

PA Compact Commission

Title of Rule: Records Exempt from Disclosure

History of Rule:

Reason for Rule: To establish records that shall be exempt from public inspection or disclosure.

Effective Date:

Chapter 6: Records Exempt from Disclosure

Authority: Section 7: Establishment of PA Compact Commission

Section 9: Rulemaking

8.0 Purpose:

This Rule addresses the Compact Commission's responsibility to maintain certain records confidentially. This Rule will become effective upon adoption by the PA Compact Commission as provided in Section 9 of the PA Compact.

8.1 Definitions:

- (a) **"Compact"** means the PA Licensure Compact.
- (b) **"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.
- (c) **"Licensee"** means an individual who holds a License from a State to provide Medical Services as a PA.
- (d) **"Participating PA"** means a PA who has applied for or holds a Compact Privilege.
- (e) **"Participating State"** means a State that has enacted this Compact.
- (f) **"PA"** means an individual who is licensed as a physician assistant in a State. For purposes of this Compact, any other title or status adopted by a State to replace the term "physician assistant" shall be deemed synonymous with "physician assistant" and shall confer the same rights and responsibilities to the Licensee under the provisions of this Compact at the time of its enactment.
- (g) **"PA Licensure Compact Commission," "Compact Commission," or "Commission"** mean the national administrative body created pursuant to Section 7.A of this Compact.
- (h) **"Personal information"** means an individual's driver's license number or state identification number in lieu of a driver's license, social security number, date of birth, checking account number, savings account number, credit card number, or debit card number.
- (i) **"State"** means any state, commonwealth, district, or territory of the United States.
- (j) **"Uniform Data Set"** means information maintained by the Compact Commission with respect to participating PAs.

8.2 Compact records

The following Commission records shall be exempt from public inspection or disclosure except where already a part of a public record:

- (a) A PA's personal information;
- (b) All information contained in the uniform data set in accordance with Compact Commission Rule 4.5 except for information maintained on the Compact Commission's public site;
- (c) Any information that a participating state designates as not to be shared with the public pursuant to Section 8(E) of the model compact language;
- (d) Any information submitted to the data system that is subsequently expunged pursuant to federal law or the laws of the Participating State contributing the information;
- (e) Personnel records of Compact Commission staff;
- (f) Compact Commission personnel practice and procedures;
- (g) Matters specifically exempt from disclosure by federal law or rule;
- (h) Trade secrets, commercial, or financial information that is privileged or confidential;
- (i) Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
- (j) Investigative records compiled for law enforcement purposes;
- (k) Information specifically related to a civil action or other legal proceedings;
- (l) Records related to a closed, non-public meeting;
- (m) Records that contain legal advice, attorney-client communications, or attorney work product;
- (n) Records related to state default actions; and
- (o) Confidential mediation or arbitration documents.

8.3 Publicly available records

The following Commission records will be made publicly available on the Commission's website:

- (a) The names of participating PAs;
- (b) The states where participating PAs hold qualifying licenses; and
- (c) The states where participating PAs hold compact privileges.

8.4 Other Records

After consultation with counsel, the full Commission or Executive Committee may designate records confidential and not available to the public for inspection. When the Executive Committee designates records as confidential, a report out to the full Commission will be made at the next regularly scheduled Commission meeting.