

**SENATE FLOOR VERSION**

February 8, 2024

SENATE BILL NO. 1654

By: Pugh

An Act relating to physician assistants; enacting the Physician Assistant (PA) Licensure Compact and authorizing Governor to enter into compact with certain jurisdictions; setting forth form of certain compact; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 522.1 of Title 59, unless there is created a duplication in numbering, reads as follows:

The Physician Assistant (PA) Licensure Compact is hereby enacted into law and the Governor shall enter into a compact on behalf of the State of Oklahoma with any jurisdiction legally joined therein, in the form substantially as set forth in Section 2 of this act.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 522.2 of Title 59, unless there is created a duplication in numbering, reads as follows:

Section 1. Purpose.

In order to strengthen access to Medical Services, and in recognition of the advances in the delivery of Medical Services, the Participating States of the PA Licensure Compact have allied in

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

20 Section 2. Definitions.

21 In this Compact:

22 A. "Adverse Action" means any administrative, civil, equitable,  
23 or criminal action permitted by a State's laws which is imposed by a  
24 Licensing Board or other authority against a PA License or License

1 application or Compact Privilege such as License denial, censure,  
2 revocation, suspension, probation, monitoring of the Licensee, or  
3 restriction on the Licensee's practice;

4 B. "Compact Privilege" means the authorization granted by a  
5 Remote State to allow a Licensee from another Participating State to  
6 practice as a PA to provide Medical Services and other licensed  
7 activity to a patient located in the Remote State under the Remote  
8 State's laws and regulations;

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

13 D. "Criminal Background Check" means the submission of  
14 fingerprints or other biometric-based information for a License  
15 applicant for the purpose of obtaining that applicant's criminal  
16 history record information, as defined in 28 C.F.R., Section  
17 20.3(d), from the State's criminal history record repository as  
18 defined in 28 C.F.R., Section 20.3(f);

19 E. "Data System" means the repository of information about  
20 Licensees, including but not limited to License status and Adverse  
21 Actions, which is created and administered under the terms of this  
22 Compact;

23 F. "Executive Committee" means a group of directors and ex-  
24 officio individuals elected or appointed pursuant to Section 7.F.2;

1 G. "Impaired Practitioner" means a PA whose practice is  
2 adversely affected by health-related condition(s) that impact their  
3 ability to practice;

4 H. "Investigative Information" means information, records, or  
5 documents received or generated by a Licensing Board pursuant to an  
6 investigation;

7 I. "Jurisprudence Requirement" means the assessment of an  
8 individual's knowledge of the laws and Rules governing the practice  
9 of a PA in a State;

10 J. "License" means current authorization by a State, other than  
11 authorization pursuant to a Compact Privilege, for a PA to provide  
12 Medical Services, which would be unlawful without current  
13 authorization;

14 K. "Licensee" means an individual who holds a License from a  
15 State to provide Medical Services as a PA;

16 L. "Licensing Board" means any State entity authorized to  
17 license and otherwise regulate PAs;

18 M. "Medical Services" means health care services provided for  
19 the diagnosis, prevention, treatment, cure or relief of a health  
20 condition, injury, or disease, as defined by a State's laws and  
21 regulations;

22 N. "Model Compact" means the model for the PA Licensure Compact  
23 on file with The Council of State Governments or other entity as  
24 designated by the Commission;

1 O. "Participating State" means a State that has enacted this  
2 Compact;

3 P. "PA" means an individual who is licensed as a physician  
4 assistant in a State. For purposes of this Compact, any other title  
5 or status adopted by a State to replace the term "physician  
6 assistant" shall be deemed synonymous with "physician assistant" and  
7 shall confer the same rights and responsibilities to the Licensee  
8 under the provisions of this Compact at the time of its enactment;

9 Q. "PA Licensure Compact Commission," "Compact Commission," or  
10 "Commission" mean the national administrative body created pursuant  
11 to Section 7.A of this Compact;

12 R. "Qualifying License" means an unrestricted License issued by  
13 a Participating State to provide Medical Services as a PA;

14 S. "Remote State" means a Participating State where a Licensee  
15 who is not licensed as a PA is exercising or seeking to exercise the  
16 Compact Privilege;

17 T. "Rule" means a regulation promulgated by an entity that has  
18 the force and effect of law;

19 U. "Significant Investigative Information" means Investigative  
20 Information that a Licensing Board, after an inquiry or  
21 investigation that includes notification and an opportunity for the  
22 PA to respond if required by State law, has reason to believe is not  
23 groundless and, if proven true, would indicate more than a minor  
24 infraction; and

1 V. "State" means any state, commonwealth, district, or  
2 territory of the United States.

3 Section 3. State Participation in this Compact.

4 A. To participate in this Compact, a Participating State shall:

5 1. License PAs;

6 2. Participate in the Compact Commission's Data System;

7 3. Have a mechanism in place for receiving and investigating  
8 complaints against Licensees and License applicants;

9 4. Notify the Commission, in compliance with the terms of this  
10 Compact and Commission Rules, of any Adverse Action against a  
11 Licensee or License applicant and the existence of Significant  
12 Investigative Information regarding a Licensee or License applicant;

13 5. Fully implement a Criminal Background Check requirement,  
14 within a time frame established by Commission Rule, by its Licensing  
15 Board receiving the results of a Criminal Background Check and  
16 reporting to the Commission whether the License applicant has been  
17 granted a License;

18 6. Comply with the Rules of the Compact Commission;

19 7. Utilize passage of a recognized national exam such as the  
20 NCCPA PANCE as a requirement for PA licensure; and

21 8. Grant the Compact Privilege to a holder of a Qualifying  
22 License in a Participating State.

23 B. Nothing in this Compact prohibits a Participating State from  
24 charging a fee for granting the Compact Privilege.

1       Section 4.   Compact Privilege.

2       A.   To exercise the Compact Privilege, a Licensee must:

3       1.   Have graduated from a PA program accredited by the

4 Accreditation Review Commission on Education for the Physician

5 Assistant, Inc. or other programs authorized by Commission Rule;

6       2.   Hold current NCCPA certification;

7       3.   Have no felony or misdemeanor Conviction;

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

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

12       6.   Hold a Qualifying License;

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

15       8.   If a Licensee has had a limitation or restriction on a  
16 License or Compact Privilege due to an Adverse Action, two years  
17 must have elapsed from the date on which the License or Compact  
18 Privilege is no longer limited or restricted due to the Adverse  
19 Action;

20       9.   If a Compact Privilege has been revoked or is limited or  
21 restricted in a Participating State for conduct that would not be a  
22 basis for disciplinary action in a Participating State in which the  
23 Licensee is practicing or applying to practice under a Compact  
24 Privilege, that Participating State shall have the discretion not to

1 consider such action as an Adverse Action requiring the denial or  
2 removal of a Compact Privilege in that State;

3 10. Notify the Compact Commission that the Licensee is seeking  
4 the Compact Privilege in a Remote State;

5 11. Meet any Jurisprudence Requirement of a Remote State in  
6 which the Licensee is seeking to practice under the Compact  
7 Privilege and pay any fees applicable to satisfying the  
8 Jurisprudence Requirement; and

9 12. Report to the Commission any Adverse Action taken by a non-  
10 participating State within thirty (30) days after the action is  
11 taken.

12 B. The Compact Privilege is valid until the expiration or  
13 revocation of the Qualifying License unless terminated pursuant to  
14 an Adverse Action. The Licensee must also comply with all of the  
15 requirements of Subsection A above to maintain the Compact Privilege  
16 in a Remote State. If the Participating State takes Adverse Action  
17 against a Qualifying License, the Licensee shall lose the Compact  
18 Privilege in any Remote State in which the Licensee has a Compact  
19 Privilege until all of the following occur:

20 1. The License is no longer limited or restricted; and

21 2. Two (2) years have elapsed from the date on which the  
22 License is no longer limited or restricted due to the Adverse  
23 Action.

1 C. Once a restricted or limited License satisfies the  
2 requirements of Subsection B.1 and 2, the Licensee must meet the  
3 requirements of Subsection A to obtain a Compact Privilege in any  
4 Remote State.

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

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

11 Upon a Licensee's application for a Compact Privilege, the  
12 Licensee shall identify to the Commission the Participating State  
13 from which the Licensee is applying, in accordance with applicable  
14 Rules adopted by the Commission, and subject to the following  
15 requirements:

16 1. When applying for a Compact Privilege, the Licensee shall  
17 provide the Commission with the address of the Licensee's primary  
18 residence and thereafter shall immediately report to the Commission  
19 any change in the address of the Licensee's primary residence; and

20 2. When applying for a Compact Privilege, the Licensee is  
21 required to consent to accept service of process by mail at the  
22 Licensee's primary residence on file with the Commission with  
23 respect to any action brought against the Licensee by the Commission  
24 or a Participating State, including a subpoena, with respect to any

1 action brought or investigation conducted by the Commission or a  
2 Participating State.

3 Section 6. Adverse Actions.

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

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

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

14 2. Issue subpoenas for both hearings and investigations that  
15 require the attendance and testimony of witnesses as well as the  
16 production of evidence. Subpoenas issued by a Licensing Board in a  
17 Participating State for the attendance and testimony of witnesses or  
18 the production of evidence from another Participating State shall be  
19 enforced in the latter State by any court of competent jurisdiction,  
20 according to the practice and procedure of that court applicable to  
21 subpoenas issued in proceedings pending before it. The issuing  
22 authority shall pay any witness fees, travel expenses, mileage and  
23 other fees required by the service statutes of the State in which  
24 the witnesses or evidence are located.

1       3. Notwithstanding paragraph 2, subpoenas may not be issued by  
2 a Participating State to gather evidence of conduct in another State  
3 that is lawful in that other State for the purpose of taking Adverse  
4 Action against a Licensee's Compact Privilege or application for a  
5 Compact Privilege in that Participating State.

6       4. Nothing in this Compact authorizes a Participating State to  
7 impose discipline against a PA's Compact Privilege or to deny an  
8 application for a Compact Privilege in that Participating State for  
9 the individual's otherwise lawful practice in another State.

10      C. For purposes of taking Adverse Action, the Participating  
11 State which issued the Qualifying License shall give the same  
12 priority and effect to reported conduct received from any other  
13 Participating State as it would if the conduct had occurred within  
14 the Participating State which issued the Qualifying License. In so  
15 doing, that Participating State shall apply its own State laws to  
16 determine appropriate action.

17      D. A Participating State, if otherwise permitted by State law,  
18 may recover from the affected PA the costs of investigations and  
19 disposition of cases resulting from any Adverse Action taken against  
20 that PA.

21      E. A Participating State may take Adverse Action based on the  
22 factual findings of a Remote State, provided that the Participating  
23 State follows its own procedures for taking the Adverse Action.

24      F. Joint Investigations.

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

5        2. Participating States shall share any investigative,  
6 litigation, or compliance materials in furtherance of any joint or  
7 individual investigation initiated under this Compact.

8        G. If an Adverse Action is taken against a PA's Qualifying  
9 License, the PA's Compact Privilege in all Remote States shall be  
10 deactivated until two (2) years have elapsed after all restrictions  
11 have been removed from the State License. All disciplinary orders  
12 by the Participating State which issued the Qualifying License that  
13 impose Adverse Action against a PA's License shall include a  
14 Statement that the PA's Compact Privilege is deactivated in all  
15 Participating States during the pendency of the order.

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

18        Section 7. Establishment of the PA Licensure Compact  
19 Commission.

20        A. The Participating States hereby create and establish a joint  
21 government agency and national administrative body known as the PA  
22 Licensure Compact Commission. The Commission is an instrumentality  
23 of the Compact States acting jointly and not an instrumentality of  
24

1 any one State. The Commission shall come into existence on or after  
2 the effective date of the Compact as set forth in Section 11.A.

3 B. Membership, Voting, and Meetings.

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

8 2. The delegate shall be either:

9 a. a current PA, physician or public member of a  
10 Licensing Board or PA Council/Committee, or

11 b. an administrator of a Licensing Board.

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

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

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

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

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

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

7       1. Establish a code of ethics for the Commission;

8       2. Establish the fiscal year of the Commission;

9       3. Establish fees;

10      4. Establish bylaws;

11      5. Maintain its financial records in accordance with the  
12 bylaws;

13      6. Meet and take such actions as are consistent with the  
14 provisions of this Compact and the bylaws;

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

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

21      9. Purchase and maintain insurance and bonds;

22      10. Borrow, accept, or contract for services of personnel,  
23 including, but not limited to, employees of a Participating State;  
24

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

7        12. Accept any and all appropriate donations and grants of  
8 money, equipment, supplies, materials and services, and receive,  
9 utilize and dispose of the same; provided that at all times the  
10 Commission shall avoid any appearance of impropriety or conflict of  
11 interest;

12        13. Lease, purchase, accept appropriate gifts or donations of,  
13 or otherwise own, hold, improve or use, any property, real, personal  
14 or mixed; provided that at all times the Commission shall avoid any  
15 appearance of impropriety;

16        14. Sell, convey, mortgage, pledge, lease, exchange, abandon,  
17 or otherwise dispose of any property real, personal, or mixed;

18        15. Establish a budget and make expenditures;

19        16. Borrow money;

20        17. Appoint committees, including standing committees composed  
21 of members, State regulators, State legislators or their  
22 representatives, and consumer representatives, and such other  
23 interested persons as may be designated in this Compact and the  
24 bylaws;

1 18. Provide and receive information from, and cooperate with,  
2 law enforcement agencies;

3 19. Elect a Chair, Vice Chair, Secretary and Treasurer and such  
4 other officers of the Commission as provided in the Commission's  
5 bylaws;

6 20. Reserve for itself, in addition to those reserved  
7 exclusively to the Commission under the Compact, powers that the  
8 Executive Committee may not exercise;

9 21. Approve or disapprove a State's participation in the  
10 Compact based upon its determination as to whether the State's  
11 Compact legislation departs in a material manner from the Model  
12 Compact language;

13 22. Prepare and provide to the Participating States an annual  
14 report; and

15 23. Perform such other functions as may be necessary or  
16 appropriate to achieve the purposes of this Compact consistent with  
17 the State regulation of PA licensure and practice.

18 D. Meetings of the Commission.

19 1. All meetings of the Commission that are not closed pursuant  
20 to this subsection shall be open to the public. Notice of public  
21 meetings shall be posted on the Commission's website at least thirty  
22 (30) days prior to the public meeting.

23 2. Notwithstanding subsection D.1 of this section, the  
24 Commission may convene a public meeting by providing at least

1 twenty-four (24) hours prior notice on the Commission's website, and  
2 any other means as provided in the Commission's Rules, for any of  
3 the reasons it may dispense with notice of proposed rulemaking under  
4 Section 9.L.

5 3. The Commission may convene in a closed, non-public meeting  
6 or non-public part of a public meeting to receive legal advice or to  
7 discuss:

- 8 a. non-compliance of a Participating State with its  
9 obligations under this Compact,
- 10 b. the employment, compensation, discipline or other  
11 matters, practices or procedures related to specific  
12 employees or other matters related to the Commission's  
13 internal personnel practices and procedures,
- 14 c. current, threatened, or reasonably anticipated  
15 litigation,
- 16 d. negotiation of contracts for the purchase, lease, or  
17 sale of goods, services, or real estate,
- 18 e. accusing any person of a crime or formally censuring  
19 any person,
- 20 f. disclosure of trade secrets or commercial or financial  
21 information that is privileged or confidential,
- 22 g. disclosure of information of a personal nature where  
23 disclosure would constitute a clearly unwarranted  
24 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 provision, 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        1. The Commission shall pay, or provide for the payment of, the  
2 reasonable expenses of its establishment, organization, and ongoing  
3 activities.

4        2. The Commission may accept any and all appropriate revenue  
5 sources, donations, and grants of money, equipment, supplies,  
6 materials, and services.

7        3. The Commission may levy on and collect an annual assessment  
8 from each Participating State and may impose Compact Privilege fees  
9 on Licensees of Participating States to whom a Compact Privilege is  
10 granted to cover the cost of the operations and activities of the  
11 Commission and its staff, which must be in a total amount sufficient  
12 to cover its annual budget as approved by the Commission each year  
13 for which revenue is not provided by other sources. The aggregate  
14 annual assessment amount levied on Participating States shall be  
15 allocated based upon a formula to be determined by Commission Rule.

16            a. A Compact Privilege expires when the Licensee's  
17                Qualifying License in the Participating State from  
18                which the Licensee applied for the Compact Privilege  
19                expires.

20            b. If the Licensee terminates the Qualifying License  
21                through which the Licensee applied for the Compact  
22                Privilege before its scheduled expiration, and the  
23                Licensee has a Qualifying License in another  
24                Participating State, the Licensee shall inform the

Commission that it 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 voting members who are elected by the Commission from the current membership of the Commission,

- b. one ex-officio, nonvoting member from a recognized national PA professional association, and
- c. one 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,

1           g.    exercise the powers and duties of the Commission  
2                during the interim between Commission meetings, except  
3                for issuing proposed rulemaking or adopting Commission  
4                Rules or bylaws, or exercising any other powers and  
5                duties exclusively reserved to the Commission by the  
6                Commission's Rules, and

7           h.    perform other duties as provided in the Commission's  
8                Rules or bylaws.

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

14          8.    The Executive Committee may convene in a closed, non-public  
15           meeting for the same reasons that the Commission may convene in a  
16           non-public meeting as set forth in Section 7.D.3 and shall announce  
17           the closed meeting as the Commission is required to under Section  
18           7.D.4 and keep minutes of the closed meeting as the Commission is  
19           required to under Section 7.D.5.

20          G.    Qualified Immunity, Defense, and Indemnification.

21          1.    The members, officers, executive director, employees and  
22           representatives of the Commission shall be immune from suit and  
23           liability, both personally and in their official capacity, for any  
24           claim for damage to or loss of property or personal injury or other

1 civil liability caused by or arising out of any actual or alleged  
2 act, error, or omission that occurred, or that the person against  
3 whom the claim is made had a reasonable basis for believing occurred  
4 within the scope of Commission employment, duties or  
5 responsibilities; provided that nothing in this paragraph shall be  
6 construed to protect any such person from suit or liability for any  
7 damage, loss, injury, or liability caused by the intentional or  
8 willful or wanton misconduct of that person. The procurement of  
9 insurance of any type by the Commission shall not in any way  
10 compromise or limit the immunity granted hereunder.

11 2. The Commission shall defend any member, officer, executive  
12 director, employee, and representative of the Commission in any  
13 civil action seeking to impose liability arising out of any actual  
14 or alleged act, error, or omission that occurred within the scope of  
15 Commission employment, duties, or responsibilities, or as determined  
16 by the commission that the person against whom the claim is made had  
17 a reasonable basis for believing occurred within the scope of  
18 Commission employment, duties, or responsibilities; provided that  
19 nothing herein shall be construed to prohibit that person from  
20 retaining their own counsel at their own expense; and provided  
21 further, that the actual or alleged act, error, or omission did not  
22 result from that person's intentional or willful or wanton  
23 misconduct.

24

1        3. The Commission shall indemnify and hold harmless any member,  
2 officer, executive director, employee, and representative of the  
3 Commission for the amount of any settlement or judgment obtained  
4 against that person arising out of any actual or alleged act, error,  
5 or omission that occurred within the scope of Commission employment,  
6 duties, or responsibilities, or that such person had a reasonable  
7 basis for believing occurred within the scope of Commission  
8 employment, duties, or responsibilities, provided that the actual or  
9 alleged act, error, or omission did not result from the intentional  
10 or willful or wanton misconduct of that person.

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

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

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

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

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

8       Section 8. Data System.

9       A. The Commission shall provide for the development,  
10 maintenance, operation, and utilization of a coordinated data and  
11 reporting system containing licensure, Adverse Action, and the  
12 reporting of the existence of Significant Investigative Information  
13 on all licensed PAs and applicants denied a License in Participating  
14 States.

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

- 20       1. Identifying information;
  - 21       2. Licensure data;
  - 22       3. Adverse Actions against a License or Compact Privilege;
- 23  
24

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

4        5. The existence of Significant Investigative Information; and

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

7        C. Significant Investigative Information pertaining to a  
8 Licensee in any Participating State shall only be available to other  
9 Participating States.

10       D. The Commission shall promptly notify all Participating  
11 States of any Adverse Action taken against a Licensee or an  
12 individual applying for a License that has been reported to it.  
13 This Adverse Action information shall be available to any other  
14 Participating State.

15       E. Participating States contributing information to the Data  
16 System may, in accordance with State or federal law, designate  
17 information that may not be shared with the public without the  
18 express permission of the contributing State. Notwithstanding any  
19 such designation, such information shall be reported to the  
20 Commission through the Data System.

21       F. Any information submitted to the Data System that is  
22 subsequently expunged pursuant to federal law or the laws of the  
23 Participating State contributing the information shall be removed  
24

1 from the Data System upon reporting of such by the Participating  
2 State to the Commission.

3 G. The records and information provided to a Participating  
4 State pursuant to this Compact or through the Data System, when  
5 certified by the Commission or an agent thereof, shall constitute  
6 the authenticated business records of the Commission, and shall be  
7 entitled to any associated hearsay exception in any relevant  
8 judicial, quasi-judicial or administrative proceedings in a  
9 Participating State.

10 Section 9. Rulemaking.

11 A. The Commission shall exercise its Rulemaking powers pursuant  
12 to the criteria set forth in this Section and the Rules adopted  
13 thereunder. Commission Rules shall become binding as of the date  
14 specified by the Commission for each Rule.

15 B. The Commission shall promulgate reasonable Rules in order to  
16 effectively and efficiently implement and administer this Compact  
17 and achieve its purposes. A Commission Rule shall be invalid and  
18 have not force or effect only if a court of competent jurisdiction  
19 holds that the Rule is invalid because the Commission exercised its  
20 rulemaking authority in a manner that is beyond the scope of the  
21 purposes of this Compact, or the powers granted hereunder, or based  
22 upon another applicable standard of review.

23 C. The Rules of the Commission shall have the force of law in  
24 each Participating State, provided however that where the Rules of

1 the Commission conflict with the laws of the Participating State  
2 that establish the medical services a PA may perform in the  
3 Participating State, as held by a court of competent jurisdiction,  
4 the Rules of the Commission shall be ineffective in that State to  
5 the extent of the conflict.

6 D. If a majority of the legislatures of the Participating  
7 States rejects a Commission Rule, by enactment of a statute or  
8 resolution in the same manner used to adopt this Compact within four  
9 (4) years of the date of adoption of the Rule, then such Rule shall  
10 have no further force and effect in any Participating State or to  
11 any State applying to participate in the Compact.

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

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

18 1. On the website of the Commission or other publicly  
19 accessible platform;

20 2. To persons who have requested notice of the Commission's  
21 notices of proposed rulemaking; and

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

23 G. The Notice of Proposed Rulemaking shall include:  
24

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

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

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

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

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

16       I. If the hearing is to be held via electronic means, the  
17 Commission shall publish the mechanism for access to the electronic  
18 hearing.

19       1. All persons wishing to be heard at the hearing shall as  
20 directed in the Notice of Proposed Rulemaking, not less than five  
21 (5) business days before the scheduled date of the hearing, notify  
22 the Commission of their desire to appear and testify at the hearing.  
23  
24

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

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

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

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

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

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

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

23        3. The Commission shall provide on its website an explanation  
24 of the reasons for substantive changes made to the proposed Rule as

1 well as reasons for substantive changes not made that were  
2 recommended by commenters.

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

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

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

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

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

22 4. Protect public health and safety.

23 M. The Commission or an authorized committee of the Commission  
24 may direct revisions to a previously adopted Commission Rule for

1 purposes of correcting typographical errors, errors in format,  
2 errors in consistency, or grammatical errors. Public notice of any  
3 revisions shall be posted on the website of the Commission. The  
4 revision shall be subject to challenge by any person for a period of  
5 thirty (30) days after posting. The revision may be challenged only  
6 on grounds that the revision results in a material change to a Rule.  
7 A challenge shall be made as set forth in the notice of revisions  
8 and delivered to the Commission prior to the end of the notice  
9 period. If no challenge is made, the revision will take effect  
10 without further action. If the revision is challenged, the revision  
11 may not take effect without the approval of the Commission.

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

14 Section 10. Oversight, Dispute Resolution, and Enforcement.

15 A. Oversight.

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

19 2. Venue is proper and judicial proceedings by or against the  
20 Commission shall be brought solely and exclusively in a court of  
21 competent jurisdiction where the principal office of the Commission  
22 is located. The Commission may waive venue and jurisdictional  
23 defenses to the extent it adopts or consents to participate in  
24 alternative dispute resolution proceedings. Nothing herein shall

1 affect or limit the selection or propriety of venue in any action  
2 against a licensee for professional malpractice, misconduct or any  
3 such similar matter.

4 3. The Commission shall be entitled to receive service of  
5 process in any proceeding regarding the enforcement or  
6 interpretation of the Compact or the Commission's Rules and shall  
7 have standing to intervene in such a proceeding for all purposes.  
8 Failure to provide the Commission with service of process shall  
9 render a judgment or order in such proceeding void as to the  
10 Commission, this Compact, or Commission Rules.

11 B. Default, Technical Assistance, and Termination.

12 1. If the Commission determines that a Participating State has  
13 defaulted in the performance of its obligations or responsibilities  
14 under this Compact or the Commission Rules, the Commission shall  
15 provide written notice to the defaulting State and other  
16 Participating States. The notice shall describe the default, the  
17 proposed means of curing the default and any other action that the  
18 Commission may take and shall offer remedial training and specific  
19 technical assistance regarding the default.

20 2. If a State in default fails to cure the default, the  
21 defaulting State may be terminated from this Compact upon an  
22 affirmative vote of a majority of the delegates of the Participating  
23 States, and all rights, privileges and benefits conferred by this  
24 Compact upon such State may be terminated on the effective date of

1 termination. A cure of the default does not relieve the offending  
2 State of obligations or liabilities incurred during the period of  
3 default.

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

10 4. A State that has been terminated is responsible for all  
11 assessments, obligations, and liabilities incurred through the  
12 effective date of termination, including obligations that extend  
13 beyond the effective date of termination.

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

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

1        7. Upon the termination of a State's participation in the  
2 Compact, the State shall immediately provide notice to all Licensees  
3 within that State of such termination.

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

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

16        C. Dispute Resolution.

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

21        2. The Commission shall promulgate a Rule providing for both  
22 mediation and binding dispute resolution for disputes as  
23 appropriate.

24        D. Enforcement.

1        1. The Commission, in the reasonable exercise of its  
2 discretion, shall enforce the provisions of this Compact and Rules  
3 of the Commission.

4        2. If compliance is not secured after all means to secure  
5 compliance have been exhausted, by majority vote, the Commission may  
6 initiate legal action in the United States District Court for the  
7 District of Columbia or the federal district where the Commission  
8 has its principal offices, against a Participating State in default  
9 to enforce compliance with the provisions of this Compact and the  
10 Commission's promulgated Rules and bylaws. The relief sought may  
11 include both injunctive relief and damages. In the event judicial  
12 enforcement is necessary, the prevailing party shall be awarded all  
13 costs of such litigation, including reasonable attorney's fees.

14        3. The remedies herein shall not be the exclusive remedies of  
15 the Commission. The Commission may pursue any other remedies  
16 available under federal or State law.

17        E. Legal Action Against the Commission.

18        1. A Participating State may initiate legal action against the  
19 Commission in the U.S. District Court for the District of Columbia  
20 or the federal district where the Commission has its principal  
21 offices to enforce compliance with the provisions of the Compact and  
22 its Rules. The relief sought may include both injunctive relief and  
23 damages. In the event judicial enforcement is necessary, the  
24

1 prevailing party shall be awarded all costs of such litigation,  
2 including reasonable attorney's fees.

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

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

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

10 1. On or after the effective date of the Compact, the  
11 Commission shall convene and review the enactment of each of the  
12 States that enacted the Compact prior to the Commission convening  
13 ("Charter Participating States") to determine if the statute enacted  
14 by each such Charter Participating State is materially different  
15 than the Model Compact.

16 a. A Charter Participating State whose enactment is found  
17 to be materially different from the Model Compact  
18 shall be entitled to the default process set forth in  
19 Section 10.B.

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

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

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

12          3. All actions taken for the benefit of the Commission or in  
13          furtherance of the purposes of the administration of the Compact  
14          prior to the effective date of the Compact or the Commission coming  
15          into existence shall be considered to be actions of the Commission  
16          unless specifically repudiated by the Commission.

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

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

1        1. A Participating State's withdrawal shall not take effect  
2 until one hundred eighty (180) days after enactment of the repealing  
3 statute. During this one hundred eighty (180) day-period, all  
4 Compact Privileges that were in effect in the withdrawing State and  
5 were granted to Licensees licensed in the withdrawing State shall  
6 remain in effect. If any Licensee licensed in the withdrawing State  
7 is also licensed in another Participating State or obtains a license  
8 in another Participating State within the one hundred eighty (180)  
9 days, the Licensee's Compact Privileges in other Participating  
10 States shall not be affected by the passage of the one hundred  
11 eighty (180) days.

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

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

22        D. Nothing contained in this Compact shall be construed to  
23 invalidate or prevent any PA licensure agreement or other  
24 cooperative arrangement between Participating States and between a

1 Participating State and non-Participating State that does not  
2 conflict with the provisions of this Compact.

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

8 Section 12. Construction and Severability.

9 A. This Compact and the Commission's rulemaking authority shall  
10 be liberally construed so as to effectuate the purposes, and the  
11 implementation and administration of the Compact. Provisions of the  
12 Compact expressly authorizing or requiring the promulgation of Rules  
13 shall not be construed to limit the Commission's rulemaking  
14 authority solely for those purposes.

15 B. The provisions of this Compact shall be severable and if any  
16 phrase, clause, sentence or provision of this Compact is held by a  
17 court of competent jurisdiction to be contrary to the constitution  
18 of any Participating State, a State seeking participation in the  
19 Compact, or of the United States, or the applicability thereof to  
20 any government, agency, person or circumstance is held to be  
21 unconstitutional by a court of competent jurisdiction, the validity  
22 of the remainder of this Compact and the applicability thereof to  
23 any other government, agency, person or circumstance shall not be  
24 affected thereby.

1 C. Notwithstanding subsection B or this section, the Commission  
2 may deny a State's participation in the Compact or, in accordance  
3 with the requirements of Section 10.B, terminate a Participating  
4 State's participation in the Compact, if it determines that a  
5 constitutional requirement of a Participating State is, or would be  
6 with respect to a State seeking to participate in the Compact, a  
7 material departure from the Compact. Otherwise, if this Compact  
8 shall be held to be contrary to the constitution of any  
9 Participating State, the Compact shall remain in full force and  
10 effect as to the remaining Participating States and in full force  
11 and effect as to the Participating State affected as to all  
12 severable matters.

13 Section 13. Binding Effect of Compact.

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

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

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

20 SECTION 3. This act shall become effective November 1, 2024.

21 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES  
22 February 8, 2024 - DO PASS  
23  
24