



## **PA Compact Model Legislation**

*As approved by the compact working group in October 2022*

### ***Special Note***

*The following language must be enacted by a state in order to officially join the PA Compact.*

*No substantive changes should be made to the model language.*

*Substantive changes may jeopardize the enacting state's participation in the compact.*

*The Council of State Governments National Center for Interstate Compacts reviews state Compact legislation to ensure consistency with the model language. Please direct any inquiries to Grant Minix at [gminix@csg.org](mailto:gminix@csg.org).*

1 **PA LICENSURE COMPACT**

2  
3 **Section 1. Purpose**

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

20  
21 **Section 2. Definitions**

22  
23 In this Compact:

- 24 **A. "Adverse Action"** means any administrative, civil, equitable, or criminal action permitted  
25 by a State's laws which is imposed by a Licensing Board or other authority against a PA  
26 License or License application or Compact Privilege such as License denial, censure,  
27 revocation, suspension, probation, monitoring of the Licensee, or restriction on the  
28 Licensee's practice.
- 29 **B. "Compact Privilege"** means the authorization granted by a Remote State to allow a  
30 Licensee from another Participating State to practice as a PA to provide Medical Services  
31 and other licensed activity to a patient located in the Remote State under the Remote  
32 State's laws and regulations.
- 33 **C. "Conviction"** means a finding by a court that an individual is guilty of a felony or  
34 misdemeanor offense through adjudication or entry of a plea of guilt or no contest to the  
35 charge by the offender
- 36 **D. "Criminal Background Check"** means the submission of fingerprints or other biometric-  
37 based information for a License applicant for the purpose of obtaining that applicant's  
38 criminal history record information, as defined in 28 C.F.R. § 20.3(d), from the State's  
39 criminal history record repository as defined in 28 C.F.R. § 20.3(f).
- 40 **E. "Data System"** means the repository of information about Licensees, including but not  
41 limited to License status and Adverse Actions, which is created and administered under

- 42 the terms of this Compact.
- 43 **F. “Executive Committee”** means a group of directors and ex-officio individuals elected or  
44 appointed pursuant to Section 7.F.2.
- 45 **G. “Impaired Practitioner”** means a PA whose practice is adversely affected by health-  
46 related condition(s) that impact their ability to practice.
- 47 **H. “Investigative Information”** means information, records, or documents received or  
48 generated by a Licensing Board pursuant to an investigation.
- 49 **I. “Jurisprudence Requirement”** means the assessment of an individual’s knowledge of  
50 the laws and Rules governing the practice of a PA in a State.
- 51 **J. “License”** means current authorization by a State, other than authorization pursuant to a  
52 Compact Privilege, for a PA to provide Medical Services, which would be unlawful without  
53 current authorization.
- 54 **K. “Licensee”** means an individual who holds a License from a State to provide Medical  
55 Services as a PA.
- 56 **L. “Licensing Board”** means any State entity authorized to license and otherwise regulate  
57 PAs.
- 58 **M. “Medical Services”** means health care services provided for the diagnosis, prevention,  
59 treatment, cure or relief of a health condition, injury, or disease, as defined by a State’s  
60 laws and regulations.
- 61 **N. “Model Compact”** means the model for the PA Licensure Compact on file with The  
62 Council of State Governments or other entity as designated by the Commission.
- 63 **O. “Participating State”** means a State that has enacted this Compact.
- 64 **P. “PA”** means an individual who is licensed as a physician assistant in a State. For  
65 purposes of this Compact, any other title or status adopted by a State to replace the term  
66 “physician assistant” shall be deemed synonymous with “physician assistant” and shall  
67 confer the same rights and responsibilities to the Licensee under the provisions of this  
68 Compact at the time of its enactment.
- 69 **Q. “PA Licensure Compact Commission,” “Compact Commission,” or “Commission”**  
70 mean the national administrative body created pursuant to Section 7.A of this Compact.
- 71 **R. “Qualifying License”** means an unrestricted License issued by a Participating State to  
72 provide Medical Services as a PA.
- 73 **S. “Remote State”** means a Participating State where a Licensee who is not licensed as a  
74 PA is exercising or seeking to exercise the Compact Privilege.
- 75 **T. “Rule”** means a regulation promulgated by an entity that has the force and effect of law.
- 76 **U. “Significant Investigative Information”** means Investigative Information that a  
77 Licensing Board, after an inquiry or investigation that includes notification and an  
78 opportunity for the PA to respond if required by State law, has reason to believe is not  
79 groundless and, if proven true, would indicate more than a minor infraction.
- 80 **V. “State”** means any state, commonwealth, district, or territory of the United States.  
81

82 **Section 3. State Participation in this Compact**

- 83
- 84 A. To participate in this Compact, a Participating State shall:
- 85 1. License PAs.
- 86
- 87 2. Participate in the Compact Commission's Data System.
- 88
- 89 3. Have a mechanism in place for receiving and investigating complaints against
- 90 Licensees and License applicants.
- 91
- 92 4. Notify the Commission, in compliance with the terms of this Compact and
- 93 Commission Rules, of any Adverse Action against a Licensee or License applicant
- 94 and the existence of Significant Investigative Information regarding a Licensee or
- 95 License applicant.
- 96
- 97 5. Fully implement a Criminal Background Check requirement, within a time frame
- 98 established by Commission Rule, by its Licensing Board receiving the results of a
- 99 Criminal Background Check and reporting to the Commission whether the License
- 100 applicant has been granted a License.
- 101
- 102 6. Comply with the Rules of the Compact Commission.
- 103
- 104 7. Utilize passage of a recognized national exam such as the NCCPA PANCE as a
- 105 requirement for PA licensure.
- 106
- 107 8. Require continuing education for License renewal.
- 108
- 109 9. Grant the Compact Privilege to a holder of a Qualifying License in a
- 110 Participating State.
- 111
- 112 B. Nothing in this Compact prohibits a Participating State from charging a fee for granting
- 113 the Compact Privilege.
- 114

115 **Section 4. Compact Privilege**

- 116 A. To exercise the Compact Privilege, a Licensee must:
- 117 1. Have graduated from a PA program accredited by the Accreditation Review
- 118 Commission on Education for the Physician Assistant, Inc. or other programs
- 119 authorized by Commission Rule.
- 120 2. Hold current NCCPA certification.
- 121 3. Have no felony or misdemeanor Conviction

- 122 4. Have never had a controlled substance license, permit, or registration suspended  
123 or revoked by a State or by the United States Drug Enforcement Administration.
- 124 5. Have a unique identifier as determined by Commission Rule.
- 125 6. Hold a Qualifying License.
- 126 7. Have had no revocation of a License or limitation or restriction on any License  
127 currently held due to an adverse action.
- 128 8. If a Licensee has had a limitation or restriction on a License or Compact Privilege  
129 due to an Adverse Action, two years must have elapsed from the date on which  
130 the License or Compact Privilege is no longer limited or restricted due to the  
131 Adverse Action.
- 132 9. If a Compact Privilege has been revoked or is limited or restricted in a  
133 Participating State for conduct that would not be a basis for disciplinary action in a  
134 Participating State in which the Licensee is practicing or applying to practice under  
135 a Compact Privilege, that Participating State shall have the discretion not to  
136 consider such action as an Adverse Action requiring the denial or removal of a  
137 Compact Privilege in that State.
- 138 10. Notify the Compact Commission that the Licensee is seeking the Compact  
139 Privilege in a Remote State.
- 140 11. Meet any Jurisprudence Requirement of a Remote State in which the Licensee is  
141 seeking to practice under the Compact Privilege and pay any fees applicable to  
142 satisfying the Jurisprudence Requirement.
- 143 12. Report to the Commission any Adverse Action taken by a non-participating State  
144 within thirty (30) days after the action is taken.
- 145 B. The Compact Privilege is valid until the expiration or revocation of the Qualifying License  
146 unless terminated pursuant to an Adverse Action. The Licensee must also comply with all  
147 of the requirements of Subsection A above to maintain the Compact Privilege in a Remote  
148 State. If the Participating State takes Adverse Action against a Qualifying License, the  
149 Licensee shall lose the Compact Privilege in any Remote State in which the Licensee has  
150 a Compact Privilege until all of the following occur:
- 151 1. The License is no longer limited or restricted; and
- 152 2. Two (2) years have elapsed from the date on which the License is no longer  
153 limited or restricted due to the Adverse Action.
- 154 C. Once a restricted or limited License satisfies the requirements of Subsection B.1 and 2,  
155 the Licensee must meet the requirements of Subsection A to obtain a Compact Privilege  
156 in any Remote State.

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

160

161 **Section 5. Designation of the State from Which Licensee is Applying for a Compact**  
162 **Privilege**

163

164 A. Upon a Licensee's application for a Compact Privilege, the Licensee shall identify to the  
165 Commission the Participating State from which the Licensee is applying, in accordance  
166 with applicable Rules adopted by the Commission, and subject to the following  
167 requirements:

168 1. When applying for a Compact Privilege, the Licensee shall provide the  
169 Commission with the address of the Licensee's primary residence and thereafter  
170 shall immediately report to the Commission any change in the address of the  
171 Licensee's primary residence.

172 2. When applying for a Compact Privilege, the Licensee is required to consent to  
173 accept service of process by mail at the Licensee's primary residence on file with  
174 the Commission with respect to any action brought against the Licensee by the  
175 Commission or a Participating State, including a subpoena, with respect to any  
176 action brought or investigation conducted by the Commission or a Participating  
177 State.

178

179 **Section 6. Adverse Actions**

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

183

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

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187 1. Take Adverse Action against a PA's Compact Privilege within that State to remove  
188 a Licensee's Compact Privilege or take other action necessary under applicable  
189 law to protect the health and safety of its citizens.

190

191 2. Issue subpoenas for both hearings and investigations that require the attendance  
192 and testimony of witnesses as well as the production of evidence. Subpoenas  
193 issued by a Licensing Board in a Participating State for the attendance and  
194 testimony of witnesses or the production of evidence from another Participating  
195 State shall be enforced in the latter State by any court of competent jurisdiction,  
196 according to the practice and procedure of that court applicable to subpoenas

197 issued in proceedings pending before it. The issuing authority shall pay any  
198 witness fees, travel expenses, mileage and other fees required by the service  
199 statutes of the State in which the witnesses or evidence are located.  
200

201 3. Notwithstanding paragraph 1, subpoenas may not be issued by a Participating  
202 State to gather evidence of conduct in another State that is lawful in that other  
203 State for the purpose of taking Adverse Action against a Licensee's Compact  
204 Privilege or application for a Compact Privilege in that Participating State.  
205

206 4. Nothing in this Compact authorizes a Participating State to impose discipline  
207 against a PA's Compact Privilege or to deny an application for a Compact  
208 Privilege in that Participating State for the individual's otherwise lawful practice in  
209 another State.  
210

211 C. For purposes of taking Adverse Action, the Participating State which issued the Qualifying  
212 License shall give the same priority and effect to reported conduct received from any  
213 other Participating State as it would if the conduct had occurred within the Participating  
214 State which issued the Qualifying License. In so doing, that Participating State shall apply  
215 its own State laws to determine appropriate action.  
216

217 D. A Participating State, if otherwise permitted by State law, may recover from the affected  
218 PA the costs of investigations and disposition of cases resulting from any Adverse Action  
219 taken against that PA.  
220

221 E. A Participating State may take Adverse Action based on the factual findings of a Remote  
222 State, provided that the Participating State follows its own procedures for taking the  
223 Adverse Action.  
224

225 F. Joint Investigations

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

229 2. Participating States shall share any investigative, litigation, or compliance  
230 materials in furtherance of any joint or individual investigation initiated under this  
231 Compact.  
232

233 G. If an Adverse Action is taken against a PA's Qualifying License, the PA's Compact  
234 Privilege in all Remote States shall be deactivated until two (2) years have elapsed after  
235 all restrictions have been removed from the State License. All disciplinary orders by the  
236 Participating State which issued the Qualifying License that impose Adverse Action  
237 against a PA's License shall include a Statement that the PA's Compact Privilege is

238 deactivated in all Participating States during the pendency of the order.

239

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

242

243 **Section 7. Establishment of the PA Licensure Compact Commission**

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

249 B. Membership, Voting, and Meetings

250 1. Each Participating State shall have and be limited to one (1) delegate selected by  
251 that Participating State's Licensing Board or, if the State has more than one  
252 Licensing Board, selected collectively by the Participating State's Licensing  
253 Boards.

254 2. The delegate shall be either:

255 a. A current PA, physician or public member of a Licensing Board or PA  
256 Council/Committee; or

257 b. An administrator of a Licensing Board.

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

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

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

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

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

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



- 272 1. Establish a code of ethics for the Commission;
- 273 2. Establish the fiscal year of the Commission;
- 274 3. Establish fees;
- 275 4. Establish bylaws;
- 276 5. Maintain its financial records in accordance with the bylaws;
- 277 6. Meet and take such actions as are consistent with the provisions of this Compact  
278 and the bylaws;
- 279 7. Promulgate Rules to facilitate and coordinate implementation and administration of  
280 this Compact. The Rules shall have the force and effect of law and shall be  
281 binding in all Participating States;
- 282 8. Bring and prosecute legal proceedings or actions in the name of the Commission,  
283 provided that the standing of any State Licensing Board to sue or be sued under  
284 applicable law shall not be affected;
- 285 9. Purchase and maintain insurance and bonds;
- 286 10. Borrow, accept, or contract for services of personnel, including, but not limited to,  
287 employees of a Participating State;
- 288 11. Hire employees and engage contractors, elect or appoint officers, fix  
289 compensation, define duties, grant such individuals appropriate authority to carry  
290 out the purposes of this Compact, and establish the Commission's personnel  
291 policies and programs relating to conflicts of interest, qualifications of personnel,  
292 and other related personnel matters;
- 293 12. Accept any and all appropriate donations and grants of money, equipment,  
294 supplies, materials and services, and receive, utilize and dispose of the same;  
295 provided that at all times the Commission shall avoid any appearance of  
296 impropriety or conflict of interest;
- 297 13. Lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold,  
298 improve or use, any property, real, personal or mixed; provided that at all times the  
299 Commission shall avoid any appearance of impropriety;
- 300 14. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose  
301 of any property real, personal, or mixed;
- 302 15. Establish a budget and make expenditures;
- 303 16. Borrow money;

- 304 17. Appoint committees, including standing committees composed of members, State  
305 regulators, State legislators or their representatives, and consumer  
306 representatives, and such other interested persons as may be designated in this  
307 Compact and the bylaws;
- 308 18. Provide and receive information from, and cooperate with, law enforcement  
309 agencies;
- 310 19. Elect a Chair, Vice Chair, Secretary and Treasurer and such other officers of the  
311 Commission as provided in the Commission's bylaws.
- 312 20. Reserve for itself, in addition to those reserved exclusively to the Commission  
313 under the Compact, powers that the Executive Committee may not exercise;
- 314 21. Approve or disapprove a State's participation in the Compact based upon its  
315 determination as to whether the State's Compact legislation departs in a material  
316 manner from the Model Compact language;
- 317 22. Prepare and provide to the Participating States an annual report; and
- 318 23. Perform such other functions as may be necessary or appropriate to achieve the  
319 purposes of this Compact consistent with the State regulation of PA licensure and  
320 practice.

321 D. Meetings of the Commission

- 322 1. All meetings of the Commission that are not closed pursuant to this  
323 subsection shall be open to the public. Notice of public meetings shall be  
324 posted on the Commission's website at least thirty (30) days prior to the  
325 public meeting.  
326
- 327 2. Notwithstanding subsection D.1 of this section, the Commission may  
328 convene a public meeting by providing at least twenty-four (24) hours prior  
329 notice on the Commission's website, and any other means as provided in  
330 the Commission's Rules, for any of the reasons it may dispense with  
331 notice of proposed rulemaking under Section 9.L.  
332
- 333 3. The Commission may convene in a closed, non-public meeting or non-  
334 public part of a public meeting to receive legal advice or to discuss:  
335
- 336 a. Non-compliance of a Participating State with its obligations under  
337 this Compact;  
338
- 339 b. The employment, compensation, discipline or other matters,  
340 practices or procedures related to specific employees or other  
341 matters related to the Commission's internal personnel practices

- 342 and procedures;
- 343
- 344 c. Current, threatened, or reasonably anticipated litigation;
- 345
- 346 d. Negotiation of contracts for the purchase, lease, or sale of goods,
- 347 services, or real estate;
- 348
- 349 e. Accusing any person of a crime or formally censuring any person;
- 350
- 351 f. Disclosure of trade secrets or commercial or financial information
- 352 that is privileged or confidential;
- 353
- 354 g. Disclosure of information of a personal nature where disclosure
- 355 would constitute a clearly unwarranted invasion of personal
- 356 privacy;
- 357
- 358 h. Disclosure of investigative records compiled for law enforcement
- 359 purposes;
- 360
- 361 i. Disclosure of information related to any investigative reports
- 362 prepared by or on behalf of or for use of the Commission or other
- 363 committee charged with responsibility of investigation or
- 364 determination of compliance issues pursuant to this Compact;
- 365
- 366 j. Legal advice; or
- 367
- 368 k. Matters specifically exempted from disclosure by federal or
- 369 Participating States' statutes
- 370 4. If a meeting, or portion of a meeting, is closed pursuant to this provision, the
- 371 chair of the meeting or the chair's designee shall certify that the meeting or
- 372 portion of the meeting may be closed and shall reference each relevant
- 373 exempting provision.
- 374 5. The Commission shall keep minutes that fully and clearly describe all matters
- 375 discussed in a meeting and shall provide a full and accurate summary of actions
- 376 taken, including a description of the views expressed. All documents considered
- 377 in connection with an action shall be identified in such minutes. All minutes and
- 378 documents of a closed meeting shall remain under seal, subject to release by a
- 379 majority vote of the Commission or order of a court of competent jurisdiction.

380 E. Financing of the Commission

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

- 383 2. The Commission may accept any and all appropriate revenue sources,  
384 donations, and grants of money, equipment, supplies, materials, and services.
- 385 3. The Commission may levy on and collect an annual assessment from each  
386 Participating State and may impose Compact Privilege fees on Licensees of  
387 Participating States to whom a Compact Privilege is granted to cover the cost of  
388 the operations and activities of the Commission and its staff, which must be in a  
389 total amount sufficient to cover its annual budget as approved by the Commission  
390 each year for which revenue is not provided by other sources. The aggregate  
391 annual assessment amount levied on Participating States shall be allocated  
392 based upon a formula to be determined by Commission Rule.
- 393 a. A Compact Privilege expires when the Licensee's Qualifying License in  
394 the Participating State from which the Licensee applied for the Compact  
395 Privilege expires.
- 396 b. If the Licensee terminates the Qualifying License through which the  
397 Licensee applied for the Compact Privilege before its scheduled  
398 expiration, and the Licensee has a Qualifying License in another  
399 Participating State, the Licensee shall inform the Commission that it is  
400 changing to that Participating State the Participating State through which  
401 it applies for a Compact Privilege and pay to the Commission any  
402 Compact Privilege fee required by Commission Rule.
- 403 4. The Commission shall not incur obligations of any kind prior to securing the funds  
404 adequate to meet the same; nor shall the Commission pledge the credit of any of  
405 the Participating States, except by and with the authority of the Participating  
406 State.
- 407 5. The Commission shall keep accurate accounts of all receipts and disbursements.  
408 The receipts and disbursements of the Commission shall be subject to the  
409 financial review and accounting procedures established under its bylaws. All  
410 receipts and disbursements of funds handled by the Commission shall be subject  
411 to an annual financial review by a certified or licensed public accountant, and the  
412 report of the financial review shall be included in and become part of the annual  
413 report of the Commission.

414

#### 415 F. The Executive Committee

416

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

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

420 a. Seven voting members who are elected by the Commission from the  
421 current membership of the Commission;

- 422                   b. One ex-officio, nonvoting member from a recognized national PA  
423                   professional association; and  
424  
425                   c. One ex-officio, nonvoting member from a recognized national PA  
426                   certification organization.
- 427           3. The ex-officio members will be selected by their respective organizations.  
428
- 429           4. The Commission may remove any member of the Executive Committee as  
430           provided in its bylaws.  
431
- 432           5. The Executive Committee shall meet at least annually.  
433
- 434           6. The Executive Committee shall have the following duties and responsibilities:  
435
- 436                   a. Recommend to the Commission changes to the Commission's Rules or  
437                   bylaws, changes to this Compact legislation, fees to be paid by Compact  
438                   Participating States such as annual dues, and any Commission Compact  
439                   fee charged to Licensees for the Compact Privilege;  
440
- 441                   b. Ensure Compact administration services are appropriately provided,  
442                   contractual or otherwise;  
443
- 444                   c. Prepare and recommend the budget;  
445
- 446                   d. Maintain financial records on behalf of the Commission;  
447
- 448                   e. Monitor Compact compliance of Participating States and provide  
449                   compliance reports to the Commission;  
450
- 451                   f. Establish additional committees as necessary;  
452
- 453                   g. Exercise the powers and duties of the Commission during the interim  
454                   between Commission meetings, except for issuing proposed rulemaking or  
455                   adopting Commission Rules or bylaws, or exercising any other powers and  
456                   duties exclusively reserved to the Commission by the Commission's Rules;  
457                   and  
458
- 459                   h. Perform other duties as provided in the Commission's Rules or bylaws.  
460
- 461           7. All meeting of the Executive Committee at which it votes or plans to vote on  
462           matters in exercising the powers and duties of the Commission shall be open to  
463           the public and public notice of such meetings shall be given as public meetings of  
464           the Commission are given.  
465

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

471 G. Qualified Immunity, Defense, and Indemnification

472 1. The members, officers, executive director, employees and representatives of the  
473 Commission shall be immune from suit and liability, both personally and in their  
474 official capacity, for any claim for damage to or loss of property or personal injury  
475 or other civil liability caused by or arising out of any actual or alleged act, error, or  
476 omission that occurred, or that the person against whom the claim is made had a  
477 reasonable basis for believing occurred within the scope of Commission  
478 employment, duties or responsibilities; provided that nothing in this paragraph  
479 shall be construed to protect any such person from suit or liability for any damage,  
480 loss, injury, or liability caused by the intentional or willful or wanton misconduct of  
481 that person. The procurement of insurance of any type by the Commission shall  
482 not in any way compromise or limit the immunity granted hereunder.  
483

484 2. The Commission shall defend any member, officer, executive director, employee,  
485 and representative of the Commission in any civil action seeking to impose liability  
486 arising out of any actual or alleged act, error, or omission that occurred within the  
487 scope of Commission employment, duties, or responsibilities, or as determined by  
488 the commission that the person against whom the claim is made had a reasonable  
489 basis for believing occurred within the scope of Commission employment, duties,  
490 or responsibilities; provided that nothing herein shall be construed to prohibit that  
491 person from retaining their own counsel at their own expense; and provided  
492 further, that the actual or alleged act, error, or omission did not result from that  
493 person's intentional or willful or wanton misconduct.  
494

495 3. The Commission shall indemnify and hold harmless any member, officer,  
496 executive director, employee, and representative of the Commission for the  
497 amount of any settlement or judgment obtained against that person arising out of  
498 any actual or alleged act, error, or omission that occurred within the scope of  
499 Commission employment, duties, or responsibilities, or that such person had a  
500 reasonable basis for believing occurred within the scope of Commission  
501 employment, duties, or responsibilities, provided that the actual or alleged act,  
502 error, or omission did not result from the intentional or willful or wanton  
503 misconduct of that person.

504 4. Venue is proper and judicial proceedings by or against the Commission  
505 shall be brought solely and exclusively in a court of competent jurisdiction where

506 the principal office of the Commission is located. The Commission may waive  
507 venue and jurisdictional defenses in any proceedings as authorized by  
508 Commission Rules.

509  
510 5. Nothing herein shall be construed as a limitation on the liability of any Licensee for  
511 professional malpractice or misconduct, which shall be governed solely by any  
512 other applicable State laws.

513  
514 6. Nothing herein shall be construed to designate the venue or jurisdiction to bring  
515 actions for alleged acts of malpractice, professional misconduct, negligence, or  
516 other such civil action pertaining to the practice of a PA. All such matters shall be  
517 determined exclusively by State law other than this Compact.

518  
519 7. Nothing in this Compact shall be interpreted to waive or otherwise  
520 abrogate a Participating State's state action immunity or state action affirmative  
521 defense with respect to antitrust claims under the Sherman Act, Clayton Act, or  
522 any other State or federal antitrust or anticompetitive law or regulation.

523  
524 8. Nothing in this Compact shall be construed to be a waiver of sovereign immunity  
525 by the Participating States or by the Commission.

526

## 527 **Section 8. Data System**

528 A. The Commission shall provide for the development, maintenance, operation, and  
529 utilization of a coordinated data and reporting system containing licensure, Adverse  
530 Action, and the reporting of the existence of Significant Investigative Information on all  
531 licensed PAs and applicants denied a License in Participating States.

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

535 1. Identifying information;

536 2. Licensure data;

537 3. Adverse Actions against a License or Compact Privilege;

538 4. Any denial of application for licensure, and the reason(s) for such denial  
539 (excluding the reporting of any Criminal history record information where  
540 prohibited by law);

541 5. The existence of Significant Investigative Information; and

542 6. Other information that may facilitate the administration of this Compact, as  
543 determined by the Rules of the Commission.

- 544 C. Significant Investigative Information pertaining to a Licensee in any Participating State  
545 shall only be available to other Participating States.
- 546 D. The Commission shall promptly notify all Participating States of any Adverse Action taken  
547 against a Licensee or an individual applying for a License that has been reported to it.  
548 This Adverse Action information shall be available to any other Participating State.
- 549 E. Participating States contributing information to the Data System may, in accordance with  
550 State or federal law, designate information that may not be shared with the public without  
551 the express permission of the contributing State. Notwithstanding any such designation,  
552 such information shall be reported to the Commission through the Data System.
- 553 F. Any information submitted to the Data System that is subsequently expunged pursuant to  
554 federal law or the laws of the Participating State contributing the information shall be  
555 removed from the Data System upon reporting of such by the Participating State to the  
556 Commission.
- 557 G. The records and information provided to a Participating State pursuant to this Compact or  
558 through the Data System, when certified by the Commission or an agent thereof, shall  
559 constitute the authenticated business records of the Commission, and shall be entitled to  
560 any associated hearsay exception in any relevant judicial, quasi-judicial or administrative  
561 proceedings in a Participating State.

562  
563 **Section 9. Rulemaking**

- 564 A. The Commission shall exercise its Rulemaking powers pursuant to the criteria set forth in  
565 this Section and the Rules adopted thereunder. Commission Rules shall become binding  
566 as of the date specified by the Commission for each Rule.
- 567 B. The Commission shall promulgate reasonable Rules in order to effectively and efficiently  
568 implement and administer this Compact and achieve its purposes. A Commission Rule  
569 shall be invalid and have not force or effect only if a court of competent jurisdiction holds  
570 that the Rule is invalid because the Commission exercised its rulemaking authority in a  
571 manner that is beyond the scope of the purposes of this Compact, or the powers granted  
572 hereunder, or based upon another applicable standard of review.
- 573 C. The Rules of the Commission shall have the force of law in each Participating State,  
574 provided however that where the Rules of the Commission conflict with the laws of the  
575 Participating State that establish the medical services a PA may perform in the  
576 Participating State, as held by a court of competent jurisdiction, the Rules of the  
577 Commission shall be ineffective in that State to the extent of the conflict.
- 578 D. If a majority of the legislatures of the Participating States rejects a Commission Rule, by  
579 enactment of a statute or resolution in the same manner used to adopt this Compact  
580 within four (4) years of the date of adoption of the Rule, then such Rule shall have no



581 further force and effect in any Participating State or to any State applying to participate in  
582 the Compact.

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

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

587 1. On the website of the Commission or other publicly accessible platform; and

588 2. To persons who have requested notice of the Commission's notices of proposed  
589 rulemaking, and

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

591 G. The Notice of Proposed Rulemaking shall include:

592 1. The time, date, and location of the public hearing on the proposed Rule and the  
593 proposed time, date and location of the meeting in which the proposed Rule will be  
594 considered and voted upon;

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

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

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

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

602 I. If the hearing is to be held via electronic means, the Commission shall publish the  
603 mechanism for access to the electronic hearing.

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

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

610  
611 3. All hearings shall be recorded. A copy of the recording and the written comments,  
612 data, facts, opinions, and arguments received in response to the proposed  
613 rulemaking shall be made available to a person upon request.

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

617 J. Following the public hearing the Commission shall consider all written and oral comments  
618 timely received.

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

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

623 2. The Commission may adopt changes to the proposed Rule provided the changes  
624 do not enlarge the original purpose of the proposed Rule.  
625

626 3. The Commission shall provide on its website an explanation of the reasons for  
627 substantive changes made to the proposed Rule as well as reasons for  
628 substantive changes not made that were recommended by commenters.  
629

630 4. The Commission shall determine a reasonable effective date for the Rule. Except  
631 for an emergency as provided in subsection L, the effective date of the Rule shall  
632 be no sooner than thirty (30) days after the Commission issued the notice that it  
633 adopted the Rule.  
634

635 L. Upon determination that an emergency exists, the Commission may consider and adopt  
636 an emergency Rule with twenty-four (24) hours prior notice, without the opportunity for  
637 comment, or hearing, provided that the usual rulemaking procedures provided in this  
638 Compact and in this section shall be retroactively applied to the Rule as soon as  
639 reasonably possible, in no event later than ninety (90) days after the effective date of the  
640 Rule. For the purposes of this provision, an emergency Rule is one that must be adopted  
641 immediately by the Commission in order to:

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

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

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

646 4. Protect public health and safety.

647 M. The Commission or an authorized committee of the Commission may direct revisions to a  
648 previously adopted Commission Rule for purposes of correcting typographical errors,  
649 errors in format, errors in consistency, or grammatical errors. Public notice of any  
650 revisions shall be posted on the website of the Commission. The revision shall be subject

651 to challenge by any person for a period of thirty (30) days after posting. The revision may  
652 be challenged only on grounds that the revision results in a material change to a Rule. A  
653 challenge shall be made as set forth in the notice of revisions and delivered to the  
654 Commission prior to the end of the notice period. If no challenge is made, the revision will  
655 take effect without further action. If the revision is challenged, the revision may not take  
656 effect without the approval of the Commission.

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

658

## 659 **Section 10. Oversight, Dispute Resolution, and Enforcement**

### 660 A. Oversight

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

664 2. Venue is proper and judicial proceedings by or against the Commission shall be  
665 brought solely and exclusively in a court of competent jurisdiction where the  
666 principal office of the Commission is located. The Commission may waive venue  
667 and jurisdictional defenses to the extent it adopts or consents to participate in  
668 alternative dispute resolution proceedings. Nothing herein shall affect or limit the  
669 selection or propriety of venue in any action against a licensee for professional  
670 malpractice, misconduct or any such similar matter.

671 3. The Commission shall be entitled to receive service of process in any proceeding  
672 regarding the enforcement or interpretation of the Compact or the Commission's  
673 Rules and shall have standing to intervene in such a proceeding for all purposes.  
674 Failure to provide the Commission with service of process shall render a judgment  
675 or order in such proceeding void as to the Commission, this Compact, or  
676 Commission Rules.

### 677 B. Default, Technical Assistance, and Termination

678

679 1. If the Commission determines that a Participating State has defaulted in the  
680 performance of its obligations or responsibilities under this Compact or the  
681 Commission Rules, the Commission shall provide written notice to the defaulting  
682 State and other Participating States. The notice shall describe the default, the  
683 proposed means of curing the default and any other action that the Commission  
684 may take and shall offer remedial training and specific technical assistance  
685 regarding the default.

686 2. If a State in default fails to cure the default, the defaulting State may be  
687 terminated from this Compact upon an affirmative vote of a majority of the

688 delegates of the Participating States, and all rights, privileges and benefits  
689 conferred by this Compact upon such State may be terminated on the  
690 effective date of termination. A cure of the default does not relieve the  
691 offending State of obligations or liabilities incurred during the period of  
692 default.

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

698 4. A State that has been terminated is responsible for all assessments,  
699 obligations, and liabilities incurred through the effective date of termination,  
700 including obligations that extend beyond the effective date of termination.

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

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

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

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

715  
716 b. Licensees who are licensed in that State who have been granted a  
717 Compact Privilege in a Participating State shall retain the Compact  
718 Privilege for one hundred eighty (180) days unless the Licensee also  
719 has a Qualifying License in a Participating State or obtains a Qualifying  
720 License in a Participating State before the one hundred eighty (180)-day  
721 period ends, in which case the Compact Privilege shall continue.

## 722 C. Dispute Resolution

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

726 2. The Commission shall promulgate a Rule providing for both mediation and

727 binding dispute resolution for disputes as appropriate.

728 D. Enforcement

- 729 1. The Commission, in the reasonable exercise of its discretion, shall enforce  
730 the provisions of this Compact and Rules of the Commission.
- 731 2. If compliance is not secured after all means to secure compliance have been  
732 exhausted, by majority vote, the Commission may initiate legal action in the  
733 United States District Court for the District of Columbia or the federal district  
734 where the Commission has its principal offices, against a Participating State  
735 in default to enforce compliance with the provisions of this Compact and the  
736 Commission's promulgated Rules and bylaws. The relief sought may include  
737 both injunctive relief and damages. In the event judicial enforcement is  
738 necessary, the prevailing party shall be awarded all costs of such litigation,  
739 including reasonable attorney's fees.
- 740 3. The remedies herein shall not be the exclusive remedies of the Commission.  
741 The Commission may pursue any other remedies available under federal or  
742 State law.

743 E. Legal Action Against the Commission

- 744
- 745 1. A Participating State may initiate legal action against the Commission in  
746 the U.S. District Court for the District of Columbia or the federal district where the  
747 Commission has its principal offices to enforce compliance with the provisions of  
748 the Compact and its Rules. The relief sought may include both injunctive relief and  
749 damages. In the event judicial enforcement is necessary, the prevailing party shall  
750 be awarded all costs of such litigation, including reasonable attorney's fees.
- 751 2. No person other than a Participating State shall enforce this Compact  
752 against the Commission.
- 753

754 **Section 11. Date of Implementation of the PA Licensure Compact Commission**

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

- 757 1. On or after the effective date of the Compact, the Commission shall  
758 convene and review the enactment of each of the States that enacted the  
759 Compact prior to the Commission convening ("Charter Participating States") to  
760 determine if the statute enacted by each such Charter Participating State is  
761 materially different than the Model Compact.
- 762 a. A Charter Participating State whose enactment is found to be materially  
763 different from the Model Compact shall be entitled to the default process  
764

765 set forth in Section 10.B.

766 b. If any Participating State later withdraws from the Compact or its  
767 participation is terminated, the Commission shall remain in  
768 existence and the Compact shall remain in effect even if the  
769 number of Participating States should be less than seven.  
770 Participating States enacting the Compact subsequent to the  
771 Commission convening shall be subject to the process set forth in  
772 Section 7.C.21 to determine if their enactments are materially  
773 different from the Model Compact and whether they qualify for  
774 participation in the Compact.

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

779 3. All actions taken for the benefit of the Commission or in furtherance of the  
780 purposes of the administration of the Compact prior to the effective date of  
781 the Compact or the Commission coming into existence shall be considered to  
782 be actions of the Commission unless specifically repudiated by the  
783 Commission.

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

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

790 1. A Participating State's withdrawal shall not take effect until one hundred eighty  
791 (180) days after enactment of the repealing statute. During this one hundred  
792 eighty (180) day-period, all Compact Privileges that were in effect in the  
793 withdrawing State and were granted to Licensees licensed in the withdrawing  
794 State shall remain in effect. If any Licensee licensed in the withdrawing State is  
795 also licensed in another Participating State or obtains a license in another  
796 Participating State within the one hundred eighty (180) days, the Licensee's  
797 Compact Privileges in other Participating States shall not be affected by the  
798 passage of the one hundred eighty (180) days.

799 2. Withdrawal shall not affect the continuing requirement of the State Licensing  
800 Board(s) of the withdrawing State to comply with the investigative, and Adverse  
801 Action reporting requirements of this Compact prior to the effective date of  
802 withdrawal.

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

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

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

816

817   **Section 12. Construction and Severability**

818

819           A. This Compact and the Commission’s rulemaking authority shall be liberally construed so  
820           as to effectuate the purposes, and the implementation and administration of the Compact.  
821           Provisions of the Compact expressly authorizing or requiring the promulgation of Rules  
822           shall not be construed to limit the Commission’s rulemaking authority solely for those  
823           purposes.

824

825           B. The provisions of this Compact shall be severable and if any phrase, clause, sentence or  
826           provision of this Compact is held by a court of competent jurisdiction to be contrary to the  
827           constitution of any Participating State, a State seeking participation in the Compact, or of  
828           the United States, or the applicability thereof to any government, agency, person or  
829           circumstance is held to be unconstitutional by a court of competent jurisdiction, the  
830           validity of the remainder of this Compact and the applicability thereof to any other  
831           government, agency, person or circumstance shall not be affected thereby.

832

833           C. Notwithstanding subsection B or this section, the Commission may deny a State’s  
834           participation in the Compact or, in accordance with the requirements of Section 10.B,  
835           terminate a Participating State’s participation in the Compact, if it determines that a  
836           constitutional requirement of a Participating State is, or would be with respect to a State  
837           seeking to participate in the Compact, a material departure from the Compact.  
838           Otherwise, if this Compact shall be held to be contrary to the constitution of any  
839           Participating State, the Compact shall remain in full force and effect as to the remaining  
840           Participating States and in full force and effect as to the Participating State affected as to  
841           all severable matters.

842

843   **Section 13. Binding Effect of Compact**

- 844 A. Nothing herein prevents the enforcement of any other law of a Participating State that is  
845 not inconsistent with this Compact.
- 846 B. Any laws in a Participating State in conflict with this Compact are superseded to the  
847 extent of the conflict.
- 848 C. All agreements between the Commission and the Participating States are binding in  
849 accordance with their terms.