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H.572

Introduced by Representatives Hango of Berkshire, Cina of Burlington,
Berbeco of Winooski, Pajala of Londonderry, Andrews of
Westford, Andriano of Orwell, Anthony of Barre City, Arrison
of Weathersfield, Arsenault of Williston, Austin of Colchester,
Bluemle of Burlington, Boyden of Cambridge, Brumsted of
Shelburne, Burrows of West Windsor, Buss of Woodstock,
Carpenter of Hyde Park, Chapin of East Montpelier, Chesnut-
Tangerman of Middletown Springs, Coffey of Guilford, Farlice-
Rubio of Barnet, Garofano of Essex, Graning of Jericho,
Gregoire of Fairfield, Harrison of Chittenden, Holcombe of
Norwich, Howard of Rutland City, Hyman of South Burlington,
Labor of Morgan, Leavitt of Grand Isle, Minier of South
Burlington, Morgan of Milton, Nugent of South Burlington,
Ode of Burlington, Page of Newport City, Parsons of Newbury,
Patt of Worcester, Priestley of Bradford, Rice of Dorset,
Roberts of Halifax, Sims of Craftsbury, Stone of Burlington,
Surprenant of Barnard, Taylor of Milton, Templeman of
Brownington, Troiano of Stannard, White of Bethel, and
Williams of Granby

1 Referred to Committee on

2 Date:

3 Subject: Professions and occupations; physician assistant; compact

4 Statement of purpose of bill as introduced: This bill proposes to enact the

5 Physician Assistant Licensure Compact in Vermont.

6 An act relating to enacting the Physician Assistant Licensure Compact

7 It is hereby enacted by the General Assembly of the State of Vermont:

8 Sec. 1. 26 V.S.A. chapter 31 is amended to read:

9 CHAPTER 31. PHYSICIAN ASSISTANTS

10 Subchapter 1. General Provisions

11 * * *

12 Subchapter 2. Physician Assistant Licensure Compact

13 § 1747. PHYSICIAN ASSISTANT LICENSURE COMPACT; ADOPTION

14 Vermont hereby enacts and adopts the Physician Assistant Licensure
15 Compact. The form, format, and text of the Compact have been conformed to
16 the conventions of the Vermont Statutes Annotated. It is the intent of the
17 General Assembly that this subchapter be interpreted as substantively the same
18 as the Physician Assistant Licensure Compact that is enacted by other Compact
19 party states.

1 § 1747a. PURPOSE

2 In order to strengthen access to medical services, and in recognition of the
3 advances in the delivery of medical services, the Participating States of the PA
4 Licensure Compact have allied in common purpose to develop a
5 comprehensive process that complements the existing authority of state
6 licensing boards to license and discipline PAs and seeks to enhance the
7 portability of a license to practice as a PA while safeguarding the safety of
8 patients. This Compact allows medical services to be provided by PAs, via the
9 mutual recognition of the licensee’s qualifying license by other Compact
10 Participating States. This Compact also adopts the prevailing standard for PA
11 licensure and affirms that the practice and delivery of medical services by the
12 PA occurs where the patient is located at the time of the patient encounter, and
13 therefore requires the PA to be under the jurisdiction of the state licensing
14 board where the patient is located. State licensing boards that participate in
15 this Compact retain the jurisdiction to impose adverse action against a
16 Compact Privilege in that State issued to a PA through the procedures of this
17 Compact. The PA Licensure Compact will alleviate burdens for military
18 families by allowing active-duty military personnel and their spouses to obtain
19 a Compact Privilege based on having an unrestricted license in good standing
20 from a Participating State.

1 § 1747b. DEFINITIONS

2 In this Compact:

3 (1) “Adverse action” means any administrative, civil, equitable, or
4 criminal action permitted by a state’s laws that is imposed by a licensing board
5 or other authority against a PA license or license application or Compact
6 Privilege such as license denial, censure, revocation, suspension, probation,
7 monitoring of the licensee, or restriction on the licensee’s practice.

8 (2) “Compact Privilege” means the authorization granted by a Remote
9 State to allow a licensee from another Participating State to practice as a PA to
10 provide medical services and other licensed activity to a patient located in the
11 Remote State under the Remote State’s laws and regulations.

12 (3) “Conviction” means a finding by a court that an individual is guilty
13 of a felony or misdemeanor offense through adjudication or entry of a plea of
14 guilt or no contest to the charge by the offender.

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

1 (5) “Data system” means the repository of information about licensees,
2 including but not limited to license status and adverse actions, that is created
3 and administered under the terms of this Compact.

4 (6) “Executive Committee” means a group of directors and ex-officio
5 individuals elected or appointed pursuant to subdivision 1747g(f)(2) of this
6 subchapter.

7 (7) “Impaired practitioner” means a PA whose practice is adversely
8 affected by one or more health-related conditions that impacts the
9 practitioner’s ability to practice.

10 (8) “Investigative information” means information, records, or
11 documents received or generated by a licensing board pursuant to an
12 investigation.

13 (9) “Jurisprudence requirement” means the assessment of an
14 individual’s knowledge of the laws and rules governing the practice of a PA in
15 a state.

16 (10) “License” means current authorization by a state, other than
17 authorization pursuant to a Compact Privilege, for a PA to provide medical
18 services, which would be unlawful without current authorization.

19 (11) “Licensee” means an individual who holds a license from a state to
20 provide medical services as a PA.

1 (12) “Licensing board” means any state entity authorized to license and
2 otherwise regulate PAs.

3 (13) “Medical services” means health care services provided for the
4 diagnosis, prevention, treatment, cure, or relief of a health condition, injury, or
5 disease, as defined by a state’s laws and regulations.

6 (14) “Model compact” means the model for the PA Licensure Compact
7 on file with the Council of State Governments or other entity as designated by
8 the Commission.

9 (15) “Participating State” means a state that has enacted this Compact.

10 (16) “PA” means an individual who is licensed as a physician assistant
11 in a state. For purposes of this Compact, any other title or status adopted by a
12 state to replace the term “physician assistant” shall be deemed synonymous
13 with “physician assistant” and shall confer the same rights and responsibilities
14 to the licensee under the provisions of this Compact at the time of its
15 enactment.

16 (17) “PA Licensure Compact Commission,” “Compact Commission,” or
17 “Commission” means the national administrative body created pursuant to
18 subsection 1747g(a) of this subchapter.

19 (18) “Qualifying license” means an unrestricted license issued by a
20 Participating State to provide medical services as a PA.

1 (19) “Remote State” means a Participating State where a licensee who is
2 not licensed as a PA is exercising or seeking to exercise the Compact Privilege.

3 (20) “Rule” means a regulation promulgated by an entity that has the
4 force and effect of law.

5 (21) “Significant investigative information” means investigative
6 information that a licensing board, after an inquiry or investigation that
7 includes notification and an opportunity for the PA to respond if required by
8 state law, has reason to believe is not groundless and, if proven true, would
9 indicate more than a minor infraction.

10 (22) “State” means any state, commonwealth, district, or territory of the
11 United States.

12 § 1747c. STATE PARTICIPATION IN THIS COMPACT

13 (a) To participate in this Compact, a Participating State shall:

14 (1) license PAs;

15 (2) participate in the Compact Commission’s data system;

16 (3) have a mechanism in place for receiving and investigating
17 complaints against licensees and license applicants;

18 (4) notify the Commission, in compliance with the terms of this
19 Compact and Commission rules, of any adverse action against a licensee or
20 license applicant and the existence of significant investigative information
21 regarding a licensee or license applicant;

1 (5) fully implement a criminal background check requirement, within a
2 time frame established by Commission rule, by its licensing board receiving
3 the results of a criminal background check and reporting to the Commission
4 whether the license applicant has been granted a license;

5 (6) comply with the rules of the Compact Commission;

6 (7) utilize passage of a recognized national exam such as the NCCPA
7 PANCE as a requirement for PA licensure; and

8 (8) grant the Compact Privilege to a holder of a qualifying license in a
9 Participating State.

10 (b) Nothing in this Compact prohibits a Participating State from charging a
11 fee for granting the Compact Privilege.

12 § 1747d. COMPACT PRIVILEGE

13 (a) To exercise the Compact Privilege, a licensee must:

14 (1) have graduated from a PA program accredited by the Accreditation
15 Review Commission on Education for the Physician Assistant, Inc. or other
16 programs authorized by Commission rule;

17 (2) hold current NCCPA certification;

18 (3) have no felony or misdemeanor conviction;

19 (4) have never had a controlled substance license, permit, or registration
20 suspended or revoked by a state or by the U.S. Drug Enforcement
21 Administration;

1 (5) have a unique identifier as determined by Commission rule;

2 (6) hold a qualifying license;

3 (7) have had no revocation of a license or limitation or restriction on any
4 license currently held due to an adverse action;

5 (8) if a licensee has had a limitation or restriction on a license or
6 Compact Privilege due to an adverse action, two years must have elapsed from
7 the date on which the license or Compact Privilege is no longer limited or
8 restricted due to the adverse action;

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

15 (10) notify the Compact Commission that the licensee is seeking the
16 Compact Privilege in a Remote State;

17 (11) meet any jurisprudence requirement of a Remote State in which the
18 licensee is seeking to practice under the Compact Privilege and pay any fees
19 applicable to satisfying the jurisprudence requirement; and

20 (12) report to the Commission any adverse action taken by a non-
21 Participating State within 30 days after the action is taken.

1 (b) The Compact Privilege is valid until the expiration or revocation of the
2 qualifying license unless terminated pursuant to an adverse action. The
3 licensee must also comply with all of the requirements of subsection (a) of this
4 section to maintain the Compact Privilege in a Remote State. If the
5 Participating State takes adverse action against a qualifying license, the
6 licensee shall lose the Compact Privilege in any Remote State in which the
7 licensee has a Compact Privilege until all of the following occur:

8 (1) the license is no longer limited or restricted; and

9 (2) two years have elapsed from the date on which the license is no
10 longer limited or restricted due to the adverse action.

11 (c) Once a restricted or limited license satisfies the requirements of
12 subdivisions (b)(1) and (2) of this section, the licensee must meet the
13 requirements of subsection (a) of this section to obtain a Compact Privilege in
14 any Remote State.

15 (d) For each Remote State in which a PA seeks authority to prescribe
16 controlled substances, the PA shall satisfy all requirements imposed by such
17 state in granting or renewing such authority.

18 § 1747e. DESIGNATION OF THE STATE FROM WHICH LICENSEE IS

19 APPLYING FOR A COMPACT PRIVILEGE

20 Upon a licensee's application for a Compact Privilege, the licensee shall
21 identify to the Commission the Participating State from which the licensee is

1 applying, in accordance with applicable rules adopted by the Commission, and
2 subject to the following requirements:

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

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

13 § 1747f. ADVERSE ACTIONS

14 (a) A Participating State in which a licensee is licensed shall have exclusive
15 power to impose adverse action against the qualifying license issued by that
16 Participating State.

17 (b) In addition to the other powers conferred by state law, a Remote State
18 shall have the authority, in accordance with existing state due process law, to
19 do all of the following:

1 (1) Take adverse action against a PA's Compact Privilege within that
2 state to remove a licensee's Compact Privilege or take other action necessary
3 under applicable law to protect the health and safety of its citizens.

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

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

14 (3) Notwithstanding subdivision (2) of this subsection, subpoenas may
15 not be issued by a Participating State to gather evidence of conduct in another
16 state that is lawful in that other state for the purpose of taking adverse action
17 against a licensee's Compact Privilege or application for a Compact Privilege
18 in that Participating State.

19 (4) Nothing in this Compact authorizes a Participating State to impose
20 discipline against a PA's Compact Privilege or to deny an application for a

1 Compact Privilege in that Participating State for the individual's otherwise
2 lawful practice in another state.

3 (c) For purposes of taking adverse action, the Participating State that issued
4 the qualifying license shall give the same priority and effect to reported
5 conduct received from any other Participating State as it would if the conduct
6 had occurred within the Participating State that issued the qualifying license.
7 In so doing, that Participating State shall apply its own state laws to determine
8 appropriate action.

9 (d) A Participating State, if otherwise permitted by state law, may recover
10 from the affected PA the costs of investigations and disposition of cases
11 resulting from any adverse action taken against that PA.

12 (e) A Participating State may take adverse action based on the factual
13 findings of a Remote State, provided that the Participating State follows its
14 own procedures for taking the adverse action.

15 (f) Joint investigations.

16 (1) In addition to the authority granted to a Participating State by its
17 respective state PA laws and regulations or other applicable state law, any
18 Participating State may participate with other Participating States in joint
19 investigations of licensees.

1 (2) Participating States shall share any investigative, litigation, or
2 compliance materials in furtherance of any joint or individual investigation
3 initiated under this Compact.

4 (g) If an adverse action is taken against a PA's qualifying license, the PA's
5 Compact Privilege in all Remote States shall be deactivated until two years
6 have elapsed after all restrictions have been removed from the state license.
7 All disciplinary orders by the Participating State that issued the qualifying
8 license that impose adverse action against a PA's license shall include a
9 statement that the PA's Compact Privilege is deactivated in all Participating
10 States during the pendency of the order.

11 (h) If any Participating State takes adverse action, it promptly shall notify
12 the administrator of the data system.

13 § 1747g. ESTABLISHMENT OF THE PA LICENSURE COMPACT

14 COMMISSION

15 (a) Establishment. The Participating States hereby create and establish a
16 joint government agency and national administrative body known as the PA
17 Licensure Compact Commission. The Commission is an instrumentality of the
18 Compact States acting jointly and not an instrumentality of any one state. The
19 Commission shall come into existence on or after the effective date of the
20 Compact as set forth in subsection 1747k(a) of this subchapter.

21 (b) Membership, voting, and meetings.

1 (1) Each Participating State shall have and be limited to one delegate
2 selected by that Participating State’s licensing board or, if the state has more
3 than one licensing board, selected collectively by the Participating State’s
4 licensing boards.

5 (2) The delegate shall be either:

6 (A) a current PA, physician, or public member of a licensing board or
7 PA council or committee; or

8 (B) administrator of a licensing board.

9 (3) Any delegate may be removed or suspended from office as provided
10 by the laws of the state from which the delegate is appointed.

11 (4) The Participating State licensing board shall fill any vacancy
12 occurring in the Commission within 60 days.

13 (5) Each delegate shall be entitled to one vote on all matters voted on by
14 the Commission and shall otherwise have an opportunity to participate in the
15 business and affairs of the Commission. A delegate shall vote in person or by
16 such other means as provided in the bylaws. The bylaws may provide for
17 delegates’ participation in meetings by telecommunications, video conference,
18 or other means of communication.

19 (6) The Commission shall meet at least once during each calendar year.
20 Additional meetings shall be held as set forth in this Compact and the bylaws.

1 (7) The Commission shall establish by rule a term of office for
2 delegates.

3 (c) Powers and duties. The Commission shall have the following powers
4 and duties:

5 (1) Establish a code of ethics for the Commission.

6 (2) Establish the fiscal year of the Commission.

7 (3) Establish fees.

8 (4) Establish bylaws.

9 (5) Maintain its financial records in accordance with the bylaws.

10 (6) Meet and take such actions as are consistent with the provisions of
11 this Compact and the bylaws.

12 (7) Promulgate rules to facilitate and coordinate implementation and
13 administration of this Compact. The rules shall have the force and effect of
14 law and shall be binding in all Participating States.

15 (8) Bring and prosecute legal proceedings or actions in the name of the
16 Commission, provided that the standing of any state licensing board to sue or
17 be sued under applicable law shall not be affected.

18 (9) Purchase and maintain insurance and bonds.

19 (10) Borrow, accept, or contract for services of personnel, including, but
20 not limited to, employees of a Participating State.

1 (11) Hire employees and engage contractors, elect or appoint officers,
2 fix compensation, define duties, grant such individuals appropriate authority to
3 carry out the purposes of this Compact, and establish the Commission's
4 personnel policies and programs relating to conflicts of interest, qualifications
5 of personnel, and other related personnel matters.

6 (12) Accept any and all appropriate donations and grants of money,
7 equipment, supplies, materials and services, and receive, utilize and dispose of
8 the same; provided that at all times the Commission shall avoid any
9 appearance of impropriety or conflict of interest.

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

14 (14) Sell, convey, mortgage, pledge, lease, exchange, abandon, or
15 otherwise dispose of any property real, personal, or mixed.

16 (15) Establish a budget and make expenditures.

17 (16) Borrow money.

18 (17) Appoint committees, including standing committees composed of
19 members, state regulators, state legislators or their representatives, and
20 consumer representatives, and such other interested persons as may be
21 designated in this Compact and the bylaws.

1 (18) Provide and receive information from, and cooperate with, law
2 enforcement agencies.

3 (19) Elect a Chair, Vice Chair, Secretary, and Treasurer and such other
4 officers of the Commission as provided in the Commission's bylaws.

5 (20) Reserve for itself, in addition to those reserved exclusively to the
6 Commission under the Compact, powers that the Executive Committee may
7 not exercise.

8 (21) Approve or disapprove a state's participation in the Compact based
9 upon its determination as to whether the state's Compact legislation departs in
10 a material manner from the model Compact language.

11 (22) Prepare and provide to the Participating States an annual report.

12 (23) Perform such other functions as may be necessary or appropriate to
13 achieve the purposes of this Compact consistent with the state regulation of PA
14 licensure and practice.

15 (d) Meetings of the Commission.

16 (1) All meetings of the Commission that are not closed pursuant to this
17 subsection shall be open to the public. Notice of public meetings shall be
18 posted on the Commission's website at least 30 days prior to the public
19 meeting.

20 (2) Notwithstanding subdivision (1) of this subsection, the Commission
21 may convene a public meeting by providing at least 24 hours' prior notice on

1 the Commission’s website, and any other means as provided in the
2 Commission’s rules, for any of the reasons it may dispense with notice of
3 proposed rulemaking under subsection 1747i(1) of this subchapter.

4 (3) The Commission may convene in a closed, nonpublic meeting or
5 nonpublic part of a public meeting to receive legal advice or to discuss:

6 (A) noncompliance of a Participating State with its obligations under
7 this Compact;

8 (B) the employment, compensation, discipline, or other matters,
9 practices, or procedures related to specific employees or other matters related
10 to the Commission’s internal personnel practices and procedures;

11 (C) current, threatened, or reasonably anticipated litigation;

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

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

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

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

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

1 (I) disclosure of information related to any investigative reports
2 prepared by, on behalf of, or for use of the Commission or other committee
3 charged with responsibility of investigation or determination of compliance
4 issues pursuant to this Compact;

5 (J) legal advice; or

6 (K) matters specifically exempted from disclosure by federal or
7 Participating States' statutes.

8 (4) If a meeting, or portion of a meeting, is closed pursuant to this
9 provision, the chair of the meeting or the chair's designee shall certify that the
10 meeting or portion of the meeting may be closed and shall reference each
11 relevant exempting provision.

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

19 (e) Financing of the Commission.

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

1 (2) The Commission may accept any and all appropriate revenue
2 sources, donations, and grants of money, equipment, supplies, materials, and
3 services.

4 (3) The Commission may levy on and collect an annual assessment from
5 each Participating State and may impose Compact Privilege fees on licensees
6 of Participating States to whom a Compact Privilege is granted to cover the
7 cost of the operations and activities of the Commission and its staff, which
8 must be in a total amount sufficient to cover its annual budget as approved by
9 the Commission each year for which revenue is not provided by other sources.
10 The aggregate annual assessment amount levied on Participating States shall
11 be allocated based upon a formula to be determined by Commission Rule.

12 (A) A Compact Privilege expires when the licensee's qualifying
13 license in the Participating State from which the licensee applied for the
14 Compact Privilege expires.

15 (B) If the licensee terminates the qualifying license through which
16 the licensee applied for the Compact Privilege before its scheduled expiration,
17 and the licensee has a qualifying license in another Participating State, the
18 licensee shall inform the Commission that it is changing to that Participating
19 State the Participating State through which it applies for a Compact Privilege
20 and pay to the Commission any Compact Privilege fee required by
21 Commission rule.

1 (4) The Commission shall not incur obligations of any kind prior to
2 securing the funds adequate to meet the same; nor shall the Commission
3 pledge the credit of any of the Participating States, except by and with the
4 authority of the Participating State.

5 (5) The Commission shall keep accurate accounts of all receipts and
6 disbursements. The receipts and disbursements of the Commission shall be
7 subject to the financial review and accounting procedures established under its
8 bylaws. All receipts and disbursements of funds handled by the Commission
9 shall be subject to an annual financial review by a certified or licensed public
10 accountant, and the report of the financial review shall be included in and
11 become part of the annual report of the Commission.

12 (f) The Executive Committee.

13 (1) The Executive Committee shall have the power to act on behalf of
14 the Commission according to the terms of this Compact and Commission rules.

15 (2) The Executive Committee shall be composed of nine members:

16 (A) seven voting members who are elected by the Commission from
17 the current membership of the Commission;

18 (B) one ex-officio, nonvoting member from a recognized national PA
19 professional association; and

20 (C) one ex-officio, nonvoting member from a recognized national PA
21 certification organization.

1 (3) The ex-officio members will be selected by their respective
2 organizations.

3 (4) The Commission may remove any member of the Executive
4 Committee as provided in its bylaws.

5 (5) The Executive Committee shall meet at least annually.

6 (6) The Executive Committee shall have the following duties and
7 responsibilities:

8 (A) recommend to the Commission changes to the Commission's
9 Rules or bylaws, changes to this Compact legislation, fees to be paid by
10 Compact Participating States such as annual dues, and any Commission
11 Compact fee charged to licensees for the Compact Privilege;

12 (B) ensure Compact administration services are appropriately
13 provided, contractual or otherwise;

14 (C) prepare and recommend the budget;

15 (D) maintain financial records on behalf of the Commission;

16 (E) monitor Compact compliance of Participating States and provide
17 compliance reports to the Commission;

18 (F) establish additional committees as necessary;

19 (G) exercise the powers and duties of the Commission during the
20 interim between Commission meetings, except for issuing proposed
21 rulemaking or adopting Commission rules or bylaws, or exercising any other

1 powers and duties exclusively reserved to the Commission by the
2 Commission's rules; and

3 (H) perform other duties as provided in the Commission's rules or
4 bylaws.

5 (7) All meeting of the Executive Committee at which it votes or plans to
6 vote on matters in exercising the powers and duties of the Commission shall be
7 open to the public and public notice of such meetings shall be given as public
8 meetings of the Commission are given.

9 (8) The Executive Committee may convene in a closed, nonpublic
10 meeting for the same reasons that the Commission may convene in a nonpublic
11 meeting as set forth in subdivision (d)(3) of this section and shall announce the
12 closed meeting as the Commission is required to under subdivision (d)(4) of
13 this section and keep minutes of the closed meeting as the Commission is
14 required to under subdivision (d)(5) of this section.

15 (g) Qualified immunity, defense, and indemnification.

16 (1) The members, officers, executive director, employees, and
17 representatives of the Commission shall be immune from suit and liability,
18 both personally and in their official capacity, for any claim for damage to or
19 loss of property or personal injury or other civil liability caused by or arising
20 out of any actual or alleged act, error, or omission that occurred, or that the
21 person against whom the claim is made had a reasonable basis for believing

1 occurred within the scope of Commission employment, duties, or
2 responsibilities, provided that nothing in this subdivision shall be construed to
3 protect any such person from suit or liability for any damage, loss, injury, or
4 liability caused by the intentional or willful or wanton misconduct of that
5 person. The procurement of insurance of any type by the Commission shall
6 not in any way compromise or limit the immunity granted hereunder.

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

18 (3) The Commission shall indemnify and hold harmless any member,
19 officer, executive director, employee, and representative of the Commission
20 for the amount of any settlement or judgment obtained against that person
21 arising out of any actual or alleged act, error, or omission that occurred within

1 the scope of Commission employment, duties, or responsibilities, or that such
2 person had a reasonable basis for believing occurred within the scope of
3 Commission employment, duties, or responsibilities, provided that the actual
4 or alleged act, error, or omission did not result from the intentional or willful
5 or wanton misconduct of that person.

6 (4) Venue is proper and judicial proceedings by or against the
7 Commission shall be brought solely and exclusively in a court of competent
8 jurisdiction where the principal office of the Commission is located. The
9 Commission may waive venue and jurisdictional defenses in any proceedings
10 as authorized by Commission rules.

11 (5) Nothing herein shall be construed as a limitation on the liability of
12 any licensee for professional malpractice or misconduct, which shall be
13 governed solely by any other applicable state laws.

14 (6) Nothing herein shall be construed to designate the venue or
15 jurisdiction to bring actions for alleged acts of malpractice, professional
16 misconduct, negligence, or other such civil action pertaining to the practice of
17 a PA. All such matters shall be determined exclusively by state law other than
18 this Compact.

19 (7) Nothing in this Compact shall be interpreted to waive or otherwise
20 abrogate a Participating State's state action immunity or state action
21 affirmative defense with respect to antitrust claims under the Sherman Act,

1 Clayton Act, or any other state or federal antitrust or anticompetitive law or
2 regulation.

3 (8) Nothing in this Compact shall be construed to be a waiver of
4 sovereign immunity by the Participating States or by the Commission.

5 § 1747h. DATA SYSTEM

6 (a) The Commission shall provide for the development, maintenance,
7 operation, and utilization of a coordinated data and reporting system containing
8 licensure, adverse action, and the reporting of the existence of significant
9 investigative information on all licensed PAs and applicants denied a license in
10 Participating States.

11 (b) Notwithstanding any other state law to the contrary, a Participating
12 State shall submit a uniform data set to the data system on all PAs to whom
13 this Compact is applicable, utilizing a unique identifier, as required by the
14 rules of the Commission, including:

15 (1) identifying information;

16 (2) licensure data;

17 (3) adverse actions against a license or Compact Privilege;

18 (4) any denial of application for licensure, and the reason or reasons for
19 such denial, excluding the reporting of any Criminal history record information
20 where prohibited by law;

21 (5) the existence of significant investigative information; and

1 (6) other information that may facilitate the administration of this
2 Compact, as determined by the rules of the Commission.

3 (c) Significant investigative information pertaining to a licensee in any
4 Participating State shall only be available to other Participating States.

5 (d) The Commission shall promptly notify all Participating States of any
6 adverse action taken against a licensee or an individual applying for a license
7 that has been reported to it. This adverse action information shall be available
8 to any other Participating State.

9 (e) Participating States contributing information to the data system may, in
10 accordance with state or federal law, designate information that may not be
11 shared with the public without the express permission of the contributing state.
12 Notwithstanding any such designation, such information shall be reported to
13 the Commission through the data system.

14 (f) Any information submitted to the data system that is subsequently
15 expunged pursuant to federal law or the laws of the Participating State
16 contributing the information shall be removed from the data system upon
17 reporting of such by the Participating State to the Commission.

18 (g) The records and information provided to a Participating State pursuant
19 to this Compact or through the data system, when certified by the Commission
20 or an agent thereof, shall constitute the authenticated business records of the
21 Commission, and shall be entitled to any associated hearsay exception in any

1 relevant judicial, quasi-judicial or administrative proceedings in a Participating
2 State.

3 § 1747i. RULEMAKING

4 (a) The Commission shall exercise its rulemaking powers pursuant to the
5 criteria set forth in this section and the rules adopted thereunder. Commission
6 rules shall become binding as of the date specified by the Commission for each
7 rule.

8 (b) The Commission shall promulgate reasonable rules in order to
9 effectively and efficiently implement and administer this Compact and achieve
10 its purposes. A Commission rule shall be invalid and have not force or effect
11 only if a court of competent jurisdiction holds that the rule is invalid because
12 the Commission exercised its rulemaking authority in a manner that is beyond
13 the scope of the purposes of this Compact, or the powers granted hereunder, or
14 based upon another applicable standard of review.

15 (c) The rules of the Commission shall have the force of law in each
16 Participating State, provided however that where the rules of the Commission
17 conflict with the laws of the Participating State that establish the medical
18 services a PA may perform in the Participating State, as held by a court of
19 competent jurisdiction, the rules of the Commission shall be ineffective in that
20 state to the extent of the conflict.

1 (d) If a majority of the legislatures of the Participating States rejects a
2 Commission rule, by enactment of a statute or resolution in the same manner
3 used to adopt this Compact within four years of the date of adoption of the
4 rule, then such rule shall have no further force and effect in any Participating
5 State or to any state applying to participate in the Compact.

6 (e) Commission rules shall be adopted at a regular or special meeting of the
7 Commission.

8 (f) Prior to promulgation and adoption of a final rule or rules by the
9 Commission, and at least 30 days in advance of the meeting at which the Rule
10 will be considered and voted upon, the Commission shall file a notice of
11 proposed rulemaking:

12 (1) on the website of the Commission or other publicly accessible
13 platform;

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

16 (3) in such other way or ways as the Commission may by rule specify.

17 (g) The notice of proposed rulemaking shall include:

18 (1) the time, date, and location of the public hearing on the proposed
19 rule and the proposed time, date, and location of the meeting in which the
20 proposed rule will be considered and voted upon;

21 (2) the text of the proposed rule and the reason for the proposed rule;

1 (3) a request for comments on the proposed rule from any interested
2 person and the date by which written comments must be received; and

3 (4) the manner in which interested persons may submit notice to the
4 Commission of their intention to attend the public hearing or provide any
5 written comments.

6 (h) Prior to adoption of a proposed Rule, the Commission shall allow
7 persons to submit written data, facts, opinions, and arguments, which shall be
8 made available to the public.

9 (i) If the hearing is to be held via electronic means, the Commission shall
10 publish the mechanism for access to the electronic hearing.

11 (1) All persons wishing to be heard at the hearing shall as directed in the
12 notice of proposed rulemaking, not less than five business days before the
13 scheduled date of the hearing, notify the Commission of their desire to appear
14 and testify at the hearing.

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

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

1 (4) Nothing in this section shall be construed as requiring a separate
2 hearing on each proposed rule. Proposed rules may be grouped for the
3 convenience of the Commission at hearings required by this section.

4 (j) Following the public hearing, the Commission shall consider all written
5 and oral comments timely received.

6 (k) The Commission shall, by majority vote of all delegates, take final
7 action on the proposed rule and shall determine the effective date of the rule, if
8 adopted, based on the rulemaking record and the full text of the rule.

9 (1) If adopted, the rule shall be posted on the Commission's website.

10 (2) The Commission may adopt changes to the proposed rule provided
11 the changes do not enlarge the original purpose of the proposed rule.

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

15 (4) The Commission shall determine a reasonable effective date for the
16 rule. Except for an emergency as provided in subsection (1) of this section, the
17 effective date of the rule shall be no sooner than 30 days after the Commission
18 issued the notice that it adopted the rule.

19 (l) Upon determination that an emergency exists, the Commission may
20 consider and adopt an emergency rule with 24 hours' prior notice, without the
21 opportunity for comment or hearing, provided that the usual rulemaking

1 procedures provided in this Compact and in this section shall be retroactively
2 applied to the rule as soon as reasonably possible, in no event later than 90
3 days after the effective date of the rule. For the purposes of this provision, an
4 emergency rule is one that must be adopted immediately by the Commission in
5 order to:

6 (1) meet an imminent threat to public health, safety, or welfare;

7 (2) prevent a loss of Commission or Participating State funds;

8 (3) meet a deadline for the promulgation of a Commission rule that is
9 established by federal law or rule; or

10 (4) protect public health and safety.

11 (m) The Commission or an authorized committee of the Commission may
12 direct revisions to a previously adopted Commission rule for purposes of
13 correcting typographical errors, errors in format, errors in consistency, or
14 grammatical errors. Public notice of any revisions shall be posted on the
15 website of the Commission. The revision shall be subject to challenge by any
16 person for a period of 30 days after posting. The revision may be challenged
17 only on grounds that the revision results in a material change to a rule. A
18 challenge shall be made as set forth in the notice of revisions and delivered to
19 the Commission prior to the end of the notice period. If no challenge is made,
20 the revision will take effect without further action. If the revision is

1 challenged, the revision may not take effect without the approval of the
2 Commission.

3 (n) No Participating State’s rulemaking requirements shall apply under this
4 Compact.

5 § 1747j. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

6 (a) Oversight.

7 (1) The executive and judicial branches of state government in each
8 Participating State shall enforce this Compact and take all actions necessary
9 and appropriate to implement the Compact.

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

18 (3) The Commission shall be entitled to receive service of process in
19 any proceeding regarding the enforcement or interpretation of the Compact or
20 the Commission’s rules and shall have standing to intervene in such a
21 proceeding for all purposes. Failure to provide the Commission with service of

1 process shall render a judgment or order in such proceeding void as to the
2 Commission, this Compact, or Commission rules.

3 (b) Default, technical assistance, and termination.

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

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

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

1 legislature, and to the licensing board or boards of each of the Participating
2 States.

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

6 (5) The Commission shall not bear any costs related to a state that is
7 found to be in default or that has been terminated from this Compact unless
8 agreed upon in writing between the Commission and the defaulting state.

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

14 (7) Upon the termination of a state's participation in the Compact, the
15 state shall immediately provide notice to all licensees within that state of such
16 termination:

17 (A) Licensees who have been granted a Compact Privilege in that
18 state shall retain the Compact Privilege for 180 days following the effective
19 date of such termination.

20 (B) Licensees who are licensed in that state who have been granted a
21 Compact Privilege in a Participating State shall retain the Compact Privilege

1 for 180 days unless the licensee also has a Qualifying License in a
2 Participating State or obtains a Qualifying License in a Participating State
3 before the 180-day period ends, in which case the Compact Privilege shall
4 continue.

5 (c) Dispute resolution.

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

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

11 (d) Enforcement.

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

14 (2) If compliance is not secured after all means to secure compliance
15 have been exhausted, by majority vote, the Commission may initiate legal
16 action in the U.S. District Court for the District of Columbia or the federal
17 district where the Commission has its principal offices, against a Participating
18 State in default to enforce compliance with the provisions of this Compact and
19 the Commission's promulgated rules and bylaws. The relief sought may
20 include both injunctive relief and damages. In the event judicial enforcement

1 is necessary, the prevailing party shall be awarded all costs of such litigation,
2 including reasonable attorney's fees.

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

6 (e) Legal action against the Commission.

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

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

16 § 1747k. DATE OF IMPLEMENTATION OF THE PA LICENSURE

17 COMPACT COMMISSION

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

20 (1) On or after the effective date of the Compact, the Commission shall

1 convene and review the enactment of each of the states that enacted the
2 Compact prior to the Commission convening (Charter Participating States) to
3 determine if the statute enacted by each such Charter Participating State is
4 materially different than the model Compact.

5 (A) A Charter Participating State whose enactment is found to be
6 materially different from the model Compact shall be entitled to the default
7 process set forth in subsection 1747j(b) of this subchapter.

8 (B) If any Participating State later withdraws from the Compact or its
9 participation is terminated, the Commission shall remain in existence and the
10 Compact shall remain in effect even if the number of Participating States
11 should be less than seven. Participating States enacting the Compact
12 subsequent to the Commission convening shall be subject to the process set
13 forth in subdivision 1747g(c)(21) of this subchapter to determine if their
14 enactments are materially different from the model Compact and whether they
15 qualify for participation in the Compact.

16 (2) Participating States enacting the Compact subsequent to the seven
17 initial Charter Participating States shall be subject to the process set forth in
18 subdivision 1747g(c)(21) of this subchapter to determine if their enactments
19 are materially different from the model Compact and whether they qualify for
20 participation in the Compact.

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

6 (b) Any State that joins this Compact shall be subject to the Commission's
7 rules and bylaws as they exist on the date on which this Compact becomes law
8 in that state. Any rule that has been previously adopted by the Commission
9 shall have the full force and effect of law on the day this Compact becomes
10 law in that state.

11 (c) Any Participating State may withdraw from this Compact by enacting a
12 statute repealing the same.

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

1 (2) Withdrawal shall not affect the continuing requirement of the state
2 licensing board or boards of the withdrawing state to comply with the
3 investigative and adverse action reporting requirements of this Compact prior
4 to the effective date of withdrawal.

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

10 (d) Nothing contained in this Compact shall be construed to invalidate or
11 prevent any PA licensure agreement or other cooperative arrangement between
12 Participating States and between a Participating State and non-Participating
13 State that does not 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 any
16 Participating State until it is enacted materially in the same manner into the
17 laws of all Participating States as determined by the Commission.

18 § 1747I. CONSTRUCTION AND SEVERABILITY

19 (a) This Compact and the Commission's rulemaking authority shall be
20 liberally construed so as to effectuate the purposes, and the implementation
21 and administration of the Compact. Provisions of the Compact expressly

1 authorizing or requiring the promulgation of rules shall not be construed to
2 limit the Commission's rulemaking authority solely for those purposes.

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

11 (c) Notwithstanding subsection (b) of this section, the Commission may
12 deny a state's participation in the Compact or, in accordance with the
13 requirements of subsection 1747j(b) of this subchapter, terminate a
14 Participating State's participation in the Compact, if it determines that a
15 constitutional requirement of a Participating State is, or would be with respect
16 to a State seeking to participate in the Compact, a material departure from the
17 Compact. Otherwise, if this Compact shall be held to be contrary to the
18 constitution of any Participating State, the Compact shall remain in full force
19 and effect as to the remaining Participating States and in full force and effect
20 as to the Participating State affected as to all severable matters.

1 § 1747m. BINDING EFFECT OF COMPACT

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

4 (b) Any laws in a Participating State in conflict with this Compact are
5 superseded to the extent of the conflict.

6 (c) All agreements between the Commission and the Participating States
7 are binding in accordance with their terms.

8 Sec. 2. EFFECTIVE DATE

9 This act shall take effect on July 1, 2024.