



131st MAINE LEGISLATURE

SECOND REGULAR SESSION-2024

Legislative Document

No. 2043

H.P. 1305

House of Representatives, December 13, 2023

**An Act to Add the State of Maine to the Compact for Licensing
Physician Assistants**

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 11, 2023. Referred to the Committee on Health Coverage, Insurance and Financial Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative CLOUTIER of Lewiston.
Cosponsored by Senator DAUGHTRY of Cumberland and
Representatives: BRENNAN of Portland, CLUCHEY of Bowdoinham, DODGE of Belfast,
MORRIS of Turner, MURPHY of Scarborough, Senators: President JACKSON of Aroostook,
STEWART of Aroostook, VITELLI of Sagadahoc.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **CONCEPT DRAFT**

3 **SUMMARY**

4 This bill is a concept draft pursuant to Joint Rule 208.

5 This bill proposes to enact the PA Licensure Compact to increase the availability of
6 medical services provided by physician assistants by mutual recognition of a physician
7 assistant's qualifying license by other states participating in the compact. This compact also
8 would adopt the prevailing standard for physician assistant licensure and affirms that the
9 practice and delivery of medical services by the physician assistant occurs where the patient
10 is located at the time of the patient encounter, placing the physician assistant under the
11 jurisdiction of the state licensing board where the patient is located. A state licensing board
12 that participates in this compact would retain jurisdiction to impose adverse action against
13 the authorization provided under the compact in that state and issued to a physician assistant
14 through the procedures of the compact. The compact would alleviate burdens for military
15 families by allowing active duty military personnel and their spouses to obtain
16 authorization to provide medical services as long as those persons have an unrestricted
17 license in good standing from a state participating in the compact.

18 The verbatim text of the PA Licensure Compact, which has not been edited to make
19 necessary, nonsubstantive changes to conform to Maine legislative drafting standards,
20 reads as follows.

21 **PA LICENSURE COMPACT**

22 **Section 1. Purpose**

23 In order to strengthen access to Medical Services, and in recognition of the advances in the
24 delivery of Medical Services, the Participating States of the PA Licensure Compact have
25 allied in common purpose to develop a comprehensive process that complements the
26 existing authority of State Licensing Boards to license and discipline PAs and seeks to
27 enhance the portability of a License to practice as a PA while safeguarding the safety of
28 patients. This Compact allows Medical Services to be provided by PAs, via the mutual
29 recognition of the Licensee's Qualifying License by other Compact Participating States.
30 This Compact also adopts the prevailing standard for PA licensure and affirms that the
31 practice and delivery of Medical Services by the PA occurs where the patient is located at
32 the time of the patient encounter, and therefore requires the PA to be under the jurisdiction
33 of the State Licensing Board where the patient is located. State Licensing Boards that
34 participate in this Compact retain the jurisdiction to impose Adverse Action against a
35 Compact Privilege in that State issued to a PA through the procedures of this Compact. The
36 PA Licensure Compact will alleviate burdens for military families by allowing active duty
37 military personnel and their spouses to obtain a Compact Privilege based on having an
38 unrestricted License in good standing from a Participating State.

39 **Section 2. Definitions**

40 In this Compact:

41 **A. "Adverse Action"** means any administrative, civil, equitable, or criminal action
42 permitted by a State's laws which is imposed by a Licensing Board or other

- 1 authority against a PA License or License application or Compact Privilege such
2 as License denial, censure, revocation, suspension, probation, monitoring of the
3 Licensee, or restriction on the Licensee's practice.
- 4 **B. "Compact Privilege"** means the authorization granted by a Remote State to allow
5 a Licensee from another Participating State to practice as a PA to provide Medical
6 Services and other licensed activity to a patient located in the Remote State under
7 the Remote State's laws and regulations.
- 8 **C. "Conviction"** means a finding by a court that an individual is guilty of a felony or
9 misdemeanor offense through adjudication or entry of a plea of guilt or no contest
10 to the charge by the offender
- 11 **D. "Criminal Background Check"** means the submission of fingerprints or other
12 biometric-based information for a License applicant for the purpose of obtaining
13 that applicant's criminal history record information, as defined in 28 C.F.R. §
14 20.3(d), from the State's criminal history record repository as defined in 28 C.F.R.
15 § 20.3(f).
- 16 **E. "Data System"** means the repository of information about Licensees, including but
17 not limited to License status and Adverse Actions, which is created and
18 administered under the terms of this Compact.
- 19 **F. "Executive Committee"** means a group of directors and ex-officio individuals
20 elected or appointed pursuant to Section 7.F.2.
- 21 **G. "Impaired Practitioner"** means a PA whose practice is adversely affected by
22 health-related condition(s) that impact their ability to practice.
- 23 **H. "Investigative Information"** means information, records, or documents received
24 or generated by a Licensing Board pursuant to an investigation.
- 25 **I. "Jurisprudence Requirement"** means the assessment of an individual's knowledge
26 of the laws and Rules governing the practice of a PA in a State.
- 27 **J. "License"** means current authorization by a State, other than authorization pursuant
28 to a Compact Privilege, for a PA to provide Medical Services, which would be
29 unlawful without current authorization.
- 30 **K. "Licensee"** means an individual who holds a License from a State to provide
31 Medical Services as a PA.
- 32 **L. "Licensing Board"** means any State entity authorized to license and otherwise
33 regulate PAs.
- 34 **M. "Medical Services"** means health care services provided for the diagnosis,
35 prevention, treatment, cure or relief of a health condition, injury, or disease, as
36 defined by a State's laws and regulations.
- 37 **N. "Model Compact"** means the model for the PA Licensure Compact on file with
38 The Council of State Governments or other entity as designated by the
39 Commission.
- 40 **O. "Participating State"** means a State that has enacted this Compact.
- 41 **P. "PA"** means an individual who is licensed as a physician assistant in a State. For
42 purposes of this Compact, any other title or status adopted by a State to replace the

1 term "physician assistant" shall be deemed synonymous with "physician assistant"
2 and shall confer the same rights and responsibilities to the Licensee under the
3 provisions of this Compact at the time of its enactment.

4 **Q. "PA Licensure Compact Commission," "Compact Commission," or**
5 **"Commission"** mean the national administrative body created pursuant to Section
6 7.A of this Compact.

7 **R. "Qualifying License"** means an unrestricted License issued by a Participating State
8 to provide Medical Services as a PA.

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

11 **T. "Rule"** means a regulation promulgated by an entity that has the force and effect of
12 law.

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

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

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

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

- 20 1. License PAs.
- 21 2. Participate in the Compact Commission's Data System.
- 22 3. Have a mechanism in place for receiving and investigating complaints
23 against Licensees and License applicants.
- 24 4. Notify the Commission, in compliance with the terms of this Compact and
25 Commission Rules, of any Adverse Action against a Licensee or License
26 applicant and the existence of Significant Investigative Information
27 regarding a Licensee or License applicant.
- 28 5. Fully implement a Criminal Background Check requirement, within a time
29 frame established by Commission Rule, by its Licensing Board receiving
30 the results of a Criminal Background Check and reporting to the
31 Commission whether the License applicant has been granted a License.
- 32 6. Comply with the Rules of the Compact Commission.
- 33 7. Utilize passage of a recognized national exam such as the NCCPA PANCE
34 as a requirement for PA licensure.
- 35 8. Grant the Compact Privilege to a holder of a Qualifying License in a
36 Participating State.

37 B. Nothing in this Compact prohibits a Participating State from charging a fee for
38 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 Accreditation Review
4 Commission on Education for the Physician Assistant, Inc. or other
5 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 registration
9 suspended or revoked by a State or by the United States Drug Enforcement
10 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 restriction on any
14 License currently held due to an adverse action.
- 15 8. If a Licensee has had a limitation or restriction on a License or Compact
16 Privilege due to an Adverse Action, two years must have elapsed from the
17 date on which the License or Compact Privilege is no longer limited or
18 restricted due to the Adverse Action.
- 19 9. If a Compact Privilege has been revoked or is limited or restricted in a
20 Participating State for conduct that would not be a basis for disciplinary
21 action in a Participating State in which the Licensee is practicing or
22 applying to practice under a Compact Privilege, that Participating State
23 shall have the discretion not to consider such action as an Adverse Action
24 requiring the denial or removal of a Compact Privilege in that State.
- 25 10. Notify the Compact Commission that the Licensee is seeking the Compact
26 Privilege in a Remote State.
- 27 11. Meet any Jurisprudence Requirement of a Remote State in which the
28 Licensee is seeking to practice under the Compact Privilege and pay any
29 fees applicable to satisfying the Jurisprudence Requirement.
- 30 12. Report to the Commission any Adverse Action taken by a non-participating
31 State within thirty (30) days after the action is taken.

32 B. The Compact Privilege is valid until the expiration or revocation of the Qualifying
33 License unless terminated pursuant to an Adverse Action. The Licensee must also
34 comply with all of the requirements of Subsection A above to maintain the
35 Compact Privilege in a Remote State. If the Participating State takes Adverse
36 Action against a Qualifying License, the Licensee shall lose the Compact Privilege

1 in any Remote State in which the Licensee has a Compact Privilege until all of the
2 following occur:

- 3 1. The License is no longer limited or restricted; and
- 4 2. Two (2) years have elapsed from the date on which the License is no longer
5 limited or restricted due to the Adverse Action.

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

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

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

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

- 18 1. When applying for a Compact Privilege, the Licensee shall provide the
19 Commission with the address of the Licensee's primary residence and
20 thereafter shall immediately report to the Commission any change in the
21 address of the Licensee's primary residence.
- 22 2. When applying for a Compact Privilege, the Licensee is required to consent
23 to accept service of process by mail at the Licensee's primary residence on
24 file with the Commission with respect to any action brought against the
25 Licensee by the Commission or a Participating State, including a subpoena,
26 with respect to any action brought or investigation conducted by the
27 Commission or a Participating State.

28 **Section 6. Adverse Actions**

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

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

- 35 1. Take Adverse Action against a PA's Compact Privilege within that State
36 to remove a Licensee's Compact Privilege or take other action necessary
37 under applicable law to protect the health and safety of its citizens.
- 38 2. Issue subpoenas for both hearings and investigations that require the
39 attendance and testimony of witnesses as well as the production of
40 evidence. Subpoenas issued by a Licensing Board in a Participating State

- 1 for the attendance and testimony of witnesses or the production of
2 evidence from another Participating State shall be enforced in the latter
3 State by any court of competent jurisdiction, according to the practice and
4 procedure of that court applicable to subpoenas issued in proceedings
5 pending before it. The issuing authority shall pay any witness fees, travel
6 expenses, mileage and other fees required by the service statutes of the
7 State in which the witnesses or evidence are located.
- 8 3. Notwithstanding paragraph 2, subpoenas may not be issued by a
9 Participating State to gather evidence of conduct in another State that is
10 lawful in that other State for the purpose of taking Adverse Action against
11 a Licensee's Compact Privilege or application for a Compact Privilege in
12 that Participating State.
- 13 4. Nothing in this Compact authorizes a Participating State to impose
14 discipline against a PA's Compact Privilege or to deny an application for a
15 Compact Privilege in that Participating State for the individual's otherwise
16 lawful practice in another State.
- 17 C. For purposes of taking Adverse Action, the Participating State which issued the
18 Qualifying License shall give the same priority and effect to reported conduct
19 received from any other Participating State as it would if the conduct had occurred
20 within the Participating State which issued the Qualifying License. In so doing,
21 that Participating State shall apply its own State laws to determine appropriate
22 action.
- 23 D. A Participating State, if otherwise permitted by State law, may recover from the
24 affected PA the costs of investigations and disposition of cases resulting from any
25 Adverse Action taken against that PA.
- 26 E. A Participating State may take Adverse Action based on the factual findings of a
27 Remote State, provided that the Participating State follows its own procedures for
28 taking the Adverse Action.
- 29 F. Joint Investigations
- 30 1. In addition to the authority granted to a Participating State by its
31 respective State PA laws and regulations or other applicable State law,
32 any Participating State may participate with other Participating States in
33 joint investigations of Licensees.
- 34 2. Participating States shall share any investigative, litigation, or compliance
35 materials in furtherance of any joint or individual investigation initiated
36 under this Compact.
- 37 G. If an Adverse Action is taken against a PA's Qualifying License, the PA's Compact
38 Privilege in all Remote States shall be deactivated until two (2) years have elapsed
39 after all restrictions have been removed from the State License. All disciplinary
40 orders by the Participating State which issued the Qualifying License that impose
41 Adverse Action against a PA's License shall include a Statement that the PA's

1 Compact Privilege is deactivated in all Participating States during the pendency of
2 the order.

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

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

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

11 B. Membership, Voting, and Meetings

- 12 1. Each Participating State shall have and be limited to one (1) delegate
13 selected by that Participating State's Licensing Board or, if the State has
14 more than one Licensing Board, selected collectively by the Participating
15 State's Licensing Boards.
- 16 2. The delegate shall be either:
 - 17 a. A current PA, physician or public member of a Licensing Board or
18 PA Council/Committee; or
 - 19 b. An administrator of a Licensing Board.
- 20 3. Any delegate may be removed or suspended from office as provided by the
21 laws of the State from which the delegate is appointed.
- 22 4. The Participating State Licensing Board shall fill any vacancy occurring in
23 the Commission within sixty (60) days.
- 24 5. Each delegate shall be entitled to one (1) vote on all matters voted on by the
25 Commission and shall otherwise have an opportunity to participate in the
26 business and affairs of the Commission. A delegate shall vote in person or
27 by such other means as provided in the bylaws. The bylaws may provide
28 for delegates' participation in meetings by telecommunications, video
29 conference, or other means of communication.
- 30 6. The Commission shall meet at least once during each calendar year.
31 Additional meetings shall be held as set forth in this Compact and the
32 bylaws.
- 33 7. The Commission shall establish by Rule a term of office for delegates.

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

- 35 1. Establish a code of ethics for the Commission;
- 36 2. Establish the fiscal year of the Commission;
- 37 3. Establish fees;
- 38 4. Establish bylaws;
- 39 5. Maintain its financial records in accordance with the bylaws;

- 1 6. Meet and take such actions as are consistent with the provisions of this
2 Compact and the bylaws;
- 3 7. Promulgate Rules to facilitate and coordinate implementation and
4 administration of this Compact. The Rules shall have the force and effect
5 of law and shall be binding in all Participating States;
- 6 8. Bring and prosecute legal proceedings or actions in the name of the
7 Commission, provided that the standing of any State Licensing Board to
8 sue or be sued under applicable law shall not be affected;
- 9 9. Purchase and maintain insurance and bonds;
- 10 10. Borrow, accept, or contract for services of personnel, including, but not
11 limited to, employees of a Participating State;
- 12 11. Hire employees and engage contractors, elect or appoint officers, fix
13 compensation, define duties, grant such individuals appropriate authority to
14 carry out the purposes of this Compact, and establish the Commission's
15 personnel policies and programs relating to conflicts of interest,
16 qualifications of personnel, and other related personnel matters;
- 17 12. Accept any and all appropriate donations and grants of money, equipment,
18 supplies, materials and services, and receive, utilize and dispose of the
19 same; provided that at all times the Commission shall avoid any appearance
20 of impropriety or conflict of interest;
- 21 13. Lease, purchase, accept appropriate gifts or donations of, or otherwise own,
22 hold, improve or use, any property, real, personal or mixed; provided that
23 at all times the Commission shall avoid any appearance of impropriety;
- 24 14. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise
25 dispose of any property real, personal, or mixed;
- 26 15. Establish a budget and make expenditures;
- 27 16. Borrow money;
- 28 17. Appoint committees, including standing committees composed of
29 members, State regulators, State legislators or their representatives, and
30 consumer representatives, and such other interested persons as may be
31 designated in this Compact and the bylaws;
- 32 18. Provide and receive information from, and cooperate with, law enforcement
33 agencies;
- 34 19. Elect a Chair, Vice Chair, Secretary and Treasurer and such other officers
35 of the Commission as provided in the Commission's bylaws.
- 36 20. Reserve for itself, in addition to those reserved exclusively to the
37 Commission under the Compact, powers that the Executive Committee may
38 not exercise;
- 39 21. Approve or disapprove a State's participation in the Compact based upon its
40 determination as to whether the State's Compact legislation departs in a
41 material manner from the Model Compact language;

- 1 22. Prepare and provide to the Participating States an annual report; and
2 23. Perform such other functions as may be necessary or appropriate to achieve
3 the purposes of this Compact consistent with the State regulation of PA
4 licensure and practice.

5 D. Meetings of the Commission

- 6 1. All meetings of the Commission that are not closed pursuant to this
7 subsection shall be open to the public. Notice of public meetings shall be
8 posted on the Commission's website at least thirty (30) days prior to the
9 public meeting.
- 10 2. Notwithstanding subsection D.1 of this section, the Commission may
11 convene a public meeting by providing at least twenty-four (24) hours prior
12 notice on the Commission's website, and any other means as provided in
13 the Commission's Rules, for any of the reasons it may dispense with notice
14 of proposed rulemaking under Section 9.L.
- 15 3. The Commission may convene in a closed, non-public meeting or non-
16 public part of a public meeting to receive legal advice or to discuss:
- 17 a. Non-compliance of a Participating State with its obligations under
18 this Compact;
- 19 b. The employment, compensation, discipline or other matters,
20 practices or procedures related to specific employees or other
21 matters related to the Commission's internal personnel practices
22 and procedures;
- 23 c. Current, threatened, or reasonably anticipated litigation;
- 24 d. Negotiation of contracts for the purchase, lease, or sale of goods,
25 services, or real estate;
- 26 e. Accusing any person of a crime or formally censuring any person;
- 27 f. Disclosure of trade secrets or commercial or financial information
28 that is privileged or confidential;
- 29 g. Disclosure of information of a personal nature where disclosure
30 would constitute a clearly unwarranted invasion of personal
31 privacy;
- 32 h. Disclosure of investigative records compiled for law enforcement
33 purposes;
- 34 i. Disclosure of information related to any investigative reports
35 prepared by or on behalf of or for use of the Commission or other
36 committee charged with responsibility of investigation or
37 determination of compliance issues pursuant to this Compact;
- 38 j. Legal advice; or
- 39 k. Matters specifically exempted from disclosure by federal or
40 Participating States' statutes.

- 1 4. If a meeting, or portion of a meeting, is closed pursuant to this provision,
2 the chair of the meeting or the chair's designee shall certify that the meeting
3 or portion of the meeting may be closed and shall reference each relevant
4 exempting provision.
- 5 5. The Commission shall keep minutes that fully and clearly describe all
6 matters discussed in a meeting and shall provide a full and accurate
7 summary of actions taken, including a description of the views expressed.
8 All documents considered in connection with an action shall be identified
9 in such minutes. All minutes and documents of a closed meeting shall
10 remain under seal, subject to release by a majority vote of the Commission
11 or order of a court of competent jurisdiction.

12 E. Financing of the Commission

- 13 1. The Commission shall pay, or provide for the payment of, the reasonable
14 expenses of its establishment, organization, and ongoing activities.
- 15 2. The Commission may accept any and all appropriate revenue sources,
16 donations, and grants of money, equipment, supplies, materials, and
17 services.
- 18 3. The Commission may levy on and collect an annual assessment from each
19 Participating State and may impose Compact Privilege fees on Licensees of
20 Participating States to whom a Compact Privilege is granted to cover the
21 cost of the operations and activities of the Commission and its staff, which
22 must be in a total amount sufficient to cover its annual budget as approved
23 by the Commission each year for which revenue is not provided by other
24 sources. The aggregate annual assessment amount levied on Participating
25 States shall be allocated based upon a formula to be determined by
26 Commission Rule.
 - 27 a. A Compact Privilege expires when the Licensee's Qualifying
28 License in the Participating State from which the Licensee applied
29 for the Compact Privilege expires.
 - 30 b. If the Licensee terminates the Qualifying License through which
31 the Licensee applied for the Compact Privilege before its scheduled
32 expiration, and the Licensee has a Qualifying License in another
33 Participating State, the Licensee shall inform the Commission that
34 it is changing to that Participating State the Participating State
35 through which it applies for a Compact Privilege and pay to the
36 Commission any Compact Privilege fee required by Commission
37 Rule.
- 38 4. The Commission shall not incur obligations of any kind prior to securing
39 the funds adequate to meet the same; nor shall the Commission pledge the
40 credit of any of the Participating States, except by and with the authority of
41 the Participating State.
- 42 5. The Commission shall keep accurate accounts of all receipts and
43 disbursements. The receipts and disbursements of the Commission shall be
44 subject to the financial review and accounting procedures established under

1 its bylaws. All receipts and disbursements of funds handled by the
2 Commission shall be subject to an annual financial review by a certified or
3 licensed public accountant, and the report of the financial review shall be
4 included in and become part of the annual report of the Commission.

5 F. The Executive Committee

- 6 1. The Executive Committee shall have the power to act on behalf of the
7 Commission according to the terms of this Compact and Commission
8 Rules.
- 9 2. The Executive Committee shall be composed of nine (9) members:
- 10 a. Seven voting members who are elected by the Commission from
11 the current membership of the Commission;
- 12 b. One ex-officio, nonvoting member from a recognized national PA
13 professional association; and
- 14 c. One ex-officio, nonvoting member from a recognized national PA
15 certification organization.
- 16 3. The ex-officio members will be selected by their respective organizations.
- 17 4. The Commission may remove any member of the Executive Committee as
18 provided in its bylaws.
- 19 5. The Executive Committee shall meet at least annually.
- 20 6. The Executive Committee shall have the following duties and
21 responsibilities:
- 22 a. Recommend to the Commission changes to the Commission's
23 Rules or bylaws, changes to this Compact legislation, fees to be
24 paid by Compact Participating States such as annual dues, and any
25 Commission Compact fee charged to Licensees for the Compact
26 Privilege;
- 27 b. Ensure Compact administration services are appropriately
28 provided, contractual or otherwise;
- 29 c. Prepare and recommend the budget;
- 30 d. Maintain financial records on behalf of the Commission;
- 31 e. Monitor Compact compliance of Participating States and provide
32 compliance reports to the Commission;
- 33 f. Establish additional committees as necessary;
- 34 g. Exercise the powers and duties of the Commission during the
35 interim between Commission meetings, except for issuing
36 proposed rulemaking or adopting Commission Rules or bylaws, or
37 exercising any other powers and duties exclusively reserved to the
38 Commission by the Commission's Rules; and
- 39 h. Perform other duties as provided in the Commission's Rules or
40 bylaws.

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- 7. All meeting of the Executive Committee at which it votes or plans to vote on matters in exercising the powers and duties of the Commission shall be open to the public and public notice of such meetings shall be given as public meetings of the Commission are given.
- 8. The Executive Committee may convene in a closed, non-public meeting for the same reasons that the Commission may convene in a non-public meeting as set forth in Section 7.D 3 and shall announce the closed meeting as the Commission is required to under Section 7.D.4 and keep minutes of the closed meeting as the Commission is required to under Section 7.D.5.

G. Qualified Immunity, Defense, and Indemnification

- 1. The members, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person. The procurement of insurance of any type by the Commission shall not in any way compromise or limit the immunity granted hereunder.
- 2. The Commission shall defend any member, officer, executive director, employee, and representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or as determined by the commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining their own counsel at their own expense; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.
- 3. The Commission shall indemnify and hold harmless any member, officer, executive director, employee, and representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.
- 4. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may

- 1 waive venue and jurisdictional defenses in any proceedings as authorized
2 by Commission Rules.
- 3 5. Nothing herein shall be construed as a limitation on the liability of any
4 Licensee for professional malpractice or misconduct, which shall be
5 governed solely by any other applicable State laws.
- 6 6. Nothing herein shall be construed to designate the venue or jurisdiction to
7 bring actions for alleged acts of malpractice, professional misconduct,
8 negligence, or other such civil action pertaining to the practice of a PA. All
9 such matters shall be determined exclusively by State law other than this
10 Compact.
- 11 7. Nothing in this Compact shall be interpreted to waive or otherwise abrogate
12 a Participating State's state action immunity or state action affirmative
13 defense with respect to antitrust claims under the Sherman Act, Clayton
14 Act, or any other State or federal antitrust or anticompetitive law or
15 regulation.
- 16 8. Nothing in this Compact shall be construed to be a waiver of sovereign
17 immunity by the Participating States or by the Commission.

18 **Section 8. Data System**

- 19 A. The Commission shall provide for the development, maintenance, operation, and
20 utilization of a coordinated data and reporting system containing licensure,
21 Adverse Action, and the reporting of the existence of Significant Investigative
22 Information on all licensed PAs and applicants denied a License in Participating
23 States.
- 24 B. Notwithstanding any other State law to the contrary, a Participating State shall
25 submit a uniform data set to the Data System on all PAs to whom this Compact is
26 applicable (utilizing a unique identifier) as required by the Rules of the
27 Commission, including:
 - 28 1. Identifying information;
 - 29 2. Licensure data;
 - 30 3. Adverse Actions against a License or Compact Privilege;
 - 31 4. Any denial of application for licensure, and the reason(s) for such denial
32 (excluding the reporting of any Criminal history record information where
33 prohibited by law);
 - 34 5. The existence of Significant Investigative Information; and
 - 35 6. Other information that may facilitate the administration of this Compact, as
36 determined by the Rules of the Commission.
- 37 C. Significant Investigative Information pertaining to a Licensee in any Participating
38 State shall only be available to other Participating States.
- 39 D. The Commission shall promptly notify all Participating States of any Adverse
40 Action taken against a Licensee or an individual applying for a License that has
41 been reported to it. This Adverse Action information shall be available to any other
42 Participating State.

- 1 E. Participating States contributing information to the Data System may, in
2 accordance with State or federal law, designate information that may not be shared
3 with the public without the express permission of the contributing State.
4 Notwithstanding any such designation, such information shall be reported to the
5 Commission through the Data System.
- 6 F. Any information submitted to the Data System that is subsequently expunged
7 pursuant to federal law or the laws of the Participating State contributing the
8 information shall be removed from the Data System upon reporting of such by the
9 Participating State to the Commission.
- 10 G. The records and information provided to a Participating State pursuant to this
11 Compact or through the Data System, when certified by the Commission or an
12 agent thereof, shall constitute the authenticated business records of the
13 Commission, and shall be entitled to any associated hearsay exception in any
14 relevant judicial, quasi-judicial or administrative proceedings in a Participating
15 State.

16 **Section 9. Rulemaking**

- 17 A. The Commission shall exercise its Rulemaking powers pursuant to the criteria set
18 forth in this Section and the Rules adopted thereunder. Commission Rules shall
19 become binding as of the date specified by the Commission for each Rule.
- 20 B. The Commission shall promulgate reasonable Rules in order to effectively and
21 efficiently implement and administer this Compact and achieve its purposes. A
22 Commission Rule shall be invalid and have not force or effect only if a court of
23 competent jurisdiction holds that the Rule is invalid because the Commission
24 exercised its rulemaking authority in a manner that is beyond the scope of the
25 purposes of this Compact, or the powers granted hereunder, or based upon another
26 applicable standard of review.
- 27 C. The Rules of the Commission shall have the force of law in each Participating
28 State, provided however that where the Rules of the Commission conflict with the
29 laws of the Participating State that establish the medical services a PA may perform
30 in the Participating State, as held by a court of competent jurisdiction, the Rules of
31 the Commission shall be ineffective in that State to the extent of the conflict.
- 32 D. If a majority of the legislatures of the Participating States rejects a Commission
33 Rule, by enactment of a statute or resolution in the same manner used to adopt this
34 Compact within four (4) years of the date of adoption of the Rule, then such Rule
35 shall have no further force and effect in any Participating State or to any State
36 applying to participate in the Compact.
- 37 E. Commission Rules shall be adopted at a regular or special meeting of the
38 Commission.
- 39 F. Prior to promulgation and adoption of a final Rule or Rules by the Commission,
40 and at least thirty (30) days in advance of the meeting at which the Rule will be
41 considered and voted upon, the Commission shall file a Notice of Proposed
42 Rulemaking:
- 43 1. On the website of the Commission or other publicly accessible platform;
44 and

- 1 2. To persons who have requested notice of the Commission's notices of
2 proposed rulemaking, and
- 3 3. In such other way(s) as the Commission may by Rule specify.
- 4 G. The Notice of Proposed Rulemaking shall include:
 - 5 1. The time, date, and location of the public hearing on the proposed Rule and
6 the proposed time, date and location of the meeting in which the proposed
7 Rule will be considered and voted upon;
 - 8 2. The text of the proposed Rule and the reason for the proposed Rule;
 - 9 3. A request for comments on the proposed Rule from any interested person
10 and the date by which written comments must be received; and
 - 11 4. The manner in which interested persons may submit notice to the
12 Commission of their intention to attend the public hearing or provide any
13 written comments.
- 14 H. Prior to adoption of a proposed Rule, the Commission shall allow persons to submit
15 written data, facts, opinions, and arguments, which shall be made available to the
16 public.
- 17 I. If the hearing is to be held via electronic means, the Commission shall publish the
18 mechanism for access to the electronic hearing.
 - 19 1. All persons wishing to be heard at the hearing shall as directed in the Notice
20 of Proposed Rulemaking, not less than five (5) business days before the
21 scheduled date of the hearing, notify the Commission of their desire to
22 appear and testify at the hearing.
 - 23 2. Hearings shall be conducted in a manner providing each person who wishes
24 to comment a fair and reasonable opportunity to comment orally or in
25 writing.
 - 26 3. All hearings shall be recorded. A copy of the recording and the written
27 comments, data, facts, opinions, and arguments received in response to the
28 proposed rulemaking shall be made available to a person upon request.
 - 29 4. Nothing in this section shall be construed as requiring a separate hearing on
30 each proposed Rule. Proposed Rules may be grouped for the convenience
31 of the Commission at hearings required by this section.
- 32 J. Following the public hearing the Commission shall consider all written and oral
33 comments timely received.
- 34 K. The Commission shall, by majority vote of all delegates, take final action on the
35 proposed Rule and shall determine the effective date of the Rule, if adopted, based
36 on the Rulemaking record and the full text of the Rule.
 - 37 1. If adopted, the Rule shall be posted on the Commission's website.
 - 38 2. The Commission may adopt changes to the proposed Rule provided the
39 changes do not enlarge the original purpose of the proposed Rule.

- 1 3. The Commission shall provide on its website an explanation of the reasons
- 2 for substantive changes made to the proposed Rule as well as reasons for
- 3 substantive changes not made that were recommended by commenters.
- 4 4. The Commission shall determine a reasonable effective date for the Rule.
- 5 Except for an emergency as provided in subsection L, the effective date of
- 6 the Rule shall be no sooner than thirty (30) days after the Commission
- 7 issued the notice that it adopted the Rule.
- 8 L. Upon determination that an emergency exists, the Commission may consider and
- 9 adopt an emergency Rule with twenty-four (24) hours prior notice, without the
- 10 opportunity for comment, or hearing, provided that the usual rulemaking
- 11 procedures provided in this Compact and in this section shall be retroactively
- 12 applied to the Rule as soon as reasonably possible, in no event later than ninety
- 13 (90) days after the effective date of the Rule. For the purposes of this provision, an
- 14 emergency Rule is one that must be adopted immediately by the Commission in
- 15 order to:
 - 16 1. Meet an imminent threat to public health, safety, or welfare;
 - 17 2. Prevent a loss of Commission or Participating State funds;
 - 18 3. Meet a deadline for the promulgation of a Commission Rule that is
 - 19 established by federal law or Rule; or
 - 20 4. Protect public health and safety.
- 21 M. The Commission or an authorized committee of the Commission may direct
- 22 revisions to a previously adopted Commission Rule for purposes of correcting
- 23 typographical errors, errors in format, errors in consistency, or grammatical errors.
- 24 Public notice of any revisions shall be posted on the website of the Commission.
- 25 The revision shall be subject to challenge by any person for a period of thirty (30)
- 26 days after posting. The revision may be challenged only on grounds that the
- 27 revision results in a material change to a Rule. A challenge shall be made as set
- 28 forth in the notice of revisions and delivered to the Commission prior to the end of
- 29 the notice period. If no challenge is made, the revision will take effect without
- 30 further action. If the revision is challenged, the revision may not take effect without
- 31 the approval of the Commission.
- 32 N. No Participating State's rulemaking requirements shall apply under this Compact.

Section 10. Oversight, Dispute Resolution, and Enforcement

- 34 A. Oversight
 - 35 1. The executive and judicial branches of State government in each
 - 36 Participating State shall enforce this Compact and take all actions necessary
 - 37 and appropriate to implement the Compact.
 - 38 2. Venue is proper and judicial proceedings by or against the Commission
 - 39 shall be brought solely and exclusively in a court of competent jurisdiction
 - 40 where the principal office of the Commission is located. The Commission
 - 41 may waive venue and jurisdictional defenses to the extent it adopts or
 - 42 consents to participate in alternative dispute resolution proceedings.
 - 43 Nothing herein shall affect or limit the selection or propriety of venue in

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any action against a licensee for professional malpractice, misconduct or any such similar matter.

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

B. Default, Technical Assistance, and Termination

- 1. If the Commission determines that a Participating State has defaulted in the performance of its obligations or responsibilities under this Compact or the Commission Rules, the Commission shall provide written notice to the defaulting State and other Participating States. The notice shall describe the default, the proposed means of curing the default and any other action that the Commission may take and shall offer remedial training and specific technical assistance regarding the default.
- 2. If a State in default fails to cure the default, the defaulting State may be terminated from this Compact upon an affirmative vote of a majority of the delegates of the Participating States, and all rights, privileges and benefits conferred by this Compact upon such State may be terminated on the effective date of termination. A cure of the default does not relieve the offending State of obligations or liabilities incurred during the period of default.
- 3. Termination of participation in this Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the governor, the majority and minority leaders of the defaulting State's legislature, and to the Licensing Board(s) of each of the Participating States.
- 4. A State that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.
- 5. The Commission shall not bear any costs related to a State that is found to be in default or that has been terminated from this Compact, unless agreed upon in writing between the Commission and the defaulting State.
- 6. The defaulting State may appeal its termination from the Compact by the Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.
- 7. Upon the termination of a State's participation in the Compact, the State shall immediately provide notice to all Licensees within that State of such termination:

- 1 a. Licensees who have been granted a Compact Privilege in that State
2 shall retain the Compact Privilege for one hundred eighty (180)
3 days following the effective date of such termination.
- 4 b. Licensees who are licensed in that State who have been granted a
5 Compact Privilege in a Participating State shall retain the Compact
6 Privilege for one hundred eighty (180) days unless the Licensee
7 also has a Qualifying License in a Participating State or obtains a
8 Qualifying License in a Participating State before the one hundred
9 eighty (180)-day period ends, in which case the Compact Privilege
10 shall continue.

11 C. Dispute Resolution

- 12 1. Upon request by a Participating State, the Commission shall attempt to
13 resolve disputes related to this Compact that arise among Participating
14 States and between participating and non-Participating States.
- 15 2. The Commission shall promulgate a Rule providing for both mediation and
16 binding dispute resolution for disputes as appropriate.

17 D. Enforcement

- 18 1. The Commission, in the reasonable exercise of its discretion, shall enforce
19 the provisions of this Compact and Rules of the Commission.
- 20 2. If compliance is not secured after all means to secure compliance have been
21 exhausted, by majority vote, the Commission may initiate legal action in
22 the United States District Court for the District of Columbia or the federal
23 district where the Commission has its principal offices, against a
24 Participating State in default to enforce compliance with the provisions of
25 this Compact and the Commission's promulgated Rules and bylaws. The
26 relief sought may include both injunctive relief and damages. In the event
27 judicial enforcement is necessary, the prevailing party shall be awarded all
28 costs of such litigation, including reasonable attorney's fees.
- 29 3. The remedies herein shall not be the exclusive remedies of the Commission.
30 The Commission may pursue any other remedies available under federal or
31 State law.

32 E. Legal Action Against the Commission

- 33 1. A Participating State may initiate legal action against the Commission in
34 the U.S. District Court for the District of Columbia or the federal district
35 where the Commission has its principal offices to enforce compliance with
36 the provisions of the Compact and its Rules. The relief sought may include
37 both injunctive relief and damages. In the event judicial enforcement is
38 necessary, the prevailing party shall be awarded all costs of such litigation,
39 including reasonable attorney's fees.
- 40 2. No person other than a Participating State shall enforce this Compact
41 against the Commission.

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

- 1 A. This Compact shall come into effect on the date on which this Compact statute is
2 enacted into law in the seventh Participating State.
- 3 1. On or after the effective date of the Compact, the Commission shall
4 convene and review the enactment of each of the States that enacted the
5 Compact prior to the Commission convening ("Charter Participating
6 States") to determine if the statute enacted by each such Charter
7 Participating State is materially different than the Model Compact.
- 8 a. A Charter Participating State whose enactment is found to be
9 materially different from the Model Compact shall be entitled to
10 the default process set forth in Section 10.B.
- 11 b. If any Participating State later withdraws from the Compact or its
12 participation is terminated, the Commission shall remain in
13 existence and the Compact shall remain in effect even if the number
14 of Participating States should be less than seven. Participating
15 States enacting the Compact subsequent to the Commission
16 convening shall be subject to the process set forth in Section 7.C.21
17 to determine if their enactments are materially different from the
18 Model Compact and whether they qualify for participation in the
19 Compact.
- 20 2. Participating States enacting the Compact subsequent to the seven initial
21 Charter Participating States shall be subject to the process set forth in
22 Section 7.C.21 to determine if their enactments are materially different from
23 the Model Compact and whether they qualify for participation in the
24 Compact.
- 25 3. All actions taken for the benefit of the Commission or in furtherance of the
26 purposes of the administration of the Compact prior to the effective date of
27 the Compact or the Commission coming into existence shall be considered
28 to be actions of the Commission unless specifically repudiated by the
29 Commission.
- 30 B. Any State that joins this Compact shall be subject to the Commission's Rules and
31 bylaws as they exist on the date on which this Compact becomes law in that State.
32 Any Rule that has been previously adopted by the Commission shall have the full
33 force and effect of law on the day this Compact becomes law in that State.
- 34 C. Any Participating State may withdraw from this Compact by enacting a statute
35 repealing the same.
- 36 1. A Participating State's withdrawal shall not take effect until one hundred
37 eighty (180) days after enactment of the repealing statute. During this one
38 hundred eighty (180) day-period, all Compact Privileges that were in effect
39 in the withdrawing State and were granted to Licensees licensed in the
40 withdrawing State shall remain in effect. If any Licensee licensed in the
41 withdrawing State is also licensed in another Participating State or obtains
42 a license in another Participating State within the one hundred eighty (180)
43 days, the Licensee's Compact Privileges in other Participating States shall
44 not be affected by the passage of the one hundred eighty (180) days.

- 1 2. Withdrawal shall not affect the continuing requirement of the State
2 Licensing Board(s) of the withdrawing State to comply with the
3 investigative, and Adverse Action reporting requirements of this Compact
4 prior to the effective date of withdrawal.
- 5 3. Upon the enactment of a statute withdrawing a State from this Compact, the
6 State shall immediately provide notice of such withdrawal to all Licensees
7 within that State. Such withdrawing State shall continue to recognize all
8 licenses granted pursuant to this Compact for a minimum of one hundred
9 eighty (180) days after the date of such notice of withdrawal.
- 10 D. Nothing contained in this Compact shall be construed to invalidate or prevent any
11 PA licensure agreement or other cooperative arrangement between Participating
12 States and between a Participating State and non-Participating State that does not
13 conflict with the provisions of this Compact.
- 14 E. This Compact may be amended by the Participating States. No amendment to this
15 Compact shall become effective and binding upon any Participating State until it
16 is enacted materially in the same manner into the laws of all Participating States as
17 determined by the Commission.

18 **Section 12. Construction and Severability**

- 19 A. This Compact and the Commission's rulemaking authority shall be liberally
20 construed so as to effectuate the purposes, and the implementation and
21 administration of the Compact. Provisions of the Compact expressly authorizing
22 or requiring the promulgation of Rules shall not be construed to limit the
23 Commission's rulemaking authority solely for those purposes.
- 24 B. The provisions of this Compact shall be severable and if any phrase, clause,
25 sentence or provision of this Compact is held by a court of competent jurisdiction
26 to be contrary to the constitution of any Participating State, a State seeking
27 participation in the Compact, or of the United States, or the applicability thereof to
28 any government, agency, person or circumstance is held to be unconstitutional by
29 a court of competent jurisdiction, the validity of the remainder of this Compact and
30 the applicability thereof to any other government, agency, person or circumstance
31 shall not be affected thereby.
- 32 C. Notwithstanding subsection B or this section, the Commission may deny a State's
33 participation in the Compact or, in accordance with the requirements of
34 Section 10.B, terminate a Participating State's participation in the Compact, if it
35 determines that a constitutional requirement of a Participating State is, or would be
36 with respect to a State seeking to participate in the Compact, a material departure
37 from the Compact. Otherwise, if this Compact shall be held to be contrary to the
38 constitution of any Participating State, the Compact shall remain in full force and
39 effect as to the remaining Participating States and in full force and effect as to the
40 Participating State affected as to all severable matters.

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

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

- 1 B. Any laws in a Participating State in conflict with this Compact are superseded to
- 2 the extent of the conflict.
- 3 C. All agreements between the Commission and the Participating States are binding
- 4 in accordance with their terms.