



## 2026 South Dakota Legislature

# House Bill 1146

Introduced by: **Representative** Rehfeldt

1 **An Act to adopt the physician assistant licensure compact.**

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1. That a NEW SECTION be added to a NEW CHAPTER in title 36:**

### 4 PHYSICIAN ASSISTANT LICENSURE COMPACT

#### 5 Section 1. Purpose

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

#### 22 Section 2. Definitions

23 In this Compact:

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

- 1           License denial, censure, revocation, suspension, probation, monitoring of the  
2           Licensee, or restriction on the Licensee's practice.
- 3        B. "Compact Privilege" means the authorization granted by a Remote State to allow  
4           a Licensee from another Participating State to practice as a PA to provide Medical  
5           Services and other licensed activity to a patient located in the Remote State under  
6           the Remote State's laws and regulations.
- 7        C. "Conviction" means a finding by a court that an individual is guilty of a felony or  
8           misdemeanor offense through adjudication or entry of a plea of guilt or no contest  
9           to the charge by the offender.
- 10       D. "Criminal Background Check" means the submission of fingerprints or other  
11           biometric-based information for a License applicant for the purpose of obtaining  
12           that applicant's criminal history record information, as defined in 28 C.F.R.  
13           § 20.3(d), from the State's criminal history record repository as defined in 28  
14           C.F.R. § 20.3(f).
- 15       E. "Data System" means the repository of information about Licensees, including but  
16           not limited to License status and Adverse Actions, which is created and  
17           administered under the terms of this Compact.
- 18       F. "Executive Committee" means a group of directors and ex-officio individuals  
19           elected or appointed pursuant to Section 7.F.2.
- 20       G. "Impaired Practitioner" means a PA whose practice is adversely affected by health-  
21           related condition(s) that impact the PA's ability to practice.
- 22       H. "Investigative Information" means information, records, or documents received or  
23           generated by a Licensing Board pursuant to an investigation.
- 24       I. "Jurisprudence Requirement" means the assessment of an individual's knowledge  
25           of the laws and Rules governing the practice of a PA in a State.
- 26       J. "License" means current authorization by a State, other than authorization  
27           pursuant to a Compact Privilege, for a PA to provide Medical Services, which would  
28           be unlawful without current authorization.
- 29       K. "Licensee" means an individual who holds a License from a State to provide Medical  
30           Services as a PA.
- 31       L. "Licensing Board" means any State entity authorized to license and otherwise  
32           regulate PAs.
- 33       M. "Medical Services" means health care services provided for the diagnosis,  
34           prevention, treatment, cure, or relief of a health condition, injury, or disease, as  
35           defined by a State's laws and regulations.

- 1 N. "Model Compact" means the model for the PA Licensure Compact on file with The  
2 Council of State Governments or other entity as designated by the Commission.
- 3 O. "Participating State" means a State that has enacted this Compact.
- 4 P. "PA" means an individual who is licensed as a physician assistant in a State. For  
5 purposes of this Compact, any other title or status adopted by a State to replace  
6 the term "physician assistant" shall be deemed synonymous with "physician  
7 assistant" and shall confer the same rights and responsibilities to the Licensee  
8 under the provisions of this Compact at the time of its enactment.
- 9 Q. "PA Licensure Compact Commission" "Compact Commission," or "Commission"  
10 mean the national administrative body created pursuant to Section 7.A of this  
11 Compact.
- 12 R. "Qualifying License" means an unrestricted License issued by a Participating State  
13 to provide Medical Services as a PA.
- 14 S. "Remote State" means a Participating State where a Licensee who is not licensed  
15 as a PA is exercising or seeking to exercise the Compact Privilege.
- 16 T. "Rule" means a regulation promulgated by an entity that has the force and effect  
17 of law.
- 18 U. "Significant Investigative Information" means Investigative Information that a  
19 Licensing Board, after an inquiry or investigation that includes notification and an  
20 opportunity for the PA to respond if required by State law, has reason to believe is  
21 not groundless and, if proven true, would indicate more than a minor infraction.
- 22 V. "State" means any state, commonwealth, district, or territory of the United States.

### Section 3. State Participation in this Compact

- 23
- 24 A. To participate in this Compact, a Participating State shall:
- 25 1. License PAs.
- 26 2. Participate in the Compact Commission's Data System.
- 27 3. Have a mechanism in place for receiving and investigating complaints  
28 against Licensees and License applicants.
- 29 4. Notify the Commission, in compliance with the terms of this Compact and  
30 Commission Rules, of any Adverse Action against a Licensee or License  
31 applicant and the existence of Significant Investigative Information  
32 regarding a Licensee or License applicant.
- 33 5. Fully implement a Criminal Background Check requirement, within a time  
34 frame established by Commission Rule, by its Licensing Board receiving the



1 C. If a Compact Privilege has been revoked or is limited or restricted in a Participating  
2 State for conduct that would not be a basis for disciplinary action in a Participating  
3 State in which the Licensee is practicing or applying to practice under a Compact  
4 Privilege, that Participating State shall have the discretion not to consider such  
5 action as an Adverse Action requiring the denial or removal of a Compact Privilege  
6 in that State.

7 D. The Compact Privilege is valid until the expiration or revocation of the Qualifying  
8 License unless terminated pursuant to an Adverse Action. The Licensee must also  
9 comply with all of the requirements of subsection A above to maintain the Compact  
10 Privilege in a Remote State. If the Participating State takes Adverse Action against  
11 a Qualifying License, the Licensee shall lose the Compact Privilege in any Remote  
12 State in which the Licensee has a Compact Privilege until all of the following occur:  
13 1. The License is no longer limited or restricted; and  
14 2. Two years have elapsed from the date on which the License is no longer  
15 limited or restricted due to the Adverse Action.

16 E. Once a restricted or limited License satisfies the requirements of subsection D.1  
17 and 2, the Licensee must meet the requirements of subsection A to obtain a  
18 Compact Privilege in any Remote State.

19 F. For each Remote State in which a PA seeks authority to prescribe controlled  
20 substances, the PA shall satisfy all requirements imposed by such State in granting  
21 or renewing such authority.

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

24 A. Upon a Licensee's application for a Compact Privilege, the Licensee shall identify  
25 to the Commission the Participating State from which the Licensee is applying, in  
26 accordance with applicable Rules adopted by the Commission, and subject to the  
27 following requirements:

28 1. When applying for a Compact Privilege, the Licensee shall provide the  
29 Commission with the address of the Licensee's primary residence and  
30 thereafter shall immediately report to the Commission any change in the  
31 address of the Licensee's primary residence.

32 2. When applying for a Compact Privilege, the Licensee is required to consent  
33 to accept service of process by mail at the Licensee's primary residence on  
34 file with the Commission with respect to any action brought against the  
35 Licensee by the Commission or a Participating State, including a subpoena,

1 with respect to any action brought or investigation conducted by the  
2 Commission or a Participating State.

3 Section 6. Adverse Actions

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

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

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

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

23 3. Notwithstanding paragraph 2, subpoenas may not be issued by a  
24 Participating State to gather evidence of conduct in another State that is  
25 lawful in that other State for the purpose of taking Adverse Action against  
26 a Licensee's Compact Privilege or application for a Compact Privilege in that  
27 Participating State.

28 4. Nothing in this Compact authorizes a Participating State to impose discipline  
29 against a PA's Compact Privilege or to deny an application for a Compact  
30 Privilege in that Participating State for the individual's otherwise lawful  
31 practice in another State.

32 C. For purposes of taking Adverse Action, the Participating State which issued the  
33 Qualifying License shall give the same priority and effect to reported conduct  
34 received from any other Participating State as it would if the conduct had occurred

1 within the Participating State which issued the Qualifying License. In so doing, that  
2 Participating State shall apply its own State laws to determine appropriate action.

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

6 E. A Participating State may take Adverse Action based on the factual findings of a  
7 Remote State, provided that the Participating State follows its own procedures for  
8 taking the Adverse Action.

9 F. Joint Investigations

10 1. In addition to the authority granted to a Participating State by its respective  
11 State PA laws and regulations or other applicable State law, any  
12 Participating State may participate with other Participating States in joint  
13 investigations of Licensees.

14 2. Participating States shall share any investigative, litigation, or compliance  
15 materials in furtherance of any joint or individual investigation initiated  
16 under this Compact.

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

24 H. If any Participating State takes Adverse Action, it promptly shall notify the  
25 administrator of the Data System.

#### 26 Section 7. Establishment of the PA Licensure Compact Commission

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

32 B. Membership, Voting, and Meetings

33 1. Each Participating State shall have and be limited to one delegate selected  
34 by that Participating State's Licensing Board or, if the State has more than

- 1                   one Licensing Board, selected collectively by the Participating State's  
2                   Licensing Boards.
- 3                   2. The delegate shall be either:
- 4                   a. A current PA, physician, or public member of a Licensing Board or  
5                   PA Council/Committee; or
- 6                   b. An administrator of a Licensing Board.
- 7                   3. Any delegate may be removed or suspended from office as provided by the  
8                   laws of the State from which the delegate is appointed.
- 9                   4. The Participating State Licensing Board shall fill any vacancy occurring in  
10                   the Commission within sixty days.
- 11                   5. Each delegate shall be entitled to one vote on all matters voted on by the  
12                   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  
14                   by such other means as provided in the bylaws. The bylaws may provide  
15                   for delegates' participation in meetings by telecommunications, video  
16                   conference, or other means of communication.
- 17                   6. The Commission shall meet at least once during each calendar year.  
18                   Additional meetings shall be held as set forth in this Compact and the  
19                   bylaws.
- 20                   7. The Commission shall establish by Rule a term of office for 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 this  
28                   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  
31                   law and shall be binding in all Participating States;
- 32                   8. Bring and prosecute legal proceedings or actions in the name of the  
33                   Commission, provided that the standing of any State Licensing Board to sue  
34                   or be sued under applicable law shall not be affected;
- 35                   9. Purchase and maintain insurance and bonds;

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

1           23. Perform such other functions as may be necessary or appropriate to achieve  
2           the purposes of this Compact consistent with the State regulation of PA  
3           licensure and practice.

4       D. Meetings of the Commission

5           1. All meetings of the Commission that are not closed pursuant to this  
6           subsection shall be open to the public. Notice of public meetings shall be  
7           posted on the Commission's website at least thirty days prior to the public  
8           meeting.

9           2. Notwithstanding subsection D.1 of this section, the Commission may  
10           convene a public meeting by providing at least twenty-four hours prior  
11           notice on the Commission's website, and any other means as provided in  
12           the Commission's Rules, for any of the reasons it may dispense with notice  
13           of proposed rulemaking under Section 9.L.

14           3. The Commission may convene in a closed, non-public meeting or nonpublic  
15           part of a public meeting to receive legal advice or to discuss:

16           a. Non-compliance of a Participating State with its obligations under  
17           this Compact;

18           b. The employment, compensation, discipline, or other matters,  
19           practices, or procedures related to specific employees, or other  
20           matters related to the Commission's internal personnel practices and  
21           procedures;

22           c. Current, threatened, or reasonably anticipated litigation;

23           d. Negotiation of contracts for the purchase, lease, or sale of goods,  
24           services, or real estate;

25           e. Accusing any person of a crime or formally censuring any person;

26           f. Disclosure of trade secrets or commercial or financial information  
27           that is privileged or confidential;

28           g. Disclosure of information of a personal nature where disclosure  
29           would constitute a clearly unwarranted invasion of personal privacy;

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

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

1 j. Legal advice; or

2 k. Matters specifically exempted from disclosure by federal or  
3 Participating States' statutes.

4 4. If a meeting, or portion of a meeting, is closed pursuant to this provision,  
5 the chair of the meeting or the chair's designee shall certify that the meeting  
6 or portion of the meeting may be closed and shall reference each relevant  
7 exempting provision.

8 5. The Commission shall keep minutes that fully and clearly describe all  
9 matters discussed in a meeting and shall provide a full and accurate  
10 summary of actions taken, including a description of the views expressed.  
11 All documents considered in connection with an action shall be identified in  
12 such minutes. All minutes and documents of a closed meeting shall remain  
13 under seal, subject to release by a majority vote of the Commission or order  
14 of a court of competent jurisdiction.

15 E. Financing of the Commission

16 1. The Commission shall pay, or provide for the payment of, the reasonable  
17 expenses of its establishment, organization, and ongoing activities.

18 2. The Commission may accept any and all appropriate revenue sources,  
19 donations, and grants of money, equipment, supplies, materials, and  
20 services.

21 3. The Commission may levy on and collect an annual assessment from each  
22 Participating State and may impose Compact Privilege fees on Licensees of  
23 Participating States to whom a Compact Privilege is granted to cover the  
24 cost of the operations and activities of the Commission and its staff, which  
25 must be in a total amount sufficient to cover its annual budget as approved  
26 by the Commission each year for which revenue is not provided by other  
27 sources. The aggregate annual assessment amount levied on Participating  
28 States shall be allocated based upon a formula to be determined by  
29 Commission Rule.

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

33 b. If the Licensee terminates the Qualifying License through which the  
34 Licensee applied for the Compact Privilege before its scheduled  
35 expiration, and the Licensee has a Qualifying License in another

1 Participating State, the Licensee shall inform the Commission that  
2 the Licensee is changing that Participating State to be the  
3 Participating State through which the Licensee applies for a Compact  
4 Privilege and pay to the Commission any Compact Privilege fee  
5 required by Commission Rule.

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

10 5. The Commission shall keep accurate accounts of all receipts and  
11 disbursements. The receipts and disbursements of the Commission shall be  
12 subject to the financial review and accounting procedures established under  
13 its bylaws. All receipts and disbursements of funds handled by the  
14 Commission shall be subject to an annual financial review by a certified or  
15 licensed public accountant, and the report of the financial review shall be  
16 included in and become part of the annual report of the Commission.

17 F. The Executive Committee

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

20 2. The Executive Committee shall be composed of nine members:

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

23 b. One ex-officio, nonvoting member from a recognized national PA  
24 professional association; and

25 c. One ex-officio, nonvoting member from a recognized national PA  
26 certification organization.

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

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

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

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

33 a. Recommend to the Commission changes to the Commission's Rules  
34 or bylaws, changes to this Compact legislation, fees to be paid by  
35 Compact Participating States such as annual dues, and any

- 1                   Commission Compact fee charged to Licensees for the Compact  
2                   Privilege;
- 3                   b. Ensure Compact administration services are appropriately provided,  
4                   contractual or otherwise;
- 5                   c. Prepare and recommend the budget;
- 6                   d. Maintain financial records on behalf of the Commission;
- 7                   e. Monitor Compact compliance of Participating States and provide  
8                   compliance reports to the Commission;
- 9                   f. Establish additional committees as necessary;
- 10                  g. Exercise the powers and duties of the Commission during the interim  
11                  between Commission meetings, except for issuing proposed  
12                  rulemaking or adopting Commission Rules or bylaws, or exercising  
13                  any other powers and duties exclusively reserved to the Commission  
14                  by the Commission's Rules; and
- 15                  h. Perform other duties as provided in the Commission's Rules or  
16                  bylaws.
- 17                  7. All meetings of the Executive Committee at which it votes or plans to vote  
18                  on matters in exercising the powers and duties of the Commission shall be  
19                  open to the public, and public notice of such meetings shall be given as  
20                  public meetings of the Commission are given.
- 21                  8. The Executive Committee may convene in a closed, non-public meeting for  
22                  the same reasons that the Commission may convene in a non-public  
23                  meeting as set forth in Section 7.D.3 and shall announce the closed meeting  
24                  as the Commission is required to under Section 7.D.4 and keep minutes of  
25                  the closed meeting as the Commission is required to under Section 7.D.5.
- 26                  G. Qualified Immunity, Defense, and Indemnification
- 27                  1. The members, officers, executive director, employees, and representatives  
28                  of the Commission shall be immune from suit and liability, both personally  
29                  and in their official capacities, for any claim for damage to or loss of property  
30                  or personal injury or other civil liability caused by or arising out of any actual  
31                  or alleged act, error, or omission that occurred, or that the person against  
32                  whom the claim is made had a reasonable basis for believing occurred within  
33                  the scope of Commission employment, duties or responsibilities; provided  
34                  that nothing in this paragraph shall be construed to protect any such person  
35                  from suit or liability for any damage, loss, injury, or liability caused by the

- 1 intentional or willful or wanton misconduct of that person. The procurement  
2 of insurance of any type by the Commission shall not in any way  
3 compromise or limit the immunity granted hereunder.
- 4 2. The Commission shall defend any member, officer, executive director,  
5 employee, and representative of the Commission in any civil action seeking  
6 to impose liability arising out of any actual or alleged act, error, or omission  
7 that occurred within the scope of Commission employment, duties, or  
8 responsibilities, or as determined by the commission that the person against  
9 whom the claim is made had a reasonable basis for believing occurred within  
10 the scope of Commission employment, duties, or responsibilities; provided  
11 that nothing herein shall be construed to prohibit that person from retaining  
12 their own counsel at their own expense; and provided further, that the  
13 actual or alleged act, error, or omission did not result from that person's  
14 intentional, willful, or wanton misconduct.
- 15 3. The Commission shall indemnify and hold harmless any member, officer,  
16 executive director, employee, and representative of the Commission for the  
17 amount of any settlement or judgment obtained against that person arising  
18 out of any actual or alleged act, error, or omission that occurred within the  
19 scope of Commission employment, duties, or responsibilities, or that such  
20 person had a reasonable basis for believing occurred within the scope of  
21 Commission employment, duties, or responsibilities, provided that the  
22 actual or alleged act, error, or omission did not result from the intentional,  
23 willful, or wanton misconduct of that person.
- 24 4. Venue is proper and judicial proceedings by or against the Commission shall  
25 be brought solely and exclusively in a court of competent jurisdiction where  
26 the principal office of the Commission is located. The Commission may  
27 waive venue and jurisdictional defenses in any proceedings as authorized  
28 by Commission Rules.
- 29 5. Nothing herein shall be construed as a limitation on the liability of any  
30 Licensee for professional malpractice or misconduct, which shall be  
31 governed solely by any other applicable State laws.
- 32 6. Nothing herein shall be construed to designate the venue or jurisdiction to  
33 bring actions for alleged acts of malpractice, professional misconduct,  
34 negligence, or other such civil action pertaining to the practice of a PA. All

1 such matters shall be determined exclusively by State law other than this  
2 Compact.

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

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

#### 10 Section 8. Data System

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

15 B. Notwithstanding any other State law to the contrary, a Participating State shall  
16 submit a uniform data set to the Data System on all PAs to whom this Compact is  
17 applicable, utilizing a unique identifier, as required by the Rules of the Commission,  
18 including:

19 1. Identifying information;

20 2. Licensure data;

21 3. Adverse Actions against a License or Compact Privilege;

22 4. Any denial of application for licensure, and the reason(s) for such denial,  
23 excluding the reporting of any Criminal history record information where  
24 prohibited by law;

25 5. The existence of Significant Investigative Information; and

26 6. Other information that may facilitate the administration of this Compact, as  
27 determined by the Rules of the Commission.

28 C. Significant Investigative Information pertaining to a Licensee in any Participating  
29 State shall only be available to other Participating States.

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

34 E. Participating States contributing information to the Data System may, in  
35 accordance with State or federal law, designate information that may not be shared

1 with the public without the express permission of the contributing State.  
2 Notwithstanding any such designation, such information shall be reported to the  
3 Commission through the Data System.

4 F. Any information submitted to the Data System that is subsequently expunged  
5 pursuant to federal law or the laws of the Participating State contributing the  
6 information shall be removed from the Data System upon reporting of such by the  
7 Participating State to the Commission.

8 G. The records and information provided to a Participating State pursuant to this  
9 Compact or through the Data System, when certified by the Commission or an  
10 agent thereof, shall constitute the authenticated business records of the  
11 Commission, and shall be entitled to any associated hearsay exception in any  
12 relevant judicial, quasi-judicial or administrative proceedings in a Participating  
13 State.

#### 14 Section 9. Rulemaking

15 A. The Commission shall exercise its Rulemaking powers pursuant to the criteria set  
16 forth in this section and the Rules adopted thereunder. Commission Rules shall  
17 become binding as of the date specified by the Commission for each Rule.

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

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

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

- 1     E. Commission Rules shall be adopted at a regular or special meeting of the  
2     Commission.
- 3     F. Prior to promulgation and adoption of a final Rule or Rules by the Commission, and  
4     at least thirty days in advance of the meeting at which the Rule will be considered  
5     and voted upon, the Commission shall file a Notice of Proposed Rulemaking:  
6     1. On the website of the Commission or other publicly accessible platform; and  
7     2. To persons who have requested notice of the Commission's notices of  
8     proposed rulemaking; and  
9     3. In such other way(s) as the Commission may by Rule specify.
- 10    G. The Notice of Proposed Rulemaking shall include:  
11    1. The time, date, and location of the public hearing on the proposed Rule and  
12    the proposed time, date, and location of the meeting in which the proposed  
13    Rule will be considered and voted upon;  
14    2. The text of the proposed Rule and the reason for the proposed Rule;  
15    3. A request for comments on the proposed Rule from any interested person  
16    and the date by which written comments must be received; and  
17    4. The manner in which interested persons may submit notice to the  
18    Commission of their intention to attend the public hearing or provide any  
19    written comments.
- 20    H. Prior to adoption of a proposed Rule, the Commission shall allow persons to submit  
21    written data, facts, opinions, and arguments, which shall be made available to the  
22    public.
- 23    I. If the hearing is to be held via electronic means, the Commission shall publish the  
24    mechanism for access to the electronic hearing.  
25    1. All persons wishing to be heard at the hearing shall as directed in the Notice  
26    of Proposed Rulemaking, not less than five business days before the  
27    scheduled date of the hearing, notify the Commission of their desire to  
28    appear and testify at the hearing.  
29    2. Hearings shall be conducted in a manner providing each person who wishes  
30    to comment a fair and reasonable opportunity to comment orally or in  
31    writing.  
32    3. All hearings shall be recorded. A copy of the recording and the written  
33    comments, data, facts, opinions, and arguments received in response to the  
34    proposed rulemaking shall be made available to a person upon request.

- 1           4. Nothing in this section shall be construed as requiring a separate hearing  
2           on each proposed Rule. Proposed Rules may be grouped for the convenience  
3           of the Commission at hearings required by this section.
- 4        J. Following the public hearing, the Commission shall consider all written and oral  
5           comments timely received.
- 6        K. The Commission shall, by majority vote of all delegates, take final action on the  
7           proposed Rule and shall determine the effective date of the Rule, if adopted, based  
8           on the Rulemaking record and the full text of the Rule.
- 9           1. If adopted, the Rule shall be posted on the Commission’s website.
- 10          2. The Commission may adopt changes to the proposed Rule provided the  
11           changes do not enlarge the original purpose of the proposed Rule.
- 12          3. The Commission shall provide on its website an explanation of the reasons  
13           for substantive changes made to the proposed Rule as well as reasons for  
14           substantive changes not made that were recommended by commenters.
- 15          4. The Commission shall determine a reasonable effective date for the Rule.  
16           Except for an emergency as provided in subsection L, the effective date of  
17           the Rule shall be no sooner than thirty days after the Commission issued  
18           the notice that it adopted the Rule.
- 19        L. Upon determination that an emergency exists, the Commission may consider and  
20           adopt an emergency Rule with twenty-four hours prior notice, without the  
21           opportunity for comment or hearing, provided that the usual rulemaking  
22           procedures provided in this Compact and in this section shall be retroactively  
23           applied to the Rule as soon as reasonably possible, in no event later than ninety  
24           days after the effective date of the Rule. For the purposes of this provision, an  
25           emergency Rule is one that must be adopted immediately by the Commission in  
26           order to:
- 27           1. Meet an imminent threat to public health, safety, or welfare;  
28           2. Prevent a loss of Commission or Participating State funds;  
29           3. Meet a deadline for the promulgation of a Commission Rule that is  
30           established by federal law or Rule; or
- 31           4. Protect public health and safety.
- 32        M. The Commission or an authorized committee of the Commission may direct  
33           revisions to a previously adopted Commission Rule for purposes of correcting  
34           typographical errors, errors in format, errors in consistency, or grammatical errors.  
35           Public notice of any revisions shall be posted on the website of the Commission.

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

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

9 Section 10. Oversight, Dispute Resolution, and Enforcement

10 A. Oversight

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

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

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

28 B. Default, Technical Assistance, and Termination

29 1. If the Commission determines that a Participating State has defaulted in the  
30 performance of its obligations or responsibilities under this Compact or the  
31 Commission Rules, the Commission shall provide written notice to the  
32 defaulting State and other Participating States. The notice shall describe the  
33 default, the proposed means of curing the default, and any other action that  
34 the Commission may take, and shall offer remedial training and specific  
35 technical assistance regarding the default.

- 1           2. If a State in default fails to cure the default, the defaulting State may be  
2           terminated from this Compact upon an affirmative vote of a majority of the  
3           delegates of the Participating States, and all rights, privileges and benefits  
4           conferred by this Compact upon such State may be terminated on the  
5           effective date of termination. A cure of the default does not relieve the  
6           offending State of obligations or liabilities incurred during the period of  
7           default.
- 8           3. Termination of participation in this Compact shall be imposed only after all  
9           other means of securing compliance have been exhausted. Notice of intent  
10           to suspend or terminate shall be given by the Commission to the governor,  
11           the majority and minority leaders of the defaulting State's legislature, and  
12           to the Licensing Board(s) of each of the Participating States.
- 13           4. A State that has been terminated is responsible for all assessments,  
14           obligations, and liabilities incurred through the effective date of termination,  
15           including obligations that extend beyond the effective date of termination.
- 16           5. The Commission shall not bear any costs related to a State that is found to  
17           be in default or that has been terminated from this Compact, unless agreed  
18           upon in writing between the Commission and the defaulting State.
- 19           6. The defaulting State may appeal its termination from the Compact by the  
20           Commission by petitioning the United States District Court for the District  
21           of Columbia or the federal district where the Commission has its principal  
22           offices. The prevailing member shall be awarded all costs of such litigation,  
23           including reasonable attorney's fees.
- 24           7. Upon the termination of a State's participation in the Compact, the State  
25           shall immediately provide notice to all Licensees within that State of such  
26           termination.
- 27           a. Licensees who have been granted a Compact Privilege in that State  
28           shall retain the Compact Privilege for one hundred eighty days  
29           following the effective date of such termination.
- 30           b. Licensees who are licensed in that State and who have been granted  
31           a Compact Privilege in a Participating State shall retain the Compact  
32           Privilege for one hundred eighty days, unless the Licensee also has  
33           a Qualifying License in a Participating State or obtains a Qualifying  
34           License in a Participating State before the one hundred eighty-day  
35           period ends, in which case the Compact Privilege shall continue.

1 C. Dispute Resolution

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

5 2. The Commission shall promulgate a Rule providing for both mediation and  
6 binding dispute resolution for disputes as appropriate.

7 D. Enforcement

8 1. The Commission, in the reasonable exercise of its discretion, shall enforce  
9 the provisions of this Compact and Rules of the Commission.

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

19 3. The remedies herein shall not be the exclusive remedies of the Commission.  
20 The Commission may pursue any other remedies available under federal or  
21 State law.

22 E. Legal Action Against the Commission

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

30 2. No person other than a Participating State shall enforce this Compact  
31 against the Commission.

32 Section 11. Date of Implementation of the PA Licensure Compact Commission

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

- 1           1. On or after the effective date of the Compact, the Commission shall convene  
2           and review the enactment of each of the States that enacted the Compact  
3           prior to the Commission convening ("Charter Participating States") to  
4           determine if the statute enacted by each such Charter Participating State is  
5           materially different than the Model Compact.
- 6           a.       A Charter Participating State whose enactment is found to be  
7           materially different from the Model Compact shall be entitled to the  
8           default process set forth in Section 10.B.
- 9           b.       If any Participating State later withdraws from the Compact or its  
10           participation is terminated, the Commission shall remain in existence  
11           and the Compact shall remain in effect even if the number of  
12           Participating States should be less than seven. Participating States  
13           enacting the Compact subsequent to the Commission convening  
14           shall be subject to the process set forth in Section 7.C.21 to  
15           determine if their enactments are materially different from the Model  
16           Compact and whether they qualify for participation in the Compact.
- 17          2.       Participating States enacting the Compact subsequent to the seven initial  
18           Charter Participating States shall be subject to the process set forth in  
19           Section 7.C.21 to determine if their enactments are materially different  
20           from the Model Compact and whether they qualify for participation in the  
21           Compact.
- 22          3.       All actions taken for the benefit of the Commission or in furtherance of the  
23           purposes of the administration of the Compact prior to the effective date of  
24           the Compact or the Commission coming into existence shall be considered  
25           to be actions of the Commission unless specifically repudiated by the  
26           Commission.
- 27          B.       Any State that joins this Compact shall be subject to the Commission's Rules and  
28           bylaws as they exist on the date on which this Compact becomes law in that State.  
29           Any Rule that has been previously adopted by the Commission shall have the full  
30           force and effect of law on the day this Compact becomes law in that State.
- 31          C.       Any Participating State may withdraw from this Compact by enacting a statute  
32           repealing the same.
- 33           1.       A Participating State's withdrawal shall not take effect until one hundred  
34           eighty days after enactment of the repealing statute. During this one  
35           hundred eighty day-period, all Compact Privileges that were in effect in the

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

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

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

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

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

#### 24 Section 12. Construction and Severability

25 A. This Compact and the Commission's rulemaking authority shall be liberally  
26 construed so as to effectuate the purposes, and the implementation and  
27 administration of the Compact. Provisions of the Compact expressly authorizing or  
28 requiring the promulgation of Rules shall not be construed to limit the  
29 Commission's rulemaking authority solely for those purposes.

30 B. The provisions of this Compact shall be severable and if any phrase, clause,  
31 sentence, or provision of this Compact is held by a court of competent jurisdiction  
32 to be contrary to the constitution of any Participating State, a State seeking  
33 participation in the Compact, or of the United States, or the applicability thereof to  
34 any government, agency, person, or circumstance is held to be unconstitutional by  
35 a court of competent jurisdiction, the validity of the remainder of this Compact and

1 the applicability thereof to any other government, agency, person, or circumstance  
2 shall not be affected thereby.

3 C. Notwithstanding subsection B or this section, the Commission may deny a State's  
4 participation in the Compact or, in accordance with the requirements of Section  
5 10.B, terminate a Participating State's participation in the Compact, if it determines  
6 that a constitutional requirement of a Participating State is, or would be with  
7 respect to a State seeking to participate in the Compact, a material departure from  
8 the Compact. Otherwise, if this Compact shall be held to be contrary to the  
9 constitution of any Participating State, the Compact shall remain in full force and  
10 effect as to the remaining Participating States and in full force and effect as to the  
11 Participating State affected as to all severable matters.

12 Section 13. Binding Effect of Compact

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

15 B. Any laws in a Participating State in conflict with this Compact are superseded to  
16 the extent of the conflict.

17 C. All agreements between the Commission and the Participating States are binding  
18 in accordance with their terms.