA has applied for a
- 143 compact privilege.
- 144 (5) Submit satisfactory proof as required by each remote state where the PA has applied
- 145 for prescriptive authority with their compact privilege showing that the PA meets all
- 146 requirements imposed by such remote state in granting physician-delegated
- 147 prescriptive authority.
- 148 (6) Submit proof that the PA has successfully taken and passed any jurisprudence
- 149 requirement, if required by the remote state(s), where the PA is applying for a
- 150 compact privilege.
- 151 (7) Pay the non-refundable compact privilege fee required by the remote state(s) and
- 152 any additional service fee required by the Compact Commission.
- 153
- 154 (d) Upon receipt of all fees required, and receipt of the information from the application,
- 155 including verification of eligibility by the designated state of qualifying license, the remote
- 156 state(s) shall promptly issue a compact privilege to the PA, and provide information
- 157 regarding the privilege to the Compact Commission to maintain in the data system.
- 158

### 159 **3.5 Compact privilege cycle and continued participation**

- 160 (a) A compact privilege shall be valid until the expiration or revocation of the qualifying license
- 161 used to apply for the privilege unless the privilege is terminated pursuant to an adverse
- 162 action. The expiration date of the qualifying license shall be the expiration date that was in

effect on the date the PA applied for the compact privilege. Any renewal of the qualifying license does not automatically extend the expiration date of the compact privilege.

- (b) Not less than 90 days prior to the expiration of a compact privilege, the member state shall notify the PA by e-mail of the pending expiration of the compact privilege(s) and provide information that the PA may reapply for any compact privileges pursuant to this rule. The e-mail notice shall be sent to the e-mail address currently on-file with the Commission in its data system. The PA is responsible for renewing any compact privilege(s) prior to their expiration and for maintaining current contact information, including an e-mail address, with the Commission.
- (c) An application for a compact privilege shall be considered opened from the date the application form is received by the state of qualifying license.
  - (1) If the PA does not submit all requested materials, including any required fees, within 60 days after the application is opened, then the application shall be deemed to have been withdrawn. The PA must reapply and submit a new application and new nonrefundable application fees as determined by the state of qualifying license and the Compact Commission.

### **3.6 Jurisprudence requirement**

- (a) If a member state has a jurisprudence requirement to be eligible to obtain a compact privilege in accordance with Section 4.A.11 of the Compact, the PA must have successfully taken and passed any jurisprudence requirement prior to applying for a compact privilege in the remote state.
- (b) If a compact privilege expires and the PA has applied for another compact privilege prior to the expiration date, in the same remote state, the PA may submit proof that the jurisprudence requirement was previously met for a compact privilege in that remote state.
- (c) If a compact privilege expires and the PA fails to make an application for another compact privilege in the same remote state prior to the compact privilege expiration date, all applicable requirements for completion of a jurisprudence requirement will apply.

### **3.7 Denial or withdrawal of the determination of eligibility**

- (a) If the member state designated as the state of qualifying license issues a notice to the Compact Commission denying the applicant's eligibility for the compact, the PA may appeal such determination of eligibility within 30 days of the PA's receipt of the notice. The appeal shall be filed with the member state that issued the denial and shall be subject to the laws of that state.
- (b) If the member state designated as the state of qualifying license issues a notice to the Compact Commission approving the PA's eligibility for the compact and thereafter withdraws



the approval due to the PA not meeting the Compact's eligibility requirements, any compact privilege issued under that qualifying license shall automatically be cancelled with no further action required by any member state. The Compact Commission shall provide e-mail notice of the withdrawal to the PA along with notice that all issued compact privileges have been cancelled. The PA may appeal the withdrawal of eligibility within 30 days of the PA's receipt of the withdrawal notice. The appeal shall be filed with the member state that issued the denial and shall be subject to the laws of that state.

### **3.8 State of emergency rule – waiver of timeframes**

- (a) This rule is effective upon a declaration of a national emergency by the President of the United States and/or a declaration of emergency by one or more Governors of the compact member states in response to Force Majeure such as a pandemic, hurricane, tornado, earthquake, or other natural disaster. As such time, each Board or the Executive Committee of the Compact Commission has the authority to temporarily waive enforcement of the timeframes in this rule which are not statutorily required.
- (b) Such waiver would be justified based upon:
  - (1) The degree of disruption to procedures or timeframes under this rule, which is the basis for the waiver;
  - (2) The degree of benefit (or detriment) of such waiver to the PA and/or public health; and
  - (3) The anticipated duration of the emergency.
- (c) The length of the waiver is subject to the length of the national/state emergency declaration unless preemptively concluded by a majority vote of the Compact Commission.