

SENATE BILL NO. 1492

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BEAN.

6140S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 334.742, RSMo, and to enact in lieu thereof two new sections relating to physician assistants.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 334.742, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 334.742 and 334.1800, to read as follows:

334.742. [Any nonresident of Missouri who enters the state and intends to provide a service or practice for which a license is required pursuant to sections 334.735 to 334.749 may apply for a license, provided that the applicant meets the requirements imposed by the certifying entity.]

1. For purposes of this section, the following terms mean:

(1) "License", a license, certificate, registration, permit, accreditation, or military occupational specialty that enables a person to legally practice an occupation or profession in a particular jurisdiction;

(2) "Military", the Armed Forces of the United States, including the Air Force, Army, Coast Guard, Marine Corps, Navy, Space Force, National Guard, and any other military branch that is designated by Congress as part of the Armed Forces of the United States, and all reserve components and auxiliaries. The term "military" also includes the military reserves and militia of any United States territory or state;

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 (3) "Nonresident military spouse", a nonresident
19 spouse of an active duty member of the Armed Forces of the
20 United States who has been transferred or is scheduled to be
21 transferred to the state of Missouri, or who has been
22 transferred or is scheduled to be transferred to an adjacent
23 state and is or will be domiciled in the state of Missouri,
24 or has moved to the state of Missouri on a permanent change-
25 of-station basis;

26 (4) "Oversight body", any board, department, agency,
27 or office of a jurisdiction that issues licenses;

28 (5) "Resident military spouse", a spouse of an active
29 duty member of the Armed Forces of the United States who has
30 been transferred or is scheduled to be transferred to the
31 state of Missouri or an adjacent state and who is a
32 permanent resident of the state of Missouri, who is
33 domiciled in the state of Missouri, or who has Missouri as
34 his or her home of record.

35 2. Any person who holds a valid current physician
36 assistant license issued by another state, a branch or unit
37 of the military, a territory of the United States, or the
38 District of Columbia, and who has been licensed for at least
39 one year in such other jurisdiction, may submit to the board
40 an application for a physician assistant license in Missouri
41 along with proof of current licensure and proof of licensure
42 for at least one year in the other jurisdiction.

43 3. The board shall:

44 (1) Within six months of receiving an application
45 described in subsection 2 of this section, waive any
46 examination, educational, or experience requirements for
47 licensure in this state for the applicant if it determines
48 that there were minimum education requirements and, if
49 applicable, work experience and clinical supervision

50 requirements in effect and the other jurisdiction verifies
51 that the person met those requirements in order to be
52 licensed or certified in that jurisdiction. The board may
53 require an applicant to take and pass an examination
54 specific to the laws of this state; or

55 (2) Within thirty days of receiving an application
56 described in subsection 2 of this section from a nonresident
57 military spouse or a resident military spouse, waive any
58 examination, educational, or experience requirements for
59 licensure in this state for the applicant and issue such
60 applicant a license under this section if such applicant
61 otherwise meets the requirements of this section.

62 4. (1) The board shall not waive any examination,
63 educational, or experience requirements for any applicant
64 who has had his or her license revoked by an oversight body
65 outside the state; who is currently under investigation, who
66 has a complaint pending, or who is currently under
67 disciplinary action, except as provided in subdivision (2)
68 of this subsection, with an oversight body outside the
69 state; who does not hold a license in good standing with an
70 oversight body outside the state; who has a criminal record
71 that would disqualify him or her for licensure in Missouri;
72 or who does not hold a valid current license in the other
73 jurisdiction on the date the board receives his or her
74 application under this section.

75 (2) If another jurisdiction has taken disciplinary
76 action against an applicant, the board shall determine if
77 the cause for the action was corrected and the matter
78 resolved. If the matter has not been resolved by that
79 jurisdiction, the board may deny a license until the matter
80 is resolved.

24 procedures of this Compact. The PA Licensure Compact will
25 alleviate burdens for military families by allowing active
26 duty military personnel and their spouses to obtain a
27 Compact Privilege based on having an unrestricted License in
28 good standing from a Participating State.

29 SECTION 2. DEFINITIONS

30 In this Compact:

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

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

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

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

54 E. "Data System" means the repository of information
55 about Licensees, including but not limited to License status

56 and Adverse Actions, which is created and administered under
57 the terms of this Compact.

58 F. "Executive Committee" means a group of directors
59 and ex-officio individuals elected or appointed pursuant to
60 Section 7.F.2.

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

64 H. "Investigative Information" means information,
65 records, or documents received or generated by a Licensing
66 Board pursuant to an investigation.

67 I. "Jurisprudence Requirement" means the assessment of
68 an individual's knowledge of the laws and Rules governing
69 the practice of a PA in a State.

70 J. "License" means current authorization by a State,
71 other than authorization pursuant to a Compact Privilege,
72 for a PA to provide Medical Services, which would be
73 unlawful without current authorization.

74 K. "Licensee" means an individual who holds a License
75 from a State to provide Medical Services as a PA.

76 L. "Licensing Board" means any State entity authorized
77 to license and otherwise regulate PAs.

78 M. "Medical Services" means health care services
79 provided for the diagnosis, prevention, treatment, cure or
80 relief of a health condition, injury, or disease, as defined
81 by a State's laws and regulations.

82 N. "Model Compact" means the model for the PA
83 Licensure Compact on file with The Council of State
84 Governments or other entity as designated by the Commission.

85 O. "Participating State" means a State that has
86 enacted this Compact.

87 P. "PA" means an individual who is licensed as a
88 physician assistant in a State. For purposes of this
89 Compact, any other title or status adopted by a State to
90 replace the term "physician assistant" shall be deemed
91 synonymous with "physician assistant" and shall confer the
92 same rights and responsibilities to the Licensee under the
93 provisions of this Compact at the time of its enactment.

94 Q. "PA Licensure Compact Commission," "Compact
95 Commission," or "Commission" mean the national
96 administrative body created pursuant to Section 7.A of this
97 Compact.

98 R. "Qualifying License" means an unrestricted License
99 issued by a Participating State to provide Medical Services
100 as a PA.

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

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

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

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

114 SECTION 3. STATE PARTICIPATION IN THIS COMPACT

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

- 117 1. License PAs;
- 118 2. Participate in the Compact Commission's Data System;

119 3. Have a mechanism in place for receiving and
120 investigating complaints against Licensees and License
121 applicants;

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

127 5. Fully implement a Criminal Background Check
128 requirement, within a time frame established by Commission
129 Rule, by its Licensing Board receiving the results of a
130 Criminal Background Check and reporting to the Commission
131 whether the License applicant has been granted a License;

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

133 7. Utilize passage of a recognized national exam such
134 as the NCCPA PANCE as a requirement for PA licensure;

135 8. Grant the Compact Privilege to a holder of a
136 Qualifying License in a Participating State.

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

139 SECTION 4. COMPACT PRIVILEGE

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

141 1. Have graduated from a PA program accredited by the
142 Accreditation Review Commission on Education for the
143 Physician Assistant, Inc. or other programs authorized by
144 Commission Rule;

145 2. Hold current NCCPA certification;

146 3. Have no felony or misdemeanor Conviction;

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

- 150 5. Have a unique identifier as determined by
151 Commission Rule;
- 152 6. Hold a Qualifying License;
- 153 7. Have had no revocation of a License or limitation
154 or restriction on any License currently held due to an
155 adverse action;
- 156 8. If a Licensee has had a limitation or restriction
157 on a License or Compact Privilege due to an Adverse Action,
158 two years must have elapsed from the date on which the
159 License or Compact Privilege is no longer limited or
160 restricted due to the Adverse Action;
- 161 9. If a Compact Privilege has been revoked or is
162 limited or restricted in a Participating State for conduct
163 that would not be a basis for disciplinary action in a
164 Participating State in which the Licensee is practicing or
165 applying to practice under a Compact Privilege, that
166 Participating State shall have the discretion not to
167 consider such action as an Adverse Action requiring the
168 denial or removal of a Compact Privilege in that State;
- 169 10. Notify the Compact Commission that the Licensee is
170 seeking the Compact Privilege in a Remote State;
- 171 11. Meet any Jurisprudence Requirement of a Remote
172 State in which the Licensee is seeking to practice under the
173 Compact Privilege and pay any fees applicable to satisfying
174 the Jurisprudence Requirement;
- 175 12. Report to the Commission any Adverse Action taken
176 by a non-participating State within thirty (30) days after
177 the action is taken.
- 178 B. The Compact Privilege is valid until the expiration
179 or revocation of the Qualifying License unless terminated
180 pursuant to an Adverse Action. The Licensee must also
181 comply with all of the requirements of Section 4.A above to

182 maintain the Compact Privilege in a Remote State. If the
183 Participating State takes Adverse Action against a
184 Qualifying License, the Licensee shall lose the Compact
185 Privilege in any Remote State in which the Licensee has a
186 Compact Privilege until all of the following occur:

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

191 C. Once a restricted or limited License satisfies the
192 requirements of Sections 4.B.1 and 4.B.2, the Licensee must
193 meet the requirements of Section 4.A to obtain a Compact
194 Privilege in any Remote State.

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

199 SECTION 5. DESIGNATION OF THE STATE FROM WHICH LICENSEE IS
200 APPLYING FOR A COMPACT PRIVILEGE

201 A. Upon a Licensee's application for a Compact
202 Privilege, the Licensee shall identify to the Commission the
203 Participating State from which the Licensee is applying, in
204 accordance with applicable Rules adopted by the Commission,
205 and subject to the following requirements:

206 1. When applying for a Compact Privilege, the Licensee
207 shall provide the Commission with the address of the
208 Licensee's primary residence and thereafter shall
209 immediately report to the Commission any change in the
210 address of the Licensee's primary residence.

211 2. When applying for a Compact Privilege, the Licensee
212 is required to consent to accept service of process by mail
213 at the Licensee's primary residence on file with the

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

219 SECTION 6. ADVERSE ACTIONS

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

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

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

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

245 3. Notwithstanding Section 6.B.2, subpoenas may not be
246 issued by a Participating State to gather evidence of
247 conduct in another State that is lawful in that other State
248 for the purpose of taking Adverse Action against a
249 Licensee's Compact Privilege or application for a Compact
250 Privilege in that Participating State.

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

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

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

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

272 F. Joint Investigations

273 1. In addition to the authority granted to a
274 Participating State by its respective State PA laws and
275 regulations or other applicable State law, any Participating

276 State may participate with other Participating States in
277 joint investigations of Licensees.

278 2. Participating States shall share any investigative,
279 litigation, or compliance materials in furtherance of any
280 joint or individual investigation initiated under this
281 Compact.

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

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

293 SECTION 7. ESTABLISHMENT OF THE PA LICENSURE COMPACT
294 COMMISSION

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

303 B. Membership, Voting, and Meetings

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

307 Board, selected collectively by the Participating State's
308 Licensing Boards.

309 2. The delegate shall be either:

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

312 b. An administrator of a Licensing Board.

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

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

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

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

330 7. The Commission shall establish by Rule a term of
331 office for delegates.

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

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

335 2. Establish the fiscal year of the Commission;

336 3. Establish fees;

337 4. Establish bylaws;

338 5. Maintain its financial records in accordance with
339 the bylaws;

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

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

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

350 9. Purchase and maintain insurance and bonds;

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

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

361 12. Accept any and all appropriate donations and
362 grants of money, equipment, supplies, materials and
363 services, and receive, utilize and dispose of the same;
364 provided that at all times the Commission shall avoid any
365 appearance of impropriety or conflict of interest;

366 13. Lease, purchase, accept appropriate gifts or
367 donations of, or otherwise own, hold, improve or use, any
368 property, real, personal or mixed; provided that at all

369 times the Commission shall avoid any appearance of
370 impropriety;

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

374 15. Establish a budget and make expenditures;

375 16. Borrow money;

376 17. Appoint committees, including standing committees
377 composed of members, State regulators, State legislators or
378 their representatives, and consumer representatives, and
379 such other interested persons as may be designated in this
380 Compact and the bylaws;

381 18. Provide and receive information from, and
382 cooperate with, law enforcement agencies;

383 19. Elect a Chair, Vice Chair, Secretary and Treasurer
384 and such other officers of the Commission as provided in the
385 Commission's bylaws;

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

389 21. Approve or disapprove a State's participation in
390 the Compact based upon its determination as to whether the
391 State's Compact legislation departs in a material manner
392 from the Model Compact language;

393 22. Prepare and provide to the Participating States an
394 annual report; and

395 23. Perform such other functions as may be necessary
396 or appropriate to achieve the purposes of this Compact
397 consistent with the State regulation of PA licensure and
398 practice.

399 D. Meetings of the Commission

400 1. All meetings of the Commission that are not closed
401 pursuant to this subsection shall be open to the public.
402 Notice of public meetings shall be posted on the
403 Commission's website at least thirty (30) days prior to the
404 public meeting.

405 2. Notwithstanding Section 7.D.1, the Commission may
406 convene a public meeting by providing at least twenty-four
407 (24) hours prior notice on the Commission's website, and any
408 other means as provided in the Commission's Rules, for any
409 of the reasons it may dispense with notice of proposed
410 rulemaking under Section 9.L.

411 3. The Commission may convene in a closed, non-public
412 meeting or non-public part of a public meeting to receive
413 legal advice or to discuss:

414 a. Non-compliance of a Participating State with its
415 obligations under this Compact;

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

420 c. Current, threatened, or reasonably anticipated
421 litigation;

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

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

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

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

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

433 i. Disclosure of information related to any
434 investigative reports prepared by or on behalf of or for use
435 of the Commission or other committee charged with
436 responsibility of investigation or determination of
437 compliance issues pursuant to this Compact;

438 j. Legal advice; or

439 k. Matters specifically exempted from disclosure by
440 federal or Participating States' statutes.

441 4. If a meeting, or portion of a meeting, is closed
442 pursuant to this provision, the chair of the meeting or the
443 chair's designee shall certify that the meeting or portion
444 of the meeting may be closed and shall reference each
445 relevant exempting provision.

446 5. The Commission shall keep minutes that fully and
447 clearly describe all matters discussed in a meeting and
448 shall provide a full and accurate summary of actions taken,
449 including a description of the views expressed. All
450 documents considered in connection with an action shall be
451 identified in such minutes. All minutes and documents of a
452 closed meeting shall remain under seal, subject to release
453 by a majority vote of the Commission or order of a court of
454 competent jurisdiction.

455 E. Financing of the Commission

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

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

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

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

476 b. If the Licensee terminates the Qualifying License
477 through which the Licensee applied for the Compact Privilege
478 before its scheduled expiration, and the Licensee has a
479 Qualifying License in another Participating State, the
480 Licensee shall inform the Commission that it is changing to
481 that Participating State the Participating State through
482 which it applies for a Compact Privilege and pay to the
483 Commission any Compact Privilege fee required by Commission
484 Rule.

485 4. The Commission shall not incur obligations of any
486 kind prior to securing the funds adequate to meet the same;
487 nor shall the Commission pledge the credit of any of the
488 Participating States, except by and with the authority of
489 the Participating State.

490 5. The Commission shall keep accurate accounts of all
491 receipts and disbursements. The receipts and disbursements
492 of the Commission shall be subject to the financial review
493 and accounting procedures established under its bylaws. All

494 receipts and disbursements of funds handled by the
495 Commission shall be subject to an annual financial review by
496 a certified or licensed public accountant, and the report of
497 the financial review shall be included in and become part of
498 the annual report of the Commission.

499 F. The Executive Committee

500 1. The Executive Committee shall have the power to act
501 on behalf of the Commission according to the terms of this
502 Compact and Commission Rules.

503 2. The Executive Committee shall be composed of nine
504 (9) members:

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

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

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

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

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

515 5. The Executive Committee shall meet at least
516 annually.

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

519 a. Recommend to the Commission changes to the
520 Commission's Rules or bylaws, changes to this Compact
521 legislation, fees to be paid by Compact Participating States
522 such as annual dues, and any Commission Compact fee charged
523 to Licensees for the Compact Privilege;

524 b. Ensure Compact administration services are
525 appropriately provided, contractual or otherwise;

- 526 c. Prepare and recommend the budget;
- 527 d. Maintain financial records on behalf of the
528 Commission;
- 529 e. Monitor Compact compliance of Participating States
530 and provide compliance reports to the Commission;
- 531 f. Establish additional committees as necessary;
- 532 g. Exercise the powers and duties of the Commission
533 during the interim between Commission meetings, except for
534 issuing proposed rulemaking or adopting Commission Rules or
535 bylaws, or exercising any other powers and duties
536 exclusively reserved to the Commission by the Commission's
537 Rules; and
- 538 h. Perform other duties as provided in the
539 Commission's Rules or bylaws.

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

545 8. The Executive Committee may convene in a closed,
546 non-public meeting for the same reasons that the Commission
547 may convene in a non-public meeting as set forth in Section
548 7.D.3 and shall announce the closed meeting as the
549 Commission is required to under Section 7.D.4 and keep
550 minutes of the closed meeting as the Commission is required
551 to under Section 7.D.5.

552 G. Qualified Immunity, Defense, and Indemnification

553 1. The members, officers, executive director,
554 employees and representatives of the Commission shall be
555 immune from suit and liability, both personally and in their
556 official capacity, for any claim for damage to or loss of
557 property or personal injury or other civil liability caused

558 by or arising out of any actual or alleged act, error, or
559 omission that occurred, or that the person against whom the
560 claim is made had a reasonable basis for believing occurred
561 within the scope of Commission employment, duties or
562 responsibilities; provided that nothing in this paragraph
563 shall be construed to protect any such person from suit or
564 liability for any damage, loss, injury, or liability caused
565 by the intentional or willful or wanton misconduct of that
566 person. The procurement of insurance of any type by the
567 Commission shall not in any way compromise or limit the
568 immunity granted hereunder.

569 2. The Commission shall defend any member, officer,
570 executive director, employee, and representative of the
571 Commission in any civil action seeking to impose liability
572 arising out of any actual or alleged act, error, or omission
573 that occurred within the scope of Commission employment,
574 duties, or responsibilities, or as determined by the
575 commission that the person against whom the claim is made
576 had a reasonable basis for believing occurred within the
577 scope of Commission employment, duties, or responsibilities;
578 provided that nothing herein shall be construed to prohibit
579 that person from retaining their own counsel at their own
580 expense; and provided further, that the actual or alleged
581 act, error, or omission did not result from that person's
582 intentional or willful or wanton misconduct.

583 3. The Commission shall indemnify and hold harmless
584 any member, officer, executive director, employee, and
585 representative of the Commission for the amount of any
586 settlement or judgment obtained against that person arising
587 out of any actual or alleged act, error, or omission that
588 occurred within the scope of Commission employment, duties,
589 or responsibilities, or that such person had a reasonable

590 basis for believing occurred within the scope of Commission
591 employment, duties, or responsibilities, provided that the
592 actual or alleged act, error, or omission did not result
593 from the intentional or willful or wanton misconduct of that
594 person.

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

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

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

611 7. Nothing in this Compact shall be interpreted to
612 waive or otherwise abrogate a Participating State's state
613 action immunity or state action affirmative defense with
614 respect to antitrust claims under the Sherman Act, Clayton
615 Act, or any other State or federal antitrust or
616 anticompetitive law or regulation.

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

620

SECTION 8. DATA SYSTEM

621 A. The Commission shall provide for the development,
622 maintenance, operation, and utilization of a coordinated
623 data and reporting system containing licensure, Adverse
624 Action, and the reporting of the existence of Significant
625 Investigative Information on all licensed PAs and applicants
626 denied a License in Participating States.

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

- 632 1. Identifying information;
- 633 2. Licensure data;
- 634 3. Adverse Actions against a License or Compact
635 Privilege;
- 636 4. Any denial of application for licensure, and the
637 reason(s) for such denial (excluding the reporting of any
638 Criminal history record information where prohibited by law);
- 639 5. The existence of Significant Investigative
640 Information; and
- 641 6. Other information that may facilitate the
642 administration of this Compact, as determined by the Rules
643 of the Commission.

644 C. Significant Investigative Information pertaining to
645 a Licensee in any Participating State shall only be
646 available to other Participating States.

647 D. The Commission shall promptly notify all
648 Participating States of any Adverse Action taken against a
649 Licensee or an individual applying for a License that has
650 been reported to it. This Adverse Action information shall
651 be available to any other Participating State.

652 E. Participating States contributing information to
653 the Data System may, in accordance with State or federal
654 law, designate information that may not be shared with the
655 public without the express permission of the contributing
656 State. Notwithstanding any such designation, such
657 information shall be reported to the Commission through the
658 Data System.

659 F. Any information submitted to the Data System that
660 is subsequently expunged pursuant to federal law or the laws
661 of the Participating State contributing the information
662 shall be removed from the Data System upon reporting of such
663 by the Participating State to the Commission.

664 G. The records and information provided to a
665 Participating State pursuant to this Compact or through the
666 Data System, when certified by the Commission or an agent
667 thereof, shall constitute the authenticated business records
668 of the Commission, and shall be entitled to any associated
669 hearsay exception in any relevant judicial, quasi-judicial
670 or administrative proceedings in a Participating State.

671 SECTION 9. RULEMAKING

672 A. The Commission shall exercise its Rulemaking powers
673 pursuant to the criteria set forth in this section and the
674 Rules adopted thereunder. Commission Rules shall become
675 binding as of the date specified by the Commission for each
676 Rule.

677 B. The Commission shall promulgate reasonable Rules in
678 order to effectively and efficiently implement and
679 administer this Compact and achieve its purposes. A
680 Commission Rule shall be invalid and have not force or
681 effect only if a court of competent jurisdiction holds that
682 the Rule is invalid because the Commission exercised its
683 rulemaking authority in a manner that is beyond the scope of

684 the purposes of this Compact, or the powers granted
685 hereunder, or based upon another applicable standard of
686 review.

687 C. The Rules of the Commission shall have the force of
688 law in each Participating State, provided however that where
689 the Rules of the Commission conflict with the laws of the
690 Participating State that establish the medical services a PA
691 may perform in the Participating State, as held by a court
692 of competent jurisdiction, the Rules of the Commission shall
693 be ineffective in that State to the extent of the conflict.

694 D. If a majority of the legislatures of the
695 Participating States rejects a Commission Rule, by enactment
696 of a statute or resolution in the same manner used to adopt
697 this Compact within four (4) years of the date of adoption
698 of the Rule, then such Rule shall have no further force and
699 effect in any Participating State or to any State applying
700 to participate in the Compact.

701 E. Commission Rules shall be adopted at a regular or
702 special meeting of the Commission.

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

708 1. On the website of the Commission or other publicly
709 accessible platform; and

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

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

714 G. The Notice of Proposed Rulemaking shall include:

715 1. The time, date, and location of the public hearing
716 on the proposed Rule and the proposed time, date and
717 location of the meeting in which the proposed Rule will be
718 considered and voted upon;

719 2. The text of the proposed Rule and the reason for
720 the proposed Rule;

721 3. A request for comments on the proposed Rule from
722 any interested person and the date by which written comments
723 must be received; and

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

727 H. Prior to adoption of a proposed Rule, the
728 Commission shall allow persons to submit written data,
729 facts, opinions, and arguments, which shall be made
730 available to the public.

731 I. If the hearing is to be held via electronic means,
732 the Commission shall publish the mechanism for access to the
733 electronic hearing.

734 1. All persons wishing to be heard at the hearing
735 shall as directed in the Notice of Proposed Rulemaking, not
736 less than five (5) business days before the scheduled date
737 of the hearing, notify the Commission of their desire to
738 appear and testify at the hearing.

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

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

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

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

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

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

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

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

765 4. The Commission shall determine a reasonable
766 effective date for the Rule. Except for an emergency as
767 provided in Section 9.L, the effective date of the Rule
768 shall be no sooner than thirty (30) days after the
769 Commission issued the notice that it adopted the Rule.

770 L. Upon determination that an emergency exists, the
771 Commission may consider and adopt an emergency Rule with
772 twenty-four (24) hours prior notice, without the opportunity
773 for comment, or hearing, provided that the usual rulemaking
774 procedures provided in this Compact and in this section
775 shall be retroactively applied to the Rule as soon as
776 reasonably possible, in no event later than ninety (90) days
777 after the effective date of the Rule. For the purposes of

778 this provision, an emergency Rule is one that must be
779 adopted immediately by the Commission in order to:

780 1. Meet an imminent threat to public health, safety,
781 or welfare;

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

784 3. Meet a deadline for the promulgation of a
785 Commission Rule that is established by federal law or Rule;
786 or

787 4. Protect public health and safety.

788 M. The Commission or an authorized committee of the
789 Commission may direct revisions to a previously adopted
790 Commission Rule for purposes of correcting typographical
791 errors, errors in format, errors in consistency, or
792 grammatical errors. Public notice of any revisions shall be
793 posted on the website of the Commission. The revision shall
794 be subject to challenge by any person for a period of thirty
795 (30) days after posting. The revision may be challenged
796 only on grounds that the revision results in a material
797 change to a Rule. A challenge shall be made as set forth in
798 the notice of revisions and delivered to the Commission
799 prior to the end of the notice period. If no challenge is
800 made, the revision will take effect without further action.
801 If the revision is challenged, the revision may not take
802 effect without the approval of the Commission.

803 N. No Participating State's rulemaking requirements
804 shall apply under this Compact.

805 SECTION 10. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

806 A. Oversight

807 1. The executive and judicial branches of State
808 government in each Participating State shall enforce this

809 Compact and take all actions necessary and appropriate to
810 implement the Compact.

811 2. Venue is proper and judicial proceedings by or
812 against the Commission shall be brought solely and
813 exclusively in a court of competent jurisdiction where the
814 principal office of the Commission is located. The
815 Commission may waive venue and jurisdictional defenses to
816 the extent it adopts or consents to participate in
817 alternative dispute resolution proceedings. Nothing herein
818 shall affect or limit the selection or propriety of venue in
819 any action against a licensee for professional malpractice,
820 misconduct or any such similar matter.

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

829 B. Default, Technical Assistance, and Termination

830 1. If the Commission determines that a Participating
831 State has defaulted in the performance of its obligations or
832 responsibilities under this Compact or the Commission Rules,
833 the Commission shall provide written notice to the
834 defaulting State and other Participating States. The notice
835 shall describe the default, the proposed means of curing the
836 default and any other action that the Commission may take
837 and shall offer remedial training and specific technical
838 assistance regarding the default.

839 2. If a State in default fails to cure the default,
840 the defaulting State may be terminated from this Compact

841 upon an affirmative vote of a majority of the delegates of
842 the Participating States, and all rights, privileges and
843 benefits conferred by this Compact upon such State may be
844 terminated on the effective date of termination. A cure of
845 the default does not relieve the offending State of
846 obligations or liabilities incurred during the period of
847 default.

848 3. Termination of participation in this Compact shall
849 be imposed only after all other means of securing compliance
850 have been exhausted. Notice of intent to suspend or
851 terminate shall be given by the Commission to the governor,
852 the majority and minority leaders of the defaulting State's
853 legislature, and to the Licensing Board(s) of each of the
854 Participating States.

855 4. A State that has been terminated is responsible for
856 all assessments, obligations, and liabilities incurred
857 through the effective date of termination, including
858 obligations that extend beyond the effective date of
859 termination.

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

864 6. The defaulting State may appeal its termination
865 from the Compact by the Commission by petitioning the United
866 States District Court for the District of Columbia or the
867 federal district where the Commission has its principal
868 offices. The prevailing member shall be awarded all costs
869 of such litigation, including reasonable attorney's fees.

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

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

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

885 C. Dispute Resolution

886 1. Upon request by a Participating State, the
887 Commission shall attempt to resolve disputes related to this
888 Compact that arise among Participating States and between
889 participating and non-Participating States.

890 2. The Commission shall promulgate a Rule providing
891 for both mediation and binding dispute resolution for
892 disputes as appropriate.

893 D. Enforcement

894 1. The Commission, in the reasonable exercise of its
895 discretion, shall enforce the provisions of this Compact and
896 Rules of the Commission.

897 2. If compliance is not secured after all means to
898 secure compliance have been exhausted, by majority vote, the
899 Commission may initiate legal action in the United States
900 District Court for the District of Columbia or the federal
901 district where the Commission has its principal offices,
902 against a Participating State in default to enforce
903 compliance with the provisions of this Compact and the
904 Commission's promulgated Rules and bylaws. The relief

905 sought may include both injunctive relief and damages. In
906 the event judicial enforcement is necessary, the prevailing
907 party shall be awarded all costs of such litigation,
908 including reasonable attorney's fees.

909 3. The remedies herein shall not be the exclusive
910 remedies of the Commission. The Commission may pursue any
911 other remedies available under federal or State law.

912 E. Legal Action Against the Commission

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

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

924 SECTION 11. DATE OF IMPLEMENTATION OF THE PA LICENSURE
925 COMPACT COMMISSION

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

929 1. On or after the effective date of the Compact, the
930 Commission shall convene and review the enactment of each of
931 the States that enacted the Compact prior to the Commission
932 convening ("Charter Participating States") to determine if
933 the statute enacted by each such Charter Participating State
934 is materially different than the Model Compact.

935 a. A Charter Participating State whose enactment is
936 found to be materially different from the Model Compact

937 shall be entitled to the default process set forth in
938 Section 10.B.

939 b. If any Participating State later withdraws from the
940 Compact or its participation is terminated, the Commission
941 shall remain in existence and the Compact shall remain in
942 effect even if the number of Participating States should be
943 less than seven. Participating States enacting the Compact
944 subsequent to the Commission convening shall be subject to
945 the process set forth in Section 7.C.21 to determine if
946 their enactments are materially different from the Model
947 Compact and whether they qualify for participation in the
948 Compact.

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

955 3. All actions taken for the benefit of the Commission
956 or in furtherance of the purposes of the administration of
957 the Compact prior to the effective date of the Compact or
958 the Commission coming into existence shall be considered to
959 be actions of the Commission unless specifically repudiated
960 by the Commission.

961 B. Any State that joins this Compact shall be subject
962 to the Commission's Rules and bylaws as they exist on the
963 date on which this Compact becomes law in that State. Any
964 Rule that has been previously adopted by the Commission
965 shall have the full force and effect of law on the day this
966 Compact becomes law in that State.

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

969 1. A Participating State's withdrawal shall not take
970 effect until one hundred eighty (180) days after enactment
971 of the repealing statute. During this one hundred eighty
972 (180) day-period, all Compact Privileges that were in effect
973 in the withdrawing State and were granted to Licensees
974 licensed in the withdrawing State shall remain in effect.
975 If any Licensee licensed in the withdrawing State is also
976 licensed in another Participating State or obtains a license
977 in another Participating State within the one hundred eighty
978 (180) days, the Licensee's Compact Privileges in other
979 Participating States shall not be affected by the passage of
980 the one hundred eighty (180) days.

981 2. Withdrawal shall not affect the continuing
982 requirement of the State Licensing Board(s) of the
983 withdrawing State to comply with the investigative, and
984 Adverse Action reporting requirements of this Compact prior
985 to the effective date of withdrawal.

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

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

999 E. This Compact may be amended by the Participating
1000 States. No amendment to this Compact shall become effective

1001 and binding upon any Participating State until it is enacted
1002 materially in the same manner into the laws of all
1003 Participating States as determined by the Commission.

1004 SECTION 12. CONSTRUCTION AND SEVERABILITY

1005 A. This Compact and the Commission's rulemaking
1006 authority shall be liberally construed so as to effectuate
1007 the purposes, and the implementation and administration of
1008 the Compact. Provisions of the Compact expressly
1009 authorizing or requiring the promulgation of Rules shall not
1010 be construed to limit the Commission's rulemaking authority
1011 solely for those purposes.

1012 B. The provisions of this Compact shall be severable
1013 and if any phrase, clause, sentence or provision of this
1014 Compact is held by a court of competent jurisdiction to be
1015 contrary to the constitution of any Participating State, a
1016 State seeking participation in the Compact, or of the United
1017 States, or the applicability thereof to any government,
1018 agency, person or circumstance is held to be
1019 unconstitutional by a court of competent jurisdiction, the
1020 validity of the remainder of this Compact and the
1021 applicability thereof to any other government, agency,
1022 person or circumstance shall not be affected thereby.

1023 C. Notwithstanding Section 12.B, the Commission may
1024 deny a State's participation in the Compact or, in
1025 accordance with the requirements of Section 10.B, terminate
1026 a Participating State's participation in the Compact, if it
1027 determines that a constitutional requirement of a
1028 Participating State is, or would be with respect to a State
1029 seeking to participate in the Compact, a material departure
1030 from the Compact. Otherwise, if this Compact shall be held
1031 to be contrary to the constitution of any Participating
1032 State, the Compact shall remain in full force and effect as

1033 to the remaining Participating States and in full force and
1034 effect as to the Participating State affected as to all
1035 severable matters.

1036 SECTION 13. BINDING EFFECT OF COMPACT

1037 A. Nothing herein prevents the enforcement of any
1038 other law of a Participating State that is not inconsistent
1039 with this Compact.

1040 B. Any laws in a Participating State in conflict with
1041 this Compact are superseded to the extent of the conflict.

1042 C. All agreements between the Commission and the
1043 Participating States are binding in accordance with their
1044 terms.

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