

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1961 Session of
2025

INTRODUCED BY MERSKI, BURNS, HILL-EVANS, HARKINS, KENYATTA, FRANKEL, HOHENSTEIN, SANCHEZ, SHUSTERMAR, CURRY, CEPEDA-FREYTIZ, SAMUELSON, RIVERA, K. HARRIS, SCOTT, KHAN AND BOROWSKI, OCTOBER 17, 2025

SENATOR STEFANO, CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, IN SENATE, AS AMENDED, FEBRUARY 4, 2026

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

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

24 Section 2. Definitions

25 In this Compact:

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

1 monitoring of the Licensee, or restriction on the Licensee's
2 practice.

3 B. "Compact Privilege" means the authorization granted by a
4 Remote State to allow a Licensee from another Participating
5 State to practice as a PA to provide Medical Services and other
6 licensed activity to a patient located in the Remote State under
7 the Remote State's laws and regulations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 Section 3. State Participation in this Compact

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

19 1. License PAs.

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

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

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

29 5. Fully implement a Criminal Background Check
30 requirement, within a time frame established by Commission

1 Rule, by its Licensing Board receiving the results of a
2 Criminal Background Check and reporting to the Commission
3 whether the License applicant has been granted a License.

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

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

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

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

11 Section 4. Compact Privilege

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

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

17 2. Hold current NCCPA certification.

18 3. Have no felony or misdemeanor Conviction.

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

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

24 6. Hold a Qualifying License.

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

28 8. If a Licensee has had a limitation or restriction on
29 a License or Compact Privilege due to an Adverse Action, two
30 years must have elapsed from the date on which the License or

1 Compact Privilege is no longer limited or restricted due to
2 the Adverse Action.

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

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

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

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

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

- 29 1. The License is no longer limited or restricted; and
30 2. Two (2) years have elapsed from the date on which the

1 License is no longer limited or restricted due to the Adverse
2 Action.

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

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

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

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

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

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

1 Section 6. Adverse Actions

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

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

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

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

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

1 4. Nothing in this Compact authorizes a Participating
2 State to impose discipline against a PA's Compact Privilege
3 or to deny an application for a Compact Privilege in that
4 Participating State for the individual's otherwise lawful
5 practice in another State.

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

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

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

21 F. Joint Investigations

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

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

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

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

12 Section 7. Establishment of the PA Licensure Compact Commission

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

20 B. Membership, Voting, and Meetings

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

26 2. The delegate shall be either:

27 a. A current PA, physician or public member of a
28 Licensing Board or PA Council/Committee; or
29 b. An administrator of a Licensing Board.

30 3. Any delegate may be removed or suspended from office

1 as provided by the laws of the State from which the delegate
2 is appointed.

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

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

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

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

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

21 1. Establish a code of ethics for the Commission;
22 2. Establish the fiscal year of the Commission;
23 3. Establish fees;
24 4. Establish bylaws;
25 5. Maintain its financial records in accordance with the
26 bylaws;

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

29 7. Promulgate Rules to facilitate and coordinate
30 implementation and administration of this Compact. The Rules

1 shall have the force and effect of law and shall be binding
2 in all Participating States;

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

7 9. Purchase and maintain insurance and bonds;

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

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

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

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

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

30 15. Establish a budget and make expenditures;

1 16. Borrow money;

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

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

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

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

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

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

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

25 D. Meetings of the Commission

26 1. All meetings of the Commission that are not closed
27 pursuant to this subsection shall be open to the public.

28 Notice of public meetings shall be posted on the Commission's
29 website at least thirty (30) days prior to the public
30 meeting.

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

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

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

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

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

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

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

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

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

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

29 i. Disclosure of information related to any
30 investigative reports prepared by or on behalf of or for

1 use of the Commission or other committee charged with
2 responsibility of investigation or determination of
3 compliance issues pursuant to this Compact;

4 j. Legal advice; or

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

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

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

21 E. Financing of the Commission

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

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

28 3. The Commission may levy on and collect an annual
29 assessment from each Participating State and may impose
30 Compact Privilege fees on Licensees of Participating States

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

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

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

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

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

1 shall be subject to an annual financial review by a certified
2 or licensed public accountant, and the report of the
3 financial review shall be included in and become part of the
4 annual report of the Commission.

5 F. The Executive Committee

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

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

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

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

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

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

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

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

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

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

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

- 1 c. Prepare and recommend the budget;
- 2 d. Maintain financial records on behalf of the
- 3 Commission;
- 4 e. Monitor Compact compliance of Participating
- 5 States and provide compliance reports to the Commission;
- 6 f. Establish additional committees as necessary;
- 7 g. Exercise the powers and duties of the Commission
- 8 during the interim between Commission meetings, except
- 9 for issuing proposed rulemaking or adopting Commission
- 10 Rules or bylaws, or exercising any other powers and
- 11 duties exclusively reserved to the Commission by the
- 12 Commission's Rules; and
- 13 h. Perform other duties as provided in the
- 14 Commission's Rules or bylaws.

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

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

27 G. Qualified Immunity, Defense, and Indemnification

28 1. The members, officers, executive director, employees
29 and representatives of the Commission shall be immune from
30 suit and liability, both personally and in their official

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

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

28 3. The Commission shall indemnify and hold harmless any
29 member, officer, executive director, employee, and
30 representative of the Commission for the amount of any

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

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

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

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

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

1 regulation.

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

5 Section 8. Data System

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

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

17 1. Identifying information;

18 2. Licensure data;

19 3. Adverse Actions against a License or Compact

20 Privilege;

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

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

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

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

1 other Participating States.

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

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

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

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

25 Section 9. Rulemaking

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

30 B. The Commission shall promulgate reasonable Rules in order

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

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

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

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

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

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

1 2. To persons who have requested notice of the
2 Commission's notices of proposed rulemaking, and
3 3. In such other way(s) as the Commission may by Rule
4 specify.

5 G. The Notice of Proposed Rulemaking shall include:

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

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

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

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

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

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

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

29 2. Hearings shall be conducted in a manner providing
30 each person who wishes to comment a fair and reasonable

1 opportunity to comment orally or in writing.

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

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

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

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

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

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

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

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

30 L. Upon determination that an emergency exists, the

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

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

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

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

16 4. Protect public health and safety.

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

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

3 Section 10. Oversight, Dispute Resolution, and Enforcement

4 A. Oversight

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

9 2. 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 to the extent it
14 adopts or consents to participate in alternative dispute
15 resolution proceedings. Nothing herein shall affect or limit
16 the selection or propriety of venue in any action against a
17 licensee for professional malpractice, misconduct or any such
18 similar matter.

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

26 B. Default, Technical Assistance, and Termination

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

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

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

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

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

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

30 6. The defaulting State may appeal its termination from

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

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

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

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

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

29 D. Enforcement

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

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

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

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

18 E. Legal Action Against the Commission

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

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

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

Commission

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

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

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

15 b. If any Participating State later withdraws from
16 the Compact or its participation is terminated, the
17 Commission shall remain in existence and the Compact
18 shall remain in effect even if the number of
19 Participating States should be less than seven.

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

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

1 in the Compact.

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

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

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

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

28 2. Withdrawal shall not affect the continuing
29 requirement of the State Licensing Board(s) of the
30 withdrawing State to comply with the investigative, and

1 Adverse Action reporting requirements of this Compact prior
2 to the effective date of withdrawal.

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

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

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

20 Section 12. Construction and Severability

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

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

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

7 C. Notwithstanding subsection B or this section, the
8 Commission may deny a State's participation in the Compact or,
9 in accordance with the requirements of Section10.B, terminate a
10 Participating State's participation in the Compact, if it
11 determines that a constitutional requirement of a Participating
12 State is, or would be with respect to a State seeking to
13 participate in the Compact, a material departure from the
14 Compact. Otherwise, if this Compact shall be held to be contrary
15 to the constitution of any Participating State, the Compact
16 shall remain in full force and effect as to the remaining
17 Participating States and in full force and effect as to the
18 Participating State affected as to all severable matters.

19 Section 13. Binding Effect of Compact

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

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

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

27 Section 3. When and how compact becomes operative.

28 (a) Conditions.--When the Governor executes the PA Licensure
29 Compact on behalf of this State and files a verified copy
30 thereof with the Secretary of the Commonwealth and when the

1 compact comes into effect in accordance with section 11 of the
2 compact, the compact shall become operative and effective
3 between this State and the other participating states. The
4 Governor is authorized and directed to take any necessary action
5 to complete the exchange of official documents between this
6 State and any other participating state.

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

15 (C) IMPLEMENTATION.--THE STATE BOARD OF MEDICINE AND THE
16 STATE BOARD OF OSTEOPATHIC MEDICINE SHALL HAVE THE FOLLOWING
17 DUTIES:

18 (1) PROMULGATE TEMPORARY REGULATIONS NECESSARY TO
19 IMPLEMENT THIS ACT UNDER 63 P.A.C.S. § 3120 (RELATING TO
20 TEMPORARY RULEMAKING AUTHORITY) WITHIN ONE YEAR OF THE
21 EFFECTIVE DATE OF THIS PARAGRAPH.

22 (2) ACCEPT COMPACT PRIVILEGE APPLICATIONS AND ISSUE
23 COMPACT PRIVILEGES UNDER THIS ACT WITHIN ONE YEAR OF THE
24 EFFECTIVE DATE OF THIS PARAGRAPH.

25 Section 4. Compensation and expenses of compact commissioner.

26 A compact commissioner who represents this State, as provided
27 for in section 7 of the PA Licensure Compact, shall not be
28 entitled to any additional compensation for the duties and
29 responsibilities as compact commissioner but shall be entitled
30 to reimbursement for reasonable expenses actually incurred in

1 connection with the duties and responsibilities as compact
2 commissioner in the same manner as for expenses incurred in
3 connection with other duties and responsibilities of the
4 individual's office or employment.

5 Section 5. Effective date.

6 This act shall take effect ~~in one year~~ IMMEDIATELY. <--