



## Summary of Key Provisions

This summary of key provisions is intended to assist legislators, regulators, counseling professionals and other members of the public in better understanding the PA Compact. Because this summary is an abbreviation of the model legislation, the entirety of the PA Compact, including its definitions, should be referenced for further information and context.

### Section 1: Purpose

The purpose of the PA Compact is to strengthen access to medical services and enhance the portability of a license to practice as a PA while safeguarding the safety of patients and complementing the existing authority of State Licensing Boards to license and discipline PAs

This Compact allows medical services to be provided by PAs, via the mutual recognition of the Licensee's qualifying licensee by other Compact Participating States.

This Compact also adopts the prevailing standard for PA licensure and affirms that the practice and delivery of medical services by the PA occurs where the patient is located at the time of the patient encounter, and therefore requires the PA to be under the jurisdiction of the State Licensing Board where the patient is located.

State Licensing Boards that participate in this Compact retain the jurisdiction to impose Adverse Action against a compact privilege in that state issued to a PA through the procedures of this Compact.

The PA Licensure Compact will particularly alleviate burdens for military families by allowing spouses of active-duty service members to obtain a Compact Privilege based on having a License in good standing from a Participating State

### Section 2: Definitions

Establishes the definitions of key terms as used throughout the compact, to alleviate confusion on the part of practitioners and jurisdictions. Defined terms are capitalized throughout the document.

### Section 3: State Participation in the Compact

This section establishes the duties of states participating in the compact.

A member state must:

- License PAs

- Participate in the compact commission's data system
- Have a mechanism in place for receiving and investigating complaints against licensees and license applicants.
- Notify the commission of any adverse action against or significant investigation information of a licensee or license applicant.
- Implement and utilize procedures for considering the criminal history records of licensees
- Comply with the rules of the compact commission.
- Utilize passage of a recognized national exam such as the NCCPA PANCE as a requirement for PA licensure.
- Grant the compact privilege to a holder of a qualifying license in another state participating in the compact.

States may charge a fee for granting the compact privilege.

#### **Section 4: Compact Privilege**

Section 4 establishes licensees' requirements for exercising the compact privilege to practice medical services in a remote state.

To exercise the compact privilege, a licensee must:

- Have graduated from a PA program accredited by the Accreditation Review Commission on Education for the Physician Assistant, Inc. or other programs authorized by the Commission.
- Hold current NCCPA certification.
- Have no felony or misdemeanor convictions.
- Have never had a controlled substance license or permit suspended or revoked.
- Have a unique identifier as determined by the compact commission
- Hold an unrestricted license issued by a participating compact state to provide medical services as a PA
- Have no limitation or restriction on any state license or compact privilege in the previous two years.
- Notify the compact commission of their intent to seek the compact privilege in a remote state
- Meet any jurisprudence requirements in the remote state and pay any fees.
- Report to the commission any adverse action taken by a non-member state within 30 days after the action is taken.

The Compact Privilege is valid until the expiration or revocation of the qualifying license. If the Participating State takes Adverse Action against a Qualifying License, the Licensee shall lose the Compact Privilege in any Remote State until all of the following occur:

- The License is no longer restricted; and
- Two years have elapsed from the date on which the License is no longer limited or restricted due to the Adverse Action.

For each state in which an PA seeks authority to prescribe controlled substances, the PA shall satisfy all requirements imposed by such state in granting and/or renewing such authority.

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

This section establishes the requirements and conditions for a licensee when applying for a compact license in a participating state.

- The Licensee shall provide the Commission with the address of the Licensee's primary residence and thereafter shall immediately report to the Commission any change in the address of the Licensee's primary residence.
- A Licensee who does not hold a License in any Participating State shall not be eligible for participation in this Compact.

## **Section 6: Adverse Actions**

This section clarifies that the Participating State in which a Licensee is licensed shall have exclusive power to impose Adverse Action against the Qualifying License issued by that Participating State.

However, remote states may take adverse action against a licensee's compact privilege for the remote state and may issue enforceable subpoenas for witnesses and evidence from other member states.

Participating State which issued the Qualifying License shall give the same priority and effect to reported conduct received from any Remote State as it would if the conduct had occurred within the Participating State which issued the Qualifying License. In so doing, that Participating State shall apply its own State laws to determine appropriate action. A Participating State may take Adverse Action based on the factual findings of a Remote State, provided that the Participating State follows its own procedures for taking the Adverse Action.

If an Adverse Action is taken against a PA's Qualifying License, the PA's Compact Privilege in all Remote States shall be deactivated until all restrictions have been removed from the State License.

Participating states may initiate joint investigations of licensees and are required to share investigative materials in furtherance of any joint or single-state investigation of a licensee.

If any Participating State takes Adverse Action, it promptly shall notify the administrator of the Data System. The administrator of the Data System promptly shall notify other Participating States of Adverse Actions taken by any Participating State.

Note: In Section 4, the compact legislation states that if a Compact Privilege has been revoked or is limited or restricted in a Participating State for conduct that would not be a basis for disciplinary action in a Participating State in which the Licensee is practicing or applying to practice under a Compact Privilege, that Participating State shall have the discretion not to consider such action as an Adverse Action requiring the denial or removal of a Compact Privilege in that State.

## **Section 7: Establishment of the PA Compact Commission**

This section outlines the composition and powers of the compact commission, the joint government agency and national administrative body of the compact. The compact is not a waiver of sovereign immunity.

- Each member state is entitled to exactly one (1) delegate, who is selected by the member state's licensing board from among the board's members and employees.
- Each delegate has one (1) vote on commission rules and bylaws.
- The commission is provided certain powers and duties to administer the compact. For example, the commission may establish a code of ethics, bylaws, rules, a budget and financial records in order to carry out the compact.
- The commission may elect an executive committee composed of nine members, including one ex-officio member of a national PA professional organization and one ex-officio member from a recognized national PA certification organization.
- All commission meetings shall be open to the public unless confidential or privileged information must be discussed.

## **Section 8: Data System**

This section requires the establishment, maintenance and utilization of a coordinated data and reporting system containing licensure, adverse action, and significant investigative information on all licensed PAs in participating states.

Participating States contributing information to the Data System may designate information that may not be shared with the public without the express permission of the contributing State.

## **Section 9: Rulemaking**

This section establishes the rulemaking powers and procedures of the compact commission.

- Rules carry the force of law in all member states.
- A simple majority of member state legislatures may veto a rule of the commission.
- The promulgation and adoption of rules require a 30-day notice of proposed rulemaking, with an opportunity for a public hearing.
- If the commission takes an action that is beyond the scope of the compact, the action is invalid and has no force and effect.

## **Section 10: Oversight, Dispute Resolution, and Enforcement**

This section ensures compliance with the compact by member states. The procedures to be followed in the event of a failure by a member state to comply with the compact include:

- A period of technical assistance in remedying the situation;
- Dispute resolution, including mediation and binding processes; and

- Termination from the compact if no other means of compliance are successful.

The commission shall attempt to resolve any compact-related disputes that may arise between states

### **Section 11: Date of Implementation of the PA Licensure Compact Commission**

The compact takes effect on the date of enactment by the seventh state.

States that join after the initial convening of the commission are subject to the rules of the commission as they exist on the date when the compact becomes law in that state.

Participating states may enact a law to repeal their membership in the compact. A state's withdrawal takes effect 180 days after enactment of such law.

### **Section 12: Construction and Severability**

The compact is to be liberally construed to effectuate its purposes.

The compact's provisions are severable, meaning that:

- If a provision is declared to conflict with the United States constitution, all other provisions remain valid for all member states, and
- If a provision is held contrary to a member state's constitution, the compact retains its full force in all other states, and all other provisions remain valid in the affected state.

### **Section 13: Binding Effect of Compact and Other Laws**

Reiterates that rules and bylaws of the commission are binding on participating states.

According to legal precedent, if a conflict exists between a state law and the compact, the state law is superseded to the extent of the conflict.