

[First Reprint]

ASSEMBLY, No. 4328

STATE OF NEW JERSEY
221st LEGISLATURE

INTRODUCED MAY 10, 2024

Sponsored by:

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington)

Assemblywoman ELLEN J. PARK

District 37 (Bergen)

Assemblywoman GARNET R. HALL

District 28 (Essex and Union)

Senator NICHOLAS P. SCUTARI

District 22 (Somerset and Union)

Co-Sponsored by:

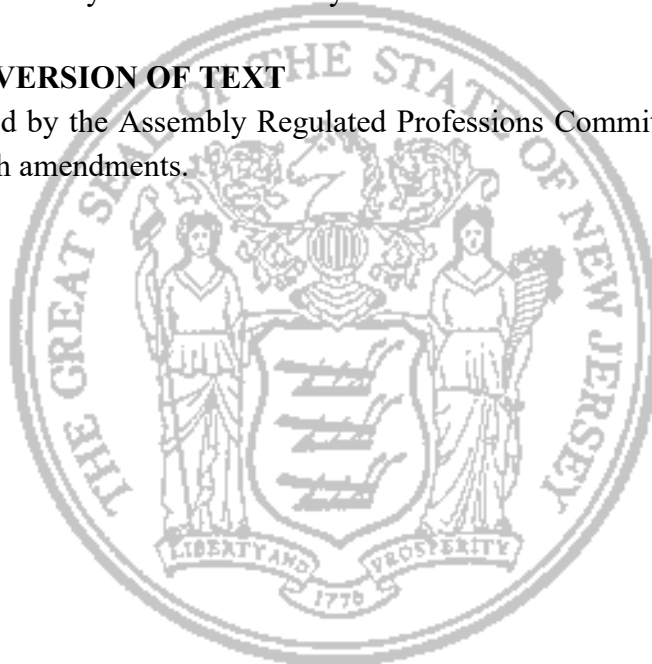
Assemblywoman Speight, Assemblyman Sampson and Senator O'Scanlon

SYNOPSIS

Enters New Jersey into Interstate Physician Assistant Licensure Compact.

CURRENT VERSION OF TEXT

As reported by the Assembly Regulated Professions Committee on October 24, 2024, with amendments.



(Sponsorship Updated As Of: 12/18/2025)

1 AN ACT entering New Jersey into the Interstate Physician Assistant
2 Licensure Compact and supplementing Title 45 of the Revised
3 Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. The State of New Jersey ¹**[enact]** enacts¹ and enters into the
9 PA licensure compact with all other jurisdictions that legally join
10 the compact in the form substantially as follows:

11
12 Section 1. Purpose

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

36
37 Section 2. Definitions

38
39 In this Compact:

40 a. “Adverse Action” means any administrative, civil, equitable,
41 or criminal action permitted by a State’s laws which is imposed by
42 a Licensing Board or other authority against a PA License or
43 License application or Compact Privilege such as License denial,
44 censure, revocation, suspension, probation, monitoring of the
45 Licensee, or restriction on the Licensee’s practice.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ARP committee amendments adopted October 24, 2024.

- 1 b. “Compact Privilege” means the authorization granted by a
2 Remote State to allow a Licensee from another Participating State
3 to practice as a PA to provide Medical Services and other licensed
4 activity to a patient located in the Remote State under the Remote
5 State’s laws and regulations.
- 6 c. “Conviction” means a finding by a court that an individual is
7 guilty of a felony or misdemeanor offense through adjudication or
8 entry of a plea of guilt or no contest to the charge by the offender
- 9 d. “Criminal Background Check” means the submission of
10 fingerprints or other biometric-based information for a License
11 applicant for the purpose of obtaining that applicant’s criminal
12 history record information, as defined in 28 C.F.R. § 20.3(d), from
13 the State’s criminal history record repository as defined in 28
14 C.F.R. § 20.3(f).
- 15 e. “Data System” means the repository of information about
16 Licensees, including but not limited to License status and Adverse
17 Actions, which is created and administered under the terms of this
18 Compact.
- 19 f. “Executive Committee” means a group of directors and ex-
20 officio individuals elected or appointed pursuant to Section 7.f.(2)
- 21 g. “Impaired Practitioner” means a PA whose practice is
22 adversely affected by health-related condition(s) that impact their
23 ability to practice.
- 24 h. “Investigative Information” means information, records, or
25 documents received or generated by a Licensing Board pursuant to
26 an investigation.
- 27 i. “Jurisprudence Requirement” means the assessment of an
28 individual’s knowledge of the laws and Rules governing the
29 practice of a PA in a State.
- 30 j. “License” means current authorization by a State, other than
31 authorization pursuant to a Compact Privilege, for a PA to provide
32 Medical Services, which would be unlawful without current
33 authorization.
- 34 k. “Licensee” means an individual who holds a License from a
35 State to provide Medical Services as a PA.
- 36 l. “Licensing Board” means any State entity authorized to
37 license and otherwise regulate PAs.
- 38 m. “Medical Services” means health care services provided for
39 the diagnosis, prevention, treatment, cure or relief of a health
40 condition, injury, or disease, as defined by a State’s laws and
41 regulations.
- 42 n. “Model Compact” means the model for the PA Licensure
43 Compact on file with The Council of State Governments or other
44 entity as designated by the Commission.
- 45 o. “Participating State” means a State that has enacted this
46 Compact.
- 47 p. “PA” means an individual who is licensed as a physician
48 assistant in a State. For purposes of this Compact, any other title or

1 status adopted by a State to replace the term “physician assistant”
2 shall be deemed synonymous with “physician assistant” and shall
3 confer the same rights and responsibilities to the Licensee under the
4 provisions of this Compact at the time of its enactment.

5 q. “PA Licensure Compact Commission,” “Compact
6 Commission,” or “Commission” mean the national administrative
7 body created pursuant to Section 7.a. of this Compact.

8 r. “Qualifying License” means an unrestricted License issued
9 by a Participating State to provide Medical Services as a PA.

10 s. “Remote State” means a Participating State where a
11 Licensee who is not licensed as a PA is exercising or seeking to
12 exercise the Compact Privilege.

13 t. “Rule” means a regulation promulgated by an entity that has
14 the force and effect of law.

15 u. “Significant Investigative Information” means Investigative
16 Information that a Licensing Board, after an inquiry or investigation
17 that includes notification and an opportunity for the PA to respond
18 if required by State law, has reason to believe is not groundless and,
19 if proven true, would indicate more than a minor infraction.

20 v. “State” means any state, commonwealth, district, or territory
21 of the United States.

22

23 Section 3. State Participation in this Compact

24

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

26 (1) License PAs.

27 (2) Participate in the Compact Commission’s Data System.

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

30 (4) Notify the Commission, in compliance with the terms of this
31 Compact and Commission Rules, of any Adverse Action against a
32 Licensee or License applicant and the existence of Significant
33 Investigative Information regarding a Licensee or License
34 applicant.

35 (5) Fully implement a Criminal Background Check requirement,
36 within a time frame established by Commission Rule, by its
37 Licensing Board receiving the results of a Criminal Background
38 Check and reporting to the Commission whether the License
39 applicant has been granted a License.

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

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

43 **1[8.] (8)¹** Grant the Compact Privilege to a holder of a
44 Qualifying License in a Participating State.

45 b. Nothing in this Compact prohibits a Participating State from
46 charging a fee for granting the Compact Privilege.

1 Section 4. Compact Privilege

2

3 a. To exercise the Compact Privilege, a Licensee must:

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

7 (2) Hold current NCCPA certification.

8 (3) Have no felony or misdemeanor Conviction.

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

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

13 (6) Hold a Qualifying License.

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

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

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

28 (10) Notify the Compact Commission that the Licensee is seeking
29 the Compact Privilege in a Remote State.

30 (11) Meet any Jurisprudence Requirement of a Remote State in
31 which the Licensee is seeking to practice under the Compact
32 Privilege and pay any fees applicable to satisfying the
33 Jurisprudence Requirement.

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

36 b. The Compact Privilege is valid until the expiration or
37 revocation of the Qualifying License unless terminated pursuant to
38 an Adverse Action. The Licensee must also comply with all of the
39 requirements of Subsection a. above to maintain the Compact
40 Privilege in a Remote State. If the Participating State takes Adverse
41 Action against a Qualifying License, the Licensee shall lose the
42 Compact Privilege in any Remote State in which the Licensee has a
43 Compact Privilege until all of the following occur:

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

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

47 c. Once a restricted or limited License satisfies the
48 requirements of Subsection b.(1) and (2), the Licensee must meet

1 the requirements of Subsection a. to obtain a Compact Privilege in
2 any Remote State.

3 d. For each Remote State in which a PA seeks authority to
4 prescribe controlled substances, the PA shall satisfy all
5 requirements imposed by such State in granting or renewing such
6 authority.

7

8 Section 5. Designation of the State from Which Licensee is
9 Applying for a Compact Privilege

10

11 a. Upon a Licensee's application for a Compact Privilege, the
12 Licensee shall identify to the Commission the Participating State
13 from which the Licensee is applying, in accordance with applicable
14 Rules adopted by the Commission, and subject to the following
15 requirements:

16 (1) When applying for a Compact Privilege, the Licensee shall
17 provide the Commission with the address of the Licensee's primary
18 residence and thereafter shall immediately report to the Commission
19 any change in the address of the Licensee's primary residence.

20 (2) When applying for a Compact Privilege, the Licensee is
21 required to consent to accept service of process by mail at the
22 Licensee's primary residence on file with the Commission with
23 respect to any action brought against the Licensee by the
24 Commission or a Participating State, including a subpoena, with
25 respect to any action brought or investigation conducted by the
26 Commission or a Participating State.

27

28 Section 6. Adverse Actions

29

30 a. A Participating State in which a Licensee is licensed shall
31 have exclusive power to impose Adverse Action against the
32 Qualifying License issued by that Participating State.

33 b. In addition to the other powers conferred by State law, a
34 Remote State shall have the authority, in accordance with existing
35 State due process law, to do all of the following:

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

40 (2) Issue subpoenas for both hearings and investigations that
41 require the attendance and testimony of witnesses as well as the
42 production of evidence. Subpoenas issued by a Licensing Board in a
43 Participating State for the attendance and testimony of witnesses or
44 the production of evidence from another Participating State shall be
45 enforced in the latter State by any court of competent jurisdiction,
46 according to the practice and procedure of that court applicable to
47 subpoenas issued in proceedings pending before it. The issuing
48 authority shall pay any witness fees, travel expenses, mileage and

1 other fees required by the service statutes of the State in which the
2 witnesses or evidence are located.

3 (3) Notwithstanding paragraph 2, subpoenas may not be issued
4 by a Participating State to gather evidence of conduct in another
5 State that is lawful in that other State for the purpose of taking
6 Adverse Action against a Licensee's Compact Privilege or
7 application for a Compact Privilege in that Participating State.

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

12 c. For purposes of taking Adverse Action, the Participating
13 State which issued the Qualifying License shall give the same
14 priority and effect to reported conduct received from any other
15 Participating State as it would if the conduct had occurred within
16 the Participating State which issued the Qualifying License. In so
17 doing, that Participating State shall apply its own State laws to
18 determine appropriate action.

19 d. A Participating State, if otherwise permitted by State law,
20 may recover from the affected PA the costs of investigations and
21 disposition of cases resulting from any Adverse Action taken
22 against that PA.

23 e. A Participating State may take Adverse Action based on the
24 factual findings of a Remote State, provided that the Participating
25 State follows its own procedures for taking the Adverse Action.

26 f. Joint Investigations

27 (1) In addition to the authority granted to a Participating State
28 by its respective State PA laws and regulations or other applicable
29 State law, any Participating State may participate with other
30 Participating States in joint investigations of Licensees.

31 (2) Participating States shall share any investigative, litigation,
32 or compliance materials in furtherance of any joint or individual
33 investigation initiated under this Compact.

34 g. If an Adverse Action is taken against a PA's Qualifying
35 License, the PA's Compact Privilege in all Remote States shall be
36 deactivated until two years have elapsed after all restrictions have
37 been removed from the State License. All disciplinary orders by the
38 Participating State which issued the Qualifying License that impose
39 Adverse Action against a PA's License shall include a Statement
40 that the PA's Compact Privilege is deactivated in all Participating
41 States during the pendency of the order.

42 h. If any Participating State takes Adverse Action, it promptly
43 shall notify the administrator of the Data System.

44

45 Section 7. Establishment of the PA Licensure Compact
46 Commission

- 1 a. The Participating States hereby create and establish a joint
2 government agency and national administrative body known as the
3 PA Licensure Compact Commission. The Commission is an
4 instrumentality of the Compact States acting jointly and not an
5 instrumentality of any one State. The Commission shall come into
6 existence on or after the effective date of the Compact as set forth
7 in Section 11.a.
- 8 b. Membership, Voting, and Meetings
- 9 (1) Each Participating State shall have and be limited to one
10 delegate selected by that Participating State's Licensing Board or, if
11 the State has more than one Licensing Board, selected collectively
12 by the Participating State's Licensing Boards.
- 13 (2) The delegate shall be either:
- 14 (a) A current PA, physician or public member of a Licensing
15 Board or PA Council/Committee; or
- 16 (b) An administrator of a Licensing Board.
- 17 (3) Any delegate may be removed or suspended from office as
18 provided by the laws of the State from which the delegate is
19 appointed.
- 20 (4) The Participating State Licensing Board shall fill any
21 vacancy occurring in the Commission within 60 days.
- 22 (5) Each delegate shall be entitled to one vote on all matters
23 voted on by the Commission and shall otherwise have an
24 opportunity to participate in the business and affairs of the
25 Commission. A delegate shall vote in person or by such other
26 means as provided in the bylaws. The bylaws may provide for
27 delegates' participation in meetings by telecommunications, video
28 conference, or other means of communication.
- 29 (6) The Commission shall meet at least once during each
30 calendar year. Additional meetings shall be held as set forth in this
31 Compact and the bylaws.
- 32 (7) The Commission shall establish by Rule a term of office for
33 delegates.
- 34 c. The Commission shall have the following powers and duties:
- 35 (1) Establish a code of ethics for the Commission;
- 36 (2) Establish the fiscal year of the Commission;
- 37 (3) Establish fees;
- 38 (4) Establish bylaws;
- 39 (5) Maintain its financial records in accordance with the bylaws;
- 40 (6) Meet and take such actions as are consistent with the
41 provisions of this Compact and the bylaws;
- 42 (7) Promulgate Rules to facilitate and coordinate
43 implementation and administration of this Compact. The Rules shall
44 have the force and effect of law and shall be binding in all
45 Participating States;
- 46 (8) Bring and prosecute legal proceedings or actions in the name
47 of the Commission, provided that the standing of any State

- 1 Licensing Board to sue or be sued under applicable law shall not be
2 affected;
- 3 (9) Purchase and maintain insurance and bonds;
- 4 (10) Borrow, accept, or contract for services of personnel,
5 including, but not limited to, employees of a Participating State;
- 6 (11) Hire employees and engage contractors, elect or appoint
7 officers, fix compensation, define duties, grant such individuals
8 appropriate authority to carry out the purposes of this Compact, and
9 establish the Commission's personnel policies and programs
10 relating to conflicts of interest, qualifications of personnel, and
11 other related personnel matters;
- 12 (12) Accept any and all appropriate donations and grants of
13 money, equipment, supplies, materials and services, and receive,
14 utilize and dispose of the same; provided that at all times the
15 Commission shall avoid any appearance of impropriety or conflict
16 of interest;
- 17 (13) Lease, purchase, accept appropriate gifts or donations of, or
18 otherwise own, hold, improve or use, any property, real, personal or
19 mixed; provided that at all times the Commission shall avoid any
20 appearance of impropriety;
- 21 (14) Sell, convey, mortgage, pledge, lease, exchange, abandon, or
22 otherwise dispose of any property real, personal, or mixed;
- 23 (15) Establish a budget and make expenditures;
- 24 (16) Borrow money;
- 25 (17) Appoint committees, including standing committees
26 composed of members, State regulators, State legislators or their
27 representatives, and consumer representatives, and such other
28 interested persons as may be designated in this Compact and the
29 bylaws;
- 30 (18) Provide and receive information from, and cooperate with,
31 law enforcement agencies;
- 32 (19) Elect a Chair, Vice Chair, Secretary and Treasurer and such
33 other officers of the Commission as provided in the Commission's
34 bylaws.
- 35 ¹**[20]** (20)¹ Reserve for itself, in addition to those reserved
36 exclusively to the Commission under the Compact powers that the
37 Executive Committee may not exercise;
- 38 (21) Approve or disapprove a State's participation in the
39 Compact based upon its determination as to whether the State's
40 Compact legislation departs in a material manner from the Model
41 Compact language;
- 42 (22) Prepare and provide to the Participating States an annual
43 report; and
- 44 (23) Perform such other functions as may be necessary or
45 appropriate to achieve the purposes of this Compact consistent with
46 the State regulation of PA licensure and practice.
- 47 d. Meetings of the Commission

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

5 (2) Notwithstanding subsection d.(1) of this section, the
6 Commission may convene a public meeting by providing at least 24
7 hours prior notice on the Commission's website, and any other
8 means as provided in the Commission's Rules, for any of the
9 reasons it may dispense with notice of proposed rulemaking under
10 Section 9.1.

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

14 (a) Non-compliance of a Participating State with its obligations
15 under this Compact;

16 (b) The employment, compensation, discipline or other matters,
17 practices or procedures related to specific employees or other
18 matters related to the Commission's internal personnel practices
19 and procedures;

20 (c) Current, threatened, or reasonably anticipated litigation;

21 (d) Negotiation of contracts for the purchase, lease, or sale of
22 goods, services, or real estate;

23 (e) Accusing any person of a crime or formally censuring any
24 person;

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

27 ¹~~[(h)]~~ (g)¹ Disclosure of information of a personal nature where
28 disclosure would constitute a clearly unwarranted invasion of
29 personal privacy;

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

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

36 (j) Legal advice; or

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

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

43 (5) The Commission shall keep minutes that fully and clearly
44 describe all matters discussed in a meeting and shall provide a full
45 and accurate summary of actions taken, including a description of
46 the views expressed. All documents considered in connection with
47 an action shall be identified in such minutes. All minutes and
48 documents of a closed meeting shall remain under seal, subject to

1 release by a majority vote of the Commission or order of a court of
2 competent jurisdiction.

3 e. Financing of the Commission

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

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

10 (3) The Commission may levy on and collect an annual
11 assessment from each Participating State and may impose Compact
12 Privilege fees on Licensees of Participating States to whom a
13 Compact Privilege is granted to cover the cost of the operations and
14 activities of the Commission and its staff, which must be in a total
15 amount sufficient to cover its annual budget as approved by the
16 Commission each year for which revenue is not provided by other
17 sources. The aggregate annual assessment amount levied on
18 Participating States shall be allocated based upon a formula to be
19 determined by Commission Rule.

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

23 (b) If the Licensee terminates the Qualifying License through
24 which the Licensee applied for the Compact Privilege before its
25 scheduled expiration, and the Licensee has a Qualifying License in
26 another Participating State, the Licensee shall inform the
27 Commission that it is changing to that Participating State the
28 Participating State through which it applies for a Compact Privilege
29 and pay to the Commission any Compact Privilege fee required by
30 Commission Rule.

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

35 (5) The Commission shall keep accurate accounts of all receipts
36 and disbursements. The receipts and disbursements of the
37 Commission shall be subject to the financial review and accounting
38 procedures established under its bylaws. All receipts and
39 disbursements of funds handled by the Commission shall be subject
40 to an annual financial review by a certified or licensed public
41 accountant, and the report of the financial review shall be included
42 in and become part of the annual report of the Commission.

43 f. The Executive Committee

44 (1) The Executive Committee shall have the power to act on
45 behalf of the Commission according to the terms of this Compact
46 and Commission Rules.

47 (2) The Executive Committee shall be composed of nine
48 members:

- 1 (a) Seven voting members who are elected by the Commission
- 2 from the current membership of the Commission;
- 3 (b) One ex-officio, nonvoting member from a recognized
- 4 national PA professional association; and
- 5 (c) One ex-officio, nonvoting member from a recognized
- 6 national PA certification organization.
- 7 (3) The ex-officio members will be selected by their respective
- 8 organizations.
- 9 (4) The Commission may remove any member of the Executive
- 10 Committee as provided in its bylaws.
- 11 (5) The Executive Committee shall meet at least annually.
- 12 (6) The Executive Committee shall have the following duties
- 13 and responsibilities:
 - 14 (a) Recommend to the Commission changes to the
 - 15 Commission's Rules or bylaws, changes to this Compact
 - 16 legislation, fees to be paid by Compact Participating States such as
 - 17 annual dues, and any Commission Compact fee charged to
 - 18 Licensees for the Compact Privilege;
 - 19 (b) Ensure Compact administration services are appropriately
 - 20 provided, contractual or otherwise;
 - 21 (c) Prepare and recommend the budget;
 - 22 (d) Maintain financial records on behalf of the Commission;
 - 23 (e) Monitor Compact compliance of Participating States and
 - 24 provide compliance reports to the Commission;
 - 25 (f) Establish additional committees as necessary;
 - 26 (g) Exercise the powers and duties of the Commission during
 - 27 the interim between Commission meetings, except for issuing
 - 28 proposed rulemaking or adopting Commission Rules or bylaws, or
 - 29 exercising any other powers and duties exclusively reserved to the
 - 30 Commission by the Commission's Rules; and
 - 31 (h) Perform other duties as provided in the Commission's Rules
 - 32 or bylaws.
- 33 (7) All meeting of the Executive Committee at which it votes or
- 34 plans to vote on matters in exercising the powers and duties of the
- 35 Commission shall be open to the public and public notice of such
- 36 meetings shall be given as public meetings of the Commission are
- 37 given.
- 38 (8) The Executive Committee may convene in a closed, non-
- 39 public meeting for the same reasons that the Commission may
- 40 convene in a non-public meeting as set forth in Section 7.d.(3) and
- 41 shall announce the closed meeting as the Commission is required to
- 42 under Section 7.d.(4) and keep minutes of the closed meeting as the
- 43 Commission is required to under Section 7.d.(5).
- 44 g. Qualified Immunity, Defense, and Indemnification
- 45 (1) The members, officers, executive director, employees and
- 46 representatives of the Commission shall be immune from suit and
- 47 liability, both personally and in their official capacity, for any claim
- 48 for damage to or loss of property or personal injury or other civil

1 liability caused by or arising out of any actual or alleged act, error,
2 or omission that occurred, or that the person against whom the
3 claim is made had a reasonable basis for believing occurred within
4 the scope of Commission employment, duties or responsibilities;
5 provided that nothing in this paragraph shall be construed to protect
6 any such person from suit or liability for any damage, loss, injury,
7 or liability caused by the intentional or willful or wanton
8 misconduct of that person. The procurement of insurance of any
9 type by the Commission shall not in any way compromise or limit
10 the immunity granted hereunder.

11 (2) The Commission shall defend any member, officer,
12 executive director, employee, and representative of the Commission
13 in any civil action seeking to impose liability arising out of any
14 actual or alleged act, error, or omission that occurred within the
15 scope of Commission employment, duties, or responsibilities, or as
16 determined by the commission that the person against whom the
17 claim is made had a reasonable basis for believing occurred within
18 the scope of Commission employment, duties, or responsibilities;
19 provided that nothing herein shall be construed to prohibit that
20 person from retaining their own counsel at their own expense; and
21 provided further, that the actual or alleged act, error, or omission
22 did not result from that person's intentional or willful or wanton
23 misconduct.

24 (3) The Commission shall indemnify and hold harmless any
25 member, officer, executive director, employee, and representative
26 of the Commission for the amount of any settlement or judgment
27 obtained against that person arising out of any actual or alleged act,
28 error, or omission that occurred within the scope of Commission
29 employment, duties, or responsibilities, or that such person had a
30 reasonable basis for believing occurred within the scope of
31 Commission employment, duties, or responsibilities, provided that
32 the actual or alleged act, error, or omission did not result from the
33 intentional or willful or wanton misconduct of that person.

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

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

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

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

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

9
10 Section 8. Data System

11
12 a. The Commission shall provide for the development,
13 maintenance, operation, and utilization of a coordinated data and
14 reporting system containing licensure, Adverse Action, and the
15 reporting of the existence of Significant Investigative Information
16 on all licensed PAs and applicants denied a License in Participating
17 States.

18 b. Notwithstanding any other State law to the contrary, a
19 Participating State shall submit a uniform data set to the Data
20 System on all PAs to whom this Compact is applicable (utilizing a
21 unique identifier) as required by the Rules of the Commission,
22 including:

23 (1) Identifying information;

24 (2) Licensure data;

25 (3) Adverse Actions against a License or Compact Privilege;

26 (4) Any denial of application for licensure, and the reason(s) for
27 such denial (excluding the reporting of any Criminal history record
28 information where prohibited by law);

29 (5) The existence of Significant Investigative Information; and

30 (6) Other information that may facilitate the administration of
31 this Compact, as determined by the Rules of the Commission.

32 c. Significant Investigative Information pertaining to a
33 Licensee in any Participating State shall only be available to other
34 Participating States.

35 d. The Commission shall promptly notify all Participating
36 States of any Adverse Action taken against a Licensee or an
37 individual applying for a License that has been reported to it. This
38 Adverse Action information shall be available to any other
39 Participating State.

40 e. Participating States contributing information to the Data
41 System may, in accordance with State or federal law, designate
42 information that may not be shared with the public without the
43 express permission of the contributing State. Notwithstanding any
44 such designation, such information shall be reported to the
45 Commission through the Data System.

46 f. Any information submitted to the Data System that is
47 subsequently expunged pursuant to federal law or the laws of the
48 Participating State contributing the information shall be removed

1 from the Data System upon reporting of such by the Participating
2 State to the Commission.

3 g. The records and information provided to a Participating
4 State pursuant to this Compact or through the Data System, when
5 certified by the Commission or an agent thereof, shall constitute the
6 authenticated business records of the Commission, and shall be
7 entitled to any associated hearsay exception in any relevant judicial,
8 quasi-judicial or administrative proceedings in a Participating State.

9
10 Section 9. Rulemaking

11
12 a. The Commission shall exercise its Rulemaking powers
13 pursuant to the criteria set forth in this Section and the Rules
14 adopted thereunder. Commission Rules shall become binding as of
15 the date specified by the Commission for each Rule.

16 b. The Commission shall promulgate reasonable Rules in order
17 to effectively and efficiently implement and administer this
18 Compact and achieve its purposes. A Commission Rule shall be
19 invalid and have not force or effect only if a court of competent
20 jurisdiction holds that the Rule is invalid because the Commission
21 exercised its rulemaking authority in a manner that is beyond the
22 scope of the purposes of this Compact, or the powers granted
23 hereunder, or based upon another applicable standard of review.

24 c. The Rules of the Commission shall have the force of law in
25 each Participating State, provided however that where the Rules of
26 the Commission conflict with the laws of the Participating State that
27 establish the medical services a PA may perform in the
28 Participating State, as held by a court of competent jurisdiction, the
29 Rules of the Commission shall be ineffective in that State to the
30 extent of the conflict.

31 d. If a majority of the legislatures of the Participating States
32 rejects a Commission Rule, by enactment of a statute or resolution
33 in the same manner used to adopt this Compact within four years of
34 the date of adoption of the Rule, then such Rule shall have no
35 further force and effect in any Participating State or to any State
36 applying to participate in the Compact.

37 e. Commission Rules shall be adopted at a regular or special
38 meeting of the Commission.

39 f. Prior to promulgation and adoption of a final Rule or Rules
40 by the Commission, and at least 30 days in advance of the meeting
41 at which the Rule will be considered and voted upon, the
42 Commission shall file a Notice of Proposed Rulemaking:

43 (1) On the website of the Commission or other publicly
44 accessible platform; and

45 (2) To persons who have requested notice of the Commission's
46 notices of proposed rulemaking, and

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

- 1 g. The Notice of Proposed Rulemaking shall include:
- 2 (1) The time, date, and location of the public hearing on the
3 proposed Rule and the proposed time, date and location of the
4 meeting in which the proposed Rule will be considered and voted
5 upon;
- 6 (2) The text of the proposed Rule and the reason for the
7 proposed Rule;
- 8 (3) A request for comments on the proposed Rule from any
9 interested person and the date by which written comments must be
10 received; and
- 11 (4) The manner in which interested persons may submit notice
12 to the Commission of their intention to attend the public hearing or
13 provide any written comments.
- 14 h. Prior to adoption of a proposed Rule, the Commission shall
15 allow persons to submit written data, facts, opinions, and
16 arguments, which shall be made available to the public.
- 17 i. If the hearing is to be held via electronic means, the
18 Commission shall publish the mechanism for access to the
19 electronic hearing.
- 20 (1) All persons wishing to be heard at the hearing shall as
21 directed in the Notice of Proposed Rulemaking, not less than five
22 business days before the scheduled date of the hearing, notify the
23 Commission of their desire to appear and testify at the hearing.
- 24 (2) Hearings shall be conducted in a manner providing each
25 person who wishes to comment a fair and reasonable opportunity to
26 comment orally or in writing.
- 27 (3) All hearings shall be recorded. A copy of the recording and
28 the written comments, data, facts, opinions, and arguments received
29 in response to the proposed rulemaking shall be made available to a
30 person upon request.
- 31 (4) Nothing in this section shall be construed as requiring a
32 separate hearing on each proposed Rule. Proposed Rules may be
33 grouped for the convenience of the Commission at hearings
34 required by this section.
- 35 j. Following the public hearing the Commission shall consider
36 all written and oral comments timely received.
- 37 k. The Commission shall, by majority vote of all delegates,
38 take final action on the proposed Rule and shall determine the
39 effective date of the Rule, if adopted, based on the Rulemaking
40 record and the full text of the Rule.
- 41 (1) If adopted, the Rule shall be posted on the Commission's
42 website.
- 43 (2) The Commission may adopt changes to the proposed Rule
44 provided the changes do not enlarge the original purpose of the
45 proposed Rule.
- 46 (3) The Commission shall provide on its website an explanation
47 of the reasons for substantive changes made to the proposed Rule as

1 well as reasons for substantive changes not made that were
2 recommended by commenters.

3 (4) The Commission shall determine a reasonable effective date
4 for the Rule. Except for an emergency as provided in subsection 1.,
5 the effective date of the Rule shall be no sooner than 30 days after
6 the Commission issued the notice that it adopted the Rule.

7 1. Upon determination that an emergency exists, the
8 Commission may consider and adopt an emergency Rule with 24
9 hours prior notice, without the opportunity for comment, or hearing,
10 provided that the usual rulemaking procedures provided in this
11 Compact and in this section shall be retroactively applied to the
12 Rule as soon as reasonably possible, in no event later than 90 days
13 after the effective date of the Rule. For the purposes of this
14 provision, an emergency Rule is one that must be adopted
15 immediately by the Commission in order to:

- 16 (1) Meet an imminent threat to public health, safety, or welfare;
17 (2) Prevent a loss of Commission or Participating State funds;
18 (3) Meet a deadline for the promulgation of a Commission Rule
19 that is established by federal law or Rule; or
20 (4) Protect public health and safety.

21 m. The Commission or an authorized committee of the
22 Commission may direct revisions to a previously adopted
23 Commission Rule for purposes of correcting typographical errors,
24 errors in format, errors in consistency, or grammatical errors. Public
25 notice of any revisions shall be posted on the website of the
26 Commission. The revision shall be subject to challenge by any
27 person for a period of 30 days after posting. The revision may be
28 challenged only on grounds that the revision results in a material
29 change to a Rule. A challenge shall be made as set forth in the
30 notice of revisions and delivered to the Commission prior to the end
31 of the notice period. If no challenge is made, the revision will take
32 effect without further action. If the revision is challenged, the
33 revision may not take effect without the approval of the
34 Commission.

35 n. No Participating State's rulemaking requirements shall apply
36 under this Compact.

37

38 Section 10. Oversight, Dispute Resolution, and Enforcement

39

40 a. Oversight

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

44 (2) Venue is proper and judicial proceedings by or against the
45 Commission shall be brought solely and exclusively in a court of
46 competent jurisdiction where the principal office of the Commission
47 is located. The Commission may waive venue and jurisdictional
48 defenses to the extent it adopts or consents to participate in

1 alternative dispute resolution proceedings. Nothing herein shall
2 affect or limit the selection or propriety of venue in any action
3 against a licensee for professional malpractice, misconduct or any
4 such similar matter.

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

12 b. Default, Technical Assistance, and Termination

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

21 (2) If a State in default fails to cure the default, the defaulting
22 State may be terminated from this Compact upon an affirmative
23 vote of a majority of the delegates of the Participating States, and
24 all rights, privileges and benefits conferred by this Compact upon
25 such State may be terminated on the effective date of termination. A
26 cure of the default does not relieve the offending State of
27 obligations or liabilities incurred during the period of default.

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

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

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

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

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

4 (a) Licensees who have been granted a Compact Privilege in
5 that State shall retain the Compact Privilege for 180 days following
6 the effective date of such termination.

7 (b) Licensees who are licensed in that State who have been
8 granted a Compact Privilege in a Participating State shall retain the
9 Compact Privilege for 180 days unless the Licensee also has a
10 Qualifying License in a Participating State or obtains a Qualifying
11 License in a Participating State before the 180-day period ends, in
12 which case the Compact Privilege shall continue.

13 c. Dispute Resolution

14 (1) Upon request by a Participating State, the Commission shall
15 attempt to resolve disputes related to this Compact that arise among
16 Participating States and between participating and non-Participating
17 States.

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

21 d. Enforcement

22 (1) The Commission, in the reasonable exercise of its discretion,
23 shall enforce the provisions of this Compact and Rules of the
24 Commission.

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

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

39 e. Legal Action Against the Commission

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

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

3

4 Section 11. Date of Implementation of the PA Licensure
5 Compact Commission

6

7 a. This Compact shall come into effect on the date on which
8 this Compact statute is enacted into law in the seventh Participating
9 State.

10 (1) On or after the effective date of the Compact, the
11 Commission shall convene and review the enactment of each of the
12 States that enacted the Compact prior to the Commission convening
13 (“Charter Participating States”) to determine if the statute enacted
14 by each such Charter Participating State is materially different than
15 the Model Compact.

16 (a) A Charter Participating State whose enactment is found to be
17 materially different from the Model Compact shall be entitled to the
18 default process set forth in Section 10.b.

19 (b) If any Participating State later withdraws from the Compact
20 or its participation is terminated, the Commission shall remain in
21 existence and the Compact shall remain in effect even if the number
22 of Participating States should be less than seven. Participating
23 States enacting the Compact subsequent to the Commission
24 convening shall be subject to the process set forth in Section
25 7.c.(21) to determine if their enactments are materially different
26 from the Model Compact and whether they qualify for participation
27 in the Compact.

28 (2) Participating States enacting the Compact subsequent to the
29 seven initial Charter Participating States shall be subject to the
30 process set forth in Section 7.c.(21) to determine if their enactments
31 are materially different from the Model Compact and whether they
32 qualify for participation in the Compact.

33 (3) All actions taken for the benefit of the Commission or in
34 furtherance of the purposes of the administration of the Compact
35 prior to the effective date of the Compact or the Commission
36 coming into existence shall be considered to be actions of the
37 Commission unless specifically repudiated by the Commission.

38 b. Any State that joins this Compact shall be subject to the
39 Commission’s Rules and bylaws as they exist on the date on which
40 this Compact becomes law in that State. Any Rule that has been
41 previously adopted by the Commission shall have the full force and
42 effect of law on the day this Compact becomes law in that State.

43 c. Any Participating State may withdraw from this Compact by
44 enacting a statute repealing the same.

45 (1) A Participating State’s withdrawal shall not take effect until
46 180 days after enactment of the repealing statute. During this 180
47 day-period, all Compact Privileges that were in effect in the
48 withdrawing State and were granted to Licensees licensed in the

1 withdrawing State shall remain in effect. If any Licensee licensed
2 in the withdrawing State is also licensed in another Participating
3 State or obtains a license in another Participating State within the
4 180 days, the Licensee's Compact Privileges in other Participating
5 States shall not be affected by the passage of the 180 days.

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

10 (3) Upon the enactment of a statute withdrawing a State from
11 this Compact, the State shall immediately provide notice of such
12 withdrawal to all Licensees within that State. Such withdrawing
13 State shall continue to recognize all licenses granted pursuant to
14 this Compact for a minimum of 180 days after the date of such
15 notice of withdrawal.

16 d. Nothing contained in this Compact shall be construed to
17 invalidate or prevent any PA licensure agreement or other
18 cooperative arrangement between Participating States and between
19 a Participating State and non-Participating State that does not
20 conflict with the provisions of this Compact.

21 e. This Compact may be amended by the Participating States.
22 No amendment to this Compact shall become effective and binding
23 upon any Participating State until it is enacted materially in the
24 same manner into the laws of all Participating States as determined
25 by the Commission.

26

27 Section 12. Construction and Severability

28

29 a. This Compact and the Commission's rulemaking authority
30 shall be liberally construed so as to effectuate the purposes, and the
31 implementation and administration of the Compact. Provisions of
32 the Compact expressly authorizing or requiring the promulgation of
33 Rules shall not be construed to limit the Commission's rulemaking
34 authority solely for those purposes.

35 b. The provisions of this Compact shall be severable and if any
36 phrase, clause, sentence or provision of this Compact is held by a
37 court of competent jurisdiction to be contrary to the constitution of
38 any Participating State, a State seeking participation in the
39 Compact, or of the United States, or the applicability thereof to any
40 government, agency, person or circumstance is held to be
41 unconstitutional by a court of competent jurisdiction, the validity of
42 the remainder of this Compact and the applicability thereof to any
43 other government, agency, person or circumstance shall not be
44 affected thereby.

45 c. Notwithstanding subsection b. or this section, the
46 Commission may deny a State's participation in the Compact or, in
47 accordance with the requirements of Section 10.b., terminate a
48 Participating State's participation in the Compact, if it determines

1 that a constitutional requirement of a Participating State is, or
2 would be with respect to a State seeking to participate in the
3 Compact, a material departure from the Compact. Otherwise, if this
4 Compact shall be held to be contrary to the constitution of any
5 Participating State, the Compact shall remain in full force and effect
6 as to the remaining Participating States and in full force and effect
7 as to the Participating State affected as to all severable matters.

8

9 Section 13. Binding Effect of Compact

10

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

13 b. Any laws in a Participating State in conflict with this
14 Compact are superseded to the extent of the conflict.

15 c. All agreements between the Commission and the
16 Participating States are binding in accordance with their terms.

17

18 2. This act shall take effect immediately.