The bill enacts the "Physician Assistant Licensure Compact" (compact). The compact is designed to enable a physician assistant with a license in a state that has signed the compact (participating state) to more easily become authorized to practice in any other participating state. Participating states and physician assistants must meet specific conditions enumerated in the compact to participate in the compact. The
compact allows only the participating state where a physician assistant is licensed to discipline the physician assistant, but allows a participating state where the physician assistant is practicing, but is not licensed, to revoke the physician assistant's authority to practice in that state.

The bill authorizes the Colorado medical board (board) to promulgate rules and to facilitate Colorado's participation in the compact, including notifying the Compact Commission (commission) established by the compact of any adverse action taken by the board against a physician assistant licensed in Colorado or practicing in Colorado under the compact. The commission includes a delegate from each participating state and has the powers and duties set forth in the bill.

The compact becomes effective on the date the compact is enacted in the seventh participating state.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, add part 45 to article 60 of title 24 as follows:

PART 45

PHYSICIAN ASSISTANT LICENSURE COMPACT

24-60-4501. Short title. The short title of this part 45 is the "PHYSICIAN ASSISTANT LICENSURE COMPACT".

24-60-4502. Compact approved and ratified. The General Assembly approves and ratifies, and the Governor shall enter into, a compact on behalf of the state of Colorado and any of the United States or other jurisdictions legally joining the compact in the form substantially as follows:

Section 1. Purpose

In order to strengthen access to medical services, and in recognition of advances in the delivery of medical services, the participating states of the PA licensure compact have allied in common purpose to develop a comprehensive process that complements the existing authority of state licensing boards.
TO LICENSE AND DISCIPLINE PAs AND SEEKS TO ENHANCE THE PORTABILITY OF A LICENSE TO PRACTICE AS A PA WHILE SAFEGUARDING THE SAFETY OF PATIENTS. THIS COMPACT ALLOWS MEDICAL SERVICES TO BE PROVIDED BY PAs, VIA THE MUTUAL RECOGNITION OF THE LICENSEE’S QUALIFYING LICENSE 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 ALLEVIATE BURDENS FOR MILITARY FAMILIES BY ALLOWING ACTIVE DUTY MILITARY PERSONNEL AND THEIR SPOUSES TO OBTAIN A COMPACT PRIVILEGE BASED ON HAVING AN UNRESTRICTED LICENSE IN GOOD STANDING FROM A PARTICIPATING STATE.

Section 2. Definitions

IN THIS COMPACT:

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 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.

C. "CONVICTION" means a finding by a court that an individual is guilty of a felony or misdemeanor offense through adjudication or entry of a plea of guilt or no contest to the charge by the offender.

D. "Criminal Background Check" means the submission of fingerprints or other biometric-based information for a Licensee applicant for the purpose of obtaining that applicant's criminal history record information, as defined in 28 CFR 20.3 (d), from the State's criminal history record repository as defined in 28 CFR 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. "EXECUTIVE COMMITTEE" means a group of directors and ex officio individuals elected or appointed pursuant to Section 7.F.2.

G. "IMPAIRED PRACTITIONER" means a PA whose practice is adversely affected by health-related condition(s) that impact their ability to practice.

H. "INVESTIGATIVE INFORMATION" means information, records,
OR DOCUMENTS RECEIVED OR GENERATED BY A LICENSING BOARD
PURSUANT TO AN INVESTIGATION.

I. "JURISPRUDENCE REQUIREMENT" MEANS THE ASSESSMENT OF AN
INDIVIDUAL'S KNOWLEDGE OF THE LAWS AND RULES GOVERNING
THE PRACTICE OF A PA IN A STATE.

J. "LICENSE" MEANS CURRENT AUTHORIZATION BY A STATE, OTHER
THAN AUTHORIZATION PURSUANT TO A COMPACT PRIVILEGE, FOR
A PA TO PROVIDE MEDICAL SERVICES, WHICH WOULD BE
UNLAWFUL WITHOUT CURRENT AUTHORIZATION.

K. "LICENSEE" MEANS AN INDIVIDUAL WHO HOLDS A LICENSE FROM
A STATE TO PROVIDE MEDICAL SERVICES AS A PA.

L. " LICENSING BOARD" MEANS ANY STATE ENTITY AUTHORIZED TO
LICENSE AND OTHERWISE REGULATE PAs.

M. "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.

N. "MODEL COMPACT" MEANS THE MODEL FOR THE PA LICENSURE
COMPACT ON FILE WITH THE COUNCIL OF STATE GOVERNMENTS OR
OTHER ENTITY AS DESIGNATED BY THE COMMISSION.

O. "PARTICIPATING STATE" MEANS A STATE THAT HAS ENACTED THIS
COMPACT.

P. "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.

Q. "PA LICENSURE COMPACT COMMISSION," "COMPACT
COMMISSION," OR "COMMISSION" MEANS THE NATIONAL
ADMINISTRATIVE BODY CREATED PURSUANT TO SECTION 7.A OF
THIS COMPACT.

R. "QUALIFYING LICENSE" MEANS AN UNRESTRICTED LICENSE ISSUED
BY A PARTICIPATING STATE TO PROVIDE MEDICAL SERVICES AS A
PA.

S. "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.

T. "RULE" MEANS A REGULATION PROMULGATED BY AN ENTITY THAT
HAS THE FORCE AND EFFECT OF LAW.

U. "SIGNIFICANT INVESTIGATIVE INFORMATION" MEANS
INVESTIGATIVE INFORMATION THAT A LICENSING BOARD, AFTER
AN INQUIRY OR INVESTIGATION THAT INCLUDES NOTIFICATION AND
AN OPPORTUNITY FOR THE PA TO RESPOND IF REQUIRED BY STATE
LAW, HAS REASON TO BELIEVE IS NOT GROUNDLESS AND, IF PROVEN
TRUE, WOULD INDICATE MORE THAN A MINOR INFRACTION.

V. "STATE" MEANS ANY STATE, COMMONWEALTH, DISTRICT, OR
TERRITORY OF THE UNITED STATES.

Section 3. State Participation in this Compact

A. TO PARTICIPATE IN THIS COMPACT, A PARTICIPATING STATE SHALL:

1. LICENSE PAS;

2. PARTICIPATE IN THE COMPACT COMMISSION'S DATA
   SYSTEM;
3. Have a mechanism in place for receiving and investigating complaints against licensees and license applicants;

4. Notify the Commission, in compliance with the terms of this Compact and Commission Rules, of any adverse action against a licensee or license applicant and the existence of significant investigative information regarding a licensee or license applicant;

5. Fully implement a criminal background check requirement, within a time frame established by Commission Rule, by its licensing board receiving the results of a criminal background check and reporting to the Commission whether the license applicant has been granted a license;

6. Comply with the Rules of the Compact Commission;

7. Utilize passage of a recognized national exam such as the National Commission on Certification of Physician Assistants Physician Assistant National Certifying Examination as a requirement for PA licensure;

8. Grant the Compact Privilege to a holder of a qualifying license in a participating state.

B. Nothing in this Compact prohibits a participating state from charging a fee for granting the Compact Privilege.

Section 4. Compact Privilege

A. To exercise the Compact Privilege, a licensee must:
1. Have graduated from a PA program accredited by the Accreditation Review Commission on Education for the Physician Assistant, Inc., or other programs authorized by Commission Rule;

2. Hold current National Commission on Certification of Physician Assistants certification;

3. Have no felony or misdemeanor conviction;

4. Have never had a controlled substance license, permit, or registration suspended or revoked by a State or by the United States Drug Enforcement Administration;

5. Have a unique identifier as determined by Commission Rule;

6. Hold a qualifying license;

7. Have had no revocation of a license or limitation or restriction on any license currently held due to an adverse action;

8. If a licensee has had a limitation or restriction on a license or compact privilege due to an adverse action, two years must have elapsed from the date on which the license or compact privilege is no longer limited or restricted due to the adverse action;

9. 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;

10. NOTIFY THE COMPACT COMMISSION THAT THE LICENSEE IS SEEKING THE COMPACT PRIVILEGE IN A REMOTE STATE;

11. MEET ANY JURISPRUDENCE REQUIREMENT OF A REMOTE STATE IN WHICH THE LICENSEE IS SEEKING TO PRACTICE UNDER THE COMPACT PRIVILEGE AND PAY ANY FEES APPLICABLE TO SATISFYING THE JURISPRUDENCE REQUIREMENT;

12. REPORT TO THE COMMISSION ANY ADVERSE ACTION TAKEN BY A NON-PARTICIPATING STATE WITHIN THIRTY (30) DAYS AFTER THE ACTION IS TAKEN.

B. THE COMPACT PRIVILEGE IS VALID UNTIL THE EXPIRATION OR REVOCATION OF THE QUALIFYING LICENSE UNLESS TERMINATED PURSUANT TO AN ADVERSE ACTION. THE LICENSEE MUST ALSO COMPLY WITH ALL OF THE REQUIREMENTS OF SUBSECTION A OF THIS SECTION TO MAINTAIN THE COMPACT PRIVILEGE IN A REMOTE STATE. IF THE PARTICIPATING STATE TAKES ADVERSE ACTION AGAINST A QUALIFYING LICENSE, THE LICENSEE SHALL LOSE THE COMPACT PRIVILEGE IN ANY REMOTE STATE IN WHICH THE LICENSEE HAS A COMPACT PRIVILEGE UNTIL ALL OF THE FOLLOWING OCCUR:

1. THE LICENSE IS NO LONGER LIMITED OR RESTRICTED; AND

2. TWO (2) YEARS HAVE ELAPSED FROM THE DATE ON WHICH
THE LICENSE IS NO LONGER LIMITED OR RESTRICTED DUE TO THE ADVERSE ACTION.

C. ONCE A RESTRICTED OR LIMITED LICENSE SATISFIES THE REQUIREMENTS OF SUBSECTIONS B.1 AND B.2 OF THIS SECTION, THE LICENSEE MUST MEET THE REQUIREMENTS OF SUBSECTION A OF THIS SECTION TO OBTAIN A COMPACT PRIVILEGE IN ANY REMOTE STATE.

D. FOR EACH REMOTE STATE IN WHICH A PA SEeks AUTHORITY TO PRESCRIBE CONTROLLED SUBSTANCES, THE PA SHALL SATISFY ALL REQUIREMENTS IMPOSED BY SUCH STATE IN GRANTING OR RENEWING SUCH AUTHORITY.

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

A. UPON A LICENSEE’S APPLICATION FOR A COMPACT PRIVILEGE, THE LICENSEE SHALL IDENTIFY TO THE COMMISSION THE PARTICIPATING STATE FROM WHICH THE LICENSEE IS APPLYING, IN ACCORDANCE WITH APPLICABLE RULES ADOPTED BY THE COMMISSION, AND SUBJECT TO THE FOLLOWING REQUIREMENTS:

1. WHEN APPLYING FOR A COMPACT PRIVILEGE, 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.

2. WHEN APPLYING FOR A COMPACT PRIVILEGE, THE LICENSEE IS REQUIRED TO CONSENT TO ACCEPT SERVICE OF PROCESS BY MAIL AT THE LICENSEE’S PRIMARY RESIDENCE ON FILE.
WITH THE COMMISSION WITH RESPECT TO ANY ACTION BROUGHT AGAINST THE LICENSEE BY THE COMMISSION OR A PARTICIPATING STATE, INCLUDING A SUBPOENA, WITH RESPECT TO ANY ACTION BROUGHT OR INVESTIGATION CONDUCTED BY THE COMMISSION OR A PARTICIPATING STATE.

Section 6. Adverse Actions

A. A 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.

B. IN ADDITION TO THE OTHER POWERS CONFERRED BY STATE LAW, A REMOTE STATE SHALL HAVE THE AUTHORITY, IN ACCORDANCE WITH EXISTING STATE DUE PROCESS LAW, TO DO ALL OF THE FOLLOWING:

1. TAKE ADVERSE ACTION AGAINST A PA’S COMPACT PRIVILEGE WITHIN THAT STATE TO REMOVE A LICENSEE’S COMPACT PRIVILEGE OR TAKE OTHER ACTION NECESSARY UNDER APPLICABLE LAW TO PROTECT THE HEALTH AND SAFETY OF ITS CITIZENS.

2. ISSUE SUBPOENAS FOR BOTH HEARINGS AND INVESTIGATIONS THAT REQUIRE THE ATTENDANCE AND TESTIMONY OF WITNESSES AS WELL AS THE PRODUCTION OF EVIDENCE. SUBPOENAS ISSUED BY A LICENSING BOARD IN A PARTICIPATING STATE FOR THE ATTENDANCE AND TESTIMONY OF WITNESSES OR THE PRODUCTION OF EVIDENCE FROM ANOTHER PARTICIPATING STATE SHALL BE ENFORCED IN THE LATTER STATE BY ANY COURT OF
COMPETENT JURISDICTION, ACCORDING TO THE PRACTICE
AND PROCEDURE OF THAT COURT APPLICABLE TO
SUBPOENAS ISSUED IN PROCEEDINGS PENDING BEFORE IT.
The issuing authority shall pay any witness fees,
travel expenses, mileage, and other fees required by
the service statutes of the State in which the
evidence or witnesses are located.

3. NOTWITHSTANDING SUBSECTION A.2 OF THIS SECTION,
subpoenas may not be issued by a Participating
State to gather evidence of conduct in another
State that is lawful in that other State for the
purpose of taking adverse action against a
Licensee’s Compact Privilege or application for a
Compact Privilege in that Participating State.

4. NOTHING IN THIS COMPACT AUTHORIZES A PARTICIPATING
State to impose discipline against a PA’s Compact
Privilege or to deny an application for a Compact
Privilege in that Participating State for the
individual’s otherwise lawful practice in another
State.

C. FOR PURPOSES OF TAKING ADVERSE ACTION, THE PARTICIPATING
State which issued the Qualifying License shall give the
same priority and effect to reported conduct received
from any other Participating 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.

D. A PARTICIPATING STATE, IF OTHERWISE PERMITTED BY STATE LAW, MAY RECOVER FROM THE AFFECTED PA THE COSTS OF INVESTIGATIONS AND DISPOSITION OF CASES RESULTING FROM ANY ADVERSE ACTION TAKEN AGAINST THAT PA.

E. 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.

F. JOINT INVESTIGATIONS

1. IN ADDITION TO THE AUTHORITY GRANTED TO A PARTICIPATING STATE BY ITS RESPECTIVE STATE PA LAWS AND REGULATIONS OR OTHER APPLICABLE STATE LAW, ANY PARTICIPATING STATE MAY PARTICIPATE WITH OTHER PARTICIPATING STATES IN JOINT INVESTIGATIONS OF LICENSEES.

2. PARTICIPATING STATES SHALL SHARE ANY INVESTIGATIVE, LITIGATION, OR COMPLIANCE MATERIALS IN FURTHERANCE OF ANY JOINT OR INDIVIDUAL INVESTIGATION INITIATED UNDER THIS COMPACT.

G. 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 TWO (2) YEARS HAVE ELAPSED AFTER ALL RESTRICTIONS HAVE BEEN REMOVED FROM THE STATE LICENSE. ALL DISCIPLINARY ORDERS BY THE PARTICIPATING STATE WHICH ISSUED THE QUALIFYING LICENSE THAT IMPOSE ADVERSE ACTION AGAINST A PA'S LICENSE SHALL INCLUDE A STATEMENT
THAT the PA’s Compact Privilege is deactivated in all Participating States during the pendency of the order.

H. If any Participating State takes adverse action, it promptly shall notify the administrator of the Data System.

Section 7. Establishment of the PA Licensure Compact Commission

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

B. Membership, Voting, and Meetings

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

2. The delegate shall be either:

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

   or

   b. An administrator of a Licensing Board.

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

4. The participating state licensing board shall fill any vacancy occurring in the commission within sixty (60) days.

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

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

7. The commission shall establish by rule a term of office for delegates.

C. The commission shall have the following powers and duties:

1. Establish a code of ethics for the commission;

2. Establish the fiscal year of the commission;

3. Establish fees;

4. Establish bylaws;

5. Maintain its financial records in accordance with the bylaws;
6. Meet and take such actions as are consistent with the provisions of this Compact and the bylaws;

7. Promulgate Rules to facilitate and coordinate implementation and administration of this Compact. The Rules shall have the force and effect of law and shall be binding in all Participating States.

8. Bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any State Licensing Board to sue or be sued under applicable law shall not be affected;

9. Purchase and maintain insurance and bonds;

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

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

12. Accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services, and receive, utilize, and dispose of the same; provided that at all times the Commission shall avoid any appearance of impropriety or
CONFLICT OF INTEREST;

13. LEASE, PURCHASE, ACCEPT APPROPRIATE GIFTS OR DONATIONS OF, OR OTHERWISE OWN, HOLD, IMPROVE, OR USE, ANY PROPERTY, REAL, PERSONAL, OR MIXED; PROVIDED THAT AT ALL TIMES THE COMMISSION SHALL AVOID ANY APPEARANCE OF IMPROPRIETY;

14. SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE, ABANDON, OR OTHERWISE DISPOSE OF ANY PROPERTY, REAL, PERSONAL, OR MIXED;

15. ESTABLISH A BUDGET AND MAKE EXPENDITURES;

16. BORROW MONEY;

17. APPOINT COMMITTEES, INCLUDING STANDING COMMITTEES COMPOSED OF MEMBERS, STATE REGULATORS, STATE LEGISLATORS OR THEIR REPRESENTATIVES, AND CONSUMER REPRESENTATIVES, AND SUCH OTHER INTERESTED PERSONS AS MAY BE DESIGNATED IN THIS COMPACT AND THE BYLAWS;

18. PROVIDE AND RECEIVE INFORMATION FROM, AND COOPERATE WITH, LAW ENFORCEMENT AGENCIES;

19. ELECT A CHAIR, VICE CHAIR, SECRETARY, AND TREASURER AND SUCH OTHER OFFICERS OF THE COMMISSION AS PROVIDED IN THE COMMISSION'S BYLAWS;

20. RESERVE FOR ITSELF, IN ADDITION TO THOSE RESERVED EXCLUSIVELY TO THE COMMISSION UNDER THE COMPACT, POWERS THAT THE EXECUTIVE COMMITTEE MAY NOT EXERCISE;

21. APPROVE OR DISAPPROVE A STATE'S PARTICIPATION IN THE
COMPACT BASED UPON ITS DETERMINATION AS TO WHETHER
THE STATE'S COMPACT LEGISLATION DEPARTS IN A
MATERIAL MANNER FROM THE MODEL COMPACT
LANGUAGE;

22. PREPARE AND PROVIDE TO THE PARTICIPATING STATES AN
ANNUAL REPORT; AND

23. PERFORM SUCH OTHER FUNCTIONS AS MAY BE NECESSARY
OR APPROPRIATE TO ACHIEVE THE PURPOSES OF THIS
COMPACT CONSISTENT WITH THE STATE REGULATION OF PA
LICENSURE AND PRACTICE.

D. MEETINGS OF THE COMMISSION

1. ALL MEETINGS OF THE COMMISSION THAT ARE NOT CLOSED
Pursuant to this Subsection D.1 shall be open to the
public. Notice of public meetings shall be posted on
the Commission's website at least thirty (30) days
prior to the public meeting.

2. NOTWITHSTANDING SUBSECTION D.1 OF THIS SECTION, THE
Commission may convene a public meeting by
providing at least twenty-four (24) hours prior
notice on the Commission's website, and any other
means as provided in the Commission's Rules, for any
of the reasons it may dispense with notice of
proposed rulemaking under Section 9.L of this
Compact.

3. THE COMMISSION MAY CONVENE IN A CLOSED, NON-PUBLIC
MEETING OR NON-PUBLIC PART OF A PUBLIC MEETING TO
RECEIVE LEGAL ADVICE OR TO DISCUSS:
a. Non-compliance of a participating state with its obligations under this compact;

b. The employment, compensation, discipline or other enforcement matters, practices, or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;

c. Current, threatened, or reasonably anticipated litigation;

d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

e. Accusing any person of a crime or formally censuring any person;

f. Disclosure of trade secrets or commercial or financial information that is privileged or confidential;

g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

h. Disclosure of investigative records compiled for law enforcement purposes;

i. Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility
OF INVESTIGATION OR DETERMINATION OF
COMPLIANCE ISSUES PURSUANT TO THIS COMPACT;

j. LEGAL ADVICE; OR

k. MATTERS SPECIFICALLY EXEMPTED FROM
DISCLOSURE BY FEDERAL OR PARTICIPATING STATES'
STATUTES.

4. IF A MEETING, OR PORTION OF A MEETING, IS CLOSED
PURSUANT TO THIS SUBSECTION D, THE CHAIR OF THE
MEETING OR THE CHAIR'S DESIGNEE SHALL CERTIFY THAT
THE MEETING OR PORTION OF THE MEETING MAY BE CLOSED
AND SHALL REFERENCE EACH RELEVANT EXEMPTING
PROVISION.

5. THE COMMISSION SHALL KEEP MINUTES THAT FULLY AND
CLEARLY DESCRIBE ALL MATTERS DISCUSSED IN A MEETING
AND SHALL PROVIDE A FULL AND ACCURATE SUMMARY OF
ACTIONS TAKEN, INCLUDING A DESCRIPTION OF THE VIEWS
EXPRESSED. ALL DOCUMENTS CONSIDERED IN CONNECTION
WITH AN ACTION SHALL BE IDENTIFIED IN SUCH MINUTES.
ALL MINUTES AND DOCUMENTS OF A CLOSED MEETING
SHALL REMAIN UNDER SEAL, SUBJECT TO RELEASE BY A
MAJORITY VOTE OF THE COMMISSION OR ORDER OF A COURT
OF COMPETENT JURISDICTION.

E. FINANCING OF THE COMMISSION

1. THE COMMISSION SHALL PAY, OR PROVIDE FOR THE
PAYMENT OF, THE REASONABLE EXPENSES OF ITS
ESTABLISHMENT, ORGANIZATION, AND ONGOING ACTIVITIES.

2. THE COMMISSION MAY ACCEPT ANY AND ALL APPROPRIATE
REVENUE SOURCES, DONATIONS, AND GRANTS OF MONEY, EQUIPMENT, SUPPLIES, MATERIALS, AND SERVICES.

3. THE COMMISSION MAY LEVY ON AND COLLECT AN ANNUAL ASSESSMENT FROM EACH PARTICIPATING STATE AND MAY IMPOSE COMPACT PRIVILEGE FEES ON LICENSEES OF PARTICIPATING STATES TO WHOM A COMPACT PRIVILEGE IS GRANTED TO COVER THE COST OF THE OPERATIONS AND ACTIVITIES OF THE COMMISSION AND ITS STAFF, WHICH MUST BE IN A TOTAL AMOUNT SUFFICIENT TO COVER ITS ANNUAL BUDGET AS APPROVED BY THE COMMISSION EACH YEAR FOR WHICH REVENUE IS NOT PROVIDED BY OTHER SOURCES. THE AGGREGATE ANNUAL ASSESSMENT AMOUNT LEVIED ON PARTICIPATING STATES SHALL BE ALLOCATED BASED UPON A FORMULA TO BE DETERMINED BY COMMISSION RULE.

a. A COMPACT PRIVILEGE EXPIRES WHEN THE LICENSEE’S QUALIFYING LICENSE IN THE PARTICIPATING STATE FROM WHICH THE LICENSEE APPLIED FOR THE COMPACT PRIVILEGE EXPIRES.

b. IF THE LICENSEE TERMINATES THE QUALIFYING LICENSE THROUGH WHICH THE LICENSEE APPLIED FOR THE COMPACT PRIVILEGE BEFORE ITS SCHEDULED EXPIRATION, AND THE LICENSEE HAS A QUALIFYING LICENSE IN ANOTHER PARTICIPATING STATE, THE LICENSEE SHALL INFORM THE COMMISSION THAT THE LICENSEE IS CHANGING TO THAT PARTICIPATING STATE THE PARTICIPATING
STATE THROUGH WHICH IT APPLIES FOR A COMPACT PRIVILEGE AND PAY TO THE COMMISSION ANY COMPACT PRIVILEGE FEE REQUIRED BY COMMISSION RULE.

4. THE COMMISSION SHALL NOT INCUR OBLIGATIONS OF ANY KIND PRIOR TO SECURING THE FUNDS ADEQUATE TO MEET THE SAME; NOR SHALL THE COMMISSION PLEDGE THE CREDIT OF ANY OF THE PARTICIPATING STATES, EXCEPT BY AND WITH THE AUTHORITY OF THE PARTICIPATING STATE.

5. THE COMMISSION SHALL KEEP ACCURATE ACCOUNTS OF ALL RECEIPTS AND DISBURSEMENTS. THE RECEIPTS AND DISBURSEMENTS OF THE COMMISSION SHALL BE SUBJECT TO THE FINANCIAL REVIEW AND ACCOUNTING PROCEDURES ESTABLISHED UNDER ITS BYLAWS. ALL RECEIPTS AND DISBURSEMENTS OF FUNDS HANDLED BY THE COMMISSION SHALL BE SUBJECT TO AN ANNUAL FINANCIAL REVIEW BY A CERTIFIED OR LICENSED PUBLIC ACCOUNTANT, AND THE REPORT OF THE FINANCIAL REVIEW SHALL BE INCLUDED IN AND BECOME PART OF THE ANNUAL REPORT OF THE COMMISSION.

F. THE EXECUTIVE COMMITTEE

1. THE EXECUTIVE COMMITTEE SHALL HAVE THE POWER TO ACT ON BEHALF OF THE COMMISSION ACCORDING TO THE TERMS OF THIS COMPACT AND COMMISSION RULES.

2. THE EXECUTIVE COMMITTEE SHALL BE COMPOSED OF NINE (9) MEMBERS:

a. SEVEN (7) VOTING MEMBERS WHO ARE ELECTED BY
1. The Commission from the current membership of the Commission;

2. b. One (1) ex officio, nonvoting member from a recognized national PA professional association; and

3. c. One (1) ex officio, nonvoting member from a recognized national PA certification organization.

3. The ex officio members will be selected by their respective organizations.

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

5. The Executive Committee shall meet at least annually.

6. The Executive Committee shall have the following duties and responsibilities:

   a. Recommend to the Commission changes to the Commission's rules or bylaws, changes to this compact legislation, fees to be paid by compact participating states such as annual dues, and any Commission compact fee charged to licensees for the compact privilege;

   b. Ensure compact administration services are appropriately provided, contractual or otherwise;

   c. Prepare and recommend the budget;
d. Maintain financial records on behalf of the Commission;

e. Monitor Compact compliance of participating states and provide compliance reports to the Commission;

f. Establish additional committees as necessary;

g. Exercise the powers and duties of the Commission during the interim between Commission meetings, except for issuing proposed rulemaking or adopting Commission rules or bylaws, or exercising any other powers and duties exclusively reserved to the Commission by the Commission's rules; and

h. Perform other duties as provided in the Commission's rules or bylaws.

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

8. The Executive Committee may convene in a closed, non-public meeting for the same reasons that the Commission may convene in a non-public meeting as set forth in Subsection D.3 of this Section and shall
ANNOUNCE THE CLOSED MEETING AS THE COMMISSION IS REQUIRED TO UNDER SUBSECTION D.4 OF THIS SECTION AND KEEP MINUTES OF THE CLOSED MEETING AS THE COMMISSION IS REQUIRED TO UNDER SUBSECTION D.5 OF THIS SECTION.

G. QUALIFIED IMMUNITY, DEFENSE, AND INDEMNIFICATION

1. THE MEMBERS, OFFICERS, EXECUTIVE DIRECTOR, EMPLOYEES, AND REPRESENTATIVES OF THE COMMISSION SHALL BE IMMUNE FROM SUIT AND LIABILITY, BOTH PERSONALLY AND IN THEIR OFFICIAL CAPACITY, FOR ANY CLAIM FOR DAMAGE TO OR LOSS OF PROPERTY OR PERSONAL INJURY OR OTHER CIVIL LIABILITY CAUSED BY OR ARISING OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION THAT OCCURRED, OR THAT THE PERSON AGAINST WHOM THE CLAIM IS MADE HAD A REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES; PROVIDED THAT NOTHING HEREIN SHALL BE CONSTRUED TO PROTECT ANY SUCH PERSON FROM SUIT OR LIABILITY FOR ANY DAMAGE, LOSS, INJURY, OR LIABILITY CAUSED BY THE INTENTIONAL OR WILLFUL OR WANTON MISCONDUCT OF THAT PERSON. THE PROCUREMENT OF INSURANCE OF ANY TYPE BY THE COMMISSION SHALL NOT IN ANY WAY COMPROMISE OR LIMIT THE IMMUNITY GRANTED HEREUNDER.

2. THE COMMISSION SHALL DEFEND ANY MEMBER, OFFICER, EXECUTIVE DIRECTOR, EMPLOYEE, AND REPRESENTATIVE OF
THE COMMISSION IN ANY CIVIL ACTION SEEKING TO IMPOSE LIABILITY ARISING OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION THAT OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES, OR AS DETERMINED BY THE COMMISSION THAT THE PERSON AGAINST WHOM THE CLAIM IS MADE HAD A REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES; PROVIDED THAT NOTHING HEREIN SHALL BE CONSTRUED TO PROHIBIT THAT PERSON FROM RETAINING THEIR OWN COUNSEL AT THEIR OWN EXPENSE; AND PROVIDED FURTHER, THAT THE ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION DID NOT RESULT FROM THAT PERSON'S INTENTIONAL OR WILLFUL OR WANTON MISCONDUCT.

3. THE COMMISSION SHALL INDEMNIFY AND HOLD HARMLESS ANY MEMBER, OFFICER, EXECUTIVE DIRECTOR, EMPLOYEE, AND REPRESENTATIVE OF THE COMMISSION FOR THE AMOUNT OF ANY SETTLEMENT OR JUDGMENT OBTAINED AGAINST THAT PERSON ARISING OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION THAT OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES, OR THAT SUCH PERSON HAD A REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES, PROVIDED THAT THE ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION DID NOT RESULT FROM THE INTENTIONAL OR WILLFUL OR WANTON MISCONDUCT OF
THAT PERSON.

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

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

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

7. Nothing in this Compact shall be interpreted to waive or otherwise abrogate a Participating State's state action immunity or state action affirmative defense with respect to antitrust claims under the Sherman Act, Clayton Act, or any other state or federal antitrust or anticompetitive law or regulation.
8. NOTHING IN THIS COMPACT SHALL BE CONSTRUED TO BE A WAIVER OF SOVEREIGN IMMUNITY BY THE PARTICIPATING STATES OR BY THE COMMISSION.

Section 8. Data System

A. THE COMMISSION SHALL PROVIDE FOR THE DEVELOPMENT, MAINTENANCE, OPERATION, AND UTILIZATION OF A COORDINATED DATA AND REPORTING SYSTEM CONTAINING LICENSURE INFORMATION, ADVERSE ACTION INFORMATION, AND THE REPORTING OF THE EXISTENCE OF SIGNIFICANT INVESTIGATIVE INFORMATION ON ALL LICENSED PAS AND APPLICANTS DENIED A LICENSE IN PARTICIPATING STATES.

B. NOTWITHSTANDING ANY OTHER STATE LAW TO THE CONTRARY, A PARTICIPATING STATE SHALL SUBMIT A UNIFORM DATA SET TO THE DATA SYSTEM ON ALL PAS TO WHOM THIS COMPACT IS APPLICABLE (UTILIZING A UNIQUE IDENTIFIER) AS REQUIRED BY THE RULES OF THE COMMISSION, INCLUDING:

1. IDENTIFYING INFORMATION;
2. LICENSURE DATA;
3. ADVERSE ACTIONS AGAINST A LICENSE OR COMPACT PRIVILEGE;
4. ANY DENIAL OF APPLICATION FOR LICENSURE, AND THE REASON(S) FOR SUCH DENIAL (EXCLUDING THE REPORTING OF ANY CRIMINAL HISTORY RECORD INFORMATION WHERE PROHIBITED BY LAW);
5. THE EXISTENCE OF SIGNIFICANT INVESTIGATIVE INFORMATION; AND
6. OTHER INFORMATION THAT MAY FACILITATE THE
ADMINISTRATION OF THIS COMPACT, AS DETERMINED BY
THE RULES OF THE COMMISSION.

C. SIGNIFICANT INVESTIGATIVE INFORMATION PERTAINING TO A
LICENSEE IN ANY PARTICIPATING STATE SHALL ONLY BE
AVAILABLE TO OTHER PARTICIPATING STATES.

D. THE COMMISSION SHALL PROMPTLY NOTIFY ALL PARTICIPATING
STATES OF ANY ADVERSE ACTION TAKEN AGAINST A LICENSEE OR
AN INDIVIDUAL APPLYING FOR A LICENSE THAT HAS BEEN
REPORTED TO IT. THIS ADVERSE ACTION INFORMATION SHALL BE
AVAILABLE TO ANY OTHER PARTICIPATING STATE.

E. PARTICIPATING STATES CONTRIBUTING INFORMATION TO THE
DATA SYSTEM MAY, IN ACCORDANCE WITH STATE OR FEDERAL
LAW, DESIGNATE INFORMATION THAT MAY NOT BE SHARED WITH
THE PUBLIC WITHOUT THE EXPRESS PERMISSION OF THE
CONTRIBUTING STATE. NOTWITHSTANDING ANY SUCH
DESIGNATION, SUCH INFORMATION SHALL BE REPORTED TO THE
COMMISSION THROUGH THE DATA SYSTEM.

F. ANY INFORMATION SUBMITTED TO THE DATA SYSTEM THAT IS
SUBSEQUENTLY EXPUNGED PURSUANT TO FEDERAL LAW OR THE
LAWS OF THE PARTICIPATING STATE CONTRIBUTING THE
INFORMATION SHALL BE REMOVED FROM THE DATA SYSTEM UPON
REPORTING OF SUCH BY THE PARTICIPATING STATE TO THE
COMMISSION.

G. THE RECORDS AND INFORMATION PROVIDED TO A PARTICIPATING
STATE PURSUANT TO THIS COMPACT OR THROUGH THE DATA
SYSTEM, WHEN CERTIFIED BY THE COMMISSION OR AN AGENT
THEREOF, SHALL CONSTITUTE THE AUTHENTICATED BUSINESS
RECORDS OF THE COMMISSION, AND SHALL BE ENTITLED TO ANY
ASSOCIATED HEARSAY EXCEPTION IN ANY RELEVANT JUDICIAL,
QUASI-JUDICIAL, OR ADMINISTRATIVE PROCEEDINGS IN A
PARTICIPATING STATE.

Section 9. Rulemaking

A. THE COMMISSION SHALL EXERCISE ITS RULEMAKING POWERS
PURSUANT TO THE CRITERIA SET FORTH IN THIS SECTION AND THE
RULES ADOPTED THEREUNDER. COMMISSION RULES SHALL
BECOME BINDING AS OF THE DATE SPECIFIED BY THE COMMISSION
FOR EACH RULE.

B. THE COMMISSION SHALL PROMULGATE REASONABLE RULES IN
ORDER TO EFFECTIVELY AND EFFICIENTLY IMPLEMENT AND
ADMINISTER THIS COMPACT AND ACHIEVE ITS PURPOSES. A
COMMISSION RULE SHALL BE INVALID AND HAVE NO FORCE OR
EFFECT ONLY IF A COURT OF COMPETENT JURISDICTION HOLDS THAT
THE RULE IS INVALID BECAUSE THE COMMISSION EXERCISED ITS
RULEMAKING AUTHORITY IN A MANNER THAT IS BEYOND THE SCOPE
OF THE PURPOSES OF THIS COMPACT, OR THE POWERS GRANTED
HEREUNDER, OR BASED UPON ANOTHER APPLICABLE STANDARD OF
REVIEW.

C. THE RULES OF THE COMMISSION SHALL HAVE THE FORCE OF LAW
IN EACH PARTICIPATING STATE, PROVIDED HOWEVER THAT WHERE
THE RULES OF THE COMMISSION CONFLICT WITH THE LAWS OF THE
PARTICIPATING STATE THAT ESTABLISH THE MEDICAL SERVICES A
PA MAY PERFORM IN THE PARTICIPATING STATE, AS HELD BY A
COURT OF COMPETENT JURISDICTION, THE RULES OF THE
COMMISSION SHALL BE INEFFECTIVE IN THAT STATE TO THE
EXTENT OF THE CONFLICT.

D. IF A MAJORITY OF THE LEGISLATURES OF THE PARTICIPATING STATES REJECTS A COMMISSION RULE, BY ENACTMENT OF A STATUTE OR RESOLUTION IN THE SAME MANNER USED TO ADOPT THIS COMPACT WITHIN FOUR (4) YEARS OF THE DATE OF ADOPTION OF THE RULE, THEN SUCH RULE SHALL HAVE NO FURTHER FORCE AND EFFECT IN ANY PARTICIPATING STATE OR TO ANY STATE APPLYING TO PARTICIPATE IN THE COMPACT.

E. COMMISSION RULES SHALL BE ADOPTED AT A REGULAR OR SPECIAL MEETING OF THE COMMISSION.

F. PRIOR TO PROMULGATION AND ADOPTION OF A FINAL RULE OR RULES BY THE COMMISSION, AND AT LEAST THIRTY (30) DAYS IN ADVANCE OF THE MEETING AT WHICH THE RULE WILL BE CONSIDERED AND VOTED UPON, THE COMMISSION SHALL FILE A NOTICE OF PROPOSED RULEMAKING:

1. ON THE WEBSITE OF THE COMMISSION OR OTHER PUBLICLY ACCESSIBLE PLATFORM;

2. TO PERSONS WHO HAVE REQUESTED THE COMMISSION'S NOTICES OF PROPOSED RULEMAKING; AND

3. IN SUCH OTHER WAY(S) AS THE COMMISSION MAY BY RULE SPECIFY.

G. THE NOTICE OF PROPOSED RULEMAKING SHALL INCLUDE:


2. THE TEXT OF THE PROPOSED RULE AND THE REASON FOR
THE PROPOSED RULE;

3. A REQUEST FOR COMMENTS ON THE PROPOSED RULE FROM ANY INTERESTED PERSON AND THE DATE BY WHICH WRITTEN COMMENTS MUST BE RECEIVED; AND

4. THE MANNER IN WHICH INTERESTED PERSONS MAY SUBMIT NOTICE TO THE COMMISSION OF THEIR INTENTION TO ATTEND THE PUBLIC HEARING OR PROVIDE ANY WRITTEN COMMENTS.

H. PRIOR TO ADOPTION OF A PROPOSED RULE, THE COMMISSION SHALL ALLOW PERSONS TO SUBMIT WRITTEN DATA, FACTS, OPINIONS, AND ARGUMENTS, WHICH SHALL BE MADE AVAILABLE TO THE PUBLIC.

I. IF THE HEARING IS TO BE HELD VIA ELECTRONIC MEANS, THE COMMISSION SHALL PUBLISH THE MECHANISM FOR ACCESS TO THE ELECTRONIC HEARING.

1. ALL PERSONS WISHING TO BE HEARD AT THE HEARING SHALL AS DIRECTED IN THE NOTICE OF PROPOSED RULEMAKING, NOT LESS THAN FIVE (5) BUSINESS DAYS BEFORE THE SCHEDULED DATE OF THE HEARING, NOTIFY THE COMMISSION OF THEIR DESIRE TO APPEAR AND TESTIFY AT THE HEARING.

2. HEARINGS SHALL BE CONDUCTED IN A MANNER PROVIDING EACH PERSON WHO WISHES TO COMMENT A FAIR AND REASONABLE OPPORTUNITY TO COMMENT ORALLY OR IN WRITING.

3. ALL HEARINGS SHALL BE RECORDED. A COPY OF THE RECORDING AND THE WRITTEN COMMENTS, DATA, FACTS, OPINIONS, AND ARGUMENTS RECEIVED IN RESPONSE TO THE
PROPOSED RULEMAKING SHALL BE MADE AVAILABLE TO A PERSON UPON REQUEST.

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

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

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

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

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

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

4. The Commission shall determine a reasonable effective date for the Rule. Except for an emergency as provided in Subsection L of this section, the effective date of the Rule shall be no
SOONER THAN THIRTY (30) DAYS AFTER THE COMMISSION
ISSUED THE NOTICE THAT IT ADOPTED THE RULE.

L. UPON DETERMINATION THAT AN EMERGENCY EXISTS, THE
COMMISSION MAY CONSIDER AND ADOPT AN EMERGENCY RULE
WITH TWENTY-FOUR (24) HOURS PRIOR NOTICE, WITHOUT THE
OPPORTUNITY FOR COMMENT OR HEARING, PROVIDED THAT THE
USUAL RULEMAKING PROCEDURES PROVIDED IN THIS COMPACT
AND IN THIS SECTION SHALL BE RETROACTIVELY APPLIED TO THE
RULE AS SOON AS REASONABLY POSSIBLE, IN NO EVENT LATER
THAN NINETY (90) DAYS AFTER THE EFFECTIVE DATE OF THE RULE.

FOR THE PURPOSES OF THIS SUBSECTION L, AN EMERGENCY RULE
IS ONE THAT MUST BE ADOPTED IMMEDIATELY BY THE COMMISSION
IN ORDER TO:

1. MEET AN IMMINENT THREAT TO PUBLIC HEALTH, SAFETY,
   OR WELFARE;

2. PREVENT A LOSS OF COMMISSION OR PARTICIPATING STATE
   FUNDS;

3. MEET A DEADLINE FOR THE PROMULGATION OF A
   COMMISSION RULE THAT IS ESTABLISHED BY FEDERAL LAW
   OR RULE; OR

4. PROTECT PUBLIC HEALTH AND SAFETY.

M. THE COMMISSION OR AN AUTHORIZED COMMITTEE OF THE
COMMISSION MAY DIRECT REVISIONS TO A PREVIOUSLY ADOPTED
COMMISSION RULE FOR PURPOSES OF CORRECTING TYPOGRAPHICAL
ERRORS, ERRORS IN FORMAT, ERRORS IN CONSISTENCY, OR
GRAMMATICAL ERRORS. PUBLIC NOTICE OF ANY REVISIONS SHALL
BE POSTED ON THE WEBSITE OF THE COMMISSION. THE REVISION
SHALL BE SUBJECT TO CHALLENGE BY ANY PERSON FOR A PERIOD
OF THIRTY (30) DAYS AFTER POSTING. THE REVISION MAY BE
CHALLENGED ONLY ON GROUNDS THAT THE REVISION RESULTS IN
A MATERIAL CHANGE TO A RULE. A CHALLENGE SHALL BE MADE AS
SET FORTH IN THE NOTICE OF REVISIONS AND DELIVERED TO THE
COMMISSION PRIOR TO THE END OF THE NOTICE PERIOD. IF NO
CHALLENGE IS MADE, THE REVISION WILL TAKE EFFECT WITHOUT
FURTHER ACTION. IF THE REVISION IS CHALLENGED, THE REVISION
MAY NOT TAKE EFFECT WITHOUT THE APPROVAL OF THE
COMMISSION.

N. NO PARTICIPATING STATE’S RULEMAKING REQUIREMENTS SHALL
APPLY UNDER THIS COMPACT.

Section 10. Oversight, Dispute Resolution, and Enforcement

A. OVERSIGHT

1. THE EXECUTIVE AND JUDICIAL BRANCHES OF STATE
GOVERNMENT IN EACH PARTICIPATING STATE SHALL
ENFORCE THIS COMPACT AND TAKE ALL ACTIONS
NECESSARY AND APPROPRIATE TO IMPLEMENT THE
COMPACT.

2. VENUE IS PROPER AND JUDICIAL PROCEEDINGS BY OR
AGAINST THE COMMISSION SHALL BE BROUGHT SOLELY AND
EXCLUSIVELY IN A COURT OF COMPETENT JURISDICTION
WHERE THE PRINCIPAL OFFICE OF THE COMMISSION IS
LOCATED. THE COMMISSION MAY WAIVE VENUE AND
JURISDICTIONAL DEFENSES TO THE EXTENT IT ADOPTS OR
CONSENTS TO PARTICIPATE IN ALTERNATIVE DISPUTE
RESOLUTION PROCEEDINGS. NOTHING HEREIN SHALL AFFECT
OR LIMIT THE SELECTION OR PROPRIETY OF VENUE IN ANY
ACTION AGAINST A LICENSEE FOR PROFESSIONAL
MALPRACTICE, MISCONDUCT, OR ANY SUCH SIMILAR
MATTER.

3. THE COMMISSION SHALL BE ENTITLED TO RECEIVE SERVICE
OF PROCESS IN ANY PROCEEDING REGARDING THE
ENFORCEMENT OR INTERPRETATION OF THE COMPACT OR
THE COMMISSION'S RULES AND SHALL HAVE STANDING TO
INTERVENE IN SUCH A PROCEEDING FOR ALL PURPOSES.
FAILURE TO PROVIDE THE COMMISSION WITH SERVICE OF
PROCESS SHALL RENDER A JUDGMENT OR ORDER IN SUCH
PROCEEDING VOID AS TO THE COMMISSION, THIS COMPACT,
or COMMISSION RULES.

B. DEFAULT, TECHNICAL ASSISTANCE, AND TERMINATION

1. IF THE COMMISSION DETERMINES THAT A PARTICIPATING
STATE HAS DEFAULTED IN THE PERFORMANCE OF ITS
OBLIGATIONS OR RESPONSIBILITIES UNDER THIS COMPACT
OR THE COMMISSION RULES, THE COMMISSION SHALL
PROVIDE WRITTEN NOTICE TO THE DEFAULTING STATE AND
OTHER PARTICIPATING STATES. THE NOTICE SHALL
DESCRIBE THE DEFAULT, THE PROPOSED MEANS OF CURING
THE DEFAULT, AND ANY OTHER ACTION THAT THE
COMMISSION MAY TAKE AND SHALL OFFER REMEDIAL
TRAINING AND SPECIFIC TECHNICAL ASSISTANCE REGARDING
THE DEFAULT.

2. IF A STATE IN DEFAULT FAILS TO CURE THE DEFAULT, THE
DEFAULTING STATE MAY BE TERMINATED FROM THIS
COMPACT UPON AN AFFIRMATIVE VOTE OF A MAJORITY OF
THE DELEGATES OF THE PARTICIPATING STATES, AND ALL
RIGHTS, PRIVILEGES, AND BENEFITS CONFERRED BY THIS
COMPACT UPON SUCH STATE MAY BE TERMINATED ON THE
EFFECTIVE DATE OF TERMINATION. A CURE OF THE DEFAULT
DOES NOT RELIEVE THE OFFENDING STATE OF OBLIGATIONS
OR LIABILITIES INCURRED DURING THE PERIOD OF DEFAULT.

3. TERMINATION OF PARTICIPATION IN THIS COMPACT SHALL
BE IMPOSED ONLY AFTER ALL OTHER MEANS OF SECURING
COMPLIANCE HAVE BEEN EXHAUSTED. NOTICE OF INTENT TO
SUSPEND OR TERMINATE SHALL BE GIVEN BY THE
COMMISSION TO THE GOVERNOR, THE MAJORITY AND
MINORITY LEADERS OF THE DEFAULTING STATE’S
LEGISLATURE, AND THE LICENSING BOARD(S) OF EACH OF
THE PARTICIPATING STATES.

4. A STATE THAT HAS BEEN TERMINATED IS RESPONSIBLE FOR
ALL ASSESSMENTS, OBLIGATIONS, AND LIABILITIES
INCURRED THROUGH THE EFFECTIVE DATE OF TERMINATION,
INCLUDING OBLIGATIONS THAT EXTEND BEYOND THE
EFFECTIVE DATE OF TERMINATION.

5. THE COMMISSION SHALL NOT BEAR ANY COSTS RELATED TO
A STATE THAT IS FOUND TO BE IN DEFAULT OR THAT HAS
BEEN TERMINATED FROM THIS COMPACT, UNLESS AGREED
UPON IN WRITING BETWEEN THE COMMISSION AND THE
DEFAULTING STATE.

6. THE DEFAULTING STATE MAY APPEAL ITS TERMINATION
FROM THE COMPACT BY THE COMMISSION BY PETITIONING
7. Upon the termination of a State's participation in the Compact, the State shall immediately provide notice to all Licensees within that State of such termination:

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

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

C. Dispute Resolution

1. Upon request by a Participating State, the Commission shall attempt to resolve disputes
RELATED TO THIS COMPACT THAT ARISE AMONG PARTICIPATING STATES AND BETWEEN PARTICIPATING AND NON-PARTICIPATING STATES.

2. THE COMMISSION SHALL PROMULGATE A RULE PROVIDING FOR BOTH MEDIATION AND BINDING DISPUTE RESOLUTION FOR DISPUTES AS APPROPRIATE.

D. ENFORCEMENT

1. THE COMMISSION, IN THE REASONABLE EXERCISE OF ITS DISCRETION, SHALL ENFORCE THE PROVISIONS OF THIS COMPACT AND RULES OF THE COMMISSION.

2. IF COMPLIANCE IS NOT SECURED AFTER ALL MEANS TO SECURE COMPLIANCE HAVE BEEN EXHAUSTED, BY MAJORITY VOTE, THE COMMISSION MAY INITIATE LEGAL ACTION IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA OR THE FEDERAL DISTRICT WHERE THE COMMISSION HAS ITS PRINCIPAL OFFICES, AGAINST A PARTICIPATING STATE IN DEFAULT TO ENFORCE COMPLIANCE WITH THE PROVISIONS OF THIS COMPACT AND THE COMMISSION'S PROMULGATED RULES AND BYLAWS. THE RELIEF SOUGHT MAY INCLUDE BOTH INJUNCTIVE RELIEF AND DAMAGES. IN THE EVENT JUDICIAL ENFORCEMENT IS NECESSARY, THE PREVAILING PARTY SHALL BE AWARDED ALL COSTS OF SUCH LITIGATION, INCLUDING REASONABLE ATTORNEY'S FEES.

3. THE REMEDIES HEREIN SHALL NOT BE THE EXCLUSIVE REMEDIES OF THE COMMISSION. THE COMMISSION MAY PURSUE ANY OTHER REMEDIES AVAILABLE UNDER FEDERAL
E. Legal Action Against the Commission

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

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

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

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

1. On or after the effective date of this Compact, the Commission shall convene and review the enactment of each of the States that enacted this Compact prior to the Commission convening ("Charter Participating States") to determine if the statute enacted by each such Charter Participating State is materially different than the Model Compact.
a. **A Charter Participating State Whose** enactment is found to be materially different from the Model Compact shall be entitled to the default process set forth in Section 10.B of this Compact.

b. **If any Participating State later withdraws** from the Compact or its participation is terminated, the Commission shall remain in existence and the Compact shall remain in effect even if the number of Participating States should be less than seven.

**Participating States enacting the Compact** subsequent to the Commission convening shall be subject to the process set forth in Section 7.C.21 of this Compact to determine if their enactments are materially different from the Model Compact and whether they qualify for participation in the Compact.

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

3. **All actions taken for the benefit of the Commission** or in furtherance of the purposes of the
ADMINISTRATION OF THIS COMPACT PRIOR TO THE EFFECTIVE DATE OF THIS COMPACT OR THE COMMISSION COMING INTO EXISTENCE SHALL BE CONSIDERED TO BE ACTIONS OF THE COMMISSION UNLESS SPECIFICALLY REPUDIATED BY THE COMMISSION.

B. ANY STATE THAT JOINS THIS COMPACT SHALL BE SUBJECT TO THE COMMISSION’S RULES AND BYLAWS AS THEY EXIST ON THE DATE ON WHICH THIS COMPACT BECOMES LAW IN THAT STATE. ANY RULE THAT HAS BEEN PREVIOUSLY ADOPTED BY THE COMMISSION SHALL HAVE THE FULL FORCE AND EFFECT OF LAW ON THE DAY THIS COMPACT BECOMES LAW IN THAT STATE.

C. ANY PARTICIPATING STATE MAY WITHDRAW FROM THIS COMPACT BY ENACTING A STATUTE REPEALING THE SAME.

1. A PARTICIPATING STATE'S WITHDRAWAL SHALL NOT TAKE EFFECT UNTIL ONE HUNDRED EIGHTY (180) DAYS AFTER ENACTMENT OF THE REPEALING STATUTE. DURING THIS ONE HUNDRED EIGHTY (180)-DAY PERIOD, ALL COMPACT PRIVILEGES THAT WERE IN EFFECT IN THE WITHDRAWING STATE AND WERE GRANTED TO LICENSEES LICENSED IN THE WITHDRAWING STATE SHALL REMAIN IN EFFECT. IF ANY LICENSEE LICENSED IN THE WITHDRAWING STATE IS ALSO LICENSED IN ANOTHER PARTICIPATING STATE OR OBTAINS A LICENSE IN ANOTHER PARTICIPATING STATE WITHIN THE ONE HUNDRED EIGHTY (180) DAYS, THE LICENSEE’S COMPACT PRIVILEGES IN OTHER PARTICIPATING STATES SHALL NOT BE AFFECTED BY THE PASSAGE OF THE ONE HUNDRED EIGHTY (180) DAYS.
2. **Withdrawal shall not affect the continuing requirement of the State Licensing Board(s) of the withdrawing State to comply with the investigative and adverse action reporting requirements of this Compact prior to the effective date of withdrawal.**

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

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

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

**Section 12. Construction and Severability**

A. **This Compact and the Commission's rulemaking authority shall be liberally construed so as to effectuate the**
PURPOSES, AND THE IMPLEMENTATION AND ADMINISTRATION OF
THIS COMPACT. PROVISIONS OF THIS COMPACT EXPRESSLY
AUTHORIZING OR REQUIRING THE PROMULGATION OF RULES SHALL
NOT BE CONSTRUED TO LIMIT THE COMMISSION'S RULEMAKING
AUTHORITY SOLELY FOR THOSE PURPOSES.

B. THE PROVISIONS OF THIS COMPACT SHALL BE SEVERABLE AND IF
ANY PHRASE, CLAUSE, SENTENCE, OR PROVISION OF THIS COMPACT
IS HELD BY A COURT OF COMPETENT JURISDICTION TO BE
CONTRARY TO THE CONSTITUTION OF ANY PARTICIPATING STATE,
A STATE SEEKING PARTICIPATION IN THIS COMPACT, OR OF THE
UNITED STATES, OR THE APPLICABILITY THEREOF TO ANY
GOVERNMENT, AGENCY, PERSON, OR CIRCUMSTANCE IS HELD TO BE
UNCONSTITUTIONAL BY A COURT OF COMPETENT JURISDICTION, THE
VALIDITY OF THE REMAINDER OF THIS COMPACT AND THE
APPLICABILITY THEREOF TO ANY OTHER GOVERNMENT, AGENCY,
PERSON, OR CIRCUMSTANCE SHALL NOT BE AFFECTED THEREBY.

C. NOTWITHSTANDING SUBSECTION B OF THIS SECTION, THE
COMMISSION MAY DENY A STATE'S PARTICIPATION IN THE
COMPACT OR, IN ACCORDANCE WITH THE REQUIREMENTS OF
SECTION 10.B OF THIS COMPACT, TERMINATE A PARTICIPATING
STATE'S PARTICIPATION IN THE COMPACT, IF IT DETERMINES THAT
A CONSTITUTIONAL REQUIREMENT OF A PARTICIPATING STATE IS,
OR WOULD BE WITH RESPECT TO A STATE SEEKING TO PARTICIPATE
IN THIS COMPACT, A MATERIAL DEPARTURE FROM THE COMPACT.
OTHERWISE, IF THIS COMPACT SHALL BE HELD TO BE CONTRARY TO
THE CONSTITUTION OF ANY PARTICIPATING STATE, THIS COMPACT
SHALL REMAIN IN FULL FORCE AND EFFECT AS TO THE REMAINING
PARTICIPATING STATES AND IN FULL FORCE AND EFFECT AS TO THE
PARTICIPATING STATE AFFECTED AS TO ALL SEVERABLE MATTERS.

Section 13. Binding Effect of Compact

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

B. Any laws in a Participating State in conflict with this
Compact are superseded to the extent of the conflict.

C. All agreements between the Commission and the
Participating States are binding in accordance with their
terms.

24-60-4503. Notice to revisor of statutes - effective date of
compact. This Part 45 takes effect on the date this Compact is
enacted into law in the seventh compact state. The director of
the Division of Professions and Occupations in the Department of
Regulatory Agencies shall notify the revisor of statutes in
writing when the condition specified in this section has occurred
by e-mailing the notice to revisorofstatutes.ga@coleg.gov. This
Part 45 takes effect upon the date identified in the notice that
the Compact is enacted into law in the seventh compact state or
upon the date of the notice to the revisor of statutes if the
notice does not specify a different date.

SECTION 2. In Colorado Revised Statutes, add 12-240-146 as
follows:

12-240-146. Interstate compact - powers and duties of the
board - rules - definitions. (1) As used in this section:

(a) "Adverse action" has the meaning set forth in section
(b) "Commission" means the PA licensure compact commission created in section 24-60-4502.

(c) "Compact" means the physician assistant licensure compact authorized in part 45 of article 60 of title 24.

(d) "Compact privilege" has the meaning set forth in section 24-60-4502.

(e) "Data system" has the meaning set forth in section 24-60-4502.

(f) "Investigative information" has the meaning set forth in section 24-60-4502.

(g) "Licensee" has the meaning set forth in section 24-60-4502.

(h) "Licensing board" has the meaning set forth in section 24-60-4502.

(i) "Participating state" means a state that has enacted the compact.

(j) "Significant investigative information" has the meaning set forth in section 24-60-4502.

(2) In addition to any powers and duties specified in the compact for participating states, the board has the following powers and duties with regard to the compact:

(a) To facilitate Colorado's participation in the compact;

(b) To comply with the rules of the commission;

(c) To promulgate rules in accordance with article 4 of title 24 as necessary for the implementation, administration, and enforcement of the compact;
(d) To appoint a person to serve as a delegate on and attend meetings of the Commission in accordance with the terms of the compact;

(e) To notify the Commission, in compliance with the terms of the compact and Commission rules, of any adverse action or the availability of significant investigative information regarding a licensee;

(f) To require a licensee to submit to a fingerprint-based criminal history record check in accordance with the following:

(I) The applicant must pay the costs associated with the fingerprint-based criminal history record check;

(II) After submitting an application for a compact privilege, the applicant shall have the applicant's fingerprints taken by a local law enforcement agency or any third party approved by the Colorado Bureau of Investigation for the purpose of obtaining a fingerprint-based criminal history record check. The applicant shall authorize the entity taking the applicant's fingerprints to submit, and the entity shall submit, the complete set of the applicant's fingerprints to the Colorado Bureau of Investigation for the purpose of conducting a fingerprint-based criminal history record check.

(III) If an approved third party takes the person's fingerprints, the fingerprints may be electronically captured using Colorado Bureau of Investigation-approved Livescan equipment. Third-party vendors shall not keep the applicant's information for more than thirty days.
(IV) The Colorado Bureau of Investigation shall use the applicant's fingerprints to conduct a criminal history record check using the bureau's records. The Colorado Bureau of Investigation shall also forward the fingerprints to the federal Bureau of Investigation for the purpose of conducting a fingerprint-based criminal history record check. The Colorado Bureau of Investigation, applicant, board, and entity taking fingerprints shall comply with the federal Bureau of Investigation's requirements to conduct a criminal history record check.

(V) The Colorado Bureau of Investigation shall return the results of its criminal history record check to the board, and the board is authorized to receive the results of the federal Bureau of Investigation's criminal history record check. The board shall use the information resulting from the criminal history record checks to investigate and determine whether an applicant is qualified for a compact privilege.

(VI) The results of the record check are confidential. The board shall not release the results of the record check to the public, the commission, a participating state, or other state licensing boards.

(g) To grant a compact privilege to a licensee of a participating state in accordance with the terms of the compact and to charge a fee to individuals applying for the compact privilege;

(h) To participate fully in the data system consistent with the compact requirements and the rules of the commission; and
(i) TO APPROVE PAYMENT OF ASSESSMENTS LEVIED BY THE
COMMISSION TO COVER THE COST OF OPERATIONS AND ACTIVITIES OF THE
COMMISSION AND ITS STAFF.

SECTION 3. Act subject to petition - effective date. This act
takes effect at 12:01 a.m. on the day following the expiration of the
ninety-day period after final adjournment of the general assembly; except
that, if a referendum petition is filed pursuant to section 1 (3) of article V
of the state constitution against this act or an item, section, or part of this
act within such period, then the act, item, section, or part will not take
effect unless approved by the people at the general election to be held in
November 2024 and, in such case, will take effect on the date of the
official declaration of the vote thereon by the governor.