

SECOND REGULAR SESSION

HOUSE BILL NO. 3129

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KEATHLEY.

6895H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapter 334, RSMo, by adding thereto thirteen new sections relating to the physician assistant licensure compact.

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

Section A. Chapter 334, RSMo, is amended by adding thereto thirteen new sections, 2 to be known as sections 334.1800, 334.1805, 334.1810, 334.1815, 334.1820, 334.1825, 3 334.1830, 334.1835, 334.1840, 334.1845, 334.1850, 334.1855, and 334.1860, to read as 4 follows:

334.1800. 1. Sections 334.1800 to 334.1860 shall be known and may be cited as 2 the "Physician Assistant Licensure Compact".

3 2. In order to strengthen access to Medical Services, and in recognition of the 4 advances in the delivery of Medical Services, the Participating States of the PA 5 Licensure Compact have allied in common purpose to develop a comprehensive process 6 that complements the existing authority of State Licensing Boards to license and 7 discipline PAs and seeks to enhance the portability of a License to practice as a PA while 8 safeguarding the safety of patients. This Compact allows Medical Services to be 9 provided by PAs, via the mutual recognition of the Licensee's Qualifying License by 10 other Compact Participating States. This Compact also adopts the prevailing standard 11 for PA licensure and affirms that the practice and delivery of Medical Services by the 12 PA occurs where the patient is located at the time of the patient encounter, and therefore 13 requires the PA to be under the jurisdiction of the State Licensing Board where the 14 patient is located. State Licensing Boards that participate in this Compact retain the 15 jurisdiction to impose Adverse Action against a Compact Privilege in that State issued

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.

16 to a PA through the procedures of this Compact. The PA Licensure Compact will
17 alleviate burdens for military families by allowing active duty military personnel and
18 their spouses to obtain a Compact Privilege based on having an unrestricted License in
19 good standing from a Participating State.

334.1805. In this Compact:

2 (1) "Adverse Action" means any administrative, civil, equitable, or criminal
3 action permitted by a State's laws which is imposed by a Licensing Board or other
4 authority against a PA License or License application or Compact Privilege such as
5 License denial, censure, revocation, suspension, probation, monitoring of the Licensee,
6 or restriction on the Licensee's practice.

7 (2) "Compact Privilege" means the authorization granted by a Remote State to
8 allow a Licensee from another Participating State to practice as a PA to provide Medical
9 Services and other licensed activity to a patient located in the Remote State under the
10 Remote State's laws and regulations.

11 (3) "Conviction" means a finding by a court that an individual is guilty of a
12 felony or misdemeanor offense through adjudication or entry of a plea of guilt or no
13 contest to the charge by the offender.

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

18 (5) "Data System" means the repository of information about Licensees,
19 including but not limited to License status and Adverse Actions, which is created and
20 administered under the terms of this Compact.

21 (6) "Executive Committee" means a group of directors and ex-officio individuals
22 elected or appointed pursuant to subdivision (2) of subsection 6 of section 334.1830.

23 (7) "Impaired Practitioner" means a PA whose practice is adversely affected by
24 health-related condition(s) that impact their ability to practice.

25 (8) "Investigative Information" means information, records, or documents
26 received or generated by a Licensing Board pursuant to an investigation.

27 (9) "Jurisprudence Requirement" means the assessment of an individual's
28 knowledge of the laws and Rules governing the practice of a PA in a State.

29 (10) "License" means current authorization by a State, other than authorization
30 pursuant to a Compact Privilege, for a PA to provide Medical Services, which would be
31 unlawful without current authorization.

32 (11) "Licensee" means an individual who holds a License from a State to provide
33 Medical Services as a PA.

34 (12) "Licensing Board" means any State entity authorized to license and
35 otherwise regulate PAs.

36 (13) "Medical Services" means health care services provided for the diagnosis,
37 prevention, treatment, cure or relief of a health condition, injury, or disease, as defined
38 by a State's laws and regulations.

39 (14) "Model Compact" means the model for the PA Licensure Compact on file
40 with The Council of State Governments or other entity as designated by the
41 Commission.

42 (15) "Participating State" means a State that has enacted this Compact.

43 (16) "PA" means an individual who is licensed as a physician assistant in a State.
44 For purposes of this Compact, any other title or status adopted by a State to replace the
45 term "physician assistant" shall be deemed synonymous with "physician assistant" and
46 shall confer the same rights and responsibilities to the Licensee under the provisions of
47 this Compact at the time of its enactment.

48 (17) "PA Licensure Compact Commission," "Compact Commission," or
49 "Commission" mean the national administrative body created pursuant to subsection
50 1 of section 334.1830 of this Compact.

51 (18) "Qualifying License" means an unrestricted License issued by a
52 Participating State to provide Medical Services as a PA.

53 (19) "Remote State" means a Participating State where a Licensee who is not
54 licensed as a PA is exercising or seeking to exercise the Compact Privilege.

55 (20) "Rule" means a regulation promulgated by an entity that has the force and
56 effect of law.

57 (21) "Significant Investigative Information" means Investigative Information
58 that a Licensing Board, after an inquiry or investigation that includes notification and
59 an opportunity for the PA to respond if required by State law, has reason to believe is
60 not groundless and, if proven true, would indicate more than a minor infraction.

61 (22) "State" means any state, commonwealth, district, or territory of the United
62 States.

334.1810. 1. To participate in this Compact, a Participating State shall:

2 (1) License PAs.

3 (2) Participate in the Compact Commission's Data System.

4 (3) Have a mechanism in place for receiving and investigating complaints
5 against Licensees and License applicants.

6 (4) Notify the Commission, in compliance with the terms of this Compact and
7 Commission Rules, of any Adverse Action against a Licensee or License applicant and

8 the existence of Significant Investigative Information regarding a Licensee or License
9 applicant.

10 (5) Fully implement a Criminal Background Check requirement, within a time
11 frame established by Commission Rule, by its Licensing Board receiving the results of a
12 Criminal Background Check and reporting to the Commission whether the License
13 applicant has been granted a License.

14 (6) Comply with the Rules of the Compact Commission.

15 (7) Utilize passage of a recognized national exam such as the NCCPA PANCE as
16 a requirement for PA licensure.

17 (8) Grant the Compact Privilege to a holder of a Qualifying License in a
18 Participating State.

19 2. Nothing in this Compact prohibits a Participating State from charging a fee
20 for granting the Compact Privilege.

334.1815. 1. To exercise the Compact Privilege, a Licensee must:

2 (1) Have graduated from a PA program accredited by the Accreditation Review
3 Commission on Education for the Physician Assistant, Inc. or other programs
4 authorized by Commission Rule.

5 (2) Hold current NCCPA certification.

6 (3) Have no felony or misdemeanor Conviction.

7 (4) Have never had a controlled substance license, permit, or registration
8 suspended or revoked by a State or by the United States Drug Enforcement
9 Administration.

10 (5) Have a unique identifier as determined by Commission Rule.

11 (6) Hold a Qualifying License.

12 (7) Have had no revocation of a License or limitation or restriction on any
13 License currently held due to an adverse action.

14 (8) If a Licensee has had a limitation or restriction on a License or Compact
15 Privilege due to an Adverse Action, two years must have elapsed from the date on which
16 the License or Compact Privilege is no longer limited or restricted due to the Adverse
17 Action.

18 (9) If a Compact Privilege has been revoked or is limited or restricted in a
19 Participating State for conduct that would not be a basis for disciplinary action in a
20 Participating State in which the Licensee is practicing or applying to practice under a
21 Compact Privilege, that Participating State shall have the discretion not to consider
22 such action as an Adverse Action requiring the denial or removal of a Compact
23 Privilege in that State.

24 **(10) Notify the Compact Commission that the Licensee is seeking the Compact**
25 **Privilege in a Remote State.**

26 **(11) Meet any Jurisprudence Requirement of a Remote State in which the**
27 **Licensee is seeking to practice under the Compact Privilege and pay any fees applicable**
28 **to satisfying the Jurisprudence Requirement.**

29 **(12) Report to the Commission any Adverse Action taken by a non-participating**
30 **State within thirty (30) days after the action is taken.**

31 **2. The Compact Privilege is valid until the expiration or revocation of the**
32 **Qualifying License unless terminated pursuant to an Adverse Action. The Licensee**
33 **must also comply with all of the requirements of subsection 1 of this section to maintain**
34 **the Compact Privilege in a Remote State. If the Participating State takes Adverse**
35 **Action against a Qualifying License, the Licensee shall lose the Compact Privilege in any**
36 **Remote State in which the Licensee has a Compact Privilege until all of the following**
37 **occur:**

38 **(1) The License is no longer limited or restricted; and**

39 **(2) Two (2) years have elapsed from the date on which the License is no longer**
40 **limited or restricted due to the Adverse Action.**

41 **3. Once a restricted or limited License satisfies the requirements of subdivisions**
42 **(1) and (2) of subsection 2 of this section, the Licensee must meet the requirements of**
43 **subsection 1 of this section to obtain a Compact Privilege in any Remote State.**

44 **4. For each Remote State in which a PA seeks authority to prescribe controlled**
45 **substances, the PA shall satisfy all requirements imposed by such State in granting or**
46 **renewing such authority.**

334.1820. Upon a Licensee's application for a Compact Privilege, the Licensee
2 **shall identify to the Commission the Participating State from which the Licensee is**
3 **applying, in accordance with applicable Rules adopted by the Commission, and subject**
4 **to the following requirements:**

5 **(1) When applying for a Compact Privilege, the Licensee shall provide the**
6 **Commission with the address of the Licensee's primary residence and thereafter shall**
7 **immediately report to the Commission any change in the address of the Licensee's**
8 **primary residence.**

9 **(2) When applying for a Compact Privilege, the Licensee is required to consent**
10 **to accept service of process by mail at the Licensee's primary residence on file with the**
11 **Commission with respect to any action brought against the Licensee by the Commission**
12 **or a Participating State, including a subpoena, with respect to any action brought or**
13 **investigation conducted by the Commission or a Participating State.**

2 **334.1825. 1. A Participating State in which a Licensee is licensed shall have**
3 **exclusive power to impose Adverse Action against the Qualifying License issued by that**
4 **Participating State.**

5 **2. In addition to the other powers conferred by State law, a Remote State shall**
6 **have the authority, in accordance with existing State due process law, to do all of the**
7 **following:**

8 **(1) Take Adverse Action against a PA's Compact Privilege within that State to**
9 **remove a Licensee's Compact Privilege or take other action necessary under applicable**
10 **law to protect the health and safety of its citizens.**

11 **(2) Issue subpoenas for both hearings and investigations that require the**
12 **attendance and testimony of witnesses as well as the production of evidence. Subpoenas**
13 **issued by a Licensing Board in a Participating State for the attendance and testimony of**
14 **witnesses or the production of evidence from another Participating State shall be**
15 **enforced in the latter State by any court of competent jurisdiction, according to the**
16 **practice and procedure of that court applicable to subpoenas issued in proceedings**
17 **pending before it. The issuing authority shall pay any witness fees, travel expenses,**
18 **mileage and other fees required by the service statutes of the State in which the**
19 **witnesses or evidence are located.**

20 **(3) Notwithstanding subdivision (2) of this subsection, subpoenas may not be**
21 **issued by a Participating State to gather evidence of conduct in another State that is**
22 **lawful in that other State for the purpose of taking Adverse Action against a Licensee's**
23 **Compact Privilege or application for a Compact Privilege in that Participating State.**

24 **(4) Nothing in this Compact authorizes a Participating State to impose discipline**
25 **against a PA's Compact Privilege or to deny an application for a Compact Privilege in**
26 **that Participating State for the individual's otherwise lawful practice in another State.**

27 **3. For purposes of taking Adverse Action, the Participating State which issued**
28 **the Qualifying License shall give the same priority and effect to reported conduct**
29 **received from any other Participating State as it would if the conduct had occurred**
30 **within the Participating State which issued the Qualifying License. In so doing, that**
31 **Participating State shall apply its own State laws to determine appropriate action.**

32 **4. A Participating State, if otherwise permitted by State law, may recover from**
33 **the affected PA the costs of investigations and disposition of cases resulting from any**
34 **Adverse Action taken against that PA.**

35 **5. A Participating State may take Adverse Action based on the factual findings**
36 **of a Remote State, provided that the Participating State follows its own procedures for**
taking the Adverse Action.

37 **6. (1) In addition to the authority granted to a Participating State by its**
38 **respective State PA laws and regulations or other applicable State law, any Participating**
39 **State may participate with other Participating States in joint investigations of Licensees.**

40 **(2) Participating States shall share any investigative, litigation, or compliance**
41 **materials in furtherance of any joint or individual investigation initiated under this**
42 **Compact.**

43 **7. If an Adverse Action is taken against a PA's Qualifying License, the PA's**
44 **Compact Privilege in all Remote States shall be deactivated until two (2) years have**
45 **elapsed after all restrictions have been removed from the State License. All disciplinary**
46 **orders by the Participating State which issued the Qualifying License that impose**
47 **Adverse Action against a PA's License shall include a Statement that the PA's Compact**
48 **Privilege is deactivated in all Participating States during the pendency of the order.**

49 **8. If any Participating State takes Adverse Action, it promptly shall notify the**
50 **administrator of the Data System.**

334.1830. 1. The Participating States hereby create and establish a joint
2 **government agency and national administrative body known as the PA Licensure**
3 **Compact Commission. The Commission is an instrumentality of the Compact States**
4 **acting jointly and not an instrumentality of any one State. The Commission shall come**
5 **into existence on or after the effective date of the Compact as set forth in subsection 1 of**
6 **section 334.1850.**

7 **2. (1) Each Participating State shall have and be limited to one (1) delegate**
8 **selected by that Participating State's Licensing Board or, if the State has more than one**
9 **Licensing Board, selected collectively by the Participating State's Licensing Boards.**

10 **(2) The delegate shall be either:**

11 **(a) A current PA, physician or public member of a Licensing Board or PA**
12 **Council/Committee; or**

13 **(b) An administrator of a Licensing Board.**

14 **(3) Any delegate may be removed or suspended from office as provided by the**
15 **laws of the State from which the delegate is appointed.**

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

18 **(5) Each delegate shall be entitled to one (1) vote on all matters voted on by the**
19 **Commission and shall otherwise have an opportunity to participate in the business and**
20 **affairs of the Commission. A delegate shall vote in person or by such other means as**
21 **provided in the bylaws. The bylaws may provide for delegates' participation in**
22 **meetings by telecommunications, video conference, or other means of communication.**

23 **(6) The Commission shall meet at least once during each calendar year.**
24 **Additional meetings shall be held as set forth in this Compact and the bylaws.**

25 **(7) The Commission shall establish by Rule a term of office for delegates.**

26 **3. The Commission shall have the following powers and duties:**

27 **(1) Establish a code of ethics for the Commission;**

28 **(2) Establish the fiscal year of the Commission;**

29 **(3) Establish fees;**

30 **(4) Establish bylaws;**

31 **(5) Maintain its financial records in accordance with the bylaws;**

32 **(6) Meet and take such actions as are consistent with the provisions of this**
33 **Compact and the bylaws;**

34 **(7) Promulgate Rules to facilitate and coordinate implementation and**
35 **administration of this Compact. The Rules shall have the force and effect of law and**
36 **shall be binding in all Participating States;**

37 **(8) Bring and prosecute legal proceedings or actions in the name of the**
38 **Commission, provided that the standing of any State Licensing Board to sue or be sued**
39 **under applicable law shall not be affected;**

40 **(9) Purchase and maintain insurance and bonds;**

41 **(10) Borrow, accept, or contract for services of personnel, including, but not**
42 **limited to, employees of a Participating State;**

43 **(11) Hire employees and engage contractors, elect or appoint officers, fix**
44 **compensation, define duties, grant such individuals appropriate authority to carry out**
45 **the purposes of this Compact, and establish the Commission's personnel policies and**
46 **programs relating to conflicts of interest, qualifications of personnel, and other related**
47 **personnel matters;**

48 **(12) Accept any and all appropriate donations and grants of money, equipment,**
49 **supplies, materials and services, and receive, utilize and dispose of the same; provided**
50 **that at all times the Commission shall avoid any appearance of impropriety or conflict**
51 **of interest;**

52 **(13) Lease, purchase, accept appropriate gifts or donations of, or otherwise own,**
53 **hold, improve or use, any property, real, personal or mixed; provided that at all times**
54 **the Commission shall avoid any appearance of impropriety;**

55 **(14) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise**
56 **dispose of any property real, personal, or mixed;**

57 **(15) Establish a budget and make expenditures;**

58 **(16) Borrow money;**

59 **(17) Appoint committees, including standing committees composed of members,**
60 **State regulators, State legislators or their representatives, and consumer**
61 **representatives, and such other interested persons as may be designated in this**
62 **Compact and the bylaws;**

63 **(18) Provide and receive information from, and cooperate with, law enforcement**
64 **agencies;**

65 **(19) Elect a Chair, Vice Chair, Secretary and Treasurer and such other officers**
66 **of the Commission as provided in the Commission's bylaws;**

67 **(20) Reserve for itself, in addition to those reserved exclusively to the**
68 **Commission under the Compact, powers that the Executive Committee may not**
69 **exercise;**

70 **(21) Approve or disapprove a State's participation in the Compact based upon**
71 **its determination as to whether the State's Compact legislation departs in a material**
72 **manner from the Model Compact language;**

73 **(22) Prepare and provide to the Participating States an annual report; and**

74 **(23) Perform such other functions as may be necessary or appropriate to achieve**
75 **the purposes of this Compact consistent with the State regulation of PA licensure and**
76 **practice.**

77 **4. (1) All meetings of the Commission that are not closed pursuant to this**
78 **subsection shall be open to the public. Notice of public meetings shall be posted on the**
79 **Commission's website at least thirty (30) days prior to the public meeting.**

80 **(2) Notwithstanding subdivision (1) of this subsection, the Commission may**
81 **convene a public meeting by providing at least twenty-four (24) hours prior notice on**
82 **the Commission's website, and any other means as provided in the Commission's Rules,**
83 **for any of the reasons it may dispense with notice of proposed rulemaking under**
84 **subsection 12 of section 334.1840.**

85 **(3) The Commission may convene in a closed, non-public meeting or non-public**
86 **part of a public meeting to receive legal advice or to discuss:**

87 **(a) Non-compliance of a Participating State with its obligations under this**
88 **Compact;**

89 **(b) The employment, compensation, discipline or other matters, practices or**
90 **procedures related to specific employees or other matters related to the Commission's**
91 **internal personnel practices and procedures;**

92 **(c) Current, threatened, or reasonably anticipated litigation;**

93 **(d) Negotiation of contracts for the purchase, lease, or sale of goods, services, or**
94 **real estate;**

95 **(e) Accusing any person of a crime or formally censuring any person;**

96 (f) Disclosure of trade secrets or commercial or financial information that is
97 privileged or confidential;

98 (g) Disclosure of information of a personal nature where disclosure would
99 constitute a clearly unwarranted invasion of personal privacy;

100 (h) Disclosure of investigative records compiled for law enforcement purposes;

101 (i) Disclosure of information related to any investigative reports prepared by or
102 on behalf of or for use of the Commission or other committee charged with
103 responsibility of investigation or determination of compliance issues pursuant to this
104 Compact;

105 (j) Legal advice; or

106 (k) Matters specifically exempted from disclosure by federal or Participating
107 States' statutes.

108 (4) If a meeting, or portion of a meeting, is closed pursuant to this provision, the
109 chair of the meeting or the chair's designee shall certify that the meeting or portion of
110 the meeting may be closed and shall reference each relevant exempting provision.

111 (5) The Commission shall keep minutes that fully and clearly describe all
112 matters discussed in a meeting and shall provide a full and accurate summary of actions
113 taken, including a description of the views expressed. All documents considered in
114 connection with an action shall be identified in such minutes. All minutes and
115 documents of a closed meeting shall remain under seal, subject to release by a majority
116 vote of the Commission or order of a court of competent jurisdiction.

117 5. (1) The Commission shall pay, or provide for the payment of, the reasonable
118 expenses of its establishment, organization, and ongoing activities.

119 (2) The Commission may accept any and all appropriate revenue sources,
120 donations, and grants of money, equipment, supplies, materials, and services.

121 (3) The Commission may levy on and collect an annual assessment from each
122 Participating State and may impose Compact Privilege fees on Licensees of
123 Participating States to whom a Compact Privilege is granted to cover the cost of the
124 operations and activities of the Commission and its staff, which must be in a total
125 amount sufficient to cover its annual budget as approved by the Commission each year
126 for which revenue is not provided by other sources. The aggregate annual assessment
127 amount levied on Participating States shall be allocated based upon a formula to be
128 determined by Commission Rule.

129 (a) A Compact Privilege expires when the Licensee's Qualifying License in the
130 Participating State from which the Licensee applied for the Compact Privilege expires.

131 (b) If the Licensee terminates the Qualifying License through which the Licensee
132 applied for the Compact Privilege before its scheduled expiration, and the Licensee has

133 a **Qualifying License in another Participating State, the Licensee shall inform the**
134 **Commission that it is changing to that Participating State the Participating State**
135 **through which it applies for a Compact Privilege and pay to the Commission any**
136 **Compact Privilege fee required by Commission Rule.**

137 (4) **The Commission shall not incur obligations of any kind prior to securing the**
138 **funds adequate to meet the same; nor shall the Commission pledge the credit of any of**
139 **the Participating States, except by and with the authority of the Participating State.**

140 (5) **The Commission shall keep accurate accounts of all receipts and**
141 **disbursements. The receipts and disbursements of the Commission shall be subject**
142 **to the financial review and accounting procedures established under its bylaws. All**
143 **receipts and disbursements of funds handled by the Commission shall be subject to an**
144 **annual financial review by a certified or licensed public accountant, and the report of**
145 **the financial review shall be included in and become part of the annual report of the**
146 **Commission.**

147 6. (1) **The Executive Committee shall have the power to act on behalf of the**
148 **Commission according to the terms of this Compact and Commission Rules.**

149 (2) **The Executive Committee shall be composed of nine (9) members:**

150 (a) **Seven voting members who are elected by the Commission from the current**
151 **membership of the Commission;**

152 (b) **One ex-officio, nonvoting member from a recognized national PA**
153 **professional association; and**

154 (c) **One ex-officio, nonvoting member from a recognized national PA**
155 **certification organization.**

156 (3) **The ex-officio members will be selected by their respective organizations.**

157 (4) **The Commission may remove any member of the Executive Committee as**
158 **provided in its bylaws.**

159 (5) **The Executive Committee shall meet at least annually.**

160 (6) **The Executive Committee shall have the following duties and responsibilities:**

161 (a) **Recommend to the Commission changes to the Commission's Rules or**
162 **bylaws, changes to this Compact legislation, fees to be paid by Compact Participating**
163 **States such as annual dues, and any Commission Compact fee charged to Licensees for**
164 **the Compact Privilege;**

165 (b) **Ensure Compact administration services are appropriately provided,**
166 **contractual or otherwise;**

167 (c) **Prepare and recommend the budget;**

168 (d) **Maintain financial records on behalf of the Commission;**

169 (e) Monitor Compact compliance of Participating States and provide compliance
170 reports to the Commission;

171 (f) Establish additional committees as necessary;

172 (g) Exercise the powers and duties of the Commission during the interim
173 between Commission meetings, except for issuing proposed rulemaking or adopting
174 Commission Rules or bylaws, or exercising any other powers and duties exclusively
175 reserved to the Commission by the Commission's Rules; and

176 (h) Perform other duties as provided in the Commission's Rules or bylaws.

177 (7) All meetings of the Executive Committee at which it votes or plans to vote on
178 matters in exercising the powers and duties of the Commission shall be open to the
179 public and public notice of such meetings shall be given as public meetings of the
180 Commission are given.

181 (8) The Executive Committee may convene in a closed, non-public meeting for
182 the same reasons that the Commission may convene in a non-public meeting as set forth
183 in subdivision (3) of subsection 4 of this section and shall announce the closed meeting as
184 the Commission is required to under subdivision (4) of subsection 4 of this section and
185 keep minutes of the closed meeting as the Commission is required to under subdivision
186 (5) of subsection 4 of this section.

187 7. (1) The members, officers, executive director, employees and representatives
188 of the Commission shall be immune from suit and liability, both personally and in their
189 official capacity, for any claim for damage to or loss of property or personal injury or
190 other civil liability caused by or arising out of any actual or alleged act, error, or
191 omission that occurred, or that the person against whom the claim is made had a
192 reasonable basis for believing occurred within the scope of Commission employment,
193 duties or responsibilities; provided that nothing in this subdivision shall be construed to
194 protect any such person from suit or liability for any damage, loss, injury, or liability
195 caused by the intentional or willful or wanton misconduct of that person. The
196 procurement of insurance of any type by the Commission shall not in any way
197 compromise or limit the immunity granted hereunder.

198 (2) The Commission shall defend any member, officer, executive director,
199 employee, and representative of the Commission in any civil action seeking to impose
200 liability arising out of any actual or alleged act, error, or omission that occurred within
201 the scope of Commission employment, duties, or responsibilities, or as determined by
202 the commission that the person against whom the claim is made had a reasonable basis
203 for believing occurred within the scope of Commission employment, duties, or
204 responsibilities; provided that nothing herein shall be construed to prohibit that
205 person from retaining their own counsel at their own expense; and provided further,

206 that the actual or alleged act, error, or omission did not result from that person's
207 intentional or willful or wanton misconduct.

208 (3) The Commission shall indemnify and hold harmless any member, officer,
209 executive director, employee, and representative of the Commission for the amount of
210 any settlement or judgment obtained against that person arising out of any actual or
211 alleged act, error, or omission that occurred within the scope of Commission
212 employment, duties, or responsibilities, or that such person had a reasonable basis
213 for believing occurred within the scope of Commission employment, duties, or
214 responsibilities, provided that the actual or alleged act, error, or omission did not
215 result from the intentional or willful or wanton misconduct of that person.

216 (4) Venue is proper and judicial proceedings by or against the Commission shall
217 be brought solely and exclusively in a court of competent jurisdiction where the
218 principal office of the Commission is located. The Commission may waive venue and
219 jurisdictional defenses in any proceedings as authorized by Commission Rules.

220 (5) Nothing herein shall be construed as a limitation on the liability of any
221 Licensee for professional malpractice or misconduct, which shall be governed solely by
222 any other applicable State laws.

223 (6) Nothing herein shall be construed to designate the venue or jurisdiction to
224 bring actions for alleged acts of malpractice, professional misconduct, negligence, or
225 other such civil action pertaining to the practice of a PA. All such matters shall be
226 determined exclusively by State law other than this Compact.

227 (7) Nothing in this Compact shall be interpreted to waive or otherwise abrogate
228 a Participating State's state action immunity or state action affirmative defense with
229 respect to antitrust claims under the Sherman Act, Clayton Act, or any other State or
230 federal antitrust or anticompetitive law or regulation.

231 (8) Nothing in this Compact shall be construed to be a waiver of sovereign
232 immunity by the Participating States or by the Commission.

334.1835. 1. The Commission shall provide for the development, maintenance,
2 operation, and utilization of a coordinated data and reporting system containing
3 licensure, Adverse Action, and the reporting of the existence of Significant Investigative
4 Information on all licensed PAs and applicants denied a License in Participating States.

5 2. Notwithstanding any other State law to the contrary, a Participating State
6 shall submit a uniform data set to the Data System on all PAs to whom this Compact is
7 applicable (utilizing a unique identifier) as required by the Rules of the Commission,
8 including:

9 (1) Identifying information;

10 (2) Licensure data;

- 11 **(3) Adverse Actions against a License or Compact Privilege;**
12 **(4) Any denial of application for licensure, and the reason or reasons for such**
13 **denial (excluding the reporting of any Criminal history record information where**
14 **prohibited by law);**
15 **(5) The existence of Significant Investigative Information; and**
16 **(6) Other information that may facilitate the administration of this Compact, as**
17 **determined by the Rules of the Commission.**

18 **3. Significant Investigative Information pertaining to a Licensee in any**
19 **Participating State shall only be available to other Participating States.**

20 **4. The Commission shall promptly notify all Participating States of any Adverse**
21 **Action taken against a Licensee or an individual applying for a License that has been**
22 **reported to it. This Adverse Action information shall be available to any other**
23 **Participating State.**

24 **5. Participating States contributing information to the Data System may, in**
25 **accordance with State or federal law, designate information that may not be shared with**
26 **the public without the express permission of the contributing State. Notwithstanding**
27 **any such designation, such information shall be reported to the Commission through the**
28 **Data System.**

29 **6. Any information submitted to the Data System that is subsequently expunged**
30 **pursuant to federal law or the laws of the Participating State contributing the**
31 **information shall be removed from the Data System upon reporting of such by the**
32 **Participating State to the Commission.**

33 **7. The records and information provided to a Participating State pursuant to**
34 **this Compact or through the Data System, when certified by the Commission or an**
35 **agent thereof, shall constitute the authenticated business records of the Commission,**
36 **and shall be entitled to any associated hearsay exception in any relevant judicial, quasi-**
37 **judicial or administrative proceedings in a Participating State.**

334.1840. 1. The Commission shall exercise its Rulemaking powers pursuant to
2 **the criteria set forth in this Section and the Rules adopted thereunder. Commission**
3 **Rules shall become binding as of the date specified by the Commission for each Rule.**

4 **2. The Commission shall promulgate reasonable Rules in order to effectively and**
5 **efficiently implement and administer this Compact and achieve its purposes. A**
6 **Commission Rule shall be invalid and have no force or effect only if a court of**
7 **competent jurisdiction holds that the Rule is invalid because the Commission exercised**
8 **its rulemaking authority in a manner that is beyond the scope of the purposes of this**
9 **Compact, or the powers granted hereunder, or based upon another applicable standard**
10 **of review.**

11 **3. The Rules of the Commission shall have the force of law in each Participating**
12 **State, provided however that where the Rules of the Commission conflict with the laws**
13 **of the Participating State that establish the medical services a PA may perform in the**
14 **Participating State, as held by a court of competent jurisdiction, the Rules of the**
15 **Commission shall be ineffective in that State to the extent of the conflict.**

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

21 **5. Commission Rules shall be adopted at a regular or special meeting of the**
22 **Commission.**

23 **6. Prior to promulgation and adoption of a final Rule or Rules by the**
24 **Commission, and at least thirty (30) days in advance of the meeting at which the Rule**
25 **will be considered and voted upon, the Commission shall file a Notice of Proposed**
26 **Rulemaking:**

27 **(1) On the website of the Commission or other publicly accessible platform; and**

28 **(2) To persons who have requested notice of the Commission's notices of**
29 **proposed rulemaking; and**

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

31 **7. The Notice of Proposed Rulemaking shall include:**

32 **(1) The time, date, and location of the public hearing on the proposed Rule and**
33 **the proposed time, date and location of the meeting in which the proposed Rule will be**
34 **considered and voted upon;**

35 **(2) The text of the proposed Rule and the reason for the proposed Rule;**

36 **(3) A request for comments on the proposed Rule from any interested person**
37 **and the date by which written comments must be received; and**

38 **(4) The manner in which interested persons may submit notice to the**
39 **Commission of their intention to attend the public hearing or provide any written**
40 **comments.**

41 **8. Prior to adoption of a proposed Rule, the Commission shall allow persons to**
42 **submit written data, facts, opinions, and arguments, which shall be made available to**
43 **the public.**

44 **9. If the hearing is to be held via electronic means, the Commission shall publish**
45 **the mechanism for access to the electronic hearing.**

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

49 (2) Hearings shall be conducted in a manner providing each person who wishes
50 to comment a fair and reasonable opportunity to comment orally or in writing.

51 (3) All hearings shall be recorded. A copy of the recording and the written
52 comments, data, facts, opinions, and arguments received in response to the proposed
53 rulemaking shall be made available to a person upon request.

54 (4) Nothing in this section shall be construed as requiring a separate hearing on
55 each proposed Rule. Proposed Rules may be grouped for the convenience of the
56 Commission at hearings required by this section.

57 10. Following the public hearing the Commission shall consider all written and
58 oral comments timely received.

59 11. The Commission shall, by majority vote of all delegates, take final action on
60 the proposed Rule and shall determine the effective date of the Rule, if adopted, based
61 on the Rulemaking record and the full text of the Rule.

62 (1) If adopted, the Rule shall be posted on the Commission's website.

63 (2) The Commission may adopt changes to the proposed Rule provided the
64 changes do not enlarge the original purpose of the proposed Rule.

65 (3) The Commission shall provide on its website an explanation of the reasons
66 for substantive changes made to the proposed Rule as well as reasons for substantive
67 changes not made that were recommended by commenters.

68 (4) The Commission shall determine a reasonable effective date for the Rule.
69 Except for an emergency as provided in subsection 12 of this section, the effective date
70 of the Rule shall be no sooner than thirty (30) days after the Commission issued the
71 notice that it adopted the Rule.

72 12. Upon determination that an emergency exists, the Commission may consider
73 and adopt an emergency Rule with twenty-four (24) hours prior notice, without the
74 opportunity for comment, or hearing, provided that the usual rulemaking procedures
75 provided in this Compact and in this section shall be retroactively applied to the Rule as
76 soon as reasonably possible, in no event later than ninety (90) days after the effective
77 date of the Rule. For the purposes of this provision, an emergency Rule is one that must
78 be adopted immediately by the Commission in order to:

79 (1) Meet an imminent threat to public health, safety, or welfare;

80 (2) Prevent a loss of Commission or Participating State funds;

81 (3) Meet a deadline for the promulgation of a Commission Rule that is
82 established by federal law or Rule; or

83 (4) Protect public health and safety.

84 13. The Commission or an authorized committee of the Commission may direct
85 revisions to a previously adopted Commission Rule for purposes of correcting
86 typographical errors, errors in format, errors in consistency, or grammatical errors.
87 Public notice of any revisions shall be posted on the website of the Commission. The
88 revision shall be subject to challenge by any person for a period of thirty (30) days after
89 posting. The revision may be challenged only on grounds that the revision results in a
90 material change to a Rule. A challenge shall be made as set forth in the notice of
91 revisions and delivered to the Commission prior to the end of the notice period. If no
92 challenge is made, the revision will take effect without further action. If the revision is
93 challenged, the revision may not take effect without the approval of the Commission.

94 14. No Participating State's rulemaking requirements shall apply under this
95 Compact.

334.1845. 1. (1) The executive and judicial branches of State government in
2 each Participating State shall enforce this Compact and take all actions necessary and
3 appropriate to implement the Compact.

4 (2) Venue is proper and judicial proceedings by or against the Commission shall
5 be brought solely and exclusively in a court of competent jurisdiction where the
6 principal office of the Commission is located. The Commission may waive venue and
7 jurisdictional defenses to the extent it adopts or consents to participate in alternative
8 dispute resolution proceedings. Nothing herein shall affect or limit the selection or
9 propriety of venue in any action against a licensee for professional malpractice,
10 misconduct or any such similar matter.

11 (3) The Commission shall be entitled to receive service of process in any
12 proceeding regarding the enforcement or interpretation of the Compact or the
13 Commission's Rules and shall have standing to intervene in such a proceeding for all
14 purposes. Failure to provide the Commission with service of process shall render a
15 judgment or order in such proceeding void as to the Commission, this Compact, or
16 Commission Rules.

17 2. (1) If the Commission determines that a Participating State has defaulted in
18 the performance of its obligations or responsibilities under this Compact or the
19 Commission Rules, the Commission shall provide written notice to the defaulting State
20 and other Participating States. The notice shall describe the default, the proposed
21 means of curing the default and any other action that the Commission may take and
22 shall offer remedial training and specific technical assistance regarding the default.

23 (2) If a State in default fails to cure the default, the defaulting State may be
24 terminated from this Compact upon an affirmative vote of a majority of the delegates of

25 the Participating States, and all rights, privileges and benefits conferred by this
26 Compact upon such State may be terminated on the effective date of termination. A
27 cure of the default does not relieve the offending State of obligations or liabilities
28 incurred during the period of default.

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

34 (4) A State that has been terminated is responsible for all assessments,
35 obligations, and liabilities incurred through the effective date of termination, including
36 obligations that extend beyond the effective date of termination.

37 (5) The Commission shall not bear any costs related to a State that is found to be
38 in default or that has been terminated from this Compact, unless agreed upon in writing
39 between the Commission and the defaulting State.

40 (6) The defaulting State may appeal its termination from the Compact by the
41 Commission by petitioning the U.S. District Court for the District of Columbia or the
42 federal district where the Commission has its principal offices. The prevailing member
43 shall be awarded all costs of such litigation, including reasonable attorney's fees.

44 (7) Upon the termination of a State's participation in the Compact, the State
45 shall immediately provide notice to all Licensees within that State of such termination:

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

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

54 3. (1) Upon request by a Participating State, the Commission shall attempt to
55 resolve disputes related to this Compact that arise among Participating States and
56 between participating and non-Participating States.

57 (2) The Commission shall promulgate a Rule providing for both mediation and
58 binding dispute resolution for disputes as appropriate.

59 4. (1) The Commission, in the reasonable exercise of its discretion, shall enforce
60 the provisions of this Compact and Rules of the Commission.

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

69 **(3) The remedies herein shall not be the exclusive remedies of the Commission.**
70 **The Commission may pursue any other remedies available under federal or State law.**

71 **5. (1) A Participating State may initiate legal action against the Commission in**
72 **the U.S. District Court for the District of Columbia or the federal district where the**
73 **Commission has its principal offices to enforce compliance with the provisions of the**
74 **Compact and its Rules. The relief sought may include both injunctive relief and**
75 **damages. In the event judicial enforcement is necessary, the prevailing party shall be**
76 **awarded all costs of such litigation, including reasonable attorney's fees.**

77 **(2) No person other than a Participating State shall enforce this Compact against**
78 **the Commission.**

334.1850. 1. This Compact shall come into effect on the date on which this
2 **Compact statute is enacted into law in the seventh Participating State.**

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

8 **(a) A Charter Participating State whose enactment is found to be materially**
9 **different from the Model Compact shall be entitled to the default process set forth in**
10 **subsection 2 of section 334.1845.**

11 **(b) If any Participating State later withdraws from the Compact or its**
12 **participation is terminated, the Commission shall remain in existence and the Compact**
13 **shall remain in effect even if the number of Participating States should be less than**
14 **seven. Participating States enacting the Compact subsequent to the Commission**
15 **convening shall be subject to the process set forth in subdivision (21) of subsection 3 of**
16 **section 334.1830 to determine if their enactments are materially different from the**
17 **Model Compact and whether they qualify for participation in the Compact.**

18 **(2) Participating States enacting the Compact subsequent to the seven initial**
19 **Charter Participating States shall be subject to the process set forth in subdivision (21)**

20 of subsection 3 of section 334.1830 to determine if their enactments are materially
21 different from the Model Compact and whether they qualify for participation in the
22 Compact.

23 (3) All actions taken for the benefit of the Commission or in furtherance of the
24 purposes of the administration of the Compact prior to the effective date of the Compact
25 or the Commission coming into existence shall be considered to be actions of the
26 Commission unless specifically repudiated by the Commission.

27 2. Any State that joins this Compact shall be subject to the Commission's Rules
28 and bylaws as they exist on the date on which this Compact becomes law in that State.
29 Any Rule that has been previously adopted by the Commission shall have the full force
30 and effect of law on the day this Compact becomes law in that State.

31 3. Any Participating State may withdraw from this Compact by enacting a
32 statute repealing the same.

33 (1) A Participating State's withdrawal shall not take effect until one hundred
34 eighty (180) days after enactment of the repealing statute. During this one hundred
35 eighty (180) day-period, all Compact Privileges that were in effect in the withdrawing
36 State and were granted to Licensees licensed in the withdrawing State shall remain in
37 effect. If any Licensee licensed in the withdrawing State is also licensed in another
38 Participating State or obtains a license in another Participating State within the one
39 hundred eighty (180) days, the Licensee's Compact Privileges in other Participating
40 States shall not be affected by the passage of the one hundred eighty (180) days.

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

45 (3) Upon the enactment of a statute withdrawing a State from this Compact, the
46 State shall immediately provide notice of such withdrawal to all Licensees within that
47 State. Such withdrawing State shall continue to recognize all licenses granted pursuant
48 to this Compact for a minimum of one hundred eighty (180) days after the date of such
49 notice of withdrawal.

50 4. Nothing contained in this Compact shall be construed to invalidate or prevent
51 any PA licensure agreement or other cooperative arrangement between Participating
52 States and between a Participating State and non-Participating State that does not
53 conflict with the provisions of this Compact.

54 5. This Compact may be amended by the Participating States. No amendment to
55 this Compact shall become effective and binding upon any Participating State until it is

56 enacted materially in the same manner into the laws of all Participating States as
57 determined by the Commission.

334.1855. 1. This Compact and the Commission's rulemaking authority shall be
2 liberally construed so as to effectuate the purposes, and the implementation and
3 administration of the Compact. Provisions of the Compact expressly authorizing or
4 requiring the promulgation of Rules shall not be construed to limit the Commission's
5 rulemaking authority solely for those purposes.

6 2. The provisions of this Compact shall be severable and if any phrase, clause,
7 sentence or provision of this Compact is held by a court of competent jurisdiction to be
8 contrary to the constitution of any Participating State, a State seeking participation in
9 the Compact, or of the United States, or the applicability thereof to any government,
10 agency, person or circumstance is held to be unconstitutional by a court of competent
11 jurisdiction, the validity of the remainder of this Compact and the applicability thereof
12 to any other government, agency, person or circumstance shall not be affected thereby.

13 3. Notwithstanding subsection 2 of this section, the Commission may deny a
14 State's participation in the Compact or, in accordance with the requirements of
15 subsection 2 of section 334.1845, terminate a Participating State's participation in the
16 Compact, if it determines that a constitutional requirement of a Participating State is, or
17 would be with respect to a State seeking to participate in the Compact, a material
18 departure from the Compact. Otherwise, if this Compact shall be held to be contrary to
19 the constitution of any Participating State, the Compact shall remain in full force and
20 effect as to the remaining Participating States and in full force and effect as to the
21 Participating State affected as to all severable matters.

334.1860. 1. Nothing herein prevents the enforcement of any other law of a
2 Participating State that is not inconsistent with this Compact.

3 2. Any laws in a Participating State in conflict with this Compact are superseded
4 to the extent of the conflict.

5 3. All agreements between the Commission and the Participating States are
6 binding in accordance with their terms.

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