

House Engrossed

physician assistants; licensure compact

State of Arizona  
House of Representatives  
Fifty-seventh Legislature  
Second Regular Session  
2026

# **CHAPTER 3**

# **HOUSE BILL 2190**

AN ACT

AMENDING TITLE 32, CHAPTER 25, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 5; RELATING TO THE ARIZONA REGULATORY BOARD OF PHYSICIAN ASSISTANTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 32, chapter 25, Arizona Revised Statutes, is  
3 amended by adding article 5, to read:

4 ARTICLE 5. PHYSICIAN ASSISTANT LICENSURE COMPACT

5 32-2571. Licensure compact

6 THE PHYSICIAN ASSISTANT LICENSURE COMPACT IS ADOPTED AND ENACTED  
7 INTO LAW AS FOLLOWS:

8 SECTION 1. PURPOSE

9 IN ORDER TO STRENGTHEN ACCESS TO MEDICAL SERVICES, AND IN  
10 RECOGNITION OF THE ADVANCES IN THE DELIVERY OF MEDICAL SERVICES, THE  
11 PARTICIPATING STATES OF THE PHYSICIAN ASSISTANT LICENSURE COMPACT HAVE  
12 ALLIED IN COMMON PURPOSE TO DEVELOP A COMPREHENSIVE PROCESS THAT  
13 COMPLEMENTS THE EXISTING AUTHORITY OF STATE LICENSING BOARDS TO LICENSE  
14 AND DISCIPLINE PHYSICIAN ASSISTANTS AND SEEKS TO ENHANCE THE PORTABILITY  
15 OF A LICENSE TO PRACTICE AS A PHYSICIAN ASSISTANT WHILE SAFEGUARDING THE  
16 SAFETY OF PATIENTS. THIS COMPACT ALLOWS MEDICAL SERVICES TO BE PROVIDED  
17 BY PHYSICIAN ASSISTANTS VIA THE MUTUAL RECOGNITION OF THE LICENSEE'S  
18 QUALIFYING LICENSE BY OTHER COMPACT PARTICIPATING STATES. THIS COMPACT  
19 ALSO ADOPTS THE PREVAILING STANDARD FOR PHYSICIAN ASSISTANT LICENSURE AND  
20 AFFIRMS THAT THE PRACTICE AND DELIVERY OF MEDICAL SERVICES BY THE  
21 PHYSICIAN ASSISTANT OCCURS WHERE THE PATIENT IS LOCATED AT THE TIME OF THE  
22 PATIENT ENCOUNTER, AND THEREFORE REQUIRES THE PHYSICIAN ASSISTANT TO BE  
23 UNDER THE JURISDICTION OF THE STATE LICENSING BOARD WHERE THE PATIENT IS  
24 LOCATED. STATE LICENSING BOARDS THAT PARTICIPATE IN THIS COMPACT RETAIN  
25 THE JURISDICTION TO IMPOSE ADVERSE ACTION AGAINST A COMPACT PRIVILEGE IN  
26 THAT STATE ISSUED TO A PHYSICIAN ASSISTANT THROUGH THE PROCEDURES OF THIS  
27 COMPACT. THE PHYSICIAN ASSISTANT LICENSURE COMPACT WILL ALLEVIATE BURDENS  
28 FOR MILITARY FAMILIES BY ALLOWING ACTIVE DUTY MILITARY PERSONNEL AND THEIR  
29 SPOUSES TO OBTAIN A COMPACT PRIVILEGE BASED ON HAVING AN UNRESTRICTED  
30 LICENSE IN GOOD STANDING FROM A PARTICIPATING STATE.

31 SECTION 2. DEFINITIONS

32 IN THIS COMPACT, UNLESS THE CONTEXT OTHERWISE REQUIRES:

33 1. "ADVERSE ACTION" MEANS ANY ADMINISTRATIVE, CIVIL, EQUITABLE OR  
34 CRIMINAL ACTION ALLOWED BY A STATE'S LAWS THAT IS IMPOSED BY A LICENSING  
35 BOARD OR OTHER AUTHORITY AGAINST A PA LICENSE OR LICENSE APPLICATION OR  
36 COMPACT PRIVILEGE, SUCH AS LICENSE DENIAL, CENSURE, REVOCATION,  
37 SUSPENSION, PROBATION, MONITORING OF THE LICENSEE OR RESTRICTION ON THE  
38 LICENSEE'S PRACTICE.

39 2. "COMPACT PRIVILEGE" MEANS THE AUTHORIZATION GRANTED BY A REMOTE  
40 STATE TO ALLOW A LICENSEE FROM ANOTHER PARTICIPATING STATE TO PRACTICE AS  
41 A PA TO PROVIDE MEDICAL SERVICES AND OTHER LICENSED ACTIVITY TO PATIENTS  
42 LOCATED IN THE REMOTE STATE UNDER THE REMOTE STATE'S LAWS AND REGULATIONS.

43 3. "CONVICTION" MEANS A FINDING BY A COURT THAT AN INDIVIDUAL IS  
44 GUILTY OF A FELONY OR MISDEMEANOR OFFENSE THROUGH ADJUDICATION OR ENTRY OF  
45 A PLEA OF GUILTY OR NO CONTEST TO THE CHARGE BY THE OFFENDER.

1           4. "CRIMINAL BACKGROUND CHECK" MEANS THE SUBMISSION OF FINGERPRINTS  
2 OR OTHER BIOMETRIC-BASED INFORMATION FOR A LICENSE APPLICANT FOR THE  
3 PURPOSE OF OBTAINING THAT APPLICANT'S CRIMINAL HISTORY RECORD INFORMATION,  
4 AS DEFINED IN 28 CODE OF FEDERAL REGULATIONS SECTION 20.3(d), FROM THE  
5 STATE'S CRIMINAL HISTORY RECORD REPOSITORY AS DEFINED IN 28 CODE OF  
6 FEDERAL REGULATIONS SECTION 20.3(f).

7           5. "DATA SYSTEM" MEANS THE REPOSITORY OF INFORMATION ABOUT  
8 LICENSEES, INCLUDING BUT NOT LIMITED TO LICENSE STATUS AND ADVERSE  
9 ACTIONS, THAT IS CREATED AND ADMINISTERED UNDER THE TERMS OF THIS COMPACT.

10           6. "EXECUTIVE COMMITTEE" MEANS A GROUP OF DIRECTORS AND EX OFFICIO  
11 INDIVIDUALS WHO ARE ELECTED OR APPOINTED PURSUANT TO SECTION 7, SUBSECTION  
12 F, PARAGRAPH 2 OF THIS COMPACT.

13           7. "IMPAIRED PRACTITIONER" MEANS A PA WHOSE PRACTICE IS ADVERSELY  
14 AFFECTED BY A HEALTH-RELATED CONDITION THAT IMPACTS THE PA'S ABILITY TO  
15 PRACTICE.

16           8. "INVESTIGATIVE INFORMATION" MEANS INFORMATION, RECORDS OR  
17 DOCUMENTS RECEIVED OR GENERATED BY A LICENSING BOARD PURSUANT TO AN  
18 INVESTIGATION.

19           9. "JURISPRUDENCE REQUIREMENT" MEANS THE ASSESSMENT OF AN  
20 INDIVIDUAL'S KNOWLEDGE OF THE LAWS AND RULES GOVERNING THE PRACTICE OF A  
21 PA IN A STATE.

22           10. "LICENSE" MEANS CURRENT AUTHORIZATION BY A STATE, OTHER THAN  
23 AUTHORIZATION PURSUANT TO A COMPACT PRIVILEGE, FOR A PA TO PROVIDE MEDICAL  
24 SERVICES THAT WOULD BE UNLAWFUL WITHOUT CURRENT AUTHORIZATION.

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

27           12. "LICENSING BOARD" MEANS ANY STATE ENTITY THAT IS AUTHORIZED TO  
28 LICENSE AND OTHERWISE REGULATE PAS.

29           13. "MEDICAL SERVICES" MEANS HEALTH CARE SERVICES THAT ARE PROVIDED  
30 TO DIAGNOSE, PREVENT, TREAT, CURE OR RELIEVE OF A HEALTH CONDITION, INJURY  
31 OR DISEASE, AS DEFINED BY A STATE'S LAWS AND REGULATIONS.

32           14. "MODEL COMPACT" MEANS THE MODEL FOR THE PA LICENSURE COMPACT ON  
33 FILE WITH THE COUNCIL OF STATE GOVERNMENTS OR OTHER ENTITY AS DESIGNATED  
34 BY THE COMMISSION.

35           15. "PA" MEANS AN INDIVIDUAL WHO IS LICENSED AS A PHYSICIAN  
36 ASSISTANT IN A STATE. FOR THE PURPOSES OF THIS COMPACT, ANY OTHER TITLE  
37 OR STATUS ADOPTED BY A STATE TO REPLACE THE TERM "PHYSICIAN ASSISTANT"  
38 SHALL BE DEEMED SYNONYMOUS WITH "PHYSICIAN ASSISTANT" AND SHALL CONFER THE  
39 SAME RIGHTS AND RESPONSIBILITIES TO THE LICENSEE UNDER THIS COMPACT AT THE  
40 TIME OF ITS ENACTMENT.

41           16. "PA LICENSURE COMPACT COMMISSION", "COMPACT COMMISSION" OR  
42 "COMMISSION" MEANS THE NATIONAL ADMINISTRATIVE BODY CREATED PURSUANT TO  
43 SECTION 7, SUBSECTION A OF THIS COMPACT.

44           17. "PARTICIPATING STATE" MEANS A STATE THAT HAS ENACTED THIS  
45 COMPACT.

1 18. "QUALIFYING LICENSE" MEANS AN UNRESTRICTED LICENSE THAT IS  
2 ISSUED BY A PARTICIPATING STATE TO PROVIDE MEDICAL SERVICES AS A PA.

3 19. "REMOTE STATE" MEANS A PARTICIPATING STATE WHERE A LICENSEE WHO  
4 IS NOT LICENSED AS A PA IS EXERCISING OR SEEKING TO EXERCISE THE COMPACT  
5 PRIVILEGE.

6 20. "RULE" MEANS A REGULATION PROMULGATED BY AN ENTITY THAT HAS THE  
7 FORCE AND EFFECT OF LAW.

8 21. "SIGNIFICANT INVESTIGATIVE INFORMATION" MEANS INVESTIGATIVE  
9 INFORMATION THAT A LICENSING BOARD, AFTER AN INQUIRY OR INVESTIGATION THAT  
10 INCLUDES NOTIFICATION AND AN OPPORTUNITY FOR THE PA TO RESPOND IF REQUIRED  
11 BY STATE LAW, HAS REASON TO BELIEVE IS NOT GROUNDLESS AND, IF PROVEN TRUE,  
12 WOULD INDICATE MORE THAN A MINOR INFRACTION.

13 22. "STATE" MEANS ANY STATE, COMMONWEALTH, DISTRICT OR TERRITORY OF  
14 THE UNITED STATES.

15 SECTION 3. STATE PARTICIPATION IN THIS COMPACT

16 A. TO PARTICIPATE IN THIS COMPACT, A PARTICIPATING STATE SHALL:

17 1. LICENSE PAS.

18 2. PARTICIPATE IN THE COMPACT COMMISSION'S DATA SYSTEM.

19 3. HAVE A MECHANISM IN PLACE FOR RECEIVING AND INVESTIGATING  
20 COMPLAINTS AGAINST LICENSEES AND LICENSE APPLICANTS.

21 4. NOTIFY THE COMMISSION, IN COMPLIANCE WITH THE TERMS OF THIS  
22 COMPACT AND COMMISSION RULES, OF ANY ADVERSE ACTION AGAINST A LICENSEE OR  
23 LICENSE APPLICANT AND THE EXISTENCE OF SIGNIFICANT INVESTIGATIVE  
24 INFORMATION REGARDING A LICENSEE OR LICENSE APPLICANT.

25 5. FULLY IMPLEMENT A CRIMINAL BACKGROUND CHECK REQUIREMENT, WITHIN  
26 A TIME FRAME ESTABLISHED BY COMMISSION RULE, BY THE STATE'S LICENSING  
27 BOARD RECEIVING THE RESULTS OF A CRIMINAL BACKGROUND CHECK AND REPORTING  
28 TO THE COMMISSION WHETHER THE LICENSE APPLICANT HAS BEEN GRANTED A  
29 LICENSE.

30 6. COMPLY WITH THE RULES OF THE COMPACT COMMISSION.

31 7. USE PASSAGE OF A RECOGNIZED NATIONAL EXAM SUCH AS THE NATIONAL  
32 COMMISSION ON CERTIFICATION OF PHYSICIAN ASSISTANTS PHYSICIAN ASSISTANT  
33 NATIONAL CERTIFYING EXAMINATION AS A REQUIREMENT FOR PA LICENSURE.

34 8. GRANT THE COMPACT PRIVILEGE TO A HOLDER OF A QUALIFYING LICENSE  
35 IN A PARTICIPATING STATE.

36 B. THIS COMPACT DOES NOT PROHIBIT A PARTICIPATING STATE FROM  
37 CHARGING A FEE FOR GRANTING THE COMPACT PRIVILEGE.

38 SECTION 4. COMPACT PRIVILEGE

39 A. TO EXERCISE THE COMPACT PRIVILEGE, A LICENSEE MUST:

40 1. HAVE GRADUATED FROM A PA PROGRAM ACCREDITED BY THE ACCREDITATION  
41 REVIEW COMMISSION ON EDUCATION FOR THE PHYSICIAN ASSISTANT OR ANOTHER  
42 PROGRAM AUTHORIZED BY COMMISSION RULE.

43 2. HOLD CURRENT CERTIFICATION FROM THE NATIONAL COMMISSION ON  
44 CERTIFICATION OF PHYSICIAN ASSISTANTS.

45 3. HAVE NO FELONY OR MISDEMEANOR CONVICTION.

1           4. HAVE NEVER HAD A CONTROLLED SUBSTANCE LICENSE, PERMIT OR  
2 REGISTRATION SUSPENDED OR REVOKED BY A STATE OR BY THE UNITED STATES DRUG  
3 ENFORCEMENT ADMINISTRATION.

4           5. HAVE A UNIQUE IDENTIFIER AS DETERMINED BY COMMISSION RULE.

5           6. HOLD A QUALIFYING LICENSE.

6           7. HAVE HAD NO REVOCATION OF A LICENSE OR LIMITATION OR RESTRICTION  
7 ON ANY LICENSE CURRENTLY HELD DUE TO AN ADVERSE ACTION.

8           8. IF THE LICENSEE HAS HAD A LIMITATION OR RESTRICTION ON A LICENSE  
9 OR COMPACT PRIVILEGE DUE TO AN ADVERSE ACTION, TWO YEARS MUST HAVE ELAPSED  
10 FROM THE DATE ON WHICH THE LICENSE OR COMPACT PRIVILEGE IS NO LONGER  
11 LIMITED OR RESTRICTED DUE TO THE ADVERSE ACTION.

12           9. IF A COMPACT PRIVILEGE HAS BEEN REVOKED OR IS LIMITED OR  
13 RESTRICTED IN A PARTICIPATING STATE FOR CONDUCT THAT WOULD NOT BE A BASIS  
14 FOR DISCIPLINARY ACTION IN A PARTICIPATING STATE IN WHICH THE LICENSEE IS  
15 PRACTICING OR APPLYING TO PRACTICE UNDER A COMPACT PRIVILEGE, THAT  
16 PARTICIPATING STATE HAS DISCRETION NOT TO CONSIDER SUCH ACTION AS AN  
17 ADVERSE ACTION REQUIRING THE DENIAL OR REMOVAL OF A COMPACT PRIVILEGE IN  
18 THAT STATE.

19           10. NOTIFY THE COMPACT COMMISSION THAT THE LICENSEE IS SEEKING THE  
20 COMPACT PRIVILEGE IN A REMOTE STATE.

21           11. MEET ANY JURISPRUDENCE REQUIREMENT OF A REMOTE STATE IN WHICH  
22 THE LICENSEE IS SEEKING TO PRACTICE UNDER THE COMPACT PRIVILEGE AND PAY  
23 ANY FEES APPLICABLE TO SATISFYING THE JURISPRUDENCE REQUIREMENT.

24           12. REPORT TO THE COMMISSION ANY ADVERSE ACTION TAKEN BY A  
25 NONPARTICIPATING STATE WITHIN THIRTY DAYS AFTER THE ADVERSE ACTION IS  
26 TAKEN.

27           B. THE COMPACT PRIVILEGE IS VALID UNTIL THE EXPIRATION OR  
28 REVOCATION OF THE QUALIFYING LICENSE UNLESS TERMINATED PURSUANT TO AN  
29 ADVERSE ACTION. THE LICENSEE MUST ALSO COMPLY WITH ALL OF THE  
30 REQUIREMENTS OF SUBSECTION A OF THIS SECTION TO MAINTAIN THE COMPACT  
31 PRIVILEGE IN A REMOTE STATE. IF THE PARTICIPATING STATE TAKES ADVERSE  
32 ACTION AGAINST A QUALIFYING LICENSE, THE LICENSEE SHALL LOSE THE COMPACT  
33 PRIVILEGE IN ANY REMOTE STATE IN WHICH THE LICENSEE HAS A COMPACT  
34 PRIVILEGE UNTIL BOTH OF THE FOLLOWING OCCUR:

35           1. THE LICENSE IS NO LONGER LIMITED OR RESTRICTED.

36           2. TWO YEARS HAVE ELAPSED FROM THE DATE ON WHICH THE LICENSE IS NO  
37 LONGER LIMITED OR RESTRICTED DUE TO THE ADVERSE ACTION.

38           C. ONCE A RESTRICTED OR LIMITED LICENSE SATISFIES THE REQUIREMENTS  
39 OF SUBSECTION B OF THIS SECTION, THE LICENSEE MUST MEET THE REQUIREMENTS  
40 OF SUBSECTION A OF THIS SECTION TO OBTAIN A COMPACT PRIVILEGE IN ANY  
41 REMOTE STATE.

42           D. FOR EACH REMOTE STATE IN WHICH A PA SEEKS AUTHORITY TO PRESCRIBE  
43 CONTROLLED SUBSTANCES, THE PA SHALL SATISFY ALL REQUIREMENTS IMPOSED BY  
44 THAT REMOTE STATE IN GRANTING OR RENEWING SUCH AUTHORITY.

1                   SECTION 5. DESIGNATION OF STATE FROM WHICH LICENSEE  
2                                   IS APPLYING FOR A COMPACT PRIVILEGE

3           ON A LICENSEE'S APPLICATION FOR A COMPACT PRIVILEGE, THE LICENSEE  
4 SHALL IDENTIFY TO THE COMMISSION THE PARTICIPATING STATE FROM WHICH THE  
5 LICENSEE IS APPLYING, IN ACCORDANCE WITH APPLICABLE RULES ADOPTED BY THE  
6 COMMISSION AND SUBJECT TO THE FOLLOWING REQUIREMENTS:

7           1. WHEN APPLYING FOR A COMPACT PRIVILEGE, THE LICENSEE SHALL  
8 PROVIDE THE COMMISSION WITH THE ADDRESS OF THE LICENSEE'S PRIMARY  
9 RESIDENCE AND THEREAFTER SHALL IMMEDIATELY REPORT TO THE COMMISSION ANY  
10 CHANGE IN THE ADDRESS OF THE LICENSEE'S PRIMARY RESIDENCE.

11           2. WHEN APPLYING FOR A COMPACT PRIVILEGE, THE LICENSEE IS REQUIRED  
12 TO CONSENT TO ACCEPT SERVICE OF PROCESS BY MAIL AT THE LICENSEE'S PRIMARY  
13 RESIDENCE ON FILE WITH THE COMMISSION WITH RESPECT TO ANY ACTION BROUGHT  
14 AGAINST THE LICENSEE BY THE COMMISSION OR A PARTICIPATING STATE, INCLUDING  
15 A SUBPOENA, WITH RESPECT TO ANY ACTION BROUGHT OR INVESTIGATION CONDUCTED  
16 BY THE COMMISSION OR A PARTICIPATING STATE.

17                                   SECTION 6. ADVERSE ACTIONS

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

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

24           1. TAKE ADVERSE ACTION AGAINST A PA'S COMPACT PRIVILEGE WITHIN THAT  
25 STATE, REMOVE A LICENSEE'S COMPACT PRIVILEGE OR TAKE OTHER ACTION  
26 NECESSARY UNDER APPLICABLE LAW TO PROTECT THE HEALTH AND SAFETY OF ITS  
27 CITIZENS.

28           2. ISSUE SUBPOENAS FOR BOTH HEARINGS AND INVESTIGATIONS THAT  
29 REQUIRE THE ATTENDANCE AND TESTIMONY OF WITNESSES AS WELL AS THE  
30 PRODUCTION OF EVIDENCE. SUBPOENAS ISSUED BY A LICENSING BOARD IN A  
31 PARTICIPATING STATE FOR THE ATTENDANCE AND TESTIMONY OF WITNESSES OR THE  
32 PRODUCTION OF EVIDENCE FROM ANOTHER PARTICIPATING STATE SHALL BE ENFORCED  
33 IN THE LATTER STATE BY ANY COURT OF COMPETENT JURISDICTION, ACCORDING TO  
34 THE PRACTICE AND PROCEDURE OF THAT COURT APPLICABLE TO SUBPOENAS ISSUED IN  
35 PROCEEDINGS PENDING BEFORE IT. THE ISSUING AUTHORITY SHALL PAY ANY  
36 WITNESS FEES, TRAVEL EXPENSES, MILEAGE AND OTHER FEES REQUIRED BY THE  
37 SERVICE STATUTES OF THE STATE IN WHICH THE WITNESS OR EVIDENCE IS LOCATED.

38           3. NOTWITHSTANDING PARAGRAPH 2 OF THIS SUBSECTION, SUBPOENAS MAY  
39 NOT BE ISSUED BY A PARTICIPATING STATE TO GATHER EVIDENCE OF CONDUCT IN  
40 ANOTHER STATE THAT IS LAWFUL IN THAT OTHER STATE FOR THE PURPOSE OF TAKING  
41 ADVERSE ACTION AGAINST A LICENSEE'S COMPACT PRIVILEGE OR APPLICATION FOR A  
42 COMPACT PRIVILEGE IN THAT PARTICIPATING STATE.

43           4. THIS COMPACT DOES NOT AUTHORIZE A PARTICIPATING STATE TO IMPOSE  
44 DISCIPLINE AGAINST A PA'S COMPACT PRIVILEGE OR TO DENY AN APPLICATION FOR

1 A COMPACT PRIVILEGE IN THAT PARTICIPATING STATE FOR THE INDIVIDUAL'S  
2 OTHERWISE LAWFUL PRACTICE IN ANOTHER STATE.

3 C. FOR THE PURPOSES OF TAKING ADVERSE ACTION, THE PARTICIPATING  
4 STATE THAT ISSUED THE QUALIFYING LICENSE SHALL GIVE THE SAME PRIORITY AND  
5 EFFECT TO REPORTED CONDUCT RECEIVED FROM ANY OTHER PARTICIPATING STATE AS  
6 IT WOULD IF THE CONDUCT HAD OCCURRED WITHIN THE PARTICIPATING STATE THAT  
7 ISSUED THE QUALIFYING LICENSE. IN SO DOING, THAT PARTICIPATING STATE SHALL  
8 APPLY ITS OWN STATE LAWS TO DETERMINE APPROPRIATE ACTION.

9 D. A PARTICIPATING STATE, IF OTHERWISE ALLOWED BY STATE LAW, MAY  
10 RECOVER FROM THE AFFECTED PA THE COSTS OF INVESTIGATIONS AND DISPOSITION  
11 OF CASES RESULTING FROM ANY ADVERSE ACTION TAKEN AGAINST THAT PA.

12 E. A PARTICIPATING STATE MAY TAKE ADVERSE ACTION BASED ON THE  
13 FACTUAL FINDINGS OF A REMOTE STATE, IF THE PARTICIPATING STATE FOLLOWS ITS  
14 OWN PROCEDURES FOR TAKING THE ADVERSE ACTION.

15 F. JOINT INVESTIGATIONS ARE AS FOLLOWS:

16 1. IN ADDITION TO THE AUTHORITY GRANTED TO A PARTICIPATING STATE BY  
17 ITS RESPECTIVE STATE PA LAWS AND REGULATIONS OR OTHER APPLICABLE STATE  
18 LAW, ANY PARTICIPATING STATE MAY PARTICIPATE WITH OTHER PARTICIPATING  
19 STATES IN JOINT INVESTIGATIONS OF LICENSEES.

20 2. PARTICIPATING STATES SHALL SHARE ANY INVESTIGATIVE, LITIGATION  
21 OR COMPLIANCE MATERIALS IN FURTHERANCE OF ANY JOINT OR INDIVIDUAL  
22 INVESTIGATION INITIATED UNDER THIS COMPACT.

23 G. IF AN ADVERSE ACTION IS TAKEN AGAINST A PA'S QUALIFYING LICENSE,  
24 THE PA'S COMPACT PRIVILEGE IN ALL REMOTE STATES SHALL BE DEACTIVATED UNTIL  
25 TWO YEARS HAVE ELAPSED AFTER ALL RESTRICTIONS HAVE BEEN REMOVED FROM THE  
26 STATE LICENSE. ALL DISCIPLINARY ORDERS BY THE PARTICIPATING STATE THAT  
27 ISSUED THE QUALIFYING LICENSE THAT IMPOSE ADVERSE ACTION AGAINST A PA'S  
28 LICENSE SHALL INCLUDE A STATEMENT THAT THE PA'S COMPACT PRIVILEGE IS  
29 DEACTIVATED IN ALL PARTICIPATING STATES DURING THE PENDENCY OF THE ORDER.

30 H. IF ANY PARTICIPATING STATE TAKES ADVERSE ACTION, THE  
31 PARTICIPATING STATE PROMPTLY SHALL NOTIFY THE ADMINISTRATOR OF THE DATA  
32 SYSTEM.

33 SECTION 7. ESTABLISHMENT OF PA LICENSURE COMPACT COMMISSION

34 A. THE PARTICIPATING STATES HEREBY CREATE AND ESTABLISH A JOINT  
35 GOVERNMENT AGENCY AND NATIONAL ADMINISTRATIVE BODY KNOWN AS THE PA  
36 LICENSURE COMPACT COMMISSION. THE COMMISSION IS AN INSTRUMENTALITY OF THE  
37 COMPACT STATES ACTING JOINTLY AND IS NOT AN INSTRUMENTALITY OF ANY ONE  
38 STATE. THE COMMISSION SHALL COME INTO EXISTENCE ON OR AFTER THE EFFECTIVE  
39 DATE OF THIS COMPACT AS SET FORTH IN SECTION 11, SUBSECTION A OF THIS  
40 COMPACT.

41 B. MEMBERSHIP, VOTING AND MEETINGS OF THE COMMISSION ARE AS  
42 FOLLOWS:

43 1. EACH PARTICIPATING STATE SHALL HAVE AND BE LIMITED TO ONE  
44 DELEGATE SELECTED BY THAT PARTICIPATING STATE'S LICENSING BOARD OR, IF THE

1 STATE HAS MORE THAN ONE LICENSING BOARD, SELECTED COLLECTIVELY BY THE  
2 PARTICIPATING STATE'S LICENSING BOARDS.  
3 2. THE DELEGATE SHALL BE EITHER:  
4 (a) A CURRENT PA, PHYSICIAN OR PUBLIC MEMBER OF A LICENSING BOARD  
5 OR PA COUNCIL OR COMMITTEE.  
6 (b) AN ADMINISTRATOR OF A LICENSING BOARD.  
7 3. ANY DELEGATE MAY BE REMOVED OR SUSPENDED FROM OFFICE AS PROVIDED  
8 BY THE LAWS OF THE STATE FROM WHICH THE DELEGATE IS APPOINTED.  
9 4. THE PARTICIPATING STATE LICENSING BOARD SHALL FILL ANY VACANCY  
10 OCCURRING IN THE COMMISSION WITHIN SIXTY DAYS.  
11 5. EACH DELEGATE IS ENTITLED TO ONE VOTE ON ALL MATTERS VOTED ON BY  
12 THE COMMISSION AND SHALL OTHERWISE HAVE AN OPPORTUNITY TO PARTICIPATE IN  
13 THE BUSINESS AND AFFAIRS OF THE COMMISSION. A DELEGATE SHALL VOTE IN  
14 PERSON OR BY SUCH OTHER MEANS AS PROVIDED IN THE BYLAWS. THE BYLAWS MAY  
15 PROVIDE FOR DELEGATES' PARTICIPATION IN MEETINGS BY TELECOMMUNICATIONS,  
16 VIDEO CONFERENCE OR OTHER MEANS OF COMMUNICATION.  
17 6. THE COMMISSION SHALL MEET AT LEAST ONCE DURING EACH CALENDAR  
18 YEAR. ADDITIONAL MEETINGS SHALL BE HELD AS SET FORTH IN THIS COMPACT AND  
19 THE BYLAWS.  
20 7. THE COMMISSION SHALL ESTABLISH BY RULE A TERM OF OFFICE FOR  
21 DELEGATES.  
22 C. THE COMMISSION SHALL HAVE THE FOLLOWING POWERS AND DUTIES:  
23 1. ESTABLISH A CODE OF ETHICS FOR THE COMMISSION.  
24 2. ESTABLISH THE FISCAL YEAR OF THE COMMISSION.  
25 3. ESTABLISH FEES.  
26 4. ESTABLISH BYLAWS.  
27 5. MAINTAIN ITS FINANCIAL RECORDS IN ACCORDANCE WITH THE BYLAWS.  
28 6. MEET AND TAKE SUCH ACTIONS AS ARE CONSISTENT WITH THIS COMPACT  
29 AND THE BYLAWS.  
30 7. PROMULGATE RULES TO FACILITATE AND COORDINATE IMPLEMENTATION AND  
31 ADMINISTRATION OF THIS COMPACT. THE RULES SHALL HAVE THE FORCE AND EFFECT  
32 OF LAW AND SHALL BE BINDING IN ALL PARTICIPATING STATES.  
33 8. BRING AND PROSECUTE LEGAL PROCEEDINGS OR ACTIONS IN THE NAME OF  
34 THE COMMISSION, PROVIDED THAT THE STANDING OF ANY STATE LICENSING BOARD TO  
35 SUE OR BE SUED UNDER APPLICABLE LAW SHALL NOT BE AFFECTED.  
36 9. PURCHASE AND MAINTAIN INSURANCE AND BONDS.  
37 10. BORROW, ACCEPT OR CONTRACT FOR SERVICES OF PERSONNEL, INCLUDING  
38 EMPLOYEES OF A PARTICIPATING STATE.  
39 11. HIRE EMPLOYEES AND ENGAGE CONTRACTORS, ELECT OR APPOINT  
40 OFFICERS, FIX COMPENSATION, DEFINE DUTIES, GRANT SUCH INDIVIDUALS  
41 APPROPRIATE AUTHORITY TO CARRY OUT THE PURPOSES OF THIS COMPACT AND  
42 ESTABLISH THE COMMISSION'S PERSONNEL POLICIES AND PROGRAMS RELATING TO  
43 CONFLICTS OF INTEREST, QUALIFICATIONS OF PERSONNEL AND OTHER RELATED  
44 PERSONNEL MATTERS.

1           12. ACCEPT ANY AND ALL APPROPRIATE DONATIONS AND GRANTS OF MONEY,  
2 EQUIPMENT, SUPPLIES, MATERIALS AND SERVICES, AND RECEIVE, USE AND DISPOSE  
3 OF THE SAME, PROVIDED THAT AT ALL TIMES THE COMMISSION SHALL AVOID ANY  
4 APPEARANCE OF IMPROPRIETY OR CONFLICT OF INTEREST.

5           13. LEASE, PURCHASE, ACCEPT APPROPRIATE GIFTS OR DONATIONS OF, OR  
6 OTHERWISE OWN, HOLD, IMPROVE OR USE ANY PROPERTY, WHETHER REAL, PERSONAL  
7 OR MIXED, PROVIDED THAT AT ALL TIMES THE COMMISSION SHALL AVOID ANY  
8 APPEARANCE OF IMPROPRIETY.

9           14. SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE, ABANDON OR  
10 OTHERWISE DISPOSE OF ANY PROPERTY, WHETHER REAL, PERSONAL OR MIXED.

11           15. ESTABLISH A BUDGET AND MAKE EXPENDITURES.

12           16. BORROW MONEY.

13           17. APPOINT COMMITTEES, INCLUDING STANDING COMMITTEES COMPOSED OF  
14 MEMBERS, STATE REGULATORS, STATE LEGISLATORS OR THEIR REPRESENTATIVES, AND  
15 CONSUMER REPRESENTATIVES, AND SUCH OTHER INTERESTED PERSONS AS MAY BE  
16 DESIGNATED IN THIS COMPACT AND THE BYLAWS.

17           18. PROVIDE INFORMATION TO, RECEIVE INFORMATION FROM AND COOPERATE  
18 WITH LAW ENFORCEMENT AGENCIES.

19           19. ELECT A CHAIR, VICE CHAIRPERSON, SECRETARY AND TREASURER AND  
20 SUCH OTHER OFFICERS OF THE COMMISSION AS PROVIDED IN THE COMMISSION'S  
21 BYLAWS.

22           20. RESERVE FOR ITSELF, IN ADDITION TO THOSE RESERVED EXCLUSIVELY  
23 TO THE COMMISSION UNDER THIS COMPACT, POWERS THAT THE EXECUTIVE COMMITTEE  
24 MAY NOT EXERCISE.

25           21. APPROVE OR DISAPPROVE A STATE'S PARTICIPATION IN THIS COMPACT  
26 BASED ON THE COMMISSION'S DETERMINATION AS TO WHETHER THE STATE'S COMPACT  
27 LEGISLATION DEPARTS IN A MATERIAL MANNER FROM THE MODEL COMPACT LANGUAGE.

28           22. PREPARE AND PROVIDE TO THE PARTICIPATING STATES AN ANNUAL  
29 REPORT.

30           23. PERFORM SUCH OTHER FUNCTIONS AS MAY BE NECESSARY OR APPROPRIATE  
31 TO ACHIEVE THE PURPOSES OF THIS COMPACT CONSISTENT WITH THE STATE  
32 REGULATION OF PA LICENSURE AND PRACTICE.

33           D. MEETINGS OF THE COMMISSION ARE AS FOLLOWS:

34           1. ALL MEETINGS OF THE COMMISSION THAT ARE NOT CLOSED PURSUANT TO  
35 THIS SUBSECTION SHALL BE OPEN TO THE PUBLIC. NOTICE OF PUBLIC MEETINGS  
36 SHALL BE POSTED ON THE COMMISSION'S WEBSITE AT LEAST THIRTY DAYS BEFORE  
37 THE PUBLIC MEETING.

38           2. NOTWITHSTANDING PARAGRAPH 1 OF THIS SUBSECTION, THE COMMISSION  
39 MAY CONVENE A PUBLIC MEETING BY PROVIDING AT LEAST TWENTY-FOUR HOURS'  
40 PRIOR NOTICE ON THE COMMISSION'S WEBSITE, AND ANY OTHER MEANS AS PROVIDED  
41 IN THE COMMISSION'S RULES, AND FOR ANY OF THE REASONS IT MAY DISPENSE WITH  
42 NOTICE OF PROPOSED RULEMAKING UNDER SECTION 9, SUBSECTION L OF THIS  
43 COMPACT.

1           3. THE COMMISSION MAY CONVENE IN A CLOSED, NONPUBLIC MEETING OR  
2 NONPUBLIC PART OF A PUBLIC MEETING TO RECEIVE LEGAL ADVICE OR TO DISCUSS  
3 ANY OF THE FOLLOWING:

4           (a) NONCOMPLIANCE OF A PARTICIPATING STATE WITH ITS OBLIGATIONS  
5 UNDER THIS COMPACT.

6           (b) THE EMPLOYMENT, COMPENSATION, DISCIPLINE OR OTHER MATTERS,  
7 PRACTICES OR PROCEDURES RELATED TO SPECIFIC EMPLOYEES OR OTHER MATTERS  
8 RELATED TO THE COMMISSION'S INTERNAL PERSONNEL PRACTICES AND PROCEDURES.

9           (c) CURRENT, THREATENED OR REASONABLY ANTICIPATED LITIGATION.

10          (d) NEGOTIATION OF CONTRACTS FOR THE PURCHASE, LEASE OR SALE OF  
11 GOODS, SERVICES OR REAL ESTATE.

12          (e) ACCUSATIONS OF ANY PERSON OF A CRIME OR THE FORMAL CENSURE OF  
13 ANY PERSON.

14          (f) DISCLOSURE OF TRADE SECRETS OR COMMERCIAL OR FINANCIAL  
15 INFORMATION THAT IS PRIVILEGED OR CONFIDENTIAL.

16          (g) DISCLOSURE OF INFORMATION OF A PERSONAL NATURE IF THE  
17 DISCLOSURE WOULD CONSTITUTE A CLEARLY UNWARRANTED INVASION OF PERSONAL  
18 PRIVACY.

19          (h) DISCLOSURE OF INVESTIGATIVE RECORDS COMPILED FOR LAW  
20 ENFORCEMENT PURPOSES.

21          (i) DISCLOSURE OF INFORMATION RELATED TO ANY INVESTIGATIVE REPORTS  
22 PREPARED BY OR ON BEHALF OF OR FOR USE BY THE COMMISSION OR OTHER  
23 COMMITTEE CHARGED WITH RESPONSIBILITY OF INVESTIGATION OR DETERMINATION OF  
24 COMPLIANCE ISSUES PURSUANT TO THIS COMPACT.

25          (j) LEGAL ADVICE.

26          (k) MATTERS SPECIFICALLY EXEMPT FROM DISCLOSURE BY FEDERAL OR  
27 PARTICIPATING STATES' STATUTES.

28           4. IF A MEETING, OR PORTION OF A MEETING, IS CLOSED PURSUANT TO  
29 PARAGRAPH 3 OF THIS SUBSECTION, THE CHAIRPERSON OF THE MEETING OR THE  
30 CHAIRPERSON'S DESIGNEE SHALL CERTIFY THAT THE MEETING OR PORTION OF THE  
31 MEETING MAY BE CLOSED AND SHALL REFERENCE EACH RELEVANT EXEMPTING  
32 PROVISION.

33           5. THE COMMISSION SHALL KEEP MINUTES THAT FULLY AND CLEARLY  
34 DESCRIBE ALL MATTERS DISCUSSED IN A MEETING AND SHALL PROVIDE A FULL AND  
35 ACCURATE SUMMARY OF ACTIONS TAKEN, INCLUDING A DESCRIPTION OF THE VIEWS  
36 EXPRESSED. ALL DOCUMENTS CONSIDERED IN CONNECTION WITH AN ACTION SHALL BE  
37 IDENTIFIED IN SUCH MINUTES. ALL MINUTES AND DOCUMENTS OF A CLOSED MEETING  
38 SHALL REMAIN UNDER SEAL, SUBJECT TO RELEASE BY A MAJORITY VOTE OF THE  
39 COMMISSION OR ORDER OF A COURT OF COMPETENT JURISDICTION.

40           E. FINANCING OF THE COMMISSION IS AS FOLLOWS:

41           1. THE COMMISSION SHALL PAY, OR PROVIDE FOR THE PAYMENT OF, THE  
42 REASONABLE EXPENSES OF ITS ESTABLISHMENT, ORGANIZATION AND ONGOING  
43 ACTIVITIES.

1           2. THE COMMISSION MAY ACCEPT ANY AND ALL APPROPRIATE REVENUE  
2 SOURCES AND DONATIONS AND GRANTS OF MONEY, EQUIPMENT, SUPPLIES, MATERIALS  
3 AND SERVICES.

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

13           (a) A COMPACT PRIVILEGE EXPIRES WHEN THE LICENSEE'S QUALIFYING  
14 LICENSE IN THE PARTICIPATING STATE FROM WHICH THE LICENSEE APPLIED FOR THE  
15 COMPACT PRIVILEGE EXPIRES.

16           (b) IF THE LICENSEE TERMINATES THE QUALIFYING LICENSE THROUGH WHICH  
17 THE LICENSEE APPLIED FOR THE COMPACT PRIVILEGE BEFORE ITS SCHEDULED  
18 EXPIRATION AND THE LICENSEE HAS A QUALIFYING LICENSE IN ANOTHER  
19 PARTICIPATING STATE, THE LICENSEE SHALL INFORM THE COMMISSION THAT IT IS  
20 CHANGING THE PARTICIPATING STATE THROUGH WHICH IT APPLIES FOR A COMPACT  
21 PRIVILEGE TO THAT PARTICIPATING STATE AND PAY TO THE COMMISSION ANY  
22 COMPACT PRIVILEGE FEE REQUIRED BY COMMISSION RULE.

23           4. THE COMMISSION SHALL NOT INCUR OBLIGATIONS OF ANY KIND BEFORE  
24 SECURING THE MONIES ADEQUATE TO MEET THE SAME OR PLEDGE THE CREDIT OF ANY  
25 PARTICIPATING STATE, EXCEPT BY AND WITH THE AUTHORITY OF THE PARTICIPATING  
26 STATE.

27           5. THE COMMISSION SHALL KEEP ACCURATE ACCOUNTS OF ALL RECEIPTS AND  
28 DISBURSEMENTS. THE RECEIPTS AND DISBURSEMENTS OF THE COMMISSION SHALL BE  
29 SUBJECT TO THE FINANCIAL REVIEW AND ACCOUNTING PROCEDURES ESTABLISHED  
30 UNDER ITS BYLAWS. ALL RECEIPTS AND DISBURSEMENTS OF MONIES HANDLED BY THE  
31 COMMISSION ARE SUBJECT TO AN ANNUAL FINANCIAL REVIEW BY A CERTIFIED OR  
32 LICENSED PUBLIC ACCOUNTANT, AND THE REPORT OF THE FINANCIAL REVIEW SHALL  
33 BE INCLUDED IN AND BECOME PART OF THE ANNUAL REPORT OF THE COMMISSION.

34           F. POWERS, DUTIES AND MEMBERSHIP OF THE EXECUTIVE COMMITTEE ARE AS  
35 FOLLOWS:

36           1. THE EXECUTIVE COMMITTEE SHALL HAVE THE POWER TO ACT ON BEHALF OF  
37 THE COMMISSION ACCORDING TO THE TERMS OF THIS COMPACT AND COMMISSION  
38 RULES.

39           2. THE EXECUTIVE COMMITTEE SHALL BE COMPOSED OF THE FOLLOWING NINE  
40 MEMBERS:

41           (a) SEVEN VOTING MEMBERS WHO ARE ELECTED BY THE COMMISSION FROM THE  
42 CURRENT MEMBERSHIP OF THE COMMISSION.

43           (b) ONE EX OFFICIO, NONVOTING MEMBER FROM A RECOGNIZED NATIONAL PA  
44 PROFESSIONAL ASSOCIATION.

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

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

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

7 5. THE EXECUTIVE COMMITTEE SHALL MEET AT LEAST ANNUALLY.

8 6. THE EXECUTIVE COMMITTEE SHALL HAVE THE FOLLOWING DUTIES AND  
9 RESPONSIBILITIES:

10 (a) RECOMMEND TO THE COMMISSION CHANGES TO THE COMMISSION'S RULES  
11 OR BYLAWS, CHANGES TO THIS COMPACT LEGISLATION, FEES TO BE PAID BY  
12 PARTICIPATING STATES, SUCH AS ANNUAL DUES, AND ANY COMMISSION COMPACT FEE  
13 CHARGED TO LICENSEES FOR THE COMPACT PRIVILEGE.

14 (b) ENSURE THAT COMPACT ADMINISTRATION SERVICES ARE APPROPRIATELY  
15 PROVIDED, CONTRACTUAL OR OTHERWISE.

16 (c) PREPARE AND RECOMMEND THE COMMISSION'S BUDGET.

17 (d) MAINTAIN FINANCIAL RECORDS ON BEHALF OF THE COMMISSION.

18 (e) MONITOR COMPACT COMPLIANCE OF PARTICIPATING STATES AND PROVIDE  
19 COMPLIANCE REPORTS TO THE COMMISSION.

20 (f) ESTABLISH ADDITIONAL COMMITTEES AS NECESSARY.

21 (g) EXERCISE THE POWERS AND DUTIES OF THE COMMISSION DURING THE  
22 INTERIM BETWEEN COMMISSION MEETINGS, EXCEPT FOR ISSUING PROPOSED  
23 RULEMAKING OR ADOPTING COMMISSION RULES OR BYLAWS, OR EXERCISING ANY OTHER  
24 POWERS AND DUTIES EXCLUSIVELY RESERVED TO THE COMMISSION BY THE  
25 COMMISSION'S RULES.

26 (h) PERFORM OTHER DUTIES AS PROVIDED IN THE COMMISSION'S RULES OR  
27 BYLAWS.

28 7. ALL MEETINGS OF THE EXECUTIVE COMMITTEE AT WHICH THE EXECUTIVE  
29 COMMITTEE VOTES OR PLANS TO VOTE ON MATTERS IN EXERCISING THE POWERS AND  
30 DUTIES OF THE COMMISSION SHALL BE OPEN TO THE PUBLIC, AND PUBLIC NOTICE OF  
31 SUCH MEETINGS SHALL BE GIVEN AS PUBLIC MEETINGS OF THE COMMISSION ARE  
32 GIVEN.

33 8. THE EXECUTIVE COMMITTEE MAY CONVENE IN A CLOSED, NONPUBLIC  
34 MEETING FOR THE SAME REASONS THAT THE COMMISSION MAY CONVENE IN A  
35 NONPUBLIC MEETING AS SET FORTH IN SUBSECTION D, PARAGRAPH 3 OF THIS  
36 SECTION. THE EXECUTIVE COMMITTEE SHALL ANNOUNCE THE CLOSED MEETING AS THE  
37 COMMISSION IS REQUIRED TO UNDER SUBSECTION D, PARAGRAPH 4 OF THIS SECTION  
38 AND SHALL KEEP MINUTES OF THE CLOSED MEETING AS THE COMMISSION IS REQUIRED  
39 TO UNDER SUBSECTION D, PARAGRAPH 5 OF THIS SECTION.

40 G. QUALIFIED IMMUNITY, DEFENSE AND INDEMNIFICATION OF THE  
41 COMMISSION ARE AS FOLLOWS:

42 1. THE MEMBERS, OFFICERS, EXECUTIVE DIRECTOR, EMPLOYEES AND  
43 REPRESENTATIVES OF THE COMMISSION SHALL BE IMMUNE FROM SUIT AND LIABILITY,  
44 BOTH PERSONALLY AND IN THEIR OFFICIAL CAPACITY, FOR ANY CLAIM FOR DAMAGE  
45 TO OR LOSS OF PROPERTY OR PERSONAL INJURY OR OTHER CIVIL LIABILITY CAUSED

1 BY OR ARISING OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT  
2 OCCURRED, OR THAT THE PERSON AGAINST WHOM THE CLAIM IS MADE HAD A  
3 REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF COMMISSION  
4 EMPLOYMENT, DUTIES OR RESPONSIBILITIES. THIS PARAGRAPH DOES NOT PROTECT  
5 ANY SUCH PERSON FROM SUIT OR LIABILITY FOR ANY DAMAGE, LOSS OR INJURY  
6 CAUSED BY THE INTENTIONAL OR WILFUL OR WANTON MISCONDUCT OF THAT PERSON.  
7 THE PROCUREMENT OF INSURANCE OF ANY TYPE BY THE COMMISSION SHALL NOT IN  
8 ANY WAY COMPROMISE OR LIMIT THE IMMUNITY GRANTED UNDER THIS PARAGRAPH.

9         2. THE COMMISSION SHALL DEFEND ANY MEMBER, OFFICER, EXECUTIVE  
10 DIRECTOR, EMPLOYEE AND REPRESENTATIVE OF THE COMMISSION IN ANY CIVIL  
11 ACTION SEEKING TO IMPOSE LIABILITY ARISING OUT OF ANY ACTUAL OR ALLEGED  
12 ACT, ERROR OR OMISSION THAT OCCURRED WITHIN THE SCOPE OF COMMISSION  
13 EMPLOYMENT, DUTIES OR RESPONSIBILITIES, OR AS DETERMINED BY THE COMMISSION  
14 THAT THE PERSON AGAINST WHOM THE CLAIM IS MADE HAD A REASONABLE BASIS FOR  
15 BELIEVING OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES OR  
16 RESPONSIBILITIES, PROVIDED THAT THIS PARAGRAPH DOES NOT PROHIBIT THAT  
17 PERSON FROM RETAINING THE PERSON'S OWN COUNSEL AT THE PERSON'S OWN  
18 EXPENSE; AND PROVIDED FURTHER, THAT THE ACTUAL OR ALLEGED ACT, ERROR OR  
19 OMISSION DID NOT RESULT FROM THAT PERSON'S INTENTIONAL OR WILFUL OR WANTON  
20 MISCONDUCT.

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

30         4. VENUE IS PROPER AND JUDICIAL PROCEEDINGS BY OR AGAINST THE  
31 COMMISSION SHALL BE BROUGHT SOLELY AND EXCLUSIVELY IN A COURT OF COMPETENT  
32 JURISDICTION WHERE THE PRINCIPAL OFFICE OF THE COMMISSION IS LOCATED. THE  
33 COMMISSION MAY WAIVE VENUE AND JURISDICTIONAL DEFENSES IN ANY PROCEEDINGS  
34 AS AUTHORIZED BY COMMISSION RULES.

35         5. THIS COMPACT DOES NOT LIMIT THE LIABILITY OF ANY LICENSEE FOR  
36 PROFESSIONAL MALPRACTICE OR MISCONDUCT, WHICH SHALL BE GOVERNED SOLELY BY  
37 ANY OTHER APPLICABLE STATE LAWS.

38         6. THIS COMPACT DOES NOT DESIGNATE THE VENUE OR JURISDICTION TO  
39 BRING ACTIONS FOR ALLEGED ACTS OF MALPRACTICE, PROFESSIONAL MISCONDUCT OR  
40 NEGLIGENCE OR OTHER SUCH CIVIL ACTION PERTAINING TO THE PRACTICE OF A PA.  
41 ALL SUCH MATTERS SHALL BE DETERMINED EXCLUSIVELY BY STATE LAW OTHER THAN  
42 THIS COMPACT.

43         7. THIS COMPACT DOES NOT WAIVE OR OTHERWISE ABROGATE A  
44 PARTICIPATING STATE'S STATE ACTION IMMUNITY OR STATE ACTION AFFIRMATIVE  
45 DEFENSE WITH RESPECT TO ANTITRUST CLAIMS UNDER THE SHERMAN ACT, THE

1 CLAYTON ACT OR ANY OTHER STATE OR FEDERAL ANTITRUST OR ANTICOMPETITIVE LAW  
2 OR REGULATION.

3 8. THIS COMPACT IS NOT A WAIVER OF SOVEREIGN IMMUNITY BY THE  
4 PARTICIPATING STATES OR BY THE COMMISSION.

5 SECTION 8. DATA SYSTEM

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

11 B. NOTWITHSTANDING ANY OTHER STATE LAW TO THE CONTRARY, A  
12 PARTICIPATING STATE SHALL SUBMIT A UNIFORM DATA SET TO THE DATA SYSTEM ON  
13 ALL PAS TO WHOM THIS COMPACT IS APPLICABLE USING A UNIQUE IDENTIFIER, AS  
14 REQUIRED BY THE RULES OF THE COMMISSION, THAT INCLUDES:

15 1. IDENTIFYING INFORMATION.

16 2. LICENSURE DATA.

17 3. ADVERSE ACTIONS AGAINST A LICENSE OR COMPACT PRIVILEGE.

18 4. ANY DENIAL OF AN APPLICATION FOR LICENSURE AND THE REASONS FOR  
19 SUCH DENIAL, EXCLUDING THE REPORTING OF ANY CRIMINAL HISTORY RECORD  
20 INFORMATION WHERE PROHIBITED BY LAW.

21 5. THE EXISTENCE OF SIGNIFICANT INVESTIGATIVE INFORMATION.

22 6. OTHER INFORMATION THAT MAY FACILITATE THE ADMINISTRATION OF THIS  
23 COMPACT, AS DETERMINED BY THE RULES OF THE COMMISSION.

24 C. SIGNIFICANT INVESTIGATIVE INFORMATION PERTAINING TO A LICENSEE  
25 IN ANY PARTICIPATING STATE SHALL BE AVAILABLE ONLY TO OTHER PARTICIPATING  
26 STATES.

27 D. THE COMMISSION SHALL PROMPTLY NOTIFY ALL PARTICIPATING STATES OF  
28 ANY ADVERSE ACTION TAKEN AGAINST A LICENSEE OR AN INDIVIDUAL APPLYING FOR  
29 A LICENSE THAT HAS BEEN REPORTED TO THE COMMISSION. THIS ADVERSE ACTION  
30 INFORMATION SHALL BE AVAILABLE TO ANY OTHER PARTICIPATING STATE.

31 E. PARTICIPATING STATES CONTRIBUTING INFORMATION TO THE DATA SYSTEM  
32 MAY, IN ACCORDANCE WITH STATE OR FEDERAL LAW, DESIGNATE INFORMATION THAT  
33 MAY NOT BE SHARED WITH THE PUBLIC WITHOUT THE EXPRESS PERMISSION OF THE  
34 CONTRIBUTING STATE. NOTWITHSTANDING ANY SUCH DESIGNATION, SUCH  
35 INFORMATION SHALL BE REPORTED TO THE COMMISSION THROUGH THE DATA SYSTEM.

36 F. ANY INFORMATION SUBMITTED TO THE DATA SYSTEM THAT IS  
37 SUBSEQUENTLY EXPUNGED PURSUANT TO FEDERAL LAW OR THE LAWS OF THE  
38 PARTICIPATING STATE CONTRIBUTING THE INFORMATION SHALL BE REMOVED FROM THE  
39 DATA SYSTEM ON A REPORT OF THE EXPUNGEMENT BY THE PARTICIPATING STATE TO  
40 THE COMMISSION.

41 G. THE RECORDS AND INFORMATION PROVIDED TO A PARTICIPATING STATE  
42 PURSUANT TO THIS COMPACT OR THROUGH THE DATA SYSTEM, WHEN CERTIFIED BY THE  
43 COMMISSION OR AN AGENT THEREOF, CONSTITUTE THE AUTHENTICATED BUSINESS  
44 RECORDS OF THE COMMISSION AND ARE ENTITLED TO ANY ASSOCIATED HEARSAY

1 EXCEPTION IN ANY RELEVANT JUDICIAL, QUASI-JUDICIAL OR ADMINISTRATIVE  
2 PROCEEDINGS IN A PARTICIPATING STATE.

3 SECTION 9. RULEMAKING

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

8 B. THE COMMISSION SHALL PROMULGATE REASONABLE RULES IN ORDER TO  
9 EFFECTIVELY AND EFFICIENTLY IMPLEMENT AND ADMINISTER THIS COMPACT AND  
10 ACHIEVE ITS PURPOSES. A COMMISSION RULE SHALL BE INVALID AND NOT HAVE  
11 FORCE OR EFFECT ONLY IF A COURT OF COMPETENT JURISDICTION HOLDS THAT THE  
12 RULE IS INVALID BECAUSE THE COMMISSION EXERCISED ITS RULEMAKING AUTHORITY  
13 IN A MANNER THAT IS BEYOND THE SCOPE OF THE PURPOSES OF THIS COMPACT, OR  
14 THE POWERS GRANTED HEREUNDER, OR BASED ON ANOTHER APPLICABLE STANDARD OF  
15 REVIEW.

16 C. THE RULES OF THE COMMISSION SHALL HAVE THE FORCE OF LAW IN EACH  
17 PARTICIPATING STATE, EXCEPT THAT WHERE THE RULES OF THE COMMISSION  
18 CONFLICT WITH THE LAWS OF THE PARTICIPATING STATE THAT ESTABLISH THE  
19 MEDICAL SERVICES A PA MAY PERFORM IN THE PARTICIPATING STATE, AS HELD BY A  
20 COURT OF COMPETENT JURISDICTION, THE RULES OF THE COMMISSION SHALL BE  
21 INEFFECTIVE IN THAT STATE TO THE EXTENT OF THE CONFLICT.

22 D. IF A MAJORITY OF THE LEGISLATURES OF THE PARTICIPATING STATES  
23 REJECTS A COMMISSION RULE BY ENACTING A STATUTE OR RESOLUTION IN THE SAME  
24 MANNER USED TO ADOPT THIS COMPACT WITHIN FOUR YEARS AFTER THE DATE OF  
25 ADOPTION OF THE RULE, THAT RULE HAS NO FURTHER FORCE AND EFFECT IN ANY  
26 PARTICIPATING STATE OR TO ANY STATE APPLYING TO PARTICIPATE IN THE  
27 COMPACT.

28 E. COMMISSION RULES SHALL BE ADOPTED AT A REGULAR OR SPECIAL  
29 MEETING OF THE COMMISSION.

30 F. BEFORE THE COMMISSION ADOPTS A FINAL RULE OR RULES, AND AT LEAST  
31 THIRTY DAYS IN ADVANCE OF THE MEETING AT WHICH THE RULE WILL BE CONSIDERED  
32 AND VOTED ON, THE COMMISSION SHALL FILE A NOTICE OF PROPOSED RULEMAKING IN  
33 THE FOLLOWING MANNER:

34 1. ON THE WEBSITE OF THE COMMISSION OR OTHER PUBLICLY ACCESSIBLE  
35 PLATFORM.

36 2. TO PERSONS WHO HAVE REQUESTED NOTICE OF THE COMMISSION'S NOTICES  
37 OF PROPOSED RULEMAKING.

38 3. IN SUCH OTHER WAY AS THE COMMISSION MAY BY RULE SPECIFY.

39 G. THE NOTICE OF PROPOSED RULEMAKING SHALL INCLUDE ALL OF THE  
40 FOLLOWING:

41 1. THE TIME, DATE AND LOCATION OF THE PUBLIC HEARING ON THE  
42 PROPOSED RULE AND THE PROPOSED TIME, DATE AND LOCATION OF THE MEETING IN  
43 WHICH THE PROPOSED RULE WILL BE CONSIDERED AND VOTED ON.

44 2. THE TEXT OF THE PROPOSED RULE AND THE REASON FOR THE PROPOSED  
45 RULE.

1           3. A REQUEST FOR COMMENTS ON THE PROPOSED RULE FROM ANY INTERESTED  
2 PERSON AND THE DATE BY WHICH WRITTEN COMMENTS MUST BE RECEIVED.

3           4. THE MANNER IN WHICH INTERESTED PERSONS MAY SUBMIT NOTICE TO THE  
4 COMMISSION OF THEIR INTENTION TO ATTEND THE PUBLIC HEARING OR PROVIDE ANY  
5 WRITTEN COMMENTS.

6           H. BEFORE ADOPTING A PROPOSED RULE, THE COMMISSION SHALL ALLOW  
7 PERSONS TO SUBMIT WRITTEN DATA, FACTS, OPINIONS AND ARGUMENTS, WHICH SHALL  
8 BE MADE AVAILABLE TO THE PUBLIC.

9           I. IF THE HEARING IS TO BE HELD VIA ELECTRONIC MEANS, THE  
10 COMMISSION SHALL PUBLISH THE MECHANISM FOR ACCESS TO THE ELECTRONIC  
11 HEARING. THE FOLLOWING APPLY TO HEARINGS:

12           1. ALL PERSONS WISHING TO BE HEARD AT A HEARING SHALL NOTIFY THE  
13 COMMISSION, AS DIRECTED IN THE NOTICE OF PROPOSED RULEMAKING NOT LESS THAN  
14 FIVE BUSINESS DAYS BEFORE THE SCHEDULED DATE OF THE HEARING, OF THEIR  
15 DESIRE TO APPEAR AND TESTIFY AT THE HEARING.

16           2. HEARINGS SHALL BE CONDUCTED IN A MANNER PROVIDING EACH PERSON  
17 WHO WISHES TO COMMENT A FAIR AND REASONABLE OPPORTUNITY TO COMMENT ORALLY  
18 OR IN WRITING.

19           3. ALL HEARINGS SHALL BE RECORDED. A COPY OF THE RECORDING AND THE  
20 WRITTEN COMMENTS, DATA, FACTS, OPINIONS AND ARGUMENTS RECEIVED IN RESPONSE  
21 TO THE PROPOSED RULEMAKING SHALL BE MADE AVAILABLE TO A PERSON ON REQUEST.

22           4. THIS SECTION DOES NOT REQUIRE A SEPARATE HEARING ON EACH  
23 PROPOSED RULE. PROPOSED RULES MAY BE GROUPED FOR THE CONVENIENCE OF THE  
24 COMMISSION AT HEARINGS REQUIRED BY THIS SECTION.

25           J. FOLLOWING THE PUBLIC HEARING, THE COMMISSION SHALL CONSIDER ALL  
26 WRITTEN AND ORAL COMMENTS TIMELY RECEIVED.

27           K. THE COMMISSION, BY A MAJORITY VOTE OF ALL DELEGATES, SHALL TAKE  
28 FINAL ACTION ON THE PROPOSED RULE AND SHALL DETERMINE THE EFFECTIVE DATE  
29 OF THE RULE, IF ADOPTED, BASED ON THE RULEMAKING RECORD AND THE FULL TEXT  
30 OF THE RULE. THE FOLLOWING APPLY TO RULES:

31           1. IF ADOPTED, THE RULE SHALL BE POSTED ON THE COMMISSION'S  
32 WEBSITE.

33           2. THE COMMISSION MAY ADOPT CHANGES TO THE PROPOSED RULE IF THE  
34 CHANGES DO NOT ENLARGE THE ORIGINAL PURPOSE OF THE PROPOSED RULE.

35           3. THE COMMISSION SHALL PROVIDE ON ITS WEBSITE AN EXPLANATION OF  
36 THE REASONS FOR SUBSTANTIVE CHANGES THAT ARE MADE TO THE PROPOSED RULE AS  
37 WELL AS REASONS FOR SUBSTANTIVE CHANGES THAT ARE NOT MADE AND THAT WERE  
38 RECOMMENDED BY COMMENTERS.

39           4. THE COMMISSION SHALL DETERMINE A REASONABLE EFFECTIVE DATE FOR  
40 THE RULE. EXCEPT FOR AN EMERGENCY AS PROVIDED IN SUBSECTION L OF THIS  
41 SECTION, THE EFFECTIVE DATE OF THE RULE SHALL BE NOT SOONER THAN THIRTY  
42 DAYS AFTER THE COMMISSION ISSUED THE NOTICE THAT IT ADOPTED THE RULE.

43           L. ON DETERMINATION THAT AN EMERGENCY EXISTS, THE COMMISSION MAY  
44 CONSIDER AND ADOPT AN EMERGENCY RULE WITH TWENTY-FOUR HOURS' PRIOR NOTICE,  
45 WITHOUT THE OPPORTUNITY FOR COMMENT OR HEARING, IF THE USUAL RULEMAKING

1 PROCEDURES PROVIDED IN THIS COMPACT AND THIS SECTION ARE RETROACTIVELY  
2 APPLIED TO THE RULE AS SOON AS REASONABLY POSSIBLE, BUT NOT LATER THAN  
3 NINETY DAYS AFTER THE EFFECTIVE DATE OF THE RULE. FOR THE PURPOSES OF  
4 THIS SUBSECTION, AN EMERGENCY RULE IS ONE THAT MUST BE ADOPTED IMMEDIATELY  
5 BY THE COMMISSION IN ORDER TO ACCOMPLISH ANY OF THE FOLLOWING:

- 6 1. MEET AN IMMINENT THREAT TO PUBLIC HEALTH, SAFETY OR WELFARE.
- 7 2. PREVENT A LOSS OF COMMISSION OR PARTICIPATING STATE MONIES.
- 8 3. MEET A DEADLINE FOR THE PROMULGATION OF A COMMISSION RULE THAT  
9 IS ESTABLISHED BY FEDERAL LAW OR REGULATION.
- 10 4. PROTECT PUBLIC HEALTH AND SAFETY.

11 M. THE COMMISSION OR AN AUTHORIZED COMMITTEE OF THE COMMISSION MAY  
12 DIRECT REVISIONS TO A PREVIOUSLY ADOPTED COMMISSION RULE FOR THE PURPOSES  
13 OF CORRECTING TYPOGRAPHICAL ERRORS, ERRORS IN FORMAT, ERRORS IN  
14 CONSISTENCY OR GRAMMATICAL ERRORS. PUBLIC NOTICE OF ANY REVISIONS SHALL BE  
15 POSTED ON THE WEBSITE OF THE COMMISSION. THE REVISION IS SUBJECT TO  
16 CHALLENGE BY ANY PERSON FOR A PERIOD OF THIRTY DAYS AFTER POSTING. THE  
17 REVISION MAY BE CHALLENGED ONLY ON GROUNDS THAT THE REVISION RESULTS IN A  
18 MATERIAL CHANGE TO A RULE. A CHALLENGE SHALL BE MADE AS SET FORTH IN THE  
19 NOTICE OF REVISIONS AND DELIVERED TO THE COMMISSION BEFORE THE END OF THE  
20 NOTICE PERIOD. IF NO CHALLENGE IS MADE, THE REVISION WILL TAKE EFFECT  
21 WITHOUT FURTHER ACTION. IF THE REVISION IS CHALLENGED, THE REVISION MAY  
22 NOT TAKE EFFECT WITHOUT THE APPROVAL OF THE COMMISSION.

23 N. A PARTICIPATING STATE'S RULEMAKING REQUIREMENTS DO NOT APPLY  
24 UNDER THIS COMPACT.

25 SECTION 10. OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

26 A. OVERSIGHT OF THIS COMPACT IS AS FOLLOWS:

27 1. THE EXECUTIVE AND JUDICIAL BRANCHES OF STATE GOVERNMENT IN EACH  
28 PARTICIPATING STATE SHALL ENFORCE THIS COMPACT AND TAKE ALL ACTIONS  
29 NECESSARY AND APPROPRIATE TO IMPLEMENT THIS COMPACT.

30 2. VENUE IS PROPER AND JUDICIAL PROCEEDINGS BY OR AGAINST THE  
31 COMMISSION SHALL BE BROUGHT SOLELY AND EXCLUSIVELY IN A COURT OF COMPETENT  
32 JURISDICTION WHERE THE PRINCIPAL OFFICE OF THE COMMISSION IS LOCATED. THE  
33 COMMISSION MAY WAIVE VENUE AND JURISDICTIONAL DEFENSES TO THE EXTENT THE  
34 COMMISSION ADOPTS OR CONSENTS TO PARTICIPATE IN ALTERNATIVE DISPUTE  
35 RESOLUTION PROCEEDINGS. THIS COMPACT DOES NOT AFFECT OR LIMIT THE  
36 SELECTION OR PROPRIETY OF VENUE IN ANY ACTION AGAINST A LICENSEE FOR  
37 PROFESSIONAL MALPRACTICE OR MISCONDUCT OR ANY SUCH SIMILAR MATTER.

38 3. THE COMMISSION SHALL BE ENTITLED TO RECEIVE SERVICE OF PROCESS  
39 IN ANY PROCEEDING REGARDING THE ENFORCEMENT OR INTERPRETATION OF THIS  
40 COMPACT OR THE COMMISSION'S RULES AND SHALL HAVE STANDING TO INTERVENE IN  
41 SUCH A PROCEEDING FOR ALL PURPOSES. FAILURE TO PROVIDE THE COMMISSION  
42 WITH SERVICE OF PROCESS RENDERS A JUDGMENT OR ORDER IN SUCH A PROCEEDING  
43 VOID AS TO THE COMMISSION, THIS COMPACT OR COMMISSION RULES.

1 B. DEFAULT, TECHNICAL ASSISTANCE AND TERMINATION ARE AS FOLLOWS:

2 1. IF THE COMMISSION DETERMINES THAT A PARTICIPATING STATE HAS  
3 DEFAULTED IN THE PERFORMANCE OF ITS OBLIGATIONS OR RESPONSIBILITIES UNDER  
4 THIS COMPACT OR THE COMMISSION RULES, THE COMMISSION SHALL PROVIDE WRITTEN  
5 NOTICE TO THE DEFAULTING STATE AND OTHER PARTICIPATING STATES. THE NOTICE  
6 SHALL DESCRIBE THE DEFAULT, THE PROPOSED MEANS OF CURING THE DEFAULT AND  
7 ANY OTHER ACTION THAT THE COMMISSION MAY TAKE AND SHALL OFFER REMEDIAL  
8 TRAINING AND SPECIFIC TECHNICAL ASSISTANCE REGARDING THE DEFAULT.

9 2. IF A STATE IN DEFAULT FAILS TO CURE THE DEFAULT, THE DEFAULTING  
10 STATE MAY BE TERMINATED FROM THIS COMPACT ON AN AFFIRMATIVE VOTE OF A  
11 MAJORITY OF THE DELEGATES OF THE PARTICIPATING STATES, AND ALL RIGHTS,  
12 PRIVILEGES AND BENEFITS CONFERRED BY THIS COMPACT ON THAT STATE MAY BE  
13 TERMINATED ON THE EFFECTIVE DATE OF TERMINATION. A CURE OF THE DEFAULT  
14 DOES NOT RELIEVE THE OFFENDING STATE OF OBLIGATIONS OR LIABILITIES  
15 INCURRED DURING THE PERIOD OF DEFAULT.

16 3. TERMINATION OF PARTICIPATION IN THIS COMPACT SHALL BE IMPOSED  
17 ONLY AFTER ALL OTHER MEANS OF SECURING COMPLIANCE HAVE BEEN EXHAUSTED.  
18 NOTICE OF INTENT TO SUSPEND OR TERMINATE SHALL BE GIVEN BY THE COMMISSION  
19 TO THE GOVERNOR, THE MAJORITY AND MINORITY LEADERS OF THE DEFAULTING  
20 STATE'S LEGISLATURE AND THE LICENSING BOARDS OF EACH PARTICIPATING STATE.

21 4. A STATE THAT HAS BEEN TERMINATED IS RESPONSIBLE FOR ALL  
22 ASSESSMENTS, OBLIGATIONS AND LIABILITIES INCURRED THROUGH THE EFFECTIVE  
23 DATE OF TERMINATION, INCLUDING OBLIGATIONS THAT EXTEND BEYOND THE  
24 EFFECTIVE DATE OF TERMINATION.

25 5. THE COMMISSION SHALL NOT BEAR ANY COSTS RELATED TO A STATE THAT  
26 IS FOUND TO BE IN DEFAULT OR THAT HAS BEEN TERMINATED FROM THIS COMPACT,  
27 UNLESS AGREED ON IN WRITING BETWEEN THE COMMISSION AND THE DEFAULTING  
28 STATE.

29 6. THE DEFAULTING STATE MAY APPEAL ITS TERMINATION FROM THIS  
30 COMPACT BY THE COMMISSION BY PETITIONING THE UNITED STATES DISTRICT COURT  
31 FOR THE DISTRICT OF COLUMBIA OR THE FEDERAL DISTRICT WHERE THE COMMISSION  
32 HAS ITS PRINCIPAL OFFICES. THE PREVAILING PARTY SHALL BE AWARDED ALL  
33 COSTS OF SUCH LITIGATION, INCLUDING REASONABLE ATTORNEY FEES.

34 7. ON THE TERMINATION OF A STATE'S PARTICIPATION IN THIS COMPACT,  
35 THAT STATE SHALL IMMEDIATELY PROVIDE NOTICE OF THE TERMINATION TO ALL  
36 LICENSEES WITHIN THAT STATE THAT INCLUDES THE FOLLOWING INFORMATION:

37 (a) LICENSEES WHO HAVE BEEN GRANTED A COMPACT PRIVILEGE IN THAT  
38 STATE SHALL RETAIN THE COMPACT PRIVILEGE FOR ONE HUNDRED EIGHTY DAYS  
39 FOLLOWING THE EFFECTIVE DATE OF THE TERMINATION.

40 (b) LICENSEES WHO ARE LICENSED IN THAT STATE AND WHO HAVE BEEN  
41 GRANTED A COMPACT PRIVILEGE IN A PARTICIPATING STATE SHALL RETAIN THE  
42 COMPACT PRIVILEGE FOR ONE HUNDRED EIGHTY DAYS UNLESS THE LICENSEE ALSO HAS  
43 A QUALIFYING LICENSE IN A PARTICIPATING STATE OR OBTAINS A QUALIFYING  
44 LICENSE IN A PARTICIPATING STATE BEFORE THE ONE HUNDRED EIGHTY-DAY PERIOD  
45 ENDS, IN WHICH CASE THE COMPACT PRIVILEGE SHALL CONTINUE.

1 C. DISPUTE RESOLUTION IS AS FOLLOWS:

2 1. ON REQUEST BY A PARTICIPATING STATE, THE COMMISSION SHALL  
3 ATTEMPT TO RESOLVE DISPUTES RELATED TO THIS COMPACT THAT ARISE AMONG  
4 PARTICIPATING STATES AND BETWEEN PARTICIPATING STATES AND NONPARTICIPATING  
5 STATES.

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

8 D. ENFORCEMENT IS AS FOLLOWS:

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

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

20 3. THE REMEDIES PRESCRIBED IN THIS SUBSECTION ARE NOT THE EXCLUSIVE  
21 REMEDIES OF THE COMMISSION. THE COMMISSION MAY PURSUE ANY OTHER REMEDIES  
22 AVAILABLE UNDER FEDERAL OR STATE LAW.

23 E. LEGAL ACTION AGAINST THE COMMISSION IS AS FOLLOWS:

24 1. A PARTICIPATING STATE MAY INITIATE LEGAL ACTION AGAINST THE  
25 COMMISSION IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF  
26 COLUMBIA OR THE FEDERAL DISTRICT WHERE THE COMMISSION HAS ITS PRINCIPAL  
27 OFFICES TO ENFORCE COMPLIANCE WITH THIS COMPACT AND ITS RULES. THE RELIEF  
28 SOUGHT MAY INCLUDE BOTH INJUNCTIVE RELIEF AND DAMAGES. IF JUDICIAL  
29 ENFORCEMENT IS NECESSARY, THE PREVAILING PARTY SHALL BE AWARDED ALL COSTS  
30 OF SUCH LITIGATION, INCLUDING REASONABLE ATTORNEY FEES.

31 2. ONLY A PARTICIPATING STATE MAY ENFORCE THIS COMPACT AGAINST THE  
32 COMMISSION.

33 SECTION 11. DATE OF IMPLEMENTATION OF PA LICENSURE  
34 COMPACT COMMISSION

35 A. THIS COMPACT SHALL COME INTO EFFECT ON THE DATE ON WHICH THIS  
36 COMPACT STATUTE IS ENACTED INTO LAW IN THE SEVENTH PARTICIPATING STATE AS  
37 FOLLOWS:

38 1. ON OR AFTER THE EFFECTIVE DATE OF THE COMPACT, THE COMMISSION  
39 SHALL CONVENE AND REVIEW THE ENACTMENT OF EACH STATE THAT ENACTED THE  
40 COMPACT PRIOR TO THE COMMISSION CONVENING, TO BE KNOWN AS THE CHARTER  
41 PARTICIPATING STATES, TO DETERMINE IF THE STATUTE ENACTED BY EACH CHARTER  
42 PARTICIPATING STATE IS MATERIALLY DIFFERENT THAN THE MODEL COMPACT. IF:

43 (a) A CHARTER PARTICIPATING STATE'S ENACTMENT IS FOUND TO BE  
44 MATERIALLY DIFFERENT FROM THE MODEL COMPACT, THE CHARTER PARTICIPATING

1 STATE IS ENTITLED TO THE DEFAULT PROCESS SET FORTH IN SECTION 10,  
2 SUBSECTION B OF THIS COMPACT.

3 (b) ANY PARTICIPATING STATE LATER WITHDRAWS FROM THE COMPACT OR ITS  
4 PARTICIPATION IS TERMINATED, THE COMMISSION SHALL REMAIN IN EXISTENCE AND  
5 THE COMPACT SHALL REMAIN IN EFFECT EVEN IF THE NUMBER OF PARTICIPATING  
6 STATES IS LESS THAN SEVEN. PARTICIPATING STATES ENACTING THE COMPACT  
7 SUBSEQUENT TO THE COMMISSION CONVENING ARE SUBJECT TO THE PROCESS SET  
8 FORTH IN SECTION 7, SUBSECTION C, PARAGRAPH 21 OF THIS COMPACT TO  
9 DETERMINE IF THEIR ENACTMENTS ARE MATERIALLY DIFFERENT FROM THE MODEL  
10 COMPACT AND WHETHER THEY QUALIFY FOR PARTICIPATION IN THE COMPACT.

11 2. PARTICIPATING STATES ENACTING THIS COMPACT AFTER THE SEVEN  
12 INITIAL CHARTER PARTICIPATING STATES ARE SUBJECT TO THE PROCESS SET FORTH  
13 IN SECTION 7, SUBSECTION C, PARAGRAPH 21 OF THIS COMPACT TO DETERMINE IF  
14 THEIR ENACTMENTS ARE MATERIALLY DIFFERENT FROM THE MODEL COMPACT AND  
15 WHETHER THEY QUALIFY FOR PARTICIPATION IN THE COMPACT.

16 3. ALL ACTIONS TAKEN FOR THE BENEFIT OF THE COMMISSION OR IN  
17 FURTHERANCE OF THE PURPOSES OF ADMINISTERING THIS COMPACT BEFORE THE  
18 EFFECTIVE DATE OF THE COMPACT OR THE COMMISSION COMING INTO EXISTENCE  
19 SHALL BE CONSIDERED TO BE ACTIONS OF THE COMMISSION UNLESS SPECIFICALLY  
20 REPUDIATED BY THE COMMISSION.

21 B. ANY STATE THAT JOINS THIS COMPACT IS SUBJECT TO THE COMMISSION'S  
22 RULES AND BYLAWS AS THEY EXIST ON THE DATE ON WHICH THIS COMPACT BECOMES  
23 LAW IN THAT STATE. ANY RULE THAT HAS BEEN PREVIOUSLY ADOPTED BY THE  
24 COMMISSION SHALL HAVE THE FULL FORCE AND EFFECT OF LAW ON THE DAY THIS  
25 COMPACT BECOMES LAW IN THAT STATE.

26 C. ANY PARTICIPATING STATE MAY WITHDRAW FROM THIS COMPACT BY  
27 ENACTING A STATUTE REPEALING THE SAME, AND:

28 1. A PARTICIPATING STATE'S WITHDRAWAL DOES NOT TAKE EFFECT UNTIL  
29 ONE HUNDRED EIGHTY DAYS AFTER ENACTMENT OF THE REPEALING STATUTE. DURING  
30 THIS ONE HUNDRED EIGHTY DAY-PERIOD, ALL COMPACT PRIVILEGES THAT WERE IN  
31 EFFECT IN THE WITHDRAWING STATE AND THAT WERE GRANTED TO LICENSEES  
32 LICENSED IN THE WITHDRAWING STATE SHALL REMAIN IN EFFECT. IF ANY LICENSEE  
33 LICENSED IN THE WITHDRAWING STATE IS ALSO LICENSED IN ANOTHER  
34 PARTICIPATING STATE OR OBTAINS A LICENSE IN ANOTHER PARTICIPATING STATE  
35 WITHIN THE ONE HUNDRED EIGHTY DAYS, THE LICENSEE'S COMPACT PRIVILEGES IN  
36 OTHER PARTICIPATING STATES IS NOT AFFECTED BY THE PASSAGE OF THE ONE  
37 HUNDRED EIGHTY DAYS.

38 2. WITHDRAWAL DOES NOT AFFECT THE CONTINUING REQUIREMENT OF THE  
39 LICENSING BOARD OF THE WITHDRAWING STATE TO COMPLY WITH THE INVESTIGATIVE  
40 AND ADVERSE ACTION REPORTING REQUIREMENTS OF THIS COMPACT BEFORE THE  
41 EFFECTIVE DATE OF WITHDRAWAL.

42 3. ON THE ENACTMENT OF A STATUTE WITHDRAWING A STATE FROM THIS  
43 COMPACT, THE STATE SHALL IMMEDIATELY PROVIDE NOTICE OF THE WITHDRAWAL TO  
44 ALL LICENSEES WITHIN THAT STATE. THE WITHDRAWING STATE SHALL CONTINUE TO

1 RECOGNIZE ALL LICENSES GRANTED PURSUANT TO THIS COMPACT FOR AT LEAST ONE  
2 HUNDRED EIGHTY DAYS AFTER THE DATE OF THE NOTICE OF WITHDRAWAL.

3 D. THIS COMPACT DOES NOT INVALIDATE OR PREVENT ANY PA LICENSURE  
4 AGREEMENT OR OTHER COOPERATIVE ARRANGEMENT BETWEEN PARTICIPATING STATES  
5 AND BETWEEN A PARTICIPATING STATE AND NONPARTICIPATING STATE THAT DOES NOT  
6 CONFLICT WITH THIS COMPACT.

7 E. THIS COMPACT MAY BE AMENDED BY THE PARTICIPATING STATES. AN  
8 AMENDMENT TO THIS COMPACT MAY NOT BECOME EFFECTIVE AND BINDING ON ANY  
9 PARTICIPATING STATE UNTIL IT IS ENACTED MATERIALLY IN THE SAME MANNER INTO  
10 THE LAWS OF ALL PARTICIPATING STATES AS DETERMINED BY THE COMMISSION.

11 SECTION 12. CONSTRUCTION AND SEVERABILITY

12 A. THIS COMPACT AND THE COMMISSION'S RULEMAKING AUTHORITY SHALL BE  
13 LIBERALLY CONSTRUED SO AS TO EFFECTUATE THE PURPOSES AND THE  
14 IMPLEMENTATION AND ADMINISTRATION OF THIS COMPACT. PROVISIONS OF THIS  
15 COMPACT THAT EXPRESSLY AUTHORIZE OR REQUIRE THE PROMULGATION OF RULES  
16 SHALL NOT BE CONSTRUED TO LIMIT THE COMMISSION'S RULEMAKING AUTHORITY  
17 SOLELY FOR THOSE PURPOSES.

18 B. THE PROVISIONS OF THIS COMPACT SHALL BE SEVERABLE AND IF ANY  
19 PHRASE, CLAUSE, SENTENCE OR PROVISION OF THIS COMPACT IS HELD BY A COURT  
20 OF COMPETENT JURISDICTION TO BE CONTRARY TO THE CONSTITUTION OF ANY  
21 PARTICIPATING STATE, ANY STATE SEEKING PARTICIPATION IN THE COMPACT OR THE  
22 UNITED STATES, OR THE APPLICABILITY THEREOF TO ANY GOVERNMENT, AGENCY,  
23 PERSON OR CIRCUMSTANCE IS HELD TO BE UNCONSTITUTIONAL BY A COURT OF  
24 COMPETENT JURISDICTION, THE VALIDITY OF THE REMAINDER OF THIS COMPACT AND  
25 THE APPLICABILITY THEREOF TO ANY OTHER GOVERNMENT, AGENCY, PERSON OR  
26 CIRCUMSTANCE SHALL NOT BE AFFECTED THEREBY.

27 C. NOTWITHSTANDING SUBSECTION B OR THIS SECTION, THE COMMISSION MAY  
28 DENY A STATE'S PARTICIPATION IN THE COMPACT OR, IN ACCORDANCE WITH THE  
29 REQUIREMENTS OF SECTION 10, SUBSECTION B OF THIS COMPACT, TERMINATE A  
30 PARTICIPATING STATE'S PARTICIPATION IN THE COMPACT, IF THE COMMISSION  
31 DETERMINES THAT A CONSTITUTIONAL REQUIREMENT OF A PARTICIPATING STATE IS,  
32 OR WOULD BE WITH RESPECT TO A STATE SEEKING TO PARTICIPATE IN THE COMPACT,  
33 A MATERIAL DEPARTURE FROM THIS COMPACT. OTHERWISE, IF THIS COMPACT IS  
34 HELD TO BE CONTRARY TO THE CONSTITUTION OF ANY PARTICIPATING STATE, THIS  
35 COMPACT SHALL REMAIN IN FULL FORCE AND EFFECT AS TO THE REMAINING  
36 PARTICIPATING STATES AND IN FULL FORCE AND EFFECT AS TO THE PARTICIPATING  
37 STATE AFFECTED AS TO ALL SEVERABLE MATTERS.

38 SECTION 13. BINDING EFFECT OF COMPACT

39 A. THIS COMPACT DOES NOT PREVENT THE ENFORCEMENT OF ANY OTHER LAW  
40 OF A PARTICIPATING STATE THAT IS NOT INCONSISTENT WITH THIS COMPACT.

41 B. ANY LAWS IN A PARTICIPATING STATE THAT ARE IN CONFLICT WITH THIS  
42 COMPACT ARE SUPERSEDED TO THE EXTENT OF THE CONFLICT.

43 C. ALL AGREEMENTS BETWEEN THE COMMISSION AND THE PARTICIPATING  
44 STATES ARE BINDING IN ACCORDANCE WITH THEIR TERMS.

H.B. 2190

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