

## PA Compact Commission

**Title of Rule:** State of Qualifying License Process

**History of Rule:**

**Reason for Rule:** To establish the process for a PA to select the participating state where a qualifying license is held and to be used to qualify for a compact privilege in a remote state.

**Effective Date:**

**Chapter 2:** State of Qualifying License

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

Section 7: Establishment of PA Compact Commission

Section 9: Rulemaking

### 2.0 Purpose:

Pursuant to Section 5, the PA Compact Commission shall promulgate applicable rules for a Licensee to identify the Participating State from which the Licensee is applying. The state of Qualifying License is ultimately responsible for ensuring the PA meets the qualifications to practice under the PA Compact. This Rule supports the purpose of the Compact as outlined in Section 1 which is to create a process that complements the existing authority of State Licensing Boards to license and discipline PAs and enhances the portability of a PA license while also safeguarding the safety of patients. This Rule will become effective upon adoption by the PA Compact Commission as provided in Section 9 of the PA Compact.

### 2.1 Definitions:

**As used in this chapter:**

~~(a) “Active” means providing medical services to patients within the previous 12 months and the maintenance of an active supervisory or collaborative agreement in that state if required.~~

(b) “Compact” means the PA Licensure Compact.

(c) “Compact Privilege” means the authorization granted by a Remote State to allow a Licensee from another Participating State to practice as a PA to provide Medical Services and other licensed activity to a patient located in the Remote State under the Remote State's laws and regulations.

~~(d) “Employer” means a person, business, or organization located in a PA’s designated state of principal licensure that employs or contracts with a PA to provide medical services. Excluding:~~

~~—(1) an employer that only maintains a registration with the Secretary of State of a participating state,~~

~~—(2) an employer that only has the presence of a registered agent who is located in a participating state.~~

(e) **"Licensee"** means an individual who holds a License from a State to provide Medical Services as a PA.

(f) **"Medical Services"** means health care services provided for the diagnosis, prevention, treatment, cure or relief of a health condition, injury, or disease, as defined by a State's laws and regulations.

(g) **"Participating State"** means a State that has enacted this Compact.

(h) **"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.

(i) **"PA Licensure Compact Commission," "Compact Commission," or "Commission"** mean the national administrative body created pursuant to Section 7.A of this Compact.

(j) **"Qualifying License"** means an unrestricted License issued by a Participating State to provide Medical Services as a PA.

(k) **"Remote State"** means a Participating State where a Licensee who is not licensed as a PA is exercising or seeking to exercise the Compact Privilege.

(l) "Service member" means a member of the uniformed services or the reserved components as defined in 10 U.S.C. Chapter 101 or other such services as may be designated by Congress.

(m) **"State of Qualifying License"** means a Participating State where a PA holds a qualifying license and which has been designated as such by the PA for purposes of registration and participation in the Compact.

(n) "Terminate" means the PA chooses to give up their qualifying license for a non-disciplinary reason

## **2.1 State of qualifying license designation:**

(a) The PA shall designate a Participating State as the state of qualifying license for purposes of ~~registration eligibility~~ for a compact privilege through the Compact if the PA possesses a full and unrestricted license to conduct medical services in that state, ~~and the state is:~~

~~—(1) The state of primary residence for the PA, or~~

~~—(2) The state where at least twenty-five percent of the medical services occurs, or~~

~~—(3) The location of the PA's current employer, or~~

~~(4) If no state qualifies under subparagraph (1), subparagraph (2), or subparagraph (3), the state designated as state of residence for purposes of federal income tax.~~

~~(5) A service member, or the service member's spouse, may retain their state of primary residence designation during the period the service member is on active duty.~~

(b) Regardless of the ~~designation qualification under subsection (a) participating state selected as the state of qualifying license~~, the PA shall provide the Commission the primary residence address and consent to service of process by mail at the primary residence address under Section 5(A)(2) of the Compact. A change of primary residence address shall be reported to the Commission within thirty (30) days.

~~(c) The PA shall submit with any designation or redesignation request proof of the requirements in subparagraph (a) as determined by the Commission. The Commission may, at any time, require the PA to submit additional documents to verify subparagraph (a) requirements.~~

## **2.2 Redesignation of the Application for new state of qualifying license:**

(a) If the PA voluntarily terminates their qualifying license through which they applied for their current compact privilege(s) and that qualifying license has not yet expired, the PA shall ~~redesignate their~~ select a new state of qualifying license by following this process:

~~(1) Complete Submit an online application through a state of qualifying license redesignation form at the Commission's website,~~

~~(2) Pay a non-refundable fee of \$50 to the Commission as set by Rule X.X,~~

~~(3) Meet the requirements of paragraph 2.1 with the new state of qualifying license,~~

~~(4) complete a criminal background check pursuant to Public Law 92-544 within 60 days of the application and~~

~~(45) Have no~~ Sign an attestation that the applicant is unaware of any pending investigation of the current qualifying license at the time of the ~~redesignation request~~ application.

(b) ~~Upon approval of a redesignation form and confirmation from the current state of qualifying license that there is no pending investigation, the Commission shall notify the new state of qualifying license and current state of qualifying license of the applicant's redesignation~~ Upon application under subsection (a), the new state of qualifying license shall complete the requirements under Rule 3.4(b),

- 106 (c) Any PA information collected by the Commission ~~during the process to redesignate with~~  
107 ~~the application to select a new-a~~ state of qualifying license shall be distributed to all  
108 participating states. ~~The data system shall not receive or maintain any criminal~~  
109 ~~background check results obtained by participating states.~~
- 110 (d) Any existing compact privilege(s) held ~~prior to redesignation~~ shall ~~expire- terminate~~  
111 when the original qualifying license ~~expiresis voluntarily terminated~~. ~~There will be no~~  
112 ~~change in compact privilege expiration dates based upon a redesignation under this~~  
113 ~~paragraph.~~ The PA will apply for new privilege(s) once a new state of qualifying is  
114 selected.

## PA Compact Commission

**Title of Rule:** Compact Privilege

**History of Rule:**

**Reason for Rule:** To establish the eligibility for a compact privilege and create the process for a PA to apply for a compact privilege in a remote state.

**Effective Date:**

**Chapter 3:** Compact Privilege

**Authority:** Section 4: Compact Privilege

Section 7: Establishment of PA Compact Commission

Section 9: Rulemaking

### 3.0 Purpose:

Pursuant to Section 4, the PA Compact Commission shall promulgate applicable rules for a Licensee to exercise a Compact Privilege. This Rule will become effective upon adoption by the PA Compact Commission as provided in Section 9 of the PA Compact.

### 3.1 Definitions:

- (a) **"Adverse Action"** means any administrative, civil, equitable, or criminal action permitted by a State's laws which is imposed by a Licensing Board or other authority against a PA License or License application or Compact Privilege such as License denial, censure, revocation, suspension, probation, monitoring of the Licensee, or restriction on the Licensee's practice.
- (b) **"Compact"** means the PA Licensure Compact.
- (c) **"Compact Privilege"** means the authorization granted by a Remote State to allow a Licensee from another Participating State to practice as a PA to provide Medical Services and other licensed activity to a patient located in the Remote State under the Remote State's laws and regulations.
- (d) **"Criminal Background Check"** means the submission of fingerprints or other biometric based information for a License applicant for the purpose of obtaining that applicant's criminal history record information, as defined in 28 C.F.R. § 20.3(d), from the State's criminal history record repository as defined in 28 C.F.R. § 20.3(f).
- (e) **"Data System"** means the repository of information about Licensees, including but not limited to License status and Adverse Actions, which is created and administered under the terms of this Compact.
- (f) **"Jurisprudence Requirement"** means the assessment of an individual's knowledge of the laws and Rules governing the practice of a PA in a State.
- (g) **"Licensee"** means an individual who holds a License from a State to provide Medical Services as a PA.

(h) **"Medical Services"** means health care services provided for the diagnosis, prevention, treatment, cure or relief of a health condition, injury, or disease, as defined by a State's laws and regulations.

(i) **"NCCPA"** means the National Commission on Certification of Physician Assistants or a successor organization.

(j) **"Non-participating State"** means a State that has not enacted this Compact.

(k) **"Participating State"** means a State that has enacted this Compact.

(l) **"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.

(m) **"PA Licensure Compact Commission," "Compact Commission," or "Commission"** mean the national administrative body created pursuant to Section 7.A of this Compact.

(n) **"Qualifying License"** means an unrestricted License issued by a Participating State to provide Medical Services as a PA.

(o) **"Remote State"** means a Participating State where a Licensee who is not licensed as a PA is exercising or seeking to exercise the Compact Privilege.

(p) **"State"** means any state, commonwealth, district, or territory of the United States.

(q) **"State of Qualifying License"** means a Participating State where a PA holds a qualifying license and which has been designated as such by the PA for purposes of registration and participation in the Compact.

### 3.2 Delegation of compact privilege responsibilities

(a) Participating states are deemed to have delegated and assigned to the Compact Commission the following responsibilities in the compact privilege process:

- (1) The Compact Commission shall provide participating states an online application for use by PAs seeking compact privileges through their designated state of qualifying license.
- (2) The Compact Commission shall use information from its data system to facilitate an application for review by the PA's designated state of qualifying license.
- (3) The Compact Commission shall provide and administer a process to collect service fees and state fees from the PA and remit these fees to the participating state boards and the Compact Commission.

### 3.3 Eligibility for compact privilege

(a) A PA must meet the following requirements to receive a compact privilege under the terms and provisions of the Compact:

- (1) Graduated from a PA program accredited by the Accreditation Review Commission on Education for the Physician Assistant, Inc.

- 78 (2) Holds a current certification from the ~~national commission on certification of~~  
79 ~~physician assistants~~ NCCPA.
- 80 (3) Has never been found guilty by a court of a felony or misdemeanor offense through  
81 an adjudication or by an entry of a plea of guilt or no contest to the charge.
- 82 (4) Has never had a controlled substance license, permit, or registration suspended or  
83 revoked by a State or by the United States Drug Enforcement Administration.
- 84 (5) Has a unique identifier that is a social security number.
- 85 (6) Holds an unrestricted License issued by a participating state to provide medical  
86 services as a PA.
- 87 (7) Has had no revocation of any License or limitation or restriction on any License  
88 currently held due to an adverse action.
- 89 i. If a PA has had a limitation or restriction on a License or Compact  
90 Privilege due to an Adverse Action, two years must have elapsed from the  
91 date on which the License or Compact Privilege is no longer limited or  
92 restricted due to the Adverse Action.
- 93 (8) Notifies the Compact Commission that the PA is seeking the Compact Privilege in a  
94 Remote State.
- 95 (9) Meets any Jurisprudence Requirement of a Remote State in which the PA is seeking  
96 to practice under a Compact Privilege and pay any fees applicable to satisfying the  
97 Jurisprudence Requirement.
- 98 (10) Complies with each remote states' laws and regulations related to supervision by or  
99 collaboration with a physician.
- 100 (11) Complies with each remote states' laws and regulations related to authority to  
101 prescribe controlled substances for each remote state in which the PA seeks  
102 authority to prescribe controlled substances.
- 103 (12) Reports to the Commission any Adverse Action taken by a non-participating State  
104 within thirty (30) days after the action is taken.  
105

### 106 3.4 Compact ~~privilege participation~~ process

107 (a) ~~A-~~ To apply for a Qualifying License a PA shall:

- 108 (1) Submit an online application through the Compact Commission's data system along  
109 with a sworn statement attesting to the truthfulness and accuracy of all information  
110 provided by the applicant.
- 111 (2) ~~During the application process~~ At the time of application designate a state of  
112 qualifying license. ~~The PA must meet one of the state of qualifying license eligibility~~  
113 ~~requirements in pursuant to Rule 2 at the time of application. A member state shall~~  
114 ~~apply Rule 2 requirements contemporaneously when evaluating a licensee's~~  
115 ~~compact privilege eligibility under Compact Section 4 and this Rule.~~
- 116 (3) Submit to a criminal background check at the time of application through the process  
117 designated by the state of qualifying license which will include the submission of  
118 fingerprints or other biometric based information.
- 119 (4) Submit any other information regarding clarifying any discrepancies requested by the  
120 state of qualifying license.



- 121 (5) Pay the nonrefundable fees required by the state of qualifying license and the  
122 Compact Commission.  
123
- 124 (b) When the state of qualifying license receives the application through the Compact  
125 Commission that state shall:
- 126 (1) Evaluate the PA's eligibility for participating in the compact privilege process;  
127 (2) Perform a criminal background check pursuant to Public Law 92-544 as required by  
128 the terms and provisions of the Compact within 60 days;  
129 (3) ~~Determine whether the PA meets one of the state of qualifying license eligibility~~  
130 ~~requirements in Rule 2 at the time of application~~; and  
131 (4) Issue notice, through the data system, to the Compact Commission verifying or  
132 denying the PA's eligibility to participate in the Compact and confirming that the state  
133 will serve as the state of qualifying license.  
134
- 135 (c) Upon notice from the Compact Commission of eligibility approval by the state of qualifying  
136 license, to apply for a compact privilege the PA shall:
- 137 (1) Complete the registration process established by the Compact Commission.  
138 (2) Identify the remote state(s) for which a compact privilege is requested.  
139 (3) ~~Submit any additional information required by~~ Follow the remote state(s) laws,  
140 regulations, and practice requirements and submit any proof of compliance  
141 requested by said remote state(s).  
142 ~~(4) Submit satisfactory proof that the PA has entered into a supervision or collaborative~~  
143 ~~agreement with a physician licensed in the remote state which the PA is applying for~~  
144 ~~a compact privilege, if such agreement is required by the remote state's laws and~~  
145 ~~regulations. An agreement must meet all requirements of the remote state's laws and~~  
146 ~~regulations and be submitted for each remote state where the PA has applied for a~~  
147 ~~compact privilege.~~  
148 ~~(5) Submit satisfactory proof as required by each remote state where the PA has applied~~  
149 ~~for prescriptive authority with their compact privilege showing that the PA meets all~~  
150 ~~requirements imposed by such remote state in granting physician-delegated~~  
151 ~~prescriptive authority.~~  
152 ~~(6) Submit proof that the PA has successfully taken and passed any jurisprudence~~  
153 ~~requirement, if required by the remote state(s), where the PA is applying for a~~  
154 ~~compact privilege.~~  
155 ~~(7)~~(4) Pay the non-refundable compact privilege fee required by the remote state(s)  
156 and any additional service administrative fee required by the Compact Commission.  
157
- 158 (d) Upon receipt of all fees required, and receipt of the information from the applicant including  
159 any specific requirements of the remote state(s), including and verification of eligibility by the  
160 designated state of qualifying license, the remote state(s) shall ~~promptly~~ issue a compact  
161 privilege to the PA, and provide information regarding the privilege to the Compact  
162 Commission to maintain in the data system as set forth in Rule 4.  
163



### 3.5 Compact privilege cycle and continued participation

(a) A compact privilege shall be valid until the expiration or revocation of the qualifying license used to apply for the privilege unless the privilege is terminated pursuant to an adverse action. The expiration date of the qualifying license shall be the expiration date that was in effect on the date the PA applied for the compact privilege. Any renewal of the qualifying license does not automatically ~~extend the expiration date of~~ renew the compact privilege. The PA must follow the procedure set forth in this Rule, in accordance with Section 4.A of the model legislation, in order to maintain any existing compact privilege(s).

(b) Not less than ~~90~~60 days prior to the expiration of a compact privilege, the Compact Commission shall notify the PA by e-mail of the pending expiration of the compact privilege(s) and provide information that the PA may reapply for any compact privileges pursuant to this rule. The e-mail notice shall be sent to the e-mail address currently on-file with the Commission in its data system. The PA is responsible for renewing any compact privilege(s) prior to their expiration and for maintaining current contact information, including an e-mail address, with the Commission.

(c) When the state of qualifying license processes a complete renewal for the PA, the state of qualifying license shall:

- (1) Determine that the PA has not been found guilty by a court of a felony or misdemeanor offense through an adjudication or by an entry of a plea of guilt or no contest to the charge;
- (2) Issue notice, through the data system, to the Compact Commission verifying or denying the PA's eligibility to continue participation in the Compact.

(d) Upon notice from the Compact Commission of continued eligibility approval by the state of qualifying license, to apply for compact privilege(s) the PA shall:

- (1) Identify the remote state(s) for which a compact privilege is being requested.
- (2) Follow the remote state(s) laws, regulations, and practice requirements and submit any proof of compliance requested by said remote state(s).
- (3) Pay the non-refundable compact privilege fee required by the remote state(s) and any additional administrative fee required by the Compact Commission.

### 3.6 Withdrawal of applications

(a) An application for a qualifying license shall be considered opened from the date the application form is received by the state of qualifying license.

(1) If the PA does not submit all requested materials, including any required fees, within 60 days after the application is opened, then the application shall be deemed incomplete and to have been withdrawn.

(2) The PA must reapply and submit a new application and new nonrefundable application fees as determined by the state of qualifying license and the Compact Commission.

(b) An application for a compact privilege shall be considered opened from the date the application form is received by the ~~state of qualifying license~~ remote state(s).

(1) If the PA does not submit all requested materials, including any required fees, within 60 days after the application is opened, then the application shall be deemed incomplete and to have been withdrawn.

(2) The PA must reapply and submit a new application and new nonrefundable application fees as determined by the ~~state of qualifying license~~ remote state(s) and the Compact Commission.

### **3.63.7 Jurisprudence requirement**

(a) If a member state has a jurisprudence requirement to be eligible to obtain a compact privilege in accordance with Section 4.A.11 of the Compact, the PA must have successfully taken and passed any jurisprudence requirement prior to ~~applying for~~ being issued a compact privilege in the remote state.

(b) Jurisprudence requirements satisfied prior to the expiration date of the compact privilege in that remote state shall be considered valid so long as the PA applied for a renewal of the compact privilege prior to the privilege expiration date unless the remote state has a jurisprudence requirement for renewal.

~~If a compact privilege expires and the PA has applied for another compact privilege prior to the expiration date, in the same remote state, the PA may submit proof that the jurisprudence requirement was previously met for a compact privilege in that remote state.~~

~~(b)(c)~~ If a compact privilege expires and the PA fails to make an application for another compact privilege in the same remote state prior to the compact privilege expiration date, all applicable requirements for completion of a jurisprudence requirement will apply.

### **3.73.8 Denial or withdrawal of the determination of eligibility**

(a) If the member state selected as the state of qualifying license issues a notice to the Compact Commission denying the applicant's eligibility for the compact, the PA may appeal such determination ~~of eligibility within 30 days of the PA's receipt of the notice~~. The appeal shall be filed with the member state that issued the denial and shall be subject to the laws of that state.

- 243 (b) If the member state selected as the state of qualifying license issues a notice to the  
244 Compact Commission approving the PA's eligibility for the compact and thereafter withdraws  
245 the approval due to the PA not meeting the Compact's eligibility requirements, any compact  
246 privilege issued under that qualifying license shall automatically be cancelled with no action  
247 required by any member state. The Compact Commission shall provide e-mail notice of the  
248 withdrawal to all member states where a privilege has been issued and to the PA along with  
249 notice that all issued compact privileges have been cancelled. The PA may appeal the  
250 withdrawal of eligibility ~~within 30 days of the PA's receipt of the withdrawal notice~~. The  
251 appeal shall be filed with the member state that issued the denial and shall be subject to the  
252 laws of that state.  
253

254 **3.83.9 State of emergency rule – waiver of timeframes**

- 255 (a) This rule is effective upon a declaration of a national emergency by the President of the  
256 United States and/or a declaration of emergency by one or more Governors of the compact  
257 member states in response to Force Majeure such as a pandemic, hurricane, tornado,  
258 earthquake, or other natural disaster. As such time, each Board-Participating State or the  
259 Executive Committee of the Compact Commission has the authority to temporarily waive  
260 enforcement of the timeframes in this rule which are not statutorily required.  
261
- 262 (b) Such waiver would be justified based upon:
- 263 (1) The degree of disruption to procedures or timeframes under this rule, which is the  
264 basis for the waiver;
  - 265 (2) The degree of benefit (or detriment) of such waiver to the PA and/or public health;  
266 and
  - 267 (3) The anticipated duration of the emergency.  
268
- 269 (c) The length of the waiver is subject to the length of the national/state emergency declaration  
270 unless preemptively concluded by a majority vote of the Compact Commission.