

SENATE BILL NO. 281

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE SENATE HEALTH AND SOCIAL SERVICES COMMITTEE

Introduced: 3/25/26

Referred: Health & Social Services, Labor & Commerce

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the rural health transformation program; relating to physician
2 assistants; relating to collaborative agreements between physicians and physician
3 assistants; relating to the interstate medical licensure compact; relating to the PA
4 licensure compact; relating to the practice of medicine; relating to the psychology
5 interjurisdictional compact; relating to health care providers; relating to the recognition
6 of EMS personnel licensure interstate compact; relating to provisions regarding
7 physician assistants in contracts between certain health care providers and health care
8 insurers; and establishing the Rural Health Transformation Program Advisory
9 Council."

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

11 * **Section 1.** AS 08.64.010 is amended to read:

12 **Sec. 08.64.010. Creation and membership of State Medical Board.** The

1 governor shall appoint a board of medical examiners, to be known as the State
 2 Medical Board, consisting of five physicians licensed in the state and residing in as
 3 many separate geographical areas of the state as possible, one physician assistant
 4 licensed in the state [UNDER AS 08.64.107], and two persons with no direct
 5 financial interest in the health care industry.

6 * **Sec. 2.** AS 08.64.101(a) is amended to read:

7 (a) The board shall

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

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

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

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

17 (5) under regulations adopted by the board, contract with private
 18 professional organizations to establish an impaired medical professionals program to
 19 identify, confront, evaluate, and treat persons licensed under this chapter who abuse
 20 alcohol, other drugs, or other substances or are mentally ill or cognitively impaired;

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

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

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

1 * **Sec. 3.** AS 08.64.107 is repealed and reenacted to read:

2 **Sec. 08.64.107. Scope of practice of physician assistants; collaborative**
3 **agreements.** (a) A physician assistant may provide any medical service for which the
4 physician assistant is qualified to provide by education, training, and experience and
5 competent to perform, including

6 (1) obtaining a patient's comprehensive health history and performing
7 a physical examination;

8 (2) evaluating, diagnosing, managing, and providing medical
9 treatment;

10 (3) ordering and evaluating a diagnostic study or therapeutic
11 procedure;

12 (4) performing limited sonography on a focused imaging target to
13 assess specific and limited information about a patient's medical condition or to
14 provide real-time visual guidance for another procedure;

15 (5) educating a patient on health promotion and disease prevention;

16 (6) providing medical consultation to patients or other health care
17 providers;

18 (7) writing a medical order;

19 (8) obtaining informed consent;

20 (9) supervising, delegating, and assigning therapeutic and diagnostic
21 measures to licensed or unlicensed personnel in accordance with regulations adopted
22 under AS 08.64.106;

23 (10) certifying the health or disability of a patient as required by a
24 local, state, or federal program;

25 (11) authenticating a document with the signature, certification, stamp,
26 verification, affidavit, or endorsement of the physician assistant if the document may
27 be authenticated by the signature, certification, stamp, verification, affidavit, or
28 endorsement of a physician;

29 (12) pronouncing death in accordance with AS 18.08.089;

30 (13) planning and initiating a therapeutic regimen that includes
31 ordering and prescribing nonpharmacological interventions; in this paragraph,

1 "nonpharmacological intervention" includes durable medical equipment, nutrition,
2 blood and blood products, diagnostic support services, home health care, hospice, and
3 physical and occupational therapy;

4 (14) prescribing schedule II, III, IV, and V controlled substances under
5 federal law and all federal legend drugs;

6 (15) administering and procuring drugs and medical devices;

7 (16) dispensing a drug if pharmacy services are not reasonably
8 available and dispensing the drug is in the best interest of the patient or an emergency
9 exists; and

10 (17) requesting, receiving, and signing for a professional sample and
11 distributing a professional sample to a patient; in this paragraph, "professional sample"
12 means a unit of a prescription drug that is not for sale and given at no cost to the
13 physician assistant to promote the drug's use.

14 (b) A physician assistant is responsible for the care provided to a patient by
15 the physician assistant.

16 (c) Except as provided in (d) of this section, a physician assistant may only
17 practice in the state under a written collaborative agreement entered into with a
18 physician licensed under this chapter or a physician exempt from licensing under
19 AS 08.64.370. The collaborative agreement must describe how the collaboration will
20 occur between the physician assistant and the physician. A physician assistant who is
21 practicing under a collaborative agreement shall provide to the board with the
22 physician assistant's application for licensure or renewal a written attestation that the
23 physician assistant is practicing under a collaborative agreement. The physician
24 assistant shall provide a copy of the written collaborative agreement to the board upon
25 request.

26 (d) A physician assistant may practice without a collaborative agreement if

27 (1) the physician assistant is practicing at

28 (A) a facility directed by a licensed physician, osteopath, or
29 podiatrist;

30 (B) a health care facility licensed by the Department of Health
31 under AS 47.32;

1 (C) a health care facility that is operated by the federal
2 government or a tribal organization as defined in 25 U.S.C. 450b;

3 (D) a federally qualified health center or rural health clinic; or

4 (E) a military and veterans' facility; or

5 (2) the board has, upon application of the physician assistant,
6 authorized the physician assistant to practice at a facility not described in (1) of this
7 subsection without obtaining a collaborative agreement.

8 * **Sec. 4.** AS 08.64.190 is amended by adding a new subsection to read:

9 (b) An applicant applying for an expedited license as a physician under
10 AS 08.64.253 or a license as a physician assistant under this chapter shall submit,
11 along with the application, the applicant's fingerprints and the fees required by the
12 Department of Public Safety under AS 12.62.160 for criminal justice information and
13 a national criminal history record check. The board shall forward the fingerprints and
14 fees to the Department of Public Safety to obtain a report of criminal justice
15 information under AS 12.62 and a national criminal history record check under
16 AS 12.62.400.

17 * **Sec. 5.** AS 08.64 is amended by adding a new section to read:

18 **Sec. 08.64.206. Qualifications for physician assistant applicants.** Each
19 physician assistant applicant shall meet the qualifications prescribed in
20 AS 08.64.200(a)(3) - (5) and shall submit

21 (1) a certificate of graduation obtained from a physician assistant
22 program accredited, at the time of graduation, by

23 (A) the American Medical Association's Committee on Allied
24 Health Education and Accreditation or the Commission on Accreditation of
25 Allied Health Education Programs if the applicant graduated before January 1,
26 2001; or

27 (B) the Accreditation Review Commission on Education for the
28 Physician Assistant if the applicant graduated on or after January 1, 2001;

29 (2) proof of current certification issued by the National Commission on
30 Certification of Physician Assistants;

31 (3) proof of receiving a passing score on the physician assistant

1 national certifying examination offered by the National Commission on Certification
2 of Physician Assistants; and

3 (4) proof of any hours of postgraduate clinical experience obtained by
4 the applicant, including the specialties in which those hours were obtained.

5 * **Sec. 6.** AS 08.64.230 is amended by adding a new subsection to read:

6 (d) If a physician assistant applicant passes the examination and meets the
7 requirements of AS 08.64.206 and 08.64.255, the board or its executive secretary shall
8 grant a license to the applicant to practice the acts permitted under AS 08.64.107.

9 * **Sec. 7.** AS 08.64.250(a) is amended to read:

10 (a) The board may waive the examination requirement and license by
11 credentials if the physician, osteopath, physician assistant, or podiatry applicant
12 meets the requirements of AS 08.64.200, 08.64.205, 08.64.206, or 08.64.209, submits
13 proof of continued competence as required by regulation, pays the required fee, and
14 has

15 (1) an active license from a board of medical examiners established
16 under the laws of a state or territory of the United States or a province or territory of
17 Canada issued after thorough examination; or

18 (2) passed an examination as specified by the board in regulations.

19 * **Sec. 8.** AS 08.64 is amended by adding new sections to read:

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

24 SECTION 1. PURPOSE.

25 In order to strengthen access to health care, and in recognition of the advances
26 in the delivery of health care, the member states of the Interstate Medical Licensure
27 Compact have allied in common purpose to develop a comprehensive process that
28 complements the existing licensing and regulatory authority of state medical boards,
29 provides a streamlined process that allows physicians to become licensed in multiple
30 states, thereby enhancing the portability of a medical license and ensuring the safety of
31 patients. The Compact creates another pathway for licensure and does not otherwise

1 change a state's existing Medical Practice Act. The Compact also adopts the prevailing
2 standard for licensure and affirms that the practice of medicine occurs where the
3 patient is located at the time of the physician-patient encounter, and therefore, requires
4 the physician to be under the jurisdiction of the state medical board where the patient
5 is located. State medical boards that participate in the Compact retain the jurisdiction
6 to impose an adverse action against a license to practice medicine in that state issued
7 to a physician through the procedures in the Compact.

8 SECTION 2. DEFINITIONS.

9 In this compact,

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

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

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

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

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

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

26 (g) "Medical Practice Act" means laws and regulations governing the practice
27 of allopathic and osteopathic medicine within a member state.

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

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

1 (j) "Physician" means any person who

2 (1) is a graduate of a medical school accredited by the Liaison
3 Committee on Medical Education, the Commission on Osteopathic College
4 Accreditation, or a medical school listed in the International Medical Education
5 Directory or its equivalent;

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

11 (3) successfully completed graduate medical education approved by
12 the Accreditation Council for Graduate Medical Education or the American
13 Osteopathic Association;

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

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

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

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

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

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

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

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

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

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

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

13 SECTION 3. ELIGIBILITY.

14 (a) A physician must meet the eligibility requirements as defined in Section
15 2(j) to receive an expedited license under the terms and provisions of the Compact.

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

20 SECTION 4. DESIGNATION OF STATE OF PRINCIPAL LICENSE.

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

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

26 (2) The state where at least 25 percent of the practice of medicine
27 occurs;

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

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

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

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

5 SECTION 5. APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE.

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

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

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

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

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

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

31 (d) After receiving verification of eligibility under subsection (b) and any fees

1 under subsection (c), a member board shall issue an expedited license to the physician.
 2 This license shall authorize the physician to practice medicine in the issuing state
 3 consistent with the Medical Practice Act and all applicable laws and regulations of the
 4 issuing member board and member state.

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

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

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

14 SECTION 6. FEES FOR EXPEDITED LICENSURE.

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

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

20 SECTION 7. RENEWAL AND CONTINUED PARTICIPATION.

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

23 (1) Maintains a full and unrestricted license in a state of principal
 24 license;

25 (2) Has not been convicted, received adjudication, deferred
 26 adjudication, community supervision, or deferred disposition for any offense by a
 27 court of appropriate jurisdiction;

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

31 (4) Has not had a controlled substance license or permit suspended or

1 revoked by a state or the United States Drug Enforcement Administration.

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

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

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

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

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

13 SECTION 8. COORDINATED INFORMATION SYSTEM.

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

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

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

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

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

25 (f) All information provided to the Interstate Commission or distributed by
26 member boards shall be confidential, filed under seal, and used only for investigatory
27 or disciplinary matters.

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

30 SECTION 9. JOINT INVESTIGATIONS.

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

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

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

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

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

13 SECTION 10. DISCIPLINARY ACTIONS.

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

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

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

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

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

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

12 SECTION 11. INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION.

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

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

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

22 (d) The Interstate Commission shall consist of two voting representatives
23 appointed by each member state who shall serve as Commissioners. In states where
24 allopathic and osteopathic physicians are regulated by separate member boards, or if
25 the licensing and disciplinary authority is split between separate member boards, or if
26 the licensing and disciplinary authority is split between multiple member boards
27 within a member state, the member state shall appoint one representative from each
28 member board. A Commissioner shall be

29 (1) An allopathic or osteopathic physician appointed to a member
30 board;

31 (2) An executive director, executive secretary, or similar executive of a

1 member board; or

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

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

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

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

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

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

23 (2) Discuss matters specifically exempted from disclosure by federal
24 statute;

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

27 (4) Involve accusing a person of a crime, or formally censuring a
28 person;

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

31 (6) Discuss investigative records compiled for law enforcement

1 purposes; or

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

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

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

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

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

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

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

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

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

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

30 (e) Establish and appoint committees including, but not limited to, an
31 executive committee as required by Section 11, which shall have the power to act on

1 behalf of the Interstate Commission in carrying out its powers and duties;

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

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

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

6 (i) Purchase and maintain insurance and bonds;

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

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

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

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

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

19 (o) Establish a budget and make expenditures;

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

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

26 (r) Coordinate education, training, and public awareness regarding the
27 Compact, its implementation, and its operation;

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

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

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

SECTION 13. FINANCE POWERS.

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

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

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

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

SECTION 14. ORGANIZATION AND OPERATION OF THE INTERSTATE
COMMISSION.

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

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

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

(d) The officers and employees of the Interstate Commission shall be immune from suit and liability, either personally or in their official capacity, for a claim for damage to or loss of property or personal injury or other civil liability caused or

1 arising out of, or relating to, an actual or alleged act, error, or omission that occurred,
2 or that such person had a reasonable basis for believing occurred, within the scope of
3 Interstate Commission employment, duties, or responsibilities; provided that such
4 person shall not be protected from suit or liability for damage, loss, injury, or liability
5 caused by the intentional or willful and wanton misconduct of such person.

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

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

25 (g) To the extent not covered by the state involved, member state, or the
26 Interstate Commission, the representatives or employees of the Interstate Commission
27 shall be held harmless in the amount of a settlement or judgement, including attorney's
28 fees and costs, obtained against such persons arising out of an actual or alleged act,
29 error, or omission that occurred within the scope of the Interstate Commission
30 employment, duties, or responsibilities, or that such persons had a reasonable basis for
31 believing occurred within the scope of Interstate Commission employment, duties, or

1 responsibilities, provided that the actual or alleged act, error, or omission did not result
2 from intentional or willful and wanton misconduct on the part of such person.

3 SECTION 15. RULEMAKING FUNCTIONS OF THE INTERSTATE
4 COMMISSION.

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

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

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

24 SECTION 16. OVERSIGHT OF INTERSTATE COMPACT.

25 (a) The executive, legislative, and judicial branches of state government in
26 each member state shall enforce the Compact and shall take all actions necessary and
27 appropriate to effectuate the Compact's purposes and intent. The provisions of the
28 Compact and the rules promulgated hereunder shall have standing as statutory law but
29 shall not override existing state authority to regulate the practice of medicine.

30 (b) All courts shall take judicial notice of the Compact and the rules in any
31 judicial or administrative proceeding in a member state pertaining to the subject matter

1 of the Compact which may affect the powers, responsibilities or actions of the
2 Interstate Commission.

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

8 SECTION 17. ENFORCEMENT OF INTERSTATE COMPACT.

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

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

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

22 SECTION 18. DEFAULT PROCEDURES.

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

26 (b) If the Interstate Commission determines that a member state has defaulted
27 in the performance of its obligations or responsibilities under the Compact, or the
28 bylaws or promulgated rules, the Interstate Commission shall

29 (1) provide written notice to the defaulting state and other member
30 states, of the nature of the default, the means of curing the default, and any action
31 taken by the Interstate Commission; the Interstate Commission shall specify the

1 conditions by which the defaulting state must cure its default; and

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

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

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

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

17 (f) The member state which has been terminated is responsible for all due,
18 obligations, and liabilities incurred through the effective date of termination including
19 obligations, the performance of which extends beyond the effective date of
20 termination.

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

25 (h) The defaulting state may appeal the action of the Interstate Commission by
26 petitioning the United States District Court for the District of Columbia or the federal
27 district where the Interstate Commission has its principal offices. The prevailing party
28 shall be awarded all costs of such litigation including reasonable attorney's fees.

29 SECTION 19. DISPUTE RESOLUTION.

30 (a) The Interstate Commission shall attempt, upon the request of a member
31 state, to resolve disputes which are subject to the Compact and which may arise

1 among member states or member boards.

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

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

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

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

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

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

17 SECTION 21. WITHDRAWAL.

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

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

25 (c) The withdrawing state shall immediately notify the chairperson of the
26 Interstate Commission in writing upon the introduction of legislation repealing the
27 Compact in the withdrawing state.

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

31 (e) The withdrawing state is responsible for all dues, obligations and liabilities

1 incurred through the effective date of withdrawal, including obligations, the
2 performance of which extend beyond the effective date of withdrawal.

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

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

10 SECTION 22. DISSOLUTION.

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

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

18 SECTION 23. SEVERABILITY AND CONSTRUCTION.

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

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

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

26 SECTION 24. BINDING EFFECT OF COMPACT AND OTHER LAWS.

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

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

31 (c) All lawful actions of the Interstate Commission, including all rules and

1 bylaws promulgated by the Commission, are binding upon the member states.

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

4 (e) In the event any provision of the Compact exceeds the constitutional limits
5 imposed on the legislature of any member state, such provision shall be ineffective to
6 the extent of the conflict with the constitutional provision in question in that member
7 state.

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

11 SECTION 1. PURPOSE.

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

30 SECTION 2. DEFINITIONS.

31 In this Compact:

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

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

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

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

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

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

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

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

26 (I) "Jurisprudence Requirement" means the assessment of an individual's
27 knowledge of the laws and Rules governing the practice of a PA in a State.

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

31 (K) "Licensee" means an individual who holds a License from a State to

1 provide Medical Services as a PA.

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

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

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

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

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

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

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

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

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

25 (U) "Significant Investigative Information" means Investigative Information
26 that a Licensing Board, after an inquiry or investigation that includes notification and
27 an opportunity for the PA to respond if required by State law, has reason to believe is
28 not groundless and, if proven true, would indicate more than a minor infraction.

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

31 SECTION 3. STATE PARTICIPATION IN THIS COMPACT.

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

2 (1) License PAs.

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

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

6 (4) Notify the Commission, in compliance with the terms of this
7 Compact and Commission Rules, of any Adverse Action against a Licensee or License
8 applicant and the existence of Significant Investigative Information regarding a
9 Licensee or License applicant.

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

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

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

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

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

21 SECTION 4. COMPACT PRIVILEGE.

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

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

26 (2) Hold current NCCPA certification.

27 (3) Have no felony or misdemeanor Conviction.

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

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

1 (6) Hold a Qualifying License.

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

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

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

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

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

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

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

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

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

31 (C) Once a restricted or limited License satisfies the requirements of (B)(1)

1 and (2) of this Section, the Licensee must meet the requirements of (A) of this Section
2 to obtain a Compact Privilege in any Remote State.

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

6 SECTION 5. DESIGNATION OF THE STATE FROM WHICH LICENSEE IS
7 APPLYING FOR A COMPACT PRIVILEGE.

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

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

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

21 SECTION 6. ADVERSE ACTIONS.

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

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

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

31 (2) Issue subpoenas for both hearings and investigations that require

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

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

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

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

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

26 (E) A Participating State may take Adverse Action based on the factual
27 findings of a Remote State, provided that the Participating State follows its own
28 procedures for taking the Adverse Action.

29 (F) Joint Investigations.

30 (1) In addition to the authority granted to a Participating State by its
31 respective State PA laws and regulations or other applicable State law, any

1 Participating State may participate with other Participating States in joint
2 investigations of Licensees.

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

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

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

15 SECTION 7. ESTABLISHMENT OF THE PA LICENSURE COMPACT

16 COMMISSION.

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

22 (B) Membership, Voting, and Meetings.

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

27 (2) The delegate shall be either:

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

30 (b) An administrator of a Licensing Board.

31 (3) Any delegate may be removed or suspended from office as

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

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

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

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

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

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

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

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

17 (3) Establish fees;

18 (4) Establish bylaws;

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

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

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

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

28 (9) Purchase and maintain insurance and bonds;

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

31 (11) Hire employees and engage contractors, elect or appoint officers,

1 fix compensation, define duties, grant such individuals appropriate authority to carry
2 out the purposes of this Compact, and establish the Commission's personnel policies
3 and programs relating to conflicts of interest, qualifications of personnel, and other
4 related personnel matters;

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

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

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

14 (15) Establish a budget and make expenditures;

15 (16) Borrow money;

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

20 (18) Provide and receive information from, and cooperate with, law
21 enforcement agencies;

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

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

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

30 (22) Prepare and provide to the Participating States an annual report;
31 and

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

4 (D) Meetings of the Commission.

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

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

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

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

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

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

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

23 (e) Accusing any person of a crime or formally censuring any
24 person;

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

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

29 (h) Disclosure of investigative records compiled for law
30 enforcement purposes;

31 (i) Disclosure of information related to any investigative

1 reports prepared by or on behalf of or for use of the Commission or other
2 committee charged with responsibility of investigation or determination of
3 compliance issues pursuant to this Compact;

4 (j) Legal advice; or

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

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

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

17 (E) Financing of the Commission.

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

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

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

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

1 for the Compact Privilege expires.

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

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

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

20 (F) The Executive Committee.

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

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

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

26 (b) One ex-officio, nonvoting member from a recognized
27 national PA professional association; and

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

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

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

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

4 (6) The Executive Committee shall have the following duties and
5 responsibilities:

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

10 (b) Ensure Compact administration services are appropriately
11 provided, contractual or otherwise;

12 (c) Prepare and recommend the budget;

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

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

16 (f) Establish additional committees as necessary;

17 (g) Exercise the powers and duties of the Commission during
18 the interim between Commission meetings, except for issuing proposed
19 rulemaking or adopting Commission Rules or bylaws, or exercising any other
20 powers and duties exclusively reserved to the Commission by the
21 Commission's Rules; and

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

24 (7) All meetings of the Executive Committee at which it votes or plans
25 to vote on matters in exercising the powers and duties of the Commission shall be
26 open to the public and public notice of such meetings shall be given as public
27 meetings of the Commission are given.

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

1 meeting as the Commission is required to under Section 7(D)(5).

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

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

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

25 (3) The Commission shall indemnify and hold harmless any member,
26 officer, executive director, employee, and representative of the Commission for the
27 amount of any settlement or judgment obtained against that person arising out of any
28 actual or alleged act, error, or omission that occurred within the scope of Commission
29 employment, duties, or responsibilities, or that such person had a reasonable basis for
30 believing occurred within the scope of Commission employment, duties, or
31 responsibilities, provided that the actual or alleged act, error, or omission did not result

1 from the intentional or willful or wanton misconduct of that person.

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

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

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

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

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

20 SECTION 8. DATA SYSTEM.

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

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

30 (1) Identifying information;

31 (2) Licensure data;

1 (3) Adverse Actions against a License or Compact Privilege;

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

5 (5) The existence of Significant Investigative Information; and

6 (6) Other information that may facilitate the administration of this
7 Compact, as determined by the Rules of the Commission.

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

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

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

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

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

28 SECTION 9. RULEMAKING.

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

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

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

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

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

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

24 (1) On the website of the Commission or other publicly accessible
25 platform; and

26 (2) To persons who have requested notice of the Commission's notices
27 of proposed rulemaking; and

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

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

30 (1) The time, date, and location of the public hearing on the proposed
31 Rule and the proposed time, date and location of the meeting in which the proposed

1 Rule will be considered and voted upon;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (4) Protect public health and safety.

23 (M) The Commission or an authorized committee of the Commission may
24 direct revisions to a previously adopted Commission Rule for purposes of correcting
25 typographical errors, errors in format, errors in consistency, or grammatical errors.
26 Public notice of any revisions shall be posted on the website of the Commission. The
27 revision shall be subject to challenge by any person for a period of thirty (30) days
28 after posting. The revision may be challenged only on grounds that the revision results
29 in a material change to a Rule. A challenge shall be made as set forth in the notice of
30 revisions and delivered to the Commission prior to the end of the notice period. If no
31 challenge is made, the revision will take effect without further action. If the revision is

1 challenged, the revision may not take effect without the approval of the Commission.

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

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

5 (A) Oversight.

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

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

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

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

23 (1) If the Commission determines that a Participating State has
24 defaulted in the performance of its obligations or responsibilities under this Compact
25 or the Commission Rules, the Commission shall provide written notice to the
26 defaulting State and other Participating States. The notice shall describe the default,
27 the proposed means of curing the default and any other action that the Commission
28 may take and shall offer remedial training and specific technical assistance regarding
29 the default.

30 (2) If a State in default fails to cure the default, the defaulting State
31 may be terminated from this Compact upon an affirmative vote of a majority of the

1 delegates of the Participating States, and all rights, privileges and benefits conferred
2 by this Compact upon such State may be terminated on the effective date of
3 termination. A cure of the default does not relieve the offending State of obligations or
4 liabilities incurred during the period of default.

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

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

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

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

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

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

27 (b) Licensees who are licensed in that State who have been
28 granted a Compact Privilege in a Participating State shall retain the Compact
29 Privilege for one hundred eighty (180) days unless the Licensee also has a
30 Qualifying License in a Participating State or obtains a Qualifying License in a
31 Participating State before the one hundred eighty (180)-day period ends, in

1 which case the Compact Privilege shall continue.

2 (C) Dispute Resolution.

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

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

8 (D) Enforcement.

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

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

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

22 (E) Legal Action Against the Commission.

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

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

31 SECTION 11. DATE OF IMPLEMENTATION OF THE PA LICENSURE

1 COMPACT COMMISSION.

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

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

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

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

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

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

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

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

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

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

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

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

25 (E) This Compact may be amended by the Participating States. No amendment
26 to this Compact shall become effective and binding upon any Participating State until
27 it is enacted materially in the same manner into the laws of all Participating States as
28 determined by the Commission.

29 SECTION 12. CONSTRUCTION AND SEVERABILITY.

30 (A) This Compact and the Commission's rulemaking authority shall be
31 liberally construed so as to effectuate the purposes, and the implementation and

1 administration of the Compact. Provisions of the Compact expressly authorizing or
 2 requiring the promulgation of Rules shall not be construed to limit the Commission's
 3 rulemaking authority solely for those purposes.

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

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

21 SECTION 13. BINDING EFFECT OF COMPACT.

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

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

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

28 * **Sec. 9.** AS 08.64.270(a) is amended to read:

29 (a) The board, a member of the board, the executive secretary, or a person
 30 designated by the board to issue temporary permits may issue a temporary permit to
 31 an [A PHYSICIAN APPLICANT, OSTEOPATH APPLICANT, OR PODIATRY]

1 applicant who meets the requirements of AS 08.64.200, 08.64.205, 08.64.206,
 2 08.64.209, or 08.64.225 and pays the required fee.

3 * **Sec. 10.** AS 08.64.275(a) is amended to read:

4 (a) A member of the board, its executive secretary, or a person designated by
 5 the board to issue temporary permits may grant a temporary permit to a physician,
 6 [OR] osteopath, or physician assistant for the purpose of

7 (1) substituting for another physician, [OR] osteopath, or physician
 8 assistant licensed in this state;

9 (2) being temporarily employed by a physician, [OR] osteopath, or
 10 physician assistant licensed in this state while that physician, [OR] osteopath, or
 11 physician assistant evaluates the permittee for permanent employment; or

12 (3) being temporarily employed by a hospital or community mental
 13 health center while the facility attempts to fill a vacant permanent physician, [OR]
 14 osteopath, or physician assistant staff position with a physician, [OR] osteopath, or
 15 physician assistant licensed in this state.

16 * **Sec. 11.** AS 08.64.275 is amended by adding a new subsection to read:

17 (g) A physician assistant applying under (a) of this section shall pay the
 18 required fee and shall meet the requirements of AS 08.64.206 and 08.64.279. In
 19 addition, the physician assistant shall submit evidence of holding a license to practice
 20 in a state or territory of the United States or in a province or territory of Canada.

21 * **Sec. 12.** AS 08.64.312(c) is amended to read:

22 (c) The board or its designee may exempt a physician, osteopath, [OR]
 23 podiatrist, or physician assistant from the requirements of (b) of this section upon an
 24 application by the physician, osteopath, [OR] podiatrist, or physician assistant giving
 25 evidence satisfactory to the board or its designee that the physician, osteopath, [OR]
 26 podiatrist, or physician assistant is unable to comply with the requirements because
 27 of extenuating circumstances. However, a person may not be exempted from more
 28 than 15 hours of continuing education in a five-year period; a person may not be
 29 exempted from the requirement to receive at least two hours of education in pain
 30 management and opioid use and addiction unless the person has demonstrated to the
 31 satisfaction of the board that the person does not currently hold a valid federal Drug

1 Enforcement Administration registration number.

2 * **Sec. 13.** 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. 14.** AS 08.64.326(a) is amended to read:

17 (a) The board may impose a sanction if the board finds after a hearing that a
18 licensee

19 (1) secured a license through deceit, fraud, or intentional
20 misrepresentation;

21 (2) engaged in deceit, fraud, or intentional misrepresentation while
22 providing professional services or engaging in professional activities;

23 (3) advertised professional services in a false or misleading manner;

24 (4) has been convicted, including conviction based on a guilty plea or
25 plea of nolo contendere, of

26 (A) a class A or unclassified felony or a crime in another
27 jurisdiction with elements similar to a class A or unclassified felony in this
28 jurisdiction;

29 (B) a class B or class C felony or a crime in another jurisdiction
30 with elements similar to a class B or class C felony in this jurisdiction if the
31 felony or other crime is substantially related to the qualifications, functions, or

1 duties of the licensee; or

2 (C) a crime involving the unlawful procurement, sale,
3 prescription, or dispensing of drugs;

4 (5) has procured, sold, prescribed, or dispensed drugs in violation of a
5 law regardless of whether there has been a criminal action or harm to the patient;

6 (6) intentionally or negligently permitted the performance of patient
7 care by persons under the licensee's supervision that does not conform to minimum
8 professional standards even if the patient was not injured;

9 (7) failed to comply with this chapter, a regulation adopted under this
10 chapter, or an order of the board;

11 (8) has demonstrated

12 (A) professional incompetence, gross negligence, or repeated
13 negligent conduct; the board may not base a finding of professional
14 incompetence solely on the basis that a licensee's practice is unconventional or
15 experimental in the absence of demonstrable physical harm to a patient;

16 (B) addiction to, severe dependency on, or habitual overuse of
17 alcohol or other drugs that impairs the licensee's ability to practice safely;

18 (C) unfitness because of physical or mental disability;

19 (9) engaged in unprofessional conduct, in sexual misconduct, or in
20 lewd or immoral conduct in connection with the delivery of professional services to
21 patients; in this paragraph, "sexual misconduct" includes sexual contact, as defined by
22 the board in regulations adopted under this chapter, or attempted sexual contact with a
23 patient outside the scope of generally accepted methods of examination or treatment of
24 the patient, regardless of the patient's consent or lack of consent, during the term of the
25 physician-patient relationship, as defined by the board in regulations adopted under
26 this chapter, unless the patient was the licensee's spouse at the time of the contact or,
27 immediately preceding the physician-patient relationship, was in a dating, courtship,
28 or engagement relationship with the licensee;

29 (10) has violated AS 18.16.010;

30 (11) has violated any code of ethics adopted by regulation by the
31 board;

1 (12) has denied care or treatment to a patient or person seeking
 2 assistance from the licensee [PHYSICIAN] if the only reason for the denial is the
 3 failure or refusal of the patient to agree to arbitrate as provided in AS 09.55.535(a);

4 (13) has had a license or certificate to practice medicine in another
 5 state or territory of the United States, or a province or territory of Canada, denied,
 6 suspended, revoked, surrendered while under investigation for an alleged violation,
 7 restricted, limited, conditioned, or placed on probation unless the denial, suspension,
 8 revocation, or other action was caused by the failure of the licensee to pay fees to that
 9 state, territory, or province; or

10 (14) prescribed or dispensed an opioid in excess of the maximum
 11 dosage authorized under AS 08.64.363.

12 * **Sec. 15.** AS 08.64.334 is amended to read:

13 **Sec. 08.64.334. Voluntary surrender.** The board, at its discretion, may accept
 14 the voluntary surrender of a license. A license may not be returned unless the board
 15 determines, under regulations adopted by it, that the licensee is competent to resume
 16 practice. However, a license may not be returned to the licensee if the voluntary
 17 surrender resulted in the dropping or suspension of civil or criminal charges against
 18 the physician or physician assistant.

19 * **Sec. 16.** AS 08.64.336(a) is amended to read:

20 (a) A physician or physician assistant who professionally treats a person
 21 licensed to practice medicine or osteopathy in this state for alcoholism or drug
 22 addiction, or for mental, emotional, or personality disorders, shall report [IT] to the
 23 board if there is probable cause that the person may constitute a danger to the health
 24 and welfare of that person's patients or the public if that person continues in practice.
 25 The report must state the name and address of the person and the condition found.

26 * **Sec. 17.** AS 08.64.336(e) is amended to read:

27 (e) A physician, physician assistant, hospital, hospital committee, or private
 28 professional organization contracted with under AS 08.64.101(a)(5) to identify,
 29 confront, evaluate, and treat individuals licensed under this chapter who abuse
 30 addictive substances that in good faith submits a report under this section or
 31 participates in an investigation or judicial proceeding related to a report submitted

1 under this section is immune from civil liability for the submission or participation.

2 * **Sec. 18.** AS 08.64.336(f) is amended to read:

3 (f) A physician, physician assistant, or hospital may not refuse to submit a
4 report under this section or withhold from the board or its investigators evidence
5 related to an investigation under this section on the grounds that the report or evidence

6 (1) concerns a matter that was disclosed in the course of a confidential
7 physician-patient or psychotherapist-patient relationship or during a meeting of a
8 hospital medical staff, governing body, or committee that was exempt from the public
9 meeting requirements of AS 44.62.310; or

10 (2) is required to be kept confidential under AS 18.23.030.

11 * **Sec. 19.** AS 08.64.360 is amended to read:

12 **Sec. 08.64.360. Penalty for practicing without a license or in violation of**
13 **law.** Except for [A PHYSICIAN ASSISTANT OR] a person licensed or authorized
14 under another law of the state who engages in practices for which that person is
15 licensed or authorized under that law, a person practicing medicine or osteopathy in
16 the state without a valid license or permit is guilty of a class A misdemeanor. Each day
17 of illegal practice is a separate offense.

18 * **Sec. 20.** AS 08.64.370 is amended to read:

19 **Sec. 08.64.370. Exceptions to application of chapter.** This chapter does not
20 apply to

21 (1) officers in the regular medical service of the armed services of the
22 United States or the United States Public Health Service while in the discharge of their
23 official duties;

24 (2) a physician, [OR] osteopath, or physician assistant licensed in
25 another state who is asked by a physician, [OR] osteopath, or physician assistant
26 licensed in this state to help in the diagnosis or treatment of a case, unless the
27 physician, osteopath, or physician assistant is practicing under AS 08.02.130(b);

28 (3) the practice of the religious tenets of a church;

29 (4) a physician or physician assistant in the regular medical service of
30 the United States Public Health Service or the armed services of the United States
31 volunteering services without pay or other remuneration to a hospital, clinic, medical

1 office, or other medical facility in the state;

2 (5) a person who is certified as a direct-entry midwife by the
3 department under AS 08.65 while engaged in the practice of midwifery whether or not
4 the person accepts compensation for those services;

5 (6) a physician **or physician assistant** licensed in another state who,
6 under a written agreement with an athletic team located in the state in which the
7 physician **or physician assistant** is licensed, provides medical services to members of
8 the athletic team while the athletic team is traveling to or from or participating in a
9 sporting event in this state.

10 * **Sec. 21.** AS 08.64.380(6) is amended to read:

11 (6) "practice of medicine" or "practice of osteopathy" means [:]

12 (A) for a fee, donation, or other consideration, to diagnose,
13 treat, operate on, prescribe for, or administer to [,] any human ailment,
14 blemish, deformity, disease, disfigurement, disorder, injury, or other mental or
15 physical condition; or to attempt to perform or represent that a person is
16 authorized to perform any of the acts set out in this subparagraph;

17 (B) to use or publicly display a title in connection with a
18 person's name **in such a manner as to show that the person is willing or**
19 **qualified to diagnose or treat the sick or injured,** including "doctor of
20 medicine," "physician," "M.D.," [OR] "doctor of osteopathic medicine," [OR]
21 "D.O.," **"physician assistant," or "P.A."** or a specialist designation,
22 including "surgeon," "dermatologist," or a similar title, **except that "practice**
23 **of medicine" or "practice of osteopathy" does not include the use of the**
24 **title "doctor" by a person holding a doctorate degree who is not a**
25 **physician or osteopath and who clearly communicates that the person is**
26 **not a physician or osteopath** [IN SUCH A MANNER AS TO SHOW THAT
27 THE PERSON IS WILLING OR QUALIFIED TO DIAGNOSE OR TREAT
28 THE SICK OR INJURED];

29 * **Sec. 22.** AS 08.64.380(7) is amended to read:

30 (7) "practice of podiatry" means the medical, mechanical, and surgical
31 treatment of ailments of the foot, the muscles and tendons of the leg governing the

1 functions of the foot, and superficial lesions of the hand other than those associated
 2 with trauma; the use of preparations, medicines, and drugs as are necessary for the
 3 treatment of these ailments; the treatment of the local manifestations of systemic
 4 diseases as they appear in the hand and foot, except that

5 (A) a patient shall be concurrently referred to a physician, [OR]
 6 osteopath, or physician assistant for the treatment of the systemic disease
 7 itself;

8 (B) general anesthetics [ANAESTHETICS] may be used only
 9 in colleges of podiatry approved by the board and in hospitals approved by the
 10 joint commission on the accreditation of hospitals, or the American
 11 Osteopathic Association; and

12 (C) the use of X-ray or radium for therapeutic purposes is not
 13 permitted.

14 * **Sec. 23.** AS 08.86.070 is amended to read:

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

16 (1) establish objective examination requirements for persons who
 17 apply for a license to practice psychology in the state;

18 (2) examine, or cause to be examined, eligible license applicants;

19 (3) approve the issuance of licenses to qualified applicants;

20 (4) adopt regulations establishing standards for the practice of
 21 psychology;

22 (5) impose disciplinary sanctions as authorized by this chapter;

23 (6) adopt regulations requiring proof of continued competency for
 24 license renewal;

25 (7) review, when requested by the department, the quality and
 26 availability of psychological services in the state;

27 (8) compile information for submission to the department on the
 28 practice of psychology by psychologists and psychological associates in the state;

29 **(9) implement the Psychology Interjurisdictional Compact under**
 30 **AS 08.86.225.**

31 * **Sec. 24.** AS 08.86.130(a) is amended to read:

- 1 (a) The board shall issue a psychologist license to a person who
- 2 (1) holds an earned doctorate degree, from an academic institution
- 3 whose program of graduate study for a doctorate degree in psychology meets the
- 4 criteria established by the board by regulation, in
- 5 (A) clinical psychology;
- 6 (B) counseling psychology; or
- 7 (C) education in a field of specialization considered equivalent
- 8 by the board;
- 9 (2) has not engaged in dishonorable conduct related to the practice of
- 10 counseling or psychometry;
- 11 (3) has one year of post doctoral supervised experience approved by
- 12 the board; [AND]
- 13 (4) takes and passes the objective examination developed or approved
- 14 by the board; **and**
- 15 **(5) has been fingerprinted and has provided the fees required by**
- 16 **the Department of Public Safety under AS 12.62.160 for criminal justice**
- 17 **information and a national criminal history record check; the fingerprints and**
- 18 **fees shall be forwarded to the Department of Public Safety to obtain a report of**
- 19 **criminal justice information under AS 12.62 and a national criminal history**
- 20 **record check under AS 12.62.400.**

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

- 22 (a) The department shall set fees under AS 08.01.065 for the following:
- 23 (1) application;
- 24 (2) examination;
- 25 (3) credential review;
- 26 (4) initial license;
- 27 (5) license renewal;
- 28 **(6) authority to practice under AS 08.86.225.**

29 * **Sec. 26.** AS 08.86.150 is amended to read:

30 **Sec. 08.86.150. License by credentials.** A person who is licensed or certified

31 as a psychologist by a licensing authority other than the state is entitled to be licensed

1 in the state without examination if the person applies on the proper application form,
 2 submits proof of continued competence as required by regulation of the board,
 3 **submits the person's fingerprints and fees as required under (b) of this section,**
 4 pays the credential review fee, and the person

5 (1) holds a doctoral degree with primary emphasis on psychology that
 6 satisfies the requirements of AS 08.86.130 and the examination and qualification
 7 requirements for the person's out-of-state license or certificate were essentially similar
 8 to or higher than the examination and qualification requirements for licensure under
 9 this chapter;

10 (2) is a diplomate in good standing of the American Board of
 11 Professional Psychology; or

12 (3) is certified or registered with a credentialing organization in
 13 psychology approved by the board in regulation and with requirements essentially
 14 similar to or higher than the requirements for licensure under this chapter.

15 * **Sec. 27.** AS 08.86.150 is amended by adding a new subsection to read:

16 (b) An applicant for a license by credentials shall submit to the board
 17 the applicant's fingerprints and the fees required by the Department of Public Safety
 18 under AS 12.62.160 for criminal justice information and a national criminal history
 19 record check. The board shall forward the fingerprints and fees to the Department of
 20 Public Safety to obtain a report of criminal justice information under AS 12.62 and a
 21 national criminal history record check under AS 12.62.400.

22 * **Sec. 28.** AS 08.86 is amended by adding a new section to read:

23 **Article 5A. Psychology Interjurisdictional Compact.**

24 **Sec. 08.86.225. Compact enacted.** The Psychology Interjurisdictional
 25 Compact as contained in this section is enacted into law and entered into on behalf of
 26 the state with all other states and jurisdictions legally joining it in a form substantially
 27 as follows:

28 **ARTICLE I. PURPOSE.**

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

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

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

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

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

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

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

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

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

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

27 (3) Encourage the cooperation of Compact States in the areas of
28 psychology licensure and regulation;

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

31 (5) Promote compliance with the laws governing psychological

1 practice in each Compact State; and

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

4 ARTICLE II. DEFINITIONS.

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

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

10 (B) "Association of State and Provincial Psychology Boards" means:
11 the recognized membership organization composed of State and Provincial
12 Psychology Regulatory Authorities responsible for the licensure and registration of
13 psychologists throughout the United States and Canada;

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

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

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

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

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

28 (H) "Coordinated Licensure Information System" and "Coordinated
29 Database" mean: an integrated process for collecting, storing, and sharing information
30 on psychologists' licensure and enforcement activities related to psychology licensure
31 laws, which is administered by the recognized membership organization composed of

1 state and provincial psychology regulatory authorities;

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

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

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

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

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

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

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

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

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

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

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

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

13 (U) "Psychology Interjurisdictional Compact Commission" and
14 "Commission" mean: the national administration of which all Compact States are
15 members;

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

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

24 (X) "Significant Investigatory Information" means:

25 (1) investigative information that a State Psychology
26 Regulatory Authority, after a preliminary inquiry that includes notification and
27 an opportunity to respond if required by state law, has reason to believe, if
28 proven true, would indicate more than a violation of state statute or ethics code
29 that would be considered more substantial than a minor infraction; or

30 (2) investigative information that indicates that the
31 psychologist represents an immediate threat to public health and safety

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

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

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

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

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

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

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

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

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

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

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

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

30 ARTICLE IV. COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY.

31 (A) Compact States shall recognize the right of a psychologist, licensed in a

1 Compact State in conformance with Article III, to practice telepsychology in other
2 Compact States (Receiving States) in which the psychologist is not licensed, under the
3 Authority to Practice Interjurisdictional Telepsychology as provided in the Compact.

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

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

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

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

16 (2) Hold a graduate degree in psychology that meets the following
17 criteria:

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

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

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

27 (d) The program must consist of an integrated, organized
28 sequence of study;

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

31 (f) The designated director of the program must be a

1 psychologist and a member of the core faculty;

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

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

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

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

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

13 (4) Have no history of adverse action that violate the Rules of the
14 Commission;

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

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

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

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

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

27 (D) A psychologist practicing in a Receiving State under the Authority to
28 Practice Interjurisdictional Telepsychology will be subject to the Receiving State's
29 scope of practice. A Receiving State may, in accordance with that state's due process
30 law, limit or revoke a psychologist's Authority to Practice Interjurisdictional
31 Telepsychology in the Receiving State and may take any other necessary actions under

1 the Receiving State's applicable law to protect the health and safety of the Receiving
 2 State's citizens. If a Receiving State takes action, the state shall promptly notify the
 3 Home State and the Commission.

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

9 **ARTICLE V. COMPACT TEMPORARY AUTHORIZATION TO PRACTICE.**

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

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

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

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

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

26 (2) Hold a graduate degree in psychology that meets the following
 27 criteria:

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

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

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

6 (d) The program must consist of an integrated, organized
7 sequence of study;

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

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

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

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

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

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

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

23 (4) No history of adverse action that violate the Rules of the
24 Commission;

25 (5) No criminal record history that violates the Rules of the
26 Commission;

27 (6) Possess a current, active IPC;

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

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

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

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

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

16 ARTICLE VI. CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING
17 STATE.

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

- 23 (1) The psychologist initiates a client/patient contact in a Home State
24 via telecommunications technologies with a client/patient in a Receiving State;
25 (2) Other conditions regarding telepsychology as determined by Rules
26 promulgated by the Commission.

27 ARTICLE VII. ADVERSE ACTIONS.

28 (A) A Home State shall have the power to impose adverse action against a
29 psychologist's license issued by the Home State. A Distant State shall have the power
30 to take adverse action on a psychologist's Temporary Authorization to Practice within
31 that Distant State.

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

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

9 (1) All Home State disciplinary orders which impose adverse action
10 shall be reported to the Commission in accordance with the Rules promulgated by the
11 Commission. A Compact State shall report adverse actions in accordance with the
12 Rules of the Commission.

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

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

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

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

29 (F) Nothing in this Compact shall override a Compact State's decision that a
30 psychologist's participation in an alternative program may be used in lieu of adverse
31 action and that such participation shall remain non-public if required by the Compact

1 State's law. Compact States must require psychologists who enter any alternative
 2 programs to not provide telepsychology services under the Authority to Practice
 3 Interjurisdictional Telepsychology or provide temporary psychological services under
 4 the Temporary Authorization to Practice in any other Compact State during the term
 5 of the alternative program.

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

9 ARTICLE VIII. ADDITIONAL AUTHORITIES INVESTED IN A COMPACT STATE'S
 10 PSYCHOLOGY REGULATORY AUTHORITY.

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

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

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

25 (3) During the course of any investigation, a psychologist may not
 26 change his/her Home State licensure. A Home State Psychology Regulatory Authority
 27 is authorized to complete any pending investigations of a psychologist and to take any
 28 actions appropriate under its law. The Home State Psychology Regulatory Authority
 29 shall promptly report the conclusions of such investigations to the Commission. Once
 30 an investigation has been completed, and pending the outcome of said investigation,
 31 the psychologist may change his/her Home State licensure. The Commission shall

1 promptly notify the new Home State of any such decisions as provided in the Rules of
2 the Commission. All information provided to the Commission or distributed by
3 Compact States pursuant to the psychologist shall be confidential, filed under seal and
4 used for investigatory or disciplinary matters. The Commission may create additional
5 Rules for mandated or discretionary sharing of information by Compact States.

6 ARTICLE IX. COORDINATED LICENSURE INFORMATION SYSTEM.

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

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

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

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

31 (D) Compact States reporting information to the coordinated database may

1 designate information that may not be shared with the public without the express
2 permission of the Compact State reporting the information.

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

6 ARTICLE X. ESTABLISHMENT OF THE PSYCHOLOGY
7 INTERJURISDICTIONAL COMPACT COMMISSION.

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

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

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

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

19 (B) Membership, Voting, and Meetings.

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

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

25 (b) Current member of the State Psychology Regulatory
26 Authority of a Compact State; or

27 (c) Designee empowered with the appropriate delegate
28 authority to act on behalf of the Compact State.

29 (2) Any commissioner may be removed or suspended from office as
30 provided by the law of the state from which the commissioner is appointed. Any
31 vacancy occurring in the commission shall be filled in accordance with the laws of the

1 Compact State in which the vacancy exists.

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

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

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

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

15 (a) Non-compliance of a Compact State with its obligations
16 under the Compact;

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

21 (c) Current, threatened, or reasonably anticipated litigation
22 against the Commission;

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

25 (e) Accusation against any person of a crime or formally
26 censuring any person;

27 (f) Disclosure of trade secrets or commercial or financial
28 information which is privileged or confidential;

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

31 (h) Disclosure of investigatory records compiled for law

1 enforcement purposes;

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

6 (j) Matters specifically exempted from disclosure by federal
7 and state statute.

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

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

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

22 (2) Providing reasonable standards and procedures:

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

24 (b) governing any general or specific delegation of any
25 authority or function of the Commission;

26 (3) Providing reasonable procedures for calling and conducting
27 meetings of the Commission, ensuring reasonable advance notice of all meetings and
28 providing an opportunity for attendance of such meetings by interested parties, with
29 enumerated exceptions designed to protect the public's interest, the privacy of
30 individuals of such proceedings, and proprietary information, including trade secrets.
31 The Commission may meet in closed session only after a majority of the

1 commissioners vote to close a meeting to the public in whole or in part. As soon as
2 practicable, the Commission must make public a copy of the vote to close the meeting
3 revealing the vote of each commissioner with no proxy votes allowed;

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

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

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

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

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

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

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

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

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

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

- 1 (3) To purchase and maintain insurance and bonds;
- 2 (4) To borrow, accept or contract for services of personnel, including,
3 but not limited to, employees of a Compact State;
- 4 (5) To hire employees, elect or appoint officers, fix compensation,
5 define duties, grant such individuals appropriate authority to carry out the purposes of
6 the Compact, and to establish the Commission's personnel policies and programs
7 relating to conflicts of interest, qualifications of personnel, and other related personnel
8 matters;
- 9 (6) To accept any and all appropriate donations and grants of money,
10 equipment, supplies, materials and services, and to receive, utilize and dispose of the
11 same; provided that at all times the Commission shall strive to avoid any appearance
12 of impropriety and/or conflict of interest;
- 13 (7) To lease, purchase, accept appropriate gifts or donations of, or
14 otherwise to own, hold, improve or use, any property, real, personal or mixed;
15 provided that at all times the Commission shall strive to avoid any appearance of
16 impropriety;
- 17 (8) To sell, convey, mortgage, pledge, lease, exchange, abandon or
18 otherwise dispose of any property real, personal or mixed;
- 19 (9) To establish a budget and make expenditures;
- 20 (10) To borrow money;
- 21 (11) To appoint committees, including advisory committees comprised
22 of 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 (12) To provide and receive information from, and to cooperate with,
26 law enforcement agencies;
- 27 (13) To adopt and use an official seal; and
- 28 (14) To perform such other functions as may be necessary or
29 appropriate to achieve the purposes of this Compact consistent with the state
30 regulation of psychology licensure, temporary in-person, face-to-face practice and
31 telepsychology practice.

1 (E) The Executive Board.

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

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

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

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

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

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

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

17 (5) The Executive Board shall have the following duties and
18 responsibilities:

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

22 (b) Ensure Compact administration services are appropriately
23 provided, contractual or otherwise;

24 (c) Prepare and recommend the budget;

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

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

28 (f) Establish additional committees as necessary; and

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

30 (F) Financing of the Commission.

31 (1) The Commission shall pay, or provide for the payment of the

1 reasonable expenses of its establishment, organization and ongoing activities.

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

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

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

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

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

22 (1) The members, officers, Executive Director, employees and
23 representatives of the Commission shall be immune from suit and liability, either
24 personally or in their official capacity, for any claim for damage to or loss of property
25 or personal injury or other civil liability caused by or arising out of any actual or
26 alleged act, error or omission that occurred, or that the person against whom the claim
27 is made had a reasonable basis for believing occurred within the scope of Commission
28 employment, duties or responsibilities; provided that nothing in this paragraph shall be
29 construed to protect any such person from suit and/or liability for any damage, loss,
30 injury or liability caused by the intentional or willful or wanton misconduct of that
31 person.

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

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

18 ARTICLE XI. RULEMAKING.

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

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

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

27 (D) Prior to promulgation and adoption of a final Rule or Rules by the
28 Commission, and at least sixty (60) days in advance of the meeting at which the Rule
29 will be considered and voted upon, the Commission shall file a notice of proposed
30 rulemaking:

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

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

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

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

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

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

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

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

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

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

20 (2) A governmental subdivision or agency; or

21 (3) A duly appointed person in an association that has at least twenty-
22 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
8 at 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
14 on 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 Compact 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 ARTICLE XII. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT.

10 (A) Oversight

11 (1) The executive, legislative and judicial branches of state
12 government in each Compact 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
15 as 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 Compact 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 Compact State has defaulted
26 in 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 Compact States of the nature of the default, the proposed means of remedying
30 the 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 remedy the default, the defaulting state
3 may be terminated from the Compact upon an affirmative vote of a majority of the
4 Compact States, and all rights, privileges and benefits conferred by this Compact shall
5 be terminated on the effective date of termination. A remedy of the default does not
6 relieve the offending state of obligations or liabilities incurred during the period of
7 default.

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

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

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

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

24 (C) Dispute Resolution

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

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

31 (D) Enforcement

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

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

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

13 ARTICLE XIII. DATE OF IMPLEMENTATION OF THE PSYCHOLOGY
14 INTERJURISDICTIONAL COMPACT COMMISSION AND ASSOCIATED
15 RULES, WITHDRAWAL, AND AMENDMENTS.

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

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

27 (C) Any Compact State may withdraw from this Compact by enacting a
28 statute repealing the same.

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

31 (2) Withdrawal shall not affect the continuing requirement of the

1 withdrawing state's psychology regulatory authority to comply with the investigative
2 and adverse action reporting requirements of this act prior to the effective date of
3 withdrawal.

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

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

11 ARTICLE XIV. CONSTRUCTION AND SEVERABILITY.

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

16 * **Sec. 29.** AS 11.71.900(20) is amended to read:

17 (20) "practitioner" means

18 (A) a physician, physician assistant, dentist, advanced practice
19 registered nurse, optometrist, veterinarian, scientific investigator, or other
20 person licensed, registered, or otherwise permitted to distribute, dispense,
21 conduct research with respect to, or to administer or use in teaching or
22 chemical analysis a controlled substance in the course of professional practice
23 or research in the state;

24 (B) a pharmacy, hospital, or other institution licensed,
25 registered, or otherwise permitted to distribute, dispense, conduct research with
26 respect to, or to administer a controlled substance in the course of professional
27 practice or research in the state;

28 * **Sec. 30.** AS 12.62.400(a) is amended by adding new paragraphs to read:

29 (26) expedited licensure as a physician through the Interstate Medical
30 Licensure Compact under AS 08.64.253;

31 (27) licensure as a physician assistant under AS 08.64;

1 (28) licensure as a psychologist under AS 08.86.

2 * **Sec. 31.** AS 13.52.390(31) is amended to read:

3 (31) "physician assistant" means an individual licensed **as a physician**
 4 **assistant** under **AS 08.64** [AS 08.64.107].

5 * **Sec. 32.** AS 18.08.082 is amended by adding a new subsection to read:

6 (d) The department shall implement the recognition of EMS personnel
 7 licensure interstate compact under AS 18.08.105.

8 * **Sec. 33.** AS 18.08.089(a) is amended to read:

9 (a) A mobile intensive care paramedic licensed under this chapter, a physician
 10 assistant registered or licensed under **AS 08.64** [AS 08.64.107], or an emergency
 11 medical technician certified under this chapter may make a determination and
 12 pronouncement of death of a person under the following circumstances:

13 (1) the mobile intensive care paramedic or emergency medical
 14 technician is an active member of an emergency medical service certified under this
 15 chapter;

16 (2) neither a physician licensed under AS 08.64 nor a physician
 17 exempt from licensure under AS 08.64 is immediately available for consultation by
 18 radio or telephone communications;

19 (3) the mobile intensive care paramedic, physician assistant, or
 20 emergency medical technician has determined, based on acceptable medical standards,
 21 that the person has sustained irreversible cessation of circulatory and respiratory
 22 functions.

23 * **Sec. 34.** AS 18.08 is amended by adding a new section to read:

24 **Sec. 18.08.105. Recognition of EMS personnel licensure interstate**
 25 **compact.** The recognition of EMS personnel licensure interstate compact as contained
 26 in this section is enacted into law and entered into on behalf of the state with all other
 27 states and jurisdictions legally joining it in a form substantially as follows:

28 SECTION 1. PURPOSE.

29 In order to protect the public through verification of competency and ensure
 30 accountability for patient care related activities all states license emergency medical
 31 services (EMS) personnel, such as emergency medical technicians (EMTs), advanced

1 EMTs and paramedics. This Compact is intended to facilitate the day-to-day
 2 movement of EMS personnel across state boundaries in the performance of their EMS
 3 duties as assigned by an appropriate authority and authorize state EMS offices to
 4 afford immediate legal recognition to EMS personnel licensed in a member state. This
 5 Compact recognizes that states have a vested interest in protecting the public's health
 6 and safety through their licensing and regulation of EMS personnel and that such state
 7 regulation shared among the member states will best protect public health and safety.
 8 This Compact is designed to achieve the following purposes and objectives:

- 9 (1) increase public access to EMS personnel;
- 10 (2) enhance the states' ability to protect the public's health and safety,
 11 especially patient safety;
- 12 (3) encourage the cooperation of member states in the areas of EMS
 13 personnel licensure and regulation;
- 14 (4) support licensing of military members who are separating from an
 15 active-duty tour and their spouses;
- 16 (5) facilitate the exchange of information between member states
 17 regarding EMS personnel licensure, adverse action and significant investigatory
 18 information;
- 19 (6) promote compliance with the laws governing EMS personnel
 20 practice in each member state; and
- 21 (7) invest all member states with the authority to hold EMS personnel
 22 accountable through the mutual recognition of member state licenses.

23 SECTION 2. DEFINITIONS.

24 In this Compact:

- 25 (A) "Advanced Emergency Medical Technician" and "AEMT" mean: an
 26 individual licensed with cognitive knowledge and a scope of practice that corresponds
 27 to that level in the National EMS Education Standards and National EMS Scope of
 28 Practice Model.
- 29 (B) "Adverse Action" means: any administrative, civil, equitable or criminal
 30 action permitted by a state's laws which may be imposed against licensed EMS
 31 personnel by a state EMS authority or state court, including, but not limited to, actions

1 against an individual's license such as revocation, suspension, probation, consent
2 agreement, monitoring or other limitation or encumbrance on the individual's practice,
3 letters of reprimand or admonition, fines, criminal convictions and state court
4 judgments enforcing adverse actions by the state EMS authority.

5 (C) "Alternative program" means: a voluntary, non-disciplinary substance
6 abuse recovery program approved by a state EMS authority.

7 (D) "Certification" means: the successful verification of entry-level cognitive
8 and psychomotor competency using a reliable, validated, and legally defensible
9 examination.

10 (E) "Commission" means: the national administrative body of which all states
11 that have enacted the Compact are members.

12 (F) "Emergency Medical Technician" and "EMT" mean: an individual
13 licensed with cognitive knowledge and a scope of practice that corresponds to that
14 level in the National EMS Education Standards and National EMS Scope of Practice
15 Model.

16 (G) "Home State" means: a member state where an individual is licensed to
17 practice emergency medical services.

18 (H) "License" means: the authorization by a state for an individual to practice
19 as an EMT, AEMT, paramedic, or a level in between EMT and paramedic.

20 (I) "Medical Director" means: a physician licensed in a member state who is
21 accountable for the care delivered by EMS personnel.

22 (J) "Member State" means: a state that has enacted this Compact.

23 (K) "Paramedic" means: an individual licensed with cognitive knowledge and
24 a scope of practice that corresponds to that level in the National EMS Education
25 Standards and National EMS Scope of Practice Model.

26 (L) "Privilege to Practice" means: an individual's authority to deliver
27 emergency medical services in remote states as authorized under this Compact.

28 (M) "Remote State" means: a member state in which an individual is not
29 licensed.

30 (N) "Restricted" means: the outcome of an adverse action that limits a license
31 or the privilege to practice.

1 (O) "Rule" means: a written statement by the interstate Commission
 2 promulgated pursuant to Section 12 of this Compact that is of general applicability;
 3 implements, interprets, or prescribes a policy or provision of the Compact; or is an
 4 organizational, procedural, or practice requirement of the Commission and has the
 5 force and effect of statutory law in a member state and includes the amendment,
 6 repeal, or suspension of an existing rule.

7 (P) "Scope of Practice" means: defined parameters of various duties or
 8 services that may be provided by an individual with specific credentials. Whether
 9 regulated by rule, statute, or court decision, it tends to represent the limits of services
 10 an individual may perform.

11 (Q) "Significant Investigatory Information" means:

12 (1) investigative information that a state EMS authority, after a
 13 preliminary inquiry that includes notification and an opportunity to respond if required
 14 by state law, has reason to believe, if proved true, would result in the imposition of an
 15 adverse action on a license or privilege to practice; or

16 (2) investigative information that indicates that the individual
 17 represents an immediate threat to public health and safety regardless of whether the
 18 individual has been notified and had an opportunity to respond.

19 (R) "State" means: any state, commonwealth, district, or territory of the
 20 United States.

21 (S) "State EMS Authority" means: the board, office, or other agency with the
 22 legislative mandate to license EMS personnel.

23 SECTION 3. HOME STATE LICENSURE.

24 (A) Any member state in which an individual holds a current license shall be
 25 deemed a home state for purposes of this Compact.

26 (B) Any member state may require an individual to obtain and retain a license
 27 to be authorized to practice in the member state under circumstances not authorized by
 28 the privilege to practice under the terms of this Compact.

29 (C) A home state's license authorizes an individual to practice in a remote
 30 state under the privilege to practice only if the home state:

31 (1) Currently requires the use of the National Registry of Emergency

1 Medical Technicians (NREMT) examination as a condition of issuing initial licenses
2 at the EMT and paramedic levels;

3 (2) Has a mechanism in place for receiving and investigating
4 complaints about individuals;

5 (3) Notifies the Commission, in compliance with the terms herein, of
6 any adverse action or significant investigatory information regarding an individual;

7 (4) No later than five years after activation of the Compact, requires a
8 criminal background check of all applicants for initial licensure, including the use of
9 the results of fingerprint or other biometric data checks compliant with the
10 requirements of the Federal Bureau of Investigation with the exception of federal
11 employees who have suitability determination in accordance with 5 C.F.R. 731.202
12 and submit documentation of such as promulgated in the rules of the Commission; and

13 (5) Complies with the rules of the Commission.

14 SECTION 4. COMPACT PRIVILEGE TO PRACTICE.

15 (A) Member states shall recognize the privilege to practice of an individual
16 licensed in another member state that is in conformance with Section 3.

17 (B) To exercise the privilege to practice under the terms and provisions of this
18 Compact, an individual must:

19 (1) Be at least 18 years of age;

20 (2) Possess a current unrestricted license in a member state as an EMT,
21 AEMT, paramedic, or state recognized and licensed level with a scope of practice and
22 authority between EMT and paramedic; and

23 (3) Practice under the supervision of a medical director.

24 (C) An individual providing patient care in a remote state under the privilege
25 to practice shall function within the scope of practice authorized by the home state
26 unless and until modified by an appropriate authority in the remote state as may be
27 defined in the rules of the commission.

28 (D) Except as provided in Section 4(C), an individual practicing in a remote
29 state will be subject to the remote state's authority and laws. A remote state may, in
30 accordance with due process and that state's laws, restrict, suspend, or revoke an
31 individual's privilege to practice in the remote state and may take any other necessary

1 actions to protect the health and safety of its citizens. If a remote state takes action it
2 shall promptly notify the home state and the Commission.

3 (E) If an individual's license in any home state is restricted or suspended, the
4 individual shall not be eligible to practice in a remote state under the privilege to
5 practice until the individual's home state license is restored.

6 (F) If an individual's privilege to practice in any remote state is restricted,
7 suspended, or revoked the individual shall not be eligible to practice in any remote
8 state until the individual's privilege to practice is restored.

9 SECTION 5. CONDITIONS OF PRACTICE IN A REMOTE STATE.

10 An individual may practice in a remote state under a privilege to practice only
11 in the performance of the individual's EMS duties as assigned by an appropriate
12 authority, as defined in the rules of the Commission, and under the following
13 circumstances:

14 (1) The individual originates a patient transport in a home state and
15 transports the patient to a remote state;

16 (2) The individual originates in the home state and enters a remote
17 state to pick up a patient and provide care and transport of the patient to the home
18 state;

19 (3) The individual enters a remote state to provide patient care and/or
20 transport within that remote state;

21 (4) The individual enters a remote state to pick up a patient and
22 provide care and transport to a third member state;

23 (5) Other conditions as determined by rules promulgated by the
24 commission.

25 SECTION 6. RELATIONSHIP TO EMERGENCY MANAGEMENT ASSISTANCE
26 COMPACT.

27 Upon a member state's governor's declaration of a state of emergency or
28 disaster that activates the Emergency Management Assistance Compact (EMAC), all
29 relevant terms and provisions of EMAC shall apply and to the extent any terms or
30 provisions of this Compact conflicts with EMAC, the terms of EMAC shall prevail
31 with respect to any individual practicing in the remote state in response to such

1 declaration.

2 SECTION 7. VETERANS, SERVICE MEMBERS SEPARATING FROM ACTIVE-DUTY
3 MILITARY, AND THEIR SPOUSES.

4 (A) Member states shall consider a veteran, active military service member,
5 and member of the National Guard and Reserves separating from an active-duty tour,
6 and a spouse thereof, who holds a current valid and unrestricted NREMT certification
7 at or above the level of the state license being sought as satisfying the minimum
8 training and examination requirements for such licensure.

9 (B) Member states shall expedite the processing of licensure applications
10 submitted by veterans, active military service members, and members of the National
11 Guard and Reserves separating from an active-duty tour, and their spouses.

12 (C) All individuals functioning with a privilege to practice under this Section
13 remain subject to the Adverse Actions provisions of Section 8.

14 SECTION 8. ADVERSE ACTIONS.

15 (A) A home state shall have exclusive power to impose adverse action against
16 an individual's license issued by the home state.

17 (B) If an individual's license in any home state is restricted or suspended, the
18 individual shall not be eligible to practice in a remote state under the privilege to
19 practice until the individual's home state license is restored.

20 (1) All home state adverse action orders shall include a statement that
21 the individual's Compact privileges are inactive. The order may allow the individual to
22 practice in remote states with prior written authorization from both the home state and
23 remote state's EMS authority.

24 (2) An individual currently subject to adverse action in the home state
25 shall not practice in any remote state without prior written authorization from both the
26 home state and remote state's EMS authority.

27 (C) A member state shall report adverse actions and any occurrences that the
28 individual's Compact privileges are restricted, suspended, or revoked to the
29 Commission in accordance with the rules of the Commission.

30 (D) A remote state may take adverse action on an individual's privilege to
31 practice within that state.

1 (E) Any member state may take adverse action against an individual's
2 privilege to practice in that state based on the factual findings of another member state,
3 so long as each state follows its own procedures for imposing such adverse action.

4 (F) A home state's EMS authority shall investigate and take appropriate action
5 with respect to reported conduct in a remote state as it would if such conduct had
6 occurred within the home state. In such cases, the home state's law shall control in
7 determining the appropriate adverse action.

8 (G) Nothing in this Compact shall override a member state's decision that
9 participation in an alternative program may be used in lieu of adverse action and that
10 such participation shall remain non-public if required by the member state's laws.
11 Member states must require individuals who enter any alternative programs to agree
12 not to practice in any other member state during the term of the alternative program
13 without prior authorization from such other member state.

14 SECTION 9. ADDITIONAL POWERS INVESTED IN A MEMBER STATE'S EMS
15 AUTHORITY.

16 A member state's EMS authority, in addition to any other powers granted
17 under state law, is authorized under this Compact to:

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

27 (2) Issue cease and desist orders to restrict, suspend, or revoke an
28 individual's privilege to practice in the state.

29 SECTION 10. ESTABLISHMENT OF THE INTERSTATE COMMISSION FOR EMS
30 PERSONNEL PRACTICE.

31 (A) The Compact states hereby create and establish a joint public agency

1 known as the Interstate Commission for EMS Personnel Practice.

2 (1) The Commission is a body politic and an instrumentality of the
3 Compact states.

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

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

11 (B) Membership, Voting, and Meetings.

12 (1) Each member state shall have and be limited to one (1) delegate.
13 The responsible official of the state EMS authority or his designee shall be the
14 delegate to this Compact for each member state. Any delegate may be removed or
15 suspended from office as provided by the law of the state from which the delegate is
16 appointed. Any vacancy occurring in the Commission shall be filled in accordance
17 with the laws of the member state in which the vacancy exists. In the event that more
18 than one board, office, or other agency with the legislative mandate to license EMS
19 personnel at and above the level of EMT exists, the Governor of the state will
20 determine which entity will be responsible for assigning the delegate.

21 (2) Each delegate shall be entitled to one (1) vote with regard to the
22 promulgation of rules and creation of bylaws and shall otherwise have an opportunity
23 to participate in the business and affairs of the Commission. A delegate shall vote in
24 person or by such other means as provided in the bylaws. The bylaws may provide for
25 delegates' participation in meetings by telephone or other means of communication.

26 (3) The Commission shall meet at least once during each calendar
27 year. Additional meetings shall be held as set forth in the bylaws.

28 (4) All meetings shall be open to the public, and public notice of
29 meetings shall be given in the same manner as required under the rulemaking
30 provisions in Section 7.

31 (5) The Commission may convene in a closed, non-public meeting if

1 the Commission must discuss:

2 (a) Non-compliance of a member state with its obligations
3 under the Compact;

4 (b) The employment, compensation, discipline or other
5 personnel matters, practices or procedures related to specific employees or
6 other matters related to the Commission's internal personnel practices and
7 procedures;

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

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

11 (e) Accusing any person of a crime or formally censuring any
12 person;

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

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

17 (h) Disclosure of investigatory records compiled for law
18 enforcement purposes;

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

23 (j) Matters specifically exempted from disclosure by federal or
24 member state statute.

25 (6) If a meeting, or portion of a meeting, is closed pursuant to this
26 provision, the Commission's legal counsel or designee shall certify that the meeting
27 may be closed and shall reference each relevant exempting provision. The
28 Commission shall keep minutes that fully and clearly describe all matters discussed in
29 a meeting and shall provide a full and accurate summary of actions taken, and the
30 reasons therefore, including a description of the views expressed. All documents
31 considered in connection with an action shall be identified in such minutes. All

1 minutes and documents of a closed meeting shall remain under seal, subject to release
2 by a majority vote of the Commission or order of a court of competent jurisdiction.

3 (C) The Commission shall, by a majority vote of the delegates, prescribe
4 bylaws and/or rules to govern its conduct as may be necessary or appropriate to carry
5 out the purposes and exercise the powers of the Compact, including but not limited to:

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

7 (2) Providing reasonable standards and procedures:

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

9 (b) governing any general or specific delegation of any
10 authority or function of the Commission;

11 (3) Providing reasonable procedures for calling and conducting
12 meetings of the Commission, ensuring reasonable advance notice of all meetings, and
13 providing an opportunity for attendance of such meetings by interested parties, with
14 enumerated exceptions designed to protect the public's interest, the privacy of
15 individuals, and proprietary information, including trade secrets. The Commission
16 may meet in closed session only after a majority of the membership votes to close a
17 meeting in whole or in part. As soon as practicable, the Commission must make public
18 a copy of the vote to close the meeting revealing the vote of each member with no
19 proxy votes allowed;

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

22 (5) Providing reasonable standards and procedures for the
23 establishment of the personnel policies and programs of the Commission.
24 Notwithstanding any civil service or other similar laws of any member state, the
25 bylaws shall exclusively govern the personnel policies and programs of the
26 Commission;

27 (6) Promulgating a code of ethics to address permissible and prohibited
28 activities of Commission members and employees;

29 (7) Providing a mechanism for winding up the operations of the
30 Commission and the equitable disposition of any surplus funds that may exist after the
31 termination of the Compact after the payment and/or reserving of all of its debts and

1 obligations;

2 (8) The Commission shall publish its bylaws and file a copy thereof,
3 and a copy of any amendment thereto, with the appropriate agency or officer in each
4 of the member states, if any;

5 (9) The Commission shall maintain its financial records in accordance
6 with the bylaws;

7 (10) The Commission shall meet and take such actions as are
8 consistent with the provisions of this Compact and the bylaws.

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

10 (1) The authority to promulgate uniform rules to facilitate and
11 coordinate implementation and administration of this Compact. The rules shall have
12 the force and effect of law and shall be binding in all member states;

13 (2) To bring and prosecute legal proceedings or actions in the name of
14 the Commission, provided that the standing of any state EMS authority or other
15 regulatory body responsible for EMS personnel licensure to sue or be sued under
16 applicable law shall not be affected;

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

18 (4) To borrow, accept, or contract for services of personnel, including,
19 but not limited to, employees of a member state;

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

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

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

1 impropriety;

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

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

5 (10) To borrow money;

6 (11) To appoint committees, including advisory committees comprised
7 of members, state regulators, state legislators or their representatives, and consumer
8 representatives, and such other interested persons as may be designated in this
9 Compact and the bylaws;

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

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

13 (14) To perform such other functions as may be necessary or
14 appropriate to achieve the purposes of this Compact consistent with the state
15 regulation of EMS personnel licensure and practice.

16 (E) Financing of the Commission.

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

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

21 (3) The Commission may levy on and collect an annual assessment
22 from each member state or impose fees on other parties to cover the cost of the
23 operations and activities of the Commission and its staff, which must be in a total
24 amount sufficient to cover its annual budget as approved each year for which revenue
25 is not provided by other sources. The aggregate annual assessment amount shall be
26 allocated based upon a formula to be determined by the Commission, which shall
27 promulgate a rule binding upon all member states.

28 (4) The Commission shall not incur obligations of any kind prior to
29 securing the funds adequate to meet the same; nor shall the Commission pledge the
30 credit of any of the member states, except by and with the authority of the member
31 state.

1 (5) The Commission shall keep accurate accounts of all receipts and
2 disbursements. The receipts and disbursements of the Commission shall be subject to
3 the audit and accounting procedures established under its bylaws. However, all
4 receipts and disbursements of funds handled by the Commission shall be audited
5 yearly by a certified or licensed public accountant, and the report of the audit shall be
6 included in and become part of the annual report of the Commission.

7 (F) 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, either
10 personally or in their official capacity, for any claim for damage to or loss of property
11 or personal injury or other civil liability caused by or arising out of any actual or
12 alleged act, error or omission that occurred, or that the person against whom the claim
13 is made had a reasonable basis for believing occurred within the scope of Commission
14 employment, duties or responsibilities; provided that nothing in this paragraph shall be
15 construed to protect any such person from suit and/or liability for any damage, loss,
16 injury, or liability caused by the intentional or willful or wanton misconduct of that
17 person.

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

27 (3) The Commission shall indemnify and hold harmless any member,
28 officer, executive director, employee, or representative of the Commission for the
29 amount of any settlement or judgment obtained against that person arising out of any
30 actual or alleged act, error or omission that occurred within the scope of Commission
31 employment, duties, or responsibilities, or that such person had a reasonable basis for

1 believing occurred within the scope of Commission employment, duties, or
2 responsibilities, provided that the actual or alleged act, error, or omission did not result
3 from the intentional or willful or wanton misconduct of that person.

4 SECTION 11. COORDINATED DATABASE.

5 (A) The Commission shall provide for the development and maintenance of a
6 coordinated database and reporting system containing licensure, adverse action, and
7 significant investigatory information on all licensed individuals in member states.

8 (B) Notwithstanding any other provision of state law to the contrary, a
9 member state shall submit a uniform data set to the coordinated database on all
10 individuals to whom this Compact is applicable as required by the rules of the
11 Commission, including:

- 12 (1) Identifying information;
- 13 (2) Licensure data;
- 14 (3) Significant investigatory information;
- 15 (4) Adverse actions against an individual's license;
- 16 (5) An indicator that an individual's privilege to practice is restricted,
17 suspended or revoked;
- 18 (6) Non-confidential information related to alternative program
19 participation;
- 20 (7) Any denial of application for licensure, and the reason(s) for such
21 denial; and
- 22 (8) Other information that may facilitate the administration of this
23 Compact, as determined by the rules of the Commission.

24 (C) The coordinated database administrator shall promptly notify all member
25 states of any adverse action taken against, or significant investigative information on,
26 any individual in a member state.

27 (D) Member states contributing information to the coordinated database may
28 designate information that may not be shared with the public without the express
29 permission of the contributing state.

30 (E) Any information submitted to the coordinated database that is
31 subsequently required to be expunged by the laws of the member state contributing the

1 information shall be removed from the coordinated database.

2 SECTION 12. 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. Rules and
5 amendments shall become binding as of the date specified in each rule or amendment.

6 (B) If a majority of the legislatures of the member states rejects a rule, by
7 enactment of a statute or resolution in the same manner used to adopt the Compact,
8 then such rule shall have no further force and effect in any member state.

9 (C) Rules or amendments to the rules shall be adopted at a regular or special
10 meeting of the Commission.

11 (D) Prior to promulgation and adoption of a final rule or rules by the
12 Commission, and at least sixty (60) days in advance of the meeting at which the rule
13 will be considered and voted upon, the Commission shall file a Notice of Proposed
14 Rulemaking:

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

16 (2) On the website of each member state EMS authority or the
17 publication in which each state would otherwise publish proposed rules.

18 (E) The Notice of Proposed Rulemaking shall include:

19 (1) The proposed time, date, and location of the meeting in which the
20 rule will be considered and voted upon;

21 (2) The text of the proposed rule or amendment and the reason for the
22 proposed rule;

23 (3) A request for comments on the proposed rule from any interested
24 person; and

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

27 (F) Prior to adoption of a proposed rule, the Commission shall allow persons
28 to submit written data, facts, opinions, and arguments, which shall be made available
29 to the public.

30 (G) The Commission shall grant an opportunity for a public hearing before it
31 adopts a rule or amendment if a hearing is requested by:

- 1 (1) At least twenty-five (25) persons;
- 2 (2) A governmental subdivision or agency; or
- 3 (3) An association having at least twenty-five (25) members.

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

6 (1) All persons wishing to be heard at the hearing shall notify the
7 executive director of the Commission or other designated member in writing of their
8 desire to appear and testify at the hearing not less than five (5) business days before
9 the scheduled date of the hearing.

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

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

18 (4) Nothing in this section shall be construed as requiring a separate
19 hearing on each rule. Rules may be grouped for the convenience of the Commission at
20 hearings required by this section.

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

24 (J) The Commission shall, by majority vote of all members, take final action
25 on the proposed rule and shall determine the effective date of the rule, if any, based on
26 the rulemaking record and the full text of the rule.

27 (K) If no written notice of intent to attend the public hearing by interested
28 parties is received, the Commission may proceed with promulgation of the proposed
29 rule without a public hearing.

30 (L) Upon determination that an emergency exists, the Commission may
31 consider and adopt an emergency rule without prior notice, opportunity for comment,

1 or hearing, provided that the usual rulemaking procedures provided in the Compact
 2 and in this section shall be retroactively applied to the rule as soon as reasonably
 3 possible, in no event later than ninety (90) days after the effective date of the rule. For
 4 the purposes of this provision, an emergency rule is one that must be adopted
 5 immediately in order to:

- 6 (1) Meet an imminent threat to public health, safety, or welfare;
- 7 (2) Prevent a loss of Commission or member state funds;
- 8 (3) Meet a deadline for the promulgation of an administrative rule that
 9 is established by federal law or rule; or
- 10 (4) Protect public health and safety.

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

21 SECTION 13. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT.

22 (A) Oversight.

23 (1) The executive, legislative, and judicial branches of state
 24 government in each member state shall enforce this Compact and take all actions
 25 necessary and appropriate to effectuate the Compact's purposes and intent. The
 26 provisions of this Compact and the rules promulgated hereunder shall have standing as
 27 statutory law.

28 (2) All courts shall take judicial notice of the Compact and the rules in
 29 any judicial or administrative proceeding in a member state pertaining to the subject
 30 matter of this Compact which may affect the powers, responsibilities or actions of the
 31 Commission.

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

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

6 (1) If the Commission determines that a member state has defaulted in
7 the performance of its obligations or responsibilities under this Compact or the
8 promulgated rules, the Commission shall:

9 (a) Provide written notice to the defaulting state and other
10 member states of the nature of the default, the proposed means of curing the
11 default and/or any other action to be taken by the Commission; and

12 (b) Provide remedial training and specific technical assistance
13 regarding the default.

14 (2) If a state in default fails to cure the default, the defaulting state may
15 be terminated from the Compact upon an affirmative vote of a majority of the member
16 states, and all rights, privileges and benefits conferred by this Compact may be
17 terminated on the effective date of termination. A cure of the default does not relieve
18 the offending state of obligations or liabilities incurred during the period of default.

19 (3) Termination of membership in the Compact shall be imposed only
20 after all other means of securing compliance have been exhausted. Notice of intent to
21 suspend or terminate shall be given by the Commission to the governor, the majority
22 and minority leaders of the defaulting state's legislature, and each of the member
23 states.

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

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

30 (6) The defaulting state may appeal the action of the Commission by
31 petitioning the U.S. District Court for the District of Columbia or the federal district

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

3 (C) Dispute Resolution.

4 (1) Upon request by a member state, the Commission shall attempt to
5 resolve disputes related to the Compact that arise among member states and between
6 member and non-member states.

7 (2) The Commission shall promulgate a rule providing for both
8 mediation and binding dispute resolution for disputes as appropriate.

9 (D) Enforcement.

10 (1) The Commission, in the reasonable exercise of its discretion, shall
11 enforce the provisions and rules of this Compact.

12 (2) By majority vote, the Commission may initiate legal action in the
13 United States District Court for the District of Columbia or the federal district where
14 the Commission has its principal offices against a member state in default to enforce
15 compliance with the provisions of the Compact and its promulgated rules and bylaws.
16 The relief sought may include both injunctive relief and damages. In the event judicial
17 enforcement is necessary, the prevailing member shall be awarded all costs of such
18 litigation, including reasonable attorney's fees.

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

22 SECTION 14. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION
23 FOR EMS PERSONNEL PRACTICE AND ASSOCIATION RULES, WITHDRAWAL,
24 AND AMENDMENT.

25 (A) The Compact shall come into effect on the date on which the Compact
26 statute is enacted into law in the tenth member state. The provisions, which become
27 effective at that time, shall be limited to the powers granted to the Commission
28 relating to assembly and the promulgation of rules. Thereafter, the Commission shall
29 meet and exercise rulemaking powers necessary to the implementation and
30 administration of the Compact.

31 (B) Any state that joins the Compact subsequent to the Commission's initial

1 adoption of the rules shall be subject to the rules as they exist on the date on which the
 2 Compact becomes law in that state. Any rule that has been previously adopted by the
 3 Commission shall have the full force and effect of law on the day the Compact
 4 becomes law in that state.

5 (C) Any member state may withdraw from this Compact by enacting a statute
 6 repealing the same.

7 (1) A member state's withdrawal shall not take effect until six (6)
 8 months after enactment of the repealing statute.

9 (2) Withdrawal shall not affect the continuing requirement of the
 10 withdrawing state's EMS authority to comply with the investigative and adverse action
 11 reporting requirements of this act prior to the effective date of withdrawal.

12 (D) Nothing contained in this Compact shall be construed to invalidate or
 13 prevent any EMS personnel licensure agreement or other cooperative arrangement
 14 between a member state and a non-member state that does not conflict with the
 15 provisions of this Compact.

16 (E) This Compact may be amended by the member states. No amendment to
 17 this Compact shall become effective and binding upon any member state until it is
 18 enacted into the laws of all member states.

19 SECTION 15. CONSTRUCTION AND SEVERABILITY.

20 This Compact shall be liberally construed so as to effectuate the purposes
 21 thereof. If this Compact shall be held contrary to the constitution of any state member
 22 thereto, the Compact shall remain in full force and effect as to the remaining member
 23 states. Nothing in this Compact supersedes state law or rules related to licensure of
 24 EMS agencies.

25 * **Sec. 35.** AS 21.07.010(b) is amended to read:

26 (b) A contract between a participating health care provider and a health care
 27 insurer that offers a health care insurance policy may not contain a provision that

28 (1) has as its predominant purpose the creation of direct financial
 29 incentives to the health care provider for withholding covered medical care services
 30 that are medically necessary; nothing in this paragraph shall be construed to prohibit a
 31 contract between a participating health care provider and a health care insurer from

1 containing incentives for efficient management of the utilization and cost of covered
2 medical care services;

3 (2) requires the provider to contract for all products that are currently
4 offered or that may be offered in the future by the health care insurer; [OR]

5 (3) requires the health care provider to be compensated for medical
6 care services performed at the same rate as the health care provider has contracted
7 with another health care insurer; or

8 **(4) imposes a practice, education, or collaboration requirement on**
9 **physician assistants that is inconsistent with or more restrictive than the**
10 **requirements imposed under AS 08.64 or a regulation adopted by the State**
11 **Medical Board.**

12 * **Sec. 36.** AS 23.30.395(3) is amended to read:

13 (3) "attending physician" means one of the following designated by the
14 employee under AS 23.30.095(a) or (b):

15 (A) a licensed medical doctor;

16 (B) a licensed doctor of osteopathy;

17 (C) a licensed dentist or dental surgeon;

18 (D) a licensed physician assistant [ACTING UNDER
19 SUPERVISION OF A LICENSED MEDICAL DOCTOR OR DOCTOR OF
20 OSTEOPATHY];

21 (E) a licensed advanced practice registered nurse; or

22 (F) a licensed chiropractor;

23 * **Sec. 37.** AS 33.30.901(10) is amended to read:

24 (10) "health care provider" means

25 (A) a physician assistant licensed to practice in the state [AND
26 WORKING UNDER THE DIRECT SUPERVISION OF A LICENSED
27 PHYSICIAN OR PSYCHIATRIST];

28 (B) a mental health professional as defined in AS 47.30.915; or

29 (C) an advanced practice registered nurse as defined in
30 AS 08.68.850;

31 * **Sec. 38.** AS 44.29 is amended by adding new sections to read:

1 **Article 5A. Rural Health Transformation Program.**

2 **Sec. 44.29.410. Rural Health Transformation Program Advisory Council.**

3 (a) The Rural Health Transformation Program Advisory Council is established in the
4 department.

5 (b) The council consists of seven members as follows:

6 (1) one member who works in a tribal health organization, appointed
7 by the governor; in this paragraph, "tribal health organization" means an organization

8 (A) recognized by the United States Indian Health Service to
9 provide health-related services; or

10 (B) that is a medical facility operated under 25 U.S.C. 5301 -
11 5423 (Indian Self-Determination and Education Assistance Act);

12 (2) one member who is a health care provider that works with a
13 federally qualified health center, appointed by the governor; in this paragraph,
14 "federally qualified health center" has the meaning given in 42 U.S.C. 1396d(l)(2)(B);

15 (3) one member who is a board member, executive officer, or
16 administrator for a hospital, appointed by the governor;

17 (4) one member who works in a school or local government, appointed
18 by the governor;

19 (5) one member who works in behavioral health, appointed by the
20 governor;

21 (6) one member of the house of representatives, appointed by the
22 speaker of the house; and

23 (7) one member of the senate, appointed by the president of the senate.

24 (c) A member of the council serves at the pleasure of the appointing authority
25 of the member.

26 (d) Members of the council are not entitled to compensation or per diem and
27 travel expenses authorized under AS 39.20.180.

28 (e) The council shall meet in person, telephonically, or by electronic means at
29 least biannually.

30 **Sec. 44.29.420. Council duties.** To aid the department in the state's
31 participation in the rural health transformation program, the council shall prepare and

1 administer an annual survey of and obtain other feedback from persons intended to
2 benefit from the state's participation in the rural health transformation program.

3 **Sec. 44.29.430. Department duties; procurement.** (a) The department shall

4 (1) establish specific criteria for scoring grant applications;

5 (2) publish on the department's Internet website

6 (A) the state's application for the rural health transformation
7 program, changes to the application, and the state's approved application;

8 (B) the criteria established under (1) of this subsection;

9 (C) quarterly updates on the grant applications the state
10 receives, the application scores, the grants awarded, how the awarded grants
11 are being used by grantees, and the progress of each grantee in achieving the
12 goals identified in the grantee's application; and

13 (D) quarterly updates on all state projects funded with money
14 received by the state under the rural health transformation program; and

15 (3) adopt regulations necessary to implement AS 44.29.410 -
16 44.29.450.

17 (b) The department may use funds received by the state under the rural health
18 transformation program to award grants. To the extent consistent with the
19 requirements to participate in the rural health transformation program, the department
20 shall award grants

21 (1) equally between applicants in each of the judicial districts and
22 equally between applicants who are employers of

23 (A) between one and nine employees;

24 (B) between 10 and 49 employees;

25 (C) between 50 and 249 employees; and

26 (D) 250 or more employees;

27 (2) with priority given to applicants who serve historically underserved
28 populations; and

29 (3) in a manner that addresses the initiatives identified in the state's
30 approved application.

31 **Sec. 44.29.440. Reports.** (a) By the first day of each regular session of the

1 legislature, the council shall prepare a report summarizing the meetings of the council
 2 in the preceding year. The council shall deliver the report to the senate secretary and
 3 the chief clerk of the house of representatives and notify the legislature that the report
 4 is available.

5 (b) By the first day of each regular session of the legislature, the department
 6 shall prepare a report detailing how the state has expended money received under the
 7 rural health transformation program and the progress of the department in meeting the
 8 goals and initiatives identified in the state's approved application. The department
 9 shall deliver the report to the senate secretary and the chief clerk of the house of
 10 representatives and notify the legislature that the report is available.

11 (c) The council shall prepare a final report if, by October 1 of a year, the state
 12 has expended or returned all of the federal funding previously received under the rural
 13 health transformation program and does not receive or anticipate receiving additional
 14 federal funding under the program for the following year. The final council report
 15 must include recommendations for future funding of grants and state projects that
 16 were funded by the rural health transformation program, changes to health care
 17 licensing laws, and changes to the organization of departments. By the first day of the
 18 regular session of the legislature following October 1 of the year described in this
 19 subsection, the council shall deliver the report to the senate secretary and the chief
 20 clerk of the house of representatives and notify the legislature that the report is
 21 available.

22 **Sec. 44.29.450. Definitions.** In AS 44.29.410 - 44.29.450,

23 (1) "approved application" means an application to participate in the
 24 rural health transformation program that has been approved by the federal
 25 government;

26 (2) "council" means the Rural Health Transformation Program
 27 Advisory Council;

28 (3) "department" means the Department of Health;

29 (4) "rural health transformation program" means the program
 30 authorized under 42 U.S.C. 1397ee(h).

31 * **Sec. 39.** AS 08.64.170(a)(1) is repealed.

1 * **Sec. 40.** AS 44.29.410, 44.29.420, 44.29.430, 44.29.440, and 44.29.450 are repealed the
2 date that the Rural Health Transformation Program Advisory Council established under
3 AS 44.29.410, enacted by sec. 38 of this Act, delivers the final report required under
4 AS 44.29.440(c), enacted by sec. 38 of this Act, to the senate secretary and the chief clerk of
5 the house of representatives and notifies the legislature that the report is available.

6 * **Sec. 41.** The uncodified law of the State of Alaska is amended by adding a new section to
7 read:

8 NOTIFICATION TO THE REVISOR OF STATUTES. The commissioner of health
9 shall, within 30 days after the repeal of the provisions in sec. 40 of this Act has occurred,
10 notify the revisor of statutes in writing of the date on which the repeal occurred.