

Senate Engrossed

physician assistants; licensure compact.

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

SENATE BILL 1238

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.

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

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

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

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

SECTION 6. ADVERSE ACTIONS

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

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

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

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

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

4. THIS COMPACT DOES NOT AUTHORIZE A PARTICIPATING STATE TO IMPOSE 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
8 SHALL 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.

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

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

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

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

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

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

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

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

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

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