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Gunther  
3/24/26

**SENATE CS FOR HOUSE BILL NO. 110(L&C)**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**THIRTY-FOURTH LEGISLATURE - SECOND SESSION**

**BY THE SENATE LABOR AND COMMERCE COMMITTEE**

**Offered:**  
**Referred:**

**Sponsor(s): REPRESENTATIVES GRAY, Story, Galvin, Prax, Josephson**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the interstate medical licensure compact; relating to the PA**  
2 **licensure compact; relating to occupational therapists and occupational therapy**  
3 **assistants; relating to the practice of physical therapy; relating to the practice of**  
4 **occupational therapy; relating to the psychology interjurisdictional compact; relating to**  
5 **the practice of respiratory care; relating to the duties of the Department of Commerce,**  
6 **Community, and Economic Development; relating to telehealth provided by respiratory**  
7 **care practitioners; relating to a social work licensure compact; relating to the practice of**  
8 **social work; relating to medical malpractice liability of respiratory care practitioners;**  
9 **relating to immunity from civil liability for a respiratory care practitioner providing**  
10 **free health care services; relating to respiratory care practitioners providing**  
11 **documentation and treatment plans for public school students with asthma or**  
12 **anaphylaxis; relating to the recognition of EMS personnel licensure interstate compact;**

1 **prohibiting unfair discrimination under group health insurance against respiratory care**  
2 **practitioners; and providing for an effective date."**

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

4 \* **Section 1.** AS 08.01.010 is amended by adding a new paragraph to read:

5 (42) regulation of respiratory care practitioners under AS 08.90.

6 \* **Sec. 2.** AS 08.02.110(a) is amended to read:

7 (a) An acupuncturist licensed under AS 08.06, an audiologist or speech-  
8 language pathologist licensed under AS 08.11, a behavior analyst licensed under  
9 AS 08.15, a person licensed in the state as a chiropractor under AS 08.20, a  
10 professional or associate counselor licensed under AS 08.29, a dentist under AS 08.36,  
11 a dietitian or nutritionist licensed under AS 08.38, a massage therapist licensed under  
12 AS 08.61, a marital and family therapist licensed under AS 08.63, a medical  
13 practitioner or osteopath under AS 08.64, a direct-entry midwife certified under  
14 AS 08.65, a registered or advanced practice registered nurse under AS 08.68, an  
15 optometrist under AS 08.72, a licensed pharmacist under AS 08.80, a physical  
16 therapist or occupational therapist licensed under AS 08.84, a psychologist under  
17 AS 08.86, **a respiratory care practitioner licensed under AS 08.90**, or a clinical  
18 social worker licensed under AS 08.95, shall use as professional identification  
19 appropriate letters or a title after that person's name that represents the person's  
20 specific field of practice. The letters or title shall appear on all signs, stationery, or  
21 other advertising in which the person offers or displays personal professional services  
22 to the public. In addition, a person engaged in the practice of medicine or osteopathy  
23 as defined in AS 08.64.380, or a person engaged in any manner in the healing arts who  
24 diagnoses, treats, tests, or counsels other persons in relation to human health or disease  
25 and uses the letters "M.D." or the title "doctor" or "physician" or another title that  
26 tends to show that the person is willing or qualified to diagnose, treat, test, or counsel  
27 another person, shall clarify the letters or title by adding the appropriate specialist  
28 designation, if any, such as "dermatologist," "radiologist," "audiologist," "naturopath,"  
29 or the like.

30 \* **Sec. 3.** AS 08.02.130(j)(1) is amended to read:

1 (1) "health care provider" means

2 (A) an audiologist or speech-language pathologist licensed  
3 under AS 08.11; a behavior analyst licensed under AS 08.15; a chiropractor  
4 licensed under AS 08.20; a professional or associate counselor licensed under  
5 AS 08.29; a dental hygienist licensed under AS 08.32; a dentist licensed under  
6 AS 08.36; a dietitian or nutritionist licensed under AS 08.38; a naturopath  
7 licensed under AS 08.45; a marital and family therapist licensed under  
8 AS 08.63; a physician licensed under AS 08.64; a podiatrist, osteopath, or  
9 physician assistant licensed under AS 08.64; a direct-entry midwife certified  
10 under AS 08.65; a nurse licensed under AS 08.68; a dispensing optician  
11 licensed under AS 08.71; an optometrist licensed under AS 08.72; a pharmacist  
12 licensed under AS 08.80; a physical therapist or occupational therapist licensed  
13 under AS 08.84; a psychologist or psychological associate licensed under  
14 AS 08.86; **a respiratory care practitioner licensed under AS 08.90 and**  
15 **authorized under AS 08.90.060(a)(4)(H);** or a social worker licensed under  
16 AS 08.95;

17 (B) a physician licensed in another state; or

18 (C) a member of a multidisciplinary care team who is licensed  
19 in another state;

20 \* **Sec. 4.** AS 08.64.101(a) is amended to read:

21 (a) The board shall

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

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

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

29 (4) adopt regulations ensuring that renewal of licenses is contingent on  
30 proof of continued competency on the part of the licensee;

31 (5) under regulations adopted by the board, contract with private

1 professional organizations to establish an impaired medical professionals program to  
2 identify, confront, evaluate, and treat persons licensed under this chapter who abuse  
3 alcohol, other drugs, or other substances or are mentally ill or cognitively impaired;

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

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

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

15 \* **Sec. 5.** AS 08.64.190 is amended by adding a new subsection to read:

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

24 \* **Sec. 6.** AS 08.64 is amended by adding new sections to read:

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

29 SECTION 1. PURPOSE.

30 In order to strengthen access to health care, and in recognition of the advances  
31 in the delivery of health care, the member states of the Interstate Medical Licensure

1 Compact have allied in common purpose to develop a comprehensive process that  
2 complements the existing licensing and regulatory authority of state medical boards,  
3 provides a streamlined process that allows physicians to become licensed in multiple  
4 states, thereby enhancing the portability of a medical license and ensuring the safety of  
5 patients. The Compact creates another pathway for licensure and does not otherwise  
6 change a state's existing Medical Practice Act. The Compact also adopts the prevailing  
7 standard for licensure and affirms that the practice of medicine occurs where the  
8 patient is located at the time of the physician-patient encounter, and therefore, requires  
9 the physician to be under the jurisdiction of the state medical board where the patient  
10 is located. State medical boards that participate in the Compact retain the jurisdiction  
11 to impose an adverse action against a license to practice medicine in that state issued  
12 to a physician through the procedures in the Compact.

## 13 SECTION 2. DEFINITIONS.

14 In this compact,

15 (a) "Bylaws" means those bylaws established by the Interstate Commission  
16 pursuant to Section 11.

17 (b) "Commissioner" means the voting representative appointed by each  
18 member board pursuant to Section 11.

19 (c) "Conviction" means a finding by a court that an individual is guilty of a  
20 criminal offense through adjudication, or entry of a plea of guilt or no contest to the  
21 charge by the offender. Evidence of an entry of a conviction of a criminal offense by  
22 the court shall be considered final for purposes of disciplinary action by a member  
23 board.

24 (d) "Expedited License" means a full and unrestricted medical license granted  
25 by a member state to an eligible physician through the process set forth in the  
26 Compact.

27 (e) "Interstate Commission" means the interstate commission created pursuant  
28 to Section 11.

29 (f) "License" means authorization by a member state for a physician to engage  
30 in the practice of medicine, which would be unlawful without authorization.

31 (g) "Medical Practice Act" means laws and regulations governing the practice

1 of allopathic and osteopathic medicine within a member state.

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

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

6 (j) "Physician" means any person who

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### 18 SECTION 3. ELIGIBILITY.

19 (a) A physician must meet the eligibility requirements as defined in Section  
20 2(j) to receive an expedited license under the terms and provisions of the Compact.

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

### 25 SECTION 4. DESIGNATION OF STATE OF PRINCIPAL LICENSE.

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

30 (1) The state of principal residence for the physician;

31 (2) The state where at least 25 percent of the practice of medicine

occurs;

(3) The location of the physician's employer; or

(4) If no state qualifies under subsection (1), subsection (2), or subsection (3), the state designated as state of residence for purpose of federal income tax.

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

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

SECTION 5. APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE.

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

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

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

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

(3) Appeal on the determination of eligibility shall be made to the member state where the application was filed and shall be subject to the law of that state.

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

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

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

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

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

#### 19 SECTION 6. FEES FOR EXPEDITED LICENSURE.

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

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

#### 25 SECTION 7. RENEWAL AND CONTINUED PARTICIPATION.

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

28 (1) Maintains a full and unrestricted license in a state of principal  
29 license;

30 (2) Has not been convicted, received adjudication, deferred  
31 adjudication, community supervision, or deferred disposition for any offense by a

1 court of appropriate jurisdiction;

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

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

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

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

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

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

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

#### 18 SECTION 8. COORDINATED INFORMATION SYSTEM.

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

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

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

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

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

30 (f) All information provided to the Interstate Commission or distributed by  
31 member boards shall be confidential, filed under seal, and used only for investigatory

1 or disciplinary matters.

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

#### 4 SECTION 9. JOINT INVESTIGATIONS.

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

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

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

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

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

#### 18 SECTION 10. DISCIPLINARY ACTIONS.

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

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

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

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

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

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

#### 17 SECTION 11. INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION.

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

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

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

27 (d) The Interstate Commission shall consist of two voting representatives  
28 appointed by each member state who shall serve as Commissioners. In states where  
29 allopathic and osteopathic physicians are regulated by separate member boards, or if  
30 the licensing and disciplinary authority is split between separate member boards, or if  
31 the licensing and disciplinary authority is split between multiple member boards

1 within a member state, the member state shall appoint one representative from each  
2 member board. A Commissioner shall be

3 (1) An allopathic or osteopathic physician appointed to a member  
4 board;

5 (2) An executive director, executive secretary, or similar executive of a  
6 member board; or

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

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

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

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

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

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

28 (2) Discuss matters specifically exempted from disclosure by federal  
29 statute;

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

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

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

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

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

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

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

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

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

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

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

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

29 (c) Issue, upon the request of a member state or member board, advisory  
30 opinions concerning the meaning or interpretation of the Compact, its bylaws, rules,  
31 and actions;

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

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

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

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

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

11 (i) Purchase and maintain insurance and bonds;

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

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

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

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

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

24 (o) Establish a budget and make expenditures;

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

27 (q) Report annually to the legislatures and governors of the member states  
28 concerning the activities of the Interstate Commission during the preceding year. Such  
29 reports shall also include reports of financial audits and any recommendations that  
30 may have been adopted by the Interstate Commission;

31 (r) Coordinate education, training, and public awareness regarding the

1 Compact, its implementation, and its operation;

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

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

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

#### 6 SECTION 13. FINANCE POWERS.

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

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

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

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

#### 21 SECTION 14. ORGANIZATION AND OPERATION OF THE INTERSTATE 22 COMMISSION.

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

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

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

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

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

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

30 (g) To the extent not covered by the state involved, member state, or the  
31 Interstate Commission, the representatives or employees of the Interstate Commission

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

8 SECTION 15. RULEMAKING FUNCTIONS OF THE INTERSTATE  
9 COMMISSION.

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

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

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

29 SECTION 16. OVERSIGHT OF INTERSTATE COMPACT.

30 (a) The executive, legislative, and judicial branches of state government in  
31 each member state shall enforce the Compact and shall take all actions necessary and

1 appropriate to effectuate the Compact's purposes and intent. The provisions of the  
2 Compact and the rules promulgated hereunder shall have standing as statutory law but  
3 shall not override existing state authority to regulate the practice of medicine.

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

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

#### 13 SECTION 17. ENFORCEMENT OF INTERSTATE COMPACT.

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

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

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

#### 27 SECTION 18. DEFAULT PROCEDURES.

28 (a) The grounds for default include, but are not limited to, failure of a member  
29 state to perform such obligations or responsibilities imposed upon it by the Compact,  
30 or the rules and bylaws of the Interstate Commission promulgated under the Compact.

31 (b) If the Interstate Commission determines that a member state has defaulted

1 in the performance of its obligations or responsibilities under the Compact, or the  
2 bylaws or promulgated rules, the Interstate Commission shall

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

7 (2) provide remedial training and specific technical assistance  
8 regarding the default.

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

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

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

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

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

30 (h) The defaulting state may appeal the action of the Interstate Commission by  
31 petitioning the United States District Court for the District of Columbia or the federal

1 district where the Interstate Commission has its principal offices. The prevailing party  
2 shall be awarded all costs of such litigation including reasonable attorney's fees.

3 SECTION 19. DISPUTE RESOLUTION.

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

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

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

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

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

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

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

22 SECTION 21. WITHDRAWAL.

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

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

30 (c) The withdrawing state shall immediately notify the chairperson of the  
31 Interstate Commission in writing upon the introduction of legislation repealing the

1 Compact in the withdrawing state.

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

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

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

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

#### 15 SECTION 22. DISSOLUTION.

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

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

#### 23 SECTION 23. SEVERABILITY AND CONSTRUCTION.

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

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

29 (c) Nothing in the Compact shall be construed to prohibit the applicability of  
30 other interstate compacts to which the member states are members.

#### 31 SECTION 24. BINDING EFFECT OF COMPACT AND OTHER LAWS.

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

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

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

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

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

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

16 SECTION 1. PURPOSE.

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

1 allowing active duty military personnel and their spouses to obtain a Compact  
2 Privilege based on having an unrestricted License in good standing from a  
3 Participating State.

#### 4 SECTION 2. DEFINITIONS.

5 In this Compact:

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

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

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

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

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

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

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

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

31 (I) "Jurisprudence Requirement" means the assessment of an individual's

1 knowledge of the laws and Rules governing the practice of a PA in a State.

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

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

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

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

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

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

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

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

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

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

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

30 (U) "Significant Investigative Information" means Investigative Information  
31 that a Licensing Board, after an inquiry or investigation that includes notification and

1 an opportunity for the PA to respond if required by State law, has reason to believe is  
2 not groundless and, if proven true, would indicate more than a minor infraction.

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

### 5 SECTION 3. STATE PARTICIPATION IN THIS COMPACT.

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

7 (1) License PAs.

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

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

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

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

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

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

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

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

### 26 SECTION 4. COMPACT PRIVILEGE.

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

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

31 (2) Hold current NCCPA certification.

1 (3) Have no felony or misdemeanor Conviction.

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

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

6 (6) Hold a Qualifying License.

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

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

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

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

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

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

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

1 following occur:

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

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

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

8 (D) For each Remote State in which a PA seeks authority to prescribe  
9 controlled substances, the PA shall satisfy all requirements imposed by such State in  
10 granting or renewing such 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, the Licensee shall  
14 identify to the Commission the Participating State from which the Licensee is  
15 applying, in accordance with applicable Rules adopted by the Commission, and  
16 subject to the following requirements:

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

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

26 SECTION 6. ADVERSE ACTIONS.

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

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

1 the following:

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

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

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

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

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

28 (D) A Participating State, if otherwise permitted by State law, may recover  
29 from the affected PA the costs of investigations and disposition of cases resulting from  
30 any Adverse Action taken against that PA.

31 (E) A Participating State may take Adverse Action based on the factual

1 findings of a Remote State, provided that the Participating State follows its own  
2 procedures for taking the Adverse Action.

3 (F) Joint Investigations.

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

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

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

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

20 SECTION 7. ESTABLISHMENT OF THE PA LICENSURE COMPACT  
21 COMMISSION.

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

27 (B) Membership, Voting, and Meetings.

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

1 (2) The delegate shall be either:

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

4 (b) An administrator of a Licensing Board.

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

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

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

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

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

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

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

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

22 (3) Establish fees;

23 (4) Establish bylaws;

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

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

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

30 (8) Bring and prosecute legal proceedings or actions in the name of the  
31 Commission, provided that the standing of any State Licensing Board to sue or be

1 sued under applicable law shall not be affected;

2 (9) Purchase and maintain insurance and bonds;

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

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

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

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

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

19 (15) Establish a budget and make expenditures;

20 (16) Borrow money;

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

25 (18) Provide and receive information from, and cooperate with, law  
26 enforcement agencies;

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

29 (20) Reserve for itself, in addition to those reserved exclusively to the  
30 Commission under the Compact, powers that the Executive Committee may not  
31 exercise;

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

4 (22) Prepare and provide to the Participating States an annual report;  
5 and

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

9 (D) Meetings of the Commission.

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

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

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

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

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

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

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

28 (e) Accusing any person of a crime or formally censuring any  
29 person;

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

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

3 (h) Disclosure of investigative records compiled for law  
4 enforcement purposes;

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

9 (j) Legal advice; or

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

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

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

22 (E) Financing of the Commission.

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

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

27 (3) The Commission may levy on and collect an annual assessment  
28 from each Participating State and may impose Compact Privilege fees on Licensees of  
29 Participating States to whom a Compact Privilege is granted to cover the cost of the  
30 operations and activities of the Commission and its staff, which must be in a total  
31 amount sufficient to cover its annual budget as approved by the Commission each year

1 for which revenue is not provided by other sources. The aggregate annual assessment  
2 amount levied on Participating States shall be allocated based upon a formula to be  
3 determined by Commission Rule.

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

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

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

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

25 (F) The Executive Committee.

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

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

29 (a) Seven voting members who are elected by the Commission  
30 from the current membership of the Commission;

31 (b) One ex-officio, nonvoting member from a recognized

1 national PA professional association; and

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

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

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

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

9 (6) The Executive Committee shall have the following duties and  
10 responsibilities:

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

15 (b) Ensure Compact administration services are appropriately  
16 provided, contractual or otherwise;

17 (c) Prepare and recommend the budget;

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

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

21 (f) Establish additional committees as necessary;

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

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

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

1 meetings of the Commission are given.

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

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

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

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

30 (3) The Commission shall indemnify and hold harmless any member,  
31 officer, executive director, employee, and representative of the Commission for the

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

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

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

15 (6) Nothing herein shall be construed to designate the venue or  
16 jurisdiction to bring actions for alleged acts of malpractice, professional misconduct,  
17 negligence, or other such civil action pertaining to the practice of a PA. All such  
18 matters shall be determined exclusively by State law other than this Compact.

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

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

#### 25 SECTION 8. DATA SYSTEM.

26 (A) The Commission shall provide for the development, maintenance,  
27 operation, and utilization of a coordinated data and reporting system containing  
28 licensure, Adverse Action, and the reporting of the existence of Significant  
29 Investigative Information on all licensed PAs and applicants denied a License in  
30 Participating States.

31 (B) Notwithstanding any other State law to the contrary, a Participating State

1 shall submit a uniform data set to the Data System on all PAs to whom this Compact  
2 is applicable (utilizing a unique identifier) as required by the Rules of the  
3 Commission, including:

- 4 (1) Identifying information;
- 5 (2) Licensure data;
- 6 (3) Adverse Actions against a License or Compact Privilege;
- 7 (4) Any denial of application for licensure, and the reason(s) for such  
8 denial (excluding the reporting of any Criminal history record information where  
9 prohibited by law);
- 10 (5) The existence of Significant Investigative Information; and
- 11 (6) Other information that may facilitate the administration of this  
12 Compact, as determined by the Rules of the Commission.

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

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

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

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

28 (G) The records and information provided to a Participating State pursuant to  
29 this Compact or through the Data System, when certified by the Commission or an  
30 agent thereof, shall constitute the authenticated business records of the Commission,  
31 and shall be entitled to any associated hearsay exception in any relevant judicial,

1 quasi-judicial or administrative proceedings in a Participating State.

2 SECTION 9. RULEMAKING.

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

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

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

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

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

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

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

31 (2) To persons who have requested notice of the Commission's notices

1 of proposed rulemaking; and

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

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

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

7 (2) The text of the proposed Rule and the reason for the proposed  
8 Rule;

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

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

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

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

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

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

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

29 (4) Nothing in this section shall be construed as requiring a separate  
30 hearing on each proposed Rule. Proposed Rules may be grouped for the convenience  
31 of the Commission at hearings required by this section.

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

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

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

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

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

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

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

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

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

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

27 (4) Protect public health and safety.

28 (M) The Commission or an authorized committee of the Commission may  
29 direct revisions to a previously adopted Commission Rule for purposes of correcting  
30 typographical errors, errors in format, errors in consistency, or grammatical errors.  
31 Public notice of any revisions shall be posted on the website of the Commission. The

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

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

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

10 (A) Oversight.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (C) Dispute Resolution.

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

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

13 (D) Enforcement.

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

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

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

27 (E) Legal Action Against the Commission.

28 (1) A Participating State may initiate legal action against the  
29 Commission in the U.S. District Court for the District of Columbia or the federal  
30 district where the Commission has its principal offices to enforce compliance with the  
31 provisions of the Compact and its Rules. The relief sought may include both injunctive

1 relief and damages. In the event judicial enforcement is necessary, the prevailing party  
2 shall be awarded all costs of such litigation, including reasonable attorney's fees.

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

5 SECTION 11. DATE OF IMPLEMENTATION OF THE PA LICENSURE  
6 COMPACT COMMISSION.

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

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

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

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

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

29 (3) All actions taken for the benefit of the Commission or in  
30 furtherance of the purposes of the administration of the Compact prior to the effective  
31 date of the Compact or the Commission coming into existence shall be considered to

1 be actions of the Commission unless specifically repudiated by the Commission.

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

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

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

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

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

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

30 (E) This Compact may be amended by the Participating States. No amendment  
31 to this Compact shall become effective and binding upon any Participating State until

1 it is enacted materially in the same manner into the laws of all Participating States as  
2 determined by the Commission.

### 3 SECTION 12. CONSTRUCTION AND SEVERABILITY.

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

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

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

### 26 SECTION 13. BINDING EFFECT OF COMPACT.

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

29 (B) Any laws in a Participating State in conflict with this Compact are  
30 superseded to the extent of the conflict.

31 (C) All agreements between the Commission and the Participating States are

1 binding in accordance with their terms.

2 \* **Sec. 7.** AS 08.64.315 is amended to read:

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

5 (1) application;

6 (2) license by examination;

7 (3) license by endorsement or waiver of examination;

8 (4) temporary permit;

9 (5) locum tenens permit;

10 (6) license renewal, active;

11 (7) license renewal, inactive;

12 (8) license by reexamination;

13 **(9) expedited license issued or renewed through the Interstate**

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

15 **(10) compact privilege.**

16 \* **Sec. 8.** AS 08.84 is amended by adding a new section to read:

17 **Sec. 08.84.095. Scope of practice for occupational therapists and**  
18 **occupational therapy assistants.** (a) An occupational therapist may provide  
19 occupational therapy to a person whose ability or opportunity to participate in  
20 activities of daily living, play, leisure, or an occupation is or may be limited or  
21 restricted because the person has or is at risk of having an injury, disorder,  
22 impairment, or disability that limits or restricts the person's ability to engage in an  
23 occupation or other goal-oriented task or activity. The therapist may evaluate, analyze,  
24 and diagnose the cause of the limitation or restriction and intervene with occupational  
25 therapy to decrease or eliminate the cause, help the person recover from or adjust to  
26 the limitation or restriction, and restore the person's ability to engage in an occupation  
27 or other goal-oriented task or activity.

28 (b) An occupational therapist may initiate and provide occupational therapy,  
29 including therapy under (c) of this section, without a referral from another provider of  
30 health care services.

31 (c) The services an occupational therapist may provide to a person include

- 1 (1) treating a person's pain;
- 2 (2) habilitating, rehabilitating, and working with a person to adjust  
3 physical, neuromusculoskeletal, cognitive, psychosocial, sensory-perceptive, visual, or  
4 other aspects of performance in a variety of contexts to improve or maintain the  
5 person's ability to engage in an occupation or other goal-oriented task or activity,  
6 regardless of the person's ability-related needs;
- 7 (3) evaluating and treating a person to promote, enhance, or restore the  
8 person's ability to safely perform activities of daily living and instrumental activities  
9 of daily living and safely engage in sleep, rest, education, work, play, leisure, health  
10 management, and social participation;
- 11 (4) administering, evaluating, and interpreting tests and measurements  
12 of a person's bodily functions and structures;
- 13 (5) establishing, remediating, preventing, or compensating for a barrier  
14 to a person's performance skills; in this paragraph, a barrier to a person's performance  
15 skills may include the person's bodily structures and functions, habits, routines, roles,  
16 environmental and personal factors, and physical, neuromusculoskeletal, cognitive,  
17 psychosocial, sensory perception, communication, interaction, and pain management  
18 skills;
- 19 (6) managing a person's ability to eat, feed themselves, or swallow to  
20 improve or maintain eating and feeding performance;
- 21 (7) designing, fabricating, applying, or fitting assistive technology or  
22 an adaptive or orthotic device;
- 23 (8) training a person to
- 24 (A) use assistive technology or an adaptive, orthotic, or  
25 prosthetic device; and
- 26 (B) manage the person's seating and positioning;
- 27 (9) adapting environments and assessing, recommending, and training  
28 a person on the techniques the person may use to enhance the person's functional and  
29 community mobility;
- 30 (10) preventing pain and dysfunction, restoring function, or reversing  
31 or arresting the progression of a pathology;

1 (11) applying an adjunctive intervention or therapeutic procedure to  
 2 prepare for or use with occupation-based activities; in this paragraph, "adjunctive  
 3 intervention or therapeutic procedure" includes a thermal, mechanical, electrophysical,  
 4 or instrument-assisted treatment modality, wound care, and manual therapy; and

5 (12) promoting a person's good physical and mental health and  
 6 wellness, regardless of the person's ability-related needs.

7 (d) An occupational therapist may allow an occupational therapy assistant to  
 8 assist with or administer occupational therapy that the occupational therapy assistant is  
 9 professionally competent to assist with or administer, including assessing a patient in  
 10 an evaluation delegated to the occupational therapy assistant and preparing reports on  
 11 the assessment for the occupational therapist. The occupational therapist shall  
 12 supervise the occupational therapy assistant when acting under this subsection.

13 (e) In this section, "health" means a person's physical or mental health.

14 \* **Sec. 9.** AS 08.84.190(3) is amended to read:

15 (3) "occupational therapy" means [, FOR COMPENSATION,] the use  
 16 of purposeful activity, evaluation, treatment, and consultation with persons [HUMAN  
 17 BEINGS] whose ability to cope with the tasks of daily living are threatened with [,] or  
 18 impaired by developmental deficits, learning disabilities, aging, poverty, cultural  
 19 differences, physical injury or illness, or psychological and social disabilities to  
 20 maximize independence, prevent disability, and maintain health; ["OCCUPATIONAL  
 21 THERAPY" INCLUDES

22 (A) DEVELOPING DAILY LIVING, PLAY, LEISURE,  
 23 SOCIAL, AND DEVELOPMENTAL SKILLS;

24 (B) FACILITATING PERCEPTUAL-MOTOR AND  
 25 SENSORY INTERGRATIVE FUNCTIONING;

26 (C) ENHANCING FUNCTIONAL PERFORMANCE,  
 27 PREVOCAIONAL SKILLS, AND WORK CAPABILITIES USING  
 28 SPECIFICALLY DESIGNED EXERCISES, THERAPEUTIC ACTIVITIES  
 29 AND MEASURES, MANUAL INTERVENTION, AND APPLIANCES;

30 (D) DESIGN, FABRICATION, AND APPLICATION OF  
 31 SPLINTS OR SELECTIVE ADAPTIVE EQUIPMENT;

1 (E) ADMINISTERING AND INTERPRETING  
 2 STANDARDIZED AND NONSTANDARDIZED ASSESSMENTS,  
 3 INCLUDING SENSORY, MANUAL MUSCLE, AND RANGE OF MOTION  
 4 ASSESSMENTS, NECESSARY FOR PLANNING EFFECTIVE  
 5 TREATMENT; AND

6 (F) ADAPTING ENVIRONMENTS FOR THE DISABLED;]

7 \* **Sec. 10.** AS 08.84.190(4) is amended to read:

8 (4) "occupational therapy assistant" means a person who, [ASSISTS  
 9 IN THE PRACTICE OF OCCUPATIONAL THERAPY] under the supervision of **a**  
 10 **licensed** [AN] occupational therapist, **administers or assists with administering**  
 11 **occupational therapy**;

12 \* **Sec. 11.** AS 08.84.190 is amended by adding a new paragraph to read:

13 (8) "test and measurement" includes imaging, electrodiagnostic and  
 14 electrophysiological methods or techniques, and other methods or techniques  
 15 generally accepted by the physical therapist or occupational therapist professions in  
 16 the state for use in obtaining information about a patient in order to administer  
 17 therapy.

18 \* **Sec. 12.** AS 08.86.070 is amended to read:

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

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

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

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

4 \* **Sec. 13.** AS 08.86.130(a) is amended to read:

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

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

9 (A) clinical psychology;

10 (B) counseling psychology; or

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

12 by the board;

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

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

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

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

25 \* **Sec. 14.** AS 08.86.140(a) is amended to read:

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

27 (1) application;

28 (2) examination;

29 (3) credential review;

30 (4) initial license;

31 (5) license renewal;



## ARTICLE I. PURPOSE.

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

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

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

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

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

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

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

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

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

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

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

1 psychology licensure and regulation;

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

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

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

## 8 ARTICLE II. DEFINITIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (X) "Significant Investigatory Information" means:

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

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

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

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

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

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

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

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

### 21 ARTICLE III. HOME STATE LICENSURE.

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

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

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

1 Interjurisdictional Telepsychology under the terms of this Compact.

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

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

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

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

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

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

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

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

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

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

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

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

1 and

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

3 ARTICLE IV. COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY.

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

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

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

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

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

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

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

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

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

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

1 sequence of study;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### 13 ARTICLE V. COMPACT TEMPORARY AUTHORIZATION TO PRACTICE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (6) Possess a current, active IPC;

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

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

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

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

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

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

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

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

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

31 ARTICLE VII. ADVERSE ACTIONS.

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

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

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

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

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

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

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

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

1 against a psychologist's Temporary Authorization to Practice.

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

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

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

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

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

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

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

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

10 ARTICLE IX. COORDINATED LICENSURE INFORMATION SYSTEM.

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

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

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

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

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

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

10 ARTICLE X. ESTABLISHMENT OF THE PSYCHOLOGY

11 INTERJURISDICTIONAL COMPACT COMMISSION.

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

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

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

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

23 (B) Membership, Voting, and Meetings.

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

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

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

31 (c) Designee empowered with the appropriate delegate

1 authority to act on behalf of the Compact State.

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

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

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

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

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

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

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

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

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

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

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

1 information which is privileged or confidential;

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

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

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

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

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

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

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

26 (2) Providing reasonable standards and procedures:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (10) To borrow money;

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

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

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

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

5 (E) The Executive Board.

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

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

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

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

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

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

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

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

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

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

28 (c) Prepare and recommend the budget;

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

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

1 (f) Establish additional committees as necessary; and

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

3 (F) Financing of the Commission.

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

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

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

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

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

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

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

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

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

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

#### 22 ARTICLE XI. RULEMAKING.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (2) A governmental subdivision or agency; or

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

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

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

1 the scheduled date of the hearing.

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

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

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

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

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

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

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

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

1 is established by federal law or rule; or

2 (4) Protect public health and safety.

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

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

14 (A) Oversight

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

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

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

28 (B) Default, Technical Assistance, and Termination

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

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

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

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

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

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

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

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

28 (C) Dispute Resolution

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

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

4 (D) Enforcement

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

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

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

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

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

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

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

1 statute repealing the same.

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

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

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

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

#### 15 ARTICLE XIV. CONSTRUCTION AND SEVERABILITY.

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

20 \* **Sec. 18.** AS 08 is amended by adding a new chapter to read:

#### 21 **Chapter 90. Respiratory Care Practitioners.**

22 **Sec. 08.90.010. License required.** Unless licensed under this chapter, a person  
23 may not

24 (1) practice respiratory care; or

25 (2) represent that the person is a respiratory care practitioner, including  
26 using the titles "licensed respiratory care practitioner" or "R.C.P." or any other words,  
27 abbreviations, signs, or symbols indicating that the person is a licensee.

28 **Sec. 08.90.020. Licensure.** (a) The department shall issue a license to practice  
29 respiratory care to an applicant who submits to the department written evidence,  
30 verified by oath, that the applicant has

31 (1) obtained a high school diploma or its equivalent;

1 (2) successfully completed an accredited respiratory care educational  
2 program;

3 (3) passed an examination for a registered respiratory therapist  
4 credential that is administered by a nationally recognized organization for respiratory  
5 therapists and approved by the department in regulation;

6 (4) paid the required fees; and

7 (5) met all other requirements established by the department in  
8 regulation.

9 (b) The department shall issue a license to practice respiratory care to an  
10 applicant who submits to the department, before the date that is one year after the  
11 effective date of this Act, the required fees and written evidence, verified by oath, that  
12 the applicant was employed in the state to practice respiratory care under the direction  
13 of a physician on or before the effective date of this Act. An applicant issued a license  
14 under this subsection may renew the license without meeting the initial licensure  
15 requirements provided under (a)(2) and (3) of this section, but is otherwise subject to  
16 this chapter.

17 **Sec. 08.90.030. Licensure by credentials.** The department shall issue a license  
18 by credentials to practice respiratory care to an applicant who submits to the  
19 department written evidence, verified by oath, that the applicant

20 (1) is currently licensed to practice respiratory care in another state, a  
21 territory of the United States, or a foreign country with requirements for licensure that  
22 the department determines are substantially equivalent to those required under this  
23 chapter;

24 (2) has current valid credentials as a registered respiratory therapist  
25 conferred by a nationally recognized organization for respiratory therapists that is  
26 approved by the department in regulation;

27 (3) paid the required fees; and

28 (4) met all other requirements established by the department in  
29 regulation.

30 **Sec. 08.90.040. Evidence of licensure in other jurisdictions.** An applicant for  
31 a license under AS 08.90.020 or 08.90.030 must submit evidence to the department of

1 all licenses granted to the applicant to practice respiratory care in another state, a  
2 territory of the United States, or a foreign country and whether that license is in good  
3 standing.

4 **Sec. 08.90.050. License renewal.** The department may renew a license issued  
5 under this chapter only if the licensee submits proof to the department that the licensee  
6 completed 20 credit hours of continuing respiratory care education during the previous  
7 licensing period.

8 **Sec. 08.90.060. Scope of practice of respiratory care; qualified medical**  
9 **directors.** (a) A licensee may, under the supervision of a qualified medical director  
10 and as authorized either under a medically approved protocol or under a written or oral  
11 order from an authorized provider, perform the management, rehabilitation, diagnostic  
12 evaluation, and care of a patient with a deficiency or abnormality of the  
13 cardiopulmonary system and associated aspects of other system functions, including

14 (1) providing pulmonary care services that are safe, aseptic, and  
15 preventive or restorative to the patient;

16 (2) administering to the patient pharmacological, diagnostic, and  
17 therapeutic agents related to respiratory care procedures that are necessary to  
18 implement a treatment, disease prevention, pulmonary rehabilitative, or diagnostic  
19 regimen prescribed by an authorized provider;

20 (3) making observations of the patient and monitoring the patient's  
21 signs, symptoms, behavior, and physical responses to respiratory therapy treatment to  
22 determine whether the patient exhibits any abnormal characteristics and, based on  
23 those determinations, refer the patient, implement respiratory therapy protocols, or  
24 change the patient's treatment regimen;

25 (4) employing on the patient the diagnostic or therapeutic use of

26 (A) medical gases, excluding general anesthesia;

27 (B) aerosols;

28 (C) humidification;

29 (D) pharmacological agents related to respiratory care  
30 procedures;

31 (E) mechanical or physiological ventilatory support;

- 1 (F) bronchopulmonary hygiene procedures;  
2 (G) oxygen therapy;  
3 (H) telehealth as permitted under AS 08.02.130;  
4 (I) cardiopulmonary disease management; and  
5 (J) instruction on tobacco cessation;
- 6 (5) diagnostic or therapeutic techniques that may be medically  
7 essential to maintaining the patient's good respiratory health, including  
8 (A) maintaining natural airways;  
9 (B) inserting, without cutting tissue, and maintaining artificial  
10 airways;  
11 (C) collecting blood and other body fluids, including specimens  
12 from the respiratory tract;  
13 (D) collecting inspired and expired gas samples;  
14 (E) analyzing blood samples and respiratory secretions;  
15 (F) measuring ventilatory volumes, pressures, and flows;  
16 (G) measuring hemodynamic and other physiological  
17 parameters of the cardiopulmonary system;  
18 (H) performing cardiopulmonary resuscitation; and  
19 (I) implementing and maintaining environmental control  
20 systems and hyperbaric therapy;
- 21 (6) transcribing the written or oral orders of an authorized provider  
22 regarding the patient;
- 23 (7) providing instruction and education to the patient on the proper  
24 methods of providing self-care and preventing cardiopulmonary disease and other  
25 conditions requiring the use of respiratory care equipment and techniques;
- 26 (8) participating in air and ground transport of the patient;  
27 (9) inserting and maintaining invasive lines for the patient;  
28 (10) managing and maintaining an extracorporeal membrane  
29 oxygenation unit for the patient;
- 30 (11) determining which medically approved respiratory care protocols  
31 should be followed for the patient, in the absence of an authorized provider, during an

1 emergency;

2 (12) establishing procedures for administering treatment and testing of  
3 the patient ordered by an authorized provider to aid diagnosis, patient health  
4 monitoring, or medical research; and

5 (13) providing inhalation and respiratory therapy to the patient.

6 (b) A licensee may practice respiratory care in a clinic, hospital, skilled  
7 nursing facility, or private dwelling. A licensee may practice respiratory care in  
8 another location if the department determines that the location is appropriate or  
9 necessary, the location is authorized by a physician in a written or oral order, and the  
10 practices performed at the location are performed under the supervision of a qualified  
11 medical director.

12 (c) A licensee may perform advanced techniques not ordinarily in the scope of  
13 practice of respiratory care if the licensee has received formal training to perform  
14 those techniques from a respiratory care educational program that

15 (1) is accredited, supervised, and structured;

16 (2) evaluated the competence of the licensee through a standardized  
17 testing mechanism; and

18 (3) included clinical, didactic, and laboratory activities.

19 (d) A qualified medical director supervising a licensee under (a) of this section  
20 shall be readily accessible to the licensee and is responsible for the quality, safety, and  
21 appropriateness of the respiratory care services provided by the licensee.

22 (e) In this section,

23 (1) "authorized provider" means a physician or physician assistant  
24 licensed under AS 08.64 or advanced practice registered nurse licensed under  
25 AS 08.68 acting within the scope of the license;

26 (2) "home health agency" means a public agency or private  
27 organization, or a subdivision of a public agency or private organization, that  
28 primarily engages in providing skilled nursing services in combination with  
29 respiratory therapy, physical therapy, occupational therapy, speech therapy, or services  
30 provided by a home health aide to an individual in the individual's home, an assisted  
31 living home, or another residential setting;

1 (3) "public agency" means an agency operated by the state or a local  
2 government;

3 (4) "qualified medical director" means a physician who

4 (A) is licensed to practice medicine in the state and is legally  
5 authorized to direct an inpatient or outpatient health care organization, home  
6 health agency, assisted living home, or the health care division or department  
7 of a hospital, medical clinic, or other medical health maintenance facility; and

8 (B) has substantial professional training or experience in the  
9 management of acute and chronic respiratory disorders;

10 (5) "subdivision" means a component of a multi-function facility or  
11 home health agency, such as the home health care division of a hospital or the division  
12 of a public agency, that independently meets the requirements for licensure as a home  
13 health agency.

14 **Sec. 08.90.070. Disciplinary sanctions.** (a) The department may revoke,  
15 suspend, or refuse to issue a license to a person if the department finds that the person

16 (1) secured or attempted to secure a license to practice respiratory care  
17 through fraud, deceit, or intentional misrepresentation;

18 (2) is unfit or incompetent to practice respiratory care;

19 (3) uses drugs or alcohol in a manner that affects the person's ability to  
20 practice respiratory care competently and safely;

21 (4) engaged in dishonest or unethical conduct in connection with the  
22 delivery of respiratory care services to patients;

23 (5) used or attempted to use as valid a license to practice respiratory  
24 care that was illegally or fraudulently obtained;

25 (6) practiced respiratory care after the revocation, suspension, or  
26 expiration of the person's license;

27 (7) failed to meet the standards of practice for respiratory care,  
28 including

29 (A) wilfully and repeatedly ordering and performing laboratory  
30 tests or studies that were unnecessary and clinically unjustifiable; or

31 (B) administering treatment that was unnecessary and

clinically unjustifiable;

(8) violated, or aided or abetted another person in violating, this chapter;

(9) has been convicted of

(A) a felony that materially affects the ability to safely practice respiratory care; or

(B) insurance fraud;

(10) failed to disclose that a license to practice respiratory care in another state, a territory of the United States, or a foreign country is not in good standing.

(b) When determining whether to refuse to issue a license to an applicant or impose a disciplinary sanction on a licensee under (a)(3) of this section, the department shall consider whether an applicant or licensee is participating in a substance abuse program.

**Sec. 08.90.080. Exceptions.** (a) This chapter does not apply to

(1) a person licensed in this state under a statute outside this chapter who performs respiratory care within the scope of practice for which the person's license was issued;

(2) a student enrolled in an accredited respiratory care educational program who is

(A) practicing respiratory care as an integral part of the program; or

(B) practicing respiratory care, within limits established by the department, as an employee of a health care provider while a licensee or physician is available to communicate with, consult with, and assist the student;

(3) a person who is not a licensee and practices respiratory care as self-care or care for a member of the person's family;

(4) a person practicing respiratory care in an emergency;

(5) a person practicing respiratory care within the scope of the person's duties while

1 (A) in the armed forces of the United States; or

2 (B) working in a federal facility;

3 (6) a person employed in a diagnostic laboratory, physician's office,  
4 clinic, or outpatient treatment facility that is administering treatment or performing  
5 diagnostic procedures in that location under the direction of a physician; and

6 (7) a person employed by a durable or home medical equipment  
7 company who delivers, calibrates, or maintains respiratory care equipment and does  
8 not assess or evaluate patients.

9 (b) A student practicing respiratory care shall use the title

10 (1) "student respiratory care practitioner" or "student R.C.P." if  
11 practicing under (a)(2)(A) of this section; and

12 (2) "student respiratory care practitioner," "trainee respiratory care  
13 practitioner," "student R.C.P.," or "trainee R.C.P." if practicing under (a)(2)(B) of this  
14 section.

15 **Sec. 08.90.090. Criminal penalty.** A person who violates or aids a person in a  
16 violation of this chapter is guilty of a class B misdemeanor.

17 **Sec. 08.90.100. Regulations.** The department may adopt regulations to carry  
18 out the purposes of this chapter.

19 **Sec. 08.90.990. Definitions.** In this chapter,

20 (1) "accredited respiratory care educational program" means a  
21 respiratory care educational program that is

22 (A) accredited by a national health education accrediting body  
23 in collaboration with a national respiratory care accrediting body; and

24 (B) approved by the department;

25 (2) "department" means the Department of Commerce, Community,  
26 and Economic Development;

27 (3) "licensee" means a person licensed to practice respiratory care  
28 under this chapter;

29 (4) "physician" means a person licensed as a physician under  
30 AS 08.64.

31 \* **Sec. 19.** AS 08.95.030 is amended to read:

**Sec. 08.95.030. Duties.** The board shall

(1) issue licenses to qualified applicants;

(2) adopt regulations

(A) requiring that continuing education requirements be satisfied before a license is renewed;

(B) establishing a code of professional ethics that a licensee must observe;

(C) establishing standards of practice for social work performed by a licensee; [AND]

(D) establishing standards for supervisors and for supervision that is required for licensure under AS 08.95.110(a);

(E) [(3) ADOPT REGULATIONS] necessary to carry out the duties and purpose of this chapter; and

(F) necessary to implement the Social Work Licensure Compact enacted under AS 08.95.200; and

(3) appoint a member of the board to serve as a delegate on the Social Work Licensure Compact Commission established under AS 08.95.200.

\* **Sec. 20.** AS 08.95.100(a) is amended to read:

(a) A person who practices clinical social work without obtaining a license under this chapter to practice clinical social work is guilty of a class B misdemeanor unless the person is

(1) licensed under a provision of this title that is outside this chapter, is practicing within the scope of that license, and is not representing to the public by title or description of service as being engaged in the practice of clinical social work; [OR]

(2) practicing clinical social work as a student in a social work program approved by the board; or

(3) practicing clinical social work under a multistate authorization to practice.

\* **Sec. 21.** AS 08.95.100(b) is amended to read:

(b) A person is guilty of a class B misdemeanor if the person does not hold a valid license or multistate authorization to practice [IS NOT LICENSED]

1 (1) under this chapter and uses the title "social worker" unless the  
2 person is exempt from licensure under AS 08.95.911;

3 (2) as a clinical social worker under this chapter [OR HAS A  
4 CLINICAL SOCIAL WORKER LICENSE THAT IS SUSPENDED, REVOKED, OR  
5 LAPSED,] and the person

6 (A) uses in connection with the person's name the words or  
7 letters "L.C.S.W.," "Licensed Clinical Social Worker," or other letters, words,  
8 or insignia indicating or implying that the person is a licensed clinical social  
9 worker; or

10 (B) in any way, orally or in writing, directly or by implication,  
11 holds out as a licensed clinical social worker;

12 (3) as a master social worker under this chapter [OR HAS A MASTER  
13 SOCIAL WORKER LICENSE THAT IS SUSPENDED, REVOKED, OR LAPSED,]  
14 and the person

15 (A) uses in connection with the person's name the words or  
16 letters "L.M.S.W.," "Licensed Master Social Worker," or other letters, words,  
17 or insignia indicating or implying that the person is a licensed master social  
18 worker; or

19 (B) in any way, orally or in writing, directly or by implication,  
20 holds out as being a licensed master social worker; or

21 (4) as a baccalaureate social worker under this chapter [OR HAS A  
22 BACCALAUREATE SOCIAL WORKER LICENSE THAT IS SUSPENDED,  
23 REVOKED, OR LAPSED,] and the person

24 (A) uses in connection with the person's name the words or  
25 letters "L.B.S.W.," "Licensed Baccalaureate Social Worker," or other letters,  
26 words, or insignia indicating or implying that the person is a licensed  
27 baccalaureate social worker; or

28 (B) in any way, orally or in writing, directly or by implication,  
29 holds out as being a licensed baccalaureate social worker.

30 \* **Sec. 22.** AS 08.95.120 is amended by adding a new subsection to read:

31 (c) This section does not apply to an applicant who is a regulated social

1 worker.

2 \* **Sec. 23.** AS 08.95.125 is amended by adding a new subsection to read:

3 (f) This section does not apply to an applicant who is a regulated social  
4 worker.

5 \* **Sec. 24.** AS 08.95 is amended by adding a new section to read:

6 **Article 2A. Social Work Licensure Compact.**

7 **Sec. 08.95.200. Compact enacted.** The Social Work Licensure Compact as  
8 contained in this section is enacted into law and entered into on behalf of the state with  
9 all other states and jurisdictions legally joining it in a form substantially as follows:

10 SECTION 1. PURPOSE.

11 The purpose of this Compact is to facilitate interstate practice of Regulated  
12 Social Workers by improving public access to competent Social Work Services. The  
13 Compact preserves the regulatory authority of States to protect public health and  
14 safety through the current system of State licensure.

15 This Compact is designed to achieve the following objectives:

16 (A) Increase public access to Social Work Services;

17 (B) Reduce overly burdensome and duplicative requirements  
18 associated with holding multiple licenses;

19 (C) Enhance the Member States' ability to protect the public's health  
20 and safety;

21 (D) Encourage the cooperation of Member States in regulating  
22 multistate practice;

23 (E) Promote mobility and address workforce shortages by eliminating  
24 the necessity for licenses in multiple States by providing for the mutual recognition of  
25 other Member State licenses;

26 (F) Support military families;

27 (G) Facilitate the exchange of licensure and disciplinary information  
28 among Member States;

29 (H) Authorize all Member States to hold a Regulated Social Worker  
30 accountable for abiding by a Member State's laws, regulations, and applicable  
31 professional standards in the Member State in which the client is located at the time

1 care is rendered; and

2 (I) Allow for the use of telehealth to facilitate increased access to  
3 regulated Social Work Services.

4 SECTION 2. DEFINITIONS.

5 As used in this Compact, and except as otherwise provided, the following  
6 definitions shall apply:

7 (A) "Active Military Member" means any individual with full-time  
8 duty status in the active armed forces of the United States including members of the  
9 National Guard and Reserve.

10 (B) "Adverse Action" means any administrative, civil, equitable or  
11 criminal action permitted by a State's laws which is imposed by a Licensing Authority  
12 or other authority against a Regulated Social Worker, including actions against an  
13 individual's license or Multistate Authorization to Practice such as revocation,  
14 suspension, probation, monitoring of the Licensee, limitation on the Licensee's  
15 practice, or any other Encumbrance on licensure affecting a Regulated Social Worker's  
16 authorization to practice, including issuance of a cease and desist action.

17 (C) "Alternative Program" means a non-disciplinary monitoring or  
18 practice remediation process approved by a Licensing Authority to address  
19 practitioners with an Impairment.

20 (D) "Charter Member States" means Member States who have enacted  
21 legislation to adopt this Compact where such legislation predates the effective date of  
22 this Compact as described in Section 14.

23 (E) "Compact Commission" or "Commission" means the government  
24 agency whose membership consists of all States that have enacted this Compact,  
25 which is known as the Social Work Licensure Compact Commission, as described in  
26 Section 10, and which shall operate as an instrumentality of the Member States.

27 (F) "Current Significant Investigative Information" means:

28 (1) Investigative information that a Licensing Authority, after a  
29 preliminary inquiry that includes notification and an opportunity for the  
30 Regulated Social Worker to respond, has reason to believe is not groundless  
31 and, if proved true, would indicate more than a minor infraction as may be

1 defined by the Commission; or

2 (2) Investigative information that indicates that the Regulated  
3 Social Worker represents an immediate threat to public health and safety, as  
4 may be defined by the Commission, regardless of whether the Regulated  
5 Social Worker has been notified and has had an opportunity to respond.

6 (G) "Data System" means a repository of information about Licensees,  
7 including continuing education, examination, licensure, Current Significant  
8 Investigative Information, Disqualifying Event, Multistate License(s) and Adverse  
9 Action information or other information as required by the Commission.

10 (H) "Disqualifying Event" means any Adverse Action or incident  
11 which results in an Encumbrance that disqualifies or makes the Licensee ineligible to  
12 either obtain, retain or renew a Multistate License.

13 (I) "Domicile" means the jurisdiction in which the Licensee resides  
14 and intends to remain indefinitely.

15 (J) "Encumbrance" means a revocation or suspension of, or any  
16 limitation on, the full and unrestricted practice of Social Work licensed and regulated  
17 by a Licensing Authority.

18 (K) "Executive Committee" means a group of delegates elected or  
19 appointed to act on behalf of, and within the powers granted to them by, the Compact  
20 and Commission.

21 (L) "Home State" means the Member State that is the Licensee's  
22 primary Domicile.

23 (M) "Impairment" means a condition(s) that may impair a  
24 practitioner's ability to engage in full and unrestricted practice as a Regulated Social  
25 Worker without some type of intervention and may include alcohol and drug  
26 dependence, mental health impairment, and neurological or physical impairments.

27 (N) "Licensee(s)" means an individual who currently holds a license  
28 from a State to practice as a Regulated Social Worker.

29 (O) "Licensing Authority" means the board or agency of a Member  
30 State, or equivalent, that is responsible for the licensing and regulation of Regulated  
31 Social Workers.

1 (P) "Member State" means a state, commonwealth, district, or territory  
2 of the United States of America that has enacted this Compact.

3 (Q) "Multistate Authorization to Practice" means a legally authorized  
4 privilege to practice, which is equivalent to a license, associated with a Multistate  
5 License permitting the practice of Social Work in a Remote State.

6 (R) "Multistate License" means a license to practice as a Regulated  
7 Social Worker issued by a Home State Licensing Authority that authorizes the  
8 Regulated Social Worker to practice in all Member States under Multistate  
9 Authorization to Practice.

10 (S) "Qualifying National Exam" means a national licensing  
11 examination approved by the Commission.

12 (T) "Regulated Social Worker" means any clinical, master's or  
13 bachelor's Social Worker licensed by a Member State regardless of the title used by  
14 that Member State.

15 (U) "Remote State" means a Member State other than the Licensee's  
16 Home State.

17 (V) "Rule(s)" or "Rule(s) of the Commission" means a regulation or  
18 regulations duly promulgated by the Commission, as authorized by the Compact, that  
19 has the force of law.

20 (W) "Single State License" means a Social Work license issued by any  
21 State that authorizes practice only within the issuing State and does not include  
22 Multistate Authorization to Practice in any Member State.

23 (X) "Social Work" or "Social Work Services" means the application of  
24 social work theory, knowledge, methods, ethics, and the professional use of self to  
25 restore or enhance social, psychosocial, or biopsychosocial functioning of individuals,  
26 couples, families, groups, organizations, and communities through the care and  
27 services provided by a Regulated Social Worker as set forth in the Member State's  
28 statutes and regulations in the State where the services are being provided.

29 (Y) "State" means any state, commonwealth, district, or territory of the  
30 United States of America that regulates the practice of Social Work.

31 (Z) "Unencumbered License" means a license that authorizes a

1 Regulated Social Worker to engage in the full and unrestricted practice of Social  
2 Work.

3 SECTION 3. STATE PARTICIPATION IN THE COMPACT.

4 (A) To be eligible to participate in the Compact, a potential Member  
5 State must currently meet all of the following criteria:

6 (1) License and regulate the practice of Social Work at either  
7 the clinical, master's, or bachelor's category.

8 (2) Require applicants for licensure to graduate from a program  
9 that is:

10 (a) Operated by a college or university recognized by  
11 the Licensing Authority;

12 (b) Accredited, or in candidacy by an institution that  
13 subsequently becomes accredited, by an accrediting agency recognized  
14 by either:

15 (i) the Council for Higher Education  
16 Accreditation, or its successor; or

17 (ii) the United States Department of Education;  
18 and

19 (c) Corresponds to the licensure sought as outlined in  
20 Section 4.

21 (3) Require applicants for clinical licensure to complete a  
22 period of supervised practice.

23 (4) Have a mechanism in place for receiving, investigating, and  
24 adjudicating complaints about Licensees.

25 (B) To maintain membership in the Compact a Member State shall:

26 (1) Require that applicants for a Multistate License pass a  
27 Qualifying National Exam for the corresponding category of Multistate  
28 License sought as outlined in Section 4.

29 (2) Participate fully in the Commission's Data System,  
30 including using the Commission's unique identifier as defined in Rules;

31 (3) Notify the Commission, in compliance with the terms of the

1 Compact and Rules, of any Adverse Action or the availability of Current  
2 Significant Investigative Information regarding a Licensee;

3 (4) Implement procedures for considering the criminal history  
4 records of applicants for a Multistate License. Such procedures shall include  
5 the submission of fingerprints or other biometric-based information by  
6 applicants for the purpose of obtaining an applicant's criminal history record  
7 information from the Federal Bureau of Investigation and the agency  
8 responsible for retaining that State's criminal records.

9 (5) Comply with the Rules of the Commission;

10 (6) Require an applicant to obtain or retain a license in the  
11 Home State and meet the Home State's qualifications for licensure or renewal  
12 of licensure, as well as all other applicable Home State laws;

13 (7) Authorize a Licensee holding a Multistate License in any  
14 Member State to practice in accordance with the terms of the Compact and  
15 Rules of the Commission; and

16 (8) Designate a delegate to participate in the Commission  
17 meetings.

18 (C) A Member State meeting the requirements of Section 3(A) and  
19 3(B) of this Compact shall designate the categories of Social Work licensure that are  
20 eligible for issuance of a Multistate License for applicants in such Member State. To  
21 the extent that any Member State does not meet the requirements for participation in  
22 the Compact at any particular category of Social Work licensure, such Member State  
23 may choose, but is not obligated to issue, a Multistate License to applicants that  
24 otherwise meet the requirements of Section 4 for issuance of a Multistate License in  
25 such category or categories of licensure.

26 (D) The Home State may charge a fee for granting the Multistate  
27 License.

#### 28 SECTION 4. SOCIAL WORKER PARTICIPATION IN THE COMPACT.

29 (A) To be eligible for a Multistate License under the terms and  
30 provisions of the Compact, an applicant, regardless of category, must:

31 (1) Hold or be eligible for an active, Unencumbered License in

1 the Home State;

2 (2) Pay any applicable fees, including any State fee, for the  
3 Multistate License;

4 (3) Submit, in connection with an application for a Multistate  
5 License, fingerprints or other biometric data for the purpose of obtaining  
6 criminal history record information from the Federal Bureau of Investigation  
7 and the agency responsible for retaining that State's criminal records;

8 (4) Notify the Home State of any Adverse Action,  
9 Encumbrance, or restriction on any professional license taken by any Member  
10 State or non-Member State within 30 days from the date the action is taken;

11 (5) Meet any continuing competence requirements established  
12 by the Home State;

13 (6) Abide by the laws, regulations, and applicable standards in  
14 the Member State where the client is located at the time care is rendered.

15 (B) An applicant for a clinical-category Multistate License must meet  
16 all of the following requirements:

17 (1) Fulfill a competency requirement, which shall be satisfied  
18 by either:

19 (a) Passage of a clinical-category Qualifying National  
20 Exam;

21 (b) Licensure of the applicant in their Home State at the  
22 clinical category, beginning prior to such time as a Qualifying National  
23 Exam was required by the Home State and accompanied by a period of  
24 continuous Social Work licensure thereafter, all of which may be  
25 further governed by the Rules of the Commission; or

26 (c) The substantial equivalency of the foregoing  
27 competency requirements which the Commission may determine by  
28 Rule.

29 (2) Attain at least a master's degree in Social Work from a  
30 program that is:

31 (a) Operated by a college or university recognized by

1 the Licensing Authority; and

2 (b) Accredited, or in candidacy that subsequently  
3 becomes accredited, by an accrediting agency recognized by either:

4 (i) the Council for Higher Education  
5 Accreditation or its successor; or

6 (ii) the United States Department of Education.

7 (3) Fulfill a practice requirement, which shall be satisfied by  
8 demonstrating completion of either:

9 (a) A period of postgraduate supervised clinical practice  
10 equal to a minimum of three thousand hours;

11 (b) A minimum of two years of full-time postgraduate  
12 supervised clinical practice; or

13 (c) The substantial equivalency of the foregoing  
14 practice requirements which the Commission may determine by Rule.

15 (C) An applicant for a master's-category Multistate License must meet  
16 all of the following requirements:

17 (1) Fulfill a competency requirement, which shall be satisfied  
18 by either:

19 (a) Passage of a masters-category Qualifying National  
20 Exam;

21 (b) Licensure of the applicant in their Home State at the  
22 master's category, beginning prior to such time as a Qualifying  
23 National Exam was required by the Home State at the master's category  
24 and accompanied by a continuous period of Social Work licensure  
25 thereafter, all of which may be further governed by the Rules of the  
26 Commission; or

27 (c) The substantial equivalency of the foregoing  
28 competency requirements which the Commission may determine by  
29 Rule.

30 (2) Attain at least a master's degree in Social Work from a  
31 program that is:

1 (a) Operated by a college or university recognized by  
2 the Licensing Authority; and

3 (b) Accredited, or in candidacy that subsequently  
4 becomes accredited, by an accrediting agency recognized by either:

5 (i) the Council for Higher Education  
6 Accreditation or its successor; or

7 (ii) the United States Department of Education.

8 (D) An applicant for a bachelor's-category Multistate License must  
9 meet all of the following requirements:

10 (1) Fulfill a competency requirement, which shall be satisfied  
11 by either:

12 (a) Passage of a bachelor's-category Qualifying  
13 National Exam;

14 (b) Licensure of the applicant in their Home State at the  
15 bachelor's category, beginning prior to such time as a Qualifying  
16 National Exam was required by the Home State and accompanied by a  
17 period of continuous Social Work licensure thereafter, all of which may  
18 be further governed by the Rules of the Commission; or

19 (c) The substantial equivalency of the foregoing  
20 competency requirements which the Commission may determine by  
21 Rule.

22 (2) Attain at least a bachelor's degree in Social Work from a  
23 program that is:

24 (a) Operated by a college or university recognized by  
25 the Licensing Authority; and

26 (b) Accredited, or in candidacy that subsequently  
27 becomes accredited, by an accrediting agency recognized by either:

28 (i) the Council for Higher Education  
29 Accreditation or its successor; or

30 (ii) the United States Department of Education.

31 (E) The Multistate License for a Regulated Social Worker is subject to

1 the renewal requirements of the Home State. The Regulated Social Worker must  
2 maintain compliance with the requirements of Section 4(A) to be eligible to renew a  
3 Multistate License.

4 (F) The Regulated Social Worker's services in a Remote State are  
5 subject to that Member State's regulatory authority. A Remote State may, in  
6 accordance with due process and that Member State's laws, remove a Regulated Social  
7 Worker's Multistate Authorization to Practice in the Remote State for a specific period  
8 of time, impose fines, and take any other necessary actions to protect the health and  
9 safety of its citizens.

10 (G) If a Multistate License is encumbered, the Regulated Social  
11 Worker's Multistate Authorization to Practice shall be deactivated in all Remote States  
12 until the Multistate License is no longer encumbered.

13 (H) If a Multistate Authorization to Practice is encumbered in a  
14 Remote State, the regulated Social Worker's Multistate Authorization to Practice may  
15 be deactivated in that State until the Multistate Authorization to Practice is no longer  
16 encumbered.

#### 17 SECTION 5. ISSUANCE OF A MULTISTATE LICENSE.

18 (A) Upon receipt of an application for Multistate License, the Home  
19 State Licensing Authority shall determine the applicant's eligibility for a Multistate  
20 License in accordance with Section 4 of this Compact.

21 (B) If such applicant is eligible pursuant to Section 4 of this Compact,  
22 the Home State Licensing Authority shall issue a Multistate License that authorizes  
23 the applicant or Regulated Social Worker to practice in all Member States under a  
24 Multistate Authorization to Practice.

25 (C) Upon issuance of a Multistate License, the Home State Licensing  
26 Authority shall designate whether the Regulated Social Worker holds a Multistate  
27 License in the Bachelors, Masters, or Clinical category of Social Work.

28 (D) A Multistate License issued by a Home State to a resident in that  
29 State shall be recognized by all Compact Member States as authorizing Social Work  
30 Practice under a Multistate Authorization to Practice corresponding to each category  
31 of licensure regulated in each Member State.

1 SECTION 6. AUTHORITY OF INTERSTATE COMPACT COMMISSION AND  
2 MEMBER STATE LICENSING AUTHORITIES.

3 (A) Nothing in this Compact, nor any Rule of the Commission, shall  
4 be construed to limit, restrict, or in any way reduce the ability of a Member State to  
5 enact and enforce laws, regulations, or other rules related to the practice of Social  
6 Work in that State, where those laws, regulations, or other rules are not inconsistent  
7 with the provisions of this Compact.

8 (B) Nothing in this Compact shall affect the requirements established  
9 by a Member State for the issuance of a Single State License.

10 (C) Nothing in this Compact, nor any Rule of the Commission, shall  
11 be construed to limit, restrict, or in any way reduce the ability of a Member State to  
12 take Adverse Action against a Licensee's Single State License to practice Social Work  
13 in that State.

14 (D) Nothing in this Compact, nor any Rule of the Commission, shall  
15 be construed to limit, restrict, or in any way reduce the ability of a Remote State to  
16 take Adverse Action against a Licensee's Multistate Authorization to Practice in that  
17 State.

18 (E) Nothing in this Compact, nor any Rule of the Commission, shall be  
19 construed to limit, restrict, or in any way reduce the ability of a Licensee's Home State  
20 to take Adverse Action against a Licensee's Multistate License based upon  
21 information provided by a Remote State.

22 SECTION 7. REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME STATE.

23 (A) A Licensee can hold a Multistate License, issued by their Home  
24 State, in only one Member State at any given time.

25 (B) If a Licensee changes their Home State by moving between two  
26 Member States:

27 (1) The Licensee shall immediately apply for the reissuance of  
28 their Multistate License in their new Home State. The Licensee shall pay all  
29 applicable fees and notify the prior Home State in accordance with the Rules of  
30 the Commission.

31 (2) Upon receipt of an application to reissue a Multistate

1 License, the new Home State shall verify that the Multistate License is active,  
2 unencumbered and eligible for reissuance under the terms of the Compact and  
3 the Rules of the Commission. The Multistate License issued by the prior Home  
4 State will be deactivated and all Member States notified in accordance with the  
5 applicable Rules adopted by the Commission.

6 (3) Prior to the reissuance of the Multistate License, the new  
7 Home State shall conduct procedures for considering the criminal history  
8 records of the Licensee. Such procedures shall include the submission of  
9 fingerprints or other biometric-based information by applicants for the purpose  
10 of obtaining an applicant's criminal history record information from the  
11 Federal Bureau of Investigation and the agency responsible for retaining that  
12 State's criminal records.

13 (4) If required for initial licensure, the new Home State may  
14 require completion of jurisprudence requirements in the new Home State.

15 (5) Notwithstanding any other provision of this Compact, if a  
16 Licensee does not meet the requirements set forth in this Compact for the  
17 reissuance of a Multistate License by the new Home State, then the Licensee  
18 shall be subject to the new Home State requirements for the issuance of a  
19 Single State License in that State.

20 (C) If a Licensee changes their primary State of residence by moving  
21 from a Member State to a non-Member State, or from a non-Member State to a  
22 Member State, then the Licensee shall be subject to the State requirements for the  
23 issuance of a Single State License in the new Home State.

24 (D) Nothing in this Compact shall interfere with a Licensee's ability to  
25 hold a Single State License in multiple States; however, for the purposes of this  
26 Compact, a Licensee shall have only one Home State, and only one Multistate  
27 License.

28 (E) Nothing in this Compact shall interfere with the requirements  
29 established by a Member State for the issuance of a Single State License.

#### 30 SECTION 8. MILITARY FAMILIES.

31 An Active Military Member or their spouse shall designate a Home State

1 where the individual has a Multistate License. The individual may retain their Home  
2 State designation during the period the service member is on active duty.

### 3 SECTION 9. ADVERSE ACTIONS.

4 (A) In addition to the other powers conferred by State law, a Remote  
5 State shall have the authority, in accordance with existing State due process law, to:

6 (1) Take Adverse Action against a Regulated Social Worker's  
7 Multistate Authorization to Practice only within that Member State, and issue  
8 subpoenas for both hearings and investigations that require the attendance and  
9 testimony of witnesses as well as the production of evidence. Subpoenas issued  
10 by a Licensing Authority in a Member State for the attendance and testimony  
11 of witnesses or the production of evidence from another Member State shall be  
12 enforced in the latter State by any court of competent jurisdiction, according to  
13 the practice and procedure of that court applicable to subpoenas issued in  
14 proceedings pending before it. The issuing Licensing Authority shall pay any  
15 witness fees, travel expenses, mileage, and other fees required by the service  
16 statutes of the State in which the witnesses or evidence are located.

17 (2) Only the Home State shall have the power to take Adverse  
18 Action against a Regulated Social Worker's Multistate License.

19 (B) For purposes of taking Adverse Action, the Home State shall give  
20 the same priority and effect to reported conduct received from a Member State as it  
21 would if the conduct had occurred within the Home State. In so doing, the Home State  
22 shall apply its own State laws to determine appropriate action.

23 (C) The Home State shall complete any pending investigations of a  
24 Regulated Social Worker who changes their Home State during the course of the  
25 investigations. The Home State shall also have the authority to take appropriate  
26 action(s) and shall promptly report the conclusions of the investigations to the  
27 administrator of the Data System. The administrator of the Data System shall promptly  
28 notify the new Home State of any Adverse Actions.

29 (D) A Member State, if otherwise permitted by State law, may recover  
30 from the affected Regulated Social Worker the costs of investigations and dispositions  
31 of cases resulting from any Adverse Action taken against that Regulated Social

1 Worker.

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

5 (F) Joint Investigations:

6 (1) In addition to the authority granted to a Member State by its  
7 respective Social Work practice act or other applicable State law, any Member  
8 State may participate with other Member States in joint investigations of  
9 Licensees.

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

13 (G) If Adverse Action is taken by the Home State against the  
14 Multistate License of a Regulated Social Worker, the Regulated Social Worker's  
15 Multistate Authorization to Practice in all other Member States shall be deactivated  
16 until all Encumbrances have been removed from the Multistate License. All Home  
17 State disciplinary orders that impose Adverse Action against the license of a  
18 Regulated Social Worker shall include a statement that the Regulated Social Worker's  
19 Multistate Authorization to Practice is deactivated in all Member States until all  
20 conditions of the decision, order or agreement are satisfied.

21 (H) If a Member State takes Adverse Action, it shall promptly notify  
22 the administrator of the Data System. The administrator of the Data System shall  
23 promptly notify the Home State and all other Member States of any Adverse Actions  
24 by Remote States.

25 (I) Nothing in this Compact shall override a Member State's decision  
26 that participation in an Alternative Program may be used in lieu of Adverse Action.

27 (J) Nothing in this Compact shall authorize a Member State to demand  
28 the issuance of subpoenas for attendance and testimony of witnesses or the production  
29 of evidence from another Member State for lawful actions within that Member State.

30 (K) Nothing in this Compact shall authorize a Member State to impose  
31 discipline against a Regulated Social Worker who holds a Multistate Authorization to

1 Practice for lawful actions within another Member State.

2 SECTION 10. ESTABLISHMENT OF SOCIAL WORK LICENSURE COMPACT  
3 COMMISSION.

4 (A) The Compact Member States hereby create and establish a joint  
5 government agency whose membership consists of all Member States that have  
6 enacted the Compact known as the Social Work Licensure Compact Commission. The  
7 Commission is an instrumentality of the Compact States acting jointly and not an  
8 instrumentality of any one State. The Commission shall come into existence on or  
9 after the effective date of the Compact as set forth in Section 14.

10 (B) Membership, Voting, and Meetings

11 (1) Each Member State shall have and be limited to one (1)  
12 delegate selected by that Member State's State Licensing Authority.

13 (2) The delegate shall be either:

14 (a) A current member of the State Licensing Authority  
15 at the time of appointment, who is a Regulated Social Worker or public  
16 member of the State Licensing Authority; or

17 (b) An administrator of the State Licensing Authority or  
18 their designee.

19 (3) The Commission shall by Rule or bylaw establish a term of  
20 office for delegates and may by Rule or bylaw establish term limits.

21 (4) The Commission may recommend removal or suspension  
22 of any delegate from office.

23 (5) A Member State's State Licensing Authority shall fill any  
24 vacancy of its delegate occurring on the Commission within 60 days of the  
25 vacancy.

26 (6) Each delegate shall be entitled to one vote on all matters  
27 before the Commission requiring a vote by Commission delegates.

28 (7) A delegate shall vote in person or by such other means as  
29 provided in the bylaws. The bylaws may provide for delegates to meet by  
30 telecommunication, videoconference, or other means of communication.

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

1 calendar year. Additional meetings may be held as set forth in the bylaws. The  
2 Commission may meet by telecommunication, videoconference, or other  
3 similar electronic means.

4 (C) The Commission shall have the following powers:

- 5 (1) Establish the fiscal year of the Commission;
- 6 (2) Establish code of conduct and conflict of interest policies;
- 7 (3) Establish and amend Rules and bylaws;
- 8 (4) Maintain its financial records in accordance with the  
9 bylaws;
- 10 (5) Meet and take such actions as are consistent with the  
11 provisions of this Compact, the Commission's Rules, and the bylaws;
- 12 (6) Initiate and conclude legal proceedings or actions in the  
13 name of the Commission, provided that the standing of any State Licensing  
14 Board to sue or be sued under applicable law shall not be affected;
- 15 (7) Maintain and certify records and information provided to a  
16 Member State as the authenticated business records of the Commission, and  
17 designate an agent to do so on the Commission's behalf;
- 18 (8) Purchase and maintain insurance and bonds;
- 19 (9) Borrow, accept, or contract for services of personnel,  
20 including, but not limited to, employees of a Member State;
- 21 (10) Conduct an annual financial review;
- 22 (11) Hire employees, elect or appoint officers, fix  
23 compensation, define duties, grant such individuals appropriate authority to  
24 carry out the purposes of the Compact, and establish the Commission's  
25 personnel policies and programs relating to conflicts of interest, qualifications  
26 of personnel, and other related personnel matters;
- 27 (12) Assess and collect fees;
- 28 (13) Accept any and all appropriate gifts, donations, grants of  
29 money, other sources of revenue, equipment, supplies, materials, and services,  
30 and receive, utilize, and dispose of the same; provided that at all times the  
31 Commission shall avoid any appearance of impropriety or conflict of interest;

1 (14) Lease, purchase, retain, own, hold, improve, or use any  
2 property, real, personal, or mixed, or any undivided interest therein;

3 (15) Sell, convey, mortgage, pledge, lease, exchange, abandon,  
4 or otherwise dispose of any property real, personal, or mixed;

5 (16) Establish a budget and make expenditures;

6 (17) Borrow money;

7 (18) Appoint committees, including standing committees,  
8 composed of members, State regulators, State legislators or their  
9 representatives, and consumer representatives, and such other interested  
10 persons as may be designated in this Compact and the bylaws;

11 (19) Provide and receive information from, and cooperate with,  
12 law enforcement agencies;

13 (20) Establish and elect an Executive Committee, including a  
14 chair and a vice chair;

15 (21) Determine whether a State's adopted language is  
16 materially different from the model Compact language such that the State  
17 would not qualify for participation in the Compact; and

18 (22) Perform such other functions as may be necessary or  
19 appropriate to achieve the purposes of this Compact.

20 (D) The Executive Committee

21 (1) The Executive Committee shall have the power to act on  
22 behalf of the Commission according to the terms of this Compact. The powers,  
23 duties, and responsibilities of the Executive Committee shall include:

24 (a) Oversee the day-to-day activities of the  
25 administration of the Compact including enforcement and compliance  
26 with the provisions of the Compact, its Rules and bylaws, and other  
27 such duties as deemed necessary;

28 (b) Recommend to the Commission changes to the  
29 Rules or bylaws, changes to this Compact legislation, fees charged to  
30 Compact Member States, fees charged to Licensees, and other fees;

31 (c) Ensure Compact administration services are

1 appropriately provided, including by contract;

2 (d) Prepare and recommend the budget;

3 (e) Maintain financial records on behalf of the  
4 Commission;

5 (f) Monitor Compact compliance of Member States and  
6 provide compliance reports to the Commission;

7 (g) Establish additional committees as necessary;

8 (h) Exercise the powers and duties of the Commission  
9 during the interim between Commission meetings, except for adopting  
10 or amending Rules, adopting or amending bylaws, and exercising any  
11 other powers and duties expressly reserved to the Commission by Rule  
12 or bylaw; and

13 (i) Other duties as provided in the Rules or bylaws of  
14 the Commission.

15 (2) The Executive Committee shall be composed of up to  
16 eleven (11) members:

17 (a) The chair and vice chair of the Commission shall be  
18 voting members of the Executive Committee;

19 (b) The Commission shall elect five (5) voting members  
20 from the current membership of the Commission;

21 (c) Up to four (4) ex-officio, nonvoting members from  
22 four (4) recognized national Social Work organizations; and

23 (d) The ex-officio members will be selected by their  
24 respective organizations.

25 (3) The Commission may remove any member of the Executive  
26 Committee as provided in the Commission's bylaws.

27 (4) The Executive Committee shall meet at least annually.

28 (a) Executive Committee meetings shall be open to the  
29 public, except that the Executive Committee may meet in a closed, non-  
30 public meeting as provided in subsection F(2) below.

31 (b) The Executive Committee shall give seven (7) days'

1 notice of its meetings, posted on its website and as determined to  
2 provide notice to persons with an interest in the business of the  
3 Commission.

4 (c) The Executive Committee may hold a special  
5 meeting in accordance with subsection F(1)(b) below.

6 (E) The Commission shall adopt and provide to the Member States an  
7 annual report.

8 (F) Meetings of the Commission

9 (1) All meetings shall be open to the public, except that the  
10 Commission may meet in a closed, non-public meeting as provided in  
11 subsection F(2) below.

12 (a) Public notice for all meetings of the full  
13 Commission shall be given in the same manner as required under the  
14 Rulemaking provisions in Section 12, except that the Commission may  
15 hold a special meeting as provided in subsection F(1)(b) below.

16 (b) The Commission may hold a special meeting when  
17 it must meet to conduct emergency business by giving 48 hours' notice  
18 to all commissioners, on the Commission's website, and other means as  
19 provided in the Commission's Rules. The Commission's legal counsel  
20 shall certify that the Commission's need to meet qualifies as an  
21 emergency.

22 (2) The Commission or the Executive Committee or other  
23 committees of the Commission may convene in a closed, non-public meeting  
24 for the Commission or Executive Committee or other committees of the  
25 Commission to receive legal advice or to discuss:

26 (a) Non-compliance of a Member State with its  
27 obligations under the Compact;

28 (b) The employment, compensation, discipline or other  
29 matters, practices or procedures related to specific employees;

30 (c) Current or threatened discipline of a Licensee by the  
31 Commission or by a Member State's Licensing Authority;

1 (d) Current, threatened, or reasonably anticipated  
2 litigation;

3 (e) Negotiation of contracts for the purchase, lease, or  
4 sale of goods, services, or real estate;

5 (f) Accusing any person of a crime or formally  
6 censuring any person;

7 (g) Trade secrets or commercial or financial  
8 information that is privileged or confidential;

9 (h) Information of a personal nature where disclosure  
10 would constitute a clearly unwarranted invasion of personal privacy;

11 (i) Investigative records compiled for law enforcement  
12 purposes;

13 (j) Information related to any investigative reports  
14 prepared by or on behalf of or for use of the Commission or other  
15 committee charged with responsibility of investigation or determination  
16 of compliance issues pursuant to the Compact;

17 (k) Matters specifically exempted from disclosure by  
18 federal or Member State law; or

19 (l) Other matters as promulgated by the Commission by  
20 Rule.

21 (3) If a meeting, or portion of a meeting, is closed, the  
22 presiding officer shall state that the meeting will be closed and reference each  
23 relevant exempting provision, and such reference shall be recorded in the  
24 minutes.

25 (4) The Commission shall keep minutes that fully and clearly  
26 describe all matters discussed in a meeting and shall provide a full and accurate  
27 summary of actions taken, and the reasons therefore, including a description of  
28 the views expressed. All documents considered in connection with an action  
29 shall be identified in such minutes. All minutes and documents of a closed  
30 meeting shall remain under seal, subject to release only by a majority vote of  
31 the Commission or order of a court of competent jurisdiction.

1 (G) Financing of the Commission

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

5 (2) The Commission may accept any and all appropriate  
6 revenue sources as provided in subsection C(13).

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

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

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

26 (H) Qualified Immunity, Defense, and Indemnification

27 (1) The members, officers, executive director, employees and  
28 representatives of the Commission shall be immune from suit and liability,  
29 both personally and in their official capacity, for any claim for damage to or  
30 loss of property or personal injury or other civil liability caused by or arising  
31 out of any actual or alleged act, error, or omission that occurred, or that the

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

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

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

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

31 (5) Nothing in this Compact shall be interpreted to waive or

1 otherwise abrogate a Member State's state action immunity or state action  
2 affirmative defense with respect to antitrust claims under the Sherman Act,  
3 Clayton Act, or any other State or federal antitrust or anticompetitive law or  
4 regulation.

5 (6) Nothing in this Compact shall be construed to be a waiver  
6 of sovereign immunity by the Member States or by the Commission.

7 SECTION 11. DATA SYSTEM.

8 (A) The Commission shall provide for the development, maintenance,  
9 operation, and utilization of a coordinated Data System.

10 (B) The Commission shall assign each applicant for a Multistate  
11 License a unique identifier, as determined by the Rules of the Commission.

12 (C) Notwithstanding any other provision of State law to the contrary, a  
13 Member State shall submit a uniform data set to the Data System on all individuals to  
14 whom this Compact is applicable as required by the Rules of the Commission,  
15 including:

16 (1) Identifying information;

17 (2) Licensure data;

18 (3) Adverse Actions against a license and information related  
19 thereto;

20 (4) Non-confidential information related to Alternative  
21 Program participation, the beginning and ending dates of such participation,  
22 and other information related to such participation not made confidential under  
23 Member State law;

24 (5) Any denial of application for licensure, and the reason(s)  
25 for such denial;

26 (6) The presence of Current Significant Investigative  
27 Information; and

28 (7) Other information that may facilitate the administration of  
29 this Compact or the protection of the public, as determined by the Rules of the  
30 Commission.

31 (D) The records and information provided to a Member State pursuant

1 to this Compact or through the Data System, when certified by the Commission or an  
2 agent thereof, shall constitute the authenticated business records of the Commission,  
3 and shall be entitled to any associated hearsay exception in any relevant judicial,  
4 quasi-judicial or administrative proceedings in a Member State.

5 (E) Current Significant Investigative Information pertaining to a  
6 Licensee in any Member State will only be available to other Member States.

7 (1) It is the responsibility of the Member States to report any  
8 Adverse Action against a Licensee and to monitor the database to determine  
9 whether Adverse Action has been taken against a Licensee. Adverse Action  
10 information pertaining to a Licensee in any Member State will be available to  
11 any other Member State.

12 (F) Member States contributing information to the Data System may  
13 designate information that may not be shared with the public without the express  
14 permission of the contributing State.

15 (G) Any information submitted to the Data System that is subsequently  
16 expunged pursuant to federal law or the laws of the Member State contributing the  
17 information shall be removed from the Data System.

## 18 SECTION 12. RULEMAKING.

19 (A) The Commission shall promulgate reasonable Rules in order to  
20 effectively and efficiently implement and administer the purposes and provisions of  
21 the Compact. A Rule shall be invalid and have no force or effect only if a court of  
22 competent jurisdiction holds that the Rule is invalid because the Commission  
23 exercised its rulemaking authority in a manner that is beyond the scope and purposes  
24 of the Compact, or the powers granted hereunder, or based upon another applicable  
25 standard of review.

26 (B) The Rules of the Commission shall have the force of law in each  
27 Member State, provided however that, where the Rules of the Commission conflict  
28 with the laws of the Member State that establish the Member State's laws, regulations,  
29 and applicable standards that govern the practice of Social Work as held by a court of  
30 competent jurisdiction, the Rules of the Commission shall be ineffective in that State  
31 to the extent of the conflict.

1 (C) The Commission shall exercise its Rulemaking powers pursuant to  
2 the criteria set forth in this Section and the Rules adopted thereunder. Rules shall  
3 become binding on the day following adoption or the date specified in the rule or  
4 amendment, whichever is later.

5 (D) If a majority of the legislatures of the Member States rejects a Rule  
6 or portion of a Rule, by enactment of a statute or resolution in the same manner used  
7 to adopt the Compact within four (4) years of the date of adoption of the Rule, then  
8 such Rule shall have no further force and effect in any Member State.

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

11 (F) Prior to adoption of a proposed Rule, the Commission shall hold a  
12 public hearing and allow persons to provide oral and written comments, data, facts,  
13 opinions, and arguments.

14 (G) Prior to adoption of a proposed Rule by the Commission, and at  
15 least thirty (30) days in advance of the meeting at which the Commission will hold a  
16 public hearing on the proposed Rule, the Commission shall provide a Notice of  
17 Proposed Rulemaking:

18 (1) On the website of the Commission or other publicly  
19 accessible platform;

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

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

24 (H) The Notice of Proposed Rulemaking shall include:

25 (1) The time, date, and location of the public hearing at which  
26 the Commission will hear public comments on the proposed Rule and, if  
27 different, the time, date, and location of the meeting where the Commission  
28 will consider and vote on the proposed Rule;

29 (2) If the hearing is held via telecommunication, video  
30 conference, or other electronic means, the Commission shall include the  
31 mechanism for access to the hearing in the Notice of Proposed Rulemaking;

1 (3) The text of the proposed Rule and the reason therefor;

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

4 (5) The manner in which interested persons may submit written  
5 comments.

6 (I) All hearings will be recorded. A copy of the recording and all  
7 written comments and documents received by the Commission in response to the  
8 proposed Rule shall be available to the public.

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

12 (K) The Commission shall, by majority vote of all members, take final  
13 action on the proposed Rule based on the Rulemaking record and the full text of the  
14 Rule.

15 (1) The Commission may adopt changes to the proposed Rule  
16 provided the changes do not enlarge the original purpose of the proposed Rule.

17 (2) The Commission shall provide an explanation of the  
18 reasons for substantive changes made to the proposed Rule as well as reasons  
19 for substantive changes not made that were recommended by commenters.

20 (3) The Commission shall determine a reasonable effective date  
21 for the Rule. Except for an emergency as provided in Section 12(L), the  
22 effective date of the rule shall be no sooner than 30 days after issuing the  
23 notice that it adopted or amended the Rule.

24 (L) Upon determination that an emergency exists, the Commission  
25 may consider and adopt an emergency Rule with 48 hours' notice, with opportunity to  
26 comment, provided that the usual Rulemaking procedures provided in the Compact  
27 and in this section shall be retroactively applied to the Rule as soon as reasonably  
28 possible, in no event later than ninety (90) days after the effective date of the Rule. For  
29 the purposes of this provision, an emergency Rule is one that must be adopted  
30 immediately in order to:

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

1 (2) Prevent a loss of Commission or Member State funds;

2 (3) Meet a deadline for the promulgation of a Rule that is  
3 established by federal law or rule; or

4 (4) Protect public health and safety.

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

15 (N) No Member State's rulemaking requirements shall apply under this  
16 Compact.

### 17 SECTION 13. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT.

#### 18 (A) Oversight

19 (1) The executive and judicial branches of State government in  
20 each Member State shall enforce this Compact and take all actions necessary  
21 and appropriate to implement the Compact.

22 (2) Except as otherwise provided in this Compact, venue is  
23 proper and judicial proceedings by or against the Commission shall be brought  
24 solely and exclusively in a court of competent jurisdiction where the principal  
25 office of the Commission is located. The Commission may waive venue and  
26 jurisdictional defenses to the extent it adopts or consents to participate in  
27 alternative dispute resolution proceedings. Nothing herein shall affect or limit  
28 the selection or propriety of venue in any action against a Licensee for  
29 professional malpractice, misconduct or any such similar matter.

30 (3) The Commission shall be entitled to receive service of  
31 process in any proceeding regarding the enforcement or interpretation of the

1 Compact and shall have standing to intervene in such a proceeding for all  
2 purposes. Failure to provide the Commission service of process shall render a  
3 judgment or order void as to the Commission, this Compact, or promulgated  
4 Rules.

5 (B) Default, Technical Assistance, and Termination

6 (1) If the Commission determines that a Member State has  
7 defaulted in the performance of its obligations or responsibilities under this  
8 Compact or the promulgated Rules, the Commission shall provide written  
9 notice to the defaulting State. The notice of default shall describe the default,  
10 the proposed means of curing the default, and any other action that the  
11 Commission may take, and shall offer training and specific technical assistance  
12 regarding the default.

13 (2) The Commission shall provide a copy of the notice of  
14 default to the other Member States.

15 (C) If a State in default fails to cure the default, the defaulting State  
16 may be terminated from the Compact upon an affirmative vote of a majority of the  
17 delegates of the Member States, and all rights, privileges and benefits conferred on  
18 that State by this Compact may be terminated on the effective date of termination. A  
19 cure of the default does not relieve the offending State of obligations or liabilities  
20 incurred during the period of default.

21 (D) Termination of membership in the Compact shall be imposed only  
22 after all other means of securing compliance have been exhausted. Notice of intent to  
23 suspend or terminate shall be given by the Commission to the governor, the majority  
24 and minority leaders of the defaulting State's legislature, the defaulting State's State  
25 Licensing Authority and each of the Member States' State Licensing Authority.

26 (E) A State that has been terminated is responsible for all assessments,  
27 obligations, and liabilities incurred through the effective date of termination, including  
28 obligations that extend beyond the effective date of termination.

29 (F) Upon the termination of a State's membership from this Compact,  
30 that State shall immediately provide notice to all Licensees within that State of such  
31 termination. The terminated State shall continue to recognize all licenses granted

1 pursuant to this Compact for a minimum of six (6) months after the date of said notice  
2 of termination.

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

6 (H) The defaulting State may appeal the action of the Commission by  
7 petitioning the U.S. District Court for the District of Columbia or the federal district  
8 where the Commission has its principal offices. The prevailing party shall be awarded  
9 all costs of such litigation, including reasonable attorney's fees.

10 (I) Dispute Resolution

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

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

16 (J) Enforcement

17 (1) By majority vote as provided by Rule, the Commission may  
18 initiate legal action against a Member State in default in the United States  
19 District Court for the District of Columbia or the federal district where the  
20 Commission has its principal offices to enforce compliance with the provisions  
21 of the Compact and its promulgated Rules. The relief sought may include both  
22 injunctive relief and damages. In the event judicial enforcement is necessary,  
23 the prevailing party shall be awarded all costs of such litigation, including  
24 reasonable attorney's fees. The remedies herein shall not be the exclusive  
25 remedies of the Commission. The Commission may pursue any other remedies  
26 available under federal or the defaulting Member State's law.

27 (2) A Member State may initiate legal action against the  
28 Commission in the U.S. District Court for the District of Columbia or the  
29 federal district where the Commission has its principal offices to enforce  
30 compliance with the provisions of the Compact and its promulgated Rules. The  
31 relief sought may include both injunctive relief and damages. In the event

1 judicial enforcement is necessary, the prevailing party shall be awarded all  
2 costs of such litigation, including reasonable attorney's fees.

3 (3) No person other than a Member State shall enforce this  
4 Compact against the Commission.

5 SECTION 14. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT.

6 (A) The Compact shall come into effect on the date on which the  
7 Compact statute is enacted into law in the seventh Member State.

8 (1) On or after the effective date of the Compact, the  
9 Commission shall convene and review the enactment of each of the first seven  
10 Member States ("Charter Member States") to determine if the statute enacted  
11 by each such Charter Member State is materially different than the model  
12 Compact statute.

13 (a) A Charter Member State whose enactment is found  
14 to be materially different from the model Compact statute shall be  
15 entitled to the default process set forth in Section 13.

16 (b) If any Member State is later found to be in default,  
17 or is terminated or withdraws from the Compact, the Commission shall  
18 remain in existence and the Compact shall remain in effect even if the  
19 number of Member States should be less than seven.

20 (2) Member States enacting the Compact subsequent to the  
21 seven initial Charter Member States shall be subject to the process set forth in  
22 Section 10(C)(21) to determine if their enactments are materially different  
23 from the model Compact statute and whether they qualify for participation in  
24 the Compact.

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

30 (4) Any State that joins the Compact subsequent to the  
31 Commission's initial adoption of the Rules and bylaws shall be subject to the

1 Rules and bylaws as they exist on the date on which the Compact becomes law  
2 in that State. Any Rule that has been previously adopted by the Commission  
3 shall have the full force and effect of law on the day the Compact becomes law  
4 in that State.

5 (B) Any Member State may withdraw from this Compact by enacting a  
6 statute repealing the same.

7 (1) A Member State's withdrawal shall not take effect until 180  
8 days after enactment of the repealing statute.

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

13 (3) Upon the enactment of a statute withdrawing from this  
14 Compact, a State shall immediately provide notice of such withdrawal to all  
15 Licensees within that State. Notwithstanding any subsequent statutory  
16 enactment to the contrary, such withdrawing State shall continue to recognize  
17 all licenses granted pursuant to this Compact for a minimum of 180 days after  
18 the date of such notice of withdrawal.

19 (C) Nothing contained in this Compact shall be construed to invalidate  
20 or prevent any licensure agreement or other cooperative arrangement between a  
21 Member State and a non-Member State that does not conflict with the provisions of  
22 this Compact.

23 (D) This Compact may be amended by the Member States. No  
24 amendment to this Compact shall become effective and binding upon any Member  
25 State until it is enacted into the laws of all Member States.

#### 26 SECTION 15. CONSTRUCTION AND SEVERABILITY.

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

1 (B) The provisions of this Compact shall be severable and if any  
2 phrase, clause, sentence or provision of this Compact is held by a court of competent  
3 jurisdiction to be contrary to the constitution of any Member State, a State seeking  
4 participation in the Compact, or of the United States, or the applicability thereof to any  
5 government, agency, person or circumstance is held to be unconstitutional by a court  
6 of competent jurisdiction, the validity of the remainder of this Compact and the  
7 applicability thereof to any other government, agency, person or circumstance shall  
8 not be affected thereby.

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

17 SECTION 16. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS.

18 (A) A Licensee providing services in a Remote State under a  
19 Multistate Authorization to Practice shall adhere to the laws and regulations, including  
20 laws, regulations, and applicable standards, of the Remote State where the client is  
21 located at the time care is rendered.

22 (B) Nothing herein shall prevent or inhibit the enforcement of any  
23 other law of a Member State that is not inconsistent with the Compact.

24 (C) Any laws, statutes, regulations, or other legal requirements in a  
25 Member State in conflict with the Compact are superseded to the extent of the conflict.

26 (D) All permissible agreements between the Commission and the  
27 Member States are binding in accordance with their terms.

28 \* **Sec. 25.** AS 08.95.990 is amended by adding new paragraphs to read:

29 (8) "multistate authorization to practice" has the meaning given in  
30 AS 08.95.200;

31 (9) "regulated social worker" has the meaning given in AS 08.95.200.

1 \* **Sec. 26.** AS 09.55.560(2) is amended to read:

2 (2) "health care provider" means an acupuncturist licensed under  
3 AS 08.06; an audiologist or speech-language pathologist licensed under AS 08.11; a  
4 chiropractor licensed under AS 08.20; a dental hygienist licensed under AS 08.32; a  
5 dentist licensed under AS 08.36; a nurse licensed under AS 08.68; a dispensing  
6 optician licensed under AS 08.71; a naturopath licensed under AS 08.45; an  
7 optometrist licensed under AS 08.72; a pharmacist licensed under AS 08.80; **a**  
8 **respiratory care practitioner licensed under AS 08.90;** a physical therapist or  
9 occupational therapist licensed under AS 08.84; a physician or physician assistant  
10 licensed under AS 08.64; a podiatrist; a psychologist and a psychological associate  
11 licensed under AS 08.86; a hospital as defined in AS 47.32.900, including a  
12 governmentally owned or operated hospital; an employee of a health care provider  
13 acting within the course and scope of employment; an ambulatory surgical facility and  
14 other organizations whose primary purpose is the delivery of health care, including a  
15 health maintenance organization, individual practice association, integrated delivery  
16 system, preferred provider organization or arrangement, and a physical hospital  
17 organization;

18 \* **Sec. 27.** AS 09.65.300(c)(1) is amended to read:

19 (1) "health care provider" means a physician, physician assistant,  
20 dentist, dental hygienist, osteopath, optometrist, chiropractor, registered nurse,  
21 practical nurse, advanced practice registered nurse, naturopath, **respiratory care**  
22 **practitioner,** physical therapist, occupational therapist, marital and family therapist,  
23 psychologist, psychological associate, behavior analyst, assistant behavior analyst,  
24 licensed clinical social worker, athletic trainer, certified direct-entry midwife, licensed  
25 professional counselor, or licensed associate counselor;

26 \* **Sec. 28.** AS 12.62.400(a) is amended by adding new paragraphs to read:

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

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

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

31 \* **Sec. 29.** AS 12.62.400(a), as amended by sec. 28 of this Act, is amended by adding a new

1 paragraph to read:

2 (29) multistate licensure as a social worker under AS 08.95.200.

3 \* **Sec. 30.** AS 14.30.141(e) is amended to read:

4 (e) In this section, "health care provider" means a licensed physician,  
5 advanced practice registered nurse, **respiratory care practitioner**, physician assistant,  
6 village health aide, or pharmacist operating within the scope of the health care  
7 provider's authority.

8 \* **Sec. 31.** AS 18.08.082 is amended by adding a new subsection to read:

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

11 \* **Sec. 32.** AS 18.08 is amended by adding a new section to read:

12 **Sec. 18.08.105. Recognition of EMS personnel licensure interstate**  
13 **compact.** The recognition of EMS personnel licensure interstate compact as contained  
14 in this section is enacted into law and entered into on behalf of the state with all other  
15 states and jurisdictions legally joining it in a form substantially as follows:

16 SECTION 1. PURPOSE.

17 In order to protect the public through verification of competency and ensure  
18 accountability for patient care related activities all states license emergency medical  
19 services (EMS) personnel, such as emergency medical technicians (EMTs), advanced  
20 EMTs and paramedics. This Compact is intended to facilitate the day-to-day  
21 movement of EMS personnel across state boundaries in the performance of their EMS  
22 duties as assigned by an appropriate authority and authorize state EMS offices to  
23 afford immediate legal recognition to EMS personnel licensed in a member state. This  
24 Compact recognizes that states have a vested interest in protecting the public's health  
25 and safety through their licensing and regulation of EMS personnel and that such state  
26 regulation shared among the member states will best protect public health and safety.  
27 This Compact is designed to achieve the following purposes and objectives:

- 28 (1) increase public access to EMS personnel;
- 29 (2) enhance the states' ability to protect the public's health and safety,  
30 especially patient safety;
- 31 (3) encourage the cooperation of member states in the areas of EMS

1 personnel licensure and regulation;

2 (4) support licensing of military members who are separating from an  
3 active-duty tour and their spouses;

4 (5) facilitate the exchange of information between member states  
5 regarding EMS personnel licensure, adverse action and significant investigatory  
6 information;

7 (6) promote compliance with the laws governing EMS personnel  
8 practice in each member state; and

9 (7) invest all member states with the authority to hold EMS personnel  
10 accountable through the mutual recognition of member state licenses.

## 11 SECTION 2. DEFINITIONS.

12 In this Compact:

13 (A) "Advanced Emergency Medical Technician" and "AEMT" mean: an  
14 individual licensed with cognitive knowledge and a scope of practice that corresponds  
15 to that level in the National EMS Education Standards and National EMS Scope of  
16 Practice Model.

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

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

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

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

31 (F) "Emergency Medical Technician" and "EMT" mean: an individual

1 licensed with cognitive knowledge and a scope of practice that corresponds to that  
2 level in the National EMS Education Standards and National EMS Scope of Practice  
3 Model.

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

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

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

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

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

14 (L) "Privilege to Practice" means: an individual's authority to deliver  
15 emergency medical services in remote states as authorized under this Compact.

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

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

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

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

30 (Q) "Significant Investigatory Information" means:

31 (1) investigative information that a state EMS authority, after a

1 preliminary inquiry that includes notification and an opportunity to respond if required  
2 by state law, has reason to believe, if proved true, would result in the imposition of an  
3 adverse action on a license or privilege to practice; or

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

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

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

### 11 SECTION 3. HOME STATE LICENSURE.

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

14 (B) Any member state may require an individual to obtain and retain a license  
15 to be authorized to practice in the member state under circumstances not authorized by  
16 the privilege to practice under the terms of this Compact.

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

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

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

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

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

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

2 SECTION 4. COMPACT PRIVILEGE TO PRACTICE.

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

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

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

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

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

12 (C) An individual providing patient care in a remote state under the privilege  
13 to practice shall function within the scope of practice authorized by the home state  
14 unless and until modified by an appropriate authority in the remote state as may be  
15 defined in the rules of the commission.

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

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

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

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

29 An individual may practice in a remote state under a privilege to practice only  
30 in the performance of the individual's EMS duties as assigned by an appropriate  
31 authority, as defined in the rules of the Commission, and under the following

1 circumstances:

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

4 (2) The individual originates in the home state and enters a remote  
5 state to pick up a patient and provide care and transport of the patient to the home  
6 state;

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

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

11 (5) Other conditions as determined by rules promulgated by the  
12 commission.

13 SECTION 6. RELATIONSHIP TO EMERGENCY MANAGEMENT ASSISTANCE  
14 COMPACT.

15 Upon a member state's governor's declaration of a state of emergency or  
16 disaster that activates the Emergency Management Assistance Compact (EMAC), all  
17 relevant terms and provisions of EMAC shall apply and to the extent any terms or  
18 provisions of this Compact conflicts with EMAC, the terms of EMAC shall prevail  
19 with respect to any individual practicing in the remote state in response to such  
20 declaration.

21 SECTION 7. VETERANS, SERVICE MEMBERS SEPARATING FROM ACTIVE-DUTY  
22 MILITARY, AND THEIR SPOUSES.

23 (A) Member states shall consider a veteran, active military service member,  
24 and member of the National Guard and Reserves separating from an active-duty tour,  
25 and a spouse thereof, who holds a current valid and unrestricted NREMT certification  
26 at or above the level of the state license being sought as satisfying the minimum  
27 training and examination requirements for such licensure.

28 (B) Member states shall expedite the processing of licensure applications  
29 submitted by veterans, active military service members, and members of the National  
30 Guard and Reserves separating from an active-duty tour, and their spouses.

31 (C) All individuals functioning with a privilege to practice under this Section

1 remain subject to the Adverse Actions provisions of Section 8.

2 SECTION 8. ADVERSE ACTIONS.

3 (A) A home state shall have exclusive power to impose adverse action against  
4 an individual's license issued by the home state.

5 (B) If an individual's license in any home state is restricted or suspended, the  
6 individual shall not be eligible to practice in a remote state under the privilege to  
7 practice until the individual's home state license is restored.

8 (1) All home state adverse action orders shall include a statement that  
9 the individual's Compact privileges are inactive. The order may allow the individual to  
10 practice in remote states with prior written authorization from both the home state and  
11 remote state's EMS authority.

12 (2) An individual currently subject to adverse action in the home state  
13 shall not practice in any remote state without prior written authorization from both the  
14 home state and remote state's EMS authority.

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

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

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

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

27 (G) Nothing in this Compact shall override a member state's decision that  
28 participation in an alternative program may be used in lieu of adverse action and that  
29 such participation shall remain non-public if required by the member state's laws.  
30 Member states must require individuals who enter any alternative programs to agree  
31 not to practice in any other member state during the term of the alternative program

without prior authorization from such other member state.

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

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

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

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

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

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

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

(2) 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 to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

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

(B) Membership, Voting, and Meetings.

(1) Each member state shall have and be limited to one (1) delegate.

1 The responsible official of the state EMS authority or his designee shall be the  
2 delegate to this Compact for each member state. Any delegate may be removed or  
3 suspended from office as provided by the law of the state from which the delegate is  
4 appointed. Any vacancy occurring in the Commission shall be filled in accordance  
5 with the laws of the member state in which the vacancy exists. In the event that more  
6 than one board, office, or other agency with the legislative mandate to license EMS  
7 personnel at and above the level of EMT exists, the Governor of the state will  
8 determine which entity will be responsible for assigning the delegate.

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

14 (3) The Commission shall meet at least once during each calendar  
15 year. Additional meetings shall be held as set forth in the bylaws.

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

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

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

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

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

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

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

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

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

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

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

11 (j) Matters specifically exempted from disclosure by federal or  
12 member state statute.

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

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

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

26 (2) Providing reasonable standards and procedures:

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

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

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

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

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

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

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

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

21 (8) The Commission shall publish its bylaws and file a copy thereof,  
22 and a copy of any amendment thereto, with the appropriate agency or officer in each  
23 of the member states, if any;

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

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

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

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

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

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

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

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

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

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

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

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

24 (10) To borrow money;

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

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

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

1                   (14) To perform such other functions as may be necessary or  
2 appropriate to achieve the purposes of this Compact consistent with the state  
3 regulation of EMS personnel licensure and practice.

4                   (E) Financing of the Commission.

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

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

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

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

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

26                   (F) Qualified Immunity, Defense, and Indemnification.

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

1 is made had a reasonable basis for believing occurred within the scope of Commission  
2 employment, duties or responsibilities; provided that nothing in this paragraph shall be  
3 construed to protect any such person from suit and/or liability for any damage, loss,  
4 injury, or liability caused by the intentional or willful or wanton misconduct of that  
5 person.

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

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

#### 23 SECTION 11. COORDINATED DATABASE.

24 (A) The Commission shall provide for the development and maintenance of a  
25 coordinated database and reporting system containing licensure, adverse action, and  
26 significant investigatory information on all licensed individuals in member states.

27 (B) Notwithstanding any other provision of state law to the contrary, a  
28 member state shall submit a uniform data set to the coordinated database on all  
29 individuals to whom this Compact is applicable as required by the rules of the  
30 Commission, including:

31 (1) Identifying information;

- 1 (2) Licensure data;
- 2 (3) Significant investigatory information;
- 3 (4) Adverse actions against an individual's license;
- 4 (5) An indicator that an individual's privilege to practice is restricted,
- 5 suspended or revoked;
- 6 (6) Non-confidential information related to alternative program
- 7 participation;
- 8 (7) Any denial of application for licensure, and the reason(s) for such
- 9 denial; and
- 10 (8) Other information that may facilitate the administration of this
- 11 Compact, as determined by the rules of the Commission.

12 (C) The coordinated database administrator shall promptly notify all member

13 states of any adverse action taken against, or significant investigative information on,

14 any individual in a member state.

15 (D) Member states contributing information to the coordinated database may

16 designate information that may not be shared with the public without the express

17 permission of the contributing state.

18 (E) Any information submitted to the coordinated database that is

19 subsequently required to be expunged by the laws of the member state contributing the

20 information shall be removed from the coordinated database.

## 21 SECTION 12. RULEMAKING.

22 (A) The Commission shall exercise its rulemaking powers pursuant to the

23 criteria set forth in this Section and the rules adopted thereunder. Rules and

24 amendments shall become binding as of the date specified in each rule or amendment.

25 (B) If a majority of the legislatures of the member states rejects a rule, by

26 enactment of a statute or resolution in the same manner used to adopt the Compact,

27 then such rule shall have no further force and effect in any member state.

28 (C) Rules or amendments to the rules shall be adopted at a regular or special

29 meeting of the Commission.

30 (D) Prior to promulgation and adoption of a final rule or rules by the

31 Commission, and at least sixty (60) days in advance of the meeting at which the rule

1 will be considered and voted upon, the Commission shall file a Notice of Proposed  
2 Rulemaking:

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

4 (2) On the website of each member state EMS authority or the  
5 publication in which each state would otherwise publish proposed rules.

6 (E) The Notice of Proposed Rulemaking shall include:

7 (1) The proposed time, date, and location of the meeting in which the  
8 rule will be considered and voted upon;

9 (2) The text of the proposed rule or amendment and the reason for the  
10 proposed rule;

11 (3) A request for comments on the proposed rule from any interested  
12 person; and

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

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

18 (G) The Commission shall grant an opportunity for a public hearing before it  
19 adopts a rule or amendment if a hearing is requested by:

20 (1) At least twenty-five (25) persons;

21 (2) A governmental subdivision or agency; or

22 (3) An association having at least twenty-five (25) members.

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

25 (1) All persons wishing to be heard at the hearing shall notify the  
26 executive director of the Commission or other designated member in writing of their  
27 desire to appear and testify at the hearing not less than five (5) business days before  
28 the scheduled date of the hearing.

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

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

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

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

12 (J) The Commission shall, by majority vote of all members, take final action  
13 on the proposed rule and shall determine the effective date of the rule, if any, based on  
14 the rulemaking record and the full text of the rule.

15 (K) If no written notice of intent to attend the public hearing by interested  
16 parties is received, the Commission may proceed with promulgation of the proposed  
17 rule without a public hearing.

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

- 25 (1) Meet an imminent threat to public health, safety, or welfare;  
26 (2) Prevent a loss of Commission or member state funds;  
27 (3) Meet a deadline for the promulgation of an administrative rule that  
28 is established by federal law or rule; or  
29 (4) Protect public health and safety.

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

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

9 SECTION 13. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT.

10 (A) Oversight.

11 (1) The executive, legislative, and judicial branches of state  
12 government in each member state shall enforce this Compact and take all actions  
13 necessary and appropriate to effectuate the Compact's purposes and intent. The  
14 provisions of this Compact and the rules promulgated hereunder shall have standing as  
15 statutory law.

16 (2) All courts shall take judicial notice of the Compact and the rules in  
17 any judicial or administrative proceeding in a member state pertaining to the subject  
18 matter of this Compact which may affect the powers, responsibilities or actions of the  
19 Commission.

20 (3) The Commission shall be entitled to receive service of process in  
21 any such proceeding, and shall have standing to intervene in such a proceeding for all  
22 purposes. Failure to provide service of process to the Commission shall render a  
23 judgment or order void as to the Commission, this Compact, or promulgated rules.

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

25 (1) If the Commission determines that a member state has defaulted in  
26 the performance of its obligations or responsibilities under this Compact or the  
27 promulgated rules, the Commission shall:

28 (a) Provide written notice to the defaulting state and other  
29 member states of the nature of the default, the proposed means of curing the  
30 default and/or any other action to be taken by the Commission; and

31 (b) Provide remedial training and specific technical assistance

1 regarding the default.

2 (2) If a state in default fails to cure the default, the defaulting state may  
3 be terminated from the Compact upon an affirmative vote of a majority of the member  
4 states, and all rights, privileges and benefits conferred by this Compact may be  
5 terminated on the effective date of termination. A cure of the default does not relieve  
6 the offending state of obligations or liabilities incurred during the period of default.

7 (3) Termination of membership in the Compact shall be imposed only  
8 after all other means of securing compliance have been exhausted. Notice of intent to  
9 suspend or terminate shall be given by the Commission to the governor, the majority  
10 and minority leaders of the defaulting state's legislature, and each of the member  
11 states.

12 (4) A state that has been terminated is responsible for all assessments,  
13 obligations, and liabilities incurred through the effective date of termination, including  
14 obligations that extend beyond the effective date of termination.

15 (5) The Commission shall not bear any costs related to a state that is  
16 found to be in default or that has been terminated from the Compact, unless agreed  
17 upon in writing between the Commission and the defaulting state.

18 (6) The defaulting state may appeal the action of the Commission by  
19 petitioning the U.S. District Court for the District of Columbia or the federal district  
20 where the Commission has its principal offices. The prevailing member shall be  
21 awarded all costs of such litigation, including reasonable attorney's fees.

22 (C) Dispute Resolution.

23 (1) Upon request by a member state, the Commission shall attempt to  
24 resolve disputes related to the Compact that arise among member states and between  
25 member and non-member states.

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

28 (D) Enforcement.

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

31 (2) By majority vote, the Commission may initiate legal action in the

1 United States District Court for the District of Columbia or the federal district where  
2 the Commission has its principal offices against a member state in default to enforce  
3 compliance with the provisions of the Compact and its promulgated rules and bylaws.  
4 The relief sought may include both injunctive relief and damages. In the event judicial  
5 enforcement is necessary, the prevailing member shall be awarded all costs of such  
6 litigation, including reasonable attorney's fees.

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

10 SECTION 14. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION  
11 FOR EMS PERSONNEL PRACTICE AND ASSOCIATION RULES, WITHDRAWAL,  
12 AND AMENDMENT.

13 (A) The Compact shall come into effect on the date on which the Compact  
14 statute is enacted into law in the tenth member state. The provisions, which become  
15 effective at that time, shall be limited to the powers granted to the Commission  
16 relating to assembly and the promulgation of rules. Thereafter, the Commission shall  
17 meet and exercise rulemaking powers necessary to the implementation and  
18 administration of the Compact.

19 (B) Any state that joins the Compact subsequent to the Commission's initial  
20 adoption of the rules shall be subject to the rules as they exist on the date on which the  
21 Compact becomes law in that state. Any rule that has been previously adopted by the  
22 Commission shall have the full force and effect of law on the day the Compact  
23 becomes law in that state.

24 (C) Any member state may withdraw from this Compact by enacting a statute  
25 repealing the same.

26 (1) A member state's withdrawal shall not take effect until six (6)  
27 months after enactment of the repealing statute.

28 (2) Withdrawal shall not affect the continuing requirement of the  
29 withdrawing state's EMS authority to comply with the investigative and adverse action  
30 reporting requirements of this act prior to the effective date of withdrawal.

31 (D) Nothing contained in this Compact shall be construed to invalidate or

1 prevent any EMS personnel licensure agreement or other cooperative arrangement  
2 between a member state and a non-member state that does not conflict with the  
3 provisions of this Compact.

4 (E) This Compact may be amended by the member states. No amendment to  
5 this Compact shall become effective and binding upon any member state until it is  
6 enacted into the laws of all member states.

7 SECTION 15. CONSTRUCTION AND SEVERABILITY.

8 This Compact shall be liberally construed so as to effectuate the purposes  
9 thereof. If this Compact shall be held contrary to the constitution of any state member  
10 thereto, the Compact shall remain in full force and effect as to the remaining member  
11 states. Nothing in this Compact supersedes state law or rules related to licensure of  
12 EMS agencies.

13 \* **Sec. 33.** AS 21.36.090(d) is amended to read:

14 (d) Except to the extent necessary to comply with AS 21.42.365 and  
15 AS 21.56, a person may not practice or permit unfair discrimination against a person  
16 who provides a service covered under a group health insurance policy that extends  
17 coverage on an expense incurred basis, or under a group service or indemnity type  
18 contract issued by a health maintenance organization or a nonprofit corporation, if the  
19 service is within the scope of the provider's occupational license. In this subsection,  
20 "provider" means a state licensed physician, physician assistant, dentist, osteopath,  
21 optometrist, chiropractor, advanced practice registered nurse, pharmacist, naturopath,  
22 **respiratory care practitioner**, physical therapist, occupational therapist, marital and  
23 family therapist, psychologist, psychological associate, licensed clinical social worker,  
24 licensed professional counselor, licensed associate counselor, certified direct-entry  
25 midwife, or dental hygienist holding an advanced practice permit.

26 \* **Sec. 34.** The uncodified law of the State of Alaska is amended by adding a new section to  
27 read:

28 TRANSITION: QUALIFICATIONS. Notwithstanding the licensing requirements of  
29 AS 08.90.010 and 08.90.020, enacted by sec. 18 of this Act, a person who, on the day before  
30 the effective date of this Act, is engaged in the practice of respiratory care and is qualified to  
31 perform acts within the scope of practice of respiratory care, may continue to perform those

1 acts without a license issued under AS 08.90 by the Department of Commerce, Community,  
2 and Economic Development for a period not to exceed one year after the effective date of this  
3 Act.

4 \* **Sec. 35.** Sections 1 - 3, 18 - 27, 29, 30, 33, and 34 of this Act take effect January 1, 2027.