

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1051 Session of
2025

INTRODUCED BY BROOKS AND VOGEL, OCTOBER 15, 2025

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
OCTOBER 15, 2025

AN ACT

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

17 In order to strengthen access to Medical Services, and in
18 recognition of the advances in the delivery of Medical Services,
19 the Participating States of the PA Licensure Compact have allied

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

21 Section 2. Definitions

22 In this Compact:

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

30 B. "Compact Privilege" means the authorization granted by a

1 Remote State to allow a Licensee from another Participating
2 State to practice as a PA to provide Medical Services and other
3 licensed activity to a patient located in the Remote State under
4 the Remote State's laws and regulations.

5 C. "Conviction" means a finding by a court that an
6 individual is guilty of a felony or misdemeanor offense through
7 adjudication or entry of a plea of guilt or no contest to the
8 charge by the offender

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

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

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

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

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

28 I. "Jurisprudence Requirement" means the assessment of an
29 individual's knowledge of the laws and Rules governing the
30 practice of a PA in a State.

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

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

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

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

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

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

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

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

28 R. "Qualifying License" means an unrestricted License issued
29 by a Participating State to provide Medical Services as a PA.

30 S. "Remote State" means a Participating State where a

1 Licensee who is not licensed as a PA is exercising or seeking to
2 exercise the Compact Privilege.

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

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

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

13 Section 3. State Participation in this Compact

14 A. To participate in this Compact, a Participating State
15 shall:

16 1. License PAs.

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

18 3. Have a mechanism in place for receiving and investigating
19 complaints against Licensees and License applicants.

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

25 5. Fully implement a Criminal Background Check requirement,
26 within a time frame established by Commission Rule, by its
27 Licensing Board receiving the results of a Criminal Background
28 Check and reporting to the Commission whether the License
29 applicant has been granted a License.

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

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

3 8. Grant the Compact Privilege to a holder of a Qualifying
4 License in a Participating State.

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

7 Section 4. Compact Privilege

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

9 1. Have graduated from a PA program accredited by the
10 Accreditation Review Commission on Education for the Physician
11 Assistant, Inc. or other programs authorized by Commission Rule.

12 2. Hold current NCCPA certification.

13 3. Have no felony or misdemeanor Conviction.

14 4. Have never had a controlled substance license, permit, or
15 registration suspended or revoked by a State or by the United
16 States Drug Enforcement Administration.

17 5. Have a unique identifier as determined by Commission
18 Rule.

19 6. Hold a Qualifying License.

20 7. Have had no revocation of a License or limitation or
21 restriction on any License currently held due to an adverse
22 action.

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

28 9. If a Compact Privilege has been revoked or is limited or
29 restricted in a Participating State for conduct that would not
30 be a basis for disciplinary action in a Participating State in

1 which the Licensee is practicing or applying to practice under a
2 Compact Privilege, that Participating State shall have the
3 discretion not to consider such action as an Adverse Action
4 requiring the denial or removal of a Compact Privilege in that
5 State.

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

8 11. Meet any Jurisprudence Requirement of a Remote State in
9 which the Licensee is seeking to practice under the Compact
10 Privilege and pay any fees applicable to satisfying the
11 Jurisprudence Requirement.

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

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

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

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

28 C. Once a restricted or limited License satisfies the
29 requirements of Subsection B.1 and 2, the Licensee must meet the
30 requirements of Subsection A to obtain a Compact Privilege in

1 any Remote State.

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

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

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

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

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

25 Section 6. Adverse Actions

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

29 B. In addition to the other powers conferred by State law, a
30 Remote State shall have the authority, in accordance with

1 existing State due process law, to do all of the following:

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

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

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

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

29 C. For purposes of taking Adverse Action, the Participating
30 State which issued the Qualifying License shall give the same

1 priority and effect to reported conduct received from any other
2 Participating State as it would if the conduct had occurred
3 within the Participating State which issued the Qualifying
4 License. In so doing, that Participating State shall apply its
5 own State laws to determine appropriate action.

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

10 E. A Participating State may take Adverse Action based on
11 the factual findings of a Remote State, provided that the
12 Participating State follows its own procedures for taking the
13 Adverse Action.

14 F. Joint Investigations

15 1. In addition to the authority granted to a Participating
16 State by its respective State PA laws and regulations or other
17 applicable State law, any Participating State may participate
18 with other Participating States in joint investigations of
19 Licensees.

20 2. Participating States shall share any investigative,
21 litigation, or compliance materials in furtherance of any joint
22 or individual investigation initiated under this Compact.

23 G. If an Adverse Action is taken against a PA's Qualifying
24 License, the PA's Compact Privilege in all Remote States shall
25 be deactivated until two (2) years have elapsed after all
26 restrictions have been removed from the State License. All
27 disciplinary orders by the Participating State which issued the
28 Qualifying License that impose Adverse Action against a PA's
29 License shall include a Statement that the PA's Compact
30 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 is appointed.

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

5. Each delegate shall be entitled to one (1) vote on all matters voted on by the Commission and shall otherwise have an opportunity to participate in the business and affairs of the Commission. A delegate shall vote in person or by such other

1 means as provided in the bylaws. The bylaws may provide for
2 delegates' participation in meetings by telecommunications,
3 video conference, or other means of communication.

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

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

9 C. The Commission shall have the following powers and
10 duties:

11 1. Establish a code of ethics for the Commission;

12 2. Establish the fiscal year of the Commission;

13 3. Establish fees;

14 4. Establish bylaws;

15 5. Maintain its financial records in accordance with the
16 bylaws;

17 6. Meet and take such actions as are consistent with the
18 provisions of this Compact and the bylaws;

19 7. Promulgate Rules to facilitate and coordinate
20 implementation and administration of this Compact. The Rules
21 shall have the force and effect of law and shall be binding in
22 all Participating States;

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

27 9. Purchase and maintain insurance and bonds;

28 10. Borrow, accept, or contract for services of personnel,
29 including, but not limited to, employees of a Participating
30 State;

1 11. Hire employees and engage contractors, elect or appoint
2 officers, fix compensation, define duties, grant such
3 individuals appropriate authority to carry out the purposes of
4 this Compact, and establish the Commission's personnel policies
5 and programs relating to conflicts of interest, qualifications
6 of personnel, and other related personnel matters;

7 12. Accept any and all appropriate donations and grants of
8 money, equipment, supplies, materials and services, and receive,
9 utilize and dispose of the same; provided that at all times the
10 Commission shall avoid any appearance of impropriety or conflict
11 of interest;

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

16 14. Sell, convey, mortgage, pledge, lease, exchange,
17 abandon, or otherwise dispose of any property real, personal, or
18 mixed;

19 15. Establish a budget and make expenditures;

20 16. Borrow money;

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

26 18. Provide and receive information from, and cooperate
27 with, law enforcement agencies;

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

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

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

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

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

D. Meetings of the Commission

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

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

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

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

b. The employment, compensation, discipline or other matters, practices or procedures related to specific employees

1 or other matters related to the Commission's internal personnel
2 practices and procedures;

3 c. Current, threatened, or reasonably anticipated
4 litigation;

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

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

9 f. Disclosure of trade secrets or commercial or financial
10 information that is privileged or confidential;

11 g. Disclosure of information of a personal nature where
12 disclosure would constitute a clearly unwarranted invasion of
13 personal privacy;

14 h. Disclosure of investigative records compiled for law
15 enforcement purposes;

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

20 j. Legal advice; or

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

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

28 5. The Commission shall keep minutes that fully and clearly
29 describe all matters discussed in a meeting and shall provide a
30 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 the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved by the Commission each year for which revenue is not provided by other sources. The aggregate annual assessment amount levied on Participating States shall be allocated based upon a formula to be determined by Commission Rule.

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

b. If the Licensee terminates the Qualifying License through which the Licensee applied for the Compact Privilege before its scheduled expiration, and the Licensee has a Qualifying License in another Participating State, the Licensee shall inform the Commission that it is changing to that Participating State the

1 Participating State through which it applies for a Compact
2 Privilege and pay to the Commission any Compact Privilege fee
3 required by Commission Rule.

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

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

18 F. The Executive Committee

19 1. The Executive Committee shall have the power to act on
20 behalf of the

21 Commission according to the terms of this Compact and
22 Commission Rules.

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

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

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

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

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

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

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

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

8 a. Recommend to the Commission changes to the Commission's
9 Rules or bylaws, changes to this Compact legislation, fees to be
10 paid by Compact Participating States such as annual dues, and
11 any Commission Compact fee charged to Licensees for the Compact
12 Privilege;

13 b. Ensure Compact administration services are appropriately
14 provided, contractual or otherwise;

15 c. Prepare and recommend the budget;

16 d. Maintain financial records on behalf of the Commission;

17 e. Monitor Compact compliance of Participating States and
18 provide compliance reports to the Commission;

19 f. Establish additional committees as necessary;

20 g. Exercise the powers and duties of the Commission during
21 the interim between Commission meetings, except for issuing
22 proposed rulemaking or adopting Commission Rules or bylaws, or
23 exercising any other powers and duties exclusively reserved to
24 the Commission by the Commission's Rules; and

25 h. Perform other duties as provided in the Commission's
26 Rules or bylaws.

27 7. All meeting of the Executive Committee at which it votes
28 or plans to vote on matters in exercising the powers and duties
29 of the Commission shall be open to the public and public notice
30 of such meetings shall be given as public meetings of the

1 Commission are given.

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

8 G. Qualified Immunity, Defense, and Indemnification

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

24 2. The Commission shall defend any member, officer,
25 executive director, employee, and representative of the
26 Commission in any civil action seeking to impose liability
27 arising out of any actual or alleged act, error, or omission
28 that occurred within the scope of Commission employment, duties,
29 or responsibilities, or as determined by the commission that the
30 person against whom the claim is made had a reasonable basis for

believing occurred within the scope of Commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining their own counsel at their own expense; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

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

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

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

6. Nothing herein shall be construed to designate the venue or jurisdiction to bring actions for alleged acts of malpractice, professional misconduct, negligence, or other such

1 civil action pertaining to the practice of a PA. All such
2 matters shall be determined exclusively by State law other than
3 this Compact.

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

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

12 Section 8. Data System

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

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

- 24 1. Identifying information;
- 25 2. Licensure data;
- 26 3. Adverse Actions against a License or Compact Privilege;
- 27 4. Any denial of application for licensure, and the
28 reason(s) for such denial (excluding the reporting of any
29 Criminal history record information where prohibited by law);
- 30 5. The existence of Significant Investigative Information;

1 and

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

4 C. Significant Investigative Information pertaining to a
5 Licensee in any Participating State shall only be available to
6 other Participating States.

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

12 E. Participating States contributing information to the Data
13 System may, in accordance with State or federal law, designate
14 information that may not be shared with the public without the
15 express permission of the contributing State. Notwithstanding
16 any such designation, such information shall be reported to the
17 Commission through the Data System.

18 F. Any information submitted to the Data System that is
19 subsequently expunged pursuant to federal law or the laws of the
20 Participating State contributing the information shall be
21 removed from the Data System upon reporting of such by the
22 Participating State to the Commission.

23 G. The records and information provided to a Participating
24 State pursuant to this Compact or through the Data System, when
25 certified by the Commission or an agent thereof, shall
26 constitute the authenticated business records of the Commission,
27 and shall be entitled to any associated hearsay exception in any
28 relevant judicial, quasi-judicial or administrative proceedings
29 in a Participating State.

30 Section 9. Rulemaking

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

5 B. The Commission shall promulgate reasonable Rules in order
6 to effectively and efficiently implement and administer this
7 Compact and achieve its purposes. A Commission Rule shall be
8 invalid and have not force or effect only if a court of
9 competent jurisdiction holds that the Rule is invalid because
10 the Commission exercised its rulemaking authority in a manner
11 that is beyond the scope of the purposes of this Compact, or the
12 powers granted hereunder, or based upon another applicable
13 standard of review.

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

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

27 E. Commission Rules shall be adopted at a regular or special
28 meeting of the Commission.

29 F. Prior to promulgation and adoption of a final Rule or
30 Rules by the Commission, and at least thirty (30) days in

1 advance of the meeting at which the Rule will be considered and
2 voted upon, the Commission shall file a Notice of Proposed
3 Rulemaking:

4 1. On the website of the Commission or other publicly
5 accessible platform; and

6 2. To persons who have requested notice of the Commission's
7 notices of proposed rulemaking, and

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

10 G. The Notice of Proposed Rulemaking shall include:

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

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

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

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

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

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

29 1. All persons wishing to be heard at the hearing shall as
30 directed in the Notice of Proposed Rulemaking, not less than

1 five (5) business days before the scheduled date of the hearing,
2 notify the Commission of their desire to appear and testify at
3 the hearing.

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

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

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

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

17 K. The Commission shall, by majority vote of all delegates,
18 take final action on the proposed Rule and shall determine the
19 effective date of the Rule, if adopted, based on the Rulemaking
20 record and the full text of the Rule.

21 1. If adopted, the Rule shall be posted on the Commission's
22 website.

23 2. The Commission may adopt changes to the proposed Rule
24 provided the changes do not enlarge the original purpose of the
25 proposed Rule.

26 3. The Commission shall provide on its website an
27 explanation of the reasons for substantive changes made to the
28 proposed Rule as well as reasons for substantive changes not
29 made that were recommended by commenters.

30 4. The Commission shall determine a reasonable effective

1 date for the Rule. Except for an emergency as provided in
2 subsection L, the effective date of the Rule shall be no sooner
3 than thirty (30) days after the Commission issued the notice
4 that it adopted the Rule.

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

15 1. Meet an imminent threat to public health, safety, or
16 welfare;

17 2. Prevent a loss of Commission or Participating State
18 funds;

19 3. Meet a deadline for the promulgation of a Commission Rule
20 that is established by federal law or Rule; or

21 4. Protect public health and safety.

22 M. The Commission or an authorized committee of the
23 Commission may direct revisions to a previously adopted
24 Commission Rule for purposes of correcting typographical errors,
25 errors in format, errors in consistency, or grammatical errors.
26 Public notice of any revisions shall be posted on the website of
27 the Commission. The revision shall be subject to challenge by
28 any person for a period of thirty (30) days after posting. The
29 revision may be challenged only on grounds that the revision
30 results in a material change to a Rule. A challenge shall be

1 made as set forth in the notice of revisions and delivered to
2 the Commission prior to the end of the notice period. If no
3 challenge is made, the revision will take effect without further
4 action. If the revision is challenged, the revision may not take
5 effect without the approval of the Commission.

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

8 Section 10. Oversight, Dispute Resolution, and Enforcement

9 A. Oversight

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

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

19 Nothing herein shall affect or limit the selection or propriety
20 of venue in any action against a licensee for professional
21 malpractice, misconduct or any such similar matter.

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

29 B. Default, Technical Assistance, and Termination

30 1. If the Commission determines that a Participating State

1 has defaulted in the performance of its obligations or
2 responsibilities under this Compact or the Commission Rules, the
3 Commission shall provide written notice to the defaulting State
4 and other Participating States. The notice shall describe the
5 default, the proposed means of curing the default and any other
6 action that the Commission may take and shall offer remedial
7 training and specific technical assistance regarding the
8 default.

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

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

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

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

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

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

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

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

21 C. Dispute Resolution

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

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

29 D. Enforcement

30 1. The Commission, in the reasonable exercise of its

discretion, shall enforce the provisions of this Compact and Rules of the Commission.

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

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

E. Legal Action Against the Commission

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

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

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

A. This Compact shall come into effect on the date on which

1 this Compact statute is enacted into law in the seventh
2 Participating State.

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

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

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

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

26 3. All actions taken for the benefit of the Commission or in
27 furtherance of the purposes of the administration of the Compact
28 prior to the effective date of the Compact or the Commission
29 coming into existence shall be considered to be actions of the
30 Commission unless specifically repudiated by the Commission.

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

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

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

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

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

1 after the date of such notice of withdrawal.

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

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

12 Section 12. Construction and Severability

13 A. This Compact and the Commission's rulemaking authority
14 shall be liberally construed so as to effectuate the purposes,
15 and the implementation and administration of the Compact.
16 Provisions of the Compact expressly authorizing or requiring the
17 promulgation of Rules shall not be construed to limit the
18 Commission's rulemaking authority solely for those purposes.

19 B. The provisions of this Compact shall be severable and if
20 any phrase, clause, sentence or provision of this Compact is
21 held by a court of competent jurisdiction to be contrary to the
22 constitution of any Participating State, a State seeking
23 participation in the Compact, or of the United States, or the
24 applicability thereof to any government, agency, person or
25 circumstance is held to be unconstitutional by a court of
26 competent jurisdiction, the validity of the remainder of this
27 Compact and the applicability thereof to any other government,
28 agency, person or circumstance shall not be affected thereby.

29 C. Notwithstanding subsection B or this section, the
30 Commission may deny a State's participation in the Compact or,

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

11 Section 13. Binding Effect of Compact

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

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

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

19 Section 3. When and how compact becomes operative.

20 (a) General rule.--When the Governor executes the Interstate
21 Compact on behalf of this State and files a verified copy
22 thereof with the Secretary of the Commonwealth and when the
23 compact is ratified by one or more other states, the compact
24 shall become operative and effective between this State and such
25 other state or states. The Governor is hereby authorized and
26 directed to take such action as may be necessary to complete the
27 exchange of official documents between this State and any other
28 state ratifying the compact.

29 (b) Notice in Pennsylvania Bulletin.--The Secretary of the
30 Commonwealth shall transmit notice to the Legislative Reference

1 Bureau for publication in the next available issue of the
2 Pennsylvania Bulletin when the conditions set forth in
3 subsection (a) are satisfied and shall include in the notice the
4 date on which the compact became effective and operative between
5 this State and any other state or states in accordance with this
6 act.

7 Section 4. Compensation and expenses of compact administrator.

8 The compact administrator who represents this State, as
9 provided for in the Interstate Compact, shall not be entitled to
10 any additional compensation for his duties and responsibilities
11 as compact administrator but shall be entitled to reimbursement
12 for reasonable expenses actually incurred in connection with his
13 duties and responsibilities as compact administrator in the same
14 manner as for expenses incurred in connection with other duties
15 and responsibilities of his office or employment.

16 Section 5. Effective date.

17 This act shall take effect in 60 days.