

SECOND REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
SENATE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 2974**  
**103RD GENERAL ASSEMBLY**

6590S.03T

2026

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**AN ACT**

To repeal section 324.009, RSMo, and to enact in lieu thereof four new sections relating to licensure reciprocity.

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

Section A. Section 324.009, RSMo, is repealed and four new sections enacted in lieu thereof, to be known as sections 324.009, 324.1800, 334.730, and 334.1800, to read as follows:

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

- (1) "License", a license, certificate, registration, permit, accreditation, or military occupational speciality that enables a person to legally practice an occupation or profession in a particular jurisdiction;
- (2) "Military", the Armed Forces of the United States including the Air Force, Army, Coast Guard, Marine Corps, Navy, Space Force, National Guard and any other military branch that is designated by Congress as part of the Armed Forces of the United States, and all reserve components and auxiliaries. Such term also includes the military reserves and militia of any United States territory or state;
- (3) "Missouri law enforcement officer", any person employed by or otherwise serving in a position for the state or a local governmental entity in the state of Missouri as a police officer, peace officer certified under chapter 590, auxiliary police officer, sheriff, sheriff's deputy, member of the patrol as that term is defined in section 43.010, or in some like position involving the enforcement of the law and protection of the public interest at the risk of that

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 person's life and who is a permanent resident of the state of Missouri or who is domiciled in  
16 the state of Missouri;

17 (4) "Nonresident military or law enforcement spouse":

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

23 (b) A nonresident spouse of a person residing outside the state of Missouri who has  
24 accepted an offer of employment from and with the state or a local governmental entity in the  
25 state of Missouri and who will become a Missouri law enforcement officer upon the  
26 commencement of such employment;

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

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

34 2. Any person who holds a valid current license issued by another state, a branch or  
35 unit of the military, a territory of the United States, or the District of Columbia, and who has  
36 been licensed for at least one year in such other jurisdiction, may submit an application for a  
37 license in Missouri in the same occupation or profession, and at the same practice level, for  
38 which he or she holds the current license, along with proof of current licensure and proof of  
39 licensure for at least one year in the other jurisdiction, to the relevant oversight body in this  
40 state.

41 3. The oversight body in this state shall:

42 (1) Within six months of receiving an application described in subsection 2 of this  
43 section, waive any examination, educational, or experience requirements for licensure in this  
44 state for the applicant if it determines that there were minimum education requirements and, if  
45 applicable, work experience and clinical supervision requirements in effect and the other  
46 **[state] jurisdiction** verifies that the person met those requirements in order to be licensed or  
47 certified in that **[state] jurisdiction**. An oversight body that administers an examination on  
48 laws of this state as part of its licensing application requirement may require an applicant to  
49 take and pass an examination specific to the laws of this state; or

50 (2) Within thirty days of receiving an application described in subsection 2 of this  
51 section from a nonresident military or law enforcement spouse or a resident military or law

52 enforcement spouse, waive any examination, educational, or experience requirements for  
53 licensure in this state for the applicant and issue such applicant a license under this section if  
54 such applicant otherwise meets the requirements of this section.

55 4. (1) The oversight body shall not waive any examination, educational, or  
56 experience requirements for any applicant who has had his or her license revoked by an  
57 oversight body outside the state; who is currently under investigation, who has a complaint  
58 pending, or who is currently under disciplinary action, except as provided in subdivision (2)  
59 of this subsection, with an oversight body outside the state; who does not hold a license in  
60 good standing with an oversight body outside the state; who has a criminal record that would  
61 disqualify him or her for licensure in Missouri; or who does not hold a valid current license in  
62 the other jurisdiction on the date the oversight body receives his or her application under this  
63 section.

64 (2) If another jurisdiction has taken disciplinary action against an applicant, the  
65 oversight body shall determine if the cause for the action was corrected and the matter  
66 resolved. If the matter has not been resolved by that jurisdiction, the oversight body may  
67 deny a license until the matter is resolved.

68 5. Nothing in this section shall prohibit the oversight body from denying a license to  
69 an applicant under this section for any reason described in any section associated with the  
70 occupation or profession for which the applicant seeks a license.

71 6. Any person who is licensed under the provisions of this section shall be subject to  
72 the applicable oversight body's jurisdiction and all rules and regulations pertaining to the  
73 practice of the licensed occupation or profession in this state. **Any health care provider  
74 licensed under the provisions of this section shall be deemed fully licensed to practice  
75 within the profession's scope of practice in this state and may provide telehealth services  
76 as described in section 191.1145 to the same extent and in the same manner as a health  
77 care provider who received his or her license without a waiver of any requirements.**

78 7. This section shall not be construed to waive any requirement for an applicant to  
79 pay any fees, post any bonds or surety bonds, or submit proof of insurance associated with the  
80 license the applicant seeks.

81 8. This section shall not apply to business, professional, or occupational licenses  
82 issued or required by political subdivisions.

83 9. The provisions of this section shall not impede an oversight body's authority to  
84 require an applicant to submit fingerprints as part of the application process.

85 10. The provisions of this section shall not be construed to alter the authority granted  
86 by, or any requirements promulgated pursuant to, any interjurisdictional or interstate  
87 compacts adopted by Missouri statute or any reciprocity agreements with other states in

88 effect, and whenever possible this section shall be interpreted so as to imply no conflict  
89 between it and any compact, or any reciprocity agreements with other states in effect.

90 11. Notwithstanding any other provision of law, a license issued under this section  
91 shall be valid only in this state and shall not make a licensee eligible to be part of an interstate  
92 compact. An applicant who is licensed in another state pursuant to an interstate compact shall  
93 not be eligible for licensure by an oversight body under the provisions of this section.

94 12. The provisions of this section shall not apply to any occupation set forth in  
95 subsection 6 of section 290.257, or any electrical contractor licensed under sections 324.900  
96 to 324.945.

### **324.1800. SECTION 1. PURPOSE**

2 **The purpose of this Compact is to facilitate interstate Practice of Dietetics with**  
3 **the goal of improving public access to dietetics services. This Compact preserves the**  
4 **regulatory authority of States to protect public health and safety through the current**  
5 **system of State licensure, while also providing for licensure portability through a**  
6 **Compact Privilege granted to qualifying professionals.**

7 **This Compact is designed to achieve the following objectives:**

8 **A. Increase public access to dietetics services;**

9 **B. Provide opportunities for interstate practice by Licensed Dietitians who meet**  
10 **uniform requirements;**

11 **C. Eliminate the necessity for Licenses in multiple States;**

12 **D. Reduce administrative burden on Member States and Licensees;**

13 **E. Enhance the States' ability to protect the public's health and safety;**

14 **F. Encourage the cooperation of Member States in regulating multistate practice**  
15 **of Licensed Dietitians;**

16 **G. Support relocating Active Military Members and their spouses;**

17 **H. Enhance the exchange of licensure, investigative, and disciplinary**  
18 **information among Member States; and**

19 **I. Vest all Member States with the authority to hold a Licensed Dietitian**  
20 **accountable for meeting all State practice laws in the State in which the patient is**  
21 **located at the time care is rendered.**

### **SECTION 2. DEFINITIONS**

22 **As used in this Compact, and except as otherwise provided, the following**  
23 **definitions shall apply:**

24 **A. "ACEND" means the Accreditation Council for Education in Nutrition and**  
25 **Dietetics or its successor organization.**  
26

27           **B. "Active Military Member" means any individual with full-time duty status in**  
28 **the active armed forces of the United States, including members of the National Guard**  
29 **and Reserve.**

30           **C. "Adverse Action" means any administrative, civil, equitable or criminal**  
31 **action permitted by a State's laws which is imposed by a Licensing Authority or other**  
32 **authority against a Licensee, including actions against an individual's License or**  
33 **Compact Privilege such as revocation, suspension, probation, monitoring of the**  
34 **Licensee, limitation on the Licensee's practice, or any other Encumbrance on licensure**  
35 **affecting a Licensee's authorization to practice, including issuance of a cease and desist**  
36 **action.**

37           **D. "Alternative Program" means a non-disciplinary monitoring or practice**  
38 **remediation process approved by a Licensing Authority.**

39           **E. "Charter Member State" means any Member State which enacted this**  
40 **Compact by law before the Effective Date specified in Section 12.**

41           **F. "Continuing Education" means a requirement, as a condition of License**  
42 **renewal, to provide evidence of participation in, and completion of, educational and**  
43 **professional activities relevant to practice or area of work.**

44           **G. "CDR" means the Commission on Dietetic Registration or its successor**  
45 **organization.**

46           **H. "Compact Commission" means the government agency whose membership**  
47 **consists of all States that have enacted this Compact, which is known as the Dietitian**  
48 **Licensure Compact Commission, as described in Section 8, and which shall operate as**  
49 **an instrumentality of the Member States.**

50           **I. "Compact Privilege" means a legal authorization, which is equivalent to a**  
51 **License, permitting the Practice of Dietetics in a Remote State.**

52           **J. "Current Significant Investigative Information" means:**

53           **1. Investigative Information that a Licensing Authority, after a preliminary**  
54 **inquiry that includes notification and an opportunity for the subject Licensee to**  
55 **respond, if required by State law, has reason to believe is not groundless and, if proved**  
56 **true, would indicate more than a minor infraction; or**

57           **2. Investigative Information that indicates that the subject Licensee represents**  
58 **an immediate threat to public health and safety regardless of whether the subject**  
59 **Licensee has been notified and had an opportunity to respond.**

60           **K. "Data System" means a repository of information about Licensees, including,**  
61 **but not limited to, Continuing Education, examination, licensure, investigative,**  
62 **Compact Privilege and Adverse Action information.**

63           **L. "Encumbered License" means a License in which an Adverse Action restricts**  
64 **a Licensee's ability to practice dietetics.**

65           **M. "Encumbrance" means a revocation or suspension of, or any limitation on a**  
66 **Licensee's full and unrestricted Practice of Dietetics by a Licensing Authority.**

67           **N. "Executive Committee" means a group of delegates elected or appointed to**  
68 **act on behalf of, and within the powers granted to them by, this Compact, and the**  
69 **Compact Commission.**

70           **O. "Home State" means the Member State that is the Licensee's primary State**  
71 **of residence or that has been designated pursuant to Section 6.**

72           **P. "Investigative Information" means information, records, and documents**  
73 **received or generated by a Licensing Authority pursuant to an investigation.**

74           **Q. "Jurisprudence Requirement" means an assessment of an individual's**  
75 **knowledge of the State laws and regulations governing the Practice of Dietetics in such**  
76 **State.**

77           **R. "License" means an authorization from a Member State to either:**

- 78           **1. Engage in the Practice of Dietetics (including medical nutrition therapy); or**  
79           **2. Use the title "dietitian," "licensed dietitian," "licensed dietitian nutritionist,"**  
80 **"certified dietitian," or other title describing a substantially similar practitioner as the**  
81 **Compact Commission may further define by Rule.**

82           **S. "Licensee" or "Licensed Dietitian" means an individual who currently holds**  
83 **a License and who meets all of the requirements outlined in Section 4.**

84           **T. "Licensing Authority" means the board or agency of a State, or equivalent,**  
85 **that is responsible for the licensing and regulation of the Practice of Dietetics.**

86           **U. "Member State" means a State that has enacted the Compact.**

87           **V. "Practice of Dietetics" means the synthesis and application of dietetics as**  
88 **defined by state law and regulations, primarily for the provision of nutrition care**  
89 **services, including medical nutrition therapy, in person or via telehealth, to prevent,**  
90 **manage, or treat diseases or medical conditions and promote wellness.**

91           **W. "Registered Dietitian" means a person who:**

- 92           **1. Has completed applicable education, experience, examination, and**  
93 **recertification requirements approved by CDR;**  
94           **2. Is credentialed by CDR as a registered dietitian or a registered dietitian**  
95 **nutritionist; and**  
96           **3. Is legally authorized to use the title registered dietitian or registered dietitian**  
97 **nutritionist and the corresponding abbreviations "RD" or "RDN."**

98           **X. "Remote State" means a Member State other than the Home State, where a**  
99 **Licensee is exercising or seeking to exercise a Compact Privilege.**

100           **Y. "Rule" means a regulation promulgated by the Compact Commission that**  
101 **has the force of law.**

102           **Z. "Single State License" means a License issued by a Member State within the**  
103 **issuing State and does not include a Compact Privilege in any other Member State.**

104           **AA. "State" means any state, commonwealth, district, or territory of the United**  
105 **States of America.**

106           **BB. "Unencumbered License" means a License that authorizes a Licensee to**  
107 **engage in the full and unrestricted Practice of Dietetics.**

### 108           **SECTION 3. STATE PARTICIPATION IN THE COMPACT**

109           **A. To participate in the Compact, a State must currently:**

- 110           **1. License and regulate the Practice of Dietetics; and**
- 111           **2. Have a mechanism in place for receiving and investigating complaints about**  
112 **Licensees.**

113           **B. A Member State shall:**

114           **1. Participate fully in the Compact Commission's Data System, including using**  
115 **the unique identifier as defined in Rules;**

116           **2. Notify the Compact Commission, in compliance with the terms of the**  
117 **Compact and Rules, of any Adverse Action or the availability of Current Significant**  
118 **Investigative Information regarding a Licensee;**

119           **3. Implement or utilize procedures for considering the criminal history record**  
120 **information of applicants for an initial Compact Privilege. These procedures shall**  
121 **include the submission of fingerprints or other biometric-based information by**  
122 **applicants for the purpose of obtaining an applicant's criminal history record**  
123 **information from the Federal Bureau of Investigation and the agency responsible for**  
124 **retaining that State's criminal records;**

125           **a. A Member State must fully implement a criminal history record information**  
126 **requirement, within a time frame established by Rule, which includes receiving the**  
127 **results of the Federal Bureau of Investigation record search and shall use those results**  
128 **in determining Compact Privilege eligibility.**

129           **b. Communication between a Member State and the Compact Commission or**  
130 **among Member States regarding the verification of eligibility for a Compact Privilege**  
131 **shall not include any information received from the Federal Bureau of Investigation**  
132 **relating to a federal criminal history record information check performed by a Member**  
133 **State.**

134           **4. Comply with and enforce the Rules of the Compact Commission;**





208           **A. A Licensee may hold a Home State License, which allows for a Compact**  
209 **Privilege in other Member States, in only one Member State at a time.**

210           **B. If a Licensee changes Home State by moving between two Member States:**

211           **1. The Licensee shall file an application for obtaining a new Home State License**  
212 **based on a Compact Privilege, pay all applicable fees, and notify the current and new**  
213 **Home State in accordance with the Rules of the Compact Commission.**

214           **2. Upon receipt of an application for obtaining a new Home State License by**  
215 **virtue of a Compact Privilege, the new Home State shall verify that the Licensee meets**  
216 **the criteria in Section 4 via the Data System, and require that the Licensee complete the**  
217 **following:**

218           **a. Federal Bureau of Investigation fingerprint based criminal history record**  
219 **information check;**

220           **b. Any other criminal history record information required by the new Home**  
221 **State; and**

222           **c. Any Jurisprudence Requirements of the new Home State.**

223           **3. The former Home State shall convert the former Home State License into a**  
224 **Compact Privilege once the new Home State has activated the new Home State License**  
225 **in accordance with applicable Rules adopted by the Compact Commission.**

226           **4. Notwithstanding any other provision of this Compact, if the Licensee cannot**  
227 **meet the criteria in Section 4, the new Home State may apply its requirements for**  
228 **issuing a new Single State License.**

229           **5. The Licensee shall pay all applicable fees to the new Home State in order to be**  
230 **issued a new Home State License.**

231           **C. If a Licensee changes their State of residence by moving from a Member State**  
232 **to a non-Member State, or from a non-Member State to a Member State, the State**  
233 **criteria shall apply for issuance of a Single State License in the new State.**

234           **D. Nothing in this Compact shall interfere with a Licensee's ability to hold a**  
235 **Single State License in multiple States; however, for the purposes of this Compact, a**  
236 **Licensee shall have only one Home State License.**

237           **E. Nothing in this Compact shall affect the requirements established by a**  
238 **Member State for the issuance of a Single State License.**

#### 239           **SECTION 6. ACTIVE MILITARY MEMBERS OR THEIR SPOUSES**

240           **An Active Military Member, or their spouse, shall designate a Home State where**  
241 **the individual has a current License in good standing. The individual may retain the**  
242 **Home State designation during the period the service member is on active duty.**

#### 243           **SECTION 7. ADVERSE ACTIONS**

244           **A. In addition to the other powers conferred by State law, a Remote State shall**  
245 **have the authority, in accordance with existing State due process law, to:**

246           **1. Take Adverse Action against a Licensee's Compact Privilege within that**  
247 **Member State; and**

248           **2. Issue subpoenas for both hearings and investigations that require the**  
249 **attendance and testimony of witnesses as well as the production of evidence. Subpoenas**  
250 **issued by a Licensing Authority in a Member State for the attendance and testimony of**  
251 **witnesses or the production of evidence from another Member State shall be enforced in**  
252 **the latter State by any court of competent jurisdiction, according to the practice and**  
253 **procedure applicable to subpoenas issued in proceedings pending before that court. The**  
254 **issuing authority shall pay any witness fees, travel expenses, mileage, and other fees**  
255 **required by the service statutes of the State in which the witnesses or evidence are**  
256 **located.**

257           **B. Only the Home State shall have the power to take Adverse Action against a**  
258 **Licensee's Home State License.**

259           **C. For purposes of taking Adverse Action, the Home State shall give the same**  
260 **priority and effect to reported conduct received from a Member State as it would if the**  
261 **conduct had occurred within the Home State. In so doing, the Home State shall apply**  
262 **its own State laws to determine appropriate action.**

263           **D. The Home State shall complete any pending investigations of a Licensee who**  
264 **changes Home States during the course of the investigations. The Home State shall also**  
265 **have authority to take appropriate action(s) and shall promptly report the conclusions**  
266 **of the investigations to the administrator of the Data System. The administrator of the**  
267 **Data System shall promptly notify the new Home State of any Adverse Actions.**

268           **E. A Member State, if otherwise permitted by State law, may recover from the**  
269 **affected Licensee the costs of investigations and dispositions of cases resulting from any**  
270 **Adverse Action taken against that Licensee.**

271           **F. A Member State may take Adverse Action based on the factual findings of**  
272 **another Remote State, provided that the Member State follows its own procedures for**  
273 **taking the Adverse Action.**

274           **G. Joint Investigations:**

275           **1. In addition to the authority granted to a Member State by its respective State**  
276 **law, any Member State may participate with other Member States in joint investigations**  
277 **of Licensees.**

278           **2. Member States shall share any investigative, litigation, or compliance**  
279 **materials in furtherance of any joint investigation initiated under the Compact.**

280 **H. If Adverse Action is taken by the Home State against a Licensee's Home State**  
281 **License resulting in an Encumbrance on the Home State License, the Licensee's**  
282 **Compact Privilege(s) in all other Member States shall be revoked until all**  
283 **Encumbrances have been removed from the Home State License. All Home State**  
284 **disciplinary orders that impose Adverse Action against a Licensee shall include a**  
285 **statement that the Licensee's Compact Privileges are revoked in all Member States**  
286 **during the pendency of the order.**

287 **I. Once an Encumbered License in the Home State is restored to an**  
288 **Unencumbered License (as certified by the Home State's Licensing Authority), the**  
289 **Licensee must meet the requirements of Section 4(A) and follow the administrative**  
290 **requirements to reapply to obtain a Compact Privilege in any Remote State.**

291 **J. If a Member State takes Adverse Action, it shall promptly notify the**  
292 **administrator of the Data System. The administrator of the Data System shall promptly**  
293 **notify the other Member States of any Adverse Actions.**

294 **K. Nothing in this Compact shall override a Member State's decision that**  
295 **participation in an Alternative Program may be used in lieu of Adverse Action.**

296 **SECTION 8. ESTABLISHMENT OF THE DIETITIAN LICENSURE COMPACT**  
297 **COMMISSION**

298 **A. The Compact Member States hereby create and establish a joint government**  
299 **agency whose membership consists of all Member States that have enacted the Compact**  
300 **known as the Dietitian Licensure Compact Commission. The Compact Commission is**  
301 **an instrumentality of the Compact States acting jointly and not an instrumentality of**  
302 **any one State. The Compact Commission shall come into existence on or after the**  
303 **effective date of the Compact as set forth in Section 12.**

304 **B. Membership, Voting, and Meetings**

305 **1. Each Member State shall have and be limited to one (1) delegate selected by**  
306 **that Member State's Licensing Authority.**

307 **2. The delegate shall be the primary administrator of the Licensing Authority or**  
308 **their designee.**

309 **3. The Compact Commission shall by Rule or bylaw establish a term of office for**  
310 **delegates and may by Rule or bylaw establish term limits.**

311 **4. The Compact Commission may recommend removal or suspension of any**  
312 **delegate from office.**

313 **5. A Member State's Licensing Authority shall fill any vacancy of its delegate**  
314 **occurring on the Compact Commission within 60 days of the vacancy.**

315 **6. Each delegate shall be entitled to one vote on all matters before the Compact**  
316 **Commission requiring a vote by the delegates.**

317           7. Delegates shall meet and vote by such means as set forth in the bylaws. The  
318 bylaws may provide for delegates to meet and vote in-person or by telecommunication,  
319 video conference, or other means of communication.

320           8. The Compact Commission shall meet at least once during each calendar year.  
321 Additional meetings may be held as set forth in the bylaws. The Compact Commission  
322 may meet in person or by telecommunication, video conference, or other means of  
323 communication.

324           C. The Compact Commission shall have the following powers:

- 325           1. Establish the fiscal year of the Compact Commission;
- 326           2. Establish code of conduct and conflict of interest policies;
- 327           3. Establish and amend Rules and bylaws;
- 328           4. Maintain its financial records in accordance with the bylaws;
- 329           5. Meet and take such actions as are consistent with the provisions of this  
330 Compact, the Compact Commission's Rules, and the bylaws;
- 331           6. Initiate and conclude legal proceedings or actions in the name of the Compact  
332 Commission, provided that the standing of any Licensing Authority to sue or be sued  
333 under applicable law shall not be affected;
- 334           7. Maintain and certify records and information provided to a Member State as  
335 the authenticated business records of the Compact Commission, and designate an agent  
336 to do so on the Compact Commission's behalf;
- 337           8. Purchase and maintain insurance and bonds;
- 338           9. Borrow, accept, or contract for services of personnel, including, but not  
339 limited to, employees of a Member State;
- 340           10. Conduct an annual financial review;
- 341           11. Hire employees, elect or appoint officers, fix compensation, define duties,  
342 grant such individuals appropriate authority to carry out the purposes of the Compact,  
343 and establish the Compact Commission's personnel policies and programs relating to  
344 conflicts of interest, qualifications of personnel, and other related personnel matters;
- 345           12. Assess and collect fees;
- 346           13. Accept any and all appropriate donations, grants of money, other sources of  
347 revenue, equipment, supplies, materials, services, and gifts, and receive, utilize, and  
348 dispose of the same; provided that at all times the Compact Commission shall avoid any  
349 actual or appearance of impropriety or conflict of interest;
- 350           14. Lease, purchase, retain, own, hold, improve, or use any property, real,  
351 personal, or mixed, or any undivided interest therein;
- 352           15. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise  
353 dispose of any property real, personal, or mixed;

- 354           **16. Establish a budget and make expenditures;**  
355           **17. Borrow money;**  
356           **18. Appoint committees, including standing committees, composed of members,**  
357 **State regulators, State legislators or their representatives, and consumer**  
358 **representatives, and such other interested persons as may be designated in this**  
359 **Compact or the bylaws;**  
360           **19. Provide and receive information from, and cooperate with, law enforcement**  
361 **agencies;**  
362           **20. Establish and elect an Executive Committee, including a chair and a vice**  
363 **chair;**  
364           **21. Determine whether a State's adopted language is materially different from**  
365 **the model compact language such that the State would not qualify for participation in**  
366 **the Compact; and**  
367           **22. Perform such other functions as may be necessary or appropriate to achieve**  
368 **the purposes of this Compact.**  
369           **D. The Executive Committee**  
370           **1. The Executive Committee shall have the power to act on behalf of the**  
371 **Compact Commission according to the terms of this Compact. The powers, duties, and**  
372 **responsibilities of the Executive Committee shall include:**  
373           **a. Oversee the day-to-day activities of the administration of the Compact**  
374 **including enforcement and compliance with the provisions of the Compact, its Rules and**  
375 **bylaws, and other such duties as deemed necessary;**  
376           **b. Recommend to the Compact Commission changes to the Rules or bylaws,**  
377 **changes to this Compact legislation, fees charged to Compact Member States, fees**  
378 **charged to Licensees, and other fees;**  
379           **c. Ensure Compact administration services are appropriately provided,**  
380 **including by contract;**  
381           **d. Prepare and recommend the budget;**  
382           **e. Maintain financial records on behalf of the Compact Commission;**  
383           **f. Monitor Compact compliance of Member States and provide compliance**  
384 **reports to the Compact Commission;**  
385           **g. Establish additional committees as necessary;**  
386           **h. Exercise the powers and duties of the Compact Commission during the**  
387 **interim between Compact Commission meetings, except for adopting or amending**  
388 **Rules, adopting or amending bylaws, and exercising any other powers and duties**  
389 **expressly reserved to the Compact Commission by Rule or bylaw; and**  
390           **i. Other duties as provided in the Rules or bylaws of the Compact Commission.**

- 391           **2. The Executive Committee shall be composed of nine members:**  
392           **a. The chair and vice chair of the Compact Commission shall be voting members**  
393 **of the Executive Committee;**  
394           **b. Five voting members from the current membership of the Compact**  
395 **Commission, elected by the Compact Commission;**  
396           **c. One ex-officio, nonvoting member from a recognized professional association**  
397 **representing dietitians; and**  
398           **d. One ex-officio, nonvoting member from a recognized national credentialing**  
399 **organization for dietitians.**
- 400           **3. The Compact Commission may remove any member of the Executive**  
401 **Committee as provided in the Compact Commission's bylaws.**
- 402           **4. The Executive Committee shall meet at least annually.**
- 403           **a. Executive Committee meetings shall be open to the public, except that the**  
404 **Executive Committee may meet in a closed, non-public meeting as provided in**  
405 **subsection (F)(2).**
- 406           **b. The Executive Committee shall give 30 days' notice of its meetings, posted on**  
407 **the website of the Compact Commission and as determined to provide notice to persons**  
408 **with an interest in the business of the Compact Commission.**
- 409           **c. The Executive Committee may hold a special meeting in accordance with**  
410 **subsection (F)(1)(b).**
- 411           **E. The Compact Commission shall adopt and provide to the Member States an**  
412 **annual report.**
- 413           **F. Meetings of the Compact Commission**
- 414           **1. All meetings shall be open to the public, except that the Compact Commission**  
415 **may meet in a closed, non-public meeting as provided in subsection (F)(2).**
- 416           **a. Public notice for all meetings of the full Compact Commission shall be given**  
417 **in the same manner as required under the rulemaking provisions in Section 10, except**  
418 **that the Compact Commission may hold a special meeting as provided in subsection (F)**  
419 **(1)(b).**
- 420           **b. The Compact Commission may hold a special meeting when it must meet to**  
421 **conduct emergency business by giving 24 hours' notice to all Member States, on the**  
422 **Compact Commission's website, and other means as provided in the Compact**  
423 **Commission's Rules. The Compact Commission's legal counsel shall certify that the**  
424 **Compact Commission's need to meet qualifies as an emergency.**
- 425           **2. The Compact Commission or the Executive Committee or other committees of**  
426 **the Compact Commission may convene in a closed, non-public meeting for the Compact**

- 427 **Commission or Executive Committee or other committees of the Compact Commission**  
428 **to receive legal advice or to discuss:**
- 429 **a. Non-compliance of a Member State with its obligations under the Compact;**
  - 430 **b. The employment, compensation, discipline, or other matters, practices, or**  
431 **procedures related to specific employees;**
  - 432 **c. Current or threatened discipline of a Licensee by the Compact Commission or**  
433 **by a Member State's Licensing Authority;**
  - 434 **d. Current, threatened, or reasonably anticipated litigation;**
  - 435 **e. Negotiation of contracts for the purchase, lease, or sale of goods, services, or**  
436 **real estate;**
  - 437 **f. Accusing any person of a crime or formally censuring any person;**
  - 438 **g. Trade secrets or commercial or financial information that is privileged or**  
439 **confidential;**
  - 440 **h. Information of a personal nature where disclosure would constitute a clearly**  
441 **unwarranted invasion of personal privacy;**
  - 442 **i. Investigative records compiled for law enforcement purposes;**
  - 443 **j. Information related to any investigative reports prepared by or on behalf of or**  
444 **for use of the Compact Commission or other committee charged with responsibility of**  
445 **investigation or determination of compliance issues pursuant to the Compact;**
  - 446 **k. Matters specifically exempted from disclosure by federal or Member State**  
447 **law; or**
  - 448 **l. Other matters as specified in the Rules of the Compact Commission.**
- 449 **3. If a meeting, or portion of a meeting, is closed, the presiding officer shall state**  
450 **that the meeting will be closed and reference each relevant exempting provision, and**  
451 **such reference shall be recorded in the minutes.**
- 452 **4. The Compact Commission shall keep minutes that fully and clearly describe**  
453 **all matters discussed in a meeting and shall provide a full and accurate summary of**  
454 **actions taken, and the reasons therefore, including a description of the views expressed.**  
455 **All documents considered in connection with an action shall be identified in such**  
456 **minutes. All minutes and documents of a closed meeting shall remain under seal,**  
457 **subject to release only by a majority vote of the Compact Commission or order of a**  
458 **court of competent jurisdiction.**
- 459 **G. Financing of the Compact Commission**
- 460 **1. The Compact Commission shall pay, or provide for the payment of, the**  
461 **reasonable expenses of its establishment, organization, and ongoing activities.**
  - 462 **2. The Compact Commission may accept any and all appropriate revenue**  
463 **sources as provided in subsection (C)(13).**

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

471           **4. The Compact Commission shall not incur obligations of any kind prior to**  
472 **securing the funds adequate to meet the same; nor shall the Compact Commission**  
473 **pledge the credit of any of the Member States, except by and with the authority of the**  
474 **Member State.**

475           **5. The Compact Commission shall keep accurate accounts of all receipts and**  
476 **disbursements. The receipts and disbursements of the Compact Commission shall be**  
477 **subject to the financial review and accounting procedures established under its bylaws.**  
478 **However, all receipts and disbursements of funds handled by the Compact Commission**  
479 **shall be subject to an annual financial review by a certified or licensed public**  
480 **accountant, and the report of the financial review shall be included in and become part**  
481 **of the annual report of the Compact Commission.**

#### 482           **H. Qualified Immunity, Defense, and Indemnification**

483           **1. The members, officers, executive director, employees and representatives of**  
484 **the Compact Commission shall be immune from suit and liability, both personally and**  
485 **in their official capacity, for any claim for damage to or loss of property or personal**  
486 **injury or other civil liability caused by or arising out of any actual or alleged act, error,**  
487 **or omission that occurred, or that the person against whom the claim is made had a**  
488 **reasonable basis for believing occurred within the scope of Compact Commission**  
489 **employment, duties, or responsibilities; provided that nothing in this paragraph shall be**  
490 **construed to protect any such person from suit or liability for any damage, loss, injury,**  
491 **or liability caused by the intentional or willful or wanton misconduct of that person.**  
492 **The procurement of insurance of any type by the Compact Commission shall not in any**  
493 **way compromise or limit the immunity granted hereunder.**

494           **2. The Compact Commission shall defend any member, officer, executive**  
495 **director, employee, and representative of the Compact Commission in any civil action**  
496 **seeking to impose liability arising out of any actual or alleged act, error, or omission that**  
497 **occurred within the scope of Compact Commission employment, duties, or**  
498 **responsibilities, or as determined by the Compact Commission that the person**  
499 **against whom the claim is made had a reasonable basis for believing occurred within the**  
500 **scope of Compact Commission employment, duties, or responsibilities; provided that**

501 **nothing herein shall be construed to prohibit that person from retaining their own**  
502 **counsel at their own expense; and provided further, that the actual or alleged act, error,**  
503 **or omission did not result from that person's intentional or willful or wanton**  
504 **misconduct.**

505 **3. The Compact Commission shall indemnify and hold harmless any member,**  
506 **officer, executive director, employee, and representative of the Compact Commission for**  
507 **the amount of any settlement or judgment obtained against that person arising out of**  
508 **any actual or alleged act, error, or omission that occurred within the scope of Compact**  
509 **Commission employment, duties, or responsibilities, or that such person had a**  
510 **reasonable basis for believing occurred within the scope of Compact Commission**  
511 **employment, duties, or responsibilities, provided that the actual or alleged act, error, or**  
512 **omission did not result from the intentional or willful or wanton misconduct of that**  
513 **person.**

514 **4. Nothing herein shall be construed as a limitation on the liability of any**  
515 **Licensee for professional malpractice or misconduct, which shall be governed solely by**  
516 **any other applicable State laws.**

517 **5. Nothing in this Compact shall be interpreted to waive or otherwise abrogate a**  
518 **Member State's state action immunity or state action affirmative defense with respect to**  
519 **antitrust claims under the Sherman Act, Clayton Act, or any other State or federal**  
520 **antitrust or anticompetitive law or regulation.**

521 **6. Nothing in this Compact shall be construed to be a waiver of sovereign**  
522 **immunity by the Member States or by the Compact Commission.**

#### 523 **SECTION 9. DATA SYSTEM**

524 **A. The Compact Commission shall provide for the development, maintenance,**  
525 **operation, and utilization of a coordinated Data System.**

526 **B. The Compact Commission shall assign each applicant for a Compact**  
527 **Privilege a unique identifier, as determined by the Rules.**

528 **C. Notwithstanding any other provision of State law to the contrary, a Member**  
529 **State shall submit a uniform data set to the Data System on all individuals to whom this**  
530 **Compact is applicable as required by the Rules of the Compact Commission, including:**

531 **1. Identifying information;**

532 **2. Licensure data;**

533 **3. Adverse Actions against a License or Compact Privilege and information**  
534 **related thereto;**

535 **4. Non-confidential information related to Alternative Program participation,**  
536 **the beginning and ending dates of such participation, and other information related to**  
537 **such participation not made confidential under Member State law;**



575 become binding on the day following adoption or as of the date specified in the Rule or  
576 amendment, whichever is later.

577 **D. If a majority of the legislatures of the Member States rejects a Rule or portion**  
578 **of a Rule, by enactment of a statute or resolution in the same manner used to adopt the**  
579 **Compact within four (4) years of the date of adoption of the Rule, then such Rule shall**  
580 **have no further force and effect in any Member State.**

581 **E. Rules shall be adopted at a regular or special meeting of the Compact**  
582 **Commission.**

583 **F. Prior to adoption of a proposed Rule, the Compact Commission shall hold a**  
584 **public hearing and allow persons to provide oral and written comments, data, facts,**  
585 **opinions, and arguments.**

586 **G. Prior to adoption of a proposed Rule by the Compact Commission, and at**  
587 **least thirty (30) days in advance of the meeting at which the Compact Commission will**  
588 **hold a public hearing on the proposed Rule, the Compact Commission shall provide a**  
589 **Notice of Proposed rulemaking:**

590 **1. On the website of the Compact Commission or other publicly accessible**  
591 **platform;**

592 **2. To persons who have requested notice of the Compact Commission's notices of**  
593 **proposed rulemaking; and**

594 **3. In such other way(s) as the Compact Commission may by Rule specify.**

595 **H. The Notice of Proposed rulemaking shall include:**

596 **1. The time, date, and location of the public hearing at which the Compact**  
597 **Commission will hear public comments on the proposed Rule and, if different, the time,**  
598 **date, and location of the meeting where the Compact Commission will consider and vote**  
599 **on the proposed Rule;**

600 **2. If the hearing is held via telecommunication, video conference, or other means**  
601 **of communication, the Compact Commission shall include the mechanism for access to**  
602 **the hearing in the Notice of Proposed rulemaking;**

603 **3. The text of the proposed Rule and the reason therefore;**

604 **4. A request for comments on the proposed Rule from any interested person;**  
605 **and**

606 **5. The manner in which interested persons may submit written comments.**

607 **I. All hearings will be recorded. A copy of the recording and all written**  
608 **comments and documents received by the Compact Commission in response to the**  
609 **proposed Rule shall be available to the public.**

610 **J. Nothing in this Section shall be construed as requiring a separate hearing on**  
611 **each Rule. Rules may be grouped for the convenience of the Compact Commission at**  
612 **hearings required by this Section.**

613 **K. The Compact Commission shall, by majority vote of all members, take final**  
614 **action on the proposed Rule based on the rulemaking record and the full text of the**  
615 **Rule.**

616 **1. The Compact Commission may adopt changes to the proposed Rule provided**  
617 **the changes do not enlarge the original purpose of the proposed Rule.**

618 **2. The Compact Commission shall provide an explanation of the reasons for**  
619 **substantive changes made to the proposed Rule as well as reasons for substantive**  
620 **changes not made that were recommended by commenters.**

621 **3. The Compact Commission shall determine a reasonable effective date for the**  
622 **Rule. Except for an emergency as provided in Section 10(L), the effective date of the**  
623 **Rule shall be no sooner than 30 days after issuing the notice that it adopted or amended**  
624 **the Rule.**

625 **L. Upon determination that an emergency exists, the Compact Commission may**  
626 **consider and adopt an emergency Rule with 24 hours' notice, with opportunity to**  
627 **comment, provided that the usual rulemaking procedures provided in the Compact and**  
628 **in this Section shall be retroactively applied to the Rule as soon as reasonably possible,**  
629 **in no event later than ninety (90) days after the effective date of the Rule. For the**  
630 **purposes of this provision, an emergency Rule is one that must be adopted immediately**  
631 **in order to:**

632 **1. Meet an imminent threat to public health, safety, or welfare;**

633 **2. Prevent a loss of Compact Commission or Member State funds;**

634 **3. Meet a deadline for the promulgation of a Rule that is established by federal**  
635 **law or rule; or**

636 **4. Protect public health and safety.**

637 **M. The Compact Commission or an authorized committee of the Compact**  
638 **Commission may direct revision to a previously adopted Rule for purposes of correcting**  
639 **typographical errors, errors in format, errors in consistency, or grammatical errors.**  
640 **Public notice of any revision shall be posted on the website of the Compact Commission.**  
641 **The revision shall be subject to challenge by any person for a period of thirty (30) days**  
642 **after posting. The revision may be challenged only on grounds that the revision results**  
643 **in a material change to a Rule. A challenge shall be made in writing and delivered to the**  
644 **Compact Commission prior to the end of the notice period. If no challenge is made, the**  
645 **revision will take effect without further action. If the revision is challenged, the revision**  
646 **may not take effect without the approval of the Compact Commission.**

647           **N. No Member State's rulemaking requirements shall apply under this**  
648 **Compact.**

649           **SECTION 11. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT**

650           **A. Oversight**

651           **1. The executive and judicial branches of State government in each Member**  
652 **State shall enforce this Compact and take all actions necessary and appropriate to**  
653 **implement this Compact.**

654           **2. Except as otherwise provided in this Compact, venue is proper and judicial**  
655 **proceedings by or against the Compact Commission shall be brought solely and**  
656 **exclusively in a court of competent jurisdiction where the principal office of the**  
657 **Compact Commission is located. The Compact Commission may waive venue and**  
658 **jurisdictional defenses to the extent it adopts or consents to participate in alternative**  
659 **dispute resolution proceedings. Nothing herein shall affect or limit the selection or**  
660 **propriety of venue in any action against a Licensee for professional malpractice,**  
661 **misconduct, or any such similar matter.**

662           **3. The Compact Commission shall be entitled to receive service of process in any**  
663 **proceeding regarding the enforcement or interpretation of the Compact and shall have**  
664 **standing to intervene in such a proceeding for all purposes. Failure to provide the**  
665 **Compact Commission service of process shall render a judgment or order void as to the**  
666 **Compact Commission, this Compact, or promulgated Rules.**

667           **B. Default, Technical Assistance, and Termination**

668           **1. If the Compact Commission determines that a Member State has defaulted in**  
669 **the performance of its obligations or responsibilities under this Compact or the**  
670 **promulgated Rules, the Compact Commission shall provide written notice to the**  
671 **defaulting State. The notice of default shall describe the default, the proposed means of**  
672 **curing the default, and any other action that the Compact Commission may take and**  
673 **shall offer training and specific technical assistance regarding the default.**

674           **2. The Compact Commission shall provide a copy of the notice of default to the**  
675 **other Member States.**

676           **C. If a State in default fails to cure the default, the defaulting State may be**  
677 **terminated from the Compact upon an affirmative vote of a majority of the delegates of**  
678 **the Member States, and all rights, privileges, and benefits conferred on that State by**  
679 **this Compact may be terminated on the effective date of termination. A cure of the**  
680 **default does not relieve the offending State of obligations or liabilities incurred during**  
681 **the period of default.**

682           **D. Termination of membership in the Compact shall be imposed only after all**  
683 **other means of securing compliance have been exhausted. Notice of intent to suspend or**

684 terminate shall be given by the Compact Commission to the governor, the majority and  
685 minority leaders of the defaulting State's legislature, the defaulting State's Licensing  
686 Authority, and each of the Member States' Licensing Authority.

687 E. A State that has been terminated is responsible for all assessments,  
688 obligations, and liabilities incurred through the effective date of termination, including  
689 obligations that extend beyond the effective date of termination.

690 F. Upon the termination of a State's membership from this Compact, that State  
691 shall immediately provide notice to all Licensees within that State of such termination.  
692 The terminated State shall continue to recognize all Compact Privileges granted  
693 pursuant to this Compact for a minimum of six months after the date of said notice of  
694 termination.

695 G. The Compact Commission shall not bear any costs related to a State that is  
696 found to be in default or that has been terminated from the Compact, unless agreed  
697 upon in writing between the Compact Commission and the defaulting State.

698 H. The defaulting State may appeal the action of the Compact Commission by  
699 petitioning the United States District Court for the District of Columbia or the federal  
700 district where the Compact Commission has its principal offices. The prevailing party  
701 shall be awarded all costs of such litigation, including reasonable attorney's fees.

702 I. Dispute Resolution

703 1. Upon request by a Member State, the Compact Commission shall attempt to  
704 resolve disputes related to the Compact that arise among Member States and between  
705 Member and non-Member States.

706 2. The Compact Commission shall promulgate a Rule providing for both  
707 mediation and binding dispute resolution for disputes as appropriate.

708 J. Enforcement

709 1. By supermajority vote, the Compact Commission may initiate legal action  
710 against a Member State in default in the United States District Court for the District of  
711 Columbia or the federal district where the Compact Commission has its principal  
712 offices to enforce compliance with the provisions of the Compact and its promulgated  
713 Rules. The relief sought may include both injunctive relief and damages. In the event  
714 judicial enforcement is necessary, the prevailing party shall be awarded all costs of such  
715 litigation, including reasonable attorney's fees. The remedies herein shall not be the  
716 exclusive remedies of the Compact Commission. The Compact Commission may pursue  
717 any other remedies available under federal or the defaulting Member State's law.

718 2. A Member State may initiate legal action against the Compact Commission in  
719 the United States District Court for the District of Columbia or the federal district  
720 where the Compact Commission has its principal offices to enforce compliance with the

721 provisions of the Compact and its promulgated Rules. The relief sought may include  
722 both injunctive relief and damages. In the event judicial enforcement is necessary, the  
723 prevailing party shall be awarded all costs of such litigation, including reasonable  
724 attorney's fees.

725 3. No party other than a Member State shall enforce this Compact against the  
726 Compact Commission.

727 SECTION 12. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

728 A. The Compact shall come into effect on the date on which the Compact statute  
729 is enacted into law in the seventh Member State.

730 1. On or after the effective date of the Compact, the Compact Commission shall  
731 convene and review the enactment of each of the first seven Member States ("Charter  
732 Member States") to determine if the statute enacted by each such Charter Member  
733 State is materially different than the model Compact statute.

734 a. A Charter Member State whose enactment is found to be materially different  
735 from the model Compact statute shall be entitled to the default process set forth in  
736 Section 11.

737 b. If any Member State is later found to be in default, or is terminated, or  
738 withdraws from the Compact, the Compact Commission shall remain in existence and  
739 the Compact shall remain in effect even if the number of Member States should be less  
740 than seven.

741 2. Member States enacting the Compact subsequent to the seven initial Charter  
742 Member States shall be subject to the process set forth in Section 8(C)(21) to determine  
743 if their enactments are materially different from the model Compact statute and  
744 whether they qualify for participation in the Compact.

745 3. All actions taken for the benefit of the Compact Commission or in furtherance  
746 of the purposes of the administration of the Compact prior to the effective date of the  
747 Compact or the Compact Commission coming into existence shall be considered to be  
748 actions of the Compact Commission unless specifically repudiated by the Compact  
749 Commission.

750 4. Any State that joins the Compact subsequent to the Compact Commission's  
751 initial adoption of the Rules and bylaws shall be subject to the Rules and bylaws as they  
752 exist on the date on which the Compact becomes law in that State. Any Rule that has  
753 been previously adopted by the Compact Commission shall have the full force and effect  
754 of law on the day the Compact becomes law in that State.

755 B. Any Member State may withdraw from this Compact by enacting a statute  
756 repealing the same.

757           1. A Member State's withdrawal shall not take effect until 180 days after  
758 enactment of the repealing statute.

759           2. Withdrawal shall not affect the continuing requirement of the withdrawing  
760 State's Licensing Authority to comply with the investigative and Adverse Action  
761 reporting requirements of this Compact prior to the effective date of withdrawal.

762           3. Upon the enactment of a statute withdrawing from this Compact, a State shall  
763 immediately provide notice of such withdrawal to all Licensees within that State.  
764 Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing  
765 State shall continue to recognize all Compact Privileges granted pursuant to this  
766 Compact for a minimum of 180 days after the date of such notice of withdrawal.

767           C. Nothing contained in this Compact shall be construed to invalidate or prevent  
768 any licensure agreement or other cooperative arrangement between a Member State  
769 and a non-Member State that does not conflict with the provisions of this Compact.

770           D. This Compact may be amended by the Member States. No amendment to this  
771 Compact shall become effective and binding upon any Member State until it is enacted  
772 into the laws of all Member States.

### 773                           SECTION 13. CONSTRUCTION AND SEVERABILITY

774           A. This Compact and the Compact Commission's rulemaking authority shall be  
775 liberally construed so as to effectuate the purposes and the implementation and  
776 administration of the Compact. Provisions of the Compact expressly authorizing or  
777 requiring the promulgation of Rules shall not be construed to limit the Compact  
778 Commission's rulemaking authority solely for those purposes.

779           B. The provisions of this Compact shall be severable and if any phrase, clause,  
780 sentence, or provision of this Compact is held by a court of competent jurisdiction to be  
781 contrary to the constitution of any Member State, a State seeking participation in the  
782 Compact, or of the United States, or the applicability thereof to any government,  
783 agency, person, or circumstance is held to be unconstitutional by a court of competent  
784 jurisdiction, the validity of the remainder of this Compact and the applicability thereof  
785 to any other government, agency, person, or circumstance shall not be affected thereby.

786           C. Notwithstanding Section 13(B), the Compact Commission may deny a State's  
787 participation in the Compact or, in accordance with the requirements of Section 11(B),  
788 terminate a Member State's participation in the Compact, if it determines that a  
789 constitutional requirement of a Member State is a material departure from the  
790 Compact. Otherwise, if this Compact shall be held to be contrary to the constitution of  
791 any Member State, the Compact shall remain in full force and effect as to the remaining  
792 Member States and in full force and effect as to the Member State affected as to all  
793 severable matters.

794 **SECTION 14. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE**  
795 **LAWS**

796 **A. Nothing herein shall prevent or inhibit the enforcement of any other law of a**  
797 **Member State that is not inconsistent with the Compact.**

798 **B. Any laws, statutes, regulations, or other legal requirements in a Member State**  
799 **in conflict with the Compact are superseded to the extent of the conflict.**

800 **C. All permissible agreements between the Compact Commission and the**  
801 **Member States are binding in accordance with their terms.**

**334.730. SECTION 1. TITLE AND PURPOSE**

2 **This statute shall be known and cited as the Athletic Trainer Compact. The**  
3 **purposes of this compact are to expand mobility of Athletic Training practice and**  
4 **improve public access to services by providing qualified Licensed Athletic Trainers the**  
5 **ability to practice in other Member States. This compact preserves the regulatory**  
6 **authority of States to protect public health and safety through the current system of**  
7 **State licensure.**

8 **This compact is designed to achieve the following objectives:**

9 **A. Increase public access to Athletic Training and enhance continuity of care by**  
10 **providing for the mutual recognition of other Licenses issued by Member States;**

11 **B. Provide an additional streamlined opportunity for interstate practice by**  
12 **Licensed Athletic Trainers who meet compact uniform requirements;**

13 **C. Promote mobility and workforce development by eliminating the necessity for**  
14 **Licenses in multiple States by providing for the mutual recognition of other Licenses**  
15 **issued by Member States;**

16 **D. Reduce administrative burdens on Licensed Athletic Trainers and Member**  
17 **States;**

18 **E. Enhance the States' ability to protect the public's health and safety;**

19 **F. Encourage the cooperation of Member States in regulating interstate practice**  
20 **of Licensed Athletic Trainers;**

21 **G. Support relocating Active Military Members and their spouses;**

22 **H. Enhance the exchange of licensure, investigative, and disciplinary**  
23 **information among Member States;**

24 **I. Allow for the use of telehealth to facilitate increased access to Athletic**  
25 **Training services;**

26 **J. Support the uniformity of Licensed Athletic Trainer licensure requirements**  
27 **throughout the States;**



64 I. "Commissioner" means the individual appointed by a Member State to serve  
65 as the member of the Commission for that Member State.

66 J. "Compact Privilege" means the legal authorization granted by a Remote  
67 State, equivalent to a License, allowing a Licensee from another Member State to  
68 provide Athletic Training services in a Remote State.

69 K. "Compact Qualifying License" means a License that is not an Encumbered  
70 License issued by a Member State to practice Athletic Training which qualifies the  
71 Licensee to exercise a Compact Privilege pursuant to Section 4 of this compact.

72 L. "Continuing Competence" means a requirement, as a condition of License  
73 renewal, to provide evidence of successful participation, and completion of, educational  
74 and professional activities relevant to practice or area of work. For purposes of this  
75 compact, evidence of active BOC certification may satisfy the meaning of Continuing  
76 Competence as set forth herein.

77 M. "Current Significant Investigative Information" means the existence of:

78 1. Investigative Information that a Licensing Authority, after a preliminary  
79 inquiry that includes notification and an opportunity for the subject Licensee to  
80 respond, if required by State law, has reason to believe is not groundless and, if proven  
81 true, would indicate more than a minor infraction; or

82 2. Investigative Information that indicates that the subject Licensee represents  
83 an immediate threat to public health and safety regardless of whether the subject  
84 Licensee has been notified and had an opportunity to respond.

85 N. "Criminal Background Check" means the submission of fingerprints or other  
86 biometric-based information for a License applicant for the purpose of obtaining that  
87 applicant's criminal history record information, as defined in 28 C.F.R. § 20.3(d) from  
88 the Federal Bureau of Investigation and the State's criminal history record repository as  
89 defined in 28 C.F.R. § 20.3(f).

90 O. "Data System" means the Commission's repository of information about  
91 Licensees, including but not limited to examination, licensure, investigative, Compact  
92 Privilege, Adverse Action, and Alternative Program.

93 P. "Encumbrance" or "Encumbered" means a revocation or suspension of, or  
94 any limitation or condition on, the full and unrestricted practice of Athletic Training.

95 Q. "Executive Committee" means a group of commissioners elected or  
96 appointed to act on behalf of, and within the powers granted to them by, the compact  
97 and Commission.

98 R. "Investigative Information" means information, records, and documents  
99 received or generated by a Licensing Authority pursuant to an investigation.

100           **S. "Jurisprudence Requirement" means the assessment of an individual's**  
101 **knowledge of the laws and Rules governing the practice of Athletic Training, as**  
102 **applicable, in a State.**

103           **T. "License" means current authorization by a Member State to engage in the**  
104 **practice of Athletic Training.**

105           **U. "Licensee" or "Licensed Athletic Trainer" means an individual who**  
106 **currently holds an active, unrestricted License and who meets all of the requirements**  
107 **outlined in Section 4 of this compact.**

108           **V. "Licensing Authority" means the board or agency of a State, or equivalent,**  
109 **that is responsible for the licensing and regulation of Athletic Trainers.**

110           **W. "Model Compact Language" means the model language for the Athletic**  
111 **Trainer Compact on file with The Council of State Governments or other entity as**  
112 **designated by the Commission to which all Member States must substantively adhere**  
113 **and adopt.**

114           **X. "Member State" means a State that has enacted the compact.**

115           **Y. "Remote State" means a Member State other than the State of Qualifying**  
116 **Licensure.**

117           **Z. "Rule" means a regulation promulgated by an authorized entity that has the**  
118 **force of law.**

119           **AA. "Scope of Practice" means the procedures, actions, and processes an**  
120 **Athletic Trainer licensed in a State is permitted to undertake in that State and the**  
121 **circumstances under which the Licensee is permitted to undertake those procedures,**  
122 **actions and processes. Such procedures, actions and processes and the circumstances**  
123 **under which they may be undertaken may be established through means, including, but**  
124 **not limited to, statute, regulations, case law, and other processes available to the State**  
125 **Licensing Authority or other government agency. Scope of Practice shall include any**  
126 **State requirements regarding supervision or direction, if required by such State and as**  
127 **further defined by such State's statutes and regulations.**

128           **BB. "Single State License" means a License issued by any State that authorizes**  
129 **practice only within the issuing State.**

130           **CC. "State" means any state, commonwealth, district, or territory of the United**  
131 **States of America.**

132           **DD. "State of Qualifying Licensure" means the Member State who has issued a**  
133 **Compact Qualifying License to a Licensee pursuant to this compact.**

134           **EE. "Unencumbered License" means a License that authorizes a Licensee to**  
135 **engage in the full and unrestricted practice of Athletic Training.**

136           **SECTION 3. STATE PARTICIPATION IN THE COMPACT**

- 137           **A. To be eligible to join this compact and to maintain eligibility as a Member**  
138 **State, a State must:**
- 139           **1. Enact and maintain a statute that is not materially different from the Model**  
140 **Compact Language;**
  - 141           **2. License and regulate the practice of Athletic Training;**
  - 142           **3. Require that Licensees in that State maintain Continuing Competence**  
143 **standards as part of their State practice act or Rules;**
  - 144           **4. Have a mechanism in place for receiving and investigating complaints about**  
145 **Licensees;**
  - 146           **5. Grant the Compact Privilege to a Licensee who meets all the requirements**  
147 **outlined in Section 4 in accordance with the terms of the compact and any Rules**  
148 **promulgated thereunder;**
  - 149           **6. Participate fully in the Compact Commission's Data System, including using**  
150 **the unique identifier as defined in Rules;**
  - 151           **7. Notify the Compact Commission, in compliance with the terms of the compact**  
152 **and Rules, of any Adverse Action or the availability of Current Significant Investigative**  
153 **Information regarding a Licensee;**
  - 154           **8. Within a time frame established by Rule, implement or utilize procedures for**  
155 **considering the criminal history records of applicants for a Compact Qualifying License**  
156 **which includes receiving the results of the Federal Bureau of Investigation record search**  
157 **and shall use those results in making licensure decisions. These procedures shall include**  
158 **the submission of fingerprints or other biometric-based information by applicants for**  
159 **the purpose of obtaining an applicant's criminal history record information from the**  
160 **Federal Bureau of Investigation and the agency responsible for retaining that State's**  
161 **criminal records; and**
    - 162           **a. A Member State must fully implement a Criminal Background Check**  
163 **requirement in order to participate in the issuance and acceptance of Compact**  
164 **Privileges.**
    - 165           **b. Communication between a Member State and the Compact Commission or**  
166 **among Member States regarding the verification of eligibility for licensure through the**  
167 **compact shall not include any information received from the Federal Bureau of**  
168 **Investigation relating to a federal criminal records check performed by a Member State.**
  - 169           **9. Comply with and enforce the Rules of the Compact Commission.**
- 170           **B. Member States may set and collect a fee for issuance and renewal of a**  
171 **Compact Privilege to applicants.**

172 **C. Individuals without a Compact Qualifying License shall continue to be able to**  
173 **apply for a Member State's Single-State License as provided under the laws of each**  
174 **Member State.**

175 **D. Nothing in this compact shall affect the requirements established by a**  
176 **Member State for the issuance of a Single State License.**

177 **E. A Compact Qualifying License shall be recognized by each Remote State as**  
178 **authorizing that Licensee to engage in the practice of Athletic Training, under a**  
179 **Compact Privilege, in another Member State in accordance with the requirements in**  
180 **Section 4.**

#### 181 **SECTION 4. COMPACT PRIVILEGE**

182 **A. To be eligible for a Compact Privilege under the terms and provisions of the**  
183 **compact, the Licensee shall complete a Criminal Background Check performed by the**  
184 **Licensing Authority in the State of Qualifying Licensure prior to entry in the compact**  
185 **and shall:**

186 **1. Satisfy one of the following two pathways:**

187 **a. Hold a valid current active certification through the BOC, or its successor**  
188 **organization; or**

189 **b. If a Licensee does not meet the requirements of 4.A.1.a., the following must be**  
190 **completed:**

191 **i. An education program which is either:**

192 **1. At least a bachelor's degree with a major course of study in Athletic Training,**  
193 **or an equivalent course of study from a college or university accredited at the time of**  
194 **graduation by CAATE, or its successor organization;**

195 **2. An academic degree from a college or university in a foreign country**  
196 **equivalent to the degree described in subparagraph 1 of this subsection with a major**  
197 **course of study as described in subparagraph 1 of this subsection that is accredited by**  
198 **CAATE, or its successor organization; or**

199 **3. The substantial equivalent of the foregoing which the Commission may**  
200 **determine by Rule.**

201 **ii. Successful completion of the exam administered by the BOC, or its successor**  
202 **organization, preceding the date of the Licensee's application for Licensure in their**  
203 **State of Qualifying Licensure or the substantial equivalent of the foregoing requirement**  
204 **which the Commission may determine by Rule.**

205 **2. Hold a Compact Qualifying License;**

206 **3. Have not had any Encumbrance against any license or Compact Privilege to**  
207 **practice Athletic Training within the previous two (2) years;**

- 208           **4. Be eligible for a Compact Privilege in any Member State in accordance with**  
209 **Section 4;**
- 210           **5. Notify the Compact Commission that the Licensee is seeking the Compact**  
211 **Privilege within a Remote State(s);**
- 212           **6. Pay any applicable fees, including any State fee, for the Compact Privilege;**
- 213           **7. Meet only the Continuing Competence requirements established by the State**  
214 **of Qualifying Licensure;**
- 215           **8. Comply with any requirements of the State of Qualifying Licensure as set**  
216 **forth in Section 3;**
- 217           **9. Meet any Jurisprudence Requirements established by the Remote State(s) in**  
218 **which the Licensee is seeking a Compact Privilege; and**
- 219           **10. Report to the Compact Commission any Adverse Action, Encumbrance, or**  
220 **restriction on a license taken by any non-Member State within 30 days from the date the**  
221 **action is taken.**
- 222           **B. The Compact Privilege is valid until the expiration date of the Compact**  
223 **Qualifying License. To maintain a Compact Privilege, renewal of the Compact Privilege**  
224 **shall be congruent with the renewal of the Compact Qualifying License as the Compact**  
225 **Commission may define by Rule. The Licensee must comply with the requirements of**  
226 **this section to maintain the Compact Privilege in the Remote State. A Licensee may**  
227 **apply for and hold Compact Privileges in multiple Member States.**
- 228           **C. A Licensed Athletic Trainer must follow the Scope of Practice of the Member**  
229 **State where the patient is located. A Licensee engaging in the practice of Athletic**  
230 **Training in a Remote State under the Compact Privilege shall adhere to the Scope of**  
231 **Practice laws and regulations of the Remote State. Licensees shall be responsible for**  
232 **educating themselves on, and complying with, any and all Scope of Practice laws and**  
233 **regulations and State laws relating to the remote practice of Athletic Training, as**  
234 **applicable.**
- 235           **D. A Licensee engaging in the practice of Athletic Training in a Remote State is**  
236 **subject to that State's regulatory authority. A Remote State may, in accordance with**  
237 **due process and that State's laws, remove a Licensee's Compact Privilege in the Remote**  
238 **State for a specific period of time, impose fines, or take any other necessary actions to**  
239 **protect the health and safety of its citizens. Any Member State which undertakes such**  
240 **an action shall promptly notify the Member State and the Commission as specified in**  
241 **the Rules. The Licensee may be deemed to be ineligible to exercise the Compact**  
242 **Privilege by any Member State until the specific time for removal has passed and all**  
243 **fines are paid.**

244           **E. All Member State disciplinary orders that impose Adverse Action against a**  
245 **Compact Qualifying License shall result in deactivation of the Licensee's Compact**  
246 **Privilege in all Member States during the pendency of the order. If a Compact**  
247 **Qualifying License is Encumbered, the Licensee shall lose the Compact Privilege in any**  
248 **Remote State until the following occur:**

- 249           **1. The Compact Qualifying License is no longer Encumbered; and**  
250           **2. The Licensee has not had any Encumbrance or restriction against any**  
251 **License, Compact Qualifying License or Compact Privilege within the previous two (2)**  
252 **years.**

253           **F. Once an Encumbered License is restored to good standing as a Compact**  
254 **Qualifying License (as certified by the Licensing Authority), the Licensee must meet the**  
255 **requirements of this section to obtain a Compact Privilege in any Remote State.**

256           **G. If a Licensee's Compact Privilege in any Remote State is removed, that**  
257 **Licensee may also lose the Compact Privilege in other Remote States, as each Member**  
258 **State shall determine in its sole authority, until the following occur:**

- 259           **1. The specific period of time for which the Compact Privilege was removed has**  
260 **ended;**  
261           **2. All fines have been paid; and**  
262           **3. Have not had any Encumbrance or restriction against any License or**  
263 **Compact Privilege within the previous two (2) years.**

264           **H. Once the requirements of Section 4.G have been met, the Licensee must meet**  
265 **the requirements in Section 4.A to obtain a Compact Privilege in a Remote State.**

#### 266           **SECTION 5. COMPACT QUALIFYING LICENSE**

267           **A. A Licensee may only designate one License as their Compact Qualifying**  
268 **License at a time. The procedures for such designation may be further defined by**  
269 **Compact Commission Rule.**

270           **B. Nothing in this Section shall require that the State of Qualifying Licensure be**  
271 **the State of primary residence or State of primary practice for the Licensee.**

272           **C. Nothing in this compact shall interfere with a Licensee's ability to hold a**  
273 **Single State License in multiple States.**

274           **D. Nothing in this compact shall affect the requirements established by a**  
275 **Member State for the issuance of a Single State License.**

#### 276           **SECTION 6. ACTIVE MILITARY MEMBER OR THEIR SPOUSES**

277           **An Active Military Member or their spouse shall not be required to pay a fee to**  
278 **the Commission for a Compact Privilege. If a Member State chooses to charge a**  
279 **Member State fee, it may choose to charge a reduced fee or no fee to an Active Military**  
280 **Member or their spouse for a Compact Privilege.**

281

**SECTION 7. ADVERSE ACTIONS**

282

**A. A Member State in which a Licensee is issued a Compact Qualifying License shall have the exclusive authority to impose Adverse Action against the Compact Qualifying License issued by that Member State.**

285

**B. A Member State may take Adverse Action based on Current Significant Investigative Information of a Remote State, so long as the Member State follows its own procedures for imposing Adverse Action.**

288

**C. Nothing in this compact shall override a Member State's decision that participation in an Alternative Program may be used in lieu of Adverse Action and that such participation shall remain non-public if required by the Member State's laws or Rules.**

292

**D. A Remote State shall have the authority to:**

293

**1. Take Adverse Actions as set forth herein against a Licensee's Compact Privilege in that State; and**

295

**2. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence.**

297

**a. Subpoenas may be issued by a Member State Athletic Training Licensing Authority for the attendance and testimony of witnesses and the production of evidence.**

298

**b. A Member State which issues a subpoena may request service of that subpoena by another Member State. The Member State receiving the request to serve a subpoena shall serve the subpoena if it is deemed enforceable by a court of competent jurisdiction according to the practice and procedure in the receiving Member State.**

299

**c. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the State where the witnesses or evidence are located.**

306

**E. For purposes of taking Adverse Action, a Member State shall give the same priority and effect to reported conduct received from another Member State as it would if the conduct had occurred within that State. In so doing, the investigating Member State shall apply its own State laws to determine appropriate action.**

310

**F. A Member State, if otherwise permitted by State law, may recover from the affected Licensee the costs of investigations and dispositions of cases resulting from any Adverse Action taken against that Licensee.**

313

**G. Joint Investigations:**

314

**1. In addition to the authority granted to a Member State by its respective State law, any Member State may participate with other Member States in joint investigations of Licensees.**

316

317           **2. Member States shall share any Current Significant Investigative Information,**  
318 **litigation, or compliance materials in furtherance of any joint or individual investigation**  
319 **initiated under the compact. In sharing such information between Member State**  
320 **Athletic Trainer Licensing Authorities, all information obtained shall be kept**  
321 **confidential, except as otherwise mutually agreed upon by the sharing and receiving**  
322 **Member State(s).**

323           **3. A Remote State may issue subpoenas on behalf of a Member State for both**  
324 **hearings and investigations that require the attendance and testimony of witnesses as**  
325 **well as the production of evidence.**

326           **H. If a Member State takes Adverse Action, it shall promptly notify the**  
327 **administrator of the Data System. The administrator of the Data System shall promptly**  
328 **notify all Member States of any Adverse Actions by Remote States.**

329           **I. Nothing in this compact may permit a Member State to take any Adverse**  
330 **Action against a Licensee or holder of a Compact Privilege for conduct or practice**  
331 **occurring in another Member State that was legal in the Member State at the time it**  
332 **was undertaken.**

#### 333           **SECTION 8. ESTABLISHMENT AND OPERATION OF THE COMMISSION**

334           **A. The compact Member States hereby create and establish a joint government**  
335 **agency whose membership consists of all Member States that have enacted the compact**  
336 **known as the Athletic Trainer Licensure Compact Commission. The Compact**  
337 **Commission is an instrumentality of the Member States acting jointly and not an**  
338 **instrumentality of any one State. The Compact Commission shall come into existence**  
339 **on or after the effective date of the compact as set forth in Section 12.**

340           **B. Membership, Voting, and Meetings:**

341           **1. Each Member State shall have and be limited to one (1) Commissioner**  
342 **selected by that Member State's Licensing Authority within 60 days of the Member**  
343 **State's effective date.**

344           **2. The Commissioner shall be an administrator or their designated staff or**  
345 **current board member of the Licensing Authority.**

346           **3. The Compact Commission may recommend removal or suspension of any**  
347 **Commissioner from office.**

348           **4. A Member State's Licensing Authority shall fill any vacancy of its**  
349 **Commissioner occurring on the Compact Commission within 60 days of the vacancy.**

350           **5. Each Commissioner shall be entitled to one vote on all matters before the**  
351 **Compact Commission requiring a vote by the Commissioners.**

352           **6. The Compact Commission shall meet at least once during each calendar year.**  
353 **Additional meetings may be held as set forth in the Commission bylaws. A**

354 Commissioner shall vote in person or by such other means as provided in the bylaws.  
355 The bylaws may provide for Commissioners to meet by telecommunication,  
356 videoconference, or other means of communication.

357 C. The Compact Commission shall have the following powers:

358 1. Promulgate, adopt, and amend Rules and bylaws;

359 2. Establish code of conduct, confidentiality, and conflict of interest policies for  
360 Commissioners;

361 3. Establish the fiscal year of the Compact Commission;

362 4. Maintain its financial records in accordance with the bylaws;

363 5. Purchase and maintain insurance and insurance bonds;

364 6. Accept, or contract for services of personnel, including, but not limited to,  
365 employees of a Member State;

366 7. Conduct a financial review or audit;

367 8. Hire employees, elect or appoint officers, fix compensation, define duties,  
368 grant such individuals appropriate authority to carry out the purposes of the compact,  
369 and establish the Compact Commission's personnel policies and programs relating to  
370 conflicts of interest, qualifications of personnel, and other related personnel matters;

371 9. Enter into contracts or arrangements for the management of the affairs of the  
372 Commission;

373 10. Assess and collect fees;

374 11. Accept any and all appropriate gifts, donations, grants of money, other  
375 sources of revenue, equipment, supplies, materials, and services, and receive, utilize, and  
376 dispose of the same; provided that at all times the Compact Commission shall avoid any  
377 appearance of impropriety or conflict of interest;

378 12. Lease, purchase, retain, own, hold, improve, invest, or use any property, real,  
379 personal, or mixed, or any undivided interest therein;

380 13. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise  
381 dispose of any property real, personal, or mixed;

382 14. Establish a budget and make expenditures;

383 15. Borrow and invest money;

384 16. Meet and take such actions as are consistent with the provisions of this  
385 compact, the Compact Commission's Rules, and the bylaws;

386 17. Initiate and conclude legal proceedings or actions in the name of the  
387 Compact Commission, provided that the standing of any Licensing Authority to sue or  
388 be sued under applicable law shall not be affected;

389           **18. Maintain and certify records and information provided to a Member State as**  
390 **the authenticated business records of the Compact Commission, and designate an agent**  
391 **to do so on the Compact Commission's behalf;**

392           **19. Provide and receive information from, and cooperate with, law enforcement**  
393 **agencies;**

394           **20. Determine whether a State's adopted language is materially different from**  
395 **the Model Compact Language such that the State would not qualify for participation in**  
396 **the compact;**

397           **21. Establish and elect an Executive Committee, including a chair and a vice**  
398 **chair, secretary, treasurer, and such other offices as the Commission shall establish by**  
399 **Rule or bylaw;**

400           **22. Appoint committees, including standing committees, composed of Member**  
401 **State Commissioners, State regulators, State legislators or their representatives, and**  
402 **consumer representatives, and such other interested persons as may be designated in**  
403 **this compact and the bylaws; and**

404           **23. Perform such other functions as may be necessary or appropriate to achieve**  
405 **the purposes of this compact.**

406           **D. The Executive Committee:**

407           **1. The Executive Committee shall have the power to act on behalf of the**  
408 **Compact Commission according to the terms of this compact. The powers, duties, and**  
409 **responsibilities of the Executive Committee shall include:**

410           **a. Exercise the powers and duties of the Compact Commission during the**  
411 **interim between Compact Commission meetings, except for adopting or amending**  
412 **Rules, adopting or amending bylaws, and exercising any other powers and duties**  
413 **expressly reserved to the Compact Commission by Rule or bylaw;**

414           **b. Oversee the day-to-day activities of the administration of the compact**  
415 **including enforcement and compliance with the provisions of the compact, its Rules and**  
416 **bylaws, and other such duties as deemed necessary;**

417           **c. Recommend to the Compact Commission changes to the Rules or bylaws,**  
418 **changes to this compact legislation, fees charged to Compact Member States, fees**  
419 **charged to Licensees, and other fees;**

420           **d. Ensure compact administration services are appropriately provided,**  
421 **including by contract;**

422           **e. Prepare and recommend the budget;**

423           **f. Maintain financial records on behalf of the Compact Commission;**

424           **g. Monitor compact compliance of Member States and provide compliance**  
425 **reports to the Compact Commission;**

- 426           **h. Establish additional committees as necessary; and**  
427           **i. Other duties as provided in the Rules or bylaws of the Compact Commission.**  
428           **2. The Executive Committee shall be composed of five voting members, elected**  
429 **by the Compact Commission:**  
430           **a. The chair and vice chair of the Compact Commission, shall be voting**  
431 **members of the Executive Committee;**  
432           **b. The Compact Commission shall elect up to three additional voting members**  
433 **from the current membership of the Compact Commission to include the offices of**  
434 **treasurer, secretary, and one member-at-large; and**  
435           **c. Up to four (4) ex-officio, nonvoting members from recognized national athletic**  
436 **trainer organizations.**  
437           **3. The Compact Commission may remove any member of the Executive**  
438 **Committee as provided in the Compact Commission's bylaws.**  
439           **4. The Executive Committee shall meet at least annually:**  
440           **a. Executive Committee meetings shall be open to the public, except that the**  
441 **Executive Committee may meet in a closed, non-public meeting as provided in this**  
442 **section.**  
443           **b. The Executive Committee shall give advance notice of its meetings, posted on**  
444 **its website and as determined by rule or bylaw to provide notice to persons with an**  
445 **interest in the business of the Compact Commission.**  
446           **c. The Executive Committee may hold a special meeting in accordance with this**  
447 **section.**  
448           **E. The Compact Commission shall adopt and provide to the Member States an**  
449 **annual report.**  
450           **F. Meetings of the Compact Commission:**  
451           **1. All meetings shall be open to the public, except that the Compact Commission**  
452 **may meet in a closed, non-public meeting as provided in this section.**  
453           **2. Public notice for all meetings of the full Compact Commission of meetings**  
454 **shall be given in the same manner as required under the rulemaking provisions in this**  
455 **compact, except that the Compact Commission may hold a special meeting as provided**  
456 **in this section.**  
457           **3. The Compact Commission may hold a special meeting when it must meet to**  
458 **conduct emergency business by giving 24 hours' notice to all Commissioners, on the**  
459 **Compact Commission's website, and other means as provided in the Compact**  
460 **Commission's Rules. The Compact Commission's legal counsel shall certify that the**  
461 **Compact Commission's need to meet qualifies as an emergency.**

462           **4. The Compact Commission or the Executive Committee or other committees of**  
463 **the Compact Commission may convene in a closed, non-public meeting for the Compact**  
464 **Commission or Executive Committee or other committees of the Compact Commission**  
465 **to receive legal advice or to discuss:**

466           **a. Non-compliance of a Member State with its obligations under the compact;**

467           **b. The employment, compensation, discipline or other matters, practices or**  
468 **procedures related to specific employees;**

469           **c. Current or threatened discipline of a Licensee by a Member State's Licensing**  
470 **Authority;**

471           **d. Current, threatened, or reasonably anticipated litigation;**

472           **e. Negotiation of contracts for the purchase, lease, or sale of goods, services, or**  
473 **real estate;**

474           **f. Accusing any person of a crime or formally censuring any person;**

475           **g. Trade secrets or commercial or financial information that is privileged or**  
476 **confidential;**

477           **h. Information of a personal nature where disclosure would constitute a clearly**  
478 **unwarranted invasion of personal privacy;**

479           **i. Investigative records compiled for law enforcement purposes;**

480           **j. Information related to any investigative reports prepared by or on behalf of or**  
481 **for use of the Compact Commission or other committee charged with responsibility of**  
482 **investigation or determination of compliance issues pursuant to the compact;**

483           **k. Matters specifically exempted from disclosure by federal or Member State**  
484 **law; or**

485           **l. Other matters as specified in Rules of the Compact Commission.**

486           **5. If a meeting, or portion of a meeting, is closed, the Compact Commission's**  
487 **legal counsel or designee shall certify that the meeting will be closed and reference each**  
488 **relevant exempting provision, and such reference shall be recorded in the minutes. All**  
489 **minutes and documents of a closed meeting shall remain under seal, subject to release**  
490 **only by a majority vote of the Compact Commission or order of a court of competent**  
491 **jurisdiction.**

492           **G. Financing of the Compact Commission:**

493           **1. The Compact Commission shall pay, or provide for the payment of, the**  
494 **reasonable expenses of its establishment, organization, and ongoing activities.**

495           **2. The Compact Commission may accept any and all appropriate revenue**  
496 **sources as provided in this section.**

497           **3. The Compact Commission may levy on and collect an annual assessment from**  
498 **each Member State and impose fees on Licensees of Member States to whom it grants a**

499 **Compact Privilege to cover the cost of the operations and activities of the Compact**  
500 **Commission and its staff, which must be in a total amount sufficient to cover its annual**  
501 **budget as approved each year for which revenue is not provided by other sources. The**  
502 **aggregate annual assessment amount for Member States shall be allocated based upon a**  
503 **formula that the Compact Commission shall promulgate by Rule.**

504 **4. The Compact Commission shall not incur obligations of any kind prior to**  
505 **securing the funds or a loan adequate to meet the same; nor shall the Compact**  
506 **Commission pledge the credit of any of the Member States, except by and with the**  
507 **authority of the Member State.**

508 **5. The Compact Commission shall keep accurate accounts of all receipts and**  
509 **disbursements. The receipts and disbursements of the Compact Commission shall be**  
510 **subject to the financial review or audit and accounting procedures established under its**  
511 **bylaws. However, all receipts and disbursements of funds handled by the Compact**  
512 **Commission shall be subject to an annual financial review or audit by a certified or**  
513 **licensed public accountant, and the report of the financial review or audit shall be**  
514 **included in and become part of the annual report of the Compact Commission.**

515 **H. Qualified Immunity, Defense, and Indemnification:**

516 **1. The members, officers, executive director, employees and representatives of**  
517 **the Compact Commission shall be immune from suit and liability, both personally and**  
518 **in their official capacity, for any claim for damage to or loss of property or personal**  
519 **injury or other civil liability caused by or arising out of any actual or alleged act, error,**  
520 **or omission that occurred, or that the person against whom the claim is made had a**  
521 **reasonable basis for believing occurred within the scope of Compact Commission**  
522 **employment, duties or responsibilities; provided that nothing in this paragraph shall be**  
523 **construed to protect any such person from suit or liability for any damage, loss, injury,**  
524 **or liability caused by the intentional or willful or wanton misconduct of that person.**  
525 **The procurement of insurance of any type by the Compact Commission shall not in any**  
526 **way compromise or limit the immunity granted hereunder.**

527 **2. The Compact Commission shall defend any member, officer, executive**  
528 **director, employee, and representative of the Compact Commission in any civil action**  
529 **seeking to impose liability arising out of any actual or alleged act, error, or omission that**  
530 **occurred within the scope of Compact Commission employment, duties, or**  
531 **responsibilities, or as determined by the Compact Commission that the person**  
532 **against whom the claim is made had a reasonable basis for believing occurred within the**  
533 **scope of Compact Commission employment, duties, or responsibilities; provided that**  
534 **nothing herein shall be construed to prohibit that person from retaining their own**  
535 **counsel at their own expense; and provided further, that the actual or alleged act, error,**





609 may do so, as held by a court of competent jurisdiction, the Rules of the Compact  
610 Commission shall be ineffective in that State to the extent of the conflict.

611 C. The Compact Commission shall exercise its rulemaking powers pursuant to  
612 the criteria set forth in this section and the Rules adopted thereunder. Rules of this  
613 compact shall become binding on the day following adoption or as of the date specified  
614 in the Rule or amendment, whichever is later.

615 D. If a majority of the legislatures of the Member States rejects a Rule or portion  
616 of a Rule, by enactment of a statute or resolution in the same manner used to adopt the  
617 compact within four (4) years of the date of adoption of the Rule, then such Rule shall  
618 have no further force and effect in any Member State.

619 E. Rules shall be adopted at a regular or special meeting of the Compact  
620 Commission.

621 F. Prior to adoption of a proposed Rule, the Compact Commission shall hold a  
622 public hearing and allow persons to provide oral and written comments, data, facts,  
623 opinions, and arguments. At least thirty (30) days in advance of the public hearing on  
624 the proposed Rule, the Compact Commission shall provide a notice of proposed  
625 rulemaking:

626 1. On the website of the Compact Commission or other publicly accessible  
627 platform;

628 2. To persons who have requested notice of the Compact Commission's notices of  
629 proposed rulemaking; and

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

631 G. The notice of proposed rulemaking shall include:

632 1. The time, date, and location of the public hearing at which the Compact  
633 Commission will hear public comments on the proposed Rule and, if different, the time,  
634 date, and location of the meeting where the Compact Commission will consider and vote  
635 on the proposed Rule;

636 2. If the hearing is held via telecommunication, video conference, or other  
637 electronic means, the Compact Commission shall include the mechanism for access to  
638 the hearing in the notice of proposed rulemaking;

639 3. The text of the proposed Rule and the reason therefor;

640 4. A request for comments on the proposed Rule from any interested person;

641 and

642 5. The manner in which interested persons may submit written comments.

643 H. All hearings will be recorded. A copy of the recording and all written  
644 comments and documents received by the Compact Commission in response to the  
645 proposed Rule shall be available to the public.

646 **I. Nothing in this section shall be construed as requiring a separate hearing on**  
647 **each Rule. Rules may be grouped for the convenience of the Compact Commission at**  
648 **hearings required by this section.**

649 **J. The Compact Commission shall, by majority vote of all members, take final**  
650 **action on the proposed Rule based on the rulemaking record and the full text of the**  
651 **Rule.**

652 **1. The Compact Commission may adopt changes to the proposed Rule provided**  
653 **the changes do not enlarge the original purpose of the proposed Rule.**

654 **2. The Compact Commission shall provide an explanation of the reasons for**  
655 **substantive changes made to the proposed Rule as well as reasons for substantive**  
656 **changes not made that were recommended by commenters.**

657 **3. The Compact Commission shall determine a reasonable effective date for the**  
658 **Rule. Except for an emergency as provided in this section, the effective date of the Rule**  
659 **shall be no sooner than 30 days after issuing the notice that it adopted or amended the**  
660 **Rule.**

661 **K. Upon determination that an emergency exists, the Compact Commission may**  
662 **consider and adopt an emergency Rule with 24 hours' notice, with opportunity to**  
663 **comment, provided that the usual rulemaking procedures provided in the compact and**  
664 **in this section shall be retroactively applied to the Rule as soon as reasonably possible, in**  
665 **no event later than ninety (90) days after the effective date of the Rule. For the purposes**  
666 **of this provision, an emergency Rule is one that must be adopted immediately in order**  
667 **to:**

- 668 **1. Meet an imminent threat to public health, safety, or welfare;**  
669 **2. Prevent a loss of Compact Commission or Member State funds;**  
670 **3. Meet a deadline for the promulgation of a Rule that is established by federal**  
671 **law or rule; or**  
672 **4. Protect public health and safety.**

673 **L. The Compact Commission or an authorized committee of the Compact**  
674 **Commission may direct revisions to a previously adopted Rule for purposes of**  
675 **correcting typographical errors, errors in format, errors in consistency, or grammatical**  
676 **errors. Public notice of any revisions shall be posted on the website of the Compact**  
677 **Commission. The revision shall be subject to challenge by any person for a period of**  
678 **thirty (30) days after posting. The revision may be challenged only on grounds that the**  
679 **revision results in a material change to a Rule. A challenge shall be made in writing and**  
680 **delivered to the Compact Commission prior to the end of the notice period. If no**  
681 **challenge is made, the revision will take effect without further action. If the revision is**

682 **challenged, the revision may not take effect without the approval of the Compact**  
683 **Commission.**

684 **M. No Member State's rulemaking requirements shall apply under this compact.**

685 **SECTION 11. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT**

686 **A. Oversight:**

687 **1. The executive and judicial branches of State government in each Member**  
688 **State shall enforce this compact and take all actions necessary and appropriate to**  
689 **implement the compact.**

690 **2. Except as otherwise provided in this compact, venue is proper and judicial**  
691 **proceedings by or against the Compact Commission shall be brought solely and**  
692 **exclusively in a court of competent jurisdiction where the principal office of the**  
693 **Compact Commission is located. The Compact Commission may waive venue and**  
694 **jurisdictional defenses to the extent it adopts or consents to participate in alternative**  
695 **dispute resolution proceedings. Nothing herein shall affect or limit the selection or**  
696 **propriety of venue in any action against a Licensee for professional malpractice,**  
697 **misconduct or any such similar matter.**

698 **3. The Compact Commission shall be entitled to receive service of process in any**  
699 **proceeding regarding the enforcement or interpretation of the compact and shall have**  
700 **standing to intervene in such a proceeding for all purposes. Failure to provide the**  
701 **Compact Commission service of process shall render a judgment or order void as to the**  
702 **Compact Commission, this compact, or promulgated Rules.**

703 **B. Default, Technical Assistance, and Termination:**

704 **1. If the Compact Commission determines that a Member State has defaulted in**  
705 **the performance of its obligations or responsibilities under this compact or the**  
706 **promulgated Rules, the Commission shall provide written notice to the defaulting State.**  
707 **The notice of default shall describe the default, the proposed means of curing the**  
708 **default, and any other action that the Compact Commission may take, and shall offer**  
709 **training and specific technical assistance regarding the default.**

710 **2. The Compact Commission shall provide a copy of the notice of default to the**  
711 **other Member States.**

712 **C. If a State in default fails to cure the default, the defaulting State may be**  
713 **terminated from the compact upon an affirmative vote of a majority of the**  
714 **Commissioners of the Member States, and all rights, privileges and benefits conferred**  
715 **on that State by this compact may be terminated on the effective date of termination. A**  
716 **cure of the default does not relieve the offending State of obligations or liabilities**  
717 **incurred during the period of default.**

718 **D. Termination of membership in the compact shall be imposed only after all**  
719 **other means of securing compliance have been exhausted. Notice of intent to suspend or**  
720 **terminate shall be given by the Compact Commission to the governor, the majority and**  
721 **minority leaders of the defaulting State's legislature, the defaulting State's Licensing**  
722 **Authority and each of the Member States' Licensing Authority.**

723 **E. A State that has been terminated is responsible for all assessments,**  
724 **obligations, and liabilities incurred through the effective date of termination, including**  
725 **obligations that extend beyond the effective date of termination.**

726 **F. Upon the termination of a State's membership from this compact, that State**  
727 **shall immediately provide notice to all Licensees within that State of such termination.**  
728 **The terminated State shall continue to recognize all Licenses and Compact Privileges**  
729 **granted pursuant to this compact for a minimum of 180 days after the date of said**  
730 **notice of termination.**

731 **G. The Compact Commission shall not bear any costs related to a State that is**  
732 **found to be in default or that has been terminated from the compact, unless agreed upon**  
733 **in writing between the Compact Commission and the defaulting State.**

734 **H. The defaulting State may appeal the action of the Compact Commission by**  
735 **petitioning the United States District Court for the District of Columbia or the federal**  
736 **district where the Compact Commission has its principal offices. The prevailing party**  
737 **shall be awarded all costs of such litigation, including reasonable attorney's fees.**

738 **I. Dispute Resolution:**

739 **1. Upon request by a Member State, the Compact Commission shall attempt to**  
740 **resolve disputes related to the compact that arise among Member States and between**  
741 **Member and non-Member States.**

742 **2. The Compact Commission shall promulgate a Rule providing for both**  
743 **mediation and binding dispute resolution for disputes as appropriate.**

744 **J. Enforcement:**

745 **1. By two-thirds majority (2/3) vote, the Compact Commission may initiate legal**  
746 **action against a Member State in default in the United States District Court for the**  
747 **District of Columbia or the federal district where the Compact Commission has its**  
748 **principal offices to enforce compliance with the provisions of the compact and its**  
749 **promulgated Rules. The relief sought may include both injunctive relief and damages.**  
750 **In the event judicial enforcement is necessary, the prevailing party shall be awarded all**  
751 **costs of such litigation, including reasonable attorney's fees. The remedies herein shall**  
752 **not be the exclusive remedies of the Compact Commission. The Compact Commission**  
753 **may pursue any other remedies available under federal or the defaulting Member**  
754 **State's law.**

755           **2. A Member State may initiate legal action against the Compact Commission in**  
756 **the United States District Court for the District of Columbia or the federal district**  
757 **where the Compact Commission has its principal offices to enforce compliance with the**  
758 **provisions of the compact and its promulgated Rules. The relief sought may include**  
759 **both injunctive relief and damages. In the event judicial enforcement is necessary, the**  
760 **prevailing party shall be awarded all costs of such litigation, including reasonable**  
761 **attorney's fees.**

762           **3. No person other than a Member State shall enforce this compact against the**  
763 **Compact Commission.**

764           **SECTION 12. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT**

765           **A. The compact shall come into effect on the date on which the compact statute**  
766 **is enacted into law in the seventh Member State.**

767           **1. On or after the effective date of the compact, the Compact Commission shall**  
768 **convene and review the enactment of each of the first seven Member States ("Charter**  
769 **Member States") to determine if the statute enacted and made effective by each such**  
770 **Charter Member State is materially different than the model compact statute.**

771           **a. A Charter Member State whose enactment is found to be materially different**  
772 **from the Model Compact Language shall be entitled to the default process set forth in**  
773 **Section 11.**

774           **b. If any Member State is later found to be in default, or is terminated or**  
775 **withdraws from the compact, the Compact Commission shall remain in existence and**  
776 **the compact shall remain in effect even if the number of Member States should be less**  
777 **than seven.**

778           **2. Member States enacting the compact subsequent to the seven initial Charter**  
779 **Member States shall be subject to the process set forth in this section to determine if**  
780 **their enactments are materially different from the model compact statute and whether**  
781 **they qualify for participation in the compact.**

782           **3. All actions taken for the benefit of the Compact Commission or in furtherance**  
783 **of the purposes of the administration of the compact prior to the effective date of the**  
784 **compact or the Compact Commission coming into existence shall be considered to be**  
785 **actions of the Compact Commission unless specifically repudiated by the Compact**  
786 **Commission.**

787           **4. Any State that joins the compact subsequent to the Compact Commission's**  
788 **initial adoption of the Rules and bylaws shall be subject to the Rules and bylaws as they**  
789 **exist on the date on which the compact becomes law in that State. Any Rule that has**  
790 **been previously adopted by the Compact Commission shall have the full force and effect**  
791 **of law on the day the compact becomes law in that State.**

792           **B. Any Member State may withdraw from this compact by enacting a statute**  
793 **repealing the same.**

794           **1. A Member State's withdrawal shall not take effect until 180 days after**  
795 **enactment of the repealing statute.**

796           **2. Withdrawal shall not affect the continuing requirement of the withdrawing**  
797 **State's Licensing Authority to comply with the investigative and Adverse Action**  
798 **reporting requirements of this compact prior to the effective date of withdrawal.**

799           **3. Upon the enactment of a statute withdrawing from this compact, a State shall**  
800 **immediately provide notice of such withdrawal to all Licensees and privilege holders**  
801 **within that State. Notwithstanding any subsequent statutory enactment to the contrary,**  
802 **such withdrawing State shall continue to recognize all Compact Privileges granted**  
803 **pursuant to this compact for a minimum of 180 days after the date of such notice of**  
804 **withdrawal.**

805           **4. Nothing contained in this compact shall be construed to invalidate or prevent**  
806 **any licensure agreement or other cooperative arrangement between a Member State**  
807 **and a non-Member State that does not conflict with the provisions of this compact.**

808           **5. This compact may be amended by the Member States. No amendment to this**  
809 **compact shall become effective and binding upon any Member State until it is enacted**  
810 **into the laws of all Member States.**

#### 811           **SECTION 13. CONSTRUCTION AND SEVERABILITY**

812           **A. This compact and the Compact Commission's rulemaking authority shall be**  
813 **liberally construed so as to effectuate the purposes, and the implementation and**  
814 **administration of the compact. Provisions of the compact expressly authorizing or**  
815 **requiring the promulgation of Rules shall not be construed to limit the Compact**  
816 **Commission's rulemaking authority solely for those purposes.**

817           **B. The provisions of this compact shall be severable and if any phrase, clause,**  
818 **sentence or provision of this compact is held by a court of competent jurisdiction to be**  
819 **contrary to the constitution of any Member State, a State seeking participation in the**  
820 **compact, or of the United States, or the applicability thereof to any government, agency,**  
821 **person or circumstance is held to be unconstitutional by a court of competent**  
822 **jurisdiction, the validity of the remainder of this compact and the applicability thereof**  
823 **to any other government, agency, person or circumstance shall not be affected thereby.**

824           **C. Notwithstanding the foregoing, the Compact Commission may deny a State's**  
825 **participation in the compact or terminate a Member State's participation in the**  
826 **compact if it determines that a constitutional requirement of a Member State is a**  
827 **material departure from the compact. Otherwise, if this compact shall be held to be**  
828 **contrary to the constitution of any Member State, the compact shall remain in full force**

829 and effect as to the remaining Member States and in full force and effect as to the  
830 Member State affected as to all severable matters.

831 **SECTION 14. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE**  
832 **LAWS**

833 **A. Nothing herein shall prevent or inhibit the enforcement of any other law of a**  
834 **Member State that is not inconsistent with the compact.**

835 **B. Any laws, statutes, regulations, or other legal requirements in a Member State**  
836 **in conflict with the compact are superseded to the extent of the conflict.**

837 **C. All permissible agreements between the Compact Commission and the**  
838 **Member States are binding in accordance with their terms.**

**334.1800. This section shall be known and may be cited as the "PA Licensure**  
2 **Compact".**

3 **SECTION 1. PURPOSE**

4 **In order to strengthen access to Medical Services, and in recognition of the**  
5 **advances in the delivery of Medical Services, the Participating States of the PA**  
6 **Licensure Compact have allied in common purpose to develop a comprehensive process**  
7 **that complements the existing authority of State Licensing Boards to license and**  
8 **discipline Physician Assistants and seeks to enhance the portability of a License to**  
9 **practice as a Physician Assistant while safeguarding the safety of patients. This**  
10 **Compact allows Medical Services to be provided by Physician Assistants, via the mutual**  
11 **recognition of the Licensee's Qualifying License by other Compact Participating States.**  
12 **This Compact also adopts the prevailing standard for Physician Assistant licensure and**  
13 **affirms that the practice and delivery of Medical Services by the Physician Assistant**  
14 **occurs where the patient is located at the time of the patient encounter, and therefore**  
15 **requires the Physician Assistant to be under the jurisdiction of the State Licensing**  
16 **Board where the patient is located. State Licensing Boards that participate in this**  
17 **Compact retain the jurisdiction to impose Adverse Action against a Compact Privilege**  
18 **in that State issued to a Physician Assistant through the procedures of this Compact.**  
19 **The PA Licensure Compact will alleviate burdens for military families by allowing**  
20 **active duty military personnel and their spouses to obtain a Compact Privilege based on**  
21 **having an unrestricted License in good standing from a Participating State.**

22 **SECTION 2. DEFINITIONS**

23 **In this Compact:**

24 **A. "Adverse Action" means any administrative, civil, equitable, or criminal**  
25 **action permitted by a State's laws which is imposed by a Licensing Board or other**  
26 **authority against a Physician Assistant License or License application or Compact**

27 **Privilege such as License denial, censure, revocation, suspension, probation, monitoring**  
28 **of the Licensee, or restriction on the Licensee's practice.**

29 **B. "Compact Privilege" means the authorization granted by a Remote State to**  
30 **allow a Licensee from another Participating State to practice as a Physician Assistant to**  
31 **provide Medical Services and other licensed activity to a patient located in the Remote**  
32 **State under the Remote State's laws and regulations.**

33 **C. "Conviction" means a finding by a court that an individual is guilty of a**  
34 **felony or misdemeanor offense through adjudication or entry of a plea of guilt or no**  
35 **contest to the charge by the offender.**

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

40 **E. "Data System" means the repository of information about Licensees,**  
41 **including but not limited to License status and Adverse Actions, which is created and**  
42 **administered under the terms of this Compact.**

43 **F. "Executive Committee" means a group of directors and ex-officio individuals**  
44 **elected or appointed pursuant to Section 7.F.2.**

45 **G. "Impaired Practitioner" means a Physician Assistant whose practice is**  
46 **adversely affected by health-related condition(s) that impact their ability to practice.**

47 **H. "Investigative Information" means information, records, or documents**  
48 **received or generated by a Licensing Board pursuant to an investigation.**

49 **I. "Jurisprudence Requirement" means the assessment of an individual's**  
50 **knowledge of the laws and Rules governing the practice of a Physician Assistant in a**  
51 **State.**

52 **J. "License" means current authorization by a State, other than authorization**  
53 **pursuant to a Compact Privilege, for a Physician Assistant to provide Medical Services,**  
54 **which would be unlawful without current authorization.**

55 **K. "Licensee" means an individual who holds a License from a State to provide**  
56 **Medical Services as a Physician Assistant.**

57 **L. "Licensing Board" means any State entity authorized to license and otherwise**  
58 **regulate Physician Assistants.**

59 **M. "Medical Services" means health care services provided for the diagnosis,**  
60 **prevention, treatment, cure or relief of a health condition, injury, or disease, as defined**  
61 **by a State's laws and regulations. The Medical Services provided by a Physician**  
62 **Assistant to a patient located in Missouri are defined by Missouri's state laws and**  
63 **regulations.**

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

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

68 P. "PA" or "Physician Assistant" means an individual who is licensed as a  
69 physician assistant in a State. For purposes of this Compact, any other title or status  
70 adopted by a State to replace the term "Physician Assistant" shall be deemed  
71 synonymous with "Physician Assistant" and shall confer the same rights and  
72 responsibilities to the Licensee under the provisions of this Compact at the time of its  
73 enactment.

74 Q. "PA Licensure Compact Commission," "Compact Commission," or  
75 "Commission" mean the national administrative body created pursuant to Section  
76 7.A of this Compact.

77 R. "Qualifying License" means an unrestricted License issued by a Participating  
78 State to provide Medical Services as a Physician Assistant.

79 S. "Remote State" means a Participating State where a Licensee who is not  
80 licensed as a Physician Assistant is exercising or seeking to exercise the Compact  
81 Privilege.

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

84 U. "Significant Investigative Information" means Investigative Information that  
85 a Licensing Board, after an inquiry or investigation that includes notification and an  
86 opportunity for the Physician Assistant to respond if required by State law, has reason  
87 to believe is not groundless and, if proven true, would indicate more than a minor  
88 infraction.

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

### 91 SECTION 3. STATE PARTICIPATION IN THIS COMPACT

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

- 93 1. License Physician Assistants;
- 94 2. Participate in the Compact Commission's Data System;
- 95 3. Have a mechanism in place for receiving and investigating complaints against  
96 Licensees and License applicants;
- 97 4. Notify the Commission, in compliance with the terms of this Compact and  
98 Commission Rules, of any Adverse Action against a Licensee or License applicant and  
99 the existence of Significant Investigative Information regarding a Licensee or License  
100 applicant;





175           **A. A Participating State in which a Licensee is licensed shall have exclusive**  
176 **power to impose Adverse Action against the Qualifying License issued by that**  
177 **Participating State.**

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

181           **1. Take Adverse Action against a Physician Assistant's Compact Privilege within**  
182 **that State to remove a Licensee's Compact Privilege or take other action necessary**  
183 **under applicable law to protect the health and safety of its citizens.**

184           **2. Issue subpoenas for both hearings and investigations that require the**  
185 **attendance and testimony of witnesses as well as the production of evidence. Subpoenas**  
186 **issued by a Licensing Board in a Participating State for the attendance and testimony of**  
187 **witnesses or the production of evidence from another Participating State shall be**  
188 **enforced in the latter State by any court of competent jurisdiction, according to the**  
189 **practice and procedure of that court applicable to subpoenas issued in proceedings**  
190 **pending before it. The issuing authority shall pay any witness fees, travel expenses,**  
191 **mileage and other fees required by the service statutes of the State in which the**  
192 **witnesses or evidence are located.**

193           **3. Notwithstanding Section 6.B.2, subpoenas may not be issued by a**  
194 **Participating State to gather evidence of conduct in another State that is lawful in**  
195 **that other State for the purpose of taking Adverse Action against a Licensee's Compact**  
196 **Privilege or application for a Compact Privilege in that Participating State.**

197           **4. Nothing in this Compact authorizes a Participating State to impose discipline**  
198 **against a Physician Assistant's Compact Privilege or to deny an application for a**  
199 **Compact Privilege in that Participating State for the individual's otherwise lawful**  
200 **practice in another State.**

201           **C. For purposes of taking Adverse Action, the Participating State which issued**  
202 **the Qualifying License shall give the same priority and effect to reported conduct**  
203 **received from any other Participating State as it would if the conduct had occurred**  
204 **within the Participating State which issued the Qualifying License. In so doing, that**  
205 **Participating State shall apply its own State laws to determine appropriate action.**

206           **D. A Participating State, if otherwise permitted by State law, may recover from**  
207 **the affected Physician Assistant the costs of investigations and disposition of cases**  
208 **resulting from any Adverse Action taken against that Physician Assistant.**

209           **E. A Participating State may take Adverse Action based on the factual findings**  
210 **of a Remote State, provided that the Participating State follows its own procedures for**  
211 **taking the Adverse Action.**

212 **F. Joint Investigations**

213 **1. In addition to the authority granted to a Participating State by its respective**  
214 **State Physician Assistant laws and regulations or other applicable State law, any**  
215 **Participating State may participate with other Participating States in joint**  
216 **investigations of Licensees.**

217 **2. Participating States shall share any investigative, litigation, or compliance**  
218 **materials in furtherance of any joint or individual investigation initiated under this**  
219 **Compact.**

220 **G. If an Adverse Action is taken against a Physician Assistant's Qualifying**  
221 **License, the Physician Assistant's Compact Privilege in all Remote States shall be**  
222 **deactivated until two (2) years have elapsed after all restrictions have been removed**  
223 **from the State License. All disciplinary orders by the Participating State which issued**  
224 **the Qualifying License that impose Adverse Action against a Physician Assistant's**  
225 **License shall include a Statement that the Physician Assistant's Compact Privilege is**  
226 **deactivated in all Participating States during the pendency of the order.**

227 **H. If any Participating State takes Adverse Action, it promptly shall notify the**  
228 **administrator of the Data System.**

229 **SECTION 7. ESTABLISHMENT OF THE PA LICENSURE COMPACT**  
230 **COMMISSION**

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

236 **B. Membership, Voting, and Meetings**

237 **1. Each Participating State shall have and be limited to one (1) delegate selected**  
238 **by that Participating State's Licensing Board or, if the State has more than one**  
239 **Licensing Board, selected collectively by the Participating State's Licensing Boards.**

240 **2. The delegate shall be either:**

241 **a. A current Physician Assistant, physician or public member of a Licensing**  
242 **Board or Physician Assistant council/committee; or**

243 **b. An administrator of a Licensing Board.**

244 **3. Any delegate may be removed or suspended from office as provided by the**  
245 **laws of the State from which the delegate is appointed.**

246 **4. The Participating State Licensing Board shall fill any vacancy occurring in**  
247 **the Commission within sixty (60) days.**

- 248           **5. Each delegate shall be entitled to one (1) vote on all matters voted on by the**  
249 **Commission and shall otherwise have an opportunity to participate in the business and**  
250 **affairs of the Commission. A delegate shall vote in person or by such other means as**  
251 **provided in the bylaws. The bylaws may provide for delegates' participation in**  
252 **meetings by telecommunications, video conference, or other means of communication.**
- 253           **6. The Commission shall meet at least once during each calendar year.**  
254 **Additional meetings shall be held as set forth in this Compact and the bylaws.**
- 255           **7. The Commission shall establish by Rule a term of office for delegates.**
- 256           **C. The Commission shall have the following powers and duties:**
- 257           **1. Establish a code of ethics for the Commission;**  
258           **2. Establish the fiscal year of the Commission;**  
259           **3. Establish fees;**  
260           **4. Establish bylaws;**  
261           **5. Maintain its financial records in accordance with the bylaws;**  
262           **6. Meet and take such actions as are consistent with the provisions of this**  
263 **Compact and the bylaws;**
- 264           **7. Promulgate Rules limited to the Commission's authority to facilitate and**  
265 **coordinate implementation and administration of this Compact. The Rules authorized**  
266 **by the Compact shall have the force and effect of law and shall be binding in all**  
267 **Participating States;**
- 268           **8. Bring and prosecute legal proceedings or actions in the name of the**  
269 **Commission, provided that the standing of any State Licensing Board to sue or be sued**  
270 **under applicable law shall not be affected;**
- 271           **9. Purchase and maintain insurance and bonds;**
- 272           **10. Borrow, accept, or contract for services of personnel, including, but not**  
273 **limited to, employees of a Participating State;**
- 274           **11. Hire employees and engage contractors, elect or appoint officers, fix**  
275 **compensation, define duties, grant such individuals appropriate authority to carry out**  
276 **the purposes of this Compact, and establish the Commission's personnel policies and**  
277 **programs relating to conflicts of interest, qualifications of personnel, and other related**  
278 **personnel matters;**
- 279           **12. Accept any and all appropriate donations and grants of money, equipment,**  
280 **supplies, materials and services, and receive, utilize and dispose of the same; provided**  
281 **that at all times the Commission shall avoid any appearance of impropriety or conflict**  
282 **of interest;**

283           **13. Lease, purchase, accept appropriate gifts or donations of, or otherwise own,**  
284 **hold, improve or use, any property, real, personal or mixed; provided that at all times**  
285 **the Commission shall avoid any appearance of impropriety;**

286           **14. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise**  
287 **dispose of any property real, personal, or mixed;**

288           **15. Establish a budget and make expenditures;**

289           **16. Borrow money;**

290           **17. Appoint committees, including standing committees composed of members,**  
291 **State regulators, State legislators or their representatives, and consumer**  
292 **representatives, and such other interested persons as may be designated in this**  
293 **Compact and the bylaws;**

294           **18. Provide and receive information from, and cooperate with, law enforcement**  
295 **agencies;**

296           **19. Elect a Chair, Vice Chair, Secretary and Treasurer and such other officers of**  
297 **the Commission as provided in the Commission's bylaws;**

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

300           **21. Approve or disapprove a State's participation in the Compact based upon its**  
301 **determination as to whether the State's Compact legislation departs in a material**  
302 **manner from the Model Compact language;**

303           **22. Prepare and provide to the Participating States an annual report; and**

304           **23. Perform such other functions as may be necessary or appropriate to achieve**  
305 **the purposes of this Compact consistent with the State regulation of Physician Assistant**  
306 **licensure and practice.**

307           **D. Meetings of the Commission**

308           **1. All meetings of the Commission that are not closed pursuant to this subsection**  
309 **shall be open to the public. Notice of public meetings shall be posted on the**  
310 **Commission's website at least thirty (30) days prior to the public meeting.**

311           **2. Notwithstanding Section 7.D.1, the Commission may convene a public meeting**  
312 **by providing at least twenty-four (24) hours prior notice on the Commission's website,**  
313 **and any other means as provided in the Commission's Rules, for any of the reasons it**  
314 **may dispense with Notice of Proposed Rulemaking under Section 9.L.**

315           **3. The Commission may convene in a closed, non-public meeting or non-public**  
316 **part of a public meeting to receive legal advice or to discuss:**

317           **a. Non-compliance of a Participating State with its obligations under this**  
318 **Compact;**

- 319           **b. The employment, compensation, discipline or other matters, practices or**  
320 **procedures related to specific employees or other matters related to the Commission's**  
321 **internal personnel practices and procedures;**
- 322           **c. Current, threatened, or reasonably anticipated litigation;**
- 323           **d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or**  
324 **real estate;**
- 325           **e. Accusing any person of a crime or formally censuring any person;**
- 326           **f. Disclosure of trade secrets or commercial or financial information that is**  
327 **privileged or confidential;**
- 328           **g. Disclosure of information of a personal nature where disclosure would**  
329 **constitute a clearly unwarranted invasion of personal privacy;**
- 330           **h. Disclosure of investigative records compiled for law enforcement purposes;**
- 331           **i. Disclosure of information related to any investigative reports prepared by or**  
332 **on behalf of or for use of the Commission or other committee charged with**  
333 **responsibility of investigation or determination of compliance issues pursuant to this**  
334 **Compact;**
- 335           **j. Legal advice; or**
- 336           **k. Matters specifically exempted from disclosure by federal or Participating**  
337 **States' statutes.**
- 338           **4. If a meeting, or portion of a meeting, is closed pursuant to this provision, the**  
339 **chair of the meeting or the chair's designee shall certify that the meeting or portion of**  
340 **the meeting may be closed and shall reference each relevant exempting provision.**
- 341           **5. The Commission shall keep minutes that fully and clearly describe all matters**  
342 **discussed in a meeting and shall provide a full and accurate summary of actions taken,**  
343 **including a description of the views expressed. All documents considered in connection**  
344 **with an action shall be identified in such minutes. All minutes and documents of a**  
345 **closed meeting shall remain under seal, subject to release by a majority vote of the**  
346 **Commission or order of a court of competent jurisdiction.**
- 347           **E. Financing of the Commission**
- 348           **1. The Commission shall pay, or provide for the payment of, the reasonable**  
349 **expenses of its establishment, organization, and ongoing activities.**
- 350           **2. The Commission may accept any and all appropriate revenue sources,**  
351 **donations, and grants of money, equipment, supplies, materials, and services.**
- 352           **3. The Commission may levy on and collect an annual assessment from each**  
353 **Participating State and may impose Compact Privilege fees on Licensees of**  
354 **Participating States to whom a Compact Privilege is granted to cover the cost of the**  
355 **operations and activities of the Commission and its staff, which must be in a total**

356 amount sufficient to cover its annual budget as approved by the Commission each year  
357 for which revenue is not provided by other sources. The aggregate annual assessment  
358 amount levied on Participating States shall be allocated based upon a formula to be  
359 determined by Commission Rule.

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

362 b. If the Licensee terminates the Qualifying License through which the Licensee  
363 applied for the Compact Privilege before its scheduled expiration, and the Licensee has  
364 a Qualifying License in another Participating State, the Licensee shall inform the  
365 Commission that it is changing to that Participating State the Participating State  
366 through which it applies for a Compact Privilege and pay to the Commission any  
367 Compact Privilege fee required by Commission Rule.

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

371 5. The Commission shall keep accurate accounts of all receipts and  
372 disbursements. The receipts and disbursements of the Commission shall be subject  
373 to the financial review and accounting procedures established under its bylaws. All  
374 receipts and disbursements of funds handled by the Commission shall be subject to an  
375 annual financial review by a certified or licensed public accountant, and the report of  
376 the financial review shall be included in and become part of the annual report of the  
377 Commission.

378 F. The Executive Committee

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

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

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

384 b. One ex-officio, nonvoting member from a recognized national Physician  
385 Assistant professional association; and

386 c. One ex-officio, nonvoting member from a recognized national Physician  
387 Assistant certification organization.

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

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

391 5. The Executive Committee shall meet at least annually.

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

- 393           **a. Recommend to the Commission changes to the Commission's Rules or bylaws,**  
394 **changes to this Compact legislation, fees to be paid by Compact Participating States**  
395 **such as annual dues, and any Commission Compact fee charged to Licensees for the**  
396 **Compact Privilege;**
- 397           **b. Ensure Compact administration services are appropriately provided,**  
398 **contractual or otherwise;**
- 399           **c. Prepare and recommend the budget;**
- 400           **d. Maintain financial records on behalf of the Commission;**
- 401           **e. Monitor Compact compliance of Participating States and provide compliance**  
402 **reports to the Commission;**
- 403           **f. Establish additional committees as necessary;**
- 404           **g. Exercise the powers and duties of the Commission during the interim between**  
405 **Commission meetings, except for issuing proposed rulemaking or adopting Commission**  
406 **Rules or bylaws, or exercising any other powers and duties exclusively reserved to the**  
407 **Commission by the Commission's Rules; and**
- 408           **h. Perform other duties as provided in the Commission's Rules or bylaws.**
- 409           **7. All meetings of the Executive Committee at which it votes or plans to vote on**  
410 **matters in exercising the powers and duties of the Commission shall be open to the**  
411 **public and public notice of such meetings shall be given as public meetings of the**  
412 **Commission are given.**
- 413           **8. The Executive Committee may convene in a closed, non-public meeting for the**  
414 **same reasons that the Commission may convene in a non-public meeting as set forth in**  
415 **Section 7.D.3 and shall announce the closed meeting as the Commission is required to**  
416 **under Section 7.D.4 and keep minutes of the closed meeting as the Commission is**  
417 **required to under Section 7.D.5.**
- 418           **G. Qualified Immunity, Defense, and Indemnification**
- 419           **1. The members, officers, executive director, employees and representatives of**  
420 **the Commission shall be immune from suit and liability, both personally and in their**  
421 **official capacity, for any claim for damage to or loss of property or personal injury or**  
422 **other civil liability caused by or arising out of any actual or alleged act, error, or**  
423 **omission that occurred, or that the person against whom the claim is made had a**  
424 **reasonable basis for believing occurred within the scope of Commission employment,**  
425 **duties or responsibilities; provided that nothing in this paragraph shall be construed to**  
426 **protect any such person from suit or liability for any damage, loss, injury, or liability**  
427 **caused by the intentional or willful or wanton misconduct of that person. The**  
428 **procurement of insurance of any type by the Commission shall not in any way**  
429 **compromise or limit the immunity granted hereunder.**

430           **2. The Commission shall defend any member, officer, executive director,**  
431 **employee, and representative of the Commission in any civil action seeking to impose**  
432 **liability arising out of any actual or alleged act, error, or omission that occurred within**  
433 **the scope of Commission employment, duties, or responsibilities, or as determined by**  
434 **the commission that the person against whom the claim is made had a reasonable basis**  
435 **for believing occurred within the scope of Commission employment, duties, or**  
436 **responsibilities; provided that nothing herein shall be construed to prohibit that**  
437 **person from retaining their own counsel at their own expense; and provided further,**  
438 **that the actual or alleged act, error, or omission did not result from that person's**  
439 **intentional or willful or wanton misconduct.**

440           **3. The Commission shall indemnify and hold harmless any member, officer,**  
441 **executive director, employee, and representative of the Commission for the amount of**  
442 **any settlement or judgment obtained against that person arising out of any actual or**  
443 **alleged act, error, or omission that occurred within the scope of Commission**  
444 **employment, duties, or responsibilities, or that such person had a reasonable basis**  
445 **for believing occurred within the scope of Commission employment, duties, or**  
446 **responsibilities, provided that the actual or alleged act, error, or omission did not**  
447 **result from the intentional or willful or wanton misconduct of that person.**

448           **4. Venue is proper and judicial proceedings by or against the Commission shall**  
449 **be brought solely and exclusively in a court of competent jurisdiction where the**  
450 **principal office of the Commission is located. The Commission may waive venue and**  
451 **jurisdictional defenses in any proceedings as authorized by Commission Rules.**

452           **5. Nothing herein shall be construed as a limitation on the liability of any**  
453 **Licensee for professional malpractice or misconduct, which shall be governed solely by**  
454 **any other applicable State laws.**

455           **6. Nothing herein shall be construed to designate the venue or jurisdiction to**  
456 **bring actions for alleged acts of malpractice, professional misconduct, negligence, or**  
457 **other such civil action pertaining to the practice of a Physician Assistant. All such**  
458 **matters shall be determined exclusively by State law other than this Compact.**

459           **7. Nothing in this Compact shall be interpreted to waive or otherwise abrogate a**  
460 **Participating State's state action immunity or state action affirmative defense with**  
461 **respect to antitrust claims under the Sherman Act, Clayton Act, or any other State or**  
462 **federal antitrust or anticompetitive law or regulation.**

463           **8. Nothing in this Compact shall be construed to be a waiver of sovereign**  
464 **immunity by the Participating States or by the Commission.**

465

## **SECTION 8. DATA SYSTEM**

466           **A. The Commission shall provide for the development, maintenance, operation,**  
467 **and utilization of a coordinated data and reporting system containing licensure, Adverse**  
468 **Action, and the reporting of the existence of Significant Investigative Information on all**  
469 **licensed Physician Assistants and applicants denied a License in Participating States.**

470           **B. Notwithstanding any other State law to the contrary, a Participating State**  
471 **shall submit a uniform data set to the Data System on all Physician Assistants to whom**  
472 **this Compact is applicable (utilizing a unique identifier) as required by the Rules of the**  
473 **Commission, including:**

474               **1. Identifying information;**

475               **2. Licensure data;**

476               **3. Adverse Actions against a License or Compact Privilege;**

477               **4. Any denial of application for licensure, and the reason(s) for such denial**  
478 **(excluding the reporting of any criminal history record information where prohibited by**  
479 **law);**

480               **5. The existence of Significant Investigative Information; and**

481               **6. Other information that may facilitate the administration of this Compact, as**  
482 **determined by the Rules of the Commission.**

483           **C. Significant Investigative Information pertaining to a Licensee in any**  
484 **Participating State shall only be available to other Participating States.**

485           **D. The Commission shall promptly notify all Participating States of any Adverse**  
486 **Action taken against a Licensee or an individual applying for a License that has been**  
487 **reported to it. This Adverse Action information shall be available to any other**  
488 **Participating State.**

489           **E. Participating States contributing information to the Data System may, in**  
490 **accordance with State or federal law, designate information that may not be shared with**  
491 **the public without the express permission of the contributing State. Notwithstanding**  
492 **any such designation, such information shall be reported to the Commission through the**  
493 **Data System.**

494           **F. Any information submitted to the Data System that is subsequently expunged**  
495 **pursuant to federal law or the laws of the Participating State contributing the**  
496 **information shall be removed from the Data System upon reporting of such by the**  
497 **Participating State to the Commission.**

498           **G. The records and information provided to a Participating State pursuant to**  
499 **this Compact or through the Data System, when certified by the Commission or an**  
500 **agent thereof, shall constitute the authenticated business records of the Commission,**  
501 **and shall be entitled to any associated hearsay exception in any relevant judicial, quasi-**  
502 **judicial or administrative proceedings in a Participating State.**

503

**SECTION 9. RULEMAKING**

504 **A. The Commission shall exercise its rulemaking powers pursuant to the criteria**  
505 **set forth in this section and the Rules adopted thereunder. Commission Rules shall**  
506 **become binding as of the date specified by the Commission for each Rule.**

507 **B. The Commission shall promulgate reasonable Rules in order to effectively**  
508 **and efficiently implement and administer this Compact and achieve its purposes. A**  
509 **Commission Rule shall be invalid and have no force or effect only if a court of**  
510 **competent jurisdiction holds that the Rule is invalid because the Commission exercised**  
511 **its rulemaking authority in a manner that is beyond the scope of the purposes of this**  
512 **Compact, or the powers granted hereunder, or based upon another applicable standard**  
513 **of review.**

514 **C. The Rules of the Commission shall have the force of law in each Participating**  
515 **State, provided however that where the Rules of the Commission conflict with the laws**  
516 **of the Participating State that establish the Medical Services a Physician Assistant may**  
517 **perform in the Participating State, as held by a court of competent jurisdiction, the**  
518 **Rules of the Commission shall be ineffective in that State to the extent of the conflict.**

519 **D. If a majority of the legislatures of the Participating States rejects a**  
520 **Commission Rule, by enactment of a statute or resolution in the same manner used to**  
521 **adopt this Compact within four (4) years of the date of adoption of the Rule, then such**  
522 **Rule shall have no further force and effect in any Participating State or to any State**  
523 **applying to participate in the Compact.**

524 **E. Commission Rules shall be adopted at a regular or special meeting of the**  
525 **Commission.**

526 **F. Prior to promulgation and adoption of a final Rule or Rules by the**  
527 **Commission, and at least thirty (30) days in advance of the meeting at which the Rule**  
528 **will be considered and voted upon, the Commission shall file a Notice of Proposed**  
529 **Rulemaking:**

530 **1. On the website of the Commission or other publicly accessible platform; and**

531 **2. To persons who have requested notice of the Commission's Notices of**  
532 **Proposed Rulemaking; and**

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

534 **G. The Notice of Proposed Rulemaking shall include:**

535 **1. The time, date, and location of the public hearing on the proposed Rule and**  
536 **the proposed time, date and location of the meeting in which the proposed Rule will be**  
537 **considered and voted upon;**

538 **2. The text of the proposed Rule and the reason for the proposed Rule;**

539           **3. A request for comments on the proposed Rule from any interested person and**  
540 **the date by which written comments must be received; and**

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

543           **H. Prior to adoption of a proposed Rule, the Commission shall allow persons to**  
544 **submit written data, facts, opinions, and arguments, which shall be made available to**  
545 **the public.**

546           **I. If the hearing is to be held via electronic means, the Commission shall publish**  
547 **the mechanism for access to the electronic hearing.**

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

551           **2. Hearings shall be conducted in a manner providing each person who wishes to**  
552 **comment a fair and reasonable opportunity to comment orally or in writing.**

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

556           **4. Nothing in this section shall be construed as requiring a separate hearing on**  
557 **each proposed Rule. Proposed Rules may be grouped for the convenience of the**  
558 **Commission at hearings required by this section.**

559           **J. Following the public hearing the Commission shall consider all written and**  
560 **oral comments timely received.**

561           **K. The Commission shall, by majority vote of all delegates, take final action on**  
562 **the proposed Rule and shall determine the effective date of the Rule, if adopted, based**  
563 **on the rulemaking record and the full text of the Rule.**

564           **1. If adopted, the Rule shall be posted on the Commission's website.**

565           **2. The Commission may adopt changes to the proposed Rule provided the**  
566 **changes do not enlarge the original purpose of the proposed Rule.**

567           **3. The Commission shall provide on its website an explanation of the reasons for**  
568 **substantive changes made to the proposed Rule as well as reasons for substantive**  
569 **changes not made that were recommended by commenters.**

570           **4. The Commission shall determine a reasonable effective date for the Rule.**  
571 **Except for an emergency as provided in Section 9.L, the effective date of the Rule shall**  
572 **be no sooner than thirty (30) days after the Commission issued the notice that it adopted**  
573 **the Rule.**

574           **L. Upon determination that an emergency exists, the Commission may consider**  
575 **and adopt an emergency Rule with twenty-four (24) hours prior notice, without the**

576 opportunity for comment, or hearing, provided that the usual rulemaking procedures  
577 provided in this Compact and in this section shall be retroactively applied to the Rule as  
578 soon as reasonably possible, in no event later than ninety (90) days after the effective  
579 date of the Rule. For the purposes of this provision, an emergency Rule is one that must  
580 be adopted immediately by the Commission in order to:

- 581 1. Meet an imminent threat to public health, safety, or welfare;
- 582 2. Prevent a loss of Commission or Participating State funds;
- 583 3. Meet a deadline for the promulgation of a Commission Rule that is established  
584 by federal law or Rule; or
- 585 4. Protect public health and safety.

586 M. The Commission or an authorized committee of the Commission may direct  
587 revisions to a previously adopted Commission Rule for purposes of correcting  
588 typographical errors, errors in format, errors in consistency, or grammatical errors.  
589 Public notice of any revisions shall be posted on the website of the Commission. The  
590 revision shall be subject to challenge by any person for a period of thirty (30) days after  
591 posting. The revision may be challenged only on grounds that the revision results in a  
592 material change to a Rule. A challenge shall be made as set forth in the notice of  
593 revisions and delivered to the Commission prior to the end of the notice period. If no  
594 challenge is made, the revision will take effect without further action. If the revision is  
595 challenged, the revision may not take effect without the approval of the Commission.

596 N. No Participating State's rulemaking requirements shall apply under this  
597 Compact.

## 598 SECTION 10. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

### 599 A. Oversight

600 1. The executive and judicial branches of State government in each Participating  
601 State shall enforce this Compact and take all actions necessary and appropriate to  
602 implement the Compact.

603 2. Venue is proper and judicial proceedings by or against the Commission shall  
604 be brought solely and exclusively in a court of competent jurisdiction where the  
605 principal office of the Commission is located. The Commission may waive venue and  
606 jurisdictional defenses to the extent it adopts or consents to participate in alternative  
607 dispute resolution proceedings. Nothing herein shall affect or limit the selection or  
608 propriety of venue in any action against a Licensee for professional malpractice,  
609 misconduct or any such similar matter.

610 3. The Commission shall be entitled to receive service of process in any  
611 proceeding regarding the enforcement or interpretation of the Compact or the  
612 Commission's Rules and shall have standing to intervene in such a proceeding for all

613 purposes. Failure to provide the Commission with service of process shall render a  
614 judgment or order in such proceeding void as to the Commission, this Compact, or  
615 Commission Rules.

616 **B. Default, Technical Assistance, and Termination**

617 **1. If the Commission determines that a Participating State has defaulted in the**  
618 **performance of its obligations or responsibilities under this Compact or the Commission**  
619 **Rules, the Commission shall provide written notice to the defaulting State and other**  
620 **Participating States. The notice shall describe the default, the proposed means of curing**  
621 **the default and any other action that the Commission may take and shall offer remedial**  
622 **training and specific technical assistance regarding the default.**

623 **2. If a State in default fails to cure the default, the defaulting State may be**  
624 **terminated from this Compact upon an affirmative vote of a majority of the delegates of**  
625 **the Participating States, and all rights, privileges and benefits conferred by this**  
626 **Compact upon such State may be terminated on the effective date of termination. A**  
627 **cure of the default does not relieve the offending State of obligations or liabilities**  
628 **incurred during the period of default.**

629 **3. Termination of participation in this Compact shall be imposed only after all**  
630 **other means of securing compliance have been exhausted. Notice of intent to suspend or**  
631 **terminate shall be given by the Commission to the governor, the majority and minority**  
632 **leaders of the defaulting State's legislature, and to the Licensing Board(s) of each of the**  
633 **Participating States.**

634 **4. A State that has been terminated is responsible for all assessments,**  
635 **obligations, and liabilities incurred through the effective date of termination, including**  
636 **obligations that extend beyond the effective date of termination.**

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

640 **6. The defaulting State may appeal its termination from the Compact by the**  
641 **Commission by petitioning the United States District Court for the District of Columbia**  
642 **or the federal district where the Commission has its principal offices. The prevailing**  
643 **member shall be awarded all costs of such litigation, including reasonable attorney's**  
644 **fees.**

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

647 **a. Licensees who have been granted a Compact Privilege in that State shall**  
648 **retain the Compact Privilege for one hundred eighty (180) days following the effective**  
649 **date of such termination.**

650           **b. Licensees who are licensed in that State who have been granted a Compact**  
651 **Privilege in a Participating State shall retain the Compact Privilege for one hundred**  
652 **eighty (180) days unless the Licensee also has a Qualifying License in a Participating**  
653 **State or obtains a Qualifying License in a Participating State before the one hundred**  
654 **eighty (180)-day period ends, in which case the Compact Privilege shall continue.**

655           **C. Dispute Resolution**

656           **1. Upon request by a Participating State, the Commission shall attempt to**  
657 **resolve disputes related to this Compact that arise among Participating States and**  
658 **between participating and non-Participating States.**

659           **2. The Commission shall promulgate a Rule providing for both mediation and**  
660 **binding dispute resolution for disputes as appropriate.**

661           **D. Enforcement**

662           **1. The Commission, in the reasonable exercise of its discretion, shall enforce the**  
663 **provisions of this Compact and Rules of the Commission.**

664           **2. If compliance is not secured after all means to secure compliance have been**  
665 **exhausted, by majority vote, the Commission may initiate legal action in the United**  
666 **States District Court for the District of Columbia or the federal district where the**  
667 **Commission has its principal offices, against a Participating State in default to enforce**  
668 **compliance with the provisions of this Compact and the Commission's promulgated**  
669 **Rules and bylaws. The relief sought may include both injunctive relief and damages. In**  
670 **the event judicial enforcement is necessary, the prevailing party shall be awarded all**  
671 **costs of such litigation, including reasonable attorney's fees.**

672           **3. The remedies herein shall not be the exclusive remedies of the Commission.**  
673 **The Commission may pursue any other remedies available under federal or State law.**

674           **E. Legal Action Against the Commission**

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

681           **2. No person other than a Participating State shall enforce this Compact against**  
682 **the Commission.**

683 **SECTION 11. DATE OF IMPLEMENTATION OF THE PA LICENSURE COMPACT**  
684 **COMMISSION**

685           **A. This Compact shall come into effect on the date on which this Compact**  
686 **statute is enacted into law in the seventh Participating State.**

687           **1. On or after the effective date of the Compact, the Commission shall convene**  
688 **and review the enactment of each of the States that enacted the Compact prior to the**  
689 **Commission convening ("Charter Participating States") to determine if the statute**  
690 **enacted by each such Charter Participating State is materially different than the Model**  
691 **Compact.**

692           **a. A Charter Participating State whose enactment is found to be materially**  
693 **different from the Model Compact shall be entitled to the default process set forth in**  
694 **Section 10.B.**

695           **b. If any Participating State later withdraws from the Compact or its**  
696 **participation is terminated, the Commission shall remain in existence and the Compact**  
697 **shall remain in effect even if the number of Participating States should be less than**  
698 **seven. Participating States enacting the Compact subsequent to the Commission**  
699 **convening shall be subject to the process set forth in Section 7.C.21 to determine if their**  
700 **enactments are materially different from the Model Compact and whether they qualify**  
701 **for participation in the Compact.**

702           **2. Participating States enacting the Compact subsequent to the seven initial**  
703 **Charter Participating States shall be subject to the process set forth in Section 7.C.21 to**  
704 **determine if their enactments are materially different from the Model Compact and**  
705 **whether they qualify for participation in the Compact.**

706           **3. All actions taken for the benefit of the Commission or in furtherance of the**  
707 **purposes of the administration of the Compact prior to the effective date of the Compact**  
708 **or the Commission coming into existence shall be considered to be actions of the**  
709 **Commission unless specifically repudiated by the Commission.**

710           **B. Any State that joins this Compact shall be subject to the Commission's Rules**  
711 **and bylaws as they exist on the date on which this Compact becomes law in that State.**  
712 **Any Rule that has been previously adopted by the Commission shall have the full force**  
713 **and effect of law on the day this Compact becomes law in that State.**

714           **C. Any Participating State may withdraw from this Compact by enacting a**  
715 **statute repealing the same.**

716           **1. A Participating State's withdrawal shall not take effect until one hundred**  
717 **eighty (180) days after enactment of the repealing statute. During this one hundred**  
718 **eighty (180) day-period, all Compact Privileges that were in effect in the withdrawing**  
719 **State and were granted to Licensees licensed in the withdrawing State shall remain in**  
720 **effect. If any Licensee licensed in the withdrawing State is also licensed in another**  
721 **Participating State or obtains a license in another Participating State within the one**  
722 **hundred eighty (180) days, the Licensee's Compact Privileges in other Participating**  
723 **States shall not be affected by the passage of the one hundred eighty (180) days.**

724           **2. Withdrawal shall not affect the continuing requirement of the State Licensing**  
725 **Board(s) of the withdrawing State to comply with the investigative, and Adverse Action**  
726 **reporting requirements of this Compact prior to the effective date of withdrawal.**

727           **3. Upon the enactment of a statute withdrawing a State from this Compact, the**  
728 **State shall immediately provide notice of such withdrawal to all Licensees within that**  
729 **State. Such withdrawing State shall continue to recognize all licenses granted pursuant**  
730 **to this Compact for a minimum of one hundred eighty (180) days after the date of such**  
731 **notice of withdrawal.**

732           **D. Nothing contained in this Compact shall be construed to invalidate or prevent**  
733 **any Physician Assistant licensure agreement or other cooperative arrangement between**  
734 **Participating States and between a Participating State and non-Participating State that**  
735 **does not conflict with the provisions of this Compact.**

736           **E. This Compact may be amended by the Participating States. No amendment**  
737 **to this Compact shall become effective and binding upon any Participating State until it**  
738 **is enacted materially in the same manner into the laws of all Participating States as**  
739 **determined by the Commission.**

#### 740           **SECTION 12. CONSTRUCTION AND SEVERABILITY**

741           **A. This Compact and the Commission's rulemaking authority shall be liberally**  
742 **construed so as to effectuate the purposes, and the implementation and administration**  
743 **of the Compact. Provisions of the Compact expressly authorizing or requiring the**  
744 **promulgation of Rules shall not be construed to limit the Commission's rulemaking**  
745 **authority solely for those purposes.**

746           **B. The provisions of this Compact shall be severable and if any phrase, clause,**  
747 **sentence or provision of this Compact is held by a court of competent jurisdiction to be**  
748 **contrary to the constitution of any Participating State, a State seeking participation in**  
749 **the Compact, or of the United States, or the applicability thereof to any government,**  
750 **agency, person or circumstance is held to be unconstitutional by a court of competent**  
751 **jurisdiction, the validity of the remainder of this Compact and the applicability thereof**  
752 **to any other government, agency, person or circumstance shall not be affected thereby.**

753           **C. Notwithstanding Section 12.B, the Commission may deny a State's**  
754 **participation in the Compact or, in accordance with the requirements of Section 10.B,**  
755 **terminate a Participating State's participation in the Compact, if it determines that a**  
756 **constitutional requirement of a Participating State is, or would be with respect to a State**  
757 **seeking to participate in the Compact, a material departure from the Compact.**  
758 **Otherwise, if this Compact shall be held to be contrary to the constitution of any**  
759 **Participating State, the Compact shall remain in full force and effect as to the remaining**

760 **Participating States and in full force and effect as to the Participating State affected as**  
761 **to all severable matters.**

762 **SECTION 13. BINDING EFFECT OF COMPACT**

763 **A. Nothing herein prevents the enforcement of any other law of a Participating**  
764 **State that is not inconsistent with this Compact.**

765 **B. Any laws in a Participating State in conflict with this Compact are superseded**  
766 **to the extent of the conflict.**

767 **C. All agreements between the Commission and the Participating States are**  
768 **binding in accordance with their terms.**

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