

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1961 Session of
2025

INTRODUCED BY MERSKI, BURNS, HILL-EVANS, HARKINS, KENYATTA,
FRANKEL, HOHENSTEIN, SANCHEZ, SHUSTERMAN AND CURRY,
OCTOBER 17, 2025

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE,
OCTOBER 17, 2025

AN ACT

1 Authorizing the Commonwealth of Pennsylvania to join the PA
2 Licensure Compact; providing for the form of the compact; and
3 imposing additional powers and duties on the Governor, the
4 Secretary of the Commonwealth and the PA Licensure Compact.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the PA Licensure
9 Compact Act.

10 Section 2. Authority to execute compact.

11 The Governor of Pennsylvania, on behalf of this State, is
12 hereby authorized to execute a compact in substantially the
13 following form with any one or more of the states of the United
14 States and the General Assembly hereby signifies in advance its
15 approval and ratification of such compact:

16 PA LICENSURE COMPACT

17 Section 1. Purpose

18 In order to strengthen access to Medical Services, and in

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

23 Section 2. Definitions

24 In this Compact:

25 A. "Adverse Action" means any administrative, civil,
26 equitable, or criminal action permitted by a State's laws which
27 is imposed by a Licensing Board or other authority against a PA
28 License or License application or Compact Privilege such as
29 License denial, censure, revocation, suspension, probation,
30 monitoring of the Licensee, or restriction on the Licensee's

1 practice.

2 B. "Compact Privilege" means the authorization granted by a
3 Remote State to allow a Licensee from another Participating
4 State to practice as a PA to provide Medical Services and other
5 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
8 individual is guilty of a felony or misdemeanor offense through
9 adjudication or entry of a plea of guilt or no contest to the
10 charge by the offender

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

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

21 F. "Executive Committee" means a group of directors and ex-
22 officio individuals elected or appointed pursuant to Section
23 7.F.2.

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

27 H. "Investigative Information" means information, records,
28 or documents received or generated by a Licensing Board pursuant
29 to an investigation.

30 I. "Jurisprudence Requirement" means the assessment of an

1 individual's knowledge of the laws and Rules governing the
2 practice of a PA in a State.

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

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

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

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

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

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

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

27 Q. "PA Licensure Compact Commission," "Compact Commission,"
28 or "Commission" mean the national administrative body created
29 pursuant to Section 7.A of this Compact.

30 R. "Qualifying License" means an unrestricted License issued

1 by a Participating State to provide Medical Services as a PA.

2 S. "Remote State" means a Participating State where a
3 Licensee who is not licensed as a PA is exercising or seeking to
4 exercise the Compact Privilege.

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

7 U. "Significant Investigative Information" means
8 Investigative Information that a Licensing Board, after an
9 inquiry or investigation that includes notification and an
10 opportunity for the PA to respond if required by State law, has
11 reason to believe is not groundless and, if proven true, would
12 indicate more than a minor infraction.

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

15 Section 3. State Participation in this Compact

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

18 1. License PAs.

19 2. Participate in the Compact Commission's Data System.

20 3. Have a mechanism in place for receiving and
21 investigating complaints against Licensees and License
22 applicants.

23 4. Notify the Commission, in compliance with the terms
24 of this Compact and Commission Rules, of any Adverse Action
25 against a Licensee or License applicant and the existence of
26 Significant Investigative Information regarding a Licensee or
27 License applicant.

28 5. Fully implement a Criminal Background Check
29 requirement, within a time frame established by Commission
30 Rule, by its Licensing Board receiving the results of a

1 Criminal Background Check and reporting to the Commission
2 whether the License applicant has been granted a License.

3 6. Comply with the Rules of the Compact Commission.

4 7. Utilize passage of a recognized national exam such as
5 the NCCPA PANCE as a requirement for PA licensure.

6 8. Grant the Compact Privilege to a holder of a
7 Qualifying License in a Participating State.

8 B. Nothing in this Compact prohibits a Participating State
9 from charging a fee for granting the Compact Privilege.

10 Section 4. Compact Privilege

11 A. To exercise the Compact Privilege, a Licensee must:

12 1. Have graduated from a PA program accredited by the
13 Accreditation Review Commission on Education for the
14 Physician Assistant, Inc. or other programs authorized by
15 Commission Rule.

16 2. Hold current NCCPA certification.

17 3. Have no felony or misdemeanor Conviction.

18 4. Have never had a controlled substance license,
19 permit, or registration suspended or revoked by a State or by
20 the United States Drug Enforcement Administration.

21 5. Have a unique identifier as determined by Commission
22 Rule.

23 6. Hold a Qualifying License.

24 7. Have had no revocation of a License or limitation or
25 restriction on any License currently held due to an adverse
26 action.

27 8. If a Licensee has had a limitation or restriction on
28 a License or Compact Privilege due to an Adverse Action, two
29 years must have elapsed from the date on which the License or
30 Compact Privilege is no longer limited or restricted due to

1 the Adverse Action.

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

10 10. Notify the Compact Commission that the Licensee is
11 seeking the Compact Privilege in a Remote State.

12 11. Meet any Jurisprudence Requirement of a Remote State
13 in which the Licensee is seeking to practice under the
14 Compact Privilege and pay any fees applicable to satisfying
15 the Jurisprudence Requirement.

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

19 B. The Compact Privilege is valid until the expiration or
20 revocation of the Qualifying License unless terminated pursuant
21 to an Adverse Action. The Licensee must also comply with all of
22 the requirements of Subsection A above to maintain the Compact
23 Privilege in a Remote State. If the Participating State takes
24 Adverse Action against a Qualifying License, the Licensee shall
25 lose the Compact Privilege in any Remote State in which the
26 Licensee has a Compact Privilege until all of the following
27 occur:

28 1. The License is no longer limited or restricted; and

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

1 Action.

2 C. Once a restricted or limited License satisfies the
3 requirements of Subsection B.1 and 2, the Licensee must meet the
4 requirements of Subsection A to obtain a Compact Privilege in
5 any Remote State.

6 D. For each Remote State in which a PA seeks authority to
7 prescribe controlled substances, the PA shall satisfy all
8 requirements imposed by such State in granting or renewing such
9 authority.

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

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

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

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

30 Section 6. Adverse Actions

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

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

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

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

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

30 4. Nothing in this Compact authorizes a Participating

1 State to impose discipline against a PA's Compact Privilege
2 or to deny an application for a Compact Privilege in that
3 Participating State for the individual's otherwise lawful
4 practice in another State.

5 C. For purposes of taking Adverse Action, the Participating
6 State which issued the Qualifying License shall give the same
7 priority and effect to reported conduct received from any other
8 Participating State as it would if the conduct had occurred
9 within the Participating State which issued the Qualifying
10 License. In so doing, that Participating State shall apply its
11 own State laws to determine appropriate action.

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

16 E. A Participating State may take Adverse Action based on
17 the factual findings of a Remote State, provided that the
18 Participating State follows its own procedures for taking the
19 Adverse Action.

20 F. Joint Investigations

21 1. In addition to the authority granted to a
22 Participating State by its respective State PA laws and
23 regulations or other applicable State law, any Participating
24 State may participate with other Participating States in
25 joint investigations of Licensees.

26 2. Participating States shall share any investigative,
27 litigation, or compliance materials in furtherance of any
28 joint or individual investigation initiated under this
29 Compact.

30 G. If an Adverse Action is taken against a PA's Qualifying

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

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

Section 7. Establishment of the PA Licensure Compact Commission

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

B. Membership, Voting, and Meetings

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

2. The delegate shall be either:

a. A current PA, physician or public member of a Licensing Board or PA Council/Committee; or

b. An administrator of a Licensing Board.

3. Any delegate may be removed or suspended from office as provided by the laws of the State from which the delegate

1 is appointed.

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

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

13 6. The Commission shall meet at least once during each
14 calendar year. Additional meetings shall be held as set forth
15 in this Compact and the bylaws.

16 7. The Commission shall establish by Rule a term of
17 office for delegates.

18 C. The Commission shall have the following powers and
19 duties:

- 20 1. Establish a code of ethics for the Commission;
- 21 2. Establish the fiscal year of the Commission;
- 22 3. Establish fees;
- 23 4. Establish bylaws;
- 24 5. Maintain its financial records in accordance with the
25 bylaws;
- 26 6. Meet and take such actions as are consistent with the
27 provisions of this Compact and the bylaws;
- 28 7. Promulgate Rules to facilitate and coordinate
29 implementation and administration of this Compact. The Rules
30 shall have the force and effect of law and shall be binding

1 in all Participating States;

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

6 9. Purchase and maintain insurance and bonds;

7 10. Borrow, accept, or contract for services of
8 personnel, including, but not limited to, employees of a
9 Participating State;

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

17 12. Accept any and all appropriate donations and grants
18 of money, equipment, supplies, materials and services, and
19 receive, utilize and dispose of the same; provided that at
20 all times the Commission shall avoid any appearance of
21 impropriety or conflict of interest;

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

26 14. Sell, convey, mortgage, pledge, lease, exchange,
27 abandon, or otherwise dispose of any property real, personal,
28 or mixed;

29 15. Establish a budget and make expenditures;

30 16. Borrow money;

1 17. Appoint committees, including standing committees
2 composed of members, State regulators, State legislators or
3 their representatives, and consumer representatives, and such
4 other interested persons as may be designated in this Compact
5 and the bylaws;

6 18. Provide and receive information from, and cooperate
7 with, law enforcement agencies;

8 19. Elect a Chair, Vice Chair, Secretary and Treasurer
9 and such other officers of the Commission as provided in the
10 Commission's bylaws.

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

14 21. Approve or disapprove a State's participation in the
15 Compact based upon its determination as to whether the
16 State's Compact legislation departs in a material manner from
17 the Model Compact language;

18 22. Prepare and provide to the Participating States an
19 annual report; and

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

24 D. Meetings of the Commission

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

30 2. Notwithstanding subsection D.1 of this section, the

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

6 3. The Commission may convene in a closed, non-public
7 meeting or non-public part of a public meeting to receive
8 legal advice or to discuss:

9 a. Non-compliance of a Participating State with its
10 obligations under this Compact;

11 b. The employment, compensation, discipline or other
12 matters, practices or procedures related to specific
13 employees or other matters related to the Commission's
14 internal personnel practices and procedures;

15 c. Current, threatened, or reasonably anticipated
16 litigation;

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

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

21 f. Disclosure of trade secrets or commercial or
22 financial information that is privileged or confidential;

23 g. Disclosure of information of a personal nature
24 where disclosure would constitute a clearly unwarranted
25 invasion of personal privacy;

26 h. Disclosure of investigative records compiled for
27 law enforcement purposes;

28 i. Disclosure of information related to any
29 investigative reports prepared by or on behalf of or for
30 use of the Commission or other committee charged with

responsibility of investigation or determination of
compliance issues pursuant to this Compact;

j. Legal advice; or

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

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

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

E. Financing of the Commission

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

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

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

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

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

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

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

25 5. The Commission shall keep accurate accounts of all
26 receipts and disbursements. The receipts and disbursements of
27 the Commission shall be subject to the financial review and
28 accounting procedures established under its bylaws. All
29 receipts and disbursements of funds handled by the Commission
30 shall be subject to an annual financial review by a certified

1 or licensed public accountant, and the report of the
2 financial review shall be included in and become part of the
3 annual report of the Commission.

4 F. The Executive Committee

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

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

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

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

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

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

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

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

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

23 a. Recommend to the Commission changes to the
24 Commission's Rules or bylaws, changes to this Compact
25 legislation, fees to be paid by Compact Participating
26 States such as annual dues, and any Commission Compact
27 fee charged to Licensees for the Compact Privilege;

28 b. Ensure Compact administration services are
29 appropriately provided, contractual or otherwise;

30 c. Prepare and recommend the budget;

1 d. Maintain financial records on behalf of the
2 Commission;

3 e. Monitor Compact compliance of Participating
4 States and provide compliance reports to the Commission;

5 f. Establish additional committees as necessary;

6 g. Exercise the powers and duties of the Commission
7 during the interim between Commission meetings, except
8 for issuing proposed rulemaking or adopting Commission
9 Rules or bylaws, or exercising any other powers and
10 duties exclusively reserved to the Commission by the
11 Commission's Rules; and

12 h. Perform other duties as provided in the
13 Commission's Rules or bylaws.

14 7. All meeting of the Executive Committee at which it
15 votes or plans to vote on matters in exercising the powers
16 and duties of the Commission shall be open to the public and
17 public notice of such meetings shall be given as public
18 meetings of the Commission are given.

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

26 G. Qualified Immunity, Defense, and Indemnification

27 1. The members, officers, executive director, employees
28 and representatives of the Commission shall be immune from
29 suit and liability, both personally and in their official
30 capacity, for any claim for damage to or loss of property or

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

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

27 3. The Commission shall indemnify and hold harmless any
28 member, officer, executive director, employee, and
29 representative of the Commission for the amount of any
30 settlement or judgment obtained against that person arising

1 out of any actual or alleged act, error, or omission that
2 occurred within the scope of Commission employment, duties,
3 or responsibilities, or that such person had a reasonable
4 basis for believing occurred within the scope of Commission
5 employment, duties, or responsibilities, provided that the
6 actual or alleged act, error, or omission did not result from
7 the intentional or willful or wanton misconduct of that
8 person.

9 4. Venue is proper and judicial proceedings by or
10 against the Commission shall be brought solely and
11 exclusively in a court of competent jurisdiction where the
12 principal office of the Commission is located. The Commission
13 may waive venue and jurisdictional defenses in any
14 proceedings as authorized by Commission Rules.

15 5. Nothing herein shall be construed as a limitation on
16 the liability of any Licensee for professional malpractice or
17 misconduct, which shall be governed solely by any other
18 applicable State laws.

19 6. Nothing herein shall be construed to designate the
20 venue or jurisdiction to bring actions for alleged acts of
21 malpractice, professional misconduct, negligence, or other
22 such civil action pertaining to the practice of a PA. All
23 such matters shall be determined exclusively by State law
24 other than this Compact.

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

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

4 Section 8. Data System

5 A. The Commission shall provide for the development,
6 maintenance, operation, and utilization of a coordinated data
7 and reporting system containing licensure, Adverse Action, and
8 the reporting of the existence of Significant Investigative
9 Information on all licensed PAs and applicants denied a License
10 in Participating States.

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

16 1. Identifying information;

17 2. Licensure data;

18 3. Adverse Actions against a License or Compact
19 Privilege;

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

23 5. The existence of Significant Investigative
24 Information; and

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

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

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

6 E. Participating States contributing information to the Data
7 System may, in accordance with State or federal law, designate
8 information that may not be shared with the public without the
9 express permission of the contributing State. Notwithstanding
10 any such designation, such information shall be reported to the
11 Commission through the Data System.

12 F. Any information submitted to the Data System that is
13 subsequently expunged pursuant to federal law or the laws of the
14 Participating State contributing the information shall be
15 removed from the Data System upon reporting of such by the
16 Participating State to the Commission.

17 G. The records and information provided to a Participating
18 State pursuant to this Compact or through the Data System, when
19 certified by the Commission or an agent thereof, shall
20 constitute the authenticated business records of the Commission,
21 and shall be entitled to any associated hearsay exception in any
22 relevant judicial, quasi-judicial or administrative proceedings
23 in a Participating State.

24 Section 9. Rulemaking

25 A. The Commission shall exercise its Rulemaking powers
26 pursuant to the criteria set forth in this Section and the Rules
27 adopted thereunder. Commission Rules shall become binding as of
28 the date specified by the Commission for each Rule.

29 B. The Commission shall promulgate reasonable Rules in order
30 to effectively and efficiently implement and administer this

1 Compact and achieve its purposes. A Commission Rule shall be
2 invalid and have not force or effect only if a court of
3 competent jurisdiction holds that the Rule is invalid because
4 the Commission exercised its rulemaking authority in a manner
5 that is beyond the scope of the purposes of this Compact, or the
6 powers granted hereunder, or based upon another applicable
7 standard of review.

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

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

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

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

28 1. On the website of the Commission or other publicly
29 accessible platform; and

30 2. To persons who have requested notice of the

Commission's notices of proposed rulemaking, and

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

G. The Notice of Proposed Rulemaking shall include:

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

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

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

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

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

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

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

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

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

5 4. Nothing in this section shall be construed as
6 requiring a separate hearing on each proposed Rule. Proposed
7 Rules may be grouped for the convenience of the Commission at
8 hearings required by this section.

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

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

15 1. If adopted, the Rule shall be posted on the
16 Commission's website.

17 2. The Commission may adopt changes to the proposed Rule
18 provided the changes do not enlarge the original purpose of
19 the proposed Rule.

20 3. The Commission shall provide on its website an
21 explanation of the reasons for substantive changes made to
22 the proposed Rule as well as reasons for substantive changes
23 not made that were recommended by commenters.

24 4. The Commission shall determine a reasonable effective
25 date for the Rule. Except for an emergency as provided in
26 subsection L, the effective date of the Rule shall be no
27 sooner than thirty (30) days after the Commission issued the
28 notice that it adopted the Rule.

29 L. Upon determination that an emergency exists, the
30 Commission may consider and adopt an emergency Rule with twenty-

1 four (24) hours prior notice, without the opportunity for
2 comment, or hearing, provided that the usual rulemaking
3 procedures provided in this Compact and in this section shall be
4 retroactively applied to the Rule as soon as reasonably
5 possible, in no event later than ninety (90) days after the
6 effective date of the Rule. For the purposes of this provision,
7 an emergency Rule is one that must be adopted immediately by the
8 Commission in order to:

9 1. Meet an imminent threat to public health, safety, or
10 welfare;

11 2. Prevent a loss of Commission or Participating State
12 funds;

13 3. Meet a deadline for the promulgation of a Commission
14 Rule that 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
17 Commission may direct revisions to a previously adopted
18 Commission Rule for purposes of correcting typographical errors,
19 errors in format, errors in consistency, or grammatical errors.
20 Public notice of any revisions shall be posted on the website of
21 the Commission. The revision shall be subject to challenge by
22 any person for a period of thirty (30) days after posting. The
23 revision may be challenged only on grounds that the revision
24 results in a material change to a Rule. A challenge shall be
25 made as set forth in the notice of revisions and delivered to
26 the Commission prior to the end of the notice period. If no
27 challenge is made, the revision will take effect without further
28 action. If the revision is challenged, the revision may not take
29 effect without the approval of the Commission.

30 N. No Participating State's rulemaking requirements shall

1 apply under this Compact.

2 Section 10. Oversight, Dispute Resolution, and Enforcement

3 A. Oversight

4 1. The executive and judicial branches of State
5 government in each Participating State shall enforce this
6 Compact and take all actions necessary and appropriate to
7 implement the Compact.

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

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

25 B. Default, Technical Assistance, and Termination

26 1. If the Commission determines that a Participating
27 State has defaulted in the performance of its obligations or
28 responsibilities under this Compact or the Commission Rules,
29 the Commission shall provide written notice to the defaulting
30 State and other Participating States. The notice shall

1 describe the default, the proposed means of curing the
2 default and any other action that the Commission may take and
3 shall offer remedial training and specific technical
4 assistance regarding the default.

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

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

20 4. A State that has been terminated is responsible for
21 all assessments, obligations, and liabilities incurred
22 through the effective date of termination, including
23 obligations that extend beyond the effective date of
24 termination.

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

29 6. The defaulting State may appeal its termination from
30 the Compact by the Commission by petitioning the U.S.

1 District Court for the District of Columbia or the federal
2 district where the Commission has its principal offices. The
3 prevailing member shall be awarded all costs of such
4 litigation, including reasonable attorney's fees.

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

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

12 b. Licensees who are licensed in that State who have
13 been granted a Compact Privilege in a Participating State
14 shall retain the Compact Privilege for one hundred eighty
15 (180) days unless the Licensee also has a Qualifying
16 License in a Participating State or obtains a Qualifying
17 License in a Participating State before the one hundred
18 eighty (180)-day period ends, in which case the Compact
19 Privilege shall continue.

20 C. Dispute Resolution

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

25 2. The Commission shall promulgate a Rule providing for
26 both mediation and binding dispute resolution for disputes as
27 appropriate.

28 D. Enforcement

29 1. The Commission, in the reasonable exercise of its
30 discretion, shall enforce the provisions of this Compact and

1 Rules of the Commission.

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

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

17 E. Legal Action Against the Commission

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

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

29 Section 11. Date of Implementation of the PA Licensure Compact
30 Commission

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

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

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

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

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

1 3. All actions taken for the benefit of the Commission
2 or in furtherance of the purposes of the administration of
3 the Compact prior to the effective date of the Compact or the
4 Commission coming into existence shall be considered to be
5 actions of the Commission unless specifically repudiated by
6 the Commission.

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

13 C. Any Participating State may withdraw from this Compact by
14 enacting a statute repealing the same.

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

27 2. Withdrawal shall not affect the continuing
28 requirement of the State Licensing Board(s) of the
29 withdrawing State to comply with the investigative, and
30 Adverse Action reporting requirements of this Compact prior

1 to the effective date of withdrawal.

2 3. Upon the enactment of a statute withdrawing a State
3 from this Compact, the State shall immediately provide notice
4 of such withdrawal to all Licensees within that State. Such
5 withdrawing State shall continue to recognize all licenses
6 granted pursuant to this Compact for a minimum of one hundred
7 eighty (180) days after the date of such notice of
8 withdrawal.

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

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

19 Section 12. Construction and Severability

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

26 B. The provisions of this Compact shall be severable and if
27 any phrase, clause, sentence or provision of this Compact is
28 held by a court of competent jurisdiction to be contrary to the
29 constitution of any Participating State, a State seeking
30 participation in the Compact, or of the United States, or the

1 applicability thereof to any government, agency, person or
2 circumstance is held to be unconstitutional by a court of
3 competent jurisdiction, the validity of the remainder of this
4 Compact and the applicability thereof to any other government,
5 agency, person or circumstance shall not be affected thereby.

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

18 Section 13. Binding Effect of Compact

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

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

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

26 Section 3. When and how compact becomes operative.

27 (a) Conditions.--When the Governor executes the PA Licensure
28 Compact on behalf of this State and files a verified copy
29 thereof with the Secretary of the Commonwealth and when the
30 compact comes into effect in accordance with section 11 of the

1 compact, the compact shall become operative and effective
2 between this State and the other participating states. The
3 Governor is authorized and directed to take any necessary action
4 to complete the exchange of official documents between this
5 State and any other participating state.

6 (b) Notice in Pennsylvania Bulletin.--The Secretary of the
7 Commonwealth shall transmit notice to the Legislative Reference
8 Bureau for publication in the next available issue of the
9 Pennsylvania Bulletin when the conditions specified in
10 subsection (a) are satisfied. The notice shall include the date
11 on which the compact became effective and operative between this
12 State and the other participating states in accordance with this
13 act.

14 Section 4. Compensation and expenses of compact commissioner.

15 A compact commissioner who represents this State, as provided
16 for in section 7 of the PA Licensure Compact, shall not be
17 entitled to any additional compensation for the duties and
18 responsibilities as compact commissioner but shall be entitled
19 to reimbursement for reasonable expenses actually incurred in
20 connection with the duties and responsibilities as compact
21 commissioner in the same manner as for expenses incurred in
22 connection with other duties and responsibilities of the
23 individual's office or employment.

24 Section 5. Effective date.

25 This act shall take effect in 60 days.