

REFERENCE TITLE: physician assistants; licensure compact.

State of Arizona
Senate
Fifty-seventh Legislature
Second Regular Session
2026

SB 1238

Introduced by
Senator Shamp

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. A COMPACT PRIVILEGE EXPIRES WHEN THE LICENSEE'S QUALIFYING
39 LICENSE IN THE PARTICIPATING STATE FROM WHICH THE LICENSEE APPLIED FOR THE
40 COMPACT PRIVILEGE EXPIRES.

41 D. IF THE LICENSEE TERMINATES THE QUALIFYING LICENSE THROUGH WHICH
42 THE LICENSEE APPLIED FOR THE COMPACT PRIVILEGE BEFORE ITS SCHEDULED
43 EXPIRATION AND THE LICENSEE HAS A QUALIFYING LICENSE IN ANOTHER
44 PARTICIPATING STATE, THE LICENSEE SHALL INFORM THE COMMISSION THAT IT IS
45 CHANGING THE PARTICIPATING STATE THROUGH WHICH IT APPLIES FOR A COMPACT

1 PRIVILEGE TO THAT PARTICIPATING STATE AND PAY TO THE COMMISSION ANY
2 COMPACT PRIVILEGE FEE REQUIRED BY COMMISSION RULE.

3 E. ONCE A RESTRICTED OR LIMITED LICENSE SATISFIES THE REQUIREMENTS
4 OF SUBSECTION B OF THIS SECTION, THE LICENSEE MUST MEET THE REQUIREMENTS
5 OF SUBSECTION A OF THIS SECTION TO OBTAIN A COMPACT PRIVILEGE IN ANY
6 REMOTE STATE.

7 F. FOR EACH REMOTE STATE IN WHICH A PA SEEKS AUTHORITY TO PRESCRIBE
8 CONTROLLED SUBSTANCES, THE PA SHALL SATISFY ALL REQUIREMENTS IMPOSED BY
9 THAT REMOTE STATE IN GRANTING OR RENEWING SUCH AUTHORITY.

10 SECTION 5. DESIGNATION OF STATE FROM WHICH LICENSEE
11 IS APPLYING FOR A COMPACT PRIVILEGE

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

16 1. WHEN APPLYING FOR A COMPACT PRIVILEGE, THE LICENSEE SHALL
17 PROVIDE THE COMMISSION WITH THE ADDRESS OF THE LICENSEE'S PRIMARY
18 RESIDENCE AND THEREAFTER SHALL IMMEDIATELY REPORT TO THE COMMISSION ANY
19 CHANGE IN THE ADDRESS OF THE LICENSEE'S PRIMARY RESIDENCE.

20 2. WHEN APPLYING FOR A COMPACT PRIVILEGE, THE LICENSEE IS REQUIRED
21 TO CONSENT TO ACCEPT SERVICE OF PROCESS BY MAIL AT THE LICENSEE'S PRIMARY
22 RESIDENCE ON FILE WITH THE COMMISSION WITH RESPECT TO ANY ACTION BROUGHT
23 AGAINST THE LICENSEE BY THE COMMISSION OR A PARTICIPATING STATE, INCLUDING
24 A SUBPOENA, WITH RESPECT TO ANY ACTION BROUGHT OR INVESTIGATION CONDUCTED
25 BY THE COMMISSION OR A PARTICIPATING STATE.

26 SECTION 6. ADVERSE ACTIONS

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

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

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

37 2. ISSUE SUBPOENAS FOR BOTH HEARINGS AND INVESTIGATIONS THAT
38 REQUIRE THE ATTENDANCE AND TESTIMONY OF WITNESSES AS WELL AS THE
39 PRODUCTION OF EVIDENCE. SUBPOENAS ISSUED BY A LICENSING BOARD IN A
40 PARTICIPATING STATE FOR THE ATTENDANCE AND TESTIMONY OF WITNESSES OR THE
41 PRODUCTION OF EVIDENCE FROM ANOTHER PARTICIPATING STATE SHALL BE ENFORCED
42 IN THE LATTER STATE BY ANY COURT OF COMPETENT JURISDICTION, ACCORDING TO
43 THE PRACTICE AND PROCEDURE OF THAT COURT APPLICABLE TO SUBPOENAS ISSUED IN
44 PROCEEDINGS PENDING BEFORE IT. THE ISSUING AUTHORITY SHALL PAY ANY

1 WITNESS FEES, TRAVEL EXPENSES, MILEAGE AND OTHER FEES REQUIRED BY THE
2 SERVICE STATUTES OF THE STATE IN WHICH THE WITNESS OR EVIDENCE IS LOCATED.

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

8 4. THIS COMPACT DOES NOT AUTHORIZE A PARTICIPATING STATE TO IMPOSE
9 DISCIPLINE AGAINST A PA'S COMPACT PRIVILEGE OR TO DENY AN APPLICATION FOR
10 A COMPACT PRIVILEGE IN THAT PARTICIPATING STATE FOR THE INDIVIDUAL'S
11 OTHERWISE LAWFUL PRACTICE IN ANOTHER STATE.

12 C. FOR THE PURPOSES OF TAKING ADVERSE ACTION, THE PARTICIPATING
13 STATE THAT ISSUED THE QUALIFYING LICENSE SHALL GIVE THE SAME PRIORITY AND
14 EFFECT TO REPORTED CONDUCT RECEIVED FROM ANY OTHER PARTICIPATING STATE AS
15 IT WOULD IF THE CONDUCT HAD OCCURRED WITHIN THE PARTICIPATING STATE THAT
16 ISSUED THE QUALIFYING LICENSE. IN SO DOING, THAT PARTICIPATING STATE SHALL
17 APPLY ITS OWN STATE LAWS TO DETERMINE APPROPRIATE ACTION.

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

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

24 F. JOINT INVESTIGATIONS ARE AS FOLLOWS:

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

29 2. PARTICIPATING STATES SHALL SHARE ANY INVESTIGATIVE, LITIGATION
30 OR COMPLIANCE MATERIALS IN FURTHERANCE OF ANY JOINT OR INDIVIDUAL
31 INVESTIGATION INITIATED UNDER THIS COMPACT.

32 G. IF AN ADVERSE ACTION IS TAKEN AGAINST A PA'S QUALIFYING LICENSE,
33 THE PA'S COMPACT PRIVILEGE IN ALL REMOTE STATES SHALL BE DEACTIVATED UNTIL
34 TWO YEARS HAVE ELAPSED AFTER ALL RESTRICTIONS HAVE BEEN REMOVED FROM THE
35 STATE LICENSE. ALL DISCIPLINARY ORDERS BY THE PARTICIPATING STATE THAT
36 ISSUED THE QUALIFYING LICENSE THAT IMPOSE ADVERSE ACTION AGAINST A PA'S
37 LICENSE SHALL INCLUDE A STATEMENT THAT THE PA'S COMPACT PRIVILEGE IS
38 DEACTIVATED IN ALL PARTICIPATING STATES DURING THE PENDENCY OF THE ORDER.

39 H. IF ANY PARTICIPATING STATE TAKES ADVERSE ACTION, THE
40 PARTICIPATING STATE PROMPTLY SHALL NOTIFY THE ADMINISTRATOR OF THE DATA
41 SYSTEM.

42 SECTION 7. ESTABLISHMENT OF PA LICENSURE COMPACT COMMISSION

43 A. THE PARTICIPATING STATES HEREBY CREATE AND ESTABLISH A JOINT
44 GOVERNMENT AGENCY AND NATIONAL ADMINISTRATIVE BODY KNOWN AS THE PA
45 LICENSURE COMPACT COMMISSION. THE COMMISSION IS AN INSTRUMENTALITY OF THE

1 COMPACT STATES ACTING JOINTLY AND IS NOT AN INSTRUMENTALITY OF ANY ONE
2 STATE. THE COMMISSION SHALL COME INTO EXISTENCE ON OR AFTER THE EFFECTIVE
3 DATE OF THIS COMPACT AS SET FORTH IN SECTION 11, SUBSECTION A OF THIS
4 COMPACT.

5 B. MEMBERSHIP, VOTING AND MEETINGS OF THE COMMISSION ARE AS
6 FOLLOWS:

7 1. EACH PARTICIPATING STATE SHALL HAVE AND BE LIMITED TO ONE
8 DELEGATE SELECTED BY THAT PARTICIPATING STATE'S LICENSING BOARD OR, IF THE
9 STATE HAS MORE THAN ONE LICENSING BOARD, SELECTED COLLECTIVELY BY THE
10 PARTICIPATING STATE'S LICENSING BOARDS.

11 2. THE DELEGATE SHALL BE EITHER:

12 (a) A CURRENT PA, PHYSICIAN OR PUBLIC MEMBER OF A LICENSING BOARD
13 OR PA COUNCIL OR COMMITTEE.

14 (b) AN ADMINISTRATOR OF A LICENSING BOARD.

15 3. ANY DELEGATE MAY BE REMOVED OR SUSPENDED FROM OFFICE AS PROVIDED
16 BY THE LAWS OF THE STATE FROM WHICH THE DELEGATE IS APPOINTED.

17 4. THE PARTICIPATING STATE LICENSING BOARD SHALL FILL ANY VACANCY
18 OCCURRING IN THE COMMISSION WITHIN SIXTY DAYS.

19 5. EACH DELEGATE IS ENTITLED TO ONE VOTE ON ALL MATTERS VOTED ON BY
20 THE COMMISSION AND SHALL OTHERWISE HAVE AN OPPORTUNITY TO PARTICIPATE IN
21 THE BUSINESS AND AFFAIRS OF THE COMMISSION. A DELEGATE SHALL VOTE IN
22 PERSON OR BY SUCH OTHER MEANS AS PROVIDED IN THE BYLAWS. THE BYLAWS MAY
23 PROVIDE FOR DELEGATES' PARTICIPATION IN MEETINGS BY TELECOMMUNICATIONS,
24 VIDEO CONFERENCE OR OTHER MEANS OF COMMUNICATION.

25 6. THE COMMISSION SHALL MEET AT LEAST ONCE DURING EACH CALENDAR
26 YEAR. ADDITIONAL MEETINGS SHALL BE HELD AS SET FORTH IN THIS COMPACT AND
27 THE BYLAWS.

28 7. THE COMMISSION SHALL ESTABLISH BY RULE A TERM OF OFFICE FOR
29 DELEGATES.

30 C. THE COMMISSION SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

31 1. ESTABLISH A CODE OF ETHICS FOR THE COMMISSION.

32 2. ESTABLISH THE FISCAL YEAR OF THE COMMISSION.

33 3. ESTABLISH FEES.

34 4. ESTABLISH BYLAWS.

35 5. MAINTAIN ITS FINANCIAL RECORDS IN ACCORDANCE WITH THE BYLAWS.

36 6. MEET AND TAKE SUCH ACTIONS AS ARE CONSISTENT WITH THIS COMPACT
37 AND THE BYLAWS.

38 7. PROMULGATE RULES TO FACILITATE AND COORDINATE IMPLEMENTATION AND
39 ADMINISTRATION OF THIS COMPACT. THE RULES SHALL HAVE THE FORCE AND EFFECT
40 OF LAW AND SHALL BE BINDING IN ALL PARTICIPATING STATES.

41 8. BRING AND PROSECUTE LEGAL PROCEEDINGS OR ACTIONS IN THE NAME OF
42 THE COMMISSION, PROVIDED THAT THE STANDING OF ANY STATE LICENSING BOARD TO
43 SUE OR BE SUED UNDER APPLICABLE LAW SHALL NOT BE AFFECTED.

44 9. PURCHASE AND MAINTAIN INSURANCE AND BONDS.

1 10. BORROW, ACCEPT OR CONTRACT FOR SERVICES OF PERSONNEL, INCLUDING
2 EMPLOYEES OF A PARTICIPATING STATE.

3 11. HIRE EMPLOYEES AND ENGAGE CONTRACTORS, ELECT OR APPOINT
4 OFFICERS, FIX COMPENSATION, DEFINE DUTIES, GRANT SUCH INDIVIDUALS
5 APPROPRIATE AUTHORITY TO CARRY OUT THE PURPOSES OF THIS COMPACT AND
6 ESTABLISH THE COMMISSION'S PERSONNEL POLICIES AND PROGRAMS RELATING TO
7 CONFLICTS OF INTEREST, QUALIFICATIONS OF PERSONNEL AND OTHER RELATED
8 PERSONNEL MATTERS.

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

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

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

19 15. ESTABLISH A BUDGET AND MAKE EXPENDITURES.

20 16. BORROW MONEY.

21 17. APPOINT COMMITTEES, INCLUDING STANDING COMMITTEES COMPOSED OF
22 MEMBERS, STATE REGULATORS, STATE LEGISLATORS OR THEIR REPRESENTATIVES, AND
23 CONSUMER REPRESENTATIVES, AND SUCH OTHER INTERESTED PERSONS AS MAY BE
24 DESIGNATED IN THIS COMPACT AND THE BYLAWS.

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

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

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

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

36 22. PREPARE AND PROVIDE TO THE PARTICIPATING STATES AN ANNUAL
37 REPORT.

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

41 D. MEETINGS OF THE COMMISSION ARE AS FOLLOWS:

42 1. ALL MEETINGS OF THE COMMISSION THAT ARE NOT CLOSED PURSUANT TO
43 THIS SUBSECTION SHALL BE OPEN TO THE PUBLIC. NOTICE OF PUBLIC MEETINGS
44 SHALL BE POSTED ON THE COMMISSION'S WEBSITE AT LEAST THIRTY DAYS BEFORE
45 THE PUBLIC MEETING.

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

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

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

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

(c) CURRENT, THREATENED OR REASONABLY ANTICIPATED LITIGATION.

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

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

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

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

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

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

(j) LEGAL ADVICE.

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

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

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

1 E. FINANCING OF THE COMMISSION IS AS FOLLOWS:

2 1. THE COMMISSION SHALL PAY, OR PROVIDE FOR THE PAYMENT OF, THE
3 REASONABLE EXPENSES OF ITS ESTABLISHMENT, ORGANIZATION AND ONGOING
4 ACTIVITIES.

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

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

17 4. THE COMMISSION SHALL NOT INCUR OBLIGATIONS OF ANY KIND BEFORE
18 SECURING THE MONIES ADEQUATE TO MEET THE SAME OR PLEDGE THE CREDIT OF ANY
19 PARTICIPATING STATE, EXCEPT BY AND WITH THE AUTHORITY OF THE PARTICIPATING
20 STATE.

21 5. THE COMMISSION SHALL KEEP ACCURATE ACCOUNTS OF ALL RECEIPTS AND
22 DISBURSEMENTS. THE RECEIPTS AND DISBURSEMENTS OF THE COMMISSION SHALL BE
23 SUBJECT TO THE FINANCIAL REVIEW AND ACCOUNTING PROCEDURES ESTABLISHED
24 UNDER ITS BYLAWS. ALL RECEIPTS AND DISBURSEMENTS OF MONIES HANDLED BY THE
25 COMMISSION ARE SUBJECT TO AN ANNUAL FINANCIAL REVIEW BY A CERTIFIED OR
26 LICENSED PUBLIC ACCOUNTANT, AND THE REPORT OF THE FINANCIAL REVIEW SHALL
27 BE INCLUDED IN AND BECOME PART OF THE ANNUAL REPORT OF THE COMMISSION.

28 F. POWERS, DUTIES AND MEMBERSHIP OF THE EXECUTIVE COMMITTEE ARE AS
29 FOLLOWS:

30 1. THE EXECUTIVE COMMITTEE SHALL HAVE THE POWER TO ACT ON BEHALF OF
31 THE COMMISSION ACCORDING TO THE TERMS OF THIS COMPACT AND COMMISSION
32 RULES.

33 2. THE EXECUTIVE COMMITTEE SHALL BE COMPOSED OF THE FOLLOWING NINE
34 MEMBERS:

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

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

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

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

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

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

1 6. THE EXECUTIVE COMMITTEE SHALL HAVE THE FOLLOWING DUTIES AND
2 RESPONSIBILITIES:

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

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

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

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

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

13 (f) ESTABLISH ADDITIONAL COMMITTEES AS NECESSARY.

14 (g) EXERCISE THE POWERS AND DUTIES OF THE COMMISSION DURING THE
15 INTERIM BETWEEN COMMISSION MEETINGS, EXCEPT FOR ISSUING PROPOSED
16 RULEMAKING OR ADOPTING COMMISSION RULES OR BYLAWS, OR EXERCISING ANY OTHER
17 POWERS AND DUTIES EXCLUSIVELY RESERVED TO THE COMMISSION BY THE
18 COMMISSION'S RULES.

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

21 7. ALL MEETINGS OF THE EXECUTIVE COMMITTEE AT WHICH THE EXECUTIVE
22 COMMITTEE VOTES OR PLANS TO VOTE ON MATTERS IN EXERCISING THE POWERS AND
23 DUTIES OF THE COMMISSION SHALL BE OPEN TO THE PUBLIC, AND PUBLIC NOTICE OF
24 SUCH MEETINGS SHALL BE GIVEN AS PUBLIC MEETINGS OF THE COMMISSION ARE
25 GIVEN.

26 8. THE EXECUTIVE COMMITTEE MAY CONVENE IN A CLOSED, NONPUBLIC
27 MEETING FOR THE SAME REASONS THAT THE COMMISSION MAY CONVENE IN A
28 NONPUBLIC MEETING AS SET FORTH IN SECTION 7, SUBSECTION D, PARAGRAPH 3 OF
29 THIS COMPACT. THE EXECUTIVE COMMITTEE SHALL ANNOUNCE THE CLOSED MEETING
30 AS THE COMMISSION IS REQUIRED TO UNDER SECTION 7, SUBSECTION D, PARAGRAPH
31 4 OF THIS COMPACT AND SHALL KEEP MINUTES OF THE CLOSED MEETING AS THE
32 COMMISSION IS REQUIRED TO UNDER SECTION 7, SUBSECTION D, PARAGRAPH 5 OF
33 THIS COMPACT.

34 G. QUALIFIED IMMUNITY, DEFENSE AND INDEMNIFICATION OF THE
35 COMMISSION ARE AS FOLLOWS:

36 1. THE MEMBERS, OFFICERS, EXECUTIVE DIRECTOR, EMPLOYEES AND
37 REPRESENTATIVES OF THE COMMISSION SHALL BE IMMUNE FROM SUIT AND LIABILITY,
38 BOTH PERSONALLY AND IN THEIR OFFICIAL CAPACITY, FOR ANY CLAIM FOR DAMAGE
39 TO OR LOSS OF PROPERTY OR PERSONAL INJURY OR OTHER CIVIL LIABILITY CAUSED
40 BY OR ARISING OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT
41 OCCURRED, OR THAT THE PERSON AGAINST WHOM THE CLAIM IS MADE HAD A
42 REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF COMMISSION
43 EMPLOYMENT, DUTIES OR RESPONSIBILITIES. THIS PARAGRAPH DOES NOT PROTECT
44 ANY SUCH PERSON FROM SUIT OR LIABILITY FOR ANY DAMAGE, LOSS OR INJURY
45 CAUSED BY THE INTENTIONAL OR WILFUL OR WANTON MISCONDUCT OF THAT PERSON.

1 THE PROCUREMENT OF INSURANCE OF ANY TYPE BY THE COMMISSION SHALL NOT IN
2 ANY WAY COMPROMISE OR LIMIT THE IMMUNITY GRANTED UNDER THIS PARAGRAPH.

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

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

24 4. VENUE IS PROPER AND JUDICIAL PROCEEDINGS BY OR AGAINST THE
25 COMMISSION SHALL BE BROUGHT SOLELY AND EXCLUSIVELY IN A COURT OF COMPETENT
26 JURISDICTION WHERE THE PRINCIPAL OFFICE OF THE COMMISSION IS LOCATED. THE
27 COMMISSION MAY WAIVE VENUE AND JURISDICTIONAL DEFENSES IN ANY PROCEEDINGS
28 AS AUTHORIZED BY COMMISSION RULES.

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

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

37 7. THIS COMPACT DOES NOT WAIVE OR OTHERWISE ABROGATE A
38 PARTICIPATING STATE'S STATE ACTION IMMUNITY OR STATE ACTION AFFIRMATIVE
39 DEFENSE WITH RESPECT TO ANTITRUST CLAIMS UNDER THE SHERMAN ACT, THE
40 CLAYTON ACT OR ANY OTHER STATE OR FEDERAL ANTITRUST OR ANTICOMPETITIVE LAW
41 OR REGULATION.

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

1 SECTION 8. DATA SYSTEM

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

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

11 1. IDENTIFYING INFORMATION.

12 2. LICENSURE DATA.

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

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

17 5. THE EXISTENCE OF SIGNIFICANT INVESTIGATIVE INFORMATION.

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

20 C. SIGNIFICANT INVESTIGATIVE INFORMATION PERTAINING TO A LICENSEE
21 IN ANY PARTICIPATING STATE SHALL BE AVAILABLE ONLY TO OTHER PARTICIPATING
22 STATES.

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

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

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

37 G. THE RECORDS AND INFORMATION PROVIDED TO A PARTICIPATING STATE
38 PURSUANT TO THIS COMPACT OR THROUGH THE DATA SYSTEM, WHEN CERTIFIED BY THE
39 COMMISSION OR AN AGENT THEREOF, CONSTITUTE THE AUTHENTICATED BUSINESS
40 RECORDS OF THE COMMISSION AND ARE ENTITLED TO ANY ASSOCIATED HEARSAY
41 EXCEPTION IN ANY RELEVANT JUDICIAL, QUASI-JUDICIAL OR ADMINISTRATIVE
42 PROCEEDINGS IN A PARTICIPATING STATE.

1 SECTION 9. RULEMAKING

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

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

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

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

26 E. COMMISSION RULES SHALL BE ADOPTED AT A REGULAR OR SPECIAL
27 MEETING OF THE COMMISSION.

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

32 1. ON THE WEBSITE OF THE COMMISSION OR OTHER PUBLICLY ACCESSIBLE
33 PLATFORM.

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

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

37 G. THE NOTICE OF PROPOSED RULEMAKING SHALL INCLUDE ALL OF THE
38 FOLLOWING:

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

42 2. THE TEXT OF THE PROPOSED RULE AND THE REASON FOR THE PROPOSED
43 RULE.

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

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

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

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

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

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

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

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

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

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

29 1. IF ADOPTED, THE RULE SHALL BE POSTED ON THE COMMISSION'S
30 WEBSITE.

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

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

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

41 L. ON DETERMINATION THAT AN EMERGENCY EXISTS, THE COMMISSION MAY
42 CONSIDER AND ADOPT AN EMERGENCY RULE WITH TWENTY-FOUR HOURS' PRIOR NOTICE,
43 WITHOUT THE OPPORTUNITY FOR COMMENT OR HEARING, IF THE USUAL RULEMAKING
44 PROCEDURES PROVIDED IN THIS COMPACT AND THIS SECTION ARE RETROACTIVELY
45 APPLIED TO THE RULE AS SOON AS REASONABLY POSSIBLE, BUT NOT LATER THAN

1 NINETY DAYS AFTER THE EFFECTIVE DATE OF THE RULE. FOR THE PURPOSES OF
2 THIS SUBSECTION, AN EMERGENCY RULE IS ONE THAT MUST BE ADOPTED IMMEDIATELY
3 BY THE COMMISSION IN ORDER TO ACCOMPLISH ANY OF THE FOLLOWING:

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

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

21 N. A PARTICIPATING STATE'S RULEMAKING REQUIREMENTS DO NOT APPLY
22 UNDER THIS COMPACT.

23 SECTION 10. OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

24 A. OVERSIGHT OF THIS COMPACT IS AS FOLLOWS:

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

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

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

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

43 1. IF THE COMMISSION DETERMINES THAT A PARTICIPATING STATE HAS
44 DEFAULTED IN THE PERFORMANCE OF ITS OBLIGATIONS OR RESPONSIBILITIES UNDER
45 THIS COMPACT OR THE COMMISSION RULES, THE COMMISSION SHALL PROVIDE WRITTEN

1 NOTICE TO THE DEFAULTING STATE AND OTHER PARTICIPATING STATES. THE NOTICE
2 SHALL DESCRIBE THE DEFAULT, THE PROPOSED MEANS OF CURING THE DEFAULT AND
3 ANY OTHER ACTION THAT THE COMMISSION MAY TAKE AND SHALL OFFER REMEDIAL
4 TRAINING AND SPECIFIC TECHNICAL ASSISTANCE REGARDING THE DEFAULT.

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

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

17 4. A STATE THAT HAS BEEN TERMINATED IS RESPONSIBLE FOR ALL
18 ASSESSMENTS, OBLIGATIONS AND LIABILITIES INCURRED THROUGH THE EFFECTIVE
19 DATE OF TERMINATION, INCLUDING OBLIGATIONS THAT EXTEND BEYOND THE
20 EFFECTIVE DATE OF TERMINATION.

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

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

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

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

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

42 C. DISPUTE RESOLUTION IS AS FOLLOWS:

43 1. ON REQUEST BY A PARTICIPATING STATE, THE COMMISSION SHALL
44 ATTEMPT TO RESOLVE DISPUTES RELATED TO THIS COMPACT THAT ARISE AMONG

1 PARTICIPATING STATES AND BETWEEN PARTICIPATING STATES AND NONPARTICIPATING
2 STATES.

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

5 D. ENFORCEMENT IS AS FOLLOWS:

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

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

17 3. THE REMEDIES PRESCRIBED IN THIS SUBSECTION ARE NOT THE EXCLUSIVE
18 REMEDIES OF THE COMMISSION. THE COMMISSION MAY PURSUE ANY OTHER REMEDIES
19 AVAILABLE UNDER FEDERAL OR STATE LAW.

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

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

28 2. ONLY A PARTICIPATING STATE MAY ENFORCE THIS COMPACT AGAINST THE
29 COMMISSION.

30 SECTION 11. DATE OF IMPLEMENTATION OF PA LICENSURE
31 COMPACT COMMISSION

32 A. THIS COMPACT SHALL COME INTO EFFECT ON THE DATE ON WHICH THIS
33 COMPACT STATUTE IS ENACTED INTO LAW IN THE SEVENTH PARTICIPATING STATE AS
34 FOLLOWS:

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

40 (a) A CHARTER PARTICIPATING STATE'S ENACTMENT IS FOUND TO BE
41 MATERIALLY DIFFERENT FROM THE MODEL COMPACT, THE CHARTER PARTICIPATING
42 STATE IS ENTITLED TO THE DEFAULT PROCESS SET FORTH IN SECTION 10,
43 SUBSECTION B OF THIS COMPACT.

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

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

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

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

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

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

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

3. ON THE ENACTMENT OF A STATUTE WITHDRAWING A STATE FROM THIS COMPACT, THE STATE SHALL IMMEDIATELY PROVIDE NOTICE OF THE WITHDRAWAL TO ALL LICENSEES WITHIN THAT STATE. THE WITHDRAWING STATE SHALL CONTINUE TO RECOGNIZE ALL LICENSES GRANTED PURSUANT TO THIS COMPACT FOR AT LEAST ONE HUNDRED EIGHTY DAYS AFTER THE DATE OF THE NOTICE OF WITHDRAWAL.

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

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

9 SECTION 12. CONSTRUCTION AND SEVERABILITY

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

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

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

36 SECTION 13. BINDING EFFECT OF COMPACT

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

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

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