

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0461.01 Josh Schultz x5486

SENATE BILL 24-018

SENATE SPONSORSHIP

Simpson and Michaelson Jenet,

HOUSE SPONSORSHIP

Amabile and Winter T.,

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 CONCERNING THE ENACTMENT OF THE "PHYSICIAN ASSISTANT
102 LICENSURE COMPACT".

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

1 TO LICENSE AND DISCIPLINE PAs AND SEEKS TO ENHANCE THE
2 PORTABILITY OF A LICENSE TO PRACTICE AS A PA WHILE SAFEGUARDING
3 THE SAFETY OF PATIENTS. THIS COMPACT ALLOWS MEDICAL SERVICES TO
4 BE PROVIDED BY PAs, VIA THE MUTUAL RECOGNITION OF THE LICENSEE'S
5 QUALIFYING LICENSE BY OTHER COMPACT PARTICIPATING STATES. THIS
6 COMPACT ALSO ADOPTS THE PREVAILING STANDARD FOR PA LICENSURE
7 AND AFFIRMS THAT THE PRACTICE AND DELIVERY OF MEDICAL SERVICES
8 BY THE PA OCCURS WHERE THE PATIENT IS LOCATED AT THE TIME OF THE
9 PATIENT ENCOUNTER, AND THEREFORE REQUIRES THE PA TO BE UNDER
10 THE JURISDICTION OF THE STATE LICENSING BOARD WHERE THE PATIENT
11 IS LOCATED. STATE LICENSING BOARDS THAT PARTICIPATE IN THIS
12 COMPACT RETAIN THE JURISDICTION TO IMPOSE ADVERSE ACTION
13 AGAINST A COMPACT PRIVILEGE IN THAT STATE ISSUED TO A PA THROUGH
14 THE PROCEDURES OF THIS COMPACT. THE PA LICENSURE COMPACT WILL
15 ALLEVIATE BURDENS FOR MILITARY FAMILIES BY ALLOWING ACTIVE DUTY
16 MILITARY PERSONNEL AND THEIR SPOUSES TO OBTAIN A COMPACT
17 PRIVILEGE BASED ON HAVING AN UNRESTRICTED LICENSE IN GOOD
18 STANDING FROM A PARTICIPATING STATE.

19 **Section 2. Definitions**

20 IN THIS COMPACT:

21 A. "ADVERSE ACTION" MEANS ANY ADMINISTRATIVE, CIVIL,
22 EQUITABLE, OR CRIMINAL ACTION PERMITTED BY A STATE'S LAWS
23 WHICH IS IMPOSED BY A LICENSING BOARD OR OTHER AUTHORITY
24 AGAINST A PA LICENSE OR LICENSE APPLICATION OR COMPACT
25 PRIVILEGE SUCH AS LICENSE DENIAL, CENSURE, REVOCATION,
26 SUSPENSION, PROBATION, MONITORING OF THE LICENSEE, OR
27 RESTRICTION ON THE LICENSEE'S PRACTICE.

- 1 B. "COMPACT PRIVILEGE" MEANS THE AUTHORIZATION GRANTED BY
2 A REMOTE STATE TO ALLOW A LICENSEE FROM ANOTHER
3 PARTICIPATING STATE TO PRACTICE AS A PA TO PROVIDE MEDICAL
4 SERVICES AND OTHER LICENSED ACTIVITY TO A PATIENT LOCATED
5 IN THE REMOTE STATE UNDER THE REMOTE STATE'S LAWS AND
6 REGULATIONS.
- 7 C. "CONVICTION" MEANS A FINDING BY A COURT THAT AN INDIVIDUAL
8 IS GUILTY OF A FELONY OR MISDEMEANOR OFFENSE THROUGH
9 ADJUDICATION OR ENTRY OF A PLEA OF GUILT OR NO CONTEST TO
10 THE CHARGE BY THE OFFENDER.
- 11 D. "CRIMINAL BACKGROUND CHECK" MEANS THE SUBMISSION OF
12 FINGERPRINTS OR OTHER BIOMETRIC-BASED INFORMATION FOR A
13 LICENSE APPLICANT FOR THE PURPOSE OF OBTAINING THAT
14 APPLICANT'S CRIMINAL HISTORY RECORD INFORMATION, AS
15 DEFINED IN 28 CFR 20.3 (d), FROM THE STATE'S CRIMINAL HISTORY
16 RECORD REPOSITORY AS DEFINED IN 28 CFR 20.3 (f).
- 17 E. "DATA SYSTEM" MEANS THE REPOSITORY OF INFORMATION ABOUT
18 LICENSEES, INCLUDING BUT NOT LIMITED TO LICENSE STATUS AND
19 ADVERSE ACTIONS, WHICH IS CREATED AND ADMINISTERED UNDER
20 THE TERMS OF THIS COMPACT.
- 21 F. "EXECUTIVE COMMITTEE" MEANS A GROUP OF DIRECTORS AND EX
22 OFFICIO INDIVIDUALS ELECTED OR APPOINTED PURSUANT TO
23 SECTION 7.F.2.
- 24 G. "IMPAIRED PRACTITIONER" MEANS A PA WHOSE PRACTICE IS
25 ADVERSELY AFFECTED BY HEALTH-RELATED CONDITION(S) THAT
26 IMPACT THEIR ABILITY TO PRACTICE.
- 27 H. "INVESTIGATIVE INFORMATION" MEANS INFORMATION, RECORDS,

1 OR DOCUMENTS RECEIVED OR GENERATED BY A LICENSING BOARD
2 PURSUANT TO AN INVESTIGATION.

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

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

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

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

14 M. "MEDICAL SERVICES" MEANS HEALTH CARE SERVICES PROVIDED
15 FOR THE DIAGNOSIS, PREVENTION, TREATMENT, CURE, OR RELIEF OF
16 A HEALTH CONDITION, INJURY, OR DISEASE, AS DEFINED BY A
17 STATE'S LAWS AND REGULATIONS.

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

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

23 P. "PA" MEANS AN INDIVIDUAL WHO IS LICENSED AS A PHYSICIAN
24 ASSISTANT IN A STATE. FOR PURPOSES OF THIS COMPACT, ANY
25 OTHER TITLE OR STATUS ADOPTED BY A STATE TO REPLACE THE
26 TERM "PHYSICIAN ASSISTANT" SHALL BE DEEMED SYNONYMOUS
27 WITH "PHYSICIAN ASSISTANT" AND SHALL CONFER THE SAME

1 RIGHTS AND RESPONSIBILITIES TO THE LICENSEE UNDER THE
2 PROVISIONS OF THIS COMPACT AT THE TIME OF ITS ENACTMENT.

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

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

10 S. "REMOTE STATE" MEANS A PARTICIPATING STATE WHERE A
11 LICENSEE WHO IS NOT LICENSED AS A PA IS EXERCISING OR
12 SEEKING TO EXERCISE THE COMPACT PRIVILEGE.

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

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

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

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

- 24 A. TO PARTICIPATE IN THIS COMPACT, A PARTICIPATING STATE SHALL:
- 25 1. LICENSE PAs;
 - 26 2. PARTICIPATE IN THE COMPACT COMMISSION'S DATA
27 SYSTEM;

- 1 1. HAVE GRADUATED FROM A PA PROGRAM ACCREDITED BY
2 THE ACCREDITATION REVIEW COMMISSION ON EDUCATION
3 FOR THE PHYSICIAN ASSISTANT, INC., OR OTHER PROGRAMS
4 AUTHORIZED BY COMMISSION RULE;
- 5 2. HOLD CURRENT NATIONAL COMMISSION ON CERTIFICATION
6 OF PHYSICIAN ASSISTANTS CERTIFICATION;
- 7 3. HAVE NO FELONY OR MISDEMEANOR CONVICTION;
- 8 4. HAVE NEVER HAD A CONTROLLED SUBSTANCE LICENSE,
9 PERMIT, OR REGISTRATION SUSPENDED OR REVOKED BY A
10 STATE OR BY THE UNITED STATES DRUG ENFORCEMENT
11 ADMINISTRATION;
- 12 5. HAVE A UNIQUE IDENTIFIER AS DETERMINED BY
13 COMMISSION RULE;
- 14 6. HOLD A QUALIFYING LICENSE;
- 15 7. HAVE HAD NO REVOCATION OF A LICENSE OR LIMITATION
16 OR RESTRICTION ON ANY LICENSE CURRENTLY HELD DUE TO
17 AN ADVERSE ACTION;
- 18 8. IF A LICENSEE HAS HAD A LIMITATION OR RESTRICTION ON
19 A LICENSE OR COMPACT PRIVILEGE DUE TO AN ADVERSE
20 ACTION, TWO YEARS MUST HAVE ELAPSED FROM THE DATE
21 ON WHICH THE LICENSE OR COMPACT PRIVILEGE IS NO
22 LONGER LIMITED OR RESTRICTED DUE TO THE ADVERSE
23 ACTION;
- 24 9. IF A COMPACT PRIVILEGE HAS BEEN REVOKED OR IS LIMITED
25 OR RESTRICTED IN A PARTICIPATING STATE FOR CONDUCT
26 THAT WOULD NOT BE A BASIS FOR DISCIPLINARY ACTION IN
27 A PARTICIPATING STATE IN WHICH THE LICENSEE IS

1 PRACTICING OR APPLYING TO PRACTICE UNDER A COMPACT
2 PRIVILEGE, THAT PARTICIPATING STATE SHALL HAVE THE
3 DISCRETION NOT TO CONSIDER SUCH ACTION AS AN
4 ADVERSE ACTION REQUIRING THE DENIAL OR REMOVAL OF
5 A COMPACT PRIVILEGE IN THAT STATE;

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

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

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

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

- 26 1. THE LICENSE IS NO LONGER LIMITED OR RESTRICTED; AND
- 27 2. TWO (2) YEARS HAVE ELAPSED FROM THE DATE ON WHICH

1 THE LICENSE IS NO LONGER LIMITED OR RESTRICTED DUE TO
2 THE ADVERSE ACTION.

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

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

12 **Section 5. Designation of the State from Which Licensee is**

13 **Applying for a Compact Privilege**

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

19 1. WHEN APPLYING FOR A COMPACT PRIVILEGE, THE LICENSEE
20 SHALL PROVIDE THE COMMISSION WITH THE ADDRESS OF
21 THE LICENSEE'S PRIMARY RESIDENCE AND THEREAFTER
22 SHALL IMMEDIATELY REPORT TO THE COMMISSION ANY
23 CHANGE IN THE ADDRESS OF THE LICENSEE'S PRIMARY
24 RESIDENCE.

25 2. WHEN APPLYING FOR A COMPACT PRIVILEGE, THE LICENSEE
26 IS REQUIRED TO CONSENT TO ACCEPT SERVICE OF PROCESS
27 BY MAIL AT THE LICENSEE'S PRIMARY RESIDENCE ON FILE

1 WITH THE COMMISSION WITH RESPECT TO ANY ACTION
2 BROUGHT AGAINST THE LICENSEE BY THE COMMISSION OR
3 A PARTICIPATING STATE, INCLUDING A SUBPOENA, WITH
4 RESPECT TO ANY ACTION BROUGHT OR INVESTIGATION
5 CONDUCTED BY THE COMMISSION OR A PARTICIPATING
6 STATE.

7 **Section 6. Adverse Actions**

8 A. A PARTICIPATING STATE IN WHICH A LICENSEE IS LICENSED SHALL
9 HAVE EXCLUSIVE POWER TO IMPOSE ADVERSE ACTION AGAINST
10 THE QUALIFYING LICENSE ISSUED BY THAT PARTICIPATING STATE.

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

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

20 2. ISSUE SUBPOENAS FOR BOTH HEARINGS AND
21 INVESTIGATIONS THAT REQUIRE THE ATTENDANCE AND
22 TESTIMONY OF WITNESSES AS WELL AS THE PRODUCTION OF
23 EVIDENCE. SUBPOENAS ISSUED BY A LICENSING BOARD IN
24 A PARTICIPATING STATE FOR THE ATTENDANCE AND
25 TESTIMONY OF WITNESSES OR THE PRODUCTION OF
26 EVIDENCE FROM ANOTHER PARTICIPATING STATE SHALL BE
27 ENFORCED IN THE LATTER STATE BY ANY COURT OF

1 COMPETENT JURISDICTION, ACCORDING TO THE PRACTICE
2 AND PROCEDURE OF THAT COURT APPLICABLE TO
3 SUBPOENAS ISSUED IN PROCEEDINGS PENDING BEFORE IT.
4 THE ISSUING AUTHORITY SHALL PAY ANY WITNESS FEES,
5 TRAVEL EXPENSES, MILEAGE, AND OTHER FEES REQUIRED BY
6 THE SERVICE STATUTES OF THE STATE IN WHICH THE
7 EVIDENCE OR WITNESSES ARE LOCATED.

8 3. NOTWITHSTANDING SUBSECTION A.2 OF THIS SECTION,
9 SUBPOENAS MAY NOT BE ISSUED BY A PARTICIPATING
10 STATE TO GATHER EVIDENCE OF CONDUCT IN ANOTHER
11 STATE THAT IS LAWFUL IN THAT OTHER STATE FOR THE
12 PURPOSE OF TAKING ADVERSE ACTION AGAINST A
13 LICENSEE'S COMPACT PRIVILEGE OR APPLICATION FOR A
14 COMPACT PRIVILEGE IN THAT PARTICIPATING STATE.

15 4. NOTHING IN THIS COMPACT AUTHORIZES A PARTICIPATING
16 STATE TO IMPOSE DISCIPLINE AGAINST A PA'S COMPACT
17 PRIVILEGE OR TO DENY AN APPLICATION FOR A COMPACT
18 PRIVILEGE IN THAT PARTICIPATING STATE FOR THE
19 INDIVIDUAL'S OTHERWISE LAWFUL PRACTICE IN ANOTHER
20 STATE.

21 C. FOR PURPOSES OF TAKING ADVERSE ACTION, THE PARTICIPATING
22 STATE WHICH ISSUED THE QUALIFYING LICENSE SHALL GIVE THE
23 SAME PRIORITY AND EFFECT TO REPORTED CONDUCT RECEIVED
24 FROM ANY OTHER PARTICIPATING STATE AS IT WOULD IF THE
25 CONDUCT HAD OCCURRED WITHIN THE PARTICIPATING STATE
26 WHICH ISSUED THE QUALIFYING LICENSE. IN SO DOING, THAT
27 PARTICIPATING STATE SHALL APPLY ITS OWN STATE LAWS TO

- 1 DETERMINE APPROPRIATE ACTION.
- 2 D. A PARTICIPATING STATE, IF OTHERWISE PERMITTED BY STATE LAW,
3 MAY RECOVER FROM THE AFFECTED PA THE COSTS OF
4 INVESTIGATIONS AND DISPOSITION OF CASES RESULTING FROM ANY
5 ADVERSE ACTION TAKEN AGAINST THAT PA.
- 6 E. A PARTICIPATING STATE MAY TAKE ADVERSE ACTION BASED ON
7 THE FACTUAL FINDINGS OF A REMOTE STATE, PROVIDED THAT THE
8 PARTICIPATING STATE FOLLOWS ITS OWN PROCEDURES FOR TAKING
9 THE ADVERSE ACTION.
- 10 F. JOINT INVESTIGATIONS
- 11 1. IN ADDITION TO THE AUTHORITY GRANTED TO A
12 PARTICIPATING STATE BY ITS RESPECTIVE STATE PA LAWS
13 AND REGULATIONS OR OTHER APPLICABLE STATE LAW, ANY
14 PARTICIPATING STATE MAY PARTICIPATE WITH OTHER
15 PARTICIPATING STATES IN JOINT INVESTIGATIONS OF
16 LICENSEES.
- 17 2. PARTICIPATING STATES SHALL SHARE ANY INVESTIGATIVE,
18 LITIGATION, OR COMPLIANCE MATERIALS IN FURTHERANCE
19 OF ANY JOINT OR INDIVIDUAL INVESTIGATION INITIATED
20 UNDER THIS COMPACT.
- 21 G. IF AN ADVERSE ACTION IS TAKEN AGAINST A PA'S QUALIFYING
22 LICENSE, THE PA'S COMPACT PRIVILEGE IN ALL REMOTE STATES
23 SHALL BE DEACTIVATED UNTIL TWO (2) YEARS HAVE ELAPSED
24 AFTER ALL RESTRICTIONS HAVE BEEN REMOVED FROM THE STATE
25 LICENSE. ALL DISCIPLINARY ORDERS BY THE PARTICIPATING STATE
26 WHICH ISSUED THE QUALIFYING LICENSE THAT IMPOSE ADVERSE
27 ACTION AGAINST A PA'S LICENSE SHALL INCLUDE A STATEMENT

1 THAT THE PA'S COMPACT PRIVILEGE IS DEACTIVATED IN ALL
2 PARTICIPATING STATES DURING THE PENDENCY OF THE ORDER.

3 H. IF ANY PARTICIPATING STATE TAKES ADVERSE ACTION, IT
4 PROMPTLY SHALL NOTIFY THE ADMINISTRATOR OF THE DATA
5 SYSTEM.

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

8 A. THE PARTICIPATING STATES HEREBY CREATE AND ESTABLISH A
9 JOINT GOVERNMENT AGENCY AND NATIONAL ADMINISTRATIVE
10 BODY KNOWN AS THE PA LICENSURE COMPACT COMMISSION. THE
11 COMMISSION IS AN INSTRUMENTALITY OF THE COMPACT STATES
12 ACTING JOINTLY AND NOT AN INSTRUMENTALITY OF ANY ONE
13 STATE. THE COMMISSION SHALL COME INTO EXISTENCE ON OR
14 AFTER THE EFFECTIVE DATE OF THE COMPACT AS SET FORTH IN
15 SECTION 11.A OF THIS COMPACT.

16 B. MEMBERSHIP, VOTING, AND MEETINGS

17 1. EACH PARTICIPATING STATE SHALL HAVE AND BE LIMITED
18 TO ONE (1) DELEGATE SELECTED BY THAT PARTICIPATING
19 STATE'S LICENSING BOARD OR, IF THE STATE HAS MORE
20 THAN ONE LICENSING BOARD, SELECTED COLLECTIVELY BY
21 THE PARTICIPATING STATE'S LICENSING BOARDS.

22 2. THE DELEGATE SHALL BE EITHER:
23 a. A CURRENT PA, PHYSICIAN, OR PUBLIC MEMBER OF
24 A LICENSING BOARD OR PA COUNCIL/COMMITTEE;
25 OR

26 b. AN ADMINISTRATOR OF A LICENSING BOARD.

27 3. ANY DELEGATE MAY BE REMOVED OR SUSPENDED FROM

1 OFFICE AS PROVIDED BY THE LAWS OF THE STATE FROM
2 WHICH THE DELEGATE IS APPOINTED.

3 4. THE PARTICIPATING STATE LICENSING BOARD SHALL FILL
4 ANY VACANCY OCCURRING IN THE COMMISSION WITHIN
5 SIXTY (60) DAYS.

6 5. EACH DELEGATE SHALL BE ENTITLED TO ONE (1) VOTE ON
7 ALL MATTERS VOTED ON BY THE COMMISSION AND SHALL
8 OTHERWISE HAVE AN OPPORTUNITY TO PARTICIPATE IN THE
9 BUSINESS AND AFFAIRS OF THE COMMISSION. A DELEGATE
10 SHALL VOTE IN PERSON OR BY SUCH OTHER MEANS AS
11 PROVIDED IN THE BYLAWS. THE BYLAWS MAY PROVIDE FOR
12 DELEGATES' PARTICIPATION IN MEETINGS BY
13 TELECOMMUNICATIONS, VIDEO CONFERENCE, OR OTHER
14 MEANS OF COMMUNICATION.

15 6. THE COMMISSION SHALL MEET AT LEAST ONCE DURING
16 EACH CALENDAR YEAR. ADDITIONAL MEETINGS SHALL BE
17 HELD AS SET FORTH IN THIS COMPACT AND THE BYLAWS.

18 7. THE COMMISSION SHALL ESTABLISH BY RULE A TERM OF
19 OFFICE FOR DELEGATES.

20 C. THE COMMISSION SHALL HAVE THE FOLLOWING POWERS AND
21 DUTIES:

- 22 1. ESTABLISH A CODE OF ETHICS FOR THE COMMISSION;
- 23 2. ESTABLISH THE FISCAL YEAR OF THE COMMISSION;
- 24 3. ESTABLISH FEES;
- 25 4. ESTABLISH BYLAWS;
- 26 5. MAINTAIN ITS FINANCIAL RECORDS IN ACCORDANCE WITH
27 THE BYLAWS;

- 1 6. MEET AND TAKE SUCH ACTIONS AS ARE CONSISTENT WITH
2 THE PROVISIONS OF THIS COMPACT AND THE BYLAWS;
3 7. PROMULGATE RULES TO FACILITATE AND COORDINATE
4 IMPLEMENTATION AND ADMINISTRATION OF THIS COMPACT.
5 THE RULES SHALL HAVE THE FORCE AND EFFECT OF LAW
6 AND SHALL BE BINDING IN ALL PARTICIPATING STATES.
7 8. BRING AND PROSECUTE LEGAL PROCEEDINGS OR ACTIONS IN
8 THE NAME OF THE COMMISSION, PROVIDED THAT THE
9 STANDING OF ANY STATE LICENSING BOARD TO SUE OR BE
10 SUED UNDER APPLICABLE LAW SHALL NOT BE AFFECTED;
11 9. PURCHASE AND MAINTAIN INSURANCE AND BONDS;
12 10. BORROW, ACCEPT, OR CONTRACT FOR SERVICES OF
13 PERSONNEL, INCLUDING, BUT NOT LIMITED TO, EMPLOYEES
14 OF A PARTICIPATING STATE;
15 11. HIRE EMPLOYEES AND ENGAGE CONTRACTORS, ELECT OR
16 APPOINT OFFICERS, FIX COMPENSATION, DEFINE DUTIES,
17 GRANT SUCH INDIVIDUALS APPROPRIATE AUTHORITY TO
18 CARRY OUT THE PURPOSES OF THIS COMPACT, AND
19 ESTABLISH THE COMMISSION'S PERSONNEL POLICIES AND
20 PROGRAMS RELATING TO CONFLICTS OF INTEREST,
21 QUALIFICATIONS OF PERSONNEL, AND OTHER RELATED
22 PERSONNEL MATTERS;
23 12. ACCEPT ANY AND ALL APPROPRIATE DONATIONS AND
24 GRANTS OF MONEY, EQUIPMENT, SUPPLIES, MATERIALS, AND
25 SERVICES, AND RECEIVE, UTILIZE, AND DISPOSE OF THE
26 SAME; PROVIDED THAT AT ALL TIMES THE COMMISSION
27 SHALL AVOID ANY APPEARANCE OF IMPROPRIETY OR

- 1 CONFLICT OF INTEREST;
- 2 13. LEASE, PURCHASE, ACCEPT APPROPRIATE GIFTS OR
3 DONATIONS OF, OR OTHERWISE OWN, HOLD, IMPROVE, OR
4 USE, ANY PROPERTY, REAL, PERSONAL, OR MIXED; PROVIDED
5 THAT AT ALL TIMES THE COMMISSION SHALL AVOID ANY
6 APPEARANCE OF IMPROPRIETY;
- 7 14. SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE,
8 ABANDON, OR OTHERWISE DISPOSE OF ANY PROPERTY, REAL,
9 PERSONAL, OR MIXED;
- 10 15. ESTABLISH A BUDGET AND MAKE EXPENDITURES;
- 11 16. BORROW MONEY;
- 12 17. APPOINT COMMITTEES, INCLUDING STANDING COMMITTEES
13 COMPOSED OF MEMBERS, STATE REGULATORS, STATE
14 LEGISLATORS OR THEIR REPRESENTATIVES, AND CONSUMER
15 REPRESENTATIVES, AND SUCH OTHER INTERESTED PERSONS
16 AS MAY BE DESIGNATED IN THIS COMPACT AND THE
17 BYLAWS;
- 18 18. PROVIDE AND RECEIVE INFORMATION FROM, AND
19 COOPERATE WITH, LAW ENFORCEMENT AGENCIES;
- 20 19. ELECT A CHAIR, VICE CHAIR, SECRETARY, AND TREASURER
21 AND SUCH OTHER OFFICERS OF THE COMMISSION AS
22 PROVIDED IN THE COMMISSION'S BYLAWS;
- 23 20. RESERVE FOR ITSELF, IN ADDITION TO THOSE RESERVED
24 EXCLUSIVELY TO THE COMMISSION UNDER THE COMPACT,
25 POWERS THAT THE EXECUTIVE COMMITTEE MAY NOT
26 EXERCISE;
- 27 21. APPROVE OR DISAPPROVE A STATE'S PARTICIPATION IN THE

1 COMPACT BASED UPON ITS DETERMINATION AS TO WHETHER
2 THE STATE'S COMPACT LEGISLATION DEPARTS IN A
3 MATERIAL MANNER FROM THE MODEL COMPACT
4 LANGUAGE;

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

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

11 D. MEETINGS OF THE COMMISSION

12 1. ALL MEETINGS OF THE COMMISSION THAT ARE NOT CLOSED
13 PURSUANT TO THIS SUBSECTION D.1 SHALL BE OPEN TO THE
14 PUBLIC. NOTICE OF PUBLIC MEETINGS SHALL BE POSTED ON
15 THE COMMISSION'S WEBSITE AT LEAST THIRTY (30) DAYS
16 PRIOR TO THE PUBLIC MEETING.

17 2. NOTWITHSTANDING SUBSECTION D.1 OF THIS SECTION, THE
18 COMMISSION MAY CONVENE A PUBLIC MEETING BY
19 PROVIDING AT LEAST TWENTY-FOUR (24) HOURS PRIOR
20 NOTICE ON THE COMMISSION'S WEBSITE, AND ANY OTHER
21 MEANS AS PROVIDED IN THE COMMISSION'S RULES, FOR ANY
22 OF THE REASONS IT MAY DISPENSE WITH NOTICE OF
23 PROPOSED RULEMAKING UNDER SECTION 9.L OF THIS
24 COMPACT.

25 3. THE COMMISSION MAY CONVENE IN A CLOSED, NON-PUBLIC
26 MEETING OR NON-PUBLIC PART OF A PUBLIC MEETING TO
27 RECEIVE LEGAL ADVICE OR TO DISCUSS:

- 1 a. NON-COMPLIANCE OF A PARTICIPATING STATE WITH
- 2 ITS OBLIGATIONS UNDER THIS COMPACT;
- 3 b. THE EMPLOYMENT, COMPENSATION, DISCIPLINE OR
- 4 OTHER ENFORCEMENT MATTERS, PRACTICES, OR
- 5 PROCEDURES RELATED TO SPECIFIC EMPLOYEES OR
- 6 OTHER MATTERS RELATED TO THE COMMISSION'S
- 7 INTERNAL PERSONNEL PRACTICES AND PROCEDURES;
- 8 c. CURRENT, THREATENED, OR REASONABLY
- 9 ANTICIPATED LITIGATION;
- 10 d. NEGOTIATION OF CONTRACTS FOR THE PURCHASE,
- 11 LEASE, OR SALE OF GOODS, SERVICES, OR REAL
- 12 ESTATE;
- 13 e. ACCUSING ANY PERSON OF A CRIME OR FORMALLY
- 14 CENSURING ANY PERSON;
- 15 f. DISCLOSURE OF TRADE SECRETS OR COMMERCIAL OR
- 16 FINANCIAL INFORMATION THAT IS PRIVILEGED OR
- 17 CONFIDENTIAL;
- 18 g. DISCLOSURE OF INFORMATION OF A PERSONAL
- 19 NATURE WHERE DISCLOSURE WOULD CONSTITUTE A
- 20 CLEARLY UNWARRANTED INVASION OF PERSONAL
- 21 PRIVACY;
- 22 h. DISCLOSURE OF INVESTIGATIVE RECORDS COMPILED
- 23 FOR LAW ENFORCEMENT PURPOSES;
- 24 i. DISCLOSURE OF INFORMATION RELATED TO ANY
- 25 INVESTIGATIVE REPORTS PREPARED BY OR ON
- 26 BEHALF OF OR FOR USE OF THE COMMISSION OR
- 27 OTHER COMMITTEE CHARGED WITH RESPONSIBILITY

1 OF INVESTIGATION OR DETERMINATION OF
2 COMPLIANCE ISSUES PURSUANT TO THIS COMPACT;

3 j. LEGAL ADVICE; OR

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

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

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

23 E. FINANCING OF THE COMMISSION

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

27 2. THE COMMISSION MAY ACCEPT ANY AND ALL APPROPRIATE

1 REVENUE SOURCES, DONATIONS, AND GRANTS OF MONEY,
2 EQUIPMENT, SUPPLIES, MATERIALS, AND SERVICES.

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

16 a. A COMPACT PRIVILEGE EXPIRES WHEN THE
17 LICENSEE'S QUALIFYING LICENSE IN THE
18 PARTICIPATING STATE FROM WHICH THE LICENSEE
19 APPLIED FOR THE COMPACT PRIVILEGE EXPIRES.

20 b. IF THE LICENSEE TERMINATES THE QUALIFYING
21 LICENSE THROUGH WHICH THE LICENSEE APPLIED
22 FOR THE COMPACT PRIVILEGE BEFORE ITS
23 SCHEDULED EXPIRATION, AND THE LICENSEE HAS A
24 QUALIFYING LICENSE IN ANOTHER PARTICIPATING
25 STATE, THE LICENSEE SHALL INFORM THE
26 COMMISSION THAT THE LICENSEE IS CHANGING TO
27 THAT PARTICIPATING STATE THE PARTICIPATING

1 STATE THROUGH WHICH IT APPLIES FOR A COMPACT
2 PRIVILEGE AND PAY TO THE COMMISSION ANY
3 COMPACT PRIVILEGE FEE REQUIRED BY COMMISSION
4 RULE.

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

10 5. THE COMMISSION SHALL KEEP ACCURATE ACCOUNTS OF ALL
11 RECEIPTS AND DISBURSEMENTS. THE RECEIPTS AND
12 DISBURSEMENTS OF THE COMMISSION SHALL BE SUBJECT TO
13 THE FINANCIAL REVIEW AND ACCOUNTING PROCEDURES
14 ESTABLISHED UNDER ITS BYLAWS. ALL RECEIPTS AND
15 DISBURSEMENTS OF FUNDS HANDLED BY THE COMMISSION
16 SHALL BE SUBJECT TO AN ANNUAL FINANCIAL REVIEW BY A
17 CERTIFIED OR LICENSED PUBLIC ACCOUNTANT, AND THE
18 REPORT OF THE FINANCIAL REVIEW SHALL BE INCLUDED IN
19 AND BECOME PART OF THE ANNUAL REPORT OF THE
20 COMMISSION.

21 F. THE EXECUTIVE COMMITTEE

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

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

27 a. SEVEN (7) VOTING MEMBERS WHO ARE ELECTED BY

1 THE COMMISSION FROM THE CURRENT MEMBERSHIP
2 OF THE COMMISSION;

3 b. ONE (1) EX OFFICIO, NONVOTING MEMBER FROM A
4 RECOGNIZED NATIONAL PA PROFESSIONAL
5 ASSOCIATION; AND

6 c. ONE (1) EX OFFICIO, NONVOTING MEMBER FROM A
7 RECOGNIZED NATIONAL PA CERTIFICATION
8 ORGANIZATION.

9 3. THE EX OFFICIO MEMBERS WILL BE SELECTED BY THEIR
10 RESPECTIVE ORGANIZATIONS.

11 4. THE COMMISSION MAY REMOVE ANY MEMBER OF THE
12 EXECUTIVE COMMITTEE AS PROVIDED IN ITS BYLAWS.

13 5. THE EXECUTIVE COMMITTEE SHALL MEET AT LEAST
14 ANNUALLY.

15 6. THE EXECUTIVE COMMITTEE SHALL HAVE THE FOLLOWING
16 DUTIES AND RESPONSIBILITIES:

17 a. RECOMMEND TO THE COMMISSION CHANGES TO THE
18 COMMISSION'S RULES OR BYLAWS, CHANGES TO THIS
19 COMPACT LEGISLATION, FEES TO BE PAID BY
20 COMPACT PARTICIPATING STATES SUCH AS ANNUAL
21 DUES, AND ANY COMMISSION COMPACT FEE
22 CHARGED TO LICENSEES FOR THE COMPACT
23 PRIVILEGE;

24 b. ENSURE COMPACT ADMINISTRATION SERVICES ARE
25 APPROPRIATELY PROVIDED, CONTRACTUAL OR
26 OTHERWISE;

27 c. PREPARE AND RECOMMEND THE BUDGET;

- 1 d. MAINTAIN FINANCIAL RECORDS ON BEHALF OF THE
- 2 COMMISSION;
- 3 e. MONITOR COMPACT COMPLIANCE OF PARTICIPATING
- 4 STATES AND PROVIDE COMPLIANCE REPORTS TO THE
- 5 COMMISSION;
- 6 f. ESTABLISH ADDITIONAL COMMITTEES AS
- 7 NECESSARY;
- 8 g. EXERCISE THE POWERS AND DUTIES OF THE
- 9 COMMISSION DURING THE INTERIM BETWEEN
- 10 COMMISSION MEETINGS, EXCEPT FOR ISSUING
- 11 PROPOSED RULEMAKING OR ADOPTING COMMISSION
- 12 RULES OR BYLAWS, OR EXERCISING ANY OTHER
- 13 POWERS AND DUTIES EXCLUSIVELY RESERVED TO
- 14 THE COMMISSION BY THE COMMISSION'S RULES;
- 15 AND
- 16 h. PERFORM OTHER DUTIES AS PROVIDED IN THE
- 17 COMMISSION'S RULES OR BYLAWS.
- 18 7. ALL MEETINGS OF THE EXECUTIVE COMMITTEE AT WHICH
- 19 IT VOTES OR PLANS TO VOTE ON MATTERS IN EXERCISING
- 20 THE POWERS AND DUTIES OF THE COMMISSION SHALL BE
- 21 OPEN TO THE PUBLIC, AND PUBLIC NOTICE OF SUCH
- 22 MEETINGS SHALL BE GIVEN AS PUBLIC MEETINGS OF THE
- 23 COMMISSION ARE GIVEN.
- 24 8. THE EXECUTIVE COMMITTEE MAY CONVENE IN A CLOSED,
- 25 NON-PUBLIC MEETING FOR THE SAME REASONS THAT THE
- 26 COMMISSION MAY CONVENE IN A NON-PUBLIC MEETING AS
- 27 SET FORTH IN SUBSECTION D.3 OF THIS SECTION AND SHALL

1 ANNOUNCE THE CLOSED MEETING AS THE COMMISSION IS
2 REQUIRED TO UNDER SUBSECTION D.4 OF THIS SECTION AND
3 KEEP MINUTES OF THE CLOSED MEETING AS THE
4 COMMISSION IS REQUIRED TO UNDER SUBSECTION D.5 OF
5 THIS SECTION.

6 G. QUALIFIED IMMUNITY, DEFENSE, AND INDEMNIFICATION

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

26 2. THE COMMISSION SHALL DEFEND ANY MEMBER, OFFICER,
27 EXECUTIVE DIRECTOR, EMPLOYEE, AND REPRESENTATIVE OF

1 THE COMMISSION IN ANY CIVIL ACTION SEEKING TO IMPOSE
2 LIABILITY ARISING OUT OF ANY ACTUAL OR ALLEGED ACT,
3 ERROR, OR OMISSION THAT OCCURRED WITHIN THE SCOPE OF
4 COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES,
5 OR AS DETERMINED BY THE COMMISSION THAT THE PERSON
6 AGAINST WHOM THE CLAIM IS MADE HAD A REASONABLE
7 BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF
8 COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES;
9 PROVIDED THAT NOTHING HEREIN SHALL BE CONSTRUED TO
10 PROHIBIT THAT PERSON FROM RETAINING THEIR OWN
11 COUNSEL AT THEIR OWN EXPENSE; AND PROVIDED FURTHER,
12 THAT THE ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION
13 DID NOT RESULT FROM THAT PERSON'S INTENTIONAL OR
14 WILLFUL OR WANTON MISCONDUCT.

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

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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.

1 8. NOTHING IN THIS COMPACT SHALL BE CONSTRUED TO BE A
2 WAIVER OF SOVEREIGN IMMUNITY BY THE PARTICIPATING
3 STATES OR BY THE COMMISSION.

4 **Section 8. Data System**

5 A. THE COMMISSION SHALL PROVIDE FOR THE DEVELOPMENT,
6 MAINTENANCE, OPERATION, AND UTILIZATION OF A COORDINATED
7 DATA AND REPORTING SYSTEM CONTAINING LICENSURE
8 INFORMATION, ADVERSE ACTION INFORMATION, AND THE
9 REPORTING OF THE EXISTENCE OF SIGNIFICANT INVESTIGATIVE
10 INFORMATION ON ALL LICENSED PAs AND APPLICANTS DENIED A
11 LICENSE IN PARTICIPATING STATES.

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

- 17 1. IDENTIFYING INFORMATION;
- 18 2. LICENSURE DATA;
- 19 3. ADVERSE ACTIONS AGAINST A LICENSE OR COMPACT
20 PRIVILEGE;
- 21 4. ANY DENIAL OF APPLICATION FOR LICENSURE, AND THE
22 REASON(S) FOR SUCH DENIAL (EXCLUDING THE REPORTING
23 OF ANY CRIMINAL HISTORY RECORD INFORMATION WHERE
24 PROHIBITED BY LAW);
- 25 5. THE EXISTENCE OF SIGNIFICANT INVESTIGATIVE
26 INFORMATION; AND
- 27 6. OTHER INFORMATION THAT MAY FACILITATE THE

1 ADMINISTRATION OF THIS COMPACT, AS DETERMINED BY
2 THE RULES OF THE COMMISSION.

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

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

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

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

24 G. THE RECORDS AND INFORMATION PROVIDED TO A PARTICIPATING
25 STATE PURSUANT TO THIS COMPACT OR THROUGH THE DATA
26 SYSTEM, WHEN CERTIFIED BY THE COMMISSION OR AN AGENT
27 THEREOF, SHALL CONSTITUTE THE AUTHENTICATED BUSINESS

1 RECORDS OF THE COMMISSION, AND SHALL BE ENTITLED TO ANY
2 ASSOCIATED HEARSAY EXCEPTION IN ANY RELEVANT JUDICIAL,
3 QUASI-JUDICIAL, OR ADMINISTRATIVE PROCEEDINGS IN A
4 PARTICIPATING STATE.

5 **Section 9. Rulemaking**

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

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

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

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

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

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

- 16 1. ON THE WEBSITE OF THE COMMISSION OR OTHER PUBLICLY
17 ACCESSIBLE PLATFORM;
- 18 2. TO PERSONS WHO HAVE REQUESTED THE COMMISSION'S
19 NOTICES OF PROPOSED RULEMAKING; AND
- 20 3. IN SUCH OTHER WAY(S) AS THE COMMISSION MAY BY RULE
21 SPECIFY.

22 G. THE NOTICE OF PROPOSED RULEMAKING SHALL INCLUDE:
23 1. THE TIME, DATE, AND LOCATION OF THE PUBLIC HEARING ON
24 THE PROPOSED RULE AND THE PROPOSED TIME, DATE, AND
25 LOCATION OF THE MEETING IN WHICH THE PROPOSED RULE
26 WILL BE CONSIDERED AND VOTED UPON;
27 2. THE TEXT OF THE PROPOSED RULE AND THE REASON FOR

- 1 THE PROPOSED RULE;
- 2 3. A REQUEST FOR COMMENTS ON THE PROPOSED RULE FROM
- 3 ANY INTERESTED PERSON AND THE DATE BY WHICH
- 4 WRITTEN COMMENTS MUST BE RECEIVED; AND
- 5 4. THE MANNER IN WHICH INTERESTED PERSONS MAY SUBMIT
- 6 NOTICE TO THE COMMISSION OF THEIR INTENTION TO
- 7 ATTEND THE PUBLIC HEARING OR PROVIDE ANY WRITTEN
- 8 COMMENTS.
- 9 H. PRIOR TO ADOPTION OF A PROPOSED RULE, THE COMMISSION SHALL
- 10 ALLOW PERSONS TO SUBMIT WRITTEN DATA, FACTS, OPINIONS, AND
- 11 ARGUMENTS, WHICH SHALL BE MADE AVAILABLE TO THE PUBLIC.
- 12 I. IF THE HEARING IS TO BE HELD VIA ELECTRONIC MEANS, THE
- 13 COMMISSION SHALL PUBLISH THE MECHANISM FOR ACCESS TO THE
- 14 ELECTRONIC HEARING.
- 15 1. ALL PERSONS WISHING TO BE HEARD AT THE HEARING
- 16 SHALL AS DIRECTED IN THE NOTICE OF PROPOSED
- 17 RULEMAKING, NOT LESS THAN FIVE (5) BUSINESS DAYS
- 18 BEFORE THE SCHEDULED DATE OF THE HEARING, NOTIFY THE
- 19 COMMISSION OF THEIR DESIRE TO APPEAR AND TESTIFY AT
- 20 THE HEARING.
- 21 2. HEARINGS SHALL BE CONDUCTED IN A MANNER PROVIDING
- 22 EACH PERSON WHO WISHES TO COMMENT A FAIR AND
- 23 REASONABLE OPPORTUNITY TO COMMENT ORALLY OR IN
- 24 WRITING.
- 25 3. ALL HEARINGS SHALL BE RECORDED. A COPY OF THE
- 26 RECORDING AND THE WRITTEN COMMENTS, DATA, FACTS,
- 27 OPINIONS, AND ARGUMENTS RECEIVED IN RESPONSE TO THE

1 PROPOSED RULEMAKING SHALL BE MADE AVAILABLE TO A
2 PERSON UPON REQUEST.

3 4. NOTHING IN THIS SECTION SHALL BE CONSTRUED AS
4 REQUIRING A SEPARATE HEARING ON EACH PROPOSED RULE.
5 PROPOSED RULES MAY BE GROUPED FOR THE CONVENIENCE
6 OF THE COMMISSION AT HEARINGS REQUIRED BY THIS
7 SECTION.

8 J. FOLLOWING THE PUBLIC HEARING THE COMMISSION SHALL
9 CONSIDER ALL WRITTEN AND ORAL COMMENTS TIMELY RECEIVED.

10 K. THE COMMISSION SHALL, BY MAJORITY VOTE OF ALL DELEGATES,
11 TAKE FINAL ACTION ON THE PROPOSED RULE AND SHALL
12 DETERMINE THE EFFECTIVE DATE OF THE RULE, IF ADOPTED, BASED
13 ON THE RULEMAKING RECORD AND THE FULL TEXT OF THE RULE.

14 1. IF ADOPTED, THE RULE SHALL BE POSTED ON THE
15 COMMISSION'S WEBSITE.

16 2. THE COMMISSION MAY ADOPT CHANGES TO THE PROPOSED
17 RULE PROVIDED THE CHANGES DO NOT ENLARGE THE
18 ORIGINAL PURPOSE OF THE PROPOSED RULE.

19 3. THE COMMISSION SHALL PROVIDE ON ITS WEBSITE AN
20 EXPLANATION OF THE REASONS FOR SUBSTANTIVE CHANGES
21 MADE TO THE PROPOSED RULE AS WELL AS REASONS FOR
22 SUBSTANTIVE CHANGES NOT MADE THAT WERE
23 RECOMMENDED BY COMMENTERS.

24 4. THE COMMISSION SHALL DETERMINE A REASONABLE
25 EFFECTIVE DATE FOR THE RULE. EXCEPT FOR AN
26 EMERGENCY AS PROVIDED IN SUBSECTION L OF THIS
27 SECTION, THE EFFECTIVE DATE OF THE RULE SHALL BE NO

1 SHALL BE SUBJECT TO CHALLENGE BY ANY PERSON FOR A PERIOD
2 OF THIRTY (30) DAYS AFTER POSTING. THE REVISION MAY BE
3 CHALLENGED ONLY ON GROUNDS THAT THE REVISION RESULTS IN
4 A MATERIAL CHANGE TO A RULE. A CHALLENGE SHALL BE MADE AS
5 SET FORTH IN THE NOTICE OF REVISIONS AND DELIVERED TO THE
6 COMMISSION PRIOR TO THE END OF THE NOTICE PERIOD. IF NO
7 CHALLENGE IS MADE, THE REVISION WILL TAKE EFFECT WITHOUT
8 FURTHER ACTION. IF THE REVISION IS CHALLENGED, THE REVISION
9 MAY NOT TAKE EFFECT WITHOUT THE APPROVAL OF THE
10 COMMISSION.

11 N. NO PARTICIPATING STATE'S RULEMAKING REQUIREMENTS SHALL
12 APPLY UNDER THIS COMPACT.

13 **Section 10. Oversight, Dispute Resolution, and Enforcement**

14 A. OVERSIGHT

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

20 2. VENUE IS PROPER AND JUDICIAL PROCEEDINGS BY OR
21 AGAINST THE COMMISSION SHALL BE BROUGHT SOLELY AND
22 EXCLUSIVELY IN A COURT OF COMPETENT JURISDICTION
23 WHERE THE PRINCIPAL OFFICE OF THE COMMISSION IS
24 LOCATED. THE COMMISSION MAY WAIVE VENUE AND
25 JURISDICTIONAL DEFENSES TO THE EXTENT IT ADOPTS OR
26 CONSENTS TO PARTICIPATE IN ALTERNATIVE DISPUTE
27 RESOLUTION PROCEEDINGS. NOTHING HEREIN SHALL AFFECT

1 OR LIMIT THE SELECTION OR PROPRIETY OF VENUE IN ANY
2 ACTION AGAINST A LICENSEE FOR PROFESSIONAL
3 MALPRACTICE, MISCONDUCT, OR ANY SUCH SIMILAR
4 MATTER.

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

14 B. DEFAULT, TECHNICAL ASSISTANCE, AND TERMINATION

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

26 2. IF A STATE IN DEFAULT FAILS TO CURE THE DEFAULT, THE
27 DEFAULTING STATE MAY BE TERMINATED FROM THIS

1 COMPACT UPON AN AFFIRMATIVE VOTE OF A MAJORITY OF
2 THE DELEGATES OF THE PARTICIPATING STATES, AND ALL
3 RIGHTS, PRIVILEGES, AND BENEFITS CONFERRED BY THIS
4 COMPACT UPON SUCH STATE MAY BE TERMINATED ON THE
5 EFFECTIVE DATE OF TERMINATION. A CURE OF THE DEFAULT
6 DOES NOT RELIEVE THE OFFENDING STATE OF OBLIGATIONS
7 OR LIABILITIES INCURRED DURING THE PERIOD OF DEFAULT.

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

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

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

26 6. THE DEFAULTING STATE MAY APPEAL ITS TERMINATION
27 FROM THE COMPACT BY THE COMMISSION BY PETITIONING

1 THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
2 COLUMBIA OR THE FEDERAL DISTRICT WHERE THE
3 COMMISSION HAS ITS PRINCIPAL OFFICES. THE PREVAILING
4 PARTY SHALL BE AWARDED ALL COSTS OF SUCH LITIGATION,
5 INCLUDING REASONABLE ATTORNEY'S FEES.

6 7. UPON THE TERMINATION OF A STATE'S PARTICIPATION IN
7 THE COMPACT, THE STATE SHALL IMMEDIATELY PROVIDE
8 NOTICE TO ALL LICENSEES WITHIN THAT STATE OF SUCH
9 TERMINATION:

10 a. LICENSEES WHO HAVE BEEN GRANTED A COMPACT
11 PRIVILEGE IN THAT STATE SHALL RETAIN THE
12 COMPACT PRIVILEGE FOR ONE HUNDRED EIGHTY
13 (180) DAYS FOLLOWING THE EFFECTIVE DATE OF
14 SUCH TERMINATION.

15 b. LICENSEES WHO ARE LICENSED IN THAT STATE WHO
16 HAVE BEEN GRANTED A COMPACT PRIVILEGE IN A
17 PARTICIPATING STATE SHALL RETAIN THE COMPACT
18 PRIVILEGE FOR ONE HUNDRED EIGHTY (180) DAYS
19 UNLESS THE LICENSEE ALSO HAS A QUALIFYING
20 LICENSE IN A PARTICIPATING STATE OR OBTAINS A
21 QUALIFYING LICENSE IN A PARTICIPATING STATE
22 BEFORE THE ONE HUNDRED EIGHTY (180)-DAY
23 PERIOD ENDS, IN WHICH CASE THE COMPACT
24 PRIVILEGE SHALL CONTINUE.

25 C. DISPUTE RESOLUTION

26 1. UPON REQUEST BY A PARTICIPATING STATE, THE
27 COMMISSION SHALL ATTEMPT TO RESOLVE DISPUTES

1 RELATED TO THIS COMPACT THAT ARISE AMONG
2 PARTICIPATING STATES AND BETWEEN PARTICIPATING AND
3 NON-PARTICIPATING STATES.

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

7 D. ENFORCEMENT

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

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

25 3. THE REMEDIES HEREIN SHALL NOT BE THE EXCLUSIVE
26 REMEDIES OF THE COMMISSION. THE COMMISSION MAY
27 PURSUE ANY OTHER REMEDIES AVAILABLE UNDER FEDERAL

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OR STATE LAW.

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.

- 1 a. A CHARTER PARTICIPATING STATE WHOSE
2 ENACTMENT IS FOUND TO BE MATERIALLY
3 DIFFERENT FROM THE MODEL COMPACT SHALL BE
4 ENTITLED TO THE DEFAULT PROCESS SET FORTH IN
5 SECTION 10.B OF THIS COMPACT.
- 6 b. IF ANY PARTICIPATING STATE LATER WITHDRAWS
7 FROM THE COMPACT OR ITS PARTICIPATION IS
8 TERMINATED, THE COMMISSION SHALL REMAIN IN
9 EXISTENCE AND THE COMPACT SHALL REMAIN IN
10 EFFECT EVEN IF THE NUMBER OF PARTICIPATING
11 STATES SHOULD BE LESS THAN SEVEN.
12 PARTICIPATING STATES ENACTING THE COMPACT
13 SUBSEQUENT TO THE COMMISSION CONVENING
14 SHALL BE SUBJECT TO THE PROCESS SET FORTH IN
15 SECTION 7.C.21 OF THIS COMPACT TO DETERMINE IF
16 THEIR ENACTMENTS ARE MATERIALLY DIFFERENT
17 FROM THE MODEL COMPACT AND WHETHER THEY
18 QUALIFY FOR PARTICIPATION IN THE COMPACT.
- 19 2. PARTICIPATING STATES ENACTING THIS COMPACT
20 SUBSEQUENT TO THE SEVEN INITIAL CHARTER
21 PARTICIPATING STATES SHALL BE SUBJECT TO THE PROCESS
22 SET FORTH IN SECTION 7.C.21 OF THIS COMPACT TO
23 DETERMINE IF THEIR ENACTMENTS ARE MATERIALLY
24 DIFFERENT FROM THE MODEL COMPACT AND WHETHER
25 THEY QUALIFY FOR PARTICIPATION IN THE COMPACT.
- 26 3. ALL ACTIONS TAKEN FOR THE BENEFIT OF THE COMMISSION
27 OR IN FURTHERANCE OF THE PURPOSES OF THE

1 ADMINISTRATION OF THIS COMPACT PRIOR TO THE
2 EFFECTIVE DATE OF THIS COMPACT OR THE COMMISSION
3 COMING INTO EXISTENCE SHALL BE CONSIDERED TO BE
4 ACTIONS OF THE COMMISSION UNLESS SPECIFICALLY
5 REPUDIATED BY THE COMMISSION.

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

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

14 1. A PARTICIPATING STATE'S WITHDRAWAL SHALL NOT TAKE
15 EFFECT UNTIL ONE HUNDRED EIGHTY (180) DAYS AFTER
16 ENACTMENT OF THE REPEALING STATUTE. DURING THIS ONE
17 HUNDRED EIGHTY (180)-DAY PERIOD, ALL COMPACT
18 PRIVILEGES THAT WERE IN EFFECT IN THE WITHDRAWING
19 STATE AND WERE GRANTED TO LICENSEES LICENSED IN THE
20 WITHDRAWING STATE SHALL REMAIN IN EFFECT. IF ANY
21 LICENSEE LICENSED IN THE WITHDRAWING STATE IS ALSO
22 LICENSED IN ANOTHER PARTICIPATING STATE OR OBTAINS
23 A LICENSE IN ANOTHER PARTICIPATING STATE WITHIN THE
24 ONE HUNDRED EIGHTY (180) DAYS, THE LICENSEE'S
25 COMPACT PRIVILEGES IN OTHER PARTICIPATING STATES
26 SHALL NOT BE AFFECTED BY THE PASSAGE OF THE ONE
27 HUNDRED EIGHTY (180) DAYS.

1 2. WITHDRAWAL SHALL NOT AFFECT THE CONTINUING
2 REQUIREMENT OF THE STATE LICENSING BOARD(S) OF THE
3 WITHDRAWING STATE TO COMPLY WITH THE INVESTIGATIVE
4 AND ADVERSE ACTION REPORTING REQUIREMENTS OF THIS
5 COMPACT PRIOR TO THE EFFECTIVE DATE OF WITHDRAWAL.

6 3. UPON THE ENACTMENT OF A STATUTE WITHDRAWING A
7 STATE FROM THIS COMPACT, THE STATE SHALL
8 IMMEDIATELY PROVIDE NOTICE OF SUCH WITHDRAWAL TO
9 ALL LICENSEES WITHIN THAT STATE. SUCH WITHDRAWING
10 STATE SHALL CONTINUE TO RECOGNIZE ALL LICENSES
11 GRANTED PURSUANT TO THIS COMPACT FOR A MINIMUM OF
12 ONE HUNDRED EIGHTY (180) DAYS AFTER THE DATE OF
13 SUCH NOTICE OF WITHDRAWAL.

14 D. NOTHING CONTAINED IN THIS COMPACT SHALL BE CONSTRUED TO
15 INVALIDATE OR PREVENT ANY PA LICENSURE AGREEMENT OR
16 OTHER COOPERATIVE ARRANGEMENT BETWEEN PARTICIPATING
17 STATES AND BETWEEN A PARTICIPATING STATE AND
18 NON-PARTICIPATING STATE THAT DOES NOT CONFLICT WITH THE
19 PROVISIONS OF THIS COMPACT.

20 E. THIS COMPACT MAY BE AMENDED BY THE PARTICIPATING STATES.
21 NO AMENDMENT TO THIS COMPACT SHALL BECOME EFFECTIVE AND
22 BINDING UPON ANY PARTICIPATING STATE UNTIL IT IS ENACTED
23 MATERIALLY IN THE SAME MANNER INTO THE LAWS OF ALL
24 PARTICIPATING STATES AS DETERMINED BY THE COMMISSION.

25 **Section 12. Construction and Severability**

26 A. THIS COMPACT AND THE COMMISSION'S RULEMAKING AUTHORITY
27 SHALL BE LIBERALLY CONSTRUED SO AS TO EFFECTUATE THE

1 PURPOSES, AND THE IMPLEMENTATION AND ADMINISTRATION OF
2 THIS COMPACT. PROVISIONS OF THIS COMPACT EXPRESSLY
3 AUTHORIZING OR REQUIRING THE PROMULGATION OF RULES SHALL
4 NOT BE CONSTRUED TO LIMIT THE COMMISSION'S RULEMAKING
5 AUTHORITY SOLELY FOR THOSE PURPOSES.

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

17 C. NOTWITHSTANDING SUBSECTION B OF THIS SECTION, THE
18 COMMISSION MAY DENY A STATE'S PARTICIPATION IN THE
19 COMPACT OR, IN ACCORDANCE WITH THE REQUIREMENTS OF
20 SECTION 10.B OF THIS COMPACT, TERMINATE A PARTICIPATING
21 STATE'S PARTICIPATION IN THE COMPACT, IF IT DETERMINES THAT
22 A CONSTITUTIONAL REQUIREMENT OF A PARTICIPATING STATE IS,
23 OR WOULD BE WITH RESPECT TO A STATE SEEKING TO PARTICIPATE
24 IN THIS COMPACT, A MATERIAL DEPARTURE FROM THE COMPACT.
25 OTHERWISE, IF THIS COMPACT SHALL BE HELD TO BE CONTRARY TO
26 THE CONSTITUTION OF ANY PARTICIPATING STATE, THIS COMPACT
27 SHALL REMAIN IN FULL FORCE AND EFFECT AS TO THE REMAINING

1 PARTICIPATING STATES AND IN FULL FORCE AND EFFECT AS TO THE
2 PARTICIPATING STATE AFFECTED AS TO ALL SEVERABLE MATTERS.

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

4 A. NOTHING HEREIN PREVENTS THE ENFORCEMENT OF ANY OTHER
5 LAW OF A PARTICIPATING STATE THAT IS NOT INCONSISTENT WITH
6 THIS COMPACT.

7 B. ANY LAWS IN A PARTICIPATING STATE IN CONFLICT WITH THIS
8 COMPACT ARE SUPERSEDED TO THE EXTENT OF THE CONFLICT.

9 C. ALL AGREEMENTS BETWEEN THE COMMISSION AND THE
10 PARTICIPATING STATES ARE BINDING IN ACCORDANCE WITH THEIR
11 TERMS.

12 **24-60-4503. Notice to revisor of statutes - effective date of**
13 **compact.** THIS PART 45 TAKES EFFECT ON THE DATE THIS COMPACT IS
14 ENACTED INTO LAW IN THE SEVENTH COMPACT STATE. THE DIRECTOR OF
15 THE DIVISION OF PROFESSIONS AND OCCUPATIONS IN THE DEPARTMENT OF
16 REGULATORY AGENCIES SHALL NOTIFY THE REVISOR OF STATUTES IN
17 WRITING WHEN THE CONDITION SPECIFIED IN THIS SECTION HAS OCCURRED
18 BY E-MAILING THE NOTICE TO REVISOROFSTATUTES.GA@COLEG.GOV. THIS
19 PART 45 TAKES EFFECT UPON THE DATE IDENTIFIED IN THE NOTICE THAT
20 THE COMPACT IS ENACTED INTO LAW IN THE SEVENTH COMPACT STATE OR
21 UPON THE DATE OF THE NOTICE TO THE REVISOR OF STATUTES IF THE
22 NOTICE DOES NOT SPECIFY A DIFFERENT DATE.

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

25 **12-240-146. Interstate compact - powers and duties of the**
26 **board - rules - definitions.** (1) AS USED IN THIS SECTION:

27 (a) "ADVERSE ACTION" HAS THE MEANING SET FORTH IN SECTION

1 24-60-4502.

2 (b) "COMMISSION" MEANS THE PA LICENSURE COMPACT
3 COMMISSION CREATED IN SECTION 24-60-4502.

4 (c) "COMPACT" MEANS THE PHYSICIAN ASSISTANT LICENSURE
5 COMPACT AUTHORIZED IN PART 45 OF ARTICLE 60 OF TITLE 24.

6 (d) "COMPACT PRIVILEGE" HAS THE MEANING SET FORTH IN
7 SECTION 24-60-4502.

8 (e) "DATA SYSTEM" HAS THE MEANING SET FORTH IN SECTION
9 24-60-4502.

10 (f) "INVESTIGATIVE INFORMATION" HAS THE MEANING SET FORTH
11 IN SECTION 24-60-4502.

12 (g) "LICENSEE" HAS THE MEANING SET FORTH IN SECTION
13 24-60-4502.

14 (h) "LICENSING BOARD" HAS THE MEANING SET FORTH IN SECTION
15 24-60-4502.

16 (i) "PARTICIPATING STATE" MEANS A STATE THAT HAS ENACTED
17 THE COMPACT.

18 (j) "SIGNIFICANT INVESTIGATIVE INFORMATION" HAS THE MEANING
19 SET FORTH IN SECTION 24-60-4502.

20 (2) IN ADDITION TO ANY POWERS AND DUTIES SPECIFIED IN THE
21 COMPACT FOR PARTICIPATING STATES, THE BOARD HAS THE FOLLOWING
22 POWERS AND DUTIES WITH REGARD TO THE COMPACT:

23 (a) TO FACILITATE COLORADO'S PARTICIPATION IN THE COMPACT;

24 (b) TO COMPLY WITH THE RULES OF THE COMMISSION;

25 (c) TO PROMULGATE RULES IN ACCORDANCE WITH ARTICLE 4 OF
26 TITLE 24 AS NECESSARY FOR THE IMPLEMENTATION, ADMINISTRATION,
27 AND ENFORCEMENT OF THE COMPACT;

1 (d) TO APPOINT A PERSON TO SERVE AS A DELEGATE ON AND
2 ATTEND MEETINGS OF THE COMMISSION IN ACCORDANCE WITH THE TERMS
3 OF THE COMPACT;

4 (e) TO NOTIFY THE COMMISSION, IN COMPLIANCE WITH THE TERMS
5 OF THE COMPACT AND COMMISSION RULES, OF ANY ADVERSE ACTION OR
6 THE AVAILABILITY OF SIGNIFICANT INVESTIGATIVE INFORMATION
7 REGARDING A LICENSEE;

8 (f) TO REQUIRE A LICENSEE TO SUBMIT TO A FINGERPRINT-BASED
9 CRIMINAL HISTORY RECORD CHECK IN ACCORDANCE WITH THE
10 FOLLOWING:

11 (I) THE APPLICANT MUST PAY THE COSTS ASSOCIATED WITH THE
12 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK;

13 (II) AFTER SUBMITTING AN APPLICATION FOR A COMPACT
14 PRIVILEGE, THE APPLICANT SHALL HAVE THE APPLICANT'S FINGERPRINTS
15 TAKEN BY A LOCAL LAW ENFORCEMENT AGENCY OR ANY THIRD PARTY
16 APPROVED BY THE COLORADO BUREAU OF INVESTIGATION FOR THE
17 PURPOSE OF OBTAINING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD
18 CHECK. THE APPLICANT SHALL AUTHORIZE THE ENTITY TAKING THE
19 APPLICANT'S FINGERPRINTS TO SUBMIT, AND THE ENTITY SHALL SUBMIT,
20 THE COMPLETE SET OF THE APPLICANT'S FINGERPRINTS TO THE COLORADO
21 BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A
22 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.

23 (III) IF AN APPROVED THIRD PARTY TAKES THE PERSON'S
24 FINGERPRINTS, THE FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED
25 USING COLORADO BUREAU OF INVESTIGATION-APPROVED LIVESCAN
26 EQUIPMENT. THIRD-PARTY VENDORS SHALL NOT KEEP THE APPLICANT'S
27 INFORMATION FOR MORE THAN THIRTY DAYS.

1 (IV) THE COLORADO BUREAU OF INVESTIGATION SHALL USE THE
2 APPLICANT'S FINGERPRINTS TO CONDUCT A CRIMINAL HISTORY RECORD
3 CHECK USING THE BUREAU'S RECORDS. THE COLORADO BUREAU OF
4 INVESTIGATION SHALL ALSO FORWARD THE FINGERPRINTS TO THE FEDERAL
5 BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A
6 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE COLORADO
7 BUREAU OF INVESTIGATION, APPLICANT, BOARD, AND ENTITY TAKING
8 FINGERPRINTS SHALL COMPLY WITH THE FEDERAL BUREAU OF
9 INVESTIGATION'S REQUIREMENTS TO CONDUCT A CRIMINAL HISTORY
10 RECORD CHECK.

11 (V) THE COLORADO BUREAU OF INVESTIGATION SHALL RETURN
12 THE RESULTS OF ITS CRIMINAL HISTORY RECORD CHECK TO THE BOARD,
13 AND THE BOARD IS AUTHORIZED TO RECEIVE THE RESULTS OF THE FEDERAL
14 BUREAU OF INVESTIGATION'S CRIMINAL HISTORY RECORD CHECK. THE
15 BOARD SHALL USE THE INFORMATION RESULTING FROM THE CRIMINAL
16 HISTORY RECORD CHECKS TO INVESTIGATE AND DETERMINE WHETHER AN
17 APPLICANT IS QUALIFIED FOR A COMPACT PRIVILEGE.

18 (VI) THE RESULTS OF THE RECORD CHECK ARE CONFIDENTIAL. THE
19 BOARD SHALL NOT RELEASE THE RESULTS OF THE RECORD CHECK TO THE
20 PUBLIC, THE COMMISSION, A PARTICIPATING STATE, OR OTHER STATE
21 LICENSING BOARDS.

22 (g) TO GRANT A COMPACT PRIVILEGE TO A LICENSEE OF A
23 PARTICIPATING STATE IN ACCORDANCE WITH THE TERMS OF THE COMPACT
24 AND TO CHARGE A FEE TO INDIVIDUALS APPLYING FOR THE COMPACT
25 PRIVILEGE;

26 (h) TO PARTICIPATE FULLY IN THE DATA SYSTEM CONSISTENT WITH
27 THE COMPACT REQUIREMENTS AND THE RULES OF THE COMMISSION; AND

1 (i) TO APPROVE PAYMENT OF ASSESSMENTS LEVIED BY THE
2 COMMISSION TO COVER THE COST OF OPERATIONS AND ACTIVITIES OF THE
3 COMMISSION AND ITS STAFF.

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