



**The following language is an edited version of the Model Draft of the Proposed Model Physician Assistant Compact. This is not the same as the Model language approved by the American Academy of Physician Assistants, the National Commission on Certification of Physician Assistants, and the Federation of State Medical Boards. The primary changes are found in Sections 4, 5, 6, 7, 9, and 10. These sections were change in order to enact an expedited endorsement model.**

**To date the model PA Compact has been enacted in one (1) state, Utah, and introduced in three (3) states; Texas, Ohio, and Minnesota. All of these states have used the Model Draft endorsed by the above referenced professional organizations.**

**The Model PA Compact Legislation will not have the legal status of an Interstate Compact until at least one other state has enacted the legislation in a form substantially similar to that enacted by the State of Utah. By its terms, the proposed PA Compact will not become effective until legislative enactment by seven (7) states.**

**The primary difference between the above reference Proposed PA Compact Model and the attached edited version is that the provisions of the model draft is drafted to provide for the mutual recognition of the home state license which is obtained by a qualified applicant who meets the uniform licensure requirements established by the compact similar to the Nurse Licensure Compact. Instead, the edited version adopts the expedited endorsement model used by the IMLC in which an Expedited License is obtained in each compact member state by qualified applicants who meet the uniform licensure requirements established by the IMLC. In virtually all other respects the attached draft is the same as the PA Compact Model Draft. However, because the above referenced difference in the means of qualification to practice in a compact member state, the edited version could result in a legal challenge which would not allow states to participate in the compact without enactment of identical versions of the PA Compact.**

1 **PHYSICIAN ASSISTANT LICENSURE COMPACT**

2

3 **SECTION 1. PURPOSE**

4 In order to strengthen access to Medical Services, and in recognition of the advances in  
5 the delivery of Medical Services, the Participating States of the Physician Assistant “PA”  
6 Licensure Compact have allied in common purpose to develop a comprehensive  
7 process that complements the existing authority of State Licensing Boards to license  
8 and discipline PAs and seeks to enhance the portability of a License to practice as a PA  
9 while safeguarding the safety of patients. The Compact provides a streamlined process  
10 that allows PAs to become licensed in multiple states. The Compact creates another  
11 pathway for licensure and does not otherwise change a state’s existing Medical Practice  
12 Act. The Compact also adopts the prevailing standard of PA licensure and affirms that  
13 the practice and delivery of Medical Services by the PA occurs where the patient is  
14 located at the time of the patient encounter, and therefore, requires the PA be under the  
15 jurisdiction of the State Licensing Board where the patient is located. State Licensing  
16 Boards that participate in this Compact retain the jurisdiction to impose an adverse  
17 action against a license to provide Medical Services in that state issued to a PA through  
18 the procedures in the Compact.

19 **SECTION 2. DEFINITIONS**

20 In this Compact:

- 21 A. **“Adverse Action”** means any administrative, civil, equitable, or criminal action  
22 permitted by a State’s laws which is imposed by a Licensing Board or other  
23 authority against a PA License or License application or Compact Privilege such  
24 as License denial, censure, revocation, suspension, probation, monitoring of the  
25 Licensee, or restriction on the Licensee’s practice.
- 26 B. **“Expedited License”** means a full and unrestricted license to practice as a PA  
27 granted by a Participating State to an eligible PA through the process set forth in  
28 the Compact.

- 29 C. **“Conviction”** means a finding by a court that an individual is guilty of a felony or  
30 misdemeanor offense through adjudication or entry of a plea of guilt or no contest  
31 to the charge by the offender.
- 32 D. **“Criminal Background Check”** means the submission of fingerprints or other  
33 biometric-based information for a License applicant for the purpose of obtaining  
34 that applicant’s criminal history record information, as defined in 28 C.F.R.  
35 §20.3(d), from the State’s criminal history repository as defined in 28 C.F.R.  
36 §20.3(f).
- 37 E. **“Data System”** means the repository of information about Licensees, including  
38 but not limited to License status and Adverse Actions, which is created and  
39 administered under the terms of this Compact.
- 40 F. **“Executive Committee”** means a group of directors and ex-officio individuals  
41 elected or appointed pursuant to Section 7.F.2.
- 42 G. **“Impaired Practitioner”** means a PA whose practice is adversely affected by  
43 health-related condition(s) that impact their ability to practice.
- 44 H. **“Investigative Information”** means information, records, or documents received  
45 or generated by a Licensing Board pursuant to an investigation.
- 46 I. **“Jurisprudence Requirement”** means the assessment of an individual’s  
47 knowledge of the laws and rules governing the practice of a PA in a state.
- 48 J. **“License”** means current authorization by a State for a PA to provide Medical  
49 Services, which would be unlawful without current authorization.
- 50 K. **“Licensee”** means an individual who holds a License from a State to provide  
51 Medical Services as a PA.
- 52 L. **“Licensing Board”** means any State entity authorized to license and otherwise  
53 regulate PAs.
- 54 M. **“Medical Services”** means health care services provided for the diagnosis,  
55 prevention, treatment, cure, or relief of a health condition, injury, or disease, as  
56 defined by a State’s laws and regulations.
- 57 N. **“Model Compact”** means the model for the PA Licensure Compact on file with  
58 The Council of State Governments or other entity as designated by the  
59 Commission.

- 60 O. **“Participating State”** means a State that has enacted this Compact.
- 61 P. **“PA”** means an individual who is licensed as a physician assistant in a State.
- 62 For purposes of this Compact, any other title or status adopted by a State to
- 63 replace the term “physician assistant” shall be deemed synonymous with
- 64 “physician assistant” and shall confer the same rights and responsibilities to the
- 65 Licensee under the provisions of this Compact at the time of its enactment.
- 66 Q. **“PA Licensure Compact Commission”, “Compact Commission”, or**
- 67 **“Commission”** mean the national administrative body created pursuant to
- 68 Section 7.A of this Compact.
- 69 R. **“Qualifying License”** means an unrestricted License issued by a Participating
- 70 State to provide Medical Services as a PA.
- 71 S. **“Rule”** means a regulation promulgated by an entity that has the force and effect
- 72 of law.
- 73 T. **“Significant Investigative Information”** means Investigative Information that a
- 74 Licensing Board, after an inquiry or investigation that includes notification and
- 75 opportunity for the PA to respond if required by State law, has reason to believe
- 76 is not groundless and, if proven true, would indicate more than a minor infraction.
- 77 U. **“State”** means any state, commonwealth, district, or territory of the United
- 78 States.
- 79 V. **“State of Principal License”** means a Participating State where a PA holds a
- 80 license to practice which has been designated as such by the PA for purposes of
- 81 registration and participation in the Compact.

### 82 **SECTION 3. STATE PARTICPATION IN THIS COMPACT**

- 83 A. To participate in this Compact, a Participating State shall:
- 84 1. License PAs.
- 85 2. Participate in the Compact Commission’s Data System.
- 86 3. Have a mechanism in place for receiving and investigating complaints
- 87 against Licensees and License applicants.

- 88 4. Notify the Commission, in compliance with the terms of this Compact and  
89 Commission Rules, of any Adverse Action against a Licensee or License  
90 applicant.
- 91 5. Fully implement a Criminal Background Check requirement, within the  
92 time frame established by Commission Rule, by its Licensing Board  
93 receiving the results of a Criminal Background Check and reporting to the  
94 Commission whether the License applicant has been granted a License.
- 95 6. Comply with the Rules of the Compact Commission.
- 96 7. Utilize passage of a recognized national exam such as NCCPA PANCE as  
97 a requirement for PA licensure.
- 98 8. Grant the Expedited License through the process set forth in the Compact  
99 to an eligible PA in a participating State.
- 100 B. Nothing in this Compact prohibits a State from charging a fee for granting an  
101 Expedited License.

102 **SECTION 4. COMPACT PRIVILEGE**

- 103 A. To qualify for an Expedited License, a PA must:
- 104 1. Have graduated from a PA program accredited by the Accreditation Review  
105 Commission on Education for the Physician Assistant, Inc. or other  
106 programs authorized by Commission Rule.
- 107 2. Hold current NCCPA certification.
- 108 3. Have no felony or misdemeanor Conviction.
- 109 4. Have never had a controlled substance license, permit, or registration  
110 suspended or revoked by a State or by the United States Drug Enforcement  
111 Administration.
- 112 5. Have a unique identify as determined by Commission Rule.
- 113 6. Have a Qualifying License.
- 114 7. Have had no revocation of a License or limitation or restriction on any  
115 License currently held due to an adverse action.

- 116 8. If a Licensee has had a limitation or restriction on a License due to an  
117 Adverse Action, two (2) years must have elapsed from the date on which  
118 the License is no longer limited or restricted due to the Adverse Action.  
119 9. If an Expedited License has been revoked or is limited or restricted in a  
120 Participating State for conduct that would not be a basis for disciplinary  
121 action in a Participating State in which the Licensee is practicing or  
122 applying to practice under the Compact, that Participating State shall have  
123 the discretion not to consider such action as an Adverse Action requiring  
124 the denial or revocation of an Expedited License in that State.  
125 10. Meet any Jurisprudence Requirement of any other member State in which  
126 the Licensee is seeking to obtain a license under the Compact and pay any  
127 fees applicable to satisfying the Jurisprudence Requirement.  
128 11. Report to the Commission any Adverse Action taken by a non-participating  
129 State within thirty (30) days after the action is taken.  
130 B. For each Participating State in which a PA seeks authority to prescribe controlled  
131 substances, the PA shall satisfy all requirements imposed by such State in granting  
132 or renewing such authority.

133 **SECTION 5. DESIGNATION OF THE STATE OF PRINCIPLE LICENSE**

134 The Licensee shall identify to the Commission the Principal State from which the  
135 Licensee is applying, in accordance with application Rules adopted by the Commission  
136 and subject to the following requirements:

- 137 A. Hold a full and unrestricted license in the identified State of Principal License.  
138 B. When applying for an Expedited License, the Licensee shall provide the address  
139 of the Licensee's primary residence and, thereafter, shall within thirty (30) days  
140 report to the Commission any change in the address of the Licensee's primary  
141 residence.  
142 C. When applying for an Expedited License, the Licensee is required to consent to  
143 accept services of process by mail to the Licensee's primary residence on file  
144 with the Commission with respect to any action brought against the Licensee by  
145 the Commission or a Participating State, including a subpoena, with respect to

146 any action brought or investigation conducted by the Commission or a  
147 Participating State.

148 **SECTION 6. APPLICATION AND ISSUANCE OF AN EXPEDITED LICENSE**

149 A. The PA seeking expedited licensure shall file an application for an expedited  
150 license shall file an application with the Licensing Board of the state selected by  
151 the PA as the state of principal license using the application process designated  
152 by the Commission as outlined in paragraph E.

153 B. Upon receipt of an application for an expedited license, the Licensing Board  
154 within the state selected as the state of principal license shall evaluate whether  
155 the PA is eligible for expedited licensure and issue a letter of qualification,  
156 verifying or denying the PA's eligibility, to the Commission.

157 1. A determination of eligibility for a letter of qualification shall be valid for  
158 one (1) calendar year for the date of determination.

159 2. A valid letter of qualification is required to obtain an Expedited License.

160 3. The reapplication for a letter of qualification shall be completed using the  
161 application designated by the Commission as outlined in paragraph E.

162 4. Static qualifications as established on the application, which include  
163 verification of the PA education, results of any required examination and  
164 other qualifications as determined by the Commission through rule, shall  
165 not be subject to additional primary source verification where already so  
166 verified by the state of principal license.

167 5. The Licensing Board within the state selected as the state of principal  
168 license shall, in the course of verifying eligibility, perform a criminal  
169 background check of an applicant, including the use of the results of  
170 fingerprint or other biometric data checks compliant with the requirements  
171 of the Federal Bureau of Investigation (FBI).

172 6. Appeal of the determination of eligibility shall be made to the Participating  
173 State where the application was filed and subject to the laws of that state.

- 174 C. Upon verification in subsection B, PA's shall complete the registration process  
175 established by the Commission to receive a license in a Participating State  
176 selected pursuant to subsection A, including the payment of any applicable fees.
- 177 D. After receiving verification of eligibility under section B and any fees under  
178 subsection C, a Licensing Board shall issue an expedited license to the PA. This  
179 license shall authorize the PA to provide Medical Services in the issuing state  
180 consistent with Medical Practice Act and all applicable laws and regulations of  
181 the issuing Licensing Board and Participating State.
- 182 E. The Interstate Commission is authorized to develop rules regarding the  
183 application process, reapplication process, including the payment of any  
184 applicable fees, and the issuance of an expedited license.

185 **SECTION 7. RENEWAL AND CONTINUED PARTICIPATION**

- 186 A. The PA shall renew the Expedited License in accordance with the requirements  
187 of the issuing Licensing Board and Participating State.
- 188 B. The issuing Licensing Board shall renew the Expedited License in a manner  
189 consistent with full and unrestricted licenses issued by the Licensing Board.

190 **SECTION 8. COORDINATED INFORMATION SYSTEM**

- 191 A. The Interstate Commission shall establish a database of all PA's who received,  
192 or who applied for, an Expedited License.
- 193 B. Licensing Boards shall report to the Commission any public action against a PA  
194 who received, or who applied for, an Expedited License as determined  
195 necessary by rule of the Commission.
- 196 C. Licensing Boards may report any non-public complaint, disciplinary, or  
197 investigatory information not required by subsection B to the Commission.
- 198 D. Licensing Boards shall share complaint or disciplinary information about a PA  
199 upon request of another board in the manner established by rule of the  
200 Commission.
- 201 E. All information provided to the Commission or distributed by Licensing Boards  
202 shall be confidential, filed under seal, and used only for investigatory or  
203 disciplinary matters.



204 F. The Commission is authorized to develop rules for mandated or discretionary  
205 sharing of information by Licensing Boards.

206 **SECTION 9. JOINT INVESTIGATIONS**

207 A. Licensure and disciplinary records of PA's are deemed investigative.

208 B. In addition to authority granted to a Licensing Board by its respective applicable  
209 state law, a Licensing Board may participate with other Licensing Boards in joint  
210 investigations of a PA licensed by other Licensing Boards.

211 C. A subpoena issued by a Licensing Board shall be enforceable in other  
212 Participating States.

213 D. Licensing Boards may share any investigative, litigation, or compliance materials  
214 in furtherance of any joint or individual investigation initiate under the Compact.

215 E. Any Licensing Board may investigate actual or alleged violations of the statutes  
216 authorizing providing Medical Services in any other Participating State in which a  
217 PA holds a license to provide Medical Services.

218 **SECTION 10. DISCIPLINARY ACTIONS**

219 A. The Licensing Board who issued the Expedited License to the PA shall have  
220 exclusive power to impose Adverse Action against that Expedited License.

221 B. Any disciplinary action taken by any Licensing Board against a PA with an  
222 Expedited License shall be deemed unprofessional conduct which may be  
223 subject to discipline by other Licensing Boards, in addition to any violation of the  
224 law or regulations in that state.

225 C. If a license granted to a PA by the Licensing Board, who is the state of principal  
226 license, is revoked, surrendered or relinquished in lieu of discipline, or  
227 suspended, then all Expedited Licenses issued to a PA by Licensing Boards  
228 shall be placed, without further action by any Licensing Boards, on the same  
229 status. A Licensing Board may terminate the status of the Expedited License it  
230 issued in a manner consistent with the laws and regulations in that state.

231 D. If disciplinary action, not outlined in subsection C, is taken against the PA's  
232 Expedited License by a Licensing Board, any other Licensing Board may deem  
233 the action conclusive as to matter of law and fact decided, and:

- 234 1. Impose the same or lessor sanctions against the Expedited License that it  
235 issued; or
- 236 2. Pursue separate disciplinary action against the Expedited License under  
237 its respective laws and regulations, regardless of the action taken in other  
238 Participating States.
- 239 E. If an Expedited License granted to a PA by a Licensing Board, not the state of  
240 principal license, is revoked, surrendered or relinquished in lieu of discipline, or  
241 suspended, then any Expedited Licenses issued to a PA by any other Licensing  
242 Boards shall be suspended, automatically and immediately without further action  
243 by the other Licensing Boards, for ninety (90) days upon entry of the order by the  
244 disciplining board, to permit the Licensing Boards to investigate the basis of the  
245 action under the laws and regulations of that state. A Licensing Board may  
246 expend or terminate the automatic ninety (90) day suspension period in a  
247 manner consistent with the laws and regulations of that state.
- 248 F. Nothing in this Compact authorizes a Participating State to impose discipline  
249 against a PA's Expedited License or deny an application for an Expedited  
250 License in that Participating State for the individual's otherwise lawful practice in  
251 another state.

252 **SECTION 11. ESTABLISHMENT OF THE PA LICENSURE COMPACT COMMISSION**

- 253 A. The Participating States hereby create and establish a joint government agency  
254 and national administrative body known as the PA Licensure Compact  
255 Commission (Commission). The Commission is an instrumentality of the  
256 Participating States acting jointly and not an instrumentality of any one State.  
257 The Commission shall come into existence of the effective date of the Compact  
258 as set forth in Section 14.
- 259 B. Membership, Voting, and Meetings
- 260 1. Each Participating State shall have and be limited to one (1) delegate  
261 selected by that Participating State's Licensing Board or, if the  
262 Participating State has more than one Licensing Board, selected  
263 collectively by the Participating State's Licensing Boards.

- 264 2. The delegate shall be either:
- 265 a. A current PA, physician, or public member of a Licensing Board or
- 266 PA Council/Committee; or
- 267 b. An administrator of a Licensing Board.
- 268 3. Any delegate may be removed or suspended from office as provided by
- 269 the laws of the Participating State from which the delegate is appointed.
- 270 4. The Participating State Licensing Board shall fill any vacancy occurring in
- 271 the Commission within sixty (60) days.
- 272 5. Each delegate shall be entitled to one (1) vote on all matters voted on by
- 273 the Commission and shall otherwise have an opportunity to participate in
- 274 the business and affairs of the Commission. A delegate shall vote in
- 275 person or by such other means as provided in the bylaws. The bylaws
- 276 may provide for delegates' participation in meetings by telecommunication,
- 277 video conference, or other means of communication.
- 278 6. The Commission shall meet at least once during each calendar year.
- 279 Additional meetings shall be held as set forth in this Compact and the
- 280 bylaws.
- 281 7. The Commission shall establish by Rule a term of office for delegates.
- 282 C. The Commission shall have the following powers and duties:
- 283 1. Establish a code of ethics for the Commission;
- 284 2. Establish the fiscal year of the Commission;
- 285 3. Establish fees;
- 286 4. Establish bylaws;
- 287 5. Maintain its financial records in accordance with the bylaws;
- 288 6. Meet and take such actions as are consistent with the provisions of this
- 289 Compact and the bylaws;
- 290 7. Promulgate Rules to facilitate and coordinate implementation and
- 291 administration of this Compact. The Rules shall have the force and effect
- 292 of law and shall be binding in all Participating States;

- 293 8. Bring and prosecute legal proceedings or actions in the name of  
294 Commission, provided that the standing of any State Licensing Board to  
295 sue or be sued under applicable law shall not be affected;
- 296 9. Purchase and maintain insurance and bonds;
- 297 10. Borrow, accept, or contract for services of personnel, including, but not  
298 limited to, employees of a Participating State;
- 299 11. Hire employees and engage contractors, elect or appoint officers, fix  
300 compensation, define duties, grant such individuals appropriate authority  
301 to carry out the purposes of this Compact, and establish the Commission's  
302 personnel policies and programs relating to conflicts of interest,  
303 qualifications of personnel, and other related personnel matters;
- 304 12. Accept any and all appropriate donations and grants of money, equipment,  
305 supplies, materials and services, and receive, utilize and dispose of the  
306 same; provided that at all times the Commission shall avoid any  
307 appearance of impropriety or conflict of interest;
- 308 13. Lease, purchase, accept appropriate gifts or donations of, or otherwise  
309 own, hold, improve or use, any property, real, personal or mixed; provided  
310 that at all times the Commission shall avoid any appearance of  
311 impropriety;
- 312 14. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise  
313 dispose of any property real, personal, or mixed;
- 314 15. Establish a budget and make expenditures;
- 315 16. Borrow money;
- 316 17. Appoint committees, including standing committees composed of  
317 members, State regulators, State legislators or their representatives, and  
318 consumer representatives, and such other interested persons as may be  
319 designated in this Compact and the bylaws;
- 320 18. Provide and receive information from, and cooperate with, law  
321 enforcement agencies;
- 322 19. Elect a Chair, Vice Chair, Secretary, and Treasurer and such other officers  
323 of the Commission as provided in the bylaws;

- 324 20. Reserve for itself, in addition to those reserved exclusively to the  
325 Commission under the Compact, powers that the Executive Committee  
326 may not exercise;
- 327 21. Approve or disapprove a State's participation in the Compact based upon  
328 its determination as to whether the State's Compact legislation departs in  
329 a material manner for the Model Compact language;
- 330 22. Prepare and provide to the Participating States an annual report; and
- 331 23. Perform such other functions as may be necessary or appropriate to  
332 achieve the purposes of this Compact consistent with the State regulation  
333 of PA licensure and practice.

334 D. Meetings of the Commission

- 335 1. All meetings of the Commission that are not closed pursuant to this  
336 subsection shall be open to the public. Notice of the public meetings shall  
337 be posted on the Commission's website at least thirty (30) days prior to  
338 the public meeting.
- 339 2. Notwithstanding subsection D.1 of this section, the Commission may  
340 convene a public meeting by providing at least twenty-four (24) hours prior  
341 notice on the Commission's website, and any other means as provided in  
342 the Commission's Rules, for any of the reasons it may dispense with  
343 notice of proposed rulemaking under Section 12.
- 344 3. The Commission may convene in a closed, non-public meeting or non-  
345 public part of a public meeting to receive legal advice or to discuss:
- 346 a. Non-compliance of a Participating State with its obligations under  
347 this Compact;
- 348 b. The employment, compensation, discipline or other matters,  
349 practices or procedures related to specific employees or other  
350 matters related to the Commission's internal personnel practices  
351 and procedures;
- 352 c. Current, threatened, or reasonably anticipated litigation;
- 353 d. Negotiation of contracts for the purchase, lease, or sale of goods,  
354 services, or real estate;

- 355 e. Accusing any person of a crime or formally censuring any person;
- 356 f. Disclosure of trade secrets or commercial or financial information
- 357 that is privileged or confidential;
- 358 g. Disclosure of information of a personal nature where disclosure
- 359 would constitute a clearly unwarranted invasion of personal
- 360 privacy;
- 361 h. Disclosure of investigative records compiled for law enforcement
- 362 purposes;
- 363 i. Disclosure of information related to any investigative reports
- 364 prepared by or on behalf of or for use of the Commission or other
- 365 committee charged with responsibility of investigation or
- 366 determination of compliance issues pursuant to this Compact;
- 367 j. Legal advice; or
- 368 k. Matters specifically exempted from disclosure by federal or
- 369 Participating States' statutes.

370 4. If a meeting, or portion of a meeting, is closed pursuant to this provision,  
371 the chair of the meeting or the chair's designee shall certify that the  
372 meeting or portion of the meeting may be closed and shall reference each  
373 relevant exempting provision.

374 5. The Commission shall keep minutes that fully and clearly describe all  
375 matters discussed in a meeting and shall provide a full and accurate  
376 summary of actions taken, including a description of the views expressed.  
377 All documents considered in connection with an action shall be identified  
378 in such minutes. All minutes and documents of a closed meeting shall  
379 remain under seal, subject to release by a majority vote of the  
380 Commission or order of a court of competent jurisdiction.

#### 381 E. Financing of the Commission

382 1. The Commission shall pay, or provide for the payment of, the reasonable  
383 expenses of its establishment, organization, and ongoing activities.

- 384 2. The Commission may accept any and all appropriate revenue sources,  
385 donations, and grants of money, equipment, supplies, materials, and  
386 services.
- 387 3. The Commission may levy on and collect an annual assessment from  
388 each Participating State and may impose fees on Licensees of  
389 Participating States to whom an expedited license is granted to cover the  
390 cost of the operations and activities of the Commission and its staff, which  
391 must be in a total amount sufficient to cover its annual budget as approved  
392 by the Commission each year for which revenue is not provided by other  
393 sources. The aggregate annual assessment amount levied on  
394 Participating States shall be allocated based upon a formula to be  
395 determined by Commission Rule.
- 396 4. The Commission shall not incur obligations of any kind prior to securing  
397 the funds adequate to meet the same; nor shall the Commission pledge  
398 the credit of any of the Participating States, except by and with the  
399 authority of the Participating State.
- 400 5. The Commission shall keep accurate accounts of all receipts and  
401 disbursements. The receipts and disbursements of the Commission shall  
402 be subject to the financial review and accounting procedures established  
403 under its bylaws. All receipts and disbursements of funds handled by the  
404 Commission shall be subject to an annual financial review by a certified or  
405 licensed public accountant, and the report of the financial review shall be  
406 included in and become part of the annual report of the Commission.

407 F. Executive Committee

- 408 1. The Executive Committee shall have the power to act on behalf of the  
409 Commission according to the terms of the Compact and Commission  
410 Rules.
- 411 2. The Executive Committee shall be composed of nine (9) members:  
412 a. Seven (7) voting members who are elected by the Commission  
413 from the current membership of the Commission;

- 414                   b. One ex-officio, nonvoting member from a recognized national PA  
415                   professional association; and
- 416                   c. One ex-officio, nonvoting member from a recognized national PA  
417                   certification organization.
- 418           3. The ex-officio members will be selected by their respective organizations.
- 419           4. The Commission may remove any member of the Executive Committee as  
420           provided in its bylaws.
- 421           5. The Executive Committee shall meet at least annually.
- 422           6. The Executive Committee shall have the following duties and  
423           responsibilities:
- 424                   a. Recommend to the Commission changes to the Commission's  
425                   Rules or bylaws, changes to this Compact legislation, fees to be  
426                   paid by Compact Participating States such as annual dues, and  
427                   any Commission Compact fee charged to Licensees for the  
428                   Expedited License process;
- 429                   b. Ensure Compact administration services are appropriately  
430                   provided, contractual or otherwise;
- 431                   c. Prepare and recommend the budget;
- 432                   d. Maintain financial records on behalf of the Commission;
- 433                   e. Monitor Compact compliance of Participating States and provide  
434                   compliance reports to the Commission;
- 435                   f. Establish additional committees as necessary;
- 436                   g. Exercise the powers and duties of the Commission during the  
437                   interim between Commission meetings, except for issuing  
438                   proposed rulemaking or adopting Commission Rules or bylaws, or  
439                   exercising any other powers and duties exclusively reserved to  
440                   the Commission by the Commission's Rules; and
- 441                   h. Perform other duties as provided in the Commission's Rules or  
442                   bylaws.
- 443           7. All meetings of the Executive Committee at which it votes or plans to vote  
444           on matters in exercising the powers and duties of the Commission shall be



445 open to the public and public notice of such meetings shall be given as  
446 public meetings of the Commission are given.

447 8. The Executive Committee may convene in a closed, non-public meeting  
448 for the same reasons that the Commission may convene in a non-public  
449 meeting as set forth in Section 11.D and shall announce the closed  
450 meeting as the Commission is required to under Section 11.D and keep  
451 minutes of the closed meeting as the Commission is required to under  
452 Section 11.D.

453 G. Qualified Immunity, Defense, and Indemnification

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

466 2. The Commission shall defend any member, officer, executive director,  
467 employee, and representative of the Commission in any civil action seeking  
468 to impose liability arising out of any actual or alleged act, error, or omission  
469 that occurred within the scope of Commission employment, duties, or  
470 responsibilities, or as determined by the commission that the person  
471 against whom the claim is made had a reasonable basis for believing  
472 occurred within the scope of Commission employment, duties, or  
473 responsibilities; provided that nothing herein shall be construed to prohibit  
474 that person from retaining their own counsel at their own expense; and

- 475 provided further, that the actual or alleged act, error, or omission did not  
476 result from that person's intentional or willful or wanton misconduct.
- 477 3. The Commission shall indemnify and hold harmless any member, officer,  
478 executive director, employee, and representative of the Commission for  
479 the amount of any settlement or judgment obtained against that person  
480 arising out of any actual or alleged act, error, omission that occurred within  
481 the scope of Commission employment, duties, or responsibilities, or that  
482 such person had a reasonable basis for believed occurred within the  
483 scope of Commission employment, duties, or responsibilities, provided  
484 that the actual or alleged act, error, or omission did not result from the  
485 intentional or willful or wanton misconduct of that person.
- 486 4. Venue is proper and judicial proceeding by or against the Commission  
487 shall be brought solely and exclusively in a court of competent jurisdiction  
488 where the principal office of the Commission is located. The Commission  
489 may waive venue and jurisdictional defenses in any proceedings as  
490 authorized by Commission Rules.
- 491 5. Nothing herein shall be construed as a limitation on the liability of any  
492 Licensee for professional malpractice or misconduct, which shall be  
493 governed solely by any other applicable State laws.
- 494 6. Nothing herein shall be construed to designate the venue or jurisdiction to  
495 bring actions for alleged acts of malpractice, professional misconduct,  
496 negligence, or other such civil action pertaining to the practice of a PA. All  
497 such matters shall be determined exclusively by State law other than this  
498 Compact.
- 499 7. Nothing in the Compact shall be interpreted to waive or otherwise  
500 abrogate a Participating State's state action immunity or state action  
501 affirmative defense with respect to antitrust claims under the Sherman Act,  
502 Clayton Act, or any other State or federal antitrust or anticompetitive law or  
503 regulation.
- 504 8. Nothing in this Compact shall be construed to be a waiver of sovereign  
505 immunity by the Participating States or by the Commission.

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**SECTION 12. RULEMAKING**

- A. The Commission shall exercise its Rulemaking powers pursuant to the criteria set forth in this Section and the Rules adopted thereunder. Commission Rules shall become binding as of the date specified by the Commission for each Rule.
- B. The Commission shall promulgate reasonable Rules in order to effectively and efficiently implement and administer this Compact and achieve its purposes. A Commission Rule shall be invalid and have not force or 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 of the purposes of this Compact, or the powers granted hereunder, or based upon another applicable standard of review.
- C. The Rules of the Commission shall have the force of law in each Participating State, provided however that where the Rules of the Commission conflict with the laws of the Participating State that establish medical services a PA may perform in the Participating State, 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.
- D. If a majority of the legislatures of the Participating States rejects a Commission Rule, by enactment of a statute or resolution in the same manner used to adopt this Compact within four (4) years of the date of the adoption of the Rule, then such Rule shall have no further force and effect in any Participating State or to any State applying to participate in the Compact.
- E. Commission Rules shall be adopted at a regular or special meeting of the Commission.
- F. Prior to promulgation and adoption of a final Rule or Rules by the Commission, and at least thirty (30) days in advance of the meeting at which the Rule will be considered and voted upon, the Commission shall file a Notice of Proposed Rulemaking:
  - 1. On the website of the Commission or other publicly accessible platform;
  - and

- 537 2. To persons who have requested notice of the Commission's notices of  
538 proposed rulemaking; and
- 539 3. In such other way(s) as the Commission may by Rule specify.
- 540 G. The Notice of Proposed Rulemaking shall include:
- 541 1. The time, date, and location of the public hearing on the proposed Rule  
542 and the proposed time, date, and location of the meeting in which the  
543 proposed Rule will be considered and voted upon;
- 544 2. The text of the proposed Rule and the reason for the proposed Rule;
- 545 3. A request for comments on the proposed Rule from any interested person  
546 and the date by which written comments must be received; and
- 547 4. The manner in which interested persons may submit notice to the  
548 Commission of their intent to attend the public hearing or provide written  
549 comments.
- 550 H. Prior to adoption of a proposed Rule, the Commission shall allow persons to  
551 submit written data, facts, opinions, and arguments, which shall be made  
552 available to the public.
- 553 I. If the hearing is held via electronic means, the Commission shall publish the  
554 mechanism for access to the electronic hearing.
- 555 J. All persons wishing to be heard at the hearing shall be directed in the Notice  
556 of Proposed Rulemaking, not less than five (5) business days before the  
557 scheduled date of the hearing, notify the Commission of their desire to appear  
558 and testify at the hearing.
- 559 K. Hearings shall be conducted in a manner providing each person who wishes  
560 to comment a fair and reasonable opportunity to comment orally or in writing.
- 561 L. All hearing shall be recorded. A copy of the recording and written comments,  
562 data, facts, opinions, and arguments received in response to the proposed  
563 rulemaking shall be made available to a person upon request.
- 564 M. Nothing in this section shall be construed as requiring a separate hearing on  
565 each proposed Rule. Proposed Rules may be grouped for the convenience  
566 of the Commission at hearings required by this section.

- 567 N. Following the hearing the Commission shall consider all written and oral  
568 comments timely received.
- 569 O. The Commission shall, by a majority vote of all delegates, take final action on  
570 the proposed Rule and shall determine the effective date of the Rule, if  
571 adopted, based on the Rulemaking record and the full text of the Rule.
- 572 P. If adopted, the Rule shall be posted on the Commission's webpage.
- 573 Q. The Commission may adopt changes to the proposed Rule provided the  
574 changes do not enlarge the original purpose of the proposed Rule.
- 575 R. The Commission shall provide on its website an explanation of the reasons  
576 for substantive changes made to the proposed Rule as well as reasons for  
577 substantive change not made that were recommended by commenters.
- 578 S. The Commission shall determine a reasonable effective date for the Rule.  
579 Except for an emergency as provided in subsection T, the effective date of the  
580 Rule shall be no sooner than thirty (30) days after the Commission issued the  
581 notice that it adopted the Rule.
- 582 T. Upon determination that an emergency exists, the Commission may consider  
583 and adopt an emergency Rule with twenty-four (24) hours prior notice, without  
584 the opportunity for comment or hearing, provided that the usual rulemaking  
585 procedures provided in this Compact and in this section shall be retroactively  
586 applied to the Rule as soon as reasonably possible, in no event later than  
587 ninety (90) days after the effective date of the Rule. For purposes of this  
588 provision, an emergency Rule is one that must be adopted immediately by the  
589 Commission in order to:
- 590 1. Meet an imminent threat to public health, safety, or welfare;
  - 591 2. Prevent a loss of Commission or Participating State funds;
  - 592 3. Meet a deadline for promulgation of a Commission Rule that is established  
593 by federal law or rule; or
  - 594 4. Protect the public health and safety.
- 595 U. The Commission or an authorized committee of the Commission may direct  
596 revisions to a previously adopted Commission Rule for purposes of correcting  
597 typographical errors, errors in format, errors in consistency, or grammatical

598 errors. Public notice of any revisions shall be posted on the website of the  
599 Commission. The revision shall be subject to challenge by any person for a  
600 period of thirty (30) days after posting. The revision may be challenged only  
601 on grounds that the revision results in a material change to a Rule. A  
602 challenge shall be made as set forth in the notice of the revisions and  
603 delivered to the Commission prior to the end of the notice period. If the  
604 revision is challenged, the revision may not take effect without approval of the  
605 Commission.

606 V. No Participating State’s rulemaking requirements shall apply under this  
607 Compact.

### 608 **SECTION 13. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT**

#### 609 A. Oversight

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

#### 627 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.
  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.
  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.
  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 this Compact, unless agreed upon in writing between the Commission and the defaulting State.
  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 fees.

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

661 a. Licensees who have been granted an Expedited License in that  
662 defaulting State shall retain the privileges grant, including the right  
663 to continue to renew that Expedited License.

664 b. Licensees who are licensed in that State who have been granted  
665 an Expedited License in a Participating State where the defaulting  
666 State is the state of principal license, shall retain the right to utilize  
667 the letter of qualification granted until the expiration of the letter of  
668 qualification.

669 C. Dispute Resolution

670 1. Upon request by a Participating State, the Commission shall attempt to  
671 resolve disputes related to this Compact that arise among Participating  
672 State and between participating and non-participating states.

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

675 D. Enforcement

676 1. The Commission, in the reasonable exercise of its discretion, shall enforce  
677 the provisions of this Compact and Rules of the Commission.

678 2. If compliance is not secured after all means to secure compliance have  
679 been exhausted, by majority vote, the Commission may initiate legal  
680 action in the U.S. District Court for the District of Columbia or the federal  
681 district where the Commission has its principal offices, against a  
682 Participating State in default to enforce compliance with provisions of this  
683 Compact and the Commission's promulgated Rules and bylaws. The  
684 relief sought may include both injunctive relief and damages. In the event  
685 judicial enforcement is necessary, the prevailing party shall be awarded all  
686 costs of such litigation, including reasonable attorney's fees.



687 3. The remedies herein shall not be exclusive remedies of the Commission.  
688 The Commission may pursue any other remedies available under federal  
689 or State law.

690 E. Legal Action Against the Commission

- 691 1. A Participating State may initiate legal action against the Commission in  
692 the U.S. District Court for the District of Columbia or the federal district  
693 where the Commission has its principal offices to enforce compliance with  
694 the provisions of the Compact and its Rules. The relief sought may  
695 include both injunctive relief and damages. In the event judicial  
696 enforcement is necessary, the prevailing party shall be awarded all costs  
697 of such litigation, including reasonable attorney’s fees.
- 698 2. No person other than a Participating State shall enforce this Compact  
699 against the Commission.

700 **SECTION 14. DATE OF IMPLEMENTATION OF THE PA LICENSURE COMPACT**  
701 **COMMISSION**

702 A. This Compact shall come into effect on the date on which this Compact  
703 statute is enacted into law in the seventh (7<sup>th</sup>) Participating State.

704 B. On or after the effective date of the Compact, the Commission shall convene  
705 and review the enactment of each of the States that enacted the Compact  
706 prior to the Commission convening (“Charter Participating States”) to  
707 determine if the statute enacted by each such Charter Participating State is  
708 materially different than the Model Compact.

709 1. A Charter Participating State whose enactment is found to be materially  
710 different from the Model Compact shall be entitled to the default process  
711 set forth in Section 13.B.

712 2. If any Participating State later withdraws from the Compact or its  
713 participation is terminated, the Commission shall remain in existence and  
714 the Compact shall remain in effect even if the number of Participating  
715 State should be less than seven (7). Participating States enacting the  
716 Compact subsequent to the Commission convening shall be subject to the

717 process set forth in Section 11.C.21 to determine if their enactments are  
718 materially different from the Model Compact and whether they qualify for  
719 participation in the Compact.

720 C. Participating States enacting the Compact subsequent to the seven (7) initial  
721 Charter Participating States shall be subject to the process set forth in  
722 Section 11.C.21 to determine if their enactments are materially different from  
723 the Model Compact and whether they qualify for participation in the Compact.

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

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

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

736 1. A Participating State's withdrawal shall not take effect until one hundred  
737 eighty (180) days after enactment of the repealing statute. During this one  
738 hundred eighty (180) day-period, all Expedited Licenses that were in effect  
739 in the withdrawing State and were granted to Licensees in the withdrawing  
740 State shall remain in effect.

741 2. If any Licensee licensed in the withdrawing State is also licensed in  
742 another Participating State or obtains a license in another Participating  
743 State within the one hundred eighty (180) days, the Licensee's Expedited  
744 Licenses in other Participating States shall not be affected by the passage  
745 of the one hundred eighty (180) days.

746 3. Licensees who are licensed in the withdrawing State who have been  
747 granted an Expedited License in a Participating State where the

- 748 withdrawing State is the state of principal license, shall retain the right to  
749 utilize the letter of qualification granted until the expiration of the letter of  
750 qualification.
- 751 4. Withdrawal shall not affect the continuing requirement of the State  
752 Licensing Board(s) of the withdrawing State to comply with the  
753 investigative and Adverse Action reporting requirements of this Compact  
754 prior to the effective date of the withdrawal.
- 755 5. Upon enactment of a statute withdrawing a State from this Compact, the  
756 State shall immediately provide notice of such withdrawal to all Licensees  
757 within that State. Such withdrawing State shall continue to recognize all  
758 licenses granted pursuant to this Compact.
- 759 G. Nothing contained in this Compact shall be construed to invalidate or prevent  
760 any PA licensure agreement or other cooperative arrangement between  
761 Participating States and between a Participating State and non-Participating  
762 State that does not conflict with the provisions of this Compact.
- 763 H. This Compact may be amended by the Participating States. No amendment  
764 to this Compact shall become effective and binding upon any Participating  
765 State until it is enacted materially in the same manner into the laws of all  
766 Participating States as determined by the Commission.

## 767 **SECTION 15. CONSTRUCTION AND SEVERABILITY**

- 768 A. This Compact and the Commission's rulemaking authority shall be liberally  
769 construed so as to effectuate the purposes, and the implementation and  
770 administration of the Compact. Provisions of the Compact expressly  
771 authorizing or requiring the promulgation of Rules shall not be construed to  
772 limit the Commission's rulemaking authority solely for those purposes.
- 773 B. The provisions of this Compact shall be severable and if any phrase, clause,  
774 sentence, or provision of this Compact is held by a court of competent  
775 jurisdiction to be contrary to the constitution of any Participating State, a State  
776 seeking participating in the Compact, or of the United States, or the  
777 applicability thereof to any government, agency, person, or circumstance is

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

781 C. Notwithstanding subsection B or this section, the Commission may deny a  
782 State's participation in the Compact or, in accordance with the requirements  
783 of Section 13.B, terminate a Participating State's participation in the Compact,  
784 if it determines that a constitutional requirement of a Participating State is, or  
785 would be with respect to a State seeking to participate in the Compact, a  
786 material departure from the Compact. Otherwise, if this Compact shall  
787 remain in full force and effect as to the remaining Participating States and in  
788 full force and effect as to the Participating State affected as to all severable  
789 matters.

#### 790 **SECTION 16. BINDING EFFECT OF COMPACT**

791 A. Nothing herein prevents the enforcement of any other law of a Participating  
792 State that is not inconsistent with this Compact.

793 B. Any laws in a Participating State in conflict with this Compact are superseded  
794 to the extent of the conflict.

795 C. All agreements between the Commission and the Participating States are  
796 binding in accordance to their terms.

797