

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL NO. 1654

By: Pugh

AS INTRODUCED

An Act relating to physician assistants; enacting the Physician Assistant (PA) Licensure Compact and authorizing Governor to enter into compact with certain jurisdictions; setting forth form of certain compact; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 522.1 of Title 59, unless there is created a duplication in numbering, reads as follows:

The Physician Assistant (PA) Licensure Compact is hereby enacted into law and the Governor shall enter into a compact on behalf of the State of Oklahoma with any jurisdiction legally joined therein, in the form substantially as set forth in Section 2 of this act.

1 SECTION 2. NEW LAW A new section of law to be codified

2 in the Oklahoma Statutes as Section 522.2 of Title 59, unless there
3 is created a duplication in numbering, reads as follows:

4 Section 1. Purpose.

5 In order to strengthen access to Medical Services, and in
6 recognition of the advances in the delivery of Medical Services, the
7 Participating States of the PA Licensure Compact have allied in
8 common purpose to develop a comprehensive process that complements
9 the existing authority of State Licensing Boards to license and
10 discipline PAs and seeks to enhance the portability of a License to
11 practice as a PA while safeguarding the safety of patients. This
12 Compact allows Medical Services to be provided by PAs, via the
13 mutual recognition of the Licensee's Qualifying License by other
14 Compact Participating States. This Compact also adopts the
15 prevailing standard for PA licensure and affirms that the practice
16 and delivery of Medical Services by the PA occurs where the patient
17 is located at the time of the patient encounter, and therefore
18 requires the PA to be under the jurisdiction of the State Licensing
19 Board where the patient is located. State Licensing Boards that
20 participate in this Compact retain the jurisdiction to impose
21 Adverse Action against a Compact Privilege in that State issued to a
22 PA through the procedures of this Compact. The PA Licensure Compact
23 will alleviate burdens for military families by allowing active duty
24 military personnel and their spouses to obtain a Compact Privilege

1 based on having an unrestricted License in good standing from a
2 Participating State.

3 Section 2. Definitions.

4 In this Compact:

5 A. "Adverse Action" means any administrative, civil, equitable,
6 or criminal action permitted by a State's laws which is imposed by a
7 Licensing Board or other authority against a PA License or License
8 application or Compact Privilege such as License denial, censure,
9 revocation, suspension, probation, monitoring of the Licensee, or
10 restriction on the Licensee's practice;

11 B. "Compact Privilege" means the authorization granted by a
12 Remote State to allow a Licensee from another Participating State to
13 practice as a PA to provide Medical Services and other licensed
14 activity to a patient located in the Remote State under the Remote
15 State's laws and regulations;

16 C. "Conviction" means a finding by a court that an individual
17 is guilty of a felony or misdemeanor offense through adjudication or
18 entry of a plea of guilt or no contest to the charge by the
19 offender;

20 D. "Criminal Background Check" means the submission of
21 fingerprints or other biometric-based information for a License
22 applicant for the purpose of obtaining that applicant's criminal
23 history record information, as defined in 28 C.F.R., Section
24

20.3(d), from the State's criminal history record repository as defined in 28 C.F.R., Section 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;

1 L. "Licensing Board" means any State entity authorized to
2 license and otherwise regulate PAs;

3 M. "Medical Services" means health care services provided for
4 the diagnosis, prevention, treatment, cure or relief of a health
5 condition, injury, or disease, as defined by a State's laws and
6 regulations;

7 N. "Model Compact" means the model for the PA Licensure Compact
8 on file with The Council of State Governments or other entity as
9 designated by the Commission;

10 O. "Participating State" means a State that has enacted this
11 Compact;

12 P. "PA" means an individual who is licensed as a physician
13 assistant in a State. For purposes of this Compact, any other title
14 or status adopted by a State to replace the term "physician
15 assistant" shall be deemed synonymous with "physician assistant" and
16 shall confer the same rights and responsibilities to the Licensee
17 under the provisions of this Compact at the time of its enactment;

18 Q. "PA Licensure Compact Commission," "Compact Commission," or
19 "Commission" mean the national administrative body created pursuant
20 to Section 7.A of this Compact;

21 R. "Qualifying License" means an unrestricted License issued by
22 a Participating State to provide Medical Services as a PA;

1 S. "Remote State" means a Participating State where a Licensee
2 who is not licensed as a PA is exercising or seeking to exercise the
3 Compact Privilege;

4 T. "Rule" means a regulation promulgated by an entity that has
5 the force and effect of law;

6 U. "Significant Investigative Information" means Investigative
7 Information that a Licensing Board, after an inquiry or
8 investigation that includes notification and an opportunity for the
9 PA to respond if required by State law, has reason to believe is not
10 groundless and, if proven true, would indicate more than a minor
11 infraction; and

12 V. "State" means any state, commonwealth, district, or
13 territory of the United States.

14 Section 3. State Participation in this Compact.

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

- 16 1. License PAs;
- 17 2. Participate in the Compact Commission's Data System;
- 18 3. Have a mechanism in place for receiving and investigating
19 complaints against Licensees and License applicants;
- 20 4. Notify the Commission, in compliance with the terms of this
21 Compact and Commission Rules, of any Adverse Action against a
22 Licensee or License applicant and the existence of Significant
23 Investigative Information regarding a Licensee or License applicant;

1 5. Fully implement a Criminal Background Check requirement,
2 within a time frame established by Commission Rule, by its Licensing
3 Board receiving the results of a Criminal Background Check and
4 reporting to the Commission whether the License applicant has been
5 granted a License;

6 6. Comply with the Rules of the Compact Commission;

7 7. Utilize passage of a recognized national exam such as the
8 NCCPA PANCE as a requirement for PA licensure; and

9 8. Grant the Compact Privilege to a holder of a Qualifying
10 License in a Participating State.

11 B. Nothing in this Compact prohibits a Participating State from
12 charging a fee for granting the Compact Privilege.

13 Section 4. Compact Privilege.

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

15 1. Have graduated from a PA program accredited by the
16 Accreditation Review Commission on Education for the Physician
17 Assistant, Inc. or other programs authorized by Commission Rule;

18 2. Hold current NCCPA certification;

19 3. Have no felony or misdemeanor Conviction;

20 4. Have never had a controlled substance license, permit, or
21 registration suspended or revoked by a State or by the United States
22 Drug Enforcement Administration;

23 5. Have a unique identifier as determined by Commission Rule;

24 6. Hold a Qualifying License;

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

3 8. If a Licensee has had a limitation or restriction on a
4 License or Compact Privilege due to an Adverse Action, two years
5 must have elapsed from the date on which the License or Compact
6 Privilege is no longer limited or restricted due to the Adverse
7 Action;

8 9. If a Compact Privilege has been revoked or is limited or
9 restricted in a Participating State for conduct that would not be a
10 basis for disciplinary action in a Participating State in which the
11 Licensee is practicing or applying to practice under a Compact
12 Privilege, that Participating State shall have the discretion not to
13 consider such action as an Adverse Action requiring the denial or
14 removal of a Compact Privilege in that State;

15 10. Notify the Compact Commission that the Licensee is seeking
16 the Compact Privilege in a Remote State;

17 11. Meet any Jurisprudence Requirement of a Remote State in
18 which the Licensee is seeking to practice under the Compact
19 Privilege and pay any fees applicable to satisfying the
20 Jurisprudence Requirement; and

21 12. Report to the Commission any Adverse Action taken by a non-
22 participating State within thirty (30) days after the action is
23 taken.
24

1 B. The Compact Privilege is valid until the expiration or
2 revocation of the Qualifying License unless terminated pursuant to
3 an Adverse Action. The Licensee must also comply with all of the
4 requirements of Subsection A above to maintain the Compact Privilege
5 in a Remote State. If the Participating State takes Adverse Action
6 against a Qualifying License, the Licensee shall lose the Compact
7 Privilege in any Remote State in which the Licensee has a Compact
8 Privilege until all of the following occur:

- 9 1. The License is no longer limited or restricted; and
- 10 2. Two (2) years have elapsed from the date on which the
11 License is no longer limited or restricted due to the Adverse
12 Action.

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

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

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

23 Upon a Licensee's application for a Compact Privilege, the
24 Licensee shall identify to the Commission the Participating State

1 from which the Licensee is applying, in accordance with applicable
2 Rules adopted by the Commission, and subject to the following
3 requirements:

4 1. When applying for a Compact Privilege, the Licensee shall
5 provide the Commission with the address of the Licensee's primary
6 residence and thereafter shall immediately report to the Commission
7 any change in the address of the Licensee's primary residence; and

8 2. When applying for a Compact Privilege, the Licensee is
9 required to consent to accept service of process by mail at the
10 Licensee's primary residence on file with the Commission with
11 respect to any action brought against the Licensee by the Commission
12 or a Participating State, including a subpoena, with respect to any
13 action brought or investigation conducted by the Commission or a
14 Participating State.

15 Section 6. Adverse Actions.

16 A. A Participating State in which a Licensee is licensed shall
17 have exclusive power to impose Adverse Action against the Qualifying
18 License issued by that Participating State.

19 B. In addition to the other powers conferred by State law, a
20 Remote State shall have the authority, in accordance with existing
21 State due process law, to do all of the following:

22 1. Take Adverse Action against a PA's Compact Privilege within
23 that State to remove a Licensee's Compact Privilege or take other
24

1 action necessary under applicable law to protect the health and
2 safety of its citizens; and

3 2. Issue subpoenas for both hearings and investigations that
4 require the attendance and testimony of witnesses as well as the
5 production of evidence. Subpoenas issued by a Licensing Board in a
6 Participating State for the attendance and testimony of witnesses or
7 the production of evidence from another Participating State shall be
8 enforced in the latter State by any court of competent jurisdiction,
9 according to the practice and procedure of that court applicable to
10 subpoenas issued in proceedings pending before it. The issuing
11 authority shall pay any witness fees, travel expenses, mileage and
12 other fees required by the service statutes of the State in which
13 the witnesses or evidence are located.

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

19 4. Nothing in this Compact authorizes a Participating State to
20 impose discipline against a PA's Compact Privilege or to deny an
21 application for a Compact Privilege in that Participating State for
22 the individual's otherwise lawful practice in another State.

23 C. For purposes of taking Adverse Action, the Participating
24 State which issued the Qualifying License shall give the same

1 priority and effect to reported conduct received from any other
2 Participating State as it would if the conduct had occurred within
3 the Participating State which issued the Qualifying License. In so
4 doing, that Participating State shall apply its own State laws to
5 determine appropriate action.

6 D. A Participating State, if otherwise permitted by State law,
7 may recover from the affected PA the costs of investigations and
8 disposition of cases resulting from any Adverse Action taken against
9 that PA.

10 E. A Participating State may take Adverse Action based on the
11 factual findings of a Remote State, provided that the Participating
12 State follows its own procedures for taking the Adverse Action.

13 F. Joint Investigations.

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

18 2. Participating States shall share any investigative,
19 litigation, or compliance materials in furtherance of any joint or
20 individual investigation initiated under this Compact.

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

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

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

7 Section 7. Establishment of the PA Licensure Compact
8 Commission.

9 A. The Participating States hereby create and establish a joint
10 government agency and national administrative body known as the PA
11 Licensure Compact Commission. The Commission is an instrumentality
12 of the Compact States acting jointly and not an instrumentality of
13 any one State. The Commission shall come into existence on or after
14 the effective date of the Compact as set forth in Section 11.A.

15 B. Membership, Voting, and Meetings.

16 1. Each Participating State shall have and be limited to one
17 (1) delegate selected by that Participating State's Licensing Board
18 or, if the State has more than one Licensing Board, selected
19 collectively by the Participating State's Licensing Boards.

20 2. The delegate shall be either:

- 21 a. a current PA, physician or public member of a
22 Licensing Board or PA Council/Committee, or
 - 23 b. an administrator of a Licensing Board.
- 24

1 3. Any delegate may be removed or suspended from office as
2 provided by the laws of the State from which the delegate is
3 appointed.

4 4. The Participating State Licensing Board shall fill any
5 vacancy occurring in the Commission within sixty (60) days.

6 5. Each delegate shall be entitled to one (1) vote on all
7 matters voted on by the Commission and shall otherwise have an
8 opportunity to participate in the business and affairs of the
9 Commission. A delegate shall vote in person or by such other means
10 as provided in the bylaws. The bylaws may provide for delegates'
11 participation in meetings by telecommunications, video conference,
12 or other means of communication.

13 6. The Commission shall meet at least once during each calendar
14 year. Additional meetings shall be held as set forth in this
15 Compact and the bylaws.

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

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

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

20 2. Establish the fiscal year of the Commission;

21 3. Establish fees;

22 4. Establish bylaws;

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

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

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

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

9 9. Purchase and maintain insurance and bonds;

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

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

18 12. Accept any and all appropriate donations and grants of
19 money, equipment, supplies, materials and services, and receive,
20 utilize and dispose of the same; provided that at all times the
21 Commission shall avoid any appearance of impropriety or conflict of
22 interest;

23 13. Lease, purchase, accept appropriate gifts or donations of,
24 or otherwise own, hold, improve or use, any property, real, personal

1 or mixed; provided that at all times the Commission shall avoid any
2 appearance of impropriety;

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

5 15. Establish a budget and make expenditures;

6 16. Borrow money;

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

12 18. Provide and receive information from, and cooperate with,
13 law enforcement agencies;

14 19. Elect a Chair, Vice Chair, Secretary and Treasurer and such
15 other officers of the Commission as provided in the Commission's
16 bylaws;

17 20. Reserve for itself, in addition to those reserved
18 exclusively to the Commission under the Compact, powers that the
19 Executive Committee may not exercise;

20 21. Approve or disapprove a State's participation in the
21 Compact based upon its determination as to whether the State's
22 Compact legislation departs in a material manner from the Model
23 Compact language;

24

1 22. Prepare and provide to the Participating States an annual
2 report; and

3 23. Perform such other functions as may be necessary or
4 appropriate to achieve the purposes of this Compact consistent with
5 the State regulation of PA licensure and practice.

6 D. Meetings of the Commission.

7 1. All meetings of the Commission that are not closed pursuant
8 to this subsection shall be open to the public. Notice of public
9 meetings shall be posted on the Commission's website at least thirty
10 (30) days prior to the public meeting.

11 2. Notwithstanding subsection D.1 of this section, the
12 Commission may convene a public meeting by providing at least
13 twenty-four (24) hours prior notice on the Commission's website, and
14 any other means as provided in the Commission's Rules, for any of
15 the reasons it may dispense with notice of proposed rulemaking under
16 Section 9.L.

17 3. The Commission may convene in a closed, non-public meeting
18 or non-public part of a public meeting to receive legal advice or to
19 discuss:

- 20 a. non-compliance of a Participating State with its
21 obligations under this Compact,
22 b. the employment, compensation, discipline or other
23 matters, practices or procedures related to specific
24

- 1 employees or other matters related to the Commission's
2 internal personnel practices and procedures,
- 3 c. current, threatened, or reasonably anticipated
4 litigation,
- 5 d. negotiation of contracts for the purchase, lease, or
6 sale of goods, services, or real estate,
- 7 e. accusing any person of a crime or formally censuring
8 any person,
- 9 f. disclosure of trade secrets or commercial or financial
10 information that is privileged or confidential,
- 11 g. disclosure of information of a personal nature where
12 disclosure would constitute a clearly unwarranted
13 invasion of personal privacy,
- 14 h. disclosure of investigative records compiled for law
15 enforcement purposes,
- 16 i. disclosure of information related to any investigative
17 reports prepared by or on behalf of or for use of the
18 Commission or other committee charged with
19 responsibility of investigation or determination of
20 compliance issues pursuant to this Compact,
- 21 j. legal advice, or
- 22 k. matters specifically exempted from disclosure by
23 federal or Participating States' statutes.
24

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

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

13 E. Financing of the Commission.

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

17 2. The Commission may accept any and all appropriate revenue
18 sources, donations, and grants of money, equipment, supplies,
19 materials, and services.

20 3. The Commission may levy on and collect an annual assessment
21 from each Participating State and may impose Compact Privilege fees
22 on Licensees of Participating States to whom a Compact Privilege is
23 granted to cover the cost of the operations and activities of the
24 Commission and its staff, which must be in a total amount sufficient

1 to cover its annual budget as approved by the Commission each year
2 for which revenue is not provided by other sources. The aggregate
3 annual assessment amount levied on Participating States shall be
4 allocated based upon a formula to be determined by Commission Rule.

5 a. A Compact Privilege expires when the Licensee's
6 Qualifying License in the Participating State from
7 which the Licensee applied for the Compact Privilege
8 expires.

9 b. If the Licensee terminates the Qualifying License
10 through which the Licensee applied for the Compact
11 Privilege before its scheduled expiration, and the
12 Licensee has a Qualifying License in another
13 Participating State, the Licensee shall inform the
14 Commission that it is changing to that Participating
15 State the Participating State through which it applies
16 for a Compact Privilege and pay to the Commission any
17 Compact Privilege fee required by Commission Rule.

18 4. The Commission shall not incur obligations of any kind prior
19 to securing the funds adequate to meet the same; nor shall the
20 Commission pledge the credit of any of the Participating States,
21 except by and with the authority of the Participating State.

22 5. The Commission shall keep accurate accounts of all receipts
23 and disbursements. The receipts and disbursements of the Commission
24 shall be subject to the financial review and accounting procedures

1 established under its bylaws. All receipts and disbursements of
2 funds handled by the Commission shall be subject to an annual
3 financial review by a certified or licensed public accountant, and
4 the report of the financial review shall be included in and become
5 part of the annual report of the Commission.

6 F. The Executive Committee.

7 1. The Executive Committee shall have the power to act on
8 behalf of the Commission according to the terms of this Compact and
9 Commission Rules.

10 2. The Executive Committee shall be composed of nine (9)
11 members:

- 12 a. seven voting members who are elected by the Commission
- 13 from the current membership of the Commission,
- 14 b. one ex-officio, nonvoting member from a recognized
- 15 national PA professional association, and
- 16 c. one ex-officio, nonvoting member from a recognized
- 17 national PA certification organization.

18 3. The ex-officio members will be selected by their respective
19 organizations.

20 4. The Commission may remove any member of the Executive
21 Committee as provided in its bylaws.

22 5. The Executive Committee shall meet at least annually.

23 6. The Executive Committee shall have the following duties and
24 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
- h. perform other duties as provided in the Commission's Rules or bylaws.

7. All meeting of the Executive Committee at which it votes or plans to vote on matters in exercising the powers and duties of the Commission shall be open to the public and public notice of such

1 meetings shall be given as public meetings of the Commission are
2 given.

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

9 G. Qualified Immunity, Defense, and Indemnification.

10 1. The members, officers, executive director, employees and
11 representatives of the Commission shall be immune from suit and
12 liability, both personally and in their official capacity, for any
13 claim for damage to or loss of property or personal injury or other
14 civil liability caused by or arising out of any actual or alleged
15 act, error, or omission that occurred, or that the person against
16 whom the claim is made had a reasonable basis for believing occurred
17 within the scope of Commission employment, duties or
18 responsibilities; provided that nothing in this paragraph shall be
19 construed to protect any such person from suit or liability for any
20 damage, loss, injury, or liability caused by the intentional or
21 willful or wanton misconduct of that person. The procurement of
22 insurance of any type by the Commission shall not in any way
23 compromise or limit the immunity granted hereunder.

24

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

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

1 4. Venue is proper and judicial proceedings by or against the
2 Commission shall be brought solely and exclusively in a court of
3 competent jurisdiction where the principal office of the Commission
4 is located. The Commission may waive venue and jurisdictional
5 defenses in any proceedings as authorized by Commission Rules.

6 5. Nothing herein shall be construed as a limitation on the
7 liability of any Licensee for professional malpractice or
8 misconduct, which shall be governed solely by any other applicable
9 State laws.

10 6. Nothing herein shall be construed to designate the venue or
11 jurisdiction to bring actions for alleged acts of malpractice,
12 professional misconduct, negligence, or other such civil action
13 pertaining to the practice of a PA. All such matters shall be
14 determined exclusively by State law other than this Compact.

15 7. Nothing in this Compact shall be interpreted to waive or
16 otherwise abrogate a Participating State's state action immunity or
17 state action affirmative defense with respect to antitrust claims
18 under the Sherman Act, Clayton Act, or any other State or federal
19 antitrust or anticompetitive law or regulation.

20 8. Nothing in this Compact shall be construed to be a waiver of
21 sovereign immunity by the Participating States or by the Commission.

22 Section 8. Data System.

23 A. The Commission shall provide for the development,
24 maintenance, operation, and utilization of a coordinated data and

1 reporting system containing licensure, Adverse Action, and the
2 reporting of the existence of Significant Investigative Information
3 on all licensed PAs and applicants denied a License in Participating
4 States.

5 B. Notwithstanding any other State law to the contrary, a
6 Participating State shall submit a uniform data set to the Data
7 System on all PAs to whom this Compact is applicable (utilizing a
8 unique identifier) as required by the Rules of the Commission,
9 including:

- 10 1. Identifying information;
- 11 2. Licensure data;
- 12 3. Adverse Actions against a License or Compact Privilege;
- 13 4. Any denial of application for licensure, and the reason(s)
14 for such denial (excluding the reporting of any Criminal history
15 record information where prohibited by law);
- 16 5. The existence of Significant Investigative Information; and
- 17 6. Other information that may facilitate the administration of
18 this Compact, as determined by the Rules of the Commission.

19 C. Significant Investigative Information pertaining to a
20 Licensee in any Participating State shall only be available to other
21 Participating States.

22 D. The Commission shall promptly notify all Participating
23 States of any Adverse Action taken against a Licensee or an
24 individual applying for a License that has been reported to it.

1 This Adverse Action information shall be available to any other
2 Participating State.

3 E. Participating States contributing information to the Data
4 System may, in accordance with State or federal law, designate
5 information that may not be shared with the public without the
6 express permission of the contributing State. Notwithstanding any
7 such designation, such information shall be reported to the
8 Commission through the Data System.

9 F. Any information submitted to the Data System that is
10 subsequently expunged pursuant to federal law or the laws of the
11 Participating State contributing the information shall be removed
12 from the Data System upon reporting of such by the Participating
13 State to the Commission.

14 G. The records and information provided to a Participating
15 State pursuant to this Compact or through the Data System, when
16 certified by the Commission or an agent thereof, shall constitute
17 the authenticated business records of the Commission, and shall be
18 entitled to any associated hearsay exception in any relevant
19 judicial, quasi-judicial or administrative proceedings in a
20 Participating State.

21 Section 9. Rulemaking.

22 A. The Commission shall exercise its Rulemaking powers pursuant
23 to the criteria set forth in this Section and the Rules adopted
24

1 thereunder. Commission Rules shall become binding as of the date
2 specified by the Commission for each Rule.

3 B. The Commission shall promulgate reasonable Rules in order to
4 effectively and efficiently implement and administer this Compact
5 and achieve its purposes. A Commission Rule shall be invalid and
6 have not force or effect only if a court of competent jurisdiction
7 holds that the Rule is invalid because the Commission exercised its
8 rulemaking authority in a manner that is beyond the scope of the
9 purposes of this Compact, or the powers granted hereunder, or based
10 upon another applicable standard of review.

11 C. The Rules of the Commission shall have the force of law in
12 each Participating State, provided however that where the Rules of
13 the Commission conflict with the laws of the Participating State
14 that establish the medical services a PA may perform in the
15 Participating State, as held by a court of competent jurisdiction,
16 the Rules of the Commission shall be ineffective in that State to
17 the extent of the conflict.

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

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

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

7 1. On the website of the Commission or other publicly
8 accessible platform;

9 2. To persons who have requested notice of the Commission's
10 notices of proposed rulemaking; and

11 3. In such other way(s) as the Commission may by Rule specify.

12 G. The Notice of Proposed Rulemaking shall include:

13 1. The time, date, and location of the public hearing on the
14 proposed Rule and the proposed time, date and location of the
15 meeting in which the proposed Rule will be considered and voted
16 upon;

17 2. The text of the proposed Rule and the reason for the
18 proposed Rule;

19 3. A request for comments on the proposed Rule from any
20 interested person and the date by which written comments must be
21 received; and

22 4. The manner in which interested persons may submit notice to
23 the Commission of their intention to attend the public hearing or
24 provide any written comments.

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

4 I. If the hearing is to be held via electronic means, the
5 Commission shall publish the mechanism for access to the electronic
6 hearing.

7 1. All persons wishing to be heard at the hearing shall as
8 directed in the Notice of Proposed Rulemaking, not less than five
9 (5) business days before the scheduled date of the hearing, notify
10 the Commission of their desire to appear and testify at the hearing.

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

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

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

22 J. Following the public hearing the Commission shall consider
23 all written and oral comments timely received.
24

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

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

7 2. The Commission may adopt changes to the proposed Rule
8 provided the changes do not enlarge the original purpose of the
9 proposed Rule.

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

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

19 L. Upon determination that an emergency exists, the Commission
20 may consider and adopt an emergency Rule with twenty-four (24) hours
21 prior notice, without the opportunity for comment, or hearing,
22 provided that the usual rulemaking procedures provided in this
23 Compact and in this section shall be retroactively applied to the
24 Rule as soon as reasonably possible, in no event later than ninety

1 (90) days after the effective date of the Rule. For the purposes of
2 this provision, an emergency Rule is one that must be adopted
3 immediately by the Commission in order to:

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

6 2. Prevent a loss of Commission or Participating State funds;

7 3. Meet a deadline for the promulgation of a Commission Rule
8 that is established by federal law or Rule; or

9 4. Protect public health and safety.

10 M. The Commission or an authorized committee of the Commission
11 may direct revisions to a previously adopted Commission Rule for
12 purposes of correcting typographical errors, errors in format,
13 errors in consistency, or grammatical errors. Public notice of any
14 revisions shall be posted on the website of the Commission. The
15 revision shall be subject to challenge by any person for a period of
16 thirty (30) days after posting. The revision may be challenged only
17 on grounds that the revision results in a material change to a Rule.
18 A challenge shall be made as set forth in the notice of revisions
19 and delivered to the Commission prior to the end of the notice
20 period. If no challenge is made, the revision will take effect
21 without further action. If the revision is challenged, the revision
22 may not take effect without the approval of the Commission.

23 N. No Participating State's rulemaking requirements shall apply
24 under this Compact.

1 Section 10. Oversight, Dispute Resolution, and Enforcement.

2 A. Oversight.

3 1. The executive and judicial branches of State government in
4 each Participating State shall enforce this Compact and take all
5 actions necessary and appropriate to implement the Compact.

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

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

22 B. Default, Technical Assistance, and Termination.

23 1. If the Commission determines that a Participating State has
24 defaulted in the performance of its obligations or responsibilities

1 under this Compact or the Commission Rules, the Commission shall
2 provide written notice to the defaulting State and other
3 Participating States. The notice shall describe the default, the
4 proposed means of curing the default and any other action that the
5 Commission may take and shall offer remedial training and specific
6 technical assistance regarding the default.

7 2. If a State in default fails to cure the default, the
8 defaulting State may be terminated from this Compact upon an
9 affirmative vote of a majority of the delegates of the Participating
10 States, and all rights, privileges and benefits conferred by this
11 Compact upon such State may be terminated on the effective date of
12 termination. A cure of the default does not relieve the offending
13 State of obligations or liabilities incurred during the period of
14 default.

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

21 4. A State that has been terminated is responsible for all
22 assessments, obligations, and liabilities incurred through the
23 effective date of termination, including obligations that extend
24 beyond the effective date of termination.

1 5. The Commission shall not bear any costs related to a State
2 that is found to be in default or that has been terminated from this
3 Compact, unless agreed upon in writing between the Commission and
4 the defaulting State.

5 6. The defaulting State may appeal its termination from the
6 Compact by the Commission by petitioning the U.S. District Court for
7 the District of Columbia or the federal district where the
8 Commission has its principal offices. The prevailing member shall
9 be awarded all costs of such litigation, including reasonable
10 attorney's fees.

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

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

18 b. Licensees who are licensed in that State who have been
19 granted a Compact Privilege in a Participating State
20 shall retain the Compact Privilege for one hundred
21 eighty (180) days unless the Licensee also has a
22 Qualifying License in a Participating State or obtains
23 a Qualifying License in a Participating State before
24

1 the one hundred eighty (180)-day period ends, in which
2 case the Compact Privilege shall continue.

3 C. Dispute Resolution.

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

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

11 D. Enforcement.

12 1. The Commission, in the reasonable exercise of its
13 discretion, shall enforce the provisions of this Compact and Rules
14 of the Commission.

15 2. If compliance is not secured after all means to secure
16 compliance have been exhausted, by majority vote, the Commission may
17 initiate legal action in the United States District Court for the
18 District of Columbia or the federal district where the Commission
19 has its principal offices, against a Participating State in default
20 to enforce compliance with the provisions of this Compact and the
21 Commission's promulgated Rules and bylaws. The relief sought may
22 include both injunctive relief and damages. In the event judicial
23 enforcement is necessary, the prevailing party shall be awarded all
24 costs of such litigation, including reasonable attorney's fees.

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

4 E. Legal Action Against the Commission.

5 1. A Participating State may initiate legal action against the
6 Commission in the U.S. District Court for the District of Columbia
7 or the federal district where the Commission has its principal
8 offices to enforce compliance with the provisions of the Compact and
9 its Rules. The relief sought may include both injunctive relief and
10 damages. In the event judicial enforcement is necessary, the
11 prevailing party shall be awarded all costs of such litigation,
12 including reasonable attorney's fees.

13 2. No person other than a Participating State shall enforce
14 this Compact against the Commission.

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

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

20 1. On or after the effective date of the Compact, the
21 Commission shall convene and review the enactment of each of the
22 States that enacted the Compact prior to the Commission convening
23 ("Charter Participating States") to determine if the statute enacted
24

1 by each such Charter Participating State is materially different
2 than the Model Compact.

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

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

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

23 3. All actions taken for the benefit of the Commission or in
24 furtherance of the purposes of the administration of the Compact

1 prior to the effective date of the Compact or the Commission coming
2 into existence shall be considered to be actions of the Commission
3 unless specifically repudiated by the Commission.

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

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

11 1. A Participating State's withdrawal shall not take effect
12 until one hundred eighty (180) days after enactment of the repealing
13 statute. During this one hundred eighty (180) day-period, all
14 Compact Privileges that were in effect in the withdrawing State and
15 were granted to Licensees licensed in the withdrawing State shall
16 remain in effect. If any Licensee licensed in the withdrawing State
17 is also licensed in another Participating State or obtains a license
18 in another Participating State within the one hundred eighty (180)
19 days, the Licensee's Compact Privileges in other Participating
20 States shall not be affected by the passage of the one hundred
21 eighty (180) days.

22 2. Withdrawal shall not affect the continuing requirement of
23 the State Licensing Board(s) of the withdrawing State to comply with
24

1 the investigative, and Adverse Action reporting requirements of this
2 Compact prior to the effective date of withdrawal.

3 3. Upon the enactment of a statute withdrawing a State from
4 this Compact, the State shall immediately provide notice of such
5 withdrawal to all Licensees within that State. Such withdrawing
6 State shall continue to recognize all licenses granted pursuant to
7 this Compact for a minimum of one hundred eighty (180) days after
8 the date of such notice of withdrawal.

9 D. Nothing contained in this Compact shall be construed to
10 invalidate or prevent any PA licensure agreement or other
11 cooperative arrangement between Participating States and between a
12 Participating State and non-Participating State that does not
13 conflict with the provisions of this Compact.

14 E. This Compact may be amended by the Participating States. No
15 amendment to this Compact shall become effective and binding upon
16 any Participating State until it is enacted materially in the same
17 manner into the laws of all Participating States as determined by
18 the Commission.

19 Section 12. Construction and Severability.

20 A. This Compact and the Commission's rulemaking authority shall
21 be liberally construed so as to effectuate the purposes, and the
22 implementation and administration of the Compact. Provisions of the
23 Compact expressly authorizing or requiring the promulgation of Rules
24

1 shall not be construed to limit the Commission's rulemaking
2 authority solely for those purposes.

3 B. The provisions of this Compact shall be severable and if any
4 phrase, clause, sentence or provision of this Compact is held by a
5 court of competent jurisdiction to be contrary to the constitution
6 of any Participating State, a State seeking participation in the
7 Compact, or of the United States, or the applicability thereof to
8 any government, agency, person or circumstance is held to be
9 unconstitutional by a court of competent jurisdiction, the validity
10 of the remainder of this Compact and the applicability thereof to
11 any other government, agency, person or circumstance shall not be
12 affected thereby.

13 C. Notwithstanding subsection B or this section, the Commission
14 may deny a State's participation in the Compact or, in accordance
15 with the requirements of Section 10.B, terminate a Participating
16 State's participation in the Compact, if it determines that a
17 constitutional requirement of a Participating State is, or would be
18 with respect to a State seeking to participate in the Compact, a
19 material departure from the Compact. Otherwise, if this Compact
20 shall be held to be contrary to the constitution of any
21 Participating State, the Compact shall remain in full force and
22 effect as to the remaining Participating States and in full force
23 and effect as to the Participating State affected as to all
24 severable matters.

Section 13. Binding Effect of Compact.

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

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

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

SECTION 3. This act shall become effective November 1, 2024.

59-2-3196 DC 1/16/2024 1:14:11 PM