

HOUSE BILL NO. 352

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES FIELDS, Gray

Introduced: 2/23/26

Referred: Labor & Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the interstate medical licensure compact; relating to the PA
2 licensure compact; relating to the psychology interjurisdictional compact; and relating
3 to the recognition of EMS personnel licensure interstate compact."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** AS 08.64.101(a) is amended to read:

6 (a) The board shall

7 (1) except as provided in regulations adopted by the board under (b) of
8 this section, examine and issue licenses to applicants;

9 (2) develop written guidelines to ensure that licensing requirements are
10 not unreasonably burdensome and the issuance of licenses is not unreasonably
11 withheld or delayed;

12 (3) after a hearing, impose disciplinary sanctions on persons who
13 violate this chapter or the regulations or orders of the board;

14 (4) adopt regulations ensuring that renewal of licenses is contingent on

1 proof of continued competency on the part of the licensee;

2 (5) under regulations adopted by the board, contract with private
3 professional organizations to establish an impaired medical professionals program to
4 identify, confront, evaluate, and treat persons licensed under this chapter who abuse
5 alcohol, other drugs, or other substances or are mentally ill or cognitively impaired;

6 (6) adopt regulations that establish guidelines for a physician or
7 physician assistant who is rendering a diagnosis, providing treatment, or prescribing,
8 dispensing, or administering a prescription drug to a person without conducting a
9 physical examination under AS 08.64.364; the guidelines must include a nationally
10 recognized model policy for standards of care of a patient who is at a different location
11 than the physician or physician assistant;

12 (7) require that a licensee who has a federal Drug Enforcement
13 Administration registration number register with the controlled substance prescription
14 database under AS 17.30.200(n); **and**

15 **(8) implement the Interstate Medical Licensure Compact under**
16 **AS 08.64.253 and the PA Licensure Compact under AS 08.64.254.**

17 * **Sec. 2.** AS 08.64.190 is amended by adding a new subsection to read:

18 (b) An applicant applying for an expedited license as a physician under
19 AS 08.64.253 or a license as a physician assistant under AS 08.64.107 shall submit,
20 along with the application, the applicant's fingerprints and the fees required by the
21 Department of Public Safety under AS 12.62.160 for criminal justice information and
22 a national criminal history record check. The board shall forward the fingerprints and
23 fees to the Department of Public Safety to obtain a report of criminal justice
24 information under AS 12.62 and a national criminal history record check under
25 AS 12.62.400.

26 * **Sec. 3.** AS 08.64 is amended by adding new sections to read:

27 **Sec. 08.64.253. Interstate Medical Licensure Compact.** The Interstate
28 Medical Licensure Compact as contained in this section is enacted into law and
29 entered into on behalf of the state with all other states and jurisdictions legally joining
30 it in a form substantially as follows:

31 SECTION 1. PURPOSE.

1 in the practice of medicine, which would be unlawful without authorization.

2 (g) "Medical Practice Act" means laws and regulations governing the practice
3 of allopathic and osteopathic medicine within a member state.

4 (h) "Member Board" means a state agency in a member state that acts in the
5 sovereign interests of the state by protecting the public through licensure, regulation,
6 and education of physicians as directed by the state government.

7 (i) "Member State" means a state that has enacted the Compact.

8 (j) "Physician" means any person who

9 (1) is a graduate of a medical school accredited by the Liaison
10 Committee on Medical Education, the Commission on Osteopathic College
11 Accreditation, or a medical school listed in the International Medical Education
12 Directory or its equivalent;

13 (2) passed each component of the United States Medical Licensing
14 Examination (USMLE) or the Comprehensive Osteopathic Medical Licensing
15 Examination (COMLEX-USA) within three attempts, or any of its predecessor
16 examinations accepted by a state medical board as an equivalent examination for
17 licensure purposes;

18 (3) successfully completed graduate medical education approved by
19 the Accreditation Council for Graduate Medical Education or the American
20 Osteopathic Association;

21 (4) holds specialty certification or a time-unlimited specialty certificate
22 recognized by the American Board of Medical Specialties or the American
23 Osteopathic Association's Bureau of Osteopathic Specialists;

24 (5) possesses a full and unrestricted license to engage in the practice of
25 medicine issued by a member board;

26 (6) has never been convicted, received adjudication, deferred
27 adjudication, community supervision, or deferred disposition for any offense by a
28 court of appropriate jurisdiction;

29 (7) has never held a license authorizing the practice of medicine
30 subjected to discipline by a licensing agency in any state, federal, or foreign
31 jurisdiction, excluding any action related to non-payment of fees related to a license;

1 (8) has never had a controlled substance license or permit suspended or
2 revoked by a state or the United States Drug Enforcement Administration; and

3 (9) is not under active investigation by a licensing agency or law
4 enforcement authority in any state, federal, or foreign jurisdiction.

5 (k) "Practice of Medicine" means that clinical prevention, diagnosis, or
6 treatment of human disease, injury, or condition requiring a physician to obtain and
7 maintain a license in compliance with the Medical Practice Act of a member state.

8 (l) "Offense" means a felony, gross misdemeanor, or crime of moral turpitude.

9 (m) "Rule" means a written statement by the Interstate Commission
10 promulgated pursuant to Section 12 of the Compact that is of general applicability,
11 implements, interprets, or prescribes a policy or provision of the Compact, or an
12 organizational, procedural, or practice requirement of the Interstate Commission, and
13 has the force and effect of statutory law in a member state, and includes the
14 amendment, repeal, or suspension of an existing rule.

15 (n) "State" means any state, commonwealth, district, or territory of the United
16 States.

17 (o) "State of Principal License" means a member state where a physician holds
18 a license to practice medicine and which has been designated as such by the physician
19 for purposes of registration and participation in the Compact.

20 SECTION 3. ELIGIBILITY.

21 (a) A physician must meet the eligibility requirements as defined in Section
22 2(j) to receive an expedited license under the terms and provisions of the Compact.

23 (b) A physician who does not meet the requirements of Section 2(j) may
24 obtain a license to practice medicine in a member state if the individual complies with
25 all laws and requirements, other than the Compact, relating to the issuance of a license
26 to practice medicine in that state.

27 SECTION 4. DESIGNATION OF STATE OF PRINCIPAL LICENSE.

28 (a) A physician shall designate a member state as the state of principal license
29 for purposes of registration for expedited licensure through the Compact if the
30 physician possesses a full and unrestricted license to practice medicine in that state,
31 and the state is

- 1 (1) The state of principal residence for the physician;
2 (2) The state where at least 25 percent of the practice of medicine
3 occurs;
4 (3) The location of the physician's employer; or
5 (4) If no state qualifies under subsection (1), subsection (2), or
6 subsection (3), the state designated as state of residence for purpose of federal income
7 tax.

8 (b) A physician may redesignate a member state as state of principal license at
9 any time, as long as the state meets the requirements of subsection (a).

10 (c) The Interstate Commission is authorized to develop rules to facilitate
11 redesignation of another member state as the state of principal license.

12 SECTION 5. APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE.

13 (a) A physician seeking licensure through the Compact shall file an
14 application for an expedited license with the member board of the state selected by the
15 physician as the state of principal license.

16 (b) Upon receipt of an application for an expedited license, the member board
17 within the state selected as the state of principal license shall evaluate whether the
18 physician is eligible for expedited licensure and issue a letter of qualification,
19 verifying or denying the physician's eligibility, to the Interstate Commission.

20 (1) Static qualifications, which include verification of medical
21 education, graduate medical education, results of any medical or licensing
22 examination, and other qualifications as determined by the Interstate Commission
23 through rule, shall not be subject to additional primary source verification where
24 already primary source verified by the state of principal license.

25 (2) The member board within the state selected as the state of principal
26 license shall, in the course of verifying eligibility, perform a criminal background
27 check of an applicant, including the use of the results of fingerprint or other biometric
28 data checks compliant with the requirements of the Federal Bureau of Investigation,
29 with the exception of federal employees who have suitability determination in
30 accordance with 5 C.F.R. 731.202.

31 (3) Appeal on the determination of eligibility shall be made to the

1 member state where the application was filed and shall be subject to the law of that
2 state.

3 (c) Upon verification in subsection (b), physicians eligible for an expedited
4 license shall complete the registration process established by the Interstate
5 Commission to receive a license in a member state selected pursuant to subsection (a),
6 including the payment of any applicable fees.

7 (d) After receiving verification of eligibility under subsection (b) and any fees
8 under subsection (c), a member board shall issue an expedited license to the physician.
9 This license shall authorize the physician to practice medicine in the issuing state
10 consistent with the Medical Practice Act and all applicable laws and regulations of the
11 issuing member board and member state.

12 (e) An expedited license shall be valid for a period consistent with the
13 licensure period in the member state and in the same manner as required for other
14 physicians holding a full and unrestricted license within the member state.

15 (f) An expedited license obtained through the Compact shall be terminated if a
16 physician fails to maintain a license in the state of principal licensure for a non-
17 disciplinary reason, without redesignation of a new state of principal licensure.

18 (g) The Interstate Commission is authorized to develop rules regarding the
19 application process, including payment of any applicable fees, and the issuance of an
20 expedited license.

21 SECTION 6. FEES FOR EXPEDITED LICENSURE.

22 (a) A member state issuing an expedited license authorizing the practice of
23 medicine in that state may impose a fee for a license issued or renewed through the
24 Compact.

25 (b) The Interstate Commission is authorized to develop rules regarding fees
26 for expedited licenses.

27 SECTION 7. RENEWAL AND CONTINUED PARTICIPATION.

28 (a) A physician seeking to renew an expedited license granted in a member
29 state shall complete a renewal process with the Interstate Commission if the physician

30 (1) Maintains a full and unrestricted license in a state of principal
31 license;

1 (2) Has not been convicted, received adjudication, deferred
2 adjudication, community supervision, or deferred disposition for any offense by a
3 court of appropriate jurisdiction;

4 (3) Has not had a license authorizing the practice of medicine subject
5 to discipline by a licensing agency in any state, federal, or foreign jurisdiction,
6 excluding any action related to non-payment of fees related to a license; and

7 (4) Has not had a controlled substance license or permit suspended or
8 revoked by a state or the United States Drug Enforcement Administration.

9 (b) Physicians shall comply with all continuing professional development or
10 continuing medical education requirements for renewal of a license issued by a
11 member state.

12 (c) The Interstate Commission shall collect any renewal fees charged for the
13 renewal of a license and distribute the fees to the applicable member board.

14 (d) Upon receipt of any renewal fees collected in subsection (c), a member
15 board shall renew the physician's license.

16 (e) Physician information collected by the Interstate Commission during the
17 renewal process will be distributed to all member boards.

18 (f) The Interstate Commission is authorized to develop rules to address
19 renewal of licenses obtained through the Compact.

20 SECTION 8. COORDINATED INFORMATION SYSTEM.

21 (a) The Interstate Commission shall establish a database of all physicians
22 licensed, or who have applied for licensure, under Section 5.

23 (b) Notwithstanding any other provision of law, member boards shall report to
24 the Interstate Commission any public action or complaints against a licensed physician
25 who has applied or received an expedited license through the Compact.

26 (c) Member boards shall report disciplinary or investigatory information
27 determined as necessary and proper by rule of the Interstate Commission.

28 (d) Member boards may report any non-public complaint, disciplinary, or
29 investigatory information not required by subsection (c) to the Interstate Commission.

30 (e) Member boards shall share complaint or disciplinary information about a
31 physician upon request of another member board.

1 (f) All information provided to the Interstate Commission or distributed by
2 member boards shall be confidential, filed under seal, and used only for investigatory
3 or disciplinary matters.

4 (g) The Interstate Commission is authorized to develop rules for mandated or
5 discretionary sharing of information by member boards.

6 SECTION 9. JOINT INVESTIGATIONS.

7 (a) Licensure and disciplinary records of physicians are deemed investigative.

8 (b) In addition to the authority granted to a member board by its respective
9 Medical Practice Act or other applicable state law, a member board may participate
10 with other member boards in joint investigations of physicians licensed by the member
11 boards.

12 (c) A subpoena issued by a member state shall be enforceable in other member
13 states.

14 (d) Member boards may share any investigative, litigation, or compliance
15 materials in furtherance of any joint or individual investigation initiate under the
16 Compact.

17 (e) Any member state may investigate actual or alleged violations of the
18 statutes authorizing the practice of medicine in any other member state in which a
19 physician holds a license to practice medicine.

20 SECTION 10. DISCIPLINARY ACTIONS.

21 (a) Any disciplinary action taken by any member board against a physician
22 licensed through the Compact shall be deemed unprofessional conduct which may be
23 subject to discipline by other member boards, in addition to any violation of the
24 Medical Practice Act or regulations in that state.

25 (b) If a license granted to a physician by the member board in the state of
26 principal license is revoked, surrendered or relinquished in lieu of discipline, or
27 suspended, then all licenses issued to the physician by member boards shall
28 automatically be placed, without further action necessary by any member board, on
29 the same status. If the member board in the state of principal license subsequently
30 reinstates the physician's license, a license issued to the physician by any other
31 member board shall remain encumbered until that respective member board takes

1 action to reinstate the license in a manner consistent with the Medical Practice Act of
2 that state.

3 (c) If disciplinary action is taken against a physician by a member board not in
4 the state of principal license, any other member board may deem the action conclusive
5 as to matter of law and fact decided, and

6 (1) Impose the same or lesser sanctions against the physician so long
7 as such sanctions are consistent with the Medical Practice Act of that state; or

8 (2) Pursue separate disciplinary action against the physician under its
9 respective Medical Practice Act, regardless of the action taken in other member states.

10 (d) If a license granted to a physician by a member board is revoked,
11 surrendered or relinquished in lieu of discipline, or suspended, then any licenses
12 issued to the physician by any other member boards shall be suspended, automatically
13 and immediately without further action necessary by the other member boards, for
14 ninety (90) days upon entry of the order by the disciplining board, to permit the
15 member boards to investigate the basis for the action under the Medical Practice Act
16 of that state. A member board may terminate the automatic suspension of the license it
17 issued prior to the completion of the ninety (90) day suspension period in a manner
18 consistent with the Medical Practice Act of that state.

19 SECTION 11. INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION.

20 (a) The member states hereby create the "Interstate Medical Licensure
21 Compact Commission."

22 (b) The purpose of the Interstate Commission is the administration of the
23 Interstate Medical Licensure Compact, which is a discretionary state function.

24 (c) The Interstate Commission shall be a body corporate and joint agency of
25 the member states and shall have all the responsibilities, powers, and duties set forth in
26 the Compact, and such additional powers as may be conferred upon it by a subsequent
27 concurrent action of the respective legislatures of the member states in accordance
28 with the terms of the Compact.

29 (d) The Interstate Commission shall consist of two voting representatives
30 appointed by each member state who shall serve as Commissioners. In states where
31 allopathic and osteopathic physicians are regulated by separate member boards, or if

1 the licensing and disciplinary authority is split between separate member boards, or if
2 the licensing and disciplinary authority is split between multiple member boards
3 within a member state, the member state shall appoint one representative from each
4 member board. A Commissioner shall be

5 (1) An allopathic or osteopathic physician appointed to a member
6 board;

7 (2) An executive director, executive secretary, or similar executive of a
8 member board; or

9 (3) A member of the public appointed to a member board.

10 (e) The Interstate Commission shall meet at least once each calendar year. A
11 portion of this meeting shall be a business meeting to address such matters as may
12 properly come before the Commission, including the election of officers. The
13 chairperson may call additional meetings and shall call for a meeting upon the request
14 of a majority of the member states.

15 (f) The bylaws may provide for meetings of the Interstate Commission to be
16 conducted by telecommunication or electronic communication.

17 (g) Each Commissioner participating at a meeting of the Interstate
18 Commission is entitled to one vote. A majority of Commissioners shall constitute a
19 quorum for the transaction of business, unless a larger quorum is required by the
20 bylaws of the Interstate Commission. A Commissioner shall not delegate a vote to
21 another Commissioner. In the absence of its Commissioner, a member state may
22 delegate voting authority for a specified meeting to another person from that state who
23 shall meet the requirements of subsection (d).

24 (h) The Interstate Commission shall provide public notice of all meetings and
25 all meetings shall be open to the public. The Interstate Commission may close a
26 meeting, in full or in portion, where it determines by a two-thirds vote of the
27 Commissioners present that an open meeting would be likely to

28 (1) Relate solely to the internal personnel practice and procedures of
29 the Interstate Commission;

30 (2) Discuss matters specifically exempted from disclosure by federal
31 statute;

1 (3) Discuss trade secrets, commercial, or financial information that is
2 privileged or confidential;

3 (4) Involve accusing a person of a crime, or formally censuring a
4 person;

5 (5) Discuss information of a personal nature where disclosure would
6 constitute a clearly unwarranted invasion of personal privacy;

7 (6) Discuss investigative records compiled for law enforcement
8 purposes; or

9 (7) Specifically relate to the participation in a civil action or other legal
10 proceeding.

11 (i) The Interstate Commission shall keep minutes which shall fully describe all
12 matters discussed in a meeting and shall provide a full and accurate summary of
13 actions taken, including record of any roll call votes.

14 (j) The Interstate Commission shall make its information and official records,
15 to the extent not otherwise designated in the Compact or by its rules, available to the
16 public for inspection.

17 (k) The Interstate Commission shall establish an executive committee, which
18 shall include officers, members, and others as determined by the bylaws. The
19 executive committee shall have the power to act on behalf of the Interstate
20 Commission, with the exception of rulemaking, during periods when the Interstate
21 Commission is not in session. When acting on behalf of the Interstate Commission,
22 the executive committee shall oversee the administration of the Compact including
23 enforcement and compliance with the provisions of the Compact, its bylaws and rules,
24 and other such duties as necessary.

25 (l) The Interstate Commission shall establish other committees for governance
26 and administration of the Compact.

27 SECTION 12. POWERS AND DUTIES OF THE INTERSTATE COMMISSION.

28 (a) Oversee and maintain the administration of the Compact;

29 (b) Promulgate rules which shall be binding to the extent and in the manner
30 provided for in the Compact;

31 (c) Issue, upon the request of a member state or member board, advisory

1 opinions concerning the meaning or interpretation of the Compact, its bylaws, rules,
2 and actions;

3 (d) Enforce compliance with Compact provisions, the rules promulgated by
4 the Interstate Commission, and the bylaws, using all necessary and proper means,
5 including but not limited to the use of judicial process;

6 (e) Establish and appoint committees including, but not limited to, an
7 executive committee as required by Section 11, which shall have the power to act on
8 behalf of the Interstate Commission in carrying out its powers and duties;

9 (f) Pay, or provide for the payment of the expenses related to the
10 establishment, organization, and ongoing activities of the Interstate Commission;

11 (g) Establish and maintain one or more offices;

12 (h) Borrow, accept, hire, or contract for services of personnel;

13 (i) Purchase and maintain insurance and bonds;

14 (j) Employ an executive director who shall have such powers to employ, select
15 or appoint employees, agents, or consultants, and to determine their qualifications,
16 define their duties, and fix their compensation;

17 (k) Establish personnel policies and programs relating to conflicts of interest,
18 rates of compensation, and qualifications of personnel;

19 (l) Accept donations and grants of money, equipment, supplies, materials, and
20 services and to receive, utilize, and dispose of it in a manner consistent with the
21 conflict of interest policies established by the Interstate Commission;

22 (m) Lease, purchase, accept contributions or donations of, or otherwise to
23 own, hold, improve or use, any property, real, personal, or mixed;

24 (n) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise
25 dispose of any property, real, personal, or mixed;

26 (o) Establish a budget and make expenditures;

27 (p) Adopt a seal and bylaws governing the management and operation of the
28 Interstate Commission;

29 (q) Report annually to the legislatures and governors of the member states
30 concerning the activities of the Interstate Commission during the preceding year. Such
31 reports shall also include reports of financial audits and any recommendations that

1 may have been adopted by the Interstate Commission;

2 (r) Coordinate education, training, and public awareness regarding the
3 Compact, its implementation, and its operation;

4 (s) Maintain records in accordance with the bylaws;

5 (t) Seek and obtain trademarks, copyrights, and patents; and

6 (u) Perform such functions as may be necessary or appropriate to achieve the
7 purpose of the Compact.

8 SECTION 13. FINANCE POWERS.

9 (a) The Interstate Commission may levy on and collect an annual assessment
10 from each member state to cover the cost of the operations and activities of the
11 Interstate Commission and its staff. The total assessment must be sufficient to cover
12 the annual budget approved each year for which revenue is not provided by other
13 sources. The aggregate annual assessment amount shall be allocated upon a formula to
14 be determined by the Interstate Commission, which shall promulgate a rule binding
15 upon all member states.

16 (b) The Interstate Commission shall not incur obligations of any kind prior to
17 securing the funds adequate to meet the same.

18 (c) The Interstate Commission shall not pledge the credit of any of the
19 member states, except by, and with the authority of, the member state.

20 (d) The Interstate Commission shall be subject to a yearly financial audit
21 conducted by a certified or licensed accountant and the report of the audit shall be
22 included in the annual report of the Interstate Commission.

23 SECTION 14. ORGANIZATION AND OPERATION OF THE INTERSTATE 24 COMMISSION.

25 (a) The Interstate Commission shall, by a majority of Commissioners present
26 and voting, adopt bylaws to govern its conduct as may be necessary or appropriate to
27 carry out the purposes of the Compact within twelve (12) months of the first Interstate
28 Commission meeting.

29 (b) The Interstate Commission shall elect or appoint annually from among its
30 Commissioners a chairperson, a vice-chairperson, and a treasurer, each of whom shall
31 have such authority and duties as may be specified in the bylaws. The chairperson, or

1 in the chairperson's absence or disability, the vice-chairperson, shall preside at all
2 meetings of the Interstate Commission.

3 (c) Officers selected in subsection (b) shall serve without remuneration for the
4 Interstate Commission.

5 (d) The officers and employees of the Interstate Commission shall be immune
6 from suit and liability, either personally or in their official capacity, for a claim for
7 damage to or loss of property or personal injury or other civil liability caused or
8 arising out of, or relating to, an actual or alleged act, error, or omission that occurred,
9 or that such person had a reasonable basis for believing occurred, within the scope of
10 Interstate Commission employment, duties, or responsibilities; provided that such
11 person shall not be protected from suit or liability for damage, loss, injury, or liability
12 caused by the intentional or willful and wanton misconduct of such person.

13 (e) The liability of the executive director and employees of the Interstate
14 Commission or representatives of the Interstate Commission, acting within the scope
15 of such person's employment or duties for acts, errors, or omissions occurring within
16 such person's state, may not exceed the limits of liability set forth under the
17 constitution and laws of that state for state officials, employees, and agents. The
18 Interstate Commission is considered to be an instrumentality of the states for the
19 purpose of any such action. Nothing in this subsection shall be construed to protect
20 such person from suit or liability for damage, loss, injury, or liability caused by the
21 intentional or willful and wanton misconduct of such person.

22 (f) The Interstate Commission shall defend the executive director, its
23 employees, and subject to the approval of the attorney general or other appropriate
24 legal counsel of the member state represented by an Interstate Commission
25 representative, shall defend such Interstate Commission representative in any civil
26 action seeking to impose liability arising out of an actual or alleged act, error or
27 omission that occurred within the scope of Interstate Commission employment, duties
28 or responsibilities, or that the defendant had a reasonable basis for believing occurred
29 within the scope of Interstate Commission employment, duties, or responsibilities,
30 provided that the actual or alleged act, error, or omission did not result from
31 intentional or willful and wanton misconduct on the part of such person.

1 (g) To the extent not covered by the state involved, member state, or the
2 Interstate Commission, the representatives or employees of the Interstate Commission
3 shall be held harmless in the amount of a settlement or judgement, including attorney's
4 fees and costs, obtained against such persons arising out of an actual or alleged act,
5 error, or omission that occurred within the scope of the Interstate Commission
6 employment, duties, or responsibilities, or that such persons had a reasonable basis for
7 believing occurred within the scope of Interstate Commission employment, duties, or
8 responsibilities, provided that the actual or alleged act, error, or omission did not result
9 from intentional or willful and wanton misconduct on the part of such person.

10 SECTION 15. RULEMAKING FUNCTIONS OF THE INTERSTATE
11 COMMISSION.

12 (a) The Interstate Commission shall promulgate reasonable rules in order to
13 effectively and efficiently achieve the purpose of the Compact. Notwithstanding the
14 foregoing, in the event the Interstate Commission exercises its rulemaking authority in
15 a manner that is beyond the scope of the purposes of the Compact, or the powers
16 granted hereunder, then such an action by the Interstate Commission shall be invalid
17 and have no force or effect.

18 (b) Rules deemed appropriate for the operations of the Interstate Commission
19 shall be made pursuant to a rulemaking process that substantially conforms to the
20 "Model State Administrative Procedure Act" of 2010, and subsequent amendments
21 thereto.

22 (c) Not later than thirty (30) days after a rule is promulgated, any person may
23 file a petition for judicial review of the rule in the United States District Court for the
24 District of Columbia or the federal district where the Interstate Commission has its
25 principal offices, provided that the filing of such a petition shall not stay or otherwise
26 prevent the rule from becoming effective unless the court finds that the petitioner has a
27 substantial likelihood of success. The court shall give deference to the actions of the
28 Interstate Commission consistent with applicable law and shall not find the rule to be
29 unlawful if the rule represents a reasonable exercise of the authority granted to the
30 Interstate Commission.

31 SECTION 16. OVERSIGHT OF INTERSTATE COMPACT.

1 (a) The executive, legislative, and judicial branches of state government in
2 each member state shall enforce the Compact and shall take all actions necessary and
3 appropriate to effectuate the Compact's purposes and intent. The provisions of the
4 Compact and the rules promulgated hereunder shall have standing as statutory law but
5 shall not override existing state authority to regulate the practice of medicine.

6 (b) All courts shall take judicial notice of the Compact and the rules in any
7 judicial or administrative proceeding in a member state pertaining to the subject matter
8 of the Compact which may affect the powers, responsibilities or actions of the
9 Interstate Commission.

10 (c) The Interstate Commission shall be entitled to receive all services of
11 process in any such proceeding, and shall have standing to intervene in the proceeding
12 for all purposes. Failure to provide service of process to the Interstate Commission
13 shall render a judgment or order void as to the Interstate Commission, the Compact, or
14 promulgated rules.

15 SECTION 17. ENFORCEMENT OF INTERSTATE COMPACT.

16 (a) The Interstate Commission, in the reasonable exercise of its discretion,
17 shall enforce the provisions and rules of the Compact.

18 (b) The Interstate Commission may, by majority vote of the Commissioners,
19 initiate legal action in the United States Court for the District of Columbia, or, at the
20 discretion of the Interstate Commission, in the federal district where the Interstate
21 Commission has its principal offices, to enforce compliance with the provisions of the
22 Compact, and its promulgated rules and bylaws, against a member state in default. The
23 relief sought may including both injunctive relief and damages. In the event judicial
24 enforcement is necessary, the prevailing party shall be awarded all costs of such
25 litigation including reasonable attorney's fees.

26 (c) The remedies herein shall not be the exclusive remedies of the Interstate
27 Commission. The Interstate Commission may avail itself of any other remedies
28 available under state law or regulation of a profession.

29 SECTION 18. DEFAULT PROCEDURES.

30 (a) The grounds for default include, but are not limited to, failure of a member
31 state to perform such obligations or responsibilities imposed upon it by the Compact,

1 or the rules and bylaws of the Interstate Commission promulgated under the Compact.

2 (b) If the Interstate Commission determines that a member state has defaulted
3 in the performance of its obligations or responsibilities under the Compact, or the
4 bylaws or promulgated rules, the Interstate Commission shall

5 (1) provide written notice to the defaulting state and other member
6 states, of the nature of the default, the means of curing the default, and any action
7 taken by the Interstate Commission; the Interstate Commission shall specify the
8 conditions by which the defaulting state must cure its default; and

9 (2) provide remedial training and specific technical assistance
10 regarding the default.

11 (c) If the defaulting state fails to cure the default, the defaulting state shall be
12 terminated from the Compact upon an affirmative vote of a majority of the
13 Commissioners and all rights, privileges, and benefits conferred by the Compact shall
14 terminate on the effective date of termination. A cure of the default does not relieve
15 the offending state of obligations or liabilities incurred during the period of the
16 default.

17 (d) Termination of membership in the Compact shall be imposed only after all
18 other means of securing compliance have been exhausted. Notice of intent to terminate
19 shall be given by the Interstate Commission to the governor, the majority and minority
20 leaders of the defaulting state's legislature, and each of the member states.

21 (e) The Interstate Commission shall establish rules and procedures to address
22 licenses and physicians that are materially impacted by the termination of a member
23 state, or the withdrawal of a member state.

24 (f) The member state which has been terminated is responsible for all due,
25 obligations, and liabilities incurred through the effective date of termination including
26 obligations, the performance of which extends beyond the effective date of
27 termination.

28 (g) The Interstate Commission shall not bear any costs relating to any state
29 that has been found to be in default or which has been terminated from the Compact,
30 unless otherwise mutually agreed upon in writing between the Interstate Commission
31 and the defaulting state.

1 (h) The defaulting state may appeal the action of the Interstate Commission by
2 petitioning the United States District Court for the District of Columbia or the federal
3 district where the Interstate Commission has its principal offices. The prevailing party
4 shall be awarded all costs of such litigation including reasonable attorney's fees.

5 SECTION 19. DISPUTE RESOLUTION.

6 (a) The Interstate Commission shall attempt, upon the request of a member
7 state, to resolve disputes which are subject to the Compact and which may arise
8 among member states or member boards.

9 (b) The Interstate Commission shall promulgate rules providing for both
10 mediation and binding dispute resolution as appropriate.

11 SECTION 20. MEMBER STATES, EFFECTIVE DATE, AND AMENDMENT.

12 (a) Any state is eligible to become a member of the Compact.

13 (b) The Compact shall become effective and binding upon legislative
14 enactment of the Compact into law by no less than seven (7) states. Thereafter, it shall
15 become effective and binding on a state upon enactment of the Compact into law by
16 that state.

17 (c) The governors of non-member states, or their designees, shall be invited to
18 participate in the activities of the Interstate Commission on a non-voting basis prior to
19 adoption of the Compact by all states.

20 (d) The Interstate Commission may propose amendments to the Compact for
21 enactment by the member states. No amendment shall become effective and binding
22 upon the Interstate Commission and the member states unless and until it is enacted
23 into law by unanimous consent of the member states.

24 SECTION 21. WITHDRAWAL.

25 (a) Once effective, the Compact shall continue in force and remain binding
26 upon each and every member state; provided that a member state may withdraw from
27 the Compact by specifically repealing the statute which enacted the Compact into law.

28 (b) Withdrawal from the Compact shall be by the enactment of a statute
29 repealing the same, but shall not take effect until one (1) year after the effective date
30 of such statute and until written notice of the withdrawal has been given by the
31 withdrawing state to the governor of each other member state.

1 (c) The withdrawing state shall immediately notify the chairperson of the
2 Interstate Commission in writing upon the introduction of legislation repealing the
3 Compact in the withdrawing state.

4 (d) The Interstate Commission shall notify the other member states of the
5 withdrawing state's intent to withdraw within sixty (60) days of its receipt of notice
6 provided under subsection (c).

7 (e) The withdrawing state is responsible for all dues, obligations and liabilities
8 incurred through the effective date of withdrawal, including obligations, the
9 performance of which extend beyond the effective date of withdrawal.

10 (f) Reinstatement following withdrawal of a member state shall occur upon
11 the withdrawing date reenacting the Compact or upon such later date as determined by
12 the Interstate Commission.

13 (g) The Interstate Commission is authorized to develop rules to address the
14 impact of the withdrawal of a member state on licenses granted in other member states
15 to physicians who designated the withdrawing member state as the state of principal
16 license.

17 SECTION 22. DISSOLUTION.

18 (a) The Compact shall dissolve effective upon the date of the withdrawal or
19 default of the member state which reduces the membership of the Compact to one (1)
20 member state.

21 (b) Upon the dissolution of the Compact, the Compact becomes null and void
22 and shall be of no further force or effect, and the business and affairs of the Interstate
23 Commission shall be concluded, and surplus funds shall be distributed in accordance
24 with the bylaws.

25 SECTION 23. SEVERABILITY AND CONSTRUCTION.

26 (a) The provisions of the Compact shall be severable, and if any phrase,
27 clause, sentence, or provision is deemed unenforceable, the remaining provisions of
28 the Compact shall be enforceable.

29 (b) The provisions of the Compact shall be liberally construed to effectuate its
30 purposes.

31 (c) Nothing in the Compact shall be construed to prohibit the applicability of

1 other interstate compacts to which the member states are members.

2 SECTION 24. BINDING EFFECT OF COMPACT AND OTHER LAWS.

3 (a) Nothing herein prevents the enforcement of any other law of a member
4 state that is not inconsistent with the Compact.

5 (b) All laws in a member state in conflict with the Compact are superseded to
6 the extent of the conflict.

7 (c) All lawful actions of the Interstate Commission, including all rules and
8 bylaws promulgated by the Commission, are binding upon the member states.

9 (d) All agreements between the Interstate Commission and the member states
10 are binding in accordance with their terms.

11 (e) In the event any provision of the Compact exceeds the constitutional limits
12 imposed on the legislature of any member state, such provision shall be ineffective to
13 the extent of the conflict with the constitutional provision in question in that member
14 state.

15 **Sec. 08.64.254. PA Licensure Compact.** The PA licensure compact as
16 contained in this section is enacted into law and entered into on behalf of the state with
17 all other states and jurisdictions legally joining it in a form substantially as follows:

18 SECTION 1. PURPOSE.

19 In order to strengthen access to Medical Services, and in recognition of the
20 advances in the delivery of Medical Services, the Participating States of the PA
21 Licensure Compact have allied in common purpose to develop a comprehensive
22 process that complements the existing authority of State Licensing Boards to license
23 and discipline PAs and seeks to enhance the portability of a License to practice as a
24 PA while safeguarding the safety of patients. This Compact allows Medical Services
25 to be provided by PAs, via the mutual recognition of the Licensee's Qualifying
26 License by other Compact Participating States. This Compact also adopts the
27 prevailing standard for PA licensure and affirms that the practice and delivery of
28 Medical Services by the PA occurs where the patient is located at the time of the
29 patient encounter, and therefore requires the PA to be under the jurisdiction of the
30 State Licensing Board where the patient is located. State Licensing Boards that
31 participate in this Compact retain the jurisdiction to impose Adverse Action against a

1 Compact Privilege in that State issued to a PA through the procedures of this
2 Compact. The PA Licensure Compact will alleviate burdens for military families by
3 allowing active duty military personnel and their spouses to obtain a Compact
4 Privilege based on having an unrestricted License in good standing from a
5 Participating State.

6 SECTION 2. DEFINITIONS.

7 In this Compact:

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

13 (B) "Compact Privilege" means the authorization granted by a Remote State to
14 allow a Licensee from another Participating State to practice as a PA to provide
15 Medical Services and other licensed activity to a patient located in the Remote State
16 under the Remote State's laws and regulations.

17 (C) "Conviction" means a finding by a court that an individual is guilty of a
18 felony or misdemeanor offense through adjudication or entry of a plea of guilty or no
19 contest to the charge by the offender.

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

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

27 (F) "Executive Committee" means a group of directors and ex-officio
28 individuals elected or appointed pursuant to Section 7(F)(2).

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

31 (H) "Investigative Information" means information, records, or documents

1 received or generated by a Licensing Board pursuant to an investigation.

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

4 (J) "License" means current authorization by a State, other than authorization
5 pursuant to a Compact Privilege, for a PA to provide Medical Services, which would
6 be unlawful without current authorization.

7 (K) "Licensee" means an individual who holds a License from a State to
8 provide Medical Services as a PA.

9 (L) "Licensing Board" means any State entity authorized to license and
10 otherwise regulate PAs.

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

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

17 (O) "Participating State" means a State that has enacted this Compact.

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

23 (Q) "PA Licensure Compact Commission," "Compact Commission," or
24 "Commission" mean the national administrative body created pursuant to Section 7(A)
25 of this Compact.

26 (R) "Qualifying License" means an unrestricted License issued by a
27 Participating State to provide Medical Services as a PA.

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

30 (T) "Rule" means a regulation promulgated by an entity that has the force and
31 effect of law.

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

5 (V) "State" means any state, commonwealth, district, or territory of the United
 6 States.

7 SECTION 3. STATE PARTICIPATION IN THIS COMPACT.

8 (A) To participate in this Compact, a Participating State shall:

9 (1) License PAs.

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

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

13 (4) Notify the Commission, in compliance with the terms of this
 14 Compact and Commission Rules, of any Adverse Action against a Licensee or License
 15 applicant and the existence of Significant Investigative Information regarding a
 16 Licensee or License applicant.

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

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

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

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

26 (B) Nothing in this Compact prohibits a Participating State from charging a
 27 fee for granting the Compact Privilege.

28 SECTION 4. COMPACT PRIVILEGE.

29 (A) To exercise the Compact Privilege, a Licensee must:

30 (1) Have graduated from a PA program accredited by the Accreditation
 31 Review Commission on Education for the Physician Assistant, Inc. or other programs

1 authorized by Commission Rule.

2 (2) Hold current NCCPA certification.

3 (3) Have no felony or misdemeanor Conviction.

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

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

8 (6) Hold a Qualifying License.

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

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

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

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

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

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

28 (B) The Compact Privilege is valid until the expiration or revocation of the
29 Qualifying License unless terminated pursuant to an Adverse Action. The Licensee
30 must also comply with all of the requirements of (A) of this Section above to maintain
31 the Compact Privilege in a Remote State. If the Participating State takes Adverse

1 Action against a Qualifying License, the Licensee shall lose the Compact Privilege in
 2 any Remote State in which the Licensee has a Compact Privilege until all of the
 3 following occur:

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

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

7 (C) Once a restricted or limited License satisfies the requirements of (B)(1)
 8 and (2) of this Section, the Licensee must meet the requirements of (A) of this Section
 9 to obtain a Compact Privilege in any Remote State.

10 (D) For each Remote State in which a PA seeks authority to prescribe
 11 controlled substances, the PA shall satisfy all requirements imposed by such State in
 12 granting or renewing such authority.

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

15 (A) Upon a Licensee's application for a Compact Privilege, the Licensee shall
 16 identify to the Commission the Participating State from which the Licensee is
 17 applying, in accordance with applicable Rules adopted by the Commission, and
 18 subject to the following requirements:

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

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

28 SECTION 6. ADVERSE ACTIONS.

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

1 (B) In addition to the other powers conferred by State law, a Remote State
2 shall have the authority, in accordance with existing State due process law, to do all of
3 the following:

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

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

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

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

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

30 (D) A Participating State, if otherwise permitted by State law, may recover
31 from the affected PA the costs of investigations and disposition of cases resulting from

1 any Adverse Action taken against that PA.

2 (E) A Participating State may take Adverse Action based on the factual
3 findings of a Remote State, provided that the Participating State follows its own
4 procedures for taking the Adverse Action.

5 (F) Joint Investigations.

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

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

13 (G) If an Adverse Action is taken against a PA's Qualifying License, the PA's
14 Compact Privilege in all Remote States shall be deactivated until two (2) years have
15 elapsed after all restrictions have been removed from the State License. All
16 disciplinary orders by the Participating State which issued the Qualifying License that
17 impose Adverse Action against a PA's License shall include a Statement that the PA's
18 Compact Privilege is deactivated in all Participating States during the pendency of the
19 order.

20 (H) If any Participating State takes Adverse Action, it promptly shall notify
21 the administrator of the Data System.

22 SECTION 7. ESTABLISHMENT OF THE PA LICENSURE COMPACT
23 COMMISSION.

24 (A) The Participating States hereby create and establish a joint government
25 agency and national administrative body known as the PA Licensure Compact
26 Commission. The Commission is an instrumentality of the Compact States acting
27 jointly and not an instrumentality of any one State. The Commission shall come into
28 existence on or after the effective date of the Compact as set forth in Section 11(A).

29 (B) Membership, Voting, and Meetings.

30 (1) Each Participating State shall have and be limited to one (1)
31 delegate selected by that Participating State's Licensing Board or, if the State has more

1 than one Licensing Board, selected collectively by the Participating State's Licensing
2 Boards.

3 (2) The delegate shall be either:

4 (a) A current PA, physician or public member of a Licensing
5 Board or PA Council/Committee; or

6 (b) An administrator of a Licensing Board.

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

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

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

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

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

21 (C) The Commission shall have the following powers and duties:

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

23 (2) Establish the fiscal year of the Commission;

24 (3) Establish fees;

25 (4) Establish bylaws;

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

27 (6) Meet and take such actions as are consistent with the provisions of
28 this Compact and the bylaws;

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

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

4 (9) Purchase and maintain insurance and bonds;

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

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

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

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

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

21 (15) Establish a budget and make expenditures;

22 (16) Borrow money;

23 (17) Appoint committees, including standing committees composed of
24 members, State regulators, State legislators or their representatives, and consumer
25 representatives, and such other interested persons as may be designated in this
26 Compact and the bylaws;

27 (18) Provide and receive information from, and cooperate with, law
28 enforcement agencies;

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

31 (20) Reserve for itself, in addition to those reserved exclusively to the

1 Commission under the Compact, powers that the Executive Committee may not
2 exercise;

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

6 (22) Prepare and provide to the Participating States an annual report;
7 and

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

11 (D) Meetings of the Commission.

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

15 (2) Notwithstanding (D)(1) of this Section, the Commission may
16 convene a public meeting by providing at least twenty-four (24) hours prior notice on
17 the Commission's website, and any other means as provided in the Commission's
18 Rules, for any of the reasons it may dispense with notice of proposed rulemaking
19 under Section 9(L).

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

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

24 (b) The employment, compensation, discipline or other matters,
25 practices or procedures related to specific employees or other matters related to
26 the Commission's internal personnel practices and procedures;

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

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

30 (e) Accusing any person of a crime or formally censuring any
31 person;

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

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

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

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

11 (j) Legal advice; or

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

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

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

24 (E) Financing of the Commission.

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

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

29 (3) The Commission may levy on and collect an annual assessment
30 from each Participating State and may impose Compact Privilege fees on Licensees of
31 Participating States to whom a Compact Privilege is granted to cover the cost of the

1 operations and activities of the Commission and its staff, which must be in a total
2 amount sufficient to cover its annual budget as approved by the Commission each year
3 for which revenue is not provided by other sources. The aggregate annual assessment
4 amount levied on Participating States shall be allocated based upon a formula to be
5 determined by Commission Rule.

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

9 (b) If the Licensee terminates the Qualifying License through
10 which the Licensee applied for the Compact Privilege before its scheduled
11 expiration, and the Licensee has a Qualifying License in another Participating
12 State, the Licensee shall inform the Commission that it is changing to that
13 Participating State the Participating State through which it applies for a
14 Compact Privilege and pay to the Commission any Compact Privilege fee
15 required by Commission Rule.

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

20 (5) The Commission shall keep accurate accounts of all receipts and
21 disbursements. The receipts and disbursements of the Commission shall be subject to
22 the financial review and accounting procedures established under its bylaws. All
23 receipts and disbursements of funds handled by the Commission shall be subject to an
24 annual financial review by a certified or licensed public accountant, and the report of
25 the financial review shall be included in and become part of the annual report of the
26 Commission.

27 (F) The Executive Committee.

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

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

31 (a) Seven voting members who are elected by the Commission

1 from the current membership of the Commission;

2 (b) One ex-officio, nonvoting member from a recognized
3 national PA professional association; and

4 (c) One ex-officio, nonvoting member from a recognized
5 national PA certification organization.

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

8 (4) The Commission may remove any member of the Executive
9 Committee as provided in its bylaws.

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

11 (6) The Executive Committee shall have the following duties and
12 responsibilities:

13 (a) Recommend to the Commission changes to the
14 Commission's Rules or bylaws, changes to this Compact legislation, fees to be
15 paid by Compact Participating States such as annual dues, and any
16 Commission Compact fee charged to Licensees for the Compact Privilege;

17 (b) Ensure Compact administration services are appropriately
18 provided, contractual or otherwise;

19 (c) Prepare and recommend the budget;

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

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

23 (f) Establish additional committees as necessary;

24 (g) Exercise the powers and duties of the Commission during
25 the interim between Commission meetings, except for issuing proposed
26 rulemaking or adopting Commission Rules or bylaws, or exercising any other
27 powers and duties exclusively reserved to the Commission by the
28 Commission's Rules; and

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

31 (7) All meetings of the Executive Committee at which it votes or plans

1 to vote on matters in exercising the powers and duties of the Commission shall be
2 open to the public and public notice of such meetings shall be given as public
3 meetings of the Commission are given.

4 (8) The Executive Committee may convene in a closed, non-public
5 meeting for the same reasons that the Commission may convene in a non-public
6 meeting as set forth in Section 7(D)(3) and shall announce the closed meeting as the
7 Commission is required to under Section 7(D)(4) and keep minutes of the closed
8 meeting as the Commission is required to under Section 7(D)(5).

9 (G) Qualified Immunity, Defense, and Indemnification.

10 (1) The members, officers, executive director, employees and
11 representatives of the Commission shall be immune from suit and liability, both
12 personally and in their official capacity, for any claim for damage to or loss of
13 property or personal injury or other civil liability caused by or arising out of any actual
14 or alleged act, error, or omission that occurred, or that the person against whom the
15 claim is made had a reasonable basis for believing occurred within the scope of
16 Commission employment, duties or responsibilities; provided that nothing in this
17 paragraph shall be construed to protect any such person from suit or liability for any
18 damage, loss, injury, or liability caused by the intentional or willful or wanton
19 misconduct of that person. The procurement of insurance of any type by the
20 Commission shall not in any way compromise or limit the immunity granted
21 hereunder.

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

1 Participating States.

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

6 (1) Identifying information;

7 (2) Licensure data;

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

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

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

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

15 (C) Significant Investigative Information pertaining to a Licensee in any
16 Participating State shall only be available to other Participating States.

17 (D) The Commission shall promptly notify all Participating States of any
18 Adverse Action taken against a Licensee or an individual applying for a License that
19 has been reported to it. This Adverse Action information shall be available to any
20 other Participating State.

21 (E) Participating States contributing information to the Data System may, in
22 accordance with State or federal law, designate information that may not be shared
23 with the public without the express permission of the contributing State.
24 Notwithstanding any such designation, such information shall be reported to the
25 Commission through the Data System.

26 (F) Any information submitted to the Data System that is subsequently
27 expunged pursuant to federal law or the laws of the Participating State contributing the
28 information shall be removed from the Data System upon reporting of such by the
29 Participating State to the Commission.

30 (G) The records and information provided to a Participating State pursuant to
31 this Compact or through the Data System, when certified by the Commission or an

1 agent thereof, shall constitute the authenticated business records of the Commission,
2 and shall be entitled to any associated hearsay exception in any relevant judicial,
3 quasi-judicial or administrative proceedings in a Participating State.

4 SECTION 9. RULEMAKING.

5 (A) The Commission shall exercise its Rulemaking powers pursuant to the
6 criteria set forth in this Section and the Rules adopted thereunder. Commission Rules
7 shall become binding as of the date specified by the Commission for each Rule.

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

15 (C) The Rules of the Commission shall have the force of law in each
16 Participating State, provided however that where the Rules of the Commission conflict
17 with the laws of the Participating State that establish the medical services a PA may
18 perform in the Participating State, as held by a court of competent jurisdiction, the
19 Rules of the Commission shall be ineffective in that State to the extent of the conflict.

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

25 (E) Commission Rules shall be adopted at a regular or special meeting of the
26 Commission.

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

31 (1) On the website of the Commission or other publicly accessible

1 platform; and

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

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

5 (G) The Notice of Proposed Rulemaking shall include:

6 (1) The time, date, and location of the public hearing on the proposed
7 Rule and the proposed time, date and location of the meeting in which the proposed
8 Rule will be considered and voted upon;

9 (2) The text of the proposed Rule and the reason for the proposed
10 Rule;

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

13 (4) The manner in which interested persons may submit notice to the
14 Commission of their intention to attend the public hearing or provide any written
15 comments.

16 (H) Prior to adoption of a proposed Rule, the Commission shall allow persons
17 to submit written data, facts, opinions, and arguments, which shall be made available
18 to the public.

19 (I) If the hearing is to be held via electronic means, the Commission shall
20 publish the mechanism for access to the electronic hearing.

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

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

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

31 (4) Nothing in this section shall be construed as requiring a separate

1 hearing on each proposed Rule. Proposed Rules may be grouped for the convenience
2 of the Commission at hearings required by this section.

3 (J) Following the public hearing the Commission shall consider all written and
4 oral comments timely received.

5 (K) The Commission shall, by majority vote of all delegates, take final action
6 on the proposed Rule and shall determine the effective date of the Rule, if adopted,
7 based on the Rulemaking record and the full text of the Rule.

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

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

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

14 (4) The Commission shall determine a reasonable effective date for the
15 Rule. Except for an emergency as provided in (L) of this Section, the effective date of
16 the Rule shall be no sooner than thirty (30) days after the Commission issued the
17 notice that it adopted the Rule.

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

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

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

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

29 (4) Protect public health and safety.

30 (M) The Commission or an authorized committee of the Commission may
31 direct revisions to a previously adopted Commission Rule for purposes of correcting

1 typographical errors, errors in format, errors in consistency, or grammatical errors.
2 Public notice of any revisions shall be posted on the website of the Commission. The
3 revision shall be subject to challenge by any person for a period of thirty (30) days
4 after posting. The revision may be challenged only on grounds that the revision results
5 in a material change to a Rule. A challenge shall be made as set forth in the notice of
6 revisions and delivered to the Commission prior to the end of the notice period. If no
7 challenge is made, the revision will take effect without further action. If the revision is
8 challenged, the revision may not take effect without the approval of the Commission.

9 (N) No Participating State's rulemaking requirements shall apply under this
10 Compact.

11 SECTION 10. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT.

12 (A) Oversight.

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

16 (2) Venue is proper and judicial proceedings by or against the
17 Commission shall be brought solely and exclusively in a court of competent
18 jurisdiction where the principal office of the Commission is located. The Commission
19 may waive venue and jurisdictional defenses to the extent it adopts or consents to
20 participate in alternative dispute resolution proceedings. Nothing herein shall affect or
21 limit the selection or propriety of venue in any action against a Licensee for
22 professional malpractice, misconduct or any such similar matter.

23 (3) The Commission shall be entitled to receive service of process in
24 any proceeding regarding the enforcement or interpretation of the Compact or the
25 Commission's Rules and shall have standing to intervene in such a proceeding for all
26 purposes. Failure to provide the Commission with service of process shall render a
27 judgment or order in such proceeding void as to the Commission, this Compact, or
28 Commission Rules.

29 (B) Default, Technical Assistance, and Termination.

30 (1) If the Commission determines that a Participating State has
31 defaulted in the performance of its obligations or responsibilities under this Compact

1 or the Commission Rules, the Commission shall provide written notice to the
2 defaulting State and other Participating States. The notice shall describe the default,
3 the proposed means of curing the default and any other action that the Commission
4 may take and shall offer remedial training and specific technical assistance regarding
5 the default.

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

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

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

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

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

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

31 (a) Licensees who have been granted a Compact Privilege in

1 that State shall retain the Compact Privilege for one hundred eighty (180) days
2 following the effective date of such termination.

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

9 (C) Dispute Resolution.

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

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

15 (D) Enforcement.

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

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

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

29 (E) Legal Action Against the Commission.

30 (1) A Participating State may initiate legal action against the
31 Commission in the U.S. District Court for the District of Columbia or the federal

1 district where the Commission has its principal offices to enforce compliance with the
 2 provisions of the Compact and its Rules. The relief sought may include both injunctive
 3 relief and damages. In the event judicial enforcement is necessary, the prevailing party
 4 shall be awarded all costs of such litigation, including reasonable attorney's fees.

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

7 SECTION 11. DATE OF IMPLEMENTATION OF THE PA LICENSURE
 8 COMPACT COMMISSION.

9 (A) This Compact shall come into effect on the date on which this Compact
 10 statute is enacted into law in the seventh Participating State.

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

16 (a) A Charter Participating State whose enactment is found to
 17 be materially different from the Model Compact shall be entitled to the default
 18 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 existence and
 21 the Compact shall remain in effect even if the number of Participating States
 22 should be less than seven. Participating States enacting the Compact
 23 subsequent to the Commission convening shall be subject to the process set
 24 forth in Section 7(C)(21) to determine if their enactments are materially
 25 different from the Model Compact and whether they qualify for participation in
 26 the Compact.

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

31 (3) All actions taken for the benefit of the Commission or in

1 furtherance of the purposes of the administration of the Compact prior to the effective
2 date of the Compact or the Commission coming into existence shall be considered to
3 be actions of the Commission unless specifically repudiated by the Commission.

4 (B) Any State that joins this Compact shall be subject to the Commission's
5 Rules and bylaws as they exist on the date on which this Compact becomes law in that
6 State. Any Rule that has been previously adopted by the Commission shall have the
7 full force and effect of law on the day this Compact becomes law in that State.

8 (C) Any Participating State may withdraw from this Compact by enacting a
9 statute repealing the same.

10 (1) A Participating State's withdrawal shall not take effect until one
11 hundred eighty (180) days after enactment of the repealing statute. During this one
12 hundred eighty (180) day-period, all Compact Privileges that were in effect in the
13 withdrawing State and were granted to Licensees licensed in the withdrawing State
14 shall remain in effect. If any Licensee licensed in the withdrawing State is also
15 licensed in another Participating State or obtains a license in another Participating
16 State within the one hundred eighty (180) days, the Licensee's Compact Privileges in
17 other Participating States shall not be affected by the passage of the one hundred
18 eighty (180) days.

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

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

28 (D) Nothing contained in this Compact shall be construed to invalidate or
29 prevent any PA licensure agreement or other cooperative arrangement between
30 Participating States and between a Participating State and non-Participating State that
31 does not conflict with the provisions of this Compact.

1 (E) This Compact may be amended by the Participating States. No amendment
2 to this Compact shall become effective and binding upon any Participating State until
3 it is enacted materially in the same manner into the laws of all Participating States as
4 determined by the Commission.

5 SECTION 12. CONSTRUCTION AND SEVERABILITY.

6 (A) This Compact and the Commission's rulemaking authority shall be
7 liberally construed so as to effectuate the purposes, and the implementation and
8 administration of the Compact. Provisions of the Compact expressly authorizing or
9 requiring the promulgation of Rules shall not be construed to limit the Commission's
10 rulemaking authority solely for those purposes.

11 (B) The provisions of this Compact shall be severable and if any phrase,
12 clause, sentence or provision of this Compact is held by a court of competent
13 jurisdiction to be contrary to the constitution of any Participating State, a State seeking
14 participation in the Compact, or of the United States, or the applicability thereof to any
15 government, agency, person or circumstance is held to be unconstitutional by a court
16 of competent jurisdiction, the validity of the remainder of this Compact and the
17 applicability thereof to any other government, agency, person or circumstance shall
18 not be affected thereby.

19 (C) Notwithstanding (B) of this section or this section, the Commission may
20 deny a State's participation in the Compact or, in accordance with the requirements of
21 Section 10(B), terminate a Participating State's participation in the Compact, if it
22 determines that a constitutional requirement of a Participating State is, or would be
23 with respect to a State seeking to participate in the Compact, a material departure from
24 the Compact. Otherwise, if this Compact shall be held to be contrary to the
25 constitution of any Participating State, the Compact shall remain in full force and
26 effect as to the remaining Participating States and in full force and effect as to the
27 Participating State affected as to all severable matters.

28 SECTION 13. BINDING EFFECT OF COMPACT.

29 (A) Nothing herein prevents the enforcement of any other law of a
30 Participating State that is not inconsistent with this Compact.

31 (B) Any laws in a Participating State in conflict with this Compact are

1 superseded to the extent of the conflict.

2 (C) All agreements between the Commission and the Participating States are
3 binding in accordance with their terms.

4 * **Sec. 4.** AS 08.64.315 is amended to read:

5 **Sec. 08.64.315. Fees.** The department shall set fees under AS 08.01.065 for
6 each of the following:

- 7 (1) application;
- 8 (2) license by examination;
- 9 (3) license by endorsement or waiver of examination;
- 10 (4) temporary permit;
- 11 (5) locum tenens permit;
- 12 (6) license renewal, active;
- 13 (7) license renewal, inactive;
- 14 (8) license by reexamination;
- 15 **(9) expedited license issued or renewed through the Interstate**

16 **Medical Licensure Compact under AS 08.64.253;**

17 **(10) compact privilege.**

18 * **Sec. 5.** AS 08.86.070 is amended to read:

19 **Sec. 08.86.070. Duties of the board.** The board shall

- 20 (1) establish objective examination requirements for persons who
21 apply for a license to practice psychology in the state;
- 22 (2) examine, or cause to be examined, eligible license applicants;
- 23 (3) approve the issuance of licenses to qualified applicants;
- 24 (4) adopt regulations establishing standards for the practice of
25 psychology;
- 26 (5) impose disciplinary sanctions as authorized by this chapter;
- 27 (6) adopt regulations requiring proof of continued competency for
28 license renewal;
- 29 (7) review, when requested by the department, the quality and
30 availability of psychological services in the state;
- 31 (8) compile information for submission to the department on the

1 practice of psychology by psychologists and psychological associates in the state;

2 **(9) implement the Psychology Interjurisdictional Compact under**
 3 **AS 08.86.225.**

4 * **Sec. 6.** AS 08.86.130(a) is amended to read:

5 (a) The board shall issue a psychologist license to a person who

6 (1) holds an earned doctorate degree, from an academic institution
 7 whose program of graduate study for a doctorate degree in psychology meets the
 8 criteria established by the board by regulation, in

9 (A) clinical psychology;

10 (B) counseling psychology; or

11 (C) education in a field of specialization considered equivalent

12 by the board;

13 (2) has not engaged in dishonorable conduct related to the practice of
 14 counseling or psychometry;

15 (3) has one year of post doctoral supervised experience approved by
 16 the board; [AND]

17 (4) takes and passes the objective examination developed or approved
 18 by the board; **and**

19 **(5) has been fingerprinted and has provided the fees required by**
 20 **the Department of Public Safety under AS 12.62.160 for criminal justice**
 21 **information and a national criminal history record check; the fingerprints and**
 22 **fees shall be forwarded to the Department of Public Safety to obtain a report of**
 23 **criminal justice information under AS 12.62 and a national criminal history**
 24 **record check under AS 12.62.400.**

25 * **Sec. 7.** AS 08.86.140(a) is amended to read:

26 (a) The department shall set fees under AS 08.01.065 for the following:

27 (1) application;

28 (2) examination;

29 (3) credential review;

30 (4) initial license;

31 (5) license renewal;

1 **(6) authority to practice under AS 08.86.225.**

2 * **Sec. 8.** AS 08.86.150 is amended to read:

3 **Sec. 08.86.150. License by credentials.** A person who is licensed or certified
4 as a psychologist by a licensing authority other than the state is entitled to be licensed
5 in the state without examination if the person applies on the proper application form,
6 submits proof of continued competence as required by regulation of the board,
7 **submits the person's fingerprints and fees as required under (b) of this section,**
8 pays the credential review fee, and the person

9 (1) holds a doctoral degree with primary emphasis on psychology that
10 satisfies the requirements of AS 08.86.130 and the examination and qualification
11 requirements for the person's out-of-state license or certificate were essentially similar
12 to or higher than the examination and qualification requirements for licensure under
13 this chapter;

14 (2) is a diplomate in good standing of the American Board of
15 Professional Psychology; or

16 (3) is certified or registered with a credentialing organization in
17 psychology approved by the board in regulation and with requirements essentially
18 similar to or higher than the requirements for licensure under this chapter.

19 * **Sec. 9.** AS 08.86.150 is amended by adding a new subsection to read:

20 (b) An applicant for a license by credentials shall submit to the board
21 the applicant's fingerprints and the fees required by the Department of Public Safety
22 under AS 12.62.160 for criminal justice information and a national criminal history
23 record check. The board shall forward the fingerprints and fees to the Department of
24 Public Safety to obtain a report of criminal justice information under AS 12.62 and a
25 national criminal history record check under AS 12.62.400.

26 * **Sec. 10.** AS 08.86 is amended by adding a new section to read:

27 **Article 5A. Psychology Interjurisdictional Compact.**

28 **Sec. 08.86.225. Compact enacted.** The Psychology Interjurisdictional
29 Compact as contained in this section is enacted into law and entered into on behalf of
30 the state with all other states and jurisdictions legally joining it in a form substantially
31 as follows:

ARTICLE I. PURPOSE.

Whereas, states license psychologists, in order to protect the public through verification of education, training and experience and ensure accountability for professional practice; and

Whereas, this Compact is intended to regulate the day to day practice of telepsychology (i.e. the provision of psychological services using telecommunication technologies) by psychologists across state boundaries in the performance of their psychological practice as assigned by an appropriate authority; and

Whereas, this Compact is intended to regulate the temporary in-person, face-to-face practice of psychology by psychologists across state boundaries for 30 days within a calendar year in the performance of their psychological practice as assigned by an appropriate authority;

Whereas, this Compact is intended to authorize State Psychology Regulatory Authorities to afford legal recognition, in a manner consistent with the terms of the Compact, to psychologists licensed in another state;

Whereas, this Compact recognizes that states have a vested interest in protecting the public's health and safety through their licensing and regulation of psychologists and that such state regulation will best protect public health and safety;

Whereas, this Compact does not apply when a psychologist is licensed in both the home and Receiving States; and

Whereas, this Compact does not apply to permanent in-person, face-to-face practice, it does allow for authorization of temporary psychological practice.

Consistent with these principles, this Compact is designed to achieve the following purposes and objectives:

(1) Increase public access to professional psychological services by allowing for telepsychological practice across state lines as well as temporary in-person, face-to-face services in a state which the psychologist is not licensed to practice psychology;

(2) Enhance the states' ability to protect the public's health and safety, especially client/patient safety;

(3) Encourage the cooperation of Compact States in the areas of

1 psychology licensure and regulation;

2 (4) Facilitate the exchange of information between Compact States
3 regarding psychologist licensure, adverse actions and disciplinary history;

4 (5) Promote compliance with the laws governing psychological
5 practice in each Compact State; and

6 (6) Invest all Compact States with the authority to hold licensed
7 psychologists accountable through the mutual recognition of Compact State licenses.

8 ARTICLE II. DEFINITIONS.

9 As used in this Compact, unless the context clearly requires a different construction,

10 (A) "Adverse Action" means: any action taken by a State Psychology
11 Regulatory Authority which finds a violation of a statute or regulation that is identified
12 by the State Psychology Regulatory Authority as discipline and is a matter of public
13 record;

14 (B) "Association of State and Provincial Psychology Boards" means:
15 the recognized membership organization composed of State and Provincial
16 Psychology Regulatory Authorities responsible for the licensure and registration of
17 psychologists throughout the United States and Canada;

18 (C) "Authority to Practice Interjurisdictional Telepsychology" means:
19 a licensed psychologist's authority to practice telepsychology, within the limits
20 authorized under this Compact, in another Compact State;

21 (D) "Bylaws" means: those Bylaws established by the Psychology
22 Interjurisdictional Compact Commission pursuant to Article X for its governance, or
23 for directing and controlling its actions and conduct;

24 (E) "Client/Patient" means: the recipient of psychological services,
25 whether psychological services are delivered in the context of healthcare, corporate,
26 supervision, and/or consulting services;

27 (F) "Commissioner" means: the voting representative appointed by
28 each State Psychology Regulatory Authority pursuant to Article X;

29 (G) "Compact State" means: a state, the District of Columbia, or
30 United States territory that has enacted this Compact legislation and which has not
31 withdrawn pursuant to Article XIII(C) or been terminated pursuant to Article XII(B);

1 (H) "Coordinated Licensure Information System" and "Coordinated
2 Database" mean: an integrated process for collecting, storing, and sharing information
3 on psychologists' licensure and enforcement activities related to psychology licensure
4 laws, which is administered by the recognized membership organization composed of
5 state and provincial psychology regulatory authorities;

6 (I) "Confidentiality" means: the principle that data or information is
7 not made available or disclosed to unauthorized persons and/or processes;

8 (J) "Day" means: any part of a day in which psychological work is
9 performed;

10 (K) "Distant State" means: the Compact State where a psychologist is
11 physically present (not through the use of telecommunications technologies), to
12 provide temporary in-person, face-to-face psychological services;

13 (L) "E.Passport" means: a certificate issued by the Association of State
14 and Provincial Psychology Boards that promotes the standardization in the criteria of
15 interjurisdictional telepsychology practice and facilitates the process for licensed
16 psychologists to provide telepsychological services across state lines;

17 (M) "Executive Board" means: a group of directors elected or
18 appointed to act on behalf of, and within the powers granted to them by, the
19 Commission;

20 (N) "Home State" means: a Compact State where a psychologist is
21 licensed to practice psychology; if the psychologist is licensed in more than one
22 Compact State and is practicing under the Authorization to Practice Interjurisdictional
23 Telepsychology, the Home State is the Compact State where the psychologist is
24 physically present when the telepsychological services are delivered, or if the
25 psychologist is licensed in more than one Compact State and is practicing under the
26 Temporary Authorization to Practice, the Home State is any Compact State where the
27 psychologist is licensed;

28 (O) "Identity History Summary" means: a summary of information
29 retained by the Federal Bureau of Investigation, or other designee with similar
30 authority, in connection with arrests and, in some instances, federal employment,
31 naturalization, or military service;

1 (P) "In-person, Face-to-Face" means: interactions in which the
2 psychologist and the client/patient are in the same physical space and which does not
3 include interactions that may occur through the use of telecommunication
4 technologies;

5 (Q) "Interjurisdictional Practice Certificate" and "IPC" mean: a
6 certificate issued by the Association of State and Provincial Psychology Boards that
7 grants temporary authority to practice based on notification to the State Psychology
8 Regulatory Authority of intention to practice temporarily, and verification of one's
9 qualifications for such practice;

10 (R) "License" means: authorization by a State Psychology Regulatory
11 Authority to engage in the independent practice of psychology, which would be
12 unlawful without the authorization;

13 (S) "Non-Compact State" means: any state which is not at the time a
14 Compact State;

15 (T) "Psychologist" means: an individual licensed for the independent
16 practice of psychology;

17 (U) "Psychology Interjurisdictional Compact Commission" and
18 "Commission" mean: the national administration of which all Compact States are
19 members;

20 (V) "Receiving State" means: a Compact State where the client/patient
21 is physically located when the telepsychological services are delivered;

22 (W) "Rule" means: a written statement by the Psychology
23 Interjurisdictional Compact Commission promulgated pursuant to Article XI of the
24 Compact that is of general applicability, implements, interprets, or prescribes a policy
25 or provision of the Compact, or an organizational, procedural, or practice requirement
26 of the Commission and has the force and effect of statutory law in a Compact State,
27 and includes the amendment, repeal or suspension of an existing Rule;

28 (X) "Significant Investigatory Information" means:

29 (1) investigative information that a State Psychology
30 Regulatory Authority, after a preliminary inquiry that includes notification and
31 an opportunity to respond if required by state law, has reason to believe, if

1 proven true, would indicate more than a violation of state statute or ethics code
2 that would be considered more substantial than a minor infraction; or

3 (2) investigative information that indicates that the
4 psychologist represents an immediate threat to public health and safety
5 regardless of whether the psychologist has been notified and/or had an
6 opportunity to respond;

7 (Y) "State" means: a state, commonwealth, territory, or possession of
8 the United States, or the District of Columbia;

9 (Z) "State Psychology Regulatory Authority" means: the board, office
10 or other agency with the legislative mandate to license and regulate the practice of
11 psychology;

12 (AA) "Telepsychology" means: the provision of psychological services
13 using telecommunication technologies;

14 (BB) "Temporary Authorization to Practice" means: a licensed
15 psychologist's authority to conduct temporary in-person, face-to-face practice, within
16 the limits authorized under this Compact, in another Compact State;

17 (CC) "Temporary In-Person, Face-to-Face Practice" means: where a
18 psychologist is physically present (not through the use of telecommunications
19 technologies), in the Distant State to provide for the practice of psychology for 30
20 days within a calendar year and based on notification to the Distant State.

21 ARTICLE III. HOME STATE LICENSURE.

22 (A) The Home State shall be a Compact State where a psychologist is licensed
23 to practice psychology.

24 (B) A psychologist may hold one or more Compact State licenses at a time. If
25 the psychologist is licensed in more than one Compact State, the Home State is the
26 Compact State where the psychologist is physically present when the services are
27 delivered as authorized by the Authority to Practice Interjurisdictional Telepsychology
28 under the terms of this Compact.

29 (C) Any Compact State may require a psychologist not previously licensed in
30 a Compact State to obtain and retain a license to be authorized to practice in the
31 Compact State under circumstances not authorized by the Authority to Practice

1 Interjurisdictional Telepsychology under the terms of this Compact.

2 (D) Any Compact State may require a psychologist to obtain and retain a
3 license to be authorized to practice in a Compact State under circumstances not
4 authorized by Temporary Authorization to Practice under the terms of this Compact.

5 (E) A Home State's license authorizes a psychologist to practice in a
6 Receiving State under the Authority to Practice Interjurisdictional Telepsychology
7 only if the Compact State:

8 (1) Currently requires the psychologist to hold an active E.Passport;

9 (2) Has a mechanism in place for receiving and investigating
10 complaints about licensed individuals;

11 (3) Notifies the Commission, in compliance with the terms herein, of
12 any adverse action or significant investigatory information regarding a licensed
13 individual;

14 (4) Requires an Identity History Summary of all applicants at initial
15 licensure, including the use of the results of fingerprints or other biometric data checks
16 compliant with the requirements of the Federal Bureau of Investigation, or other
17 designee with similar authority, no later than ten years after activation of the Compact;
18 and

19 (5) Complies with the Bylaws and Rules of the Commission.

20 (F) A Home State's license grants Temporary Authorization to Practice to a
21 psychologist in a Distant State only if the Compact State:

22 (1) Currently requires the psychologist to hold an active IPC;

23 (2) Has a mechanism in place for receiving and investigating
24 complaints about licensed individuals;

25 (3) Notifies the Commission, in compliance with the terms herein, of
26 any adverse action or significant investigatory information regarding a licensed
27 individual;

28 (4) Requires an Identity History Summary of all applicants at initial
29 licensure, including the use of the results of fingerprints or other biometric data checks
30 compliant with the requirements of the Federal Bureau of Investigation, or other
31 designee with similar authority, no later than ten years after activation of the Compact;

1 and

2 (5) Complies with the Bylaws and Rules of the Commission.

3 ARTICLE IV. COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY.

4 (A) Compact States shall recognize the right of a psychologist, licensed in a
5 Compact State in conformance with Article III, to practice telepsychology in other
6 Compact States (Receiving States) in which the psychologist is not licensed, under the
7 Authority to Practice Interjurisdictional Telepsychology as provided in the Compact.

8 (B) To exercise the Authority to Practice Interjurisdictional Telepsychology
9 under the terms and provisions of this Compact, a psychologist licensed to practice in
10 a Compact State must:

11 (1) Hold a graduate degree in psychology from an institute of higher
12 education that was, at the time the degree was awarded:

13 (a) Regionally accredited by an accrediting body recognized by
14 the United States Department of Education to grant graduate degrees, or
15 authorized by Provincial Statute or Royal Charter to grant doctoral degrees; or

16 (b) A foreign college or university deemed to be equivalent to
17 (B)(1)(a) of this Article by a foreign credential evaluation service that is a
18 member of the National Association of Credential Evaluation Services or by a
19 recognized foreign credential evaluation service; and

20 (2) Hold a graduate degree in psychology that meets the following
21 criteria:

22 (a) The program, wherever it may be administratively housed,
23 must be clearly identified and labeled as a psychology program. Such a
24 program must specify in pertinent institutional catalogues and brochures its
25 intent to educate and train professional psychologists;

26 (b) The psychology program must stand as a recognizable,
27 coherent, organizational entity within the institution;

28 (c) There must be a clear authority and primary responsibility
29 for the core and specialty areas whether or not the program cuts across
30 administrative lines;

31 (d) The program must consist of an integrated, organized

1 sequence of study;

2 (e) There must be an identifiable psychology faculty sufficient
3 in size and breadth to carry out its responsibilities;

4 (f) The designated director of the program must be a
5 psychologist and a member of the core faculty;

6 (g) The program must have an identifiable body of students
7 who are matriculated in that program for a degree;

8 (h) The program must include supervised practicum, internship,
9 or field training appropriate to the practice of psychology;

10 (i) The curriculum shall encompass a minimum of three
11 academic years of full-time graduate study for doctoral degree and a minimum
12 of one academic year of full-time graduate study for master's degree;

13 (j) The program includes an acceptable residency as defined by
14 the Rules of the Commission.

15 (3) Possess a current, full and unrestricted license to practice
16 psychology in a Home State which is a Compact State;

17 (4) Have no history of adverse action that violate the Rules of the
18 Commission;

19 (5) Have no criminal record history reported on an Identity History
20 Summary that violates the Rules of the Commission;

21 (6) Possess a current, active E.Passport;

22 (7) Provide attestations in regard to areas of intended practice,
23 conformity with standards of practice, competence in telepsychology technology;
24 criminal background; and knowledge and adherence to legal requirements in the Home
25 and Receiving States, and provide a release of information to allow for primary source
26 verification in a manner specified by the Commission; and

27 (8) Meet other criteria as defined by the Rules of the Commission.

28 (C) The Home State maintains authority over the license of any psychologist
29 practicing in a Receiving State under the Authority to Practice Interjurisdictional
30 Telepsychology.

31 (D) A psychologist practicing in a Receiving State under the Authority to

1 Practice Interjurisdictional Telepsychology will be subject to the Receiving State's
 2 scope of practice. A Receiving State may, in accordance with that state's due process
 3 law, limit or revoke a psychologist's Authority to Practice Interjurisdictional
 4 Telepsychology in the Receiving State and may take any other necessary actions under
 5 the Receiving State's applicable law to protect the health and safety of the Receiving
 6 State's citizens. If a Receiving State takes action, the state shall promptly notify the
 7 Home State and the Commission.

8 (E) If a psychologist's license in any Home State, another Compact State, or
 9 any Authority to Practice Interjurisdictional Telepsychology in any Receiving State, is
 10 restricted, suspended or otherwise limited, the E.Passport shall be revoked and
 11 therefore the psychologist shall not be eligible to practice telepsychology in a
 12 Compact State under the Authority to Practice Interjurisdictional Telepsychology.

13 ARTICLE V. COMPACT TEMPORARY AUTHORIZATION TO PRACTICE.

14 (A) Compact States shall also recognize the right of a psychologist, licensed in
 15 a Compact State in conformance with Article III, to practice temporarily in other
 16 Compact States (Distant States) in which the psychologist is not licensed, as provided
 17 in the Compact.

18 (B) To exercise the Temporary Authorization to Practice under the terms and
 19 provisions of this Compact, a psychologist licensed to practice in a Compact State
 20 must:

21 (1) Hold a graduate degree in psychology from an institute of higher
 22 education that was, at the time the degree was awarded:

23 (a) Regionally accredited by an accrediting body recognized by
 24 the United States Department of Education to grant graduate degrees, or
 25 authorized by Provincial Statute or Royal Charter to grant doctoral degrees; or

26 (b) A foreign college or university deemed to be equivalent to
 27 (B)(1)(a) of this Article by a foreign credential evaluation service that is a
 28 member of the National Association of Credential Evaluation Services or by a
 29 recognized foreign credential evaluation service; and

30 (2) Hold a graduate degree in psychology that meets the following
 31 criteria:

1 (a) The program, wherever it may be administratively housed,
2 must be clearly identified and labeled as a psychology program. Such a
3 program must specify in pertinent institutional catalogues and brochures its
4 intent to educate and train professional psychologists;

5 (b) The psychology program must stand as a recognizable,
6 coherent, organizational entity within the institution;

7 (c) There must be a clear authority and primary responsibility
8 for the core and specialty areas whether or not the program cuts across
9 administrative lines;

10 (d) The program must consist of an integrated, organized
11 sequence of study;

12 (e) There must be an identifiable psychology faculty sufficient
13 in size and breadth to carry out its responsibilities;

14 (f) The designated director of the program must be a
15 psychologist and a member of the core faculty;

16 (g) The program must have an identifiable body of students
17 who are matriculated in that program for a degree;

18 (h) The program must include supervised practicum, internship,
19 or field training appropriate to the practice of psychology;

20 (i) The curriculum shall encompass a minimum of three
21 academic years of full-time graduate study for doctoral degrees and a
22 minimum of one academic year of full-time graduate study for master's degree;

23 (j) The program includes an acceptable residency as defined by
24 the Rules of the Commission.

25 (3) Possess a current, full and unrestricted license to practice
26 psychology in a Home State which is a Compact State;

27 (4) No history of adverse action that violate the Rules of the
28 Commission;

29 (5) No criminal record history that violates the Rules of the
30 Commission;

31 (6) Possess a current, active IPC;

1 (7) Provide attestations in regard to areas of intended practice and
 2 work experience and provide a release of information to allow for primary source
 3 verification in a manner specified by the Commission; and

4 (8) Meet other criteria as defined by the Rules of the Commission.

5 (C) A psychologist practicing in a Distant State under the Temporary
 6 Authorization to Practice shall practice within the scope of practice authorized by the
 7 Distant State.

8 (D) A psychologist practicing in a Distant State under the Temporary
 9 Authorization to Practice will be subject to the Distant State's authority and law. A
 10 Distant State may, in accordance with that state's due process law, limit or revoke a
 11 psychologist's Temporary Authorization to Practice in the Distant State and may take
 12 any other necessary actions under the Distant State's applicable law to protect the
 13 health and safety of the Distant State's citizens. If a Distant State takes action, the state
 14 shall promptly notify the Home State and the Commission.

15 (E) If a psychologist's license in any Home State, another Compact State, or
 16 any Temporary Authorization to Practice in any Distant State, is restricted, suspended
 17 or otherwise limited, the IPC shall be revoked and therefore the psychologist shall not
 18 be eligible to practice in a Compact State under the Temporary Authorization to
 19 Practice.

20 ARTICLE VI. CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING
 21 STATE.

22 (A) A psychologist may practice in a Receiving State under the Authority to
 23 Practice Interjurisdictional Telepsychology only in the performance of the scope of
 24 practice for psychology as assigned by an appropriate State Psychology Regulatory
 25 Authority, as defined in the Rules of the Commission, and under the following
 26 circumstances:

27 (1) The psychologist initiates a client/patient contact in a Home State
 28 via telecommunications technologies with a client/patient in a Receiving State;

29 (2) Other conditions regarding telepsychology as determined by Rules
 30 promulgated by the Commission.

31 ARTICLE VII. ADVERSE ACTIONS.

1 (A) A Home State shall have the power to impose adverse action against a
2 psychologist's license issued by the Home State. A Distant State shall have the power
3 to take adverse action on a psychologist's Temporary Authorization to Practice within
4 that Distant State.

5 (B) A Receiving State may take adverse action on a psychologist's Authority
6 to Practice Interjurisdictional Telepsychology within that Receiving State. A Home
7 State may take adverse action against a psychologist based on an adverse action taken
8 by a Distant State regarding temporary in-person, face-to-face practice.

9 (C) If a Home State takes adverse action against a psychologist's license, that
10 psychologist's Authority to Practice Interjurisdictional Telepsychology is terminated
11 and the E.Passport is revoked. Furthermore, that psychologist's Temporary
12 Authorization to Practice is terminated and the IPC is revoked.

13 (1) All Home State disciplinary orders which impose adverse action
14 shall be reported to the Commission in accordance with the Rules promulgated by the
15 Commission. A Compact State shall report adverse actions in accordance with the
16 Rules of the Commission.

17 (2) In the event discipline is reported on a psychologist, the
18 psychologist will not be eligible for telepsychology or temporary in-person, face-to-
19 face practice in accordance with the Rules of the Commission.

20 (3) Other actions may be imposed as determined by the Rules
21 promulgated by the Commission.

22 (D) A Home State's psychology regulatory authority shall investigate and take
23 appropriate action with respect to reported inappropriate conduct engaged in by a
24 licensee which occurred in a Receiving State as it would if such conduct had occurred
25 by a licensee within the Home State. In such cases, the Home State's law shall control
26 in determining any adverse action against a psychologist's license.

27 (E) A Distant State's psychology regulatory authority shall investigate and
28 take appropriate action with respect to reported inappropriate conduct engaged in by a
29 psychologist practicing under temporary authorization practice which occurred in that
30 Distant State as it would if such conduct had occurred by a licensee within the Home
31 State. In such cases, Distant State's law shall control in determining any adverse action

1 against a psychologist's Temporary Authorization to Practice.

2 (F) Nothing in this Compact shall override a Compact State's decision that a
3 psychologist's participation in an alternative program may be used in lieu of adverse
4 action and that such participation shall remain non-public if required by the Compact
5 State's law. Compact States must require psychologists who enter any alternative
6 programs to not provide telepsychology services under the Authority to Practice
7 Interjurisdictional Telepsychology or provide temporary psychological services under
8 the Temporary Authorization to Practice in any other Compact State during the term
9 of the alternative program.

10 (G) No other judicial or administrative remedies shall be available to a
11 psychologist in the event a Compact State imposes an adverse action pursuant to (C)
12 of this Article.

13 ARTICLE VIII. ADDITIONAL AUTHORITIES INVESTED IN A COMPACT STATE'S
14 PSYCHOLOGY REGULATORY AUTHORITY.

15 (A) In addition to any other powers granted under state law, a Compact State's
16 psychology regulatory authority shall have the authority under this Compact to:

17 (1) Issue subpoenas, for both hearings and investigations, which
18 require the attendance and testimony of witnesses and the production of evidence.
19 Subpoenas issued by a Compact State's psychology regulatory authority for the
20 attendance and testimony of witnesses, and/or the production of evidence from another
21 Compact State shall be enforced in the latter state by any court of competent
22 jurisdiction, according to that court's practice and procedure in considering subpoenas
23 issued in its own proceedings. The issuing State Psychology Regulatory Authority
24 shall pay any witness fees, travel expenses, mileage and other fees required by the
25 service statutes of the state where the witnesses and/or evidence are located; and

26 (2) Issue cease and desist and/or injunctive relief orders to revoke a
27 psychologist's Authority to Practice Interjurisdictional Telepsychology and/or
28 Temporary Authorization to Practice.

29 (3) During the course of any investigation, a psychologist may not
30 change his/her Home State licensure. A Home State Psychology Regulatory Authority
31 is authorized to complete any pending investigations of a psychologist and to take any

1 actions appropriate under its law. The Home State Psychology Regulatory Authority
 2 shall promptly report the conclusions of such investigations to the Commission. Once
 3 an investigation has been completed, and pending the outcome of said investigation,
 4 the psychologist may change his/her Home State licensure. The Commission shall
 5 promptly notify the new Home State of any such decisions as provided in the Rules of
 6 the Commission. All information provided to the Commission or distributed by
 7 Compact States pursuant to the psychologist shall be confidential, filed under seal and
 8 used for investigatory or disciplinary matters. The Commission may create additional
 9 Rules for mandated or discretionary sharing of information by Compact States.

10 ARTICLE IX. COORDINATED LICENSURE INFORMATION SYSTEM.

11 (A) The Commission shall provide for the development and maintenance of a
 12 coordinated licensure information system (coordinated database) and reporting system
 13 containing licensure and disciplinary action information on all licensees to whom this
 14 Compact is applicable in all Compact States as defined by the Rules of the
 15 Commission.

16 (B) Notwithstanding any other provision of state law to the contrary, a
 17 Compact State shall submit a uniform data set to the coordinated database on all
 18 licensees as required by the Rules of the Commission, including:

- 19 (1) Identifying information;
- 20 (2) Licensure data;
- 21 (3) Significant investigatory information;
- 22 (4) Adverse actions against a psychologist's license;
- 23 (5) An indicator that a psychologist's Authority to Practice
 24 Interjurisdictional Telepsychology and/or Temporary Authorization to Practice is
 25 revoked;
- 26 (6) Non-confidential information related to alternative program
 27 participation information;
- 28 (7) Any denial of application for licensure, and the reasons for such
 29 denial; and
- 30 (8) Other information which may facilitate the administration of this
 31 Compact, as determined by the Rules of the Commission.

1 (C) The coordinated database administrator shall promptly notify all Compact
2 States of any adverse action taken against, or significant investigative information on,
3 any licensee in a Compact State.

4 (D) Compact States reporting information to the coordinated database may
5 designate information that may not be shared with the public without the express
6 permission of the Compact State reporting the information.

7 (E) Any information submitted to the coordinated database that is
8 subsequently required to be expunged by the law of the Compact State reporting the
9 information shall be removed from the coordinated database.

10 ARTICLE X. ESTABLISHMENT OF THE PSYCHOLOGY

11 INTERJURISDICTIONAL COMPACT COMMISSION.

12 (A) The Compact States hereby create and establish a joint public agency
13 known as the Psychology Interjurisdictional Compact Commission.

14 (1) The Commission is a body politic and an instrumentality of the
15 Compact States.

16 (2) Venue is proper and judicial proceedings by or against the
17 Commission shall be brought solely and exclusively in a court of competent
18 jurisdiction where the principal office of the Commission is located. The Commission
19 may waive venue and jurisdictional defenses to the extent it adopts or consents to
20 participate in alternative dispute resolution proceedings.

21 (3) Nothing in this Compact shall be construed to be a waiver of
22 sovereign immunity.

23 (B) Membership, Voting, and Meetings.

24 (1) The Commission shall consist of one voting representative
25 appointed by each Compact State who shall serve as that state's commissioner. The
26 State Psychology Regulatory Authority shall appoint its delegate. This delegate shall
27 be empowered to act on behalf of the Compact State. This delegate shall be limited to:

28 (a) Executive director, executive secretary or similar executive;

29 (b) Current member of the State Psychology Regulatory
30 Authority of a Compact State; or

31 (c) Designee empowered with the appropriate delegate

1 authority to act on behalf of the Compact State.

2 (2) Any commissioner may be removed or suspended from office as
3 provided by the law of the state from which the commissioner is appointed. Any
4 vacancy occurring in the commission shall be filled in accordance with the laws of the
5 Compact State in which the vacancy exists.

6 (3) Each commissioner shall be entitled to one (1) vote with regard to
7 the promulgation of Rules and creation of Bylaws and shall otherwise have an
8 opportunity to participate in the business and affairs of the Commission. A
9 commissioner shall vote in person or by such other means as provided in the Bylaws.
10 The Bylaws may provide for commissioners' participation in meetings by telephone or
11 other means of communication.

12 (4) The Commission shall meet at least once during each calendar
13 year. Additional meetings shall be held as set forth in the Bylaws.

14 (5) All meetings shall be open to the public, and public notice of
15 meetings shall be given in the same manner as required under the rulemaking
16 provisions in Article XI.

17 (6) The Commission may convene in a closed, non-public meeting if
18 the Commission must discuss:

19 (a) Non-compliance of a Compact State with its obligations
20 under the Compact;

21 (b) The employment, compensation, discipline or other
22 personnel matters, practices or procedures related to specific employees or
23 other matters related to the Commission's internal personnel practices and
24 procedures;

25 (c) Current, threatened, or reasonably anticipated litigation
26 against the Commission;

27 (d) Negotiation of contracts for the purchase or sale of goods,
28 services or real estate;

29 (e) Accusation against any person of a crime or formally
30 censuring any person;

31 (f) Disclosure of trade secrets or commercial or financial

1 information which is privileged or confidential;

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

4 (h) Disclosure of investigatory records compiled for law
5 enforcement purposes;

6 (i) Disclosure of information related to any investigatory
7 reports prepared by or on behalf of or for use of the Commission or other
8 committee charged with responsibility for investigation or determination of
9 compliance issues pursuant to the Compact; or

10 (j) Matters specifically exempted from disclosure by federal
11 and state statute.

12 (7) If a meeting, or portion of a meeting, is closed pursuant to this
13 provision, the Commission's legal counsel or designee shall certify that the meeting
14 may be closed and shall reference each relevant exempting provision. The
15 Commission shall keep minutes which fully and clearly describe all matters discussed
16 in a meeting and shall provide a full and accurate summary of actions taken, of any
17 person participating in the meeting, and the reasons therefore, including a description
18 of the views expressed. All documents considered in connection with an action shall
19 be identified in such minutes. All minutes and documents of a closed meeting shall
20 remain under seal, subject to release only by a majority vote of the Commission or
21 order of a court of competent jurisdiction.

22 (C) The Commission shall, by a majority vote of the commissioners, prescribe
23 Bylaws and/or Rules to govern its conduct as may be necessary or appropriate to carry
24 out the purposes and exercise the powers of the Compact, including but not limited to:

25 (1) Establishing the fiscal year of the Commission;

26 (2) Providing reasonable standards and procedures:

27 (a) for the establishment and meetings of other committees; and

28 (b) governing any general or specific delegation of any
29 authority or function of the Commission;

30 (3) Providing reasonable procedures for calling and conducting
31 meetings of the Commission, ensuring reasonable advance notice of all meetings and

1 providing an opportunity for attendance of such meetings by interested parties, with
2 enumerated exceptions designed to protect the public's interest, the privacy of
3 individuals of such proceedings, and proprietary information, including trade secrets.
4 The Commission may meet in closed session only after a majority of the
5 commissioners vote to close a meeting to the public in whole or in part. As soon as
6 practicable, the Commission must make public a copy of the vote to close the meeting
7 revealing the vote of each commissioner with no proxy votes allowed;

8 (4) Establishing the titles, duties and authority and reasonable
9 procedures for the election of the officers of the Commission;

10 (5) Providing reasonable standards and procedures for the
11 establishment of the personnel policies and programs of the Commission.
12 Notwithstanding any civil service or other similar law of any Compact State, the
13 Bylaws shall exclusively govern the personnel policies and programs of the
14 Commission;

15 (6) Promulgating a Code of Ethics to address permissible and
16 prohibited activities of Commission members and employees;

17 (7) Providing a mechanism for concluding the operations of the
18 Commission and the equitable disposition of any surplus funds that may exist after the
19 termination of the Compact after the payment and/or reserving of all of its debts and
20 obligations;

21 (8) The Commission shall publish its Bylaws in a convenient form and
22 file a copy thereof and a copy of any amendment thereto, with the appropriate agency
23 or officer in each of the Compact States;

24 (9) The Commission shall maintain its financial records in accordance
25 with the Bylaws; and

26 (10) The Commission shall meet and take such actions as are
27 consistent with the provisions of this Compact and the Bylaws.

28 (D) The Commission shall have the following powers:

29 (1) The authority to promulgate uniform Rules to facilitate and
30 coordinate implementation and administration of this Compact. The Rules shall have
31 the force and effect of law and shall be binding in all Compact States;

1 (2) To bring and prosecute legal proceedings or actions in the name of
2 the Commission, provided that the standing of any State Psychology Regulatory
3 Authority or other regulatory body responsible for psychology licensure to sue or be
4 sued under applicable law shall not be affected;

5 (3) To purchase and maintain insurance and bonds;

6 (4) To borrow, accept or contract for services of personnel, including,
7 but not limited to, employees of a Compact State;

8 (5) To hire employees, elect or appoint officers, fix compensation,
9 define duties, grant such individuals appropriate authority to carry out the purposes of
10 the Compact, and to establish the Commission's personnel policies and programs
11 relating to conflicts of interest, qualifications of personnel, and other related personnel
12 matters;

13 (6) To accept any and all appropriate donations and grants of money,
14 equipment, supplies, materials and services, and to receive, utilize and dispose of the
15 same; provided that at all times the Commission shall strive to avoid any appearance
16 of impropriety and/or conflict of interest;

17 (7) To lease, purchase, accept appropriate gifts or donations of, or
18 otherwise to own, hold, improve or use, any property, real, personal or mixed;
19 provided that at all times the Commission shall strive to avoid any appearance of
20 impropriety;

21 (8) To sell, convey, mortgage, pledge, lease, exchange, abandon or
22 otherwise dispose of any property real, personal or mixed;

23 (9) To establish a budget and make expenditures;

24 (10) To borrow money;

25 (11) To appoint committees, including advisory committees comprised
26 of members, state regulators, state legislators or their representatives, and consumer
27 representatives, and such other interested persons as may be designated in this
28 Compact and the Bylaws;

29 (12) To provide and receive information from, and to cooperate with,
30 law enforcement agencies;

31 (13) To adopt and use an official seal; and

1 (14) To perform such other functions as may be necessary or
2 appropriate to achieve the purposes of this Compact consistent with the state
3 regulation of psychology licensure, temporary in-person, face-to-face practice and
4 telepsychology practice.

5 (E) The Executive Board.

6 The elected officers shall serve as the Executive Board, which shall
7 have the power to act on behalf of the Commission according to the terms of this
8 Compact.

9 (1) The Executive Board shall be comprised of six members:

10 (a) Five voting members who are elected from the current
11 membership of the Commission by the Commission;

12 (b) One ex-officio, nonvoting member from the recognized
13 membership organization composed of state and provincial psychology
14 regulatory authorities.

15 (2) The ex-officio member must have served as staff or member on a
16 State Psychology Regulatory Authority and will be selected by its respective
17 organization.

18 (3) The Commission may remove any member of the Executive Board
19 as provided in Bylaws.

20 (4) The Executive Board shall meet at least annually.

21 (5) The Executive Board shall have the following duties and
22 responsibilities:

23 (a) Recommend to the entire Commission changes to the Rules
24 or Bylaws, changes to this Compact legislation, fees paid by Compact States
25 such as annual dues, and any other applicable fees;

26 (b) Ensure Compact administration services are appropriately
27 provided, contractual or otherwise;

28 (c) Prepare and recommend the budget;

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

30 (e) Monitor Compact compliance of member states and provide
31 compliance reports to the Commission;

1 (f) Establish additional committees as necessary; and

2 (g) Other duties as provided in Rules or Bylaws.

3 (F) Financing of the Commission.

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

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

8 (3) The Commission may levy on and collect an annual assessment
9 from each Compact State or impose fees on other parties to cover the cost of the
10 operations and activities of the Commission and its staff which must be in a total
11 amount sufficient to cover its annual budget as approved each year for which revenue
12 is not provided by other sources. The aggregate annual assessment amount shall be
13 allocated based upon a formula to be determined by the Commission which shall
14 promulgate a Rule binding upon all Compact States.

15 (4) The Commission shall not incur obligations of any kind prior to
16 securing the funds adequate to meet the same; nor shall the Commission pledge the
17 credit of any of the Compact States, except by and with the authority of the Compact
18 State.

19 (5) The Commission shall keep accurate accounts of all receipts and
20 disbursements. The receipts and disbursements of the Commission shall be subject to
21 the audit and accounting procedures established under its Bylaws. However, all
22 receipts and disbursements of funds handled by the Commission shall be audited
23 yearly by a certified or licensed public accountant and the report of the audit shall be
24 included in and become part of the annual report of the Commission.

25 (G) Qualified Immunity, Defense, and Indemnification.

26 (1) The members, officers, Executive Director, employees and
27 representatives of the Commission shall be immune from suit and liability, either
28 personally or in their official capacity, for any claim for damage to or loss of property
29 or personal injury or other civil liability caused by or arising out of any actual or
30 alleged act, error or omission that occurred, or that the person against whom the claim
31 is made had a reasonable basis for believing occurred within the scope of Commission

1 employment, duties or responsibilities; provided that nothing in this paragraph shall be
2 construed to protect any such person from suit and/or liability for any damage, loss,
3 injury or liability caused by the intentional or willful or wanton misconduct of that
4 person.

5 (2) The Commission shall defend any member, officer, Executive
6 Director, employee or representative of the Commission in any civil action seeking to
7 impose liability arising out of any actual or alleged act, error or omission that occurred
8 within the scope of Commission employment, duties or responsibilities, or that the
9 person against whom the claim is made had a reasonable basis for believing occurred
10 within the scope of Commission employment, duties or responsibilities; provided that
11 nothing herein shall be construed to prohibit that person from retaining his or her own
12 counsel; and provided further, that the actual or alleged act, error or omission did not
13 result from that person's intentional or willful or wanton misconduct.

14 (3) The Commission shall indemnify and hold harmless any member,
15 officer, Executive Director, employee or representative of the Commission for the
16 amount of any settlement or judgment obtained against that person arising out of any
17 actual or alleged act, error or omission that occurred within the scope of Commission
18 employment, duties or responsibilities, or that such person had a reasonable basis for
19 believing occurred within the scope of Commission employment, duties or
20 responsibilities, provided that the actual or alleged act, error or omission did not result
21 from the intentional or willful or wanton misconduct of that person.

22 ARTICLE XI. RULEMAKING.

23 (A) The Commission shall exercise its rulemaking powers pursuant to the
24 criteria set forth in this Article and the Rules adopted thereunder. Rules and
25 amendments shall become binding as of the date specified in each Rule or amendment.

26 (B) If a majority of the legislatures of the Compact States rejects a Rule, by
27 enactment of a statute or resolution in the same manner used to adopt the Compact,
28 then such Rule shall have no further force and effect in any Compact State.

29 (C) Rules or amendments to the Rules shall be adopted at a regular or special
30 meeting of the Commission.

31 (D) Prior to promulgation and adoption of a final Rule or Rules by the

1 Commission, and at least sixty (60) days in advance of the meeting at which the Rule
2 will be considered and voted upon, the Commission shall file a notice of proposed
3 rulemaking:

4 (1) On the website of the Commission; and

5 (2) On the website of each Compact States' psychology regulatory
6 authority or the publication in which each state would otherwise publish proposed
7 Rules.

8 (E) The notice of proposed rulemaking shall include:

9 (1) The proposed time, date, and location of the meeting in which the
10 Rule will be considered and voted upon;

11 (2) The text of the proposed Rule or amendment and the reason for the
12 proposed Rule;

13 (3) A request for comments on the proposed Rule from any interested
14 person; and

15 (4) The manner in which interested persons may submit notice to the
16 Commission of their intention to attend the public hearing and any written comments.

17 (F) Prior to adoption of a proposed Rule, the Commission shall allow persons
18 to submit written data, facts, opinions and arguments, which shall be made available to
19 the public.

20 (G) The Commission shall grant an opportunity for a public hearing before it
21 adopts a Rule or amendment if a hearing is requested by:

22 (1) At least twenty-five (25) persons who submit comments
23 independently of each other;

24 (2) A governmental subdivision or agency; or

25 (3) A duly appointed person in an association that has at least twenty-
26 five (25) members.

27 (H) If a hearing is held on the proposed Rule or amendment, the Commission
28 shall publish the place, time, and date of the scheduled public hearing.

29 (1) All persons wishing to be heard at the hearing shall notify the
30 Executive Director of the Commission or other designated member in writing of their
31 desire to appear and testify at the hearing not less than five (5) business days before

1 the scheduled date of the hearing.

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

5 (3) No transcript of the hearing is required, unless a written request for
6 a transcript is made, in which case the person requesting the transcript shall bear the
7 cost of producing the transcript. A recording may be made in lieu of a transcript under
8 the same terms and conditions as a transcript. This subsection shall not preclude the
9 Commission from making a transcript or recording of the hearing if it so chooses.

10 (4) Nothing in this section shall be construed as requiring a separate
11 hearing on each Rule. Rules may be grouped for the convenience of the Commission
12 at hearings required by this section.

13 (I) Following the scheduled hearing date, or by the close of business on the
14 scheduled hearing date if the hearing was not held, the Commission shall consider all
15 written and oral comments received.

16 (J) The Commission shall, by majority vote of all members, take final action
17 on the proposed Rule and shall determine the effective date of the Rule, if any, based
18 on the rulemaking record and the full text of the Rule.

19 (K) If no written notice of intent to attend the public hearing by interested
20 parties is received, the Commission may proceed with promulgation of the proposed
21 Rule without a public hearing.

22 (L) Upon determination that an emergency exists, the Commission may
23 consider and adopt an emergency Rule without prior notice, opportunity for comment,
24 or hearing, provided that the usual rulemaking procedures provided in the Compact
25 and in this section shall be retroactively applied to the Rule as soon as reasonably
26 possible, in no event later than ninety (90) days after the effective date of the Rule. For
27 the purposes of this provision, an emergency Rule is one that must be adopted
28 immediately in order to:

- 29 (1) Meet an imminent threat to public health, safety, or welfare;
30 (2) Prevent a loss of Commission or Compact State funds;
31 (3) Meet a deadline for the promulgation of an administrative rule that

1 is established by federal law or rule; or

2 (4) Protect public health and safety.

3 (M) The Commission or an authorized committee of the Commission may
 4 direct revisions to a previously adopted Rule or amendment for purposes of correcting
 5 typographical errors, errors in format, errors in consistency, or grammatical errors.
 6 Public notice of any revisions shall be posted on the website of the Commission. The
 7 revision shall be subject to challenge by any person for a period of thirty (30) days
 8 after posting. The revision may be challenged only on grounds that the revision results
 9 in a material change to a Rule. A challenge shall be made in writing, and delivered to
 10 the chair of the Commission prior to the end of the notice period. If no challenge is
 11 made, the revision will take effect without further action. If the revision is challenged,
 12 the revision may not take effect without the approval of the Commission.

13 ARTICLE XII. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT.

14 (A) Oversight

15 (1) The executive, legislative and judicial branches of state
 16 government in each Compact State shall enforce this Compact and take all actions
 17 necessary and appropriate to effectuate the Compact's purposes and intent. The
 18 provisions of this Compact and the Rules promulgated hereunder shall have standing
 19 as statutory law.

20 (2) All courts shall take judicial notice of the Compact and the Rules in
 21 any judicial or administrative proceeding in a Compact State pertaining to the subject
 22 matter of this Compact which may affect the powers, responsibilities or actions of the
 23 Commission.

24 (3) The Commission shall be entitled to receive service of process in
 25 any such proceeding, and shall have standing to intervene in such a proceeding for all
 26 purposes. Failure to provide service of process to the Commission shall render a
 27 judgment or order void as to the Commission, this Compact or promulgated Rules.

28 (B) Default, Technical Assistance, and Termination

29 (1) If the Commission determines that a Compact State has defaulted
 30 in the performance of its obligations or responsibilities under this Compact or the
 31 promulgated Rules, the Commission shall:

1 (a) Provide written notice to the defaulting state and other
2 Compact States of the nature of the default, the proposed means of remedying
3 the default and/or any other action to be taken by the Commission; and

4 (b) Provide remedial training and specific technical assistance
5 regarding the default.

6 (2) If a state in default fails to remedy the default, the defaulting state
7 may be terminated from the Compact upon an affirmative vote of a majority of the
8 Compact States, and all rights, privileges and benefits conferred by this Compact shall
9 be terminated on the effective date of termination. A remedy of the default does not
10 relieve the offending state of obligations or liabilities incurred during the period of
11 default.

12 (3) Termination of membership in the Compact shall be imposed only
13 after all other means of securing compliance have been exhausted. Notice of intent to
14 suspend or terminate shall be submitted by the Commission to the governor, the
15 majority and minority leaders of the defaulting state's legislature, and each of the
16 Compact States.

17 (4) A Compact State which has been terminated is responsible for all
18 assessments, obligations and liabilities incurred through the effective date of
19 termination, including obligations which extend beyond the effective date of
20 termination.

21 (5) The Commission shall not bear any costs incurred by the state
22 which is found to be in default or which has been terminated from the Compact, unless
23 agreed upon in writing between the Commission and the defaulting state.

24 (6) The defaulting state may appeal the action of the Commission by
25 petitioning the United States District Court for the State of Georgia or the federal
26 district where the Compact has its principal offices. The prevailing member shall be
27 awarded all costs of such litigation, including reasonable attorney's fees.

28 (C) Dispute Resolution

29 (1) Upon request by a Compact State, the Commission shall attempt to
30 resolve disputes related to the Compact which arise among Compact States and
31 between Compact and Non-Compact States.

1 (2) The Commission shall promulgate a Rule providing for both
2 mediation and binding dispute resolution for disputes that arise before the
3 Commission.

4 (D) Enforcement

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

7 (2) By majority vote, the Commission may initiate legal action in the
8 United States District Court for the State of Georgia or the federal district where the
9 Compact has its principal offices against a Compact State in default to enforce
10 compliance with the provisions of the Compact and its promulgated Rules and
11 Bylaws. The relief sought may include both injunctive relief and damages. In the event
12 judicial enforcement is necessary, the prevailing member shall be awarded all costs of
13 such litigation, including reasonable attorney's fees.

14 (3) The remedies herein shall not be the exclusive remedies of the
15 Commission. The Commission may pursue any other remedies available under federal
16 or state law.

17 ARTICLE XIII. DATE OF IMPLEMENTATION OF THE PSYCHOLOGY
18 INTERJURISDICTIONAL COMPACT COMMISSION AND ASSOCIATED
19 RULES, WITHDRAWAL, AND AMENDMENTS.

20 (A) The Compact shall come into effect on the date on which the Compact is
21 enacted into law in the seventh Compact State. The provisions which become effective
22 at that time shall be limited to the powers granted to the Commission relating to
23 assembly and the promulgation of Rules. Thereafter, the Commission shall meet and
24 exercise rulemaking powers necessary to the implementation and administration of the
25 Compact.

26 (B) Any state which joins the Compact subsequent to the Commission's initial
27 adoption of the Rules shall be subject to the Rules as they exist on the date on which
28 the Compact becomes law in that state. Any Rule which has been previously adopted
29 by the Commission shall have the full force and effect of law on the day the Compact
30 becomes law in that state.

31 (C) Any Compact State may withdraw from this Compact by enacting a

1 statute repealing the same.

2 (1) A Compact State's withdrawal shall not take effect until six (6)
3 months after enactment of the repealing statute.

4 (2) Withdrawal shall not affect the continuing requirement of the
5 withdrawing state's psychology regulatory authority to comply with the investigative
6 and adverse action reporting requirements of this act prior to the effective date of
7 withdrawal.

8 (D) Nothing contained in this Compact shall be construed to invalidate or
9 prevent any psychology licensure agreement or other cooperative arrangement
10 between a Compact State and a Non-Compact State which does not conflict with the
11 provisions of this Compact.

12 (E) This Compact may be amended by the Compact States. No amendment to
13 this Compact shall become effective and binding upon any Compact State until it is
14 enacted into the law of all Compact States.

15 ARTICLE XIV. CONSTRUCTION AND SEVERABILITY.

16 This Compact shall be liberally construed so as to effectuate the purposes
17 thereof. If this Compact shall be held contrary to the constitution of any state member
18 thereto, the Compact shall remain in full force and effect as to the remaining Compact
19 States.

20 * **Sec. 11.** AS 12.62.400(a) is amended by adding new paragraphs to read:

21 (26) expedited licensure as a physician through the Interstate Medical
22 Licensure Compact under AS 08.64.253;

23 (27) licensure as a physician assistant under AS 08.64.107;

24 (28) licensure as a psychologist under AS 08.86.

25 * **Sec. 12.** AS 18.08.082 is amended by adding a new subsection to read:

26 (d) The department shall implement the recognition of EMS personnel
27 licensure interstate compact under AS 18.08.105.

28 * **Sec. 13.** AS 18.08 is amended by adding a new section to read:

29 **Sec. 18.08.105. Recognition of EMS personnel licensure interstate**
30 **compact.** The recognition of EMS personnel licensure interstate compact as contained
31 in this section is enacted into law and entered into on behalf of the state with all other

1 states and jurisdictions legally joining it in a form substantially as follows:

2 SECTION 1. PURPOSE.

3 In order to protect the public through verification of competency and ensure
 4 accountability for patient care related activities all states license emergency medical
 5 services (EMS) personnel, such as emergency medical technicians (EMTs), advanced
 6 EMTs and paramedics. This Compact is intended to facilitate the day-to-day
 7 movement of EMS personnel across state boundaries in the performance of their EMS
 8 duties as assigned by an appropriate authority and authorize state EMS offices to
 9 afford immediate legal recognition to EMS personnel licensed in a member state. This
 10 Compact recognizes that states have a vested interest in protecting the public's health
 11 and safety through their licensing and regulation of EMS personnel and that such state
 12 regulation shared among the member states will best protect public health and safety.
 13 This Compact is designed to achieve the following purposes and objectives:

- 14 (1) increase public access to EMS personnel;
- 15 (2) enhance the states' ability to protect the public's health and safety,
 16 especially patient safety;
- 17 (3) encourage the cooperation of member states in the areas of EMS
 18 personnel licensure and regulation;
- 19 (4) support licensing of military members who are separating from an
 20 active-duty tour and their spouses;
- 21 (5) facilitate the exchange of information between member states
 22 regarding EMS personnel licensure, adverse action and significant investigatory
 23 information;
- 24 (6) promote compliance with the laws governing EMS personnel
 25 practice in each member state; and
- 26 (7) invest all member states with the authority to hold EMS personnel
 27 accountable through the mutual recognition of member state licenses.

28 SECTION 2. DEFINITIONS.

29 In this Compact:

30 (A) "Advanced Emergency Medical Technician" and "AEMT" mean: an
 31 individual licensed with cognitive knowledge and a scope of practice that corresponds

1 to that level in the National EMS Education Standards and National EMS Scope of
2 Practice Model.

3 (B) "Adverse Action" means: any administrative, civil, equitable or criminal
4 action permitted by a state's laws which may be imposed against licensed EMS
5 personnel by a state EMS authority or state court, including, but not limited to, actions
6 against an individual's license such as revocation, suspension, probation, consent
7 agreement, monitoring or other limitation or encumbrance on the individual's practice,
8 letters of reprimand or admonition, fines, criminal convictions and state court
9 judgments enforcing adverse actions by the state EMS authority.

10 (C) "Alternative program" means: a voluntary, non-disciplinary substance
11 abuse recovery program approved by a state EMS authority.

12 (D) "Certification" means: the successful verification of entry-level cognitive
13 and psychomotor competency using a reliable, validated, and legally defensible
14 examination.

15 (E) "Commission" means: the national administrative body of which all states
16 that have enacted the Compact are members.

17 (F) "Emergency Medical Technician" and "EMT" mean: an individual
18 licensed with cognitive knowledge and a scope of practice that corresponds to that
19 level in the National EMS Education Standards and National EMS Scope of Practice
20 Model.

21 (G) "Home State" means: a member state where an individual is licensed to
22 practice emergency medical services.

23 (H) "License" means: the authorization by a state for an individual to practice
24 as an EMT, AEMT, paramedic, or a level in between EMT and paramedic.

25 (I) "Medical Director" means: a physician licensed in a member state who is
26 accountable for the care delivered by EMS personnel.

27 (J) "Member State" means: a state that has enacted this Compact.

28 (K) "Paramedic" means: an individual licensed with cognitive knowledge and
29 a scope of practice that corresponds to that level in the National EMS Education
30 Standards and National EMS Scope of Practice Model.

31 (L) "Privilege to Practice" means: an individual's authority to deliver

1 emergency medical services in remote states as authorized under this Compact.

2 (M) "Remote State" means: a member state in which an individual is not
3 licensed.

4 (N) "Restricted" means: the outcome of an adverse action that limits a license
5 or the privilege to practice.

6 (O) "Rule" means: a written statement by the interstate Commission
7 promulgated pursuant to Section 12 of this Compact that is of general applicability;
8 implements, interprets, or prescribes a policy or provision of the Compact; or is an
9 organizational, procedural, or practice requirement of the Commission and has the
10 force and effect of statutory law in a member state and includes the amendment,
11 repeal, or suspension of an existing rule.

12 (P) "Scope of Practice" means: defined parameters of various duties or
13 services that may be provided by an individual with specific credentials. Whether
14 regulated by rule, statute, or court decision, it tends to represent the limits of services
15 an individual may perform.

16 (Q) "Significant Investigatory Information" means:

17 (1) investigative information that a state EMS authority, after a
18 preliminary inquiry that includes notification and an opportunity to respond if required
19 by state law, has reason to believe, if proved true, would result in the imposition of an
20 adverse action on a license or privilege to practice; or

21 (2) investigative information that indicates that the individual
22 represents an immediate threat to public health and safety regardless of whether the
23 individual has been notified and had an opportunity to respond.

24 (R) "State" means: any state, commonwealth, district, or territory of the
25 United States.

26 (S) "State EMS Authority" means: the board, office, or other agency with the
27 legislative mandate to license EMS personnel.

28 SECTION 3. HOME STATE LICENSURE.

29 (A) Any member state in which an individual holds a current license shall be
30 deemed a home state for purposes of this Compact.

31 (B) Any member state may require an individual to obtain and retain a license

1 to be authorized to practice in the member state under circumstances not authorized by
2 the privilege to practice under the terms of this Compact.

3 (C) A home state's license authorizes an individual to practice in a remote
4 state under the privilege to practice only if the home state:

5 (1) Currently requires the use of the National Registry of Emergency
6 Medical Technicians (NREMT) examination as a condition of issuing initial licenses
7 at the EMT and paramedic levels;

8 (2) Has a mechanism in place for receiving and investigating
9 complaints about individuals;

10 (3) Notifies the Commission, in compliance with the terms herein, of
11 any adverse action or significant investigatory information regarding an individual;

12 (4) No later than five years after activation of the Compact, requires a
13 criminal background check of all applicants for initial licensure, including the use of
14 the results of fingerprint or other biometric data checks compliant with the
15 requirements of the Federal Bureau of Investigation with the exception of federal
16 employees who have suitability determination in accordance with 5 C.F.R. 731.202
17 and submit documentation of such as promulgated in the rules of the Commission; and

18 (5) Complies with the rules of the Commission.

19 SECTION 4. COMPACT PRIVILEGE TO PRACTICE.

20 (A) Member states shall recognize the privilege to practice of an individual
21 licensed in another member state that is in conformance with Section 3.

22 (B) To exercise the privilege to practice under the terms and provisions of this
23 Compact, an individual must:

24 (1) Be at least 18 years of age;

25 (2) Possess a current unrestricted license in a member state as an EMT,
26 AEMT, paramedic, or state recognized and licensed level with a scope of practice and
27 authority between EMT and paramedic; and

28 (3) Practice under the supervision of a medical director.

29 (C) An individual providing patient care in a remote state under the privilege
30 to practice shall function within the scope of practice authorized by the home state
31 unless and until modified by an appropriate authority in the remote state as may be

1 defined in the rules of the commission.

2 (D) Except as provided in Section 4(C), an individual practicing in a remote
3 state will be subject to the remote state's authority and laws. A remote state may, in
4 accordance with due process and that state's laws, restrict, suspend, or revoke an
5 individual's privilege to practice in the remote state and may take any other necessary
6 actions to protect the health and safety of its citizens. If a remote state takes action it
7 shall promptly notify the home state and the Commission.

8 (E) If an individual's license in any home state is restricted or suspended, the
9 individual shall not be eligible to practice in a remote state under the privilege to
10 practice until the individual's home state license is restored.

11 (F) If an individual's privilege to practice in any remote state is restricted,
12 suspended, or revoked the individual shall not be eligible to practice in any remote
13 state until the individual's privilege to practice is restored.

14 SECTION 5. CONDITIONS OF PRACTICE IN A REMOTE STATE.

15 An individual may practice in a remote state under a privilege to practice only
16 in the performance of the individual's EMS duties as assigned by an appropriate
17 authority, as defined in the rules of the Commission, and under the following
18 circumstances:

19 (1) The individual originates a patient transport in a home state and
20 transports the patient to a remote state;

21 (2) The individual originates in the home state and enters a remote
22 state to pick up a patient and provide care and transport of the patient to the home
23 state;

24 (3) The individual enters a remote state to provide patient care and/or
25 transport within that remote state;

26 (4) The individual enters a remote state to pick up a patient and
27 provide care and transport to a third member state;

28 (5) Other conditions as determined by rules promulgated by the
29 commission.

30 SECTION 6. RELATIONSHIP TO EMERGENCY MANAGEMENT ASSISTANCE

31 COMPACT.

1 (C) A member state shall report adverse actions and any occurrences that the
 2 individual's Compact privileges are restricted, suspended, or revoked to the
 3 Commission in accordance with the rules of the Commission.

4 (D) A remote state may take adverse action on an individual's privilege to
 5 practice within that state.

6 (E) Any member state may take adverse action against an individual's
 7 privilege to practice in that state based on the factual findings of another member state,
 8 so long as each state follows its own procedures for imposing such adverse action.

9 (F) A home state's EMS authority shall investigate and take appropriate action
 10 with respect to reported conduct in a remote state as it would if such conduct had
 11 occurred within the home state. In such cases, the home state's law shall control in
 12 determining the appropriate adverse action.

13 (G) Nothing in this Compact shall override a member state's decision that
 14 participation in an alternative program may be used in lieu of adverse action and that
 15 such participation shall remain non-public if required by the member state's laws.
 16 Member states must require individuals who enter any alternative programs to agree
 17 not to practice in any other member state during the term of the alternative program
 18 without prior authorization from such other member state.

19 SECTION 9. ADDITIONAL POWERS INVESTED IN A MEMBER STATE'S EMS
 20 AUTHORITY.

21 A member state's EMS authority, in addition to any other powers granted
 22 under state law, is authorized under this Compact to:

23 (1) Issue subpoenas for both hearings and investigations that require
 24 the attendance and testimony of witnesses and the production of evidence. Subpoenas
 25 issued by a member state's EMS authority for the attendance and testimony of
 26 witnesses, and/or the production of evidence from another member state, shall be
 27 enforced in the remote state by any court of competent jurisdiction, according to that
 28 court's practice and procedure in considering subpoenas issued in its own proceedings.
 29 The issuing state EMS authority shall pay any witness fees, travel expenses, mileage,
 30 and other fees required by the service statutes of the state where the witnesses and/or
 31 evidence are located; and

1 (2) Issue cease and desist orders to restrict, suspend, or revoke an
2 individual's privilege to practice in the state.

3 SECTION 10. ESTABLISHMENT OF THE INTERSTATE COMMISSION FOR EMS
4 PERSONNEL PRACTICE.

5 (A) The Compact states hereby create and establish a joint public agency
6 known as the Interstate Commission for EMS Personnel Practice.

7 (1) The Commission is a body politic and an instrumentality of the
8 Compact states.

9 (2) Venue is proper and judicial proceedings by or against the
10 Commission shall be brought solely and exclusively in a court of competent
11 jurisdiction where the principal office of the Commission is located. The Commission
12 may waive venue and jurisdictional defenses to the extent it adopts or consents to
13 participate in alternative dispute resolution proceedings.

14 (3) Nothing in this Compact shall be construed to be a waiver of
15 sovereign immunity.

16 (B) Membership, Voting, and Meetings.

17 (1) Each member state shall have and be limited to one (1) delegate.
18 The responsible official of the state EMS authority or his designee shall be the
19 delegate to this Compact for each member state. Any delegate may be removed or
20 suspended from office as provided by the law of the state from which the delegate is
21 appointed. Any vacancy occurring in the Commission shall be filled in accordance
22 with the laws of the member state in which the vacancy exists. In the event that more
23 than one board, office, or other agency with the legislative mandate to license EMS
24 personnel at and above the level of EMT exists, the Governor of the state will
25 determine which entity will be responsible for assigning the delegate.

26 (2) Each delegate shall be entitled to one (1) vote with regard to the
27 promulgation of rules and creation of bylaws and shall otherwise have an opportunity
28 to participate in the business and affairs of the Commission. A delegate shall vote in
29 person or by such other means as provided in the bylaws. The bylaws may provide for
30 delegates' participation in meetings by telephone or other means of communication.

31 (3) The Commission shall meet at least once during each calendar

1 year. Additional meetings shall be held as set forth in the bylaws.

2 (4) All meetings shall be open to the public, and public notice of
3 meetings shall be given in the same manner as required under the rulemaking
4 provisions in Section 7.

5 (5) The Commission may convene in a closed, non-public meeting if
6 the Commission must discuss:

7 (a) Non-compliance of a member state with its obligations
8 under the Compact;

9 (b) The employment, compensation, discipline or other
10 personnel matters, practices or procedures related to specific employees or
11 other matters related to the Commission's internal personnel practices and
12 procedures;

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

14 (d) Negotiation of contracts for the purchase or sale of goods,
15 services, or real estate;

16 (e) Accusing any person of a crime or formally censuring any
17 person;

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

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

22 (h) Disclosure of investigatory records compiled for law
23 enforcement purposes;

24 (i) Disclosure of information related to any investigatory
25 reports prepared by or on behalf of or for use of the Commission or other
26 committee charged with responsibility of investigation or determination of
27 compliance issues pursuant to the Compact; or

28 (j) Matters specifically exempted from disclosure by federal or
29 member state statute.

30 (6) If a meeting, or portion of a meeting, is closed pursuant to this
31 provision, the Commission's legal counsel or designee shall certify that the meeting

1 may be closed and shall reference each relevant exempting provision. The
2 Commission shall keep minutes that fully and clearly describe all matters discussed in
3 a meeting and shall provide a full and accurate summary of actions taken, and the
4 reasons therefore, including a description of the views expressed. All documents
5 considered in connection with an action shall be identified in such minutes. All
6 minutes and documents of a closed meeting shall remain under seal, subject to release
7 by a majority vote of the Commission or order of a court of competent jurisdiction.

8 (C) The Commission shall, by a majority vote of the delegates, prescribe
9 bylaws and/or rules to govern its conduct as may be necessary or appropriate to carry
10 out the purposes and exercise the powers of the Compact, including but not limited to:

11 (1) Establishing the fiscal year of the Commission;

12 (2) Providing reasonable standards and procedures:

13 (a) for the establishment and meetings of other committees; and

14 (b) governing any general or specific delegation of any
15 authority or function of the Commission;

16 (3) Providing reasonable procedures for calling and conducting
17 meetings of the Commission, ensuring reasonable advance notice of all meetings, and
18 providing an opportunity for attendance of such meetings by interested parties, with
19 enumerated exceptions designed to protect the public's interest, the privacy of
20 individuals, and proprietary information, including trade secrets. The Commission
21 may meet in closed session only after a majority of the membership votes to close a
22 meeting in whole or in part. As soon as practicable, the Commission must make public
23 a copy of the vote to close the meeting revealing the vote of each member with no
24 proxy votes allowed;

25 (4) Establishing the titles, duties and authority, and reasonable
26 procedures for the election of the officers of the Commission;

27 (5) Providing reasonable standards and procedures for the
28 establishment of the personnel policies and programs of the Commission.
29 Notwithstanding any civil service or other similar laws of any member state, the
30 bylaws shall exclusively govern the personnel policies and programs of the
31 Commission;

1 (6) Promulgating a code of ethics to address permissible and prohibited
2 activities of Commission members and employees;

3 (7) Providing a mechanism for winding up the operations of the
4 Commission and the equitable disposition of any surplus funds that may exist after the
5 termination of the Compact after the payment and/or reserving of all of its debts and
6 obligations;

7 (8) The Commission shall publish its bylaws and file a copy thereof,
8 and a copy of any amendment thereto, with the appropriate agency or officer in each
9 of the member states, if any;

10 (9) The Commission shall maintain its financial records in accordance
11 with the bylaws;

12 (10) The Commission shall meet and take such actions as are
13 consistent with the provisions of this Compact and the bylaws.

14 (D) The Commission shall have the following powers:

15 (1) The authority to promulgate uniform rules to facilitate and
16 coordinate implementation and administration of this Compact. The rules shall have
17 the force and effect of law and shall be binding in all member states;

18 (2) To bring and prosecute legal proceedings or actions in the name of
19 the Commission, provided that the standing of any state EMS authority or other
20 regulatory body responsible for EMS personnel licensure to sue or be sued under
21 applicable law shall not be affected;

22 (3) To purchase and maintain insurance and bonds;

23 (4) To borrow, accept, or contract for services of personnel, including,
24 but not limited to, employees of a member state;

25 (5) To hire employees, elect or appoint officers, fix compensation,
26 define duties, grant such individuals appropriate authority to carry out the purposes of
27 the Compact, and to establish the Commission's personnel policies and programs
28 relating to conflicts of interest, qualifications of personnel, and other related personnel
29 matters;

30 (6) To accept any and all appropriate donations and grants of money,
31 equipment, supplies, materials and services, and to receive, utilize and dispose of the

1 same; provided that at all times the Commission shall strive to avoid any appearance
2 of impropriety and/or conflict of interest;

3 (7) To lease, purchase, accept appropriate gifts or donations of, or
4 otherwise to own, hold, improve or use, any property, real, personal or mixed;
5 provided that at all times the Commission shall strive to avoid any appearance of
6 impropriety;

7 (8) To sell, convey, mortgage, pledge, lease, exchange, abandon, or
8 otherwise dispose of any property real, personal, or mixed;

9 (9) To establish a budget and make expenditures;

10 (10) To borrow money;

11 (11) To appoint committees, including advisory committees comprised
12 of members, state regulators, state legislators or their representatives, and consumer
13 representatives, and such other interested persons as may be designated in this
14 Compact and the bylaws;

15 (12) To provide and receive information from, and to cooperate with,
16 law enforcement agencies;

17 (13) To adopt and use an official seal; and

18 (14) To perform such other functions as may be necessary or
19 appropriate to achieve the purposes of this Compact consistent with the state
20 regulation of EMS personnel licensure and practice.

21 (E) Financing of the Commission.

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

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

26 (3) The Commission may levy on and collect an annual assessment
27 from each member state or impose fees on other parties to cover the cost of the
28 operations and activities of the Commission and its staff, which must be in a total
29 amount sufficient to cover its annual budget as approved each year for which revenue
30 is not provided by other sources. The aggregate annual assessment amount shall be
31 allocated based upon a formula to be determined by the Commission, which shall

1 promulgate a rule binding upon all member states.

2 (4) The Commission shall not incur obligations of any kind prior to
3 securing the funds adequate to meet the same; nor shall the Commission pledge the
4 credit of any of the member states, except by and with the authority of the member
5 state.

6 (5) The Commission shall keep accurate accounts of all receipts and
7 disbursements. The receipts and disbursements of the Commission shall be subject to
8 the audit and accounting procedures established under its bylaws. However, all
9 receipts and disbursements of funds handled by the Commission shall be audited
10 yearly by a certified or licensed public accountant, and the report of the audit shall be
11 included in and become part of the annual report of the Commission.

12 (F) Qualified Immunity, Defense, and Indemnification.

13 (1) The members, officers, executive director, employees and
14 representatives of the Commission shall be immune from suit and liability, either
15 personally or in their official capacity, for any claim for damage to or loss of property
16 or personal injury or other civil liability caused by or arising out of any actual or
17 alleged act, error or omission that occurred, or that the person against whom the claim
18 is made had a reasonable basis for believing occurred within the scope of Commission
19 employment, duties or responsibilities; provided that nothing in this paragraph shall be
20 construed to protect any such person from suit and/or liability for any damage, loss,
21 injury, or liability caused by the intentional or willful or wanton misconduct of that
22 person.

23 (2) The Commission shall defend any member, officer, executive
24 director, employee or representative of the Commission in any civil action seeking to
25 impose liability arising out of any actual or alleged act, error, or omission that
26 occurred within the scope of Commission employment, duties, or responsibilities, or
27 that the person against whom the claim is made had a reasonable basis for believing
28 occurred within the scope of Commission employment, duties, or responsibilities;
29 provided that nothing herein shall be construed to prohibit that person from retaining
30 his or her own counsel; and provided further, that the actual or alleged act, error, or
31 omission did not result from that person's intentional or willful or wanton misconduct.

1 (3) The Commission shall indemnify and hold harmless any member,
2 officer, executive director, employee, or representative of the Commission for the
3 amount of any settlement or judgment obtained against that person arising out of any
4 actual or alleged act, error or omission that occurred within the scope of Commission
5 employment, duties, or responsibilities, or that such person had a reasonable basis for
6 believing occurred within the scope of Commission employment, duties, or
7 responsibilities, provided that the actual or alleged act, error, or omission did not result
8 from the intentional or willful or wanton misconduct of that person.

9 SECTION 11. COORDINATED DATABASE.

10 (A) The Commission shall provide for the development and maintenance of a
11 coordinated database and reporting system containing licensure, adverse action, and
12 significant investigatory information on all licensed individuals in member states.

13 (B) Notwithstanding any other provision of state law to the contrary, a
14 member state shall submit a uniform data set to the coordinated database on all
15 individuals to whom this Compact is applicable as required by the rules of the
16 Commission, including:

- 17 (1) Identifying information;
- 18 (2) Licensure data;
- 19 (3) Significant investigatory information;
- 20 (4) Adverse actions against an individual's license;
- 21 (5) An indicator that an individual's privilege to practice is restricted,
22 suspended or revoked;
- 23 (6) Non-confidential information related to alternative program
24 participation;
- 25 (7) Any denial of application for licensure, and the reason(s) for such
26 denial; and
- 27 (8) Other information that may facilitate the administration of this
28 Compact, as determined by the rules of the Commission.

29 (C) The coordinated database administrator shall promptly notify all member
30 states of any adverse action taken against, or significant investigative information on,
31 any individual in a member state.

1 (D) Member states contributing information to the coordinated database may
2 designate information that may not be shared with the public without the express
3 permission of the contributing state.

4 (E) Any information submitted to the coordinated database that is
5 subsequently required to be expunged by the laws of the member state contributing the
6 information shall be removed from the coordinated database.

7 SECTION 12. RULEMAKING.

8 (A) The Commission shall exercise its rulemaking powers pursuant to the
9 criteria set forth in this Section and the rules adopted thereunder. Rules and
10 amendments shall become binding as of the date specified in each rule or amendment.

11 (B) If a majority of the legislatures of the member states rejects a rule, by
12 enactment of a statute or resolution in the same manner used to adopt the Compact,
13 then such rule shall have no further force and effect in any member state.

14 (C) Rules or amendments to the rules shall be adopted at a regular or special
15 meeting of the Commission.

16 (D) Prior to promulgation and adoption of a final rule or rules by the
17 Commission, and at least sixty (60) days in advance of the meeting at which the rule
18 will be considered and voted upon, the Commission shall file a Notice of Proposed
19 Rulemaking:

20 (1) On the website of the Commission; and

21 (2) On the website of each member state EMS authority or the
22 publication in which each state would otherwise publish proposed rules.

23 (E) The Notice of Proposed Rulemaking shall include:

24 (1) The proposed time, date, and location of the meeting in which the
25 rule will be considered and voted upon;

26 (2) The text of the proposed rule or amendment and the reason for the
27 proposed rule;

28 (3) A request for comments on the proposed rule from any interested
29 person; and

30 (4) The manner in which interested persons may submit notice to the
31 Commission of their intention to attend the public hearing and any written comments.

1 (F) Prior to adoption of a proposed rule, the Commission shall allow persons
2 to submit written data, facts, opinions, and arguments, which shall be made available
3 to the public.

4 (G) The Commission shall grant an opportunity for a public hearing before it
5 adopts a rule or amendment if a hearing is requested by:

6 (1) At least twenty-five (25) persons;

7 (2) A governmental subdivision or agency; or

8 (3) An association having at least twenty-five (25) members.

9 (H) If a hearing is held on the proposed rule or amendment, the Commission
10 shall publish the place, time, and date of the scheduled public hearing.

11 (1) All persons wishing to be heard at the hearing shall notify the
12 executive director of the Commission or other designated member in writing of their
13 desire to appear and testify at the hearing not less than five (5) business days before
14 the scheduled date of the hearing.

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

18 (3) No transcript of the hearing is required, unless a written request for
19 a transcript is made, in which case the person requesting the transcript shall bear the
20 cost of producing the transcript. A recording may be made in lieu of a transcript under
21 the same terms and conditions as a transcript. This subsection shall not preclude the
22 Commission from making a transcript or recording of the hearing if it so chooses.

23 (4) Nothing in this section shall be construed as requiring a separate
24 hearing on each rule. Rules may be grouped for the convenience of the Commission
25 at hearings required by this section.

26 (I) Following the scheduled hearing date, or by the close of business on the
27 scheduled hearing date if the hearing was not held, the Commission shall consider all
28 written and oral comments received.

29 (J) The Commission shall, by majority vote of all members, take final action
30 on the proposed rule and shall determine the effective date of the rule, if any, based on
31 the rulemaking record and the full text of the rule.

1 (K) If no written notice of intent to attend the public hearing by interested
 2 parties is received, the Commission may proceed with promulgation of the proposed
 3 rule without a public hearing.

4 (L) Upon determination that an emergency exists, the Commission may
 5 consider and adopt an emergency rule without prior notice, opportunity for comment,
 6 or hearing, provided that the usual rulemaking procedures provided in the Compact
 7 and in this section shall be retroactively applied to the rule as soon as reasonably
 8 possible, in no event later than ninety (90) days after the effective date of the rule. For
 9 the purposes of this provision, an emergency rule is one that must be adopted
 10 immediately in order to:

- 11 (1) Meet an imminent threat to public health, safety, or welfare;
- 12 (2) Prevent a loss of Commission or member state funds;
- 13 (3) Meet a deadline for the promulgation of an administrative rule that
 14 is established by federal law or rule; or
- 15 (4) Protect public health and safety.

16 (M) The Commission or an authorized committee of the Commission may
 17 direct revisions to a previously adopted rule or amendment for purposes of correcting
 18 typographical errors, errors in format, errors in consistency, or grammatical errors.
 19 Public notice of any revisions shall be posted on the website of the Commission. The
 20 revision shall be subject to challenge by any person for a period of thirty (30) days
 21 after posting. The revision may be challenged only on grounds that the revision results
 22 in a material change to a rule. A challenge shall be made in writing, and delivered to
 23 the chair of the Commission prior to the end of the notice period. If no challenge is
 24 made, the revision will take effect without further action. If the revision is challenged,
 25 the revision may not take effect without the approval of the Commission.

26 SECTION 13. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT.

27 (A) Oversight.

28 (1) The executive, legislative, and judicial branches of state
 29 government in each member state shall enforce this Compact and take all actions
 30 necessary and appropriate to effectuate the Compact's purposes and intent. The
 31 provisions of this Compact and the rules promulgated hereunder shall have standing as

1 statutory law.

2 (2) All courts shall take judicial notice of the Compact and the rules in
3 any judicial or administrative proceeding in a member state pertaining to the subject
4 matter of this Compact which may affect the powers, responsibilities or actions of the
5 Commission.

6 (3) The Commission shall be entitled to receive service of process in
7 any such proceeding, and shall have standing to intervene in such a proceeding for all
8 purposes. Failure to provide service of process to the Commission shall render a
9 judgment or order void as to the Commission, this Compact, or promulgated rules.

10 (B) Default, Technical Assistance, and Termination.

11 (1) If the Commission determines that a member state has defaulted in
12 the performance of its obligations or responsibilities under this Compact or the
13 promulgated rules, the Commission shall:

14 (a) Provide written notice to the defaulting state and other
15 member states of the nature of the default, the proposed means of curing the
16 default and/or any other action to be taken by the Commission; and

17 (b) Provide remedial training and specific technical assistance
18 regarding the default.

19 (2) If a state in default fails to cure the default, the defaulting state may
20 be terminated from the Compact upon an affirmative vote of a majority of the member
21 states, and all rights, privileges and benefits conferred by this Compact may be
22 terminated on the effective date of termination. A cure of the default does not relieve
23 the offending state of obligations or liabilities incurred during the period of default.

24 (3) Termination of membership in the Compact shall be imposed only
25 after all other means of securing compliance have been exhausted. Notice of intent to
26 suspend or terminate shall be given by the Commission to the governor, the majority
27 and minority leaders of the defaulting state's legislature, and each of the member
28 states.

29 (4) A state that has been terminated is responsible for all assessments,
30 obligations, and liabilities incurred through the effective date of termination, including
31 obligations that extend beyond the effective date of termination.

1 (5) The Commission shall not bear any costs related to a state that is
2 found to be in default or that has been terminated from the Compact, unless agreed
3 upon in writing between the Commission and the defaulting state.

4 (6) The defaulting state may appeal the action of the Commission by
5 petitioning the U.S. District Court for the District of Columbia or the federal district
6 where the Commission has its principal offices. The prevailing member shall be
7 awarded all costs of such litigation, including reasonable attorney's fees.

8 (C) Dispute Resolution.

9 (1) Upon request by a member state, the Commission shall attempt to
10 resolve disputes related to the Compact that arise among member states and between
11 member and non-member states.

12 (2) The Commission shall promulgate a rule providing for both
13 mediation and binding dispute resolution for disputes as appropriate.

14 (D) Enforcement.

15 (1) The Commission, in the reasonable exercise of its discretion, shall
16 enforce the provisions and rules of this Compact.

17 (2) By majority vote, the Commission may initiate legal action in the
18 United States District Court for the District of Columbia or the federal district where
19 the Commission has its principal offices against a member state in default to enforce
20 compliance with the provisions of the Compact and its promulgated rules and bylaws.
21 The relief sought may include both injunctive relief and damages. In the event judicial
22 enforcement is necessary, the prevailing member shall be awarded all costs of such
23 litigation, including reasonable attorney's fees.

24 (3) The remedies herein shall not be the exclusive remedies of the
25 Commission. The Commission may pursue any other remedies available under federal
26 or state law.

27 SECTION 14. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION
28 FOR EMS PERSONNEL PRACTICE AND ASSOCIATION RULES, WITHDRAWAL,
29 AND AMENDMENT.

30 (A) The Compact shall come into effect on the date on which the Compact
31 statute is enacted into law in the tenth member state. The provisions, which become

1 effective at that time, shall be limited to the powers granted to the Commission
2 relating to assembly and the promulgation of rules. Thereafter, the Commission shall
3 meet and exercise rulemaking powers necessary to the implementation and
4 administration of the Compact.

5 (B) Any state that joins the Compact subsequent to the Commission's initial
6 adoption of the rules shall be subject to the rules as they exist on the date on which the
7 Compact becomes law in that state. Any rule that has been previously adopted by the
8 Commission shall have the full force and effect of law on the day the Compact
9 becomes law in that state.

10 (C) Any member state may withdraw from this Compact by enacting a statute
11 repealing the same.

12 (1) A member state's withdrawal shall not take effect until six (6)
13 months after enactment of the repealing statute.

14 (2) Withdrawal shall not affect the continuing requirement of the
15 withdrawing state's EMS authority to comply with the investigative and adverse action
16 reporting requirements of this act prior to the effective date of withdrawal.

17 (D) Nothing contained in this Compact shall be construed to invalidate or
18 prevent any EMS personnel licensure agreement or other cooperative arrangement
19 between a member state and a non-member state that does not conflict with the
20 provisions of this Compact.

21 (E) This Compact may be amended by the member states. No amendment to
22 this Compact shall become effective and binding upon any member state until it is
23 enacted into the laws of all member states.

24 SECTION 15. CONSTRUCTION AND SEVERABILITY.

25 This Compact shall be liberally construed so as to effectuate the purposes
26 thereof. If this Compact shall be held contrary to the constitution of any state member
27 thereto, the Compact shall remain in full force and effect as to the remaining member
28 states. Nothing in this Compact supersedes state law or rules related to licensure of
29 EMS agencies.