

As Introduced

135th General Assembly
Regular Session
2023-2024

S. B. No. 28

Senator Roegner

A BILL

To enact sections 4730.70 and 4730.71 of the
Revised Code to enter into the Physician
Assistant Licensure Compact.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4730.70 and 4730.71 of the
Revised Code be enacted to read as follows:

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Sec. 4730.70. The Physician Assistant (PA) Licensure
Compact is hereby ratified, enacted into law, and entered into
by the state of Ohio as a party to the compact with any other
state that has legally joined the compact as follows:

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Section 1. Purpose

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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 common purpose to develop a comprehensive process that
complements the existing authority of State Licensing Boards to
license and discipline PAs and seeks to enhance the portability
of a License to practice as a PA while safeguarding the safety
of patients. This Compact allows Medical Services to be provided
by PAs, via the mutual recognition of the Licensee's Qualifying

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License by other Compact Participating States. This Compact also 20
adopts the prevailing standard for PA licensure and affirms that 21
the practice and delivery of Medical Services by the PA occurs 22
where the patient is located at the time of the patient 23
encounter, and therefore requires the PA to be under the 24
jurisdiction of the State Licensing Board where the patient is 25
located. State Licensing Boards that participate in this Compact 26
retain the jurisdiction to impose Adverse Action against a 27
Compact Privilege in that State issued to a PA through the 28
procedures of this Compact. The PA Licensure Compact will 29
alleviate burdens for military families by allowing active duty 30
military personnel and their spouses to obtain a Compact 31
Privilege based on having an unrestricted License in good 32
standing from a Participating State. 33

Section 2. Definitions 34

In this Compact: 35

A. "Adverse Action" means any administrative, civil, 36
equitable, or criminal action permitted by a State's laws which 37
is imposed by a Licensing Board or other authority against a PA 38
License or License application or Compact Privilege such as 39
License denial, censure, revocation, suspension, probation, 40
monitoring of the Licensee, or restriction on the Licensee's 41
practice. 42

B. "Compact Privilege" means the authorization granted by 43
a Remote State to allow a Licensee from another Participating 44
State to practice as a PA to provide Medical Services and other 45
licensed activity to a patient located in the Remote State under 46
the Remote State's laws and regulations. 47

C. "Conviction" means a finding by a court that an 48

individual is guilty of a felony or misdemeanor offense through 49
adjudication or entry of a plea of guilt or no contest to the 50
charge by the offender 51

D. "Criminal Background Check" means the submission of 52
fingerprints or other biometric based information for a License 53
applicant for the purpose of obtaining that applicant's criminal 54
history record information, as defined in 28 C.F.R. § 20.3(d), 55
from the State's criminal history record repository as defined 56
in 28 C.F.R. § 20.3(f). 57

E. "Data System" means the repository of information about 58
Licensees, including but not limited to License status and 59
Adverse Actions, which is created and administered under the 60
terms of this Compact. 61

F. "Executive Committee" means a group of directors and 62
ex-officio individuals elected or appointed pursuant to Section 63
7.F.2. 64

G. "Impaired Practitioner" means a PA whose practice is 65
adversely affected by health-related condition(s) that impact 66
their ability to practice. 67

H. "Investigative Information" means information, records, 68
or documents received or generated by a Licensing Board pursuant 69
to an investigation. 70

I. "Jurisprudence Requirement" means the assessment of an 71
individual's knowledge of the laws and Rules governing the 72
practice of a PA in a State. 73

J. "License" means current authorization by a State, other 74
than authorization pursuant to a Compact Privilege, for a PA to 75
provide Medical Services, which would be unlawful without 76
current authorization. 77

<u>K. "Licensee" means an individual who holds a License from</u>	78
<u>a State to provide Medical Services as a PA.</u>	79
<u>L. "Licensing Board" means any State entity authorized to</u>	80
<u>license and otherwise regulate PAs.</u>	81
<u>M. "Medical Services" means health care services provided</u>	82
<u>for the diagnosis, prevention, treatment, cure or relief of a</u>	83
<u>health condition, injury, or disease, as defined by a State's</u>	84
<u>laws and regulations.</u>	85
<u>N. "Model Compact" means the model for the PA Licensure</u>	86
<u>Compact on file with The Council of State Governments or other</u>	87
<u>entity as designated by the Commission.</u>	88
<u>O. "Participating State" means a State that has enacted</u>	89
<u>this Compact.</u>	90
<u>P. "PA" means an individual who is licensed as a physician</u>	91
<u>assistant in a State. For purposes of this Compact, any other</u>	92
<u>title or status adopted by a State to replace the term</u>	93
<u>"physician assistant" shall be deemed synonymous with "physician</u>	94
<u>assistant" and shall confer the same rights and responsibilities</u>	95
<u>to the Licensee under the provisions of this Compact at the time</u>	96
<u>of its enactment.</u>	97
<u>Q. "PA Licensure Compact Commission," "Compact</u>	98
<u>Commission," or "Commission" mean the national administrative</u>	99
<u>body created pursuant to Section 7.A of this Compact.</u>	100
<u>R. "Qualifying License" means an unrestricted License</u>	101
<u>issued by a Participating State to provide Medical Services as a</u>	102
<u>PA.</u>	103
<u>S. "Remote State" means a Participating State where a</u>	104
<u>Licensee who is not licensed as a PA is exercising or seeking to</u>	105

exercise the Compact Privilege. 106

T. "Rule" means a regulation promulgated by an entity that 107
has the force and effect of law. 108

U. "Significant Investigative Information" means 109
Investigative Information that a Licensing Board, after an 110
inquiry or investigation that includes notification and an 111
opportunity for the PA to respond if required by State law, has 112
reason to believe is not groundless and, if proven true, would 113
indicate more than a minor infraction. 114

V. "State" means any state, commonwealth, district, or 115
territory of the United States. 116

Section 3. State Participation in this Compact 117

A. To participate in this Compact, a Participating State 118
shall: 119

1. License PAs. 120

2. Participate in the Compact Commission's Data System. 121

3. Have a mechanism in place for receiving and 122
investigating complaints against Licensees and License 123
applicants. 124

4. Notify the Commission, in compliance with the terms of 125
this Compact and Commission Rules, of any Adverse Action against 126
a Licensee or License applicant and the existence of Significant 127
Investigative Information regarding a Licensee or License 128
applicant. 129

5. Fully implement a Criminal Background Check 130
requirement, within a time frame established by Commission Rule, 131
by its Licensing Board receiving the results of a Criminal 132

<u>Background Check and reporting to the Commission whether the</u>	133
<u>License applicant has been granted a License.</u>	134
<u>6. Comply with the Rules of the Compact Commission.</u>	135
<u>7. Utilize passage of a recognized national exam such as</u>	136
<u>the NCCPA PANCE as a requirement for PA licensure.</u>	137
<u>8. Grant the Compact Privilege to a holder of a Qualifying</u>	138
<u>License in a Participating State.</u>	139
<u>B. Nothing in this Compact prohibits a Participating State</u>	140
<u>from charging a fee for granting the Compact Privilege.</u>	141
<u>Section 4. Compact Privilege</u>	142
<u>A. To exercise the Compact Privilege, a Licensee must:</u>	143
<u>1. Have graduated from a PA program accredited by the</u>	144
<u>Accreditation Review Commission on Education for the Physician</u>	145
<u>Assistant, Inc. or other programs authorized by Commission Rule.</u>	146
<u>2. Hold current NCCPA certification.</u>	147
<u>3. Have no felony or misdemeanor Conviction</u>	148
<u>4. Have never had a controlled substance license, permit,</u>	149
<u>or registration suspended or revoked by a State or by the United</u>	150
<u>States Drug Enforcement Administration.</u>	151
<u>5. Have a unique identifier as determined by Commission</u>	152
<u>Rule.</u>	153
<u>6. Hold a Qualifying License.</u>	154
<u>7. Have had no revocation of a License or limitation or</u>	155
<u>restriction on any License currently held due to an adverse</u>	156
<u>action.</u>	157
<u>8. If a Licensee has had a limitation or restriction on a</u>	158

License or Compact Privilege due to an Adverse Action, two years 159
must have elapsed from the date on which the License or Compact 160
Privilege is no longer limited or restricted due to the Adverse 161
Action. 162

9. If a Compact Privilege has been revoked or is limited 163
or restricted in a Participating State for conduct that would 164
not be a basis for disciplinary action in a Participating State 165
in which the Licensee is practicing or applying to practice 166
under a Compact Privilege, that Participating State shall have 167
the discretion not to consider such action as an Adverse Action 168
requiring the denial or removal of a Compact Privilege in that 169
State. 170

10. Notify the Compact Commission that the Licensee is 171
seeking the Compact Privilege in a Remote State. 172

11. Meet any Jurisprudence Requirement of a Remote State 173
in which the Licensee is seeking to practice under the Compact 174
Privilege and pay any fees applicable to satisfying the 175
Jurisprudence Requirement. 176

12. Report to the Commission any Adverse Action taken by a 177
non-participating State within thirty (30) days after the action 178
is taken. 179

B. The Compact Privilege is valid until the expiration or 180
revocation of the Qualifying License unless terminated pursuant 181
to an Adverse Action. The Licensee must also comply with all of 182
the requirements of Subsection A above to maintain the Compact 183
Privilege in a Remote State. If the Participating State takes 184
Adverse Action against a Qualifying License, the Licensee shall 185
lose the Compact Privilege in any Remote State in which the 186
Licensee has a Compact Privilege until all of the following 187

<u>occur:</u>	188
<u>1. The License is no longer limited or restricted; and</u>	189
<u>2. Two (2) years have elapsed from the date on which the</u>	190
<u>License is no longer limited or restricted due to the Adverse</u>	191
<u>Action.</u>	192
<u>C. Once a restricted or limited License satisfies the</u>	193
<u>requirements of Subsection B.1 and 2, the Licensee must meet the</u>	194
<u>requirements of Subsection A to obtain a Compact Privilege in</u>	195
<u>any Remote State.</u>	196
<u>D. For each Remote State in which a PA seeks authority to</u>	197
<u>prescribe controlled substances, the PA shall satisfy all</u>	198
<u>requirements imposed by such State in granting or renewing such</u>	199
<u>authority.</u>	200
<u>Section 5. Designation of the State from Which Licensee is</u>	201
<u>Applying for a Compact Privilege</u>	202
<u>A. Upon a Licensee's application for a Compact Privilege,</u>	203
<u>the Licensee shall identify to the Commission the Participating</u>	204
<u>State from which the Licensee is applying, in accordance with</u>	205
<u>applicable Rules adopted by the Commission, and subject to the</u>	206
<u>following requirements:</u>	207
<u>1. When applying for a Compact Privilege, the Licensee</u>	208
<u>shall provide the Commission with the address of the Licensee's</u>	209
<u>primary residence and thereafter shall immediately report to the</u>	210
<u>Commission any change in the address of the Licensee's primary</u>	211
<u>residence.</u>	212
<u>2. When applying for a Compact Privilege, the Licensee is</u>	213
<u>required to consent to accept service of process by mail at the</u>	214
<u>Licensee's primary residence on file with the Commission with</u>	215

respect to any action brought against the Licensee by the 216
Commission or a Participating State, including a subpoena, with 217
respect to any action brought or investigation conducted by the 218
Commission or a Participating State. 219

Section 6. Adverse Actions 220

A. A Participating State in which a Licensee is licensed 221
shall have exclusive power to impose Adverse Action against the 222
Qualifying License issued by that Participating State. 223

B. In addition to the other powers conferred by State law, 224
a Remote State shall have the authority, in accordance with 225
existing State due process law, to do all of the following: 226

1. Take Adverse Action against a PA's Compact Privilege 227
within that State to remove a Licensee's Compact Privilege or 228
take other action necessary under applicable law to protect the 229
health and safety of its citizens. 230

2. Issue subpoenas for both hearings and investigations 231
that require the attendance and testimony of witnesses as well 232
as the production of evidence. Subpoenas issued by a Licensing 233
Board in a Participating State for the attendance and testimony 234
of witnesses or the production of evidence from another 235
Participating State shall be enforced in the latter State by any 236
court of competent jurisdiction, according to the practice and 237
procedure of that court applicable to subpoenas issued in 238
proceedings pending before it. The issuing authority shall pay 239
any witness fees, travel expenses, mileage and other fees 240
required by the service statutes of the State in which the 241
witnesses or evidence are located. 242

3. Notwithstanding paragraph 1, subpoenas may not be 243
issued by a Participating State to gather evidence of conduct in 244

another State that is lawful in that other State for the purpose 245
of taking Adverse Action against a Licensee's Compact Privilege 246
or application for a Compact Privilege in that Participating 247
State. 248

4. Nothing in this Compact authorizes a Participating 249
State to impose discipline against a PA's Compact Privilege or 250
to deny an application for a Compact Privilege in that 251
Participating State for the individual's otherwise lawful 252
practice in another State. 253

C. For purposes of taking Adverse Action, the 254
Participating State which issued the Qualifying License shall 255
give the same priority and effect to reported conduct received 256
from any other Participating State as it would if the conduct 257
had occurred within the Participating State which issued the 258
Qualifying License. In so doing, that Participating State shall 259
apply its own State laws to determine appropriate action. 260

D. A Participating State, if otherwise permitted by State 261
law, may recover from the affected PA the costs of 262
investigations and disposition of cases resulting from any 263
Adverse Action taken against that PA. 264

E. A Participating State may take Adverse Action based on 265
the factual findings of a Remote State, provided that the 266
Participating State follows its own procedures for taking the 267
Adverse Action. 268

F. Joint Investigations 269

1. In addition to the authority granted to a Participating 270
State by its respective State PA laws and regulations or other 271
applicable State law, any Participating State may participate 272
with other Participating States in joint investigations of 273

Licensees. 274

2. Participating States shall share any investigative, 275
litigation, or compliance materials in furtherance of any joint 276
or individual investigation initiated under this Compact. 277

G. If an Adverse Action is taken against a PA's Qualifying 278
License, the PA's Compact Privilege in all Remote States shall 279
be deactivated until two (2) years have elapsed after all 280
restrictions have been removed from the State License. All 281
disciplinary orders by the Participating State which issued the 282
Qualifying License that impose Adverse Action against a PA's 283
License shall include a Statement that the PA's Compact 284
Privilege is deactivated in all Participating States during the 285
pendency of the order. 286

H. If any Participating State takes Adverse Action, it 287
promptly shall notify the administrator of the Data System. 288

Section 7. Establishment of the PA Licensure Compact 289
Commission 290

A. The Participating States hereby create and establish a 291
joint government agency and national administrative body known 292
as the PA Licensure Compact Commission. The Commission is an 293
instrumentality of the Compact States acting jointly and not an 294
instrumentality of any one State. The Commission shall come into 295
existence on or after the effective date of the Compact as set 296
forth in Section 11.A. 297

B. Membership, Voting, and Meetings 298

1. Each Participating State shall have and be limited to 299
one (1) delegate selected by that Participating State's 300
Licensing Board or, if the State has more than one Licensing 301
Board, selected collectively by the Participating State's 302

<u>Licensing Boards.</u>	303
<u>2. The delegate shall be either:</u>	304
<u>a. A current PA, physician or public member of a Licensing</u>	305
<u>Board or PA Council/Committee; or</u>	306
<u>b. An administrator of a Licensing Board.</u>	307
<u>3. Any delegate may be removed or suspended from office as</u>	308
<u>provided by the laws of the State from which the delegate is</u>	309
<u>appointed.</u>	310
<u>4. The Participating State Licensing Board shall fill any</u>	311
<u>vacancy occurring in the Commission within sixty (60) days.</u>	312
<u>5. Each delegate shall be entitled to one (1) vote on all</u>	313
<u>matters voted on by the Commission and shall otherwise have an</u>	314
<u>opportunity to participate in the business and affairs of the</u>	315
<u>Commission. A delegate shall vote in person or by such other</u>	316
<u>means as provided in the bylaws. The bylaws may provide for</u>	317
<u>delegates' participation in meetings by telecommunications,</u>	318
<u>video conference, or other means of communication.</u>	319
<u>6. The Commission shall meet at least once during each</u>	320
<u>calendar year. Additional meetings shall be held as set forth in</u>	321
<u>this Compact and the bylaws.</u>	322
<u>7. The Commission shall establish by Rule a term of office</u>	323
<u>for delegates.</u>	324
<u>C. The Commission shall have the following powers and</u>	325
<u>duties:</u>	326
<u>1. Establish a code of ethics for the Commission;</u>	327
<u>2. Establish the fiscal year of the Commission;</u>	328
<u>3. Establish fees;</u>	329

<u>4. Establish bylaws;</u>	330
<u>5. Maintain its financial records in accordance with the</u>	331
<u>bylaws;</u>	332
<u>6. Meet and take such actions as are consistent with the</u>	333
<u>provisions of this Compact and the bylaws;</u>	334
<u>7. Promulgate Rules to facilitate and coordinate</u>	335
<u>implementation and administration of this Compact. The Rules</u>	336
<u>shall have the force and effect of law and shall be binding in</u>	337
<u>all Participating States;</u>	338
<u>8. Bring and prosecute legal proceedings or actions in the</u>	339
<u>name of the Commission, provided that the standing of any State</u>	340
<u>Licensing Board to sue or be sued under applicable law shall not</u>	341
<u>be affected;</u>	342
<u>9. Purchase and maintain insurance and bonds;</u>	343
<u>10. Borrow, accept, or contract for services of personnel,</u>	344
<u>including, but not limited to, employees of a Participating</u>	345
<u>State;</u>	346
<u>11. Hire employees and engage contractors, elect or</u>	347
<u>appoint officers, fix compensation, define duties, grant such</u>	348
<u>individuals appropriate authority to carry out the purposes of</u>	349
<u>this Compact, and establish the Commission's personnel policies</u>	350
<u>and programs relating to conflicts of interest, qualifications</u>	351
<u>of personnel, and other related personnel matters;</u>	352
<u>12. Accept any and all appropriate donations and grants of</u>	353
<u>money, equipment, supplies, materials and services, and receive,</u>	354
<u>utilize and dispose of the same; provided that at all times the</u>	355
<u>Commission shall avoid any appearance of impropriety or conflict</u>	356
<u>of interest;</u>	357

<u>13. Lease, purchase, accept appropriate gifts or donations</u>	358
<u>of, or otherwise own, hold, improve or use, any property, real,</u>	359
<u>personal or mixed; provided that at all times the Commission</u>	360
<u>shall avoid any appearance of impropriety;</u>	361
<u>14. Sell, convey, mortgage, pledge, lease, exchange,</u>	362
<u>abandon, or otherwise dispose of any property real, personal, or</u>	363
<u>mixed;</u>	364
<u>15. Establish a budget and make expenditures;</u>	365
<u>16. Borrow money;</u>	366
<u>17. Appoint committees, including standing committees</u>	367
<u>composed of members, State regulators, State legislators or</u>	368
<u>their representatives, and consumer representatives, and such</u>	369
<u>other interested persons as may be designated in this Compact</u>	370
<u>and the bylaws;</u>	371
<u>18. Provide and receive information from, and cooperate</u>	372
<u>with, law enforcement agencies;</u>	373
<u>19. Elect a Chair, Vice Chair, Secretary and Treasurer and</u>	374
<u>such other officers of the Commission as provided in the</u>	375
<u>Commission's bylaws.</u>	376
<u>20. Reserve for itself, in addition to those reserved</u>	377
<u>exclusively to the Commission under the Compact, powers that the</u>	378
<u>Executive Committee may not exercise;</u>	379
<u>21. Approve or disapprove a State's participation in the</u>	380
<u>Compact based upon its determination as to whether the State's</u>	381
<u>Compact legislation departs in a material manner from the Model</u>	382
<u>Compact language;</u>	383
<u>22. Prepare and provide to the Participating States an</u>	384
<u>annual report; and</u>	385

23. Perform such other functions as may be necessary or 386
appropriate to achieve the purposes of this Compact consistent 387
with the State regulation of PA licensure and practice. 388

D. Meetings of the Commission 389

1. All meetings of the Commission that are not closed 390
pursuant to this subsection shall be open to the public. Notice 391
of public meetings shall be posted on the Commission's website 392
at least thirty (30) days prior to the public meeting. 393

2. Notwithstanding subsection D.1 of this section, the 394
Commission may convene a public meeting by providing at least 395
twenty-four (24) hours prior notice on the Commission's website, 396
and any other means as provided in the Commission's Rules, for 397
any of the reasons it may dispense with notice of proposed 398
rulemaking under Section 9.L. 399

3. The Commission may convene in a closed, non-public 400
meeting or non public part of a public meeting to receive legal 401
advice or to discuss; 402

a. Non-compliance of a Participating State with its 403
obligations under this Compact; 404

b. The employment, compensation, discipline or other 405
matters, practices or procedures related to specific employees or 406
other matters related to the Commission's internal personnel 407
practices and procedures; 408

c. Current, threatened, or reasonably anticipated 409
litigation; 410

d. Negotiation of contracts for the purchase, lease, or 411
sale of goods, services, or real estate; 412

e. Accusing any person of a crime or formally censuring 413

any person; 414

f. Disclosure of trade secrets or commercial or financial 415
information that is privileged or confidential; 416

g. Disclosure of information of a personal nature where 417
disclosure would constitute a clearly unwarranted invasion of 418
personal privacy; 419

h. Disclosure of investigative records compiled for law 420
enforcement purposes; 421

i. Disclosure of information related to any investigative 422
reports prepared by or on behalf of or for use of the Commission 423
or other committee charged with responsibility of investigation 424
or determination of compliance issues pursuant to this Compact; 425

j. Legal advice; or 426

k. Matters specifically exempted from disclosure by 427
federal or Participating States' statutes 428

4. If a meeting, or portion of a meeting, is closed 429
pursuant to this provision, the chair of the meeting or the 430
chair's designee shall certify that the meeting or portion of 431
the meeting may be closed and shall reference each relevant 432
exempting provision. 433

5. The Commission shall keep minutes that fully and 434
clearly describe all matters discussed in a meeting and shall 435
provide a full and accurate summary of actions taken, including 436
a description of the views expressed. All documents considered 437
in connection with an action shall be identified in such 438
minutes. All minutes and documents of a closed meeting shall 439
remain under seal, subject to release by a majority vote of the 440
Commission or order of a court of competent jurisdiction. 441

E. Financing of the Commission

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

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

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

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

b. If the Licensee terminates the Qualifying License
through which the Licensee applied for the Compact Privilege
before its scheduled expiration, and the Licensee has a
Qualifying License in another Participating State, the Licensee
shall inform the Commission that 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 471
the Commission pledge the credit of any of the Participating 472
States, except by and with the authority of the Participating 473
State. 474

5. The Commission shall keep accurate accounts of all 475
receipts and disbursements. The receipts and disbursements of 476
the Commission shall be subject to the financial review and 477
accounting procedures established under its bylaws. All receipts 478
and disbursements of funds handled by the Commission shall be 479
subject to an annual financial review by a certified or licensed 480
public accountant, and the report of the financial review shall 481
be included in and become part of the annual report of the 482
Commission. 483

F. The Executive Committee 484

1. The Executive Committee shall have the power to act on 485
behalf of the Commission according to the terms of this Compact 486
and Commission Rules. 487

2. The Executive Committee shall be composed of nine (9) 488
members: 489

a. Seven voting members who are elected by the Commission 490
from the current membership of the Commission; 491

b. One ex-officio, nonvoting member from a recognized 492
national PA professional association; and 493

c. One ex-officio, nonvoting member from a recognized 494
national PA certification organization. 495

3. The ex-officio members will be selected by their 496
respective organizations. 497

4. The Commission may remove any member of the Executive 498

<u>Committee as provided in its bylaws.</u>	499
<u>5. The Executive Committee shall meet at least annually.</u>	500
<u>6. The Executive Committee shall have the following duties</u>	501
<u>and responsibilities:</u>	502
<u>a. Recommend to the Commission changes to the Commission's</u>	503
<u>Rules or bylaws, changes to this Compact legislation, fees to be</u>	504
<u>paid by Compact Participating States such as annual dues, and</u>	505
<u>any Commission Compact fee charged to Licensees for the Compact</u>	506
<u>Privilege;</u>	507
<u>b. Ensure Compact administration services are</u>	508
<u>appropriately provided, contractual or otherwise;</u>	509
<u>c. Prepare and recommend the budget;</u>	510
<u>d. Maintain financial records on behalf of the Commission;</u>	511
<u>e. Monitor Compact compliance of Participating States and</u>	512
<u>provide compliance reports to the Commission;</u>	513
<u>f. Establish additional committees as necessary;</u>	514
<u>g. Exercise the powers and duties of the Commission during</u>	515
<u>the interim between Commission meetings, except for issuing</u>	516
<u>proposed rulemaking or adopting Commission Rules or bylaws, or</u>	517
<u>exercising any other powers and duties exclusively reserved to</u>	518
<u>the Commission by the Commission's Rules; and</u>	519
<u>h. Perform other duties as provided in the Commission's</u>	520
<u>Rules or bylaws.</u>	521
<u>7. All meeting of the Executive Committee at which it</u>	522
<u>votes or plans to vote on matters in exercising the powers and</u>	523
<u>duties of the Commission shall be open to the public and public</u>	524
<u>notice of such meetings shall be given as public meetings of the</u>	525

Commission are given. 526

8. The Executive Committee may convene in a closed, non- 527
public meeting for the same reasons that the Commission may 528
convene in a non-public meeting as set forth in Section 7.D.3 529
and shall announce the closed meeting as the Commission is 530
required to under Section 7.D.4 and keep minutes of the closed 531
meeting as the Commission is required to under Section 7.D.5. 532

G. Qualified Immunity, Defense, and Indemnification 533

1. The members, officers, executive director, employees 534
and representatives of the Commission shall be immune from suit 535
and liability, both personally and in their official capacity, 536
for any claim for damage to or loss of property or personal 537
injury or other civil liability caused by or arising out of any 538
actual or alleged act, error, or omission that occurred, or that 539
the person against whom the claim is made had a reasonable basis 540
for believing occurred within the scope of Commission 541
employment, duties or responsibilities; provided that nothing in 542
this paragraph shall be construed to protect any such person 543
from suit or liability for any damage, loss, injury, or 544
liability caused by the intentional or willful or wanton 545
misconduct of that person. The procurement of insurance of any 546
type by the Commission shall not in any way compromise or limit 547
the immunity granted hereunder. 548

2. The Commission shall defend any member, officer, 549
executive director, employee, and representative of the 550
Commission in any civil action seeking to impose liability 551
arising out of any actual or alleged act, error, or omission 552
that occurred within the scope of Commission employment, duties, 553
or responsibilities, or as determined by the commission that the 554
person against whom the claim is made had a reasonable basis for 555

believing occurred within the scope of Commission employment, 556
duties, or responsibilities; provided that nothing herein shall 557
be construed to prohibit that person from retaining their own 558
counsel at their own expense; and provided further, that the 559
actual or alleged act, error, or omission did not result from 560
that person's intentional or willful or wanton misconduct. 561

3. The Commission shall indemnify and hold harmless any 562
member, officer, executive director, employee, and 563
representative of the Commission for the amount of any 564
settlement or judgment obtained against that person arising out 565
of any actual or alleged act, error, or omission that occurred 566
within the scope of Commission employment, duties, or 567
responsibilities, or that such person had a reasonable basis for 568
believing occurred within the scope of Commission employment, 569
duties, or responsibilities, provided that the actual or alleged 570
act, error, or omission did not result from the intentional or 571
willful or wanton misconduct of that person. 572

4. Venue is proper and judicial proceedings by or against 573
the Commission shall be brought solely and exclusively in a 574
court of competent jurisdiction where the principal office of 575
the Commission is located. The Commission may waive venue and 576
jurisdictional defenses in any proceedings as authorized by 577
Commission Rules. 578

5. Nothing herein shall be construed as a limitation on 579
the liability of any Licensee for professional malpractice or 580
misconduct, which shall be governed solely by any other 581
applicable State laws. 582

6. Nothing herein shall be construed to designate the 583
venue or jurisdiction to bring actions for alleged acts of 584
malpractice, professional misconduct, negligence, or other such 585

civil action pertaining to the practice of a PA. All such 586
matters shall be determined exclusively by State law other than 587
this Compact. 588

7. Nothing in this Compact shall be interpreted to waive 589
or otherwise abrogate a Participating State's state action 590
immunity or state action affirmative defense with respect to 591
antitrust claims under the Sherman Act, Clayton Act, or any 592
other State or federal antitrust or anticompetitive law or 593
regulation. 594

8. Nothing in this Compact shall be construed to be a 595
waiver of sovereign immunity by the Participating States or by 596
the Commission. 597

Section 8. Data System 598

A. The Commission shall provide for the development, 599
maintenance, operation, and utilization of a coordinated data 600
and reporting system containing licensure, Adverse Action, and 601
the reporting of the existence of Significant Investigative 602
Information on all licensed PAs and applicants denied a License 603
in Participating States. 604

B. Notwithstanding any other State law to the contrary, a 605
Participating State shall submit a uniform data set to the Data 606
System on all PAs to whom this Compact is applicable (utilizing 607
a unique identifier) as required by the Rules of the Commission, 608
including: 609

1. Identifying information; 610

2. Licensure data; 611

3. Adverse Actions against a License or Compact Privilege; 612

4. Any denial of application for licensure, and the 613

reason(s) for such denial (excluding the reporting of any 614
Criminal history record information where prohibited by law); 615

5. The existence of Significant Investigative Information; 616
and 617

6. Other information that may facilitate the 618
administration of this Compact, as determined by the Rules of 619
the Commission. 620

C. Significant Investigative Information pertaining to a 621
Licensee in any Participating State shall only be available to 622
other Participating States. 623

D. The Commission shall promptly notify all Participating 624
States of any Adverse Action taken against a Licensee or an 625
individual applying for a License that has been reported to it. 626
This Adverse Action information shall be available to any other 627
Participating State. 628

E. Participating States contributing information to the 629
Data System may, in accordance with State or federal law, 630
designate information that may not be shared with the public 631
without the express permission of the contributing State. 632
Notwithstanding any such designation, such information shall be 633
reported to the Commission through the Data System. 634

F. Any information submitted to the Data System that is 635
subsequently expunged pursuant to federal law or the laws of the 636
Participating State contributing the information shall be 637
removed from the Data System upon reporting of such by the 638
Participating State to the Commission. 639

G. The records and information provided to a Participating 640
State pursuant to this Compact or through the Data System, when 641
certified by the Commission or an agent thereof, shall 642

constitute the authenticated business records of the Commission, 643
and shall be entitled to any associated hearsay exception in any 644
relevant judicial, quasi-judicial or administrative proceedings 645
in a Participating State. 646

Section 9. Rulemaking 647

A. The Commission shall exercise its Rulemaking powers 648
pursuant to the criteria set forth in this Section and the Rules 649
adopted thereunder. Commission Rules shall become binding as of 650
the date specified by the Commission for each Rule. 651

B. The Commission shall promulgate reasonable Rules in 652
order to effectively and efficiently implement and administer 653
this Compact and achieve its purposes. A Commission Rule shall 654
be invalid and have not force or effect only if a court of 655
competent jurisdiction holds that the Rule is invalid because 656
the Commission exercised its rulemaking authority in a manner 657
that is beyond the scope of the purposes of this Compact, or the 658
powers granted hereunder, or based upon another applicable 659
standard of review. 660

C. The Rules of the Commission shall have the force of law 661
in each Participating State, provided however that where the 662
Rules of the Commission conflict with the laws of the 663
Participating State that establish the medical services a PA may 664
perform in the Participating State, as held by a court of 665
competent jurisdiction, the Rules of the Commission shall be 666
ineffective in that State to the extent of the conflict. 667

D. If a majority of the legislatures of the Participating 668
States rejects a Commission Rule, by enactment of a statute or 669
resolution in the same manner used to adopt this Compact within 670
four (4) years of the date of adoption of the Rule, then such 671

Rule shall have no further force and effect in any Participating 672
State or to any State applying to participate in the Compact. 673

E. Commission Rules shall be adopted at a regular or 674
special meeting of the Commission. 675

F. Prior to promulgation and adoption of a final Rule or 676
Rules by the Commission, and at least thirty (30) days in 677
advance of the meeting at which the Rule will be considered and 678
voted upon, the Commission shall file a Notice of Proposed 679
Rulemaking: 680

1. On the website of the Commission or other publicly 681
accessible platform; and 682

2. To persons who have requested notice of the 683
Commission's notices of proposed rulemaking, and 684

3. In such other way(s) as the Commission may by Rule 685
specify 686

G. The Notice of Proposed Rulemaking shall include: 687

1. The time, date, and location of the public hearing on 688
the proposed Rule and the proposed time, date and location of 689
the meeting in which the proposed Rule will be considered and 690
voted upon; 691

2. The text of the proposed Rule and the reason for the 692
proposed Rule; 693

3. A request for comments on the proposed Rule from any 694
interested person and the date by which written comments must be 695
received; and 696

4. The manner in which interested persons may submit 697
notice to the Commission of their intention to attend the public 698

hearing or provide any written comments. 699

H. Prior to adoption of a proposed Rule, the Commission 700
shall allow persons to submit written data, facts, opinions, and 701
arguments, which shall be made available to the public. 702

I. If the hearing is to be held via electronic means, the 703
Commission shall publish the mechanism for access to the 704
electronic hearing. 705

1. All persons wishing to be heard at the hearing shall as 706
directed in the Notice of Proposed Rulemaking, not less than 707
five (5) business days before the scheduled date of the hearing, 708
notify the Commission of their desire to appear and testify at 709
the hearing. 710

2. Hearings shall be conducted in a manner providing each 711
person who wishes to comment a fair and reasonable opportunity 712
to comment orally or in writing. 713

3. All hearings shall be recorded. A copy of the recording 714
and the written comments, data, facts, opinions, and arguments 715
received in response to the proposed rulemaking shall be made 716
available to a person upon request. 717

4. Nothing in this section shall be construed as requiring 718
a separate hearing on each proposed Rule. Proposed Rules may be 719
grouped for the convenience of the Commission at hearings 720
required by this section. 721

J. Following the public hearing the Commission shall 722
consider all written and oral comments timely received. 723

K. The Commission shall, by majority vote of all 724
delegates, take final action on the proposed Rule and shall 725
determine the effective date of the Rule, if adopted, based on 726

the Rulemaking record and the full text of the Rule. 727

1. If adopted, the Rule shall be posted on the 728
Commission's website. 729

2. The Commission may adopt changes to the proposed Rule 730
provided the changes do not enlarge the original purpose of the 731
proposed Rule. 732

3. The Commission shall provide on its website an 733
explanation of the reasons for substantive changes made to the 734
proposed Rule as well as reasons for substantive changes not 735
made that were recommended by commenters. 736

4. The Commission shall determine a reasonable effective 737
date for the Rule. Except for an emergency as provided in 738
subsection L, the effective date of the Rule shall be no sooner 739
than thirty (30) days after the Commission issued the notice 740
that it adopted the Rule. 741

L. Upon determination that an emergency exists, the 742
Commission may consider and adopt an emergency Rule with twenty- 743
four (24) hours prior notice, without the opportunity for 744
comment, or hearing, provided that the usual rulemaking 745
procedures provided in this Compact and in this section shall be 746
retroactively applied to the Rule as soon as reasonably 747
possible, in no event later than ninety (90) days after the 748
effective date of the Rule. For the purposes of this provision, 749
an emergency Rule is one that must be adopted immediately by the 750
Commission in order to: 751

1. Meet an imminent threat to public health, safety, or 752
welfare; 753

2. Prevent a loss of Commission or Participating State 754
funds; 755

3. Meet a deadline for the promulgation of a Commission 756
Rule that is established by federal law or Rule; or 757

4. Protect public health and safety. 758

M. The Commission or an authorized committee of the 759
Commission may direct revisions to a previously adopted 760
Commission Rule for purposes of correcting typographical errors, 761
errors in format, errors in consistency, or grammatical errors. 762
Public notice of any revisions shall be posted on the website of 763
the Commission. The revision shall be subject to challenge by 764
any person for a period of thirty (30) days after posting. The 765
revision may be challenged only on grounds that the revision 766
results in a material change to a Rule. A challenge shall be 767
made as set forth in the notice of revisions and delivered to 768
the Commission prior to the end of the notice period. If no 769
challenge is made, the revision will take effect without further 770
action. If the revision is challenged, the revision may not take 771
effect without the approval of the Commission. 772

N. No Participating State's rulemaking requirements shall 773
apply under this Compact. 774

Section 10. Oversight, Dispute Resolution, and Enforcement 775

A. Oversight 776

1. The executive and judicial branches of State government 777
in each Participating State shall enforce this Compact and take 778
all actions necessary and appropriate to implement the Compact. 779

2. Venue is proper and judicial proceedings by or against 780
the Commission shall be brought solely and exclusively in a 781
court of competent jurisdiction where the principal office of 782
the Commission is located. The Commission may waive venue and 783
jurisdictional defenses to the extent it adopts or consents to 784

participate in alternative dispute resolution proceedings. 785
Nothing herein shall affect or limit the selection or propriety 786
of venue in any action against a licensee for professional 787
malpractice, misconduct or any such similar matter. 788

3. The Commission shall be entitled to receive service of 789
process in any proceeding regarding the enforcement or 790
interpretation of the Compact or the Commission's Rules and 791
shall have standing to intervene in such a proceeding for all 792
purposes. Failure to provide the Commission with service of 793
process shall render a judgment or order in such proceeding void 794
as to the Commission, this Compact, or Commission Rules. 795

B. Default, Technical Assistance, and Termination 796

1. If the Commission determines that a Participating State 797
has defaulted in the performance of its obligations or 798
responsibilities under this Compact or the Commission Rules, the 799
Commission shall provide written notice to the defaulting State 800
and other Participating States. The notice shall describe the 801
default, the proposed means of curing the default and any other 802
action that the Commission may take and shall offer remedial 803
training and specific technical assistance regarding the 804
default. 805

2. If a State in default fails to cure the default, the 806
defaulting State may be terminated from this Compact upon an 807
affirmative vote of a majority of the delegates of the 808
Participating States, and all rights, privileges and benefits 809
conferred by this Compact upon such State may be terminated on 810
the effective date of termination. A cure of the default does 811
not relieve the offending State of obligations or liabilities 812
incurred during the period of default. 813

3. Termination of participation in this Compact shall be 814
imposed only after all other means of securing compliance have 815
been exhausted. Notice of intent to suspend or terminate shall 816
be given by the Commission to the governor, the majority and 817
minority leaders of the defaulting State's legislature, and to 818
the Licensing Board(s) of each of the Participating States. 819

4. A State that has been terminated is responsible for all 820
assessments, obligations, and liabilities incurred through the 821
effective date of termination, including obligations that extend 822
beyond the effective date of termination. 823

5. The Commission shall not bear any costs related to a 824
State that is found to be in default or that has been terminated 825
from this Compact, unless agreed upon in writing between the 826
Commission and the defaulting State. 827

6. The defaulting State may appeal its termination from 828
the Compact by the Commission by petitioning the U.S. District 829
Court for the District of Columbia or the federal district where 830
the Commission has its principal offices. The prevailing member 831
shall be awarded all costs of such litigation, including 832
reasonable attorney's fees. 833

7. Upon the termination of a State's participation in the 834
Compact, the State shall immediately provide notice to all 835
Licensees within that State of such termination: 836

a. Licensees who have been granted a Compact Privilege in 837
that State shall retain the Compact Privilege for one hundred 838
eighty (180) days following the effective date of such 839
termination. 840

b. Licensees who are licensed in that State who have been 841
granted a Compact Privilege in a Participating State shall 842

retain the Compact Privilege for one hundred eighty (180) days 843
unless the Licensee also has a Qualifying License in a 844
Participating State or obtains a Qualifying License in a 845
Participating State before the one hundred eighty (180)-day 846
period ends, in which case the Compact Privilege shall continue. 847

C. Dispute Resolution 848

1. Upon request by a Participating State, the Commission 849
shall attempt to resolve disputes related to this Compact that 850
arise among Participating States and between participating and 851
non-Participating States. 852

2. The Commission shall promulgate a Rule providing for 853
both mediation and binding dispute resolution for disputes as 854
appropriate. 855

D. Enforcement 856

1. The Commission, in the reasonable exercise of its 857
discretion, shall enforce the provisions of this Compact and 858
Rules of the Commission. 859

2. If compliance is not secured after all means to secure 860
compliance have been exhausted, by majority vote, the Commission 861
may initiate legal action in the United States District Court 862
for the District of Columbia or the federal district where the 863
Commission has its principal offices, against a Participating 864
State in default to enforce compliance with the provisions of 865
this Compact and the Commission's promulgated Rules and bylaws. 866
The relief sought may include both injunctive relief and 867
damages. In the event judicial enforcement is necessary, the 868
prevailing party shall be awarded all costs of such litigation, 869
including reasonable attorney's fees. 870

3. The remedies herein shall not be the exclusive remedies 871

of the Commission. The Commission may pursue any other remedies 872
available under federal or State law. 873

E. Legal Action Against the Commission 874

1. A Participating State may initiate legal action against 875
the Commission in the U.S. District Court for the District of 876
Columbia or the federal district where the Commission has its 877
principal offices to enforce compliance with the provisions of 878
the Compact and its Rules. The relief sought may include both 879
injunctive relief and damages. In the event judicial enforcement 880
is necessary, the prevailing party shall be awarded all costs of 881
such litigation, including reasonable attorney's fees. 882

2. No person other than a Participating State shall 883
enforce this Compact against the Commission. 884

Section 11. Date of Implementation of the PA Licensure 885
Compact Commission 886

A. This Compact shall come into effect on the date on 887
which this Compact statute is enacted into law in the seventh 888
Participating State. 889

1. On or after the effective date of the Compact, the 890
Commission shall convene and review the enactment of each of the 891
States that enacted the Compact prior to the Commission 892
convening ("Charter Participating States") to determine if the 893
statute enacted by each such Charter Participating State is 894
materially different than the Model Compact. 895

a. A Charter Participating State whose enactment is found 896
to be materially different from the Model Compact shall be 897
entitled to the default process set forth in Section 10.B. 898

b. If any Participating State later withdraws from the 899

Compact or its participation is terminated, the Commission shall 900
remain in existence and the Compact shall remain in effect even 901
if the number of Participating States should be less than seven. 902
Participating States enacting the Compact subsequent to the 903
Commission convening shall be subject to the process set forth 904
in Section 7.C.21 to determine if their enactments are 905
materially different from the Model Compact and whether they 906
qualify for participation in the Compact. 907

2. Participating States enacting the Compact subsequent to 908
the seven initial Charter Participating States shall be subject 909
to the process set forth in Section 7.C.21 to determine if their 910
enactments are materially different from the Model Compact and 911
whether they qualify for participation in the Compact. 912

3. All actions taken for the benefit of the Commission or 913
in furtherance of the purposes of the administration of the 914
Compact prior to the effective date of the Compact or the 915
Commission coming into existence shall be considered to be 916
actions of the Commission unless specifically repudiated by the 917
Commission. 918

B. Any State that joins this Compact shall be subject to 919
the Commission's Rules and bylaws as they exist on the date on 920
which this Compact becomes law in that State. Any Rule that has 921
been previously adopted by the Commission shall have the full 922
force and effect of law on the day this Compact becomes law in 923
that State. 924

C. Any Participating State may withdraw from this Compact 925
by enacting a statute repealing the same. 926

1. A Participating State's withdrawal shall not take 927
effect until one hundred eighty (180) days after enactment of 928

the repealing statute. During this one hundred eighty (180) day- 929
period, all Compact Privileges that were in effect in the 930
withdrawing State and were granted to Licensees licensed in the 931
withdrawing State shall remain in effect. If any Licensee 932
licensed in the withdrawing State is also licensed in another 933
Participating State or obtains a license in another 934
Participating State within the one hundred eighty (180) days, 935
the Licensee's Compact Privileges in other Participating States 936
shall not be affected by the passage of the one hundred eighty 937
(180) days. 938

2. Withdrawal shall not affect the continuing requirement 939
of the State Licensing Board(s) of the withdrawing State to 940
comply with the investigative, and Adverse Action reporting 941
requirements of this Compact prior to the effective date of 942
withdrawal. 943

3. Upon the enactment of a statute withdrawing a State 944
from this Compact, the State shall immediately provide notice of 945
such withdrawal to all Licensees within that State. Such 946
withdrawing State shall continue to recognize all licenses 947
granted pursuant to this Compact for a minimum of one hundred 948
eighty (180) days after the date of such notice of withdrawal. 949

D. Nothing contained in this Compact shall be construed to 950
invalidate or prevent any PA licensure agreement or other 951
cooperative arrangement between Participating States and between 952
a Participating State and non-Participating State that does not 953
conflict with the provisions of this Compact. 954

E. This Compact may be amended by the Participating 955
States. No amendment to this Compact shall become effective and 956
binding upon any Participating State until it is enacted 957
materially in the same manner into the laws of all Participating 958

States as determined by the Commission. 959

Section 12. Construction and Severability 960

A. This Compact and the Commission's rulemaking authority 961
shall be liberally construed so as to effectuate the purposes, 962
and the implementation and administration of the Compact. 963
Provisions of the Compact expressly authorizing or requiring the 964
promulgation of Rules shall not be construed to limit the 965
Commission's rulemaking authority solely for those purposes. 966

B. The provisions of this Compact shall be severable and 967
if any phrase, clause, sentence or provision of this Compact is 968
held by a court of competent jurisdiction to be contrary to the 969
constitution of any Participating State, a State seeking 970
participation in the Compact, or of the United States, or the 971
applicability thereof to any government, agency, person or 972
circumstance is held to be unconstitutional by a court of 973
competent jurisdiction, the validity of the remainder of this 974
Compact and the applicability thereof to any other government, 975
agency, person or circumstance shall not be affected thereby. 976

C. Notwithstanding subsection B or this section, the 977
Commission may deny a State's participation in the Compact or, 978
in accordance with the requirements of Section 10.B, terminate a 979
Participating State's participation in the Compact, if it 980
determines that a constitutional requirement of a Participating 981
State is, or would be with respect to a State seeking to 982
participate in the Compact, a material departure from the 983
Compact. Otherwise, if this Compact shall be held to be contrary 984
to the constitution of any Participating State, the Compact 985
shall remain in full force and effect as to the remaining 986
Participating States and in full force and effect as to the 987
Participating State affected as to all severable matters. 988

Section 13. Binding Effect of Compact

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

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

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

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Sec. 4730.71. Not later than sixty days after the
"Physician Assistant (PA) Licensure Compact" is entered into
under section 4730.70 of the Revised Code, the state medical
board, in accordance with Section 7 of the compact, shall select
one individual to serve as the delegate to the PA licensure
compact commission created under the compact. The board shall
fill a vacancy in this position not later than sixty days after
the vacancy occurs.

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