

CS FOR SENATE BILL NO. 281(HSS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE SENATE HEALTH AND SOCIAL SERVICES COMMITTEE

Offered:
Referred:

Sponsor(s): SENATE HEALTH AND SOCIAL SERVICES COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the rural health transformation program; relating to physicians;
2 relating to physician assistants; relating to osteopaths; relating to podiatrists; relating to
3 the interstate medical licensure compact; relating to the PA licensure compact; relating
4 to psychologists; relating to the psychology interjurisdictional compact; relating to
5 national criminal history record checks; relating to emergency medical technicians;
6 relating to advanced emergency medical technicians; relating to mobile intensive care
7 paramedics; relating to the recognition of EMS personnel licensure interstate compact;
8 and establishing the Rural Health Transformation Program Advisory Council."

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

10 * **Section 1.** AS 08.64.101(a) is amended to read:

11 (a) The board shall

12 (1) except as provided in regulations adopted by the board under (b) of

1 this section, examine and issue licenses to applicants;

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

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

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

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

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

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

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

24 * **Sec. 2.** AS 08.64.190 is amended by adding a new subsection to read:

25 (b) An applicant applying for an expedited license as a physician under
26 AS 08.64.253 or a license as a physician assistant under AS 08.64.107 shall submit,
27 along with the application, the applicant's fingerprints and the fees required by the
28 Department of Public Safety under AS 12.62.160 for criminal justice information and
29 a national criminal history record check. The board shall forward the fingerprints and
30 fees to the Department of Public Safety to obtain a report of criminal justice
31 information under AS 12.62 and a national criminal history record check under

1 AS 12.62.400. Criminal justice information and criminal history record information
2 obtained under this subsection may only be used by the board for the purpose of
3 determining an applicant's qualifications and fitness for a license, expedited license, or
4 compact privilege under this chapter.

5 * **Sec. 3.** AS 08.64.200(a) is amended to read:

6 (a) Except for foreign medical graduates as specified in AS 08.64.225, each
7 physician applicant shall

8 (1) submit a certificate of graduation from a legally chartered medical
9 school accredited by the Association of American Medical Colleges and the Council
10 on Medical Education of the American Medical Association;

11 (2) submit a certificate from a recognized hospital or hospitals
12 certifying that the applicant has satisfactorily performed the duties of resident
13 physician or intern for a period of

14 (A) one year if the applicant graduated from medical school
15 before January 1, 1995, as evidenced by a certificate of completion of the first
16 year of postgraduate training from the facility where the applicant completed
17 the first year of internship or residency; and

18 (B) two years if the applicant graduated from medical school
19 on or after January 1, 1995, as evidenced by a certificate of completion of the
20 first year of postgraduate training from the facility where the applicant
21 completed the first year of internship or residency and a certificate of
22 successful completion of one additional year of postgraduate training at a
23 recognized hospital;

24 (3) submit a list of negotiated settlements or judgments in claims or
25 civil actions alleging medical malpractice against the applicant, including an
26 explanation of the basis for each claim or action;

27 (4) not have a license to practice medicine in another state, country,
28 province, or territory that is currently suspended or revoked for disciplinary reasons;
29 [AND]

30 (5) receive education in pain management and opioid use and
31 addiction, unless the applicant has demonstrated to the satisfaction of the board that

1 the applicant does not currently hold a valid federal Drug Enforcement Administration
2 registration number; an applicant may include past professional experience or
3 professional education as proof of professional competence; **and**

4 **(6) submit the applicant's fingerprints and the fees required by the**
5 **Department of Public Safety under AS 12.62.160 for criminal justice information**
6 **and a national criminal history record check; the board shall forward the**
7 **fingerprints and fees to the Department of Public Safety for a report of criminal**
8 **justice information under AS 12.62 and a national criminal history record check**
9 **under AS 12.62.400.**

10 * **Sec. 4.** AS 08.64.205 is amended to read:

11 **Sec. 08.64.205. Qualifications for osteopath applicants.** Each osteopath
12 applicant shall meet the qualifications prescribed in **AS 08.64.200(a)(3) - (6)**
13 [AS 08.64.200(a)(3) - (5)] and shall

14 (1) submit a certificate of graduation from the legally chartered school
15 of osteopathy approved by the board;

16 (2) submit a certificate from a hospital approved by the American
17 Medical Association or the American Osteopathic Association that certifies that the
18 osteopath has satisfactorily completed and performed the duties of intern or resident
19 physician for

20 (A) one year if the applicant graduated from a school of
21 osteopathy before January 1, 1995, as evidenced by a certificate of completion
22 of the first year of postgraduate training from the facility where the applicant
23 completed the first year of internship or residency; or

24 (B) two years if the applicant graduated from a school of
25 osteopathy on or after January 1, 1995, as evidenced by a certificate of
26 completion of the first year of postgraduate training from the facility where the
27 applicant completed the first year of internship or residency and a certificate of
28 successful completion of one additional year of postgraduate training at a
29 recognized hospital;

30 (3) take the examination required by AS 08.64.210 or be certified to
31 practice by the National Board of Examiners for Osteopathic Physicians and Surgeons

1 or by the National Board of Osteopathic Medical Examiners;

2 (4) receive education in pain management and opioid use and
3 addiction, unless the applicant has demonstrated to the satisfaction of the board that
4 the applicant does not currently hold a valid federal Drug Enforcement Administration
5 registration number; an applicant may include past professional experience or
6 professional education as proof of professional competence.

7 * **Sec. 5.** AS 08.64.209(a) is amended to read:

8 (a) Each applicant who desires to practice podiatry shall meet the
9 qualifications prescribed in AS 08.64.200(a)(3) - (6) [AS 08.64.200(a)(3) - (5)] and
10 shall

11 (1) submit a certificate of graduation from a legally chartered school of
12 podiatry approved by the board;

13 (2) take the examination required by AS 08.64.210; the board shall call
14 to its aid a podiatrist of known ability who is licensed to practice podiatry to assist in
15 the examination and licensure of applicants for a license to practice podiatry;

16 (3) receive education in pain management and opioid use and
17 addiction, unless the applicant has demonstrated to the satisfaction of the board that
18 the applicant does not currently hold a valid federal Drug Enforcement Administration
19 registration number; an applicant may include past professional experience or
20 professional education as proof of professional competence;

21 (4) meet other qualifications of experience or education that the board
22 may require.

23 * **Sec. 6.** AS 08.64.225(a) is amended to read:

24 (a) Applicants who are graduates of medical colleges not accredited by the
25 Association of American Medical Colleges and the Council on Medical Education of
26 the American Medical Association shall

27 (1) meet the requirements of AS 08.64.200(a)(3) - (6)
28 [AS 08.64.200(a)(3) - (5)] and 08.64.255;

29 (2) have successfully completed

30 (A) three years of postgraduate training as evidenced by a
31 certificate of completion of the first year of postgraduate training from the

1 facility where the applicant completed the first year of internship or residency
2 and a certificate of successful completion of two additional years of
3 postgraduate training at a recognized hospital; or

4 (B) other requirements establishing proof of competency and
5 professional qualifications as the board considers necessary to ensure the
6 continued protection of the public adopted at the discretion of the board by
7 regulation, including education in pain management and opioid use and
8 addiction, unless the applicant has demonstrated to the satisfaction of the board
9 that the applicant does not currently hold a valid federal Drug Enforcement
10 Administration registration number; an applicant may include past professional
11 experience or professional education as proof of professional competence; and

12 (3) have passed examinations as specified by the board in regulations.

13 * **Sec. 7.** AS 08.64 is amended by adding new sections to read:

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

18 SECTION 1. PURPOSE.

19 In order to strengthen access to health care, and in recognition of the advances
20 in the delivery of health care, the member states of the Interstate Medical Licensure
21 Compact have allied in common purpose to develop a comprehensive process that
22 complements the existing licensing and regulatory authority of state medical boards,
23 provides a streamlined process that allows physicians to become licensed in multiple
24 states, thereby enhancing the portability of a medical license and ensuring the safety of
25 patients. The Compact creates another pathway for licensure and does not otherwise
26 change a state's existing Medical Practice Act. The Compact also adopts the prevailing
27 standard for licensure and affirms that the practice of medicine occurs where the
28 patient is located at the time of the physician-patient encounter, and therefore, requires
29 the physician to be under the jurisdiction of the state medical board where the patient
30 is located. State medical boards that participate in the Compact retain the jurisdiction
31 to impose an adverse action against a license to practice medicine in that state issued

1 to a physician through the procedures in the Compact.

2 SECTION 2. DEFINITIONS.

3 In this compact,

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

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

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

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

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

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

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

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

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

26 (j) "Physician" means any person who

27 (1) is a graduate of a medical school accredited by the Liaison
28 Committee on Medical Education, the Commission on Osteopathic College
29 Accreditation, or a medical school listed in the International Medical Education
30 Directory or its equivalent;

31 (2) passed each component of the United States Medical Licensing

1 Examination (USMLE) or the Comprehensive Osteopathic Medical Licensing
2 Examination (COMLEX-USA) within three attempts, or any of its predecessor
3 examinations accepted by a state medical board as an equivalent examination for
4 licensure purposes;

5 (3) successfully completed graduate medical education approved by
6 the Accreditation Council for Graduate Medical Education or the American
7 Osteopathic Association;

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

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

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

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

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

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

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

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

27 (m) "Rule" means a written statement by the Interstate Commission
28 promulgated pursuant to Section 12 of the Compact that is of general applicability,
29 implements, interprets, or prescribes a policy or provision of the Compact, or an
30 organizational, procedural, or practice requirement of the Interstate Commission, and
31 has the force and effect of statutory law in a member state, and includes the

1 amendment, repeal, or suspension of an existing rule.

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

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

7 SECTION 3. ELIGIBILITY.

8 (a) A physician must meet the eligibility requirements as defined in Section
9 2(j) to receive an expedited license under the terms and provisions of the Compact.

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

14 SECTION 4. DESIGNATION OF STATE OF PRINCIPAL LICENSE.

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

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

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

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

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

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

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

30 SECTION 5. APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE.

31 (a) A physician seeking licensure through the Compact shall file an

1 application for an expedited license with the member board of the state selected by the
2 physician as the state of principal license.

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

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

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

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

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

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

30 (e) An expedited license shall be valid for a period consistent with the
31 licensure period in the member state and in the same manner as required for other

1 physicians holding a full and unrestricted license within the member state.

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

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

8 SECTION 6. FEES FOR EXPEDITED LICENSURE.

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

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

14 SECTION 7. RENEWAL AND CONTINUED PARTICIPATION.

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

17 (1) Maintains a full and unrestricted license in a state of principal
18 license;

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

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

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

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

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

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

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

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

7 SECTION 8. COORDINATED INFORMATION SYSTEM.

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

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

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

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

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

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

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

24 SECTION 9. JOINT INVESTIGATIONS.

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

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

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

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

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

7 SECTION 10. DISCIPLINARY ACTIONS.

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

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

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

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

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

28 (d) If a license granted to a physician by a member board is revoked,
29 surrendered or relinquished in lieu of discipline, or suspended, then any licenses
30 issued to the physician by any other member boards shall be suspended, automatically
31 and immediately without further action necessary by the other member boards, for

1 ninety (90) days upon entry of the order by the disciplining board, to permit the
2 member boards to investigate the basis for the action under the Medical Practice Act
3 of that state. A member board may terminate the automatic suspension of the license it
4 issued prior to the completion of the ninety (90) day suspension period in a manner
5 consistent with the Medical Practice Act of that state.

6 SECTION 11. INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION.

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

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

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

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

23 (1) An allopathic or osteopathic physician appointed to a member
24 board;

25 (2) An executive director, executive secretary, or similar executive of a
26 member board; or

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

28 (e) The Interstate Commission shall meet at least once each calendar year. A
29 portion of this meeting shall be a business meeting to address such matters as may
30 properly come before the Commission, including the election of officers. The
31 chairperson may call additional meetings and shall call for a meeting upon the request

1 of a majority of the member states.

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

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

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

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

17 (2) Discuss matters specifically exempted from disclosure by federal
18 statute;

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

21 (4) Involve accusing a person of a crime, or formally censuring a
22 person;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (i) Purchase and maintain insurance and bonds;

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

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

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

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

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

13 (o) Establish a budget and make expenditures;

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

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

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

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

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

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

26 SECTION 13. FINANCE POWERS.

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

1 be determined by the Interstate Commission, which shall promulgate a rule binding
2 upon all member states.

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

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

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

10 SECTION 14. ORGANIZATION AND OPERATION OF THE INTERSTATE
11 COMMISSION.

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

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

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

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

31 (e) The liability of the executive director and employees of the Interstate

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

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

19 (g) To the extent not covered by the state involved, member state, or the
20 Interstate Commission, the representatives or employees of the Interstate Commission
21 shall be held harmless in the amount of a settlement or judgement, including attorney's
22 fees and costs, obtained against such persons arising out of an actual or alleged act,
23 error, or omission that occurred within the scope of the Interstate Commission
24 employment, duties, or responsibilities, or that such persons had a reasonable basis for
25 believing occurred within the scope of Interstate Commission employment, duties, or
26 responsibilities, provided that the actual or alleged act, error, or omission did not result
27 from intentional or willful and wanton misconduct on the part of such person.

28 SECTION 15. RULEMAKING FUNCTIONS OF THE INTERSTATE
29 COMMISSION.

30 (a) The Interstate Commission shall promulgate reasonable rules in order to
31 effectively and efficiently achieve the purpose of the Compact. Notwithstanding the

1 foregoing, in the event the Interstate Commission exercises its rulemaking authority in
2 a manner that is beyond the scope of the purposes of the Compact, or the powers
3 granted hereunder, then such an action by the Interstate Commission shall be invalid
4 and have no force or effect.

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

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

18 SECTION 16. OVERSIGHT OF INTERSTATE COMPACT.

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

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

28 (c) The Interstate Commission shall be entitled to receive all services of
29 process in any such proceeding, and shall have standing to intervene in the proceeding
30 for all purposes. Failure to provide service of process to the Interstate Commission
31 shall render a judgment or order void as to the Interstate Commission, the Compact, or

1 promulgated rules.

2 SECTION 17. ENFORCEMENT OF INTERSTATE COMPACT.

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

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

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

16 SECTION 18. DEFAULT PROCEDURES.

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

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

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

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

29 (c) If the defaulting state fails to cure the default, the defaulting state shall be
30 terminated from the Compact upon an affirmative vote of a majority of the
31 Commissioners and all rights, privileges, and benefits conferred by the Compact shall

1 terminate on the effective date of termination. A cure of the default does not relieve
2 the offending state of obligations or liabilities incurred during the period of the
3 default.

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

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

11 (f) The member state which has been terminated is responsible for all due,
12 obligations, and liabilities incurred through the effective date of termination including
13 obligations, the performance of which extends beyond the effective date of
14 termination.

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

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

23 SECTION 19. DISPUTE RESOLUTION.

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

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

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

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

31 (b) The Compact shall become effective and binding upon legislative

1 enactment of the Compact into law by no less than seven (7) states. Thereafter, it shall
2 become effective and binding on a state upon enactment of the Compact into law by
3 that state.

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

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

11 SECTION 21. WITHDRAWAL.

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

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

19 (c) The withdrawing state shall immediately notify the chairperson of the
20 Interstate Commission in writing upon the introduction of legislation repealing the
21 Compact in the withdrawing state.

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

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

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

31 (g) The Interstate Commission is authorized to develop rules to address the

1 impact of the withdrawal of a member state on licenses granted in other member states
2 to physicians who designated the withdrawing member state as the state of principal
3 license.

4 SECTION 22. DISSOLUTION.

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

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

12 SECTION 23. SEVERABILITY AND CONSTRUCTION.

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

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

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

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

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

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

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

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

29 (e) In the event any provision of the Compact exceeds the constitutional limits
30 imposed on the legislature of any member state, such provision shall be ineffective to
31 the extent of the conflict with the constitutional provision in question in that member

1 state.

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

5 SECTION 1. PURPOSE.

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

24 SECTION 2. DEFINITIONS.

25 In this Compact:

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

31 (B) "Compact Privilege" means the authorization granted by a Remote State to

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 SECTION 3. STATE PARTICIPATION IN THIS COMPACT.

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

- 27 (1) License PAs.
- 28 (2) Participate in the Compact Commission's Data System.
- 29 (3) Have a mechanism in place for receiving and investigating
30 complaints against Licensees and License applicants.
- 31 (4) Notify the Commission, in compliance with the terms of this

1 Compact and Commission Rules, of any Adverse Action against a Licensee or License
2 applicant and the existence of Significant Investigative Information regarding a
3 Licensee or License applicant.

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

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

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

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

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

15 SECTION 4. COMPACT PRIVILEGE.

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

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

20 (2) Hold current NCCPA certification.

21 (3) Have no felony or misdemeanor Conviction.

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

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

26 (6) Hold a Qualifying License.

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

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

1 to the Adverse Action.

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

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

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

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

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

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

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

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

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

31 SECTION 5. DESIGNATION OF THE STATE FROM WHICH LICENSEE IS

1 APPLYING FOR A COMPACT PRIVILEGE.

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

6 (1) When applying for a Compact Privilege, the Licensee shall provide
7 the Commission with the address of the Licensee's primary residence and thereafter
8 shall immediately report to the Commission any change in the address of the
9 Licensee's primary residence.

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

15 SECTION 6. ADVERSE ACTIONS.

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

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

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

25 (2) Issue subpoenas for both hearings and investigations that require
26 the attendance and testimony of witnesses as well as the production of evidence.
27 Subpoenas issued by a Licensing Board in a Participating State for the attendance and
28 testimony of witnesses or the production of evidence from another Participating State
29 shall be enforced in the latter State by any court of competent jurisdiction, according
30 to the practice and procedure of that court applicable to subpoenas issued in
31 proceedings pending before it. The issuing authority shall pay any witness fees, travel

1 expenses, mileage and other fees required by the service statutes of the State in which
2 the witnesses or evidence are located.

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

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

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

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

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

23 (F) Joint Investigations.

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

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

31 (G) If an Adverse Action is taken against a PA's Qualifying License, the PA's

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

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

9 SECTION 7. ESTABLISHMENT OF THE PA LICENSURE COMPACT
10 COMMISSION.

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

16 (B) Membership, Voting, and Meetings.

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

21 (2) The delegate shall be either:

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

24 (b) An administrator of a Licensing Board.

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

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

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

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

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

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

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

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

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

11 (3) Establish fees;

12 (4) Establish bylaws;

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

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

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

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

22 (9) Purchase and maintain insurance and bonds;

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

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

30 (12) Accept any and all appropriate donations and grants of money,
31 equipment, supplies, materials and services, and receive, utilize and dispose of the

1 same; provided that at all times the Commission shall avoid any appearance of
2 impropriety or conflict of interest;

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

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

8 (15) Establish a budget and make expenditures;

9 (16) Borrow money;

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

14 (18) Provide and receive information from, and cooperate with, law
15 enforcement agencies;

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

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

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

24 (22) Prepare and provide to the Participating States an annual report;
25 and

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

29 (D) Meetings of the Commission.

30 (1) All meetings of the Commission that are not closed pursuant to this
31 subsection shall be open to the public. Notice of public meetings shall be posted on the

1 Commission's website at least thirty (30) days prior to the public meeting.

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

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

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

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

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

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

17 (e) Accusing any person of a crime or formally censuring any
18 person;

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

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

23 (h) Disclosure of investigative records compiled for law
24 enforcement purposes;

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

29 (j) Legal advice; or

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

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

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

11 (E) Financing of the Commission.

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

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

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

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

27 (b) If the Licensee terminates the Qualifying License through
28 which the Licensee applied for the Compact Privilege before its scheduled
29 expiration, and the Licensee has a Qualifying License in another Participating
30 State, the Licensee shall inform the Commission that it is changing to that
31 Participating State the Participating State through which it applies for a

1 Compact Privilege and pay to the Commission any Compact Privilege fee
2 required by Commission Rule.

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

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

14 (F) The Executive Committee.

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

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

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

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

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

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

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

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

29 (6) The Executive Committee shall have the following duties and
30 responsibilities:

31 (a) Recommend to the Commission changes to the

1 Commission's Rules or bylaws, changes to this Compact legislation, fees to be
2 paid by Compact Participating States such as annual dues, and any
3 Commission Compact fee charged to Licensees for the Compact Privilege;

4 (b) Ensure Compact administration services are appropriately
5 provided, contractual or otherwise;

6 (c) Prepare and recommend the budget;

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

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

10 (f) Establish additional committees as necessary;

11 (g) Exercise the powers and duties of the Commission during
12 the interim between Commission meetings, except for issuing proposed
13 rulemaking or adopting Commission Rules or bylaws, or exercising any other
14 powers and duties exclusively reserved to the Commission by the
15 Commission's Rules; and

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

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

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

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

28 (1) The members, officers, executive director, employees and
29 representatives of the Commission shall be immune from suit and liability, both
30 personally and in their official capacity, for any claim for damage to or loss of
31 property or personal injury or other civil liability caused by or arising out of any actual

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

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

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

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

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

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

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

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

14 SECTION 8. DATA SYSTEM.

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

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

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

1 Compact, as determined by the Rules of the Commission.

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

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

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

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

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

22 SECTION 9. RULEMAKING.

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

26 (B) The Commission shall promulgate reasonable Rules in order to effectively
27 and efficiently implement and administer this Compact and achieve its purposes. A
28 Commission Rule shall be invalid and have no force or effect only if a court of
29 competent jurisdiction holds that the Rule is invalid because the Commission
30 exercised its rulemaking authority in a manner that is beyond the scope of the
31 purposes of this Compact, or the powers granted hereunder, or based upon another

1 applicable standard of review.

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

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

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

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

18 (1) On the website of the Commission or other publicly accessible
19 platform; and

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

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

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

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

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

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

31 (4) The manner in which interested persons may submit notice to the

1 Commission of their intention to attend the public hearing or provide any written
2 comments.

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

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

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

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

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

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

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

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

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

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

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

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

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

- 12 (1) Meet an imminent threat to public health, safety, or welfare;
- 13 (2) Prevent a loss of Commission or Participating State funds;
- 14 (3) Meet a deadline for the promulgation of a Commission Rule that is
15 established by federal law or Rule; or
- 16 (4) Protect public health and safety.

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

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

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

30 (A) Oversight.

- 31 (1) The executive and judicial branches of State government in each

1 Participating State shall enforce this Compact and take all actions necessary and
2 appropriate to implement the Compact.

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

10 (3) The Commission shall be entitled to receive service of process in
11 any proceeding regarding the enforcement or interpretation of the Compact or the
12 Commission's Rules and shall have standing to intervene in such a proceeding for all
13 purposes. Failure to provide the Commission with service of process shall render a
14 judgment or order in such proceeding void as to the Commission, this Compact, or
15 Commission Rules.

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

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

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

30 (3) Termination of participation in this Compact shall be imposed only
31 after all other means of securing compliance have been exhausted. Notice of intent to

1 suspend or terminate shall be given by the Commission to the governor, the majority
2 and minority leaders of the defaulting State's legislature, and to the Licensing Board(s)
3 of each of the Participating States.

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

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

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

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

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

21 (b) Licensees who are licensed in that State who have been
22 granted a Compact Privilege in a Participating State shall retain the Compact
23 Privilege for one hundred eighty (180) days unless the Licensee also has a
24 Qualifying License in a Participating State or obtains a Qualifying License in a
25 Participating State before the one hundred eighty (180)-day period ends, in
26 which case the Compact Privilege shall continue.

27 (C) Dispute Resolution.

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

31 (2) The Commission shall promulgate a Rule providing for both

1 mediation and binding dispute resolution for disputes as appropriate.

2 (D) Enforcement.

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

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

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

16 (E) Legal Action Against the Commission.

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

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

25 SECTION 11. DATE OF IMPLEMENTATION OF THE PA LICENSURE
26 COMPACT COMMISSION.

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

29 (1) On or after the effective date of the Compact, the Commission shall
30 convene and review the enactment of each of the States that enacted the Compact prior
31 to the Commission convening ("Charter Participating States") to determine if the

1 statute enacted by each such Charter Participating State is materially different than the
2 Model Compact.

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

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

14 (2) Participating States enacting the Compact subsequent to the seven
15 initial Charter Participating States shall be subject to the process set forth in Section
16 7(C)(21) to determine if their enactments are materially different from the Model
17 Compact and whether they qualify for participation in the Compact.

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

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

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

28 (1) A Participating State's withdrawal shall not take effect until one
29 hundred eighty (180) days after enactment of the repealing statute. During this one
30 hundred eighty (180) day-period, all Compact Privileges that were in effect in the
31 withdrawing State and were granted to Licensees licensed in the withdrawing State

1 shall remain in effect. If any Licensee licensed in the withdrawing State is also
2 licensed in another Participating State or obtains a license in another Participating
3 State within the one hundred eighty (180) days, the Licensee's Compact Privileges in
4 other Participating States shall not be affected by the passage of the one hundred
5 eighty (180) days.

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

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

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

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

23 SECTION 12. CONSTRUCTION AND SEVERABILITY.

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

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

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

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

15 SECTION 13. BINDING EFFECT OF COMPACT.

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

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

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

22 * **Sec. 8.** AS 08.64.315 is amended to read:

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

- 25 (1) application;
- 26 (2) license by examination;
- 27 (3) license by endorsement or waiver of examination;
- 28 (4) temporary permit;
- 29 (5) locum tenens permit;
- 30 (6) license renewal, active;
- 31 (7) license renewal, inactive;

(8) license by reexamination;

(9) expedited license issued or renewed through the Interstate

Medical Licensure Compact under AS 08.64.253;

(10) compact privilege.

* **Sec. 9.** AS 08.86.070 is amended to read:

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

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

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

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

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

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

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

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

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

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

* **Sec. 10.** AS 08.86.130(a) is amended to read:

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

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

(A) clinical psychology;

(B) counseling psychology; or

(C) education in a field of specialization considered equivalent

by the board;

(2) has not engaged in dishonorable conduct related to the practice of

1 counseling or psychometry;

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

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

6 **(5) has been fingerprinted and has provided the fees required by**
7 **the Department of Public Safety under AS 12.62.160 for criminal justice**
8 **information and a national criminal history record check; the fingerprints and**
9 **fees shall be forwarded to the Department of Public Safety to obtain a report of**
10 **criminal justice information under AS 12.62 and a national criminal history**
11 **record check under AS 12.62.400; criminal justice information and criminal**
12 **history record information obtained under this paragraph may only be used by**
13 **the board for the purpose of determining an applicant's qualifications and fitness**
14 **for a license or authority to practice under this chapter.**

15 * **Sec. 11.** AS 08.86.140(a) is amended to read:

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

17 (1) application;

18 (2) examination;

19 (3) credential review;

20 (4) initial license;

21 (5) license renewal;

22 **(6) authority to practice under AS 08.86.225.**

23 * **Sec. 12.** AS 08.86.150 is amended to read:

24 **Sec. 08.86.150. License by credentials.** A person who is licensed or certified
25 as a psychologist by a licensing authority other than the state is entitled to be licensed
26 in the state without examination if the person applies on the proper application form,
27 submits proof of continued competence as required by regulation of the board,
28 **submits the person's fingerprints and fees as required under (b) of this section,**
29 pays the credential review fee, and the person

30 (1) holds a doctoral degree with primary emphasis on psychology that
31 satisfies the requirements of AS 08.86.130 and the examination and qualification

1 requirements for the person's out-of-state license or certificate were essentially similar
2 to or higher than the examination and qualification requirements for licensure under
3 this chapter;

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

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

9 * **Sec. 13.** AS 08.86.150 is amended by adding a new subsection to read:

10 (b) An applicant for a license by credentials shall submit to the board
11 the applicant's fingerprints and the fees required by the Department of Public Safety
12 under AS 12.62.160 for criminal justice information and a national criminal history
13 record check. The board shall forward the fingerprints and fees to the Department of
14 Public Safety to obtain a report of criminal justice information under AS 12.62 and a
15 national criminal history record check under AS 12.62.400. Criminal justice
16 information and criminal history record information obtained under this subsection
17 may only be used by the board for the purpose of determining an applicant's
18 qualifications and fitness for a license or authority to practice under this chapter.

19 * **Sec. 14.** AS 08.86 is amended by adding a new section to read:

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

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

25 **ARTICLE I. PURPOSE.**

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

29 Whereas, this Compact is intended to regulate the day to day practice of
30 telepsychology (i.e. the provision of psychological services using telecommunication
31 technologies) by psychologists across state boundaries in the performance of their

1 psychological practice as assigned by an appropriate authority; and

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE II. DEFINITIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (Q) "Interjurisdictional Practice Certificate" and "IPC" mean: a
30 certificate issued by the Association of State and Provincial Psychology Boards that
31 grants temporary authority to practice based on notification to the State Psychology

1 Regulatory Authority of intention to practice temporarily, and verification of one's
2 qualifications for such practice;

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

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

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

10 (U) "Psychology Interjurisdictional Compact Commission" and
11 "Commission" mean: the national administration of which all Compact States are
12 members;

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

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

21 (X) "Significant Investigatory Information" means:

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

27 (2) investigative information that indicates that the
28 psychologist represents an immediate threat to public health and safety
29 regardless of whether the psychologist has been notified and/or had an
30 opportunity to respond;

31 (Y) "State" means: a state, commonwealth, territory, or possession of

1 the United States, or the District of Columbia;

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

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

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

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

14 ARTICLE III. HOME STATE LICENSURE.

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

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

22 (C) Any Compact State may require a psychologist not previously licensed in
23 a Compact State to obtain and retain a license to be authorized to practice in the
24 Compact State under circumstances not authorized by the Authority to Practice
25 Interjurisdictional Telepsychology under the terms of this Compact.

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

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

- 1 (1) Currently requires the psychologist to hold an active E.Passport;
- 2 (2) Has a mechanism in place for receiving and investigating
- 3 complaints about licensed individuals;
- 4 (3) Notifies the Commission, in compliance with the terms herein, of
- 5 any adverse action or significant investigatory information regarding a licensed
- 6 individual;
- 7 (4) Requires an Identity History Summary of all applicants at initial
- 8 licensure, including the use of the results of fingerprints or other biometric data checks
- 9 compliant with the requirements of the Federal Bureau of Investigation, or other
- 10 designee with similar authority, no later than ten years after activation of the Compact;
- 11 and
- 12 (5) Complies with the Bylaws and Rules of the Commission.

13 (F) A Home State's license grants Temporary Authorization to Practice to a

14 psychologist in a Distant State only if the Compact State:

- 15 (1) Currently requires the psychologist to hold an active IPC;
- 16 (2) Has a mechanism in place for receiving and investigating
- 17 complaints about licensed individuals;
- 18 (3) Notifies the Commission, in compliance with the terms herein, of
- 19 any adverse action or significant investigatory information regarding a licensed
- 20 individual;
- 21 (4) Requires an Identity History Summary of all applicants at initial
- 22 licensure, including the use of the results of fingerprints or other biometric data checks
- 23 compliant with the requirements of the Federal Bureau of Investigation, or other
- 24 designee with similar authority, no later than ten years after activation of the Compact;
- 25 and
- 26 (5) Complies with the Bylaws and Rules of the Commission.

27 **ARTICLE IV. COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY.**

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

29 Compact State in conformance with Article III, to practice telepsychology in other

30 Compact States (Receiving States) in which the psychologist is not licensed, under the

31 Authority to Practice Interjurisdictional Telepsychology as provided in the Compact.

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

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

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

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

13 (2) Hold a graduate degree in psychology that meets the following
14 criteria:

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

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

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

24 (d) The program must consist of an integrated, organized
25 sequence of study;

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

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

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

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

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

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

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

10 (4) Have no history of adverse action that violate the Rules of the
11 Commission;

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

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

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

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

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

24 (D) A psychologist practicing in a Receiving State under the Authority to
25 Practice Interjurisdictional Telepsychology will be subject to the Receiving State's
26 scope of practice. A Receiving State may, in accordance with that state's due process
27 law, limit or revoke a psychologist's Authority to Practice Interjurisdictional
28 Telepsychology in the Receiving State and may take any other necessary actions under
29 the Receiving State's applicable law to protect the health and safety of the Receiving
30 State's citizens. If a Receiving State takes action, the state shall promptly notify the
31 Home State and the Commission.

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

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

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

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

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

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

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

23 (2) Hold a graduate degree in psychology that meets the following
24 criteria:

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

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

31 (c) There must be a clear authority and primary responsibility

1 for the core and specialty areas whether or not the program cuts across
2 administrative lines;

3 (d) The program must consist of an integrated, organized
4 sequence of study;

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

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

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

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

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

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

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

20 (4) No history of adverse action that violate the Rules of the
21 Commission;

22 (5) No criminal record history that violates the Rules of the
23 Commission;

24 (6) Possess a current, active IPC;

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

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

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

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

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

13 ARTICLE VI. CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING
14 STATE.

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

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

22 (2) Other conditions regarding telepsychology as determined by Rules
23 promulgated by the Commission.

24 ARTICLE VII. ADVERSE ACTIONS.

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

29 (B) A Receiving State may take adverse action on a psychologist's Authority
30 to Practice Interjurisdictional Telepsychology within that Receiving State. A Home
31 State may take adverse action against a psychologist based on an adverse action taken

1 by a Distant State regarding temporary in-person, face-to-face practice.

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

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

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

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

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

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

26 (F) Nothing in this Compact shall override a Compact State's decision that a
27 psychologist's participation in an alternative program may be used in lieu of adverse
28 action and that such participation shall remain non-public if required by the Compact
29 State's law. Compact States must require psychologists who enter any alternative
30 programs to not provide telepsychology services under the Authority to Practice
31 Interjurisdictional Telepsychology or provide temporary psychological services under

1 the Temporary Authorization to Practice in any other Compact State during the term
2 of the alternative program.

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

6 ARTICLE VIII. ADDITIONAL AUTHORITIES INVESTED IN A COMPACT STATE'S
7 PSYCHOLOGY REGULATORY AUTHORITY.

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

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

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

22 (3) During the course of any investigation, a psychologist may not
23 change his/her Home State licensure. A Home State Psychology Regulatory Authority
24 is authorized to complete any pending investigations of a psychologist and to take any
25 actions appropriate under its law. The Home State Psychology Regulatory Authority
26 shall promptly report the conclusions of such investigations to the Commission. Once
27 an investigation has been completed, and pending the outcome of said investigation,
28 the psychologist may change his/her Home State licensure. The Commission shall
29 promptly notify the new Home State of any such decisions as provided in the Rules of
30 the Commission. All information provided to the Commission or distributed by
31 Compact States pursuant to the psychologist shall be confidential, filed under seal and

1 used for investigatory or disciplinary matters. The Commission may create additional
2 Rules for mandated or discretionary sharing of information by Compact States.

3 ARTICLE IX. COORDINATED LICENSURE INFORMATION SYSTEM.

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

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

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

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

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

31 (E) Any information submitted to the coordinated database that is

1 subsequently required to be expunged by the law of the Compact State reporting the
2 information shall be removed from the coordinated database.

3 ARTICLE X. ESTABLISHMENT OF THE PSYCHOLOGY
4 INTERJURISDICTIONAL COMPACT COMMISSION.

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

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

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.

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

16 (B) Membership, Voting, and Meetings.

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

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

22 (b) Current member of the State Psychology Regulatory
23 Authority of a Compact State; or

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

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

30 (3) Each commissioner shall be entitled to one (1) vote with regard to
31 the promulgation of Rules and creation of Bylaws and shall otherwise have an

1 opportunity to participate in the business and affairs of the Commission. A
2 commissioner shall vote in person or by such other means as provided in the Bylaws.
3 The Bylaws may provide for commissioners' participation in meetings by telephone or
4 other means of communication.

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

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

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

12 (a) Non-compliance of a Compact State with its obligations
13 under the Compact;

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

18 (c) Current, threatened, or reasonably anticipated litigation
19 against the Commission;

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

22 (e) Accusation against any person of a crime or formally
23 censuring any person;

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

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

28 (h) Disclosure of investigatory records compiled for law
29 enforcement purposes;

30 (i) Disclosure of information related to any investigatory
31 reports prepared by or on behalf of or for use of the Commission or other

1 committee charged with responsibility for investigation or determination of
2 compliance issues pursuant to the Compact; or

3 (j) Matters specifically exempted from disclosure by federal
4 and state statute.

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

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

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

19 (2) Providing reasonable standards and procedures:

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

21 (b) governing any general or specific delegation of any
22 authority or function of the Commission;

23 (3) Providing reasonable procedures for calling and conducting
24 meetings of the Commission, ensuring reasonable advance notice of all meetings and
25 providing an opportunity for attendance of such meetings by interested parties, with
26 enumerated exceptions designed to protect the public's interest, the privacy of
27 individuals of such proceedings, and proprietary information, including trade secrets.
28 The Commission may meet in closed session only after a majority of the
29 commissioners vote to close a meeting to the public in whole or in part. As soon as
30 practicable, the Commission must make public a copy of the vote to close the meeting
31 revealing the vote of each commissioner with no proxy votes allowed;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (10) To borrow money;

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

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

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

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

29 (E) The Executive Board.

30 The elected officers shall serve as the Executive Board, which shall
31 have the power to act on behalf of the Commission according to the terms of this

1 Compact.

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

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

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

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

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

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

14 (5) The Executive Board shall have the following duties and
15 responsibilities:

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

19 (b) Ensure Compact administration services are appropriately
20 provided, contractual or otherwise;

21 (c) Prepare and recommend the budget;

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

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

25 (f) Establish additional committees as necessary; and

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

27 (F) Financing of the Commission.

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

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

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

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

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

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

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

29 (2) The Commission shall defend any member, officer, Executive
30 Director, employee or representative of the Commission in any civil action seeking to
31 impose liability arising out of any actual or alleged act, error or omission that occurred

1 within the scope of Commission employment, duties or responsibilities, or that the
2 person against whom the claim is made had a reasonable basis for believing occurred
3 within the scope of Commission employment, duties or responsibilities; provided that
4 nothing herein shall be construed to prohibit that person from retaining his or her own
5 counsel; and provided further, that the actual or alleged act, error or omission did not
6 result from that person's intentional or willful or wanton misconduct.

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

15 ARTICLE XI. RULEMAKING.

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

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

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

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

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

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

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

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

4 (2) The text of the proposed Rule or amendment and the reason for the
5 proposed Rule;

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

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

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

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

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

17 (2) A governmental subdivision or agency; or

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

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

22 (1) All persons wishing to be heard at the hearing shall notify the
23 Executive Director of the Commission or other designated member in writing of their
24 desire to appear and testify at the hearing not less than five (5) business days before
25 the scheduled date of the hearing.

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

29 (3) No transcript of the hearing is required, unless a written request for
30 a transcript is made, in which case the person requesting the transcript shall bear the
31 cost of producing the transcript. A recording may be made in lieu of a transcript under

1 the same terms and conditions as a transcript. This subsection shall not preclude the
2 Commission from making a transcript or recording of the hearing if it so chooses.

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

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

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

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

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

- 22 (1) Meet an imminent threat to public health, safety, or welfare;
23 (2) Prevent a loss of Commission or Compact State funds;
24 (3) Meet a deadline for the promulgation of an administrative rule that
25 is established by federal law or rule; or
26 (4) Protect public health and safety.

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

1 after posting. The revision may be challenged only on grounds that the revision results
2 in a material change to a Rule. A challenge shall be made in writing, and delivered to
3 the chair of the Commission prior to the end of the notice period. If no challenge is
4 made, the revision will take effect without further action. If the revision is challenged,
5 the revision may not take effect without the approval of the Commission.

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

7 (A) Oversight

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

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

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

21 (B) Default, Technical Assistance, and Termination

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

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

28 (b) Provide remedial training and specific technical assistance
29 regarding the default.

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

1 Compact States, and all rights, privileges and benefits conferred by this Compact shall
2 be terminated on the effective date of termination. A remedy of the default does not
3 relieve the offending state of obligations or liabilities incurred during the period of
4 default.

5 (3) Termination of membership in the 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 submitted by the Commission to the governor, the
8 majority and minority leaders of the defaulting state's legislature, and each of the
9 Compact States.

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

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

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

21 (C) Dispute Resolution

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

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

28 (D) Enforcement

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

31 (2) By majority vote, the Commission may initiate legal action in the

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

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

10 ARTICLE XIII. DATE OF IMPLEMENTATION OF THE PSYCHOLOGY
11 INTERJURISDICTIONAL COMPACT COMMISSION AND ASSOCIATED
12 RULES, WITHDRAWAL, AND AMENDMENTS.

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

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

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

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

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

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

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

8 ARTICLE XIV. CONSTRUCTION AND SEVERABILITY.

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

13 * **Sec. 15.** AS 12.62.400(a) is amended by adding new paragraphs to read:

14 (26) licensure as a physician, osteopath, podiatrist, or physician
15 assistant under AS 08.64, including an expedited license as a physician under
16 AS 08.64.253 or compact privilege to practice as a physician assistant under
17 AS 08.64.254;

18 (27) licensure as a psychologist under AS 08.86, including an authority
19 to practice under AS 08.86.225;

20 (28) certification or licensure as an emergency medical technician or
21 mobile intensive care paramedic under AS 18.08 or as an advanced emergency
22 medical technician under regulations adopted under AS 18.08, including a privilege to
23 practice under AS 18.08.105.

24 * **Sec. 16.** AS 18.08.082 is amended by adding new subsections to read:

25 (d) An applicant for a license or certificate as an emergency medical
26 technician or mobile intensive care paramedic under this section or as an advanced
27 emergency medical technician under regulations adopted under this chapter shall
28 submit to the department the applicant's fingerprints and the fees required by the
29 Department of Public Safety under AS 12.62.160 for criminal justice information and
30 a national criminal history record check. The department shall forward the fingerprints
31 and fees to the Department of Public Safety to obtain a report of criminal justice

1 information under AS 12.62 and a national criminal history record check under
2 AS 12.62.400. Criminal justice information and criminal history record information
3 obtained under this subsection may only be used by the department for the purpose of
4 determining an applicant's qualifications and fitness for a license or privilege to
5 practice under this chapter.

6 (e) The department shall implement the recognition of EMS personnel
7 licensure interstate compact under AS 18.08.105.

8 * **Sec. 17.** AS 18.08 is amended by adding a new section to read:

9 **Sec. 18.08.105. Recognition of EMS personnel licensure interstate**
10 **compact.** The recognition of EMS personnel licensure interstate compact as contained
11 in this section is enacted into law and entered into on behalf of the state with all other
12 states and jurisdictions legally joining it in a form substantially as follows:

13 SECTION 1. PURPOSE.

14 In order to protect the public through verification of competency and ensure
15 accountability for patient care related activities all states license emergency medical
16 services (EMS) personnel, such as emergency medical technicians (EMTs), advanced
17 EMTs and paramedics. This Compact is intended to facilitate the day-to-day
18 movement of EMS personnel across state boundaries in the performance of their EMS
19 duties as assigned by an appropriate authority and authorize state EMS offices to
20 afford immediate legal recognition to EMS personnel licensed in a member state. This
21 Compact recognizes that states have a vested interest in protecting the public's health
22 and safety through their licensing and regulation of EMS personnel and that such state
23 regulation shared among the member states will best protect public health and safety.
24 This Compact is designed to achieve the following purposes and objectives:

- 25 (1) increase public access to EMS personnel;
26 (2) enhance the states' ability to protect the public's health and safety,
27 especially patient safety;
28 (3) encourage the cooperation of member states in the areas of EMS
29 personnel licensure and regulation;
30 (4) support licensing of military members who are separating from an
31 active-duty tour and their spouses;

1 (5) facilitate the exchange of information between member states
2 regarding EMS personnel licensure, adverse action and significant investigatory
3 information;

4 (6) promote compliance with the laws governing EMS personnel
5 practice in each member state; and

6 (7) invest all member states with the authority to hold EMS personnel
7 accountable through the mutual recognition of member state licenses.

8 SECTION 2. DEFINITIONS.

9 In this Compact:

10 (A) "Advanced Emergency Medical Technician" and "AEMT" mean: an
11 individual licensed with cognitive knowledge and a scope of practice that corresponds
12 to that level in the National EMS Education Standards and National EMS Scope of
13 Practice Model.

14 (B) "Adverse Action" means: any administrative, civil, equitable or criminal
15 action permitted by a state's laws which may be imposed against licensed EMS
16 personnel by a state EMS authority or state court, including, but not limited to, actions
17 against an individual's license such as revocation, suspension, probation, consent
18 agreement, monitoring or other limitation or encumbrance on the individual's practice,
19 letters of reprimand or admonition, fines, criminal convictions and state court
20 judgments enforcing adverse actions by the state EMS authority.

21 (C) "Alternative program" means: a voluntary, non-disciplinary substance
22 abuse recovery program approved by a state EMS authority.

23 (D) "Certification" means: the successful verification of entry-level cognitive
24 and psychomotor competency using a reliable, validated, and legally defensible
25 examination.

26 (E) "Commission" means: the national administrative body of which all states
27 that have enacted the Compact are members.

28 (F) "Emergency Medical Technician" and "EMT" mean: an individual
29 licensed with cognitive knowledge and a scope of practice that corresponds to that
30 level in the National EMS Education Standards and National EMS Scope of Practice
31 Model.

1 (G) "Home State" means: a member state where an individual is licensed to
2 practice emergency medical services.

3 (H) "License" means: the authorization by a state for an individual to practice
4 as an EMT, AEMT, paramedic, or a level in between EMT and paramedic.

5 (I) "Medical Director" means: a physician licensed in a member state who is
6 accountable for the care delivered by EMS personnel.

7 (J) "Member State" means: a state that has enacted this Compact.

8 (K) "Paramedic" means: an individual licensed with cognitive knowledge and
9 a scope of practice that corresponds to that level in the National EMS Education
10 Standards and National EMS Scope of Practice Model.

11 (L) "Privilege to Practice" means: an individual's authority to deliver
12 emergency medical services in remote states as authorized under this Compact.

13 (M) "Remote State" means: a member state in which an individual is not
14 licensed.

15 (N) "Restricted" means: the outcome of an adverse action that limits a license
16 or the privilege to practice.

17 (O) "Rule" means: a written statement by the interstate Commission
18 promulgated pursuant to Section 12 of this Compact that is of general applicability;
19 implements, interprets, or prescribes a policy or provision of the Compact; or is an
20 organizational, procedural, or practice requirement of the Commission and has the
21 force and effect of statutory law in a member state and includes the amendment,
22 repeal, or suspension of an existing rule.

23 (P) "Scope of Practice" means: defined parameters of various duties or
24 services that may be provided by an individual with specific credentials. Whether
25 regulated by rule, statute, or court decision, it tends to represent the limits of services
26 an individual may perform.

27 (Q) "Significant Investigatory Information" means:

28 (1) investigative information that a state EMS authority, after a
29 preliminary inquiry that includes notification and an opportunity to respond if required
30 by state law, has reason to believe, if proved true, would result in the imposition of an
31 adverse action on a license or privilege to practice; or

1 (2) investigative information that indicates that the individual
2 represents an immediate threat to public health and safety regardless of whether the
3 individual has been notified and had an opportunity to respond.

4 (R) "State" means: any state, commonwealth, district, or territory of the
5 United States.

6 (S) "State EMS Authority" means: the board, office, or other agency with the
7 legislative mandate to license EMS personnel.

8 SECTION 3. HOME STATE LICENSURE.

9 (A) Any member state in which an individual holds a current license shall be
10 deemed a home state for purposes of this Compact.

11 (B) Any member state may require an individual to obtain and retain a license
12 to be authorized to practice in the member state under circumstances not authorized by
13 the privilege to practice under the terms of this Compact.

14 (C) A home state's license authorizes an individual to practice in a remote
15 state under the privilege to practice only if the home state:

16 (1) Currently requires the use of the National Registry of Emergency
17 Medical Technicians (NREMT) examination as a condition of issuing initial licenses
18 at the EMT and paramedic levels;

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

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

23 (4) No later than five years after activation of the Compact, requires a
24 criminal background check of all applicants for initial licensure, including the use of
25 the results of fingerprint or other biometric data checks compliant with the
26 requirements of the Federal Bureau of Investigation with the exception of federal
27 employees who have suitability determination in accordance with 5 C.F.R. 731.202
28 and submit documentation of such as promulgated in the rules of the Commission; and

29 (5) Complies with the rules of the Commission.

30 SECTION 4. COMPACT PRIVILEGE TO PRACTICE.

31 (A) Member states shall recognize the privilege to practice of an individual

1 licensed in another member state that is in conformance with Section 3.

2 (B) To exercise the privilege to practice under the terms and provisions of this
3 Compact, an individual must:

4 (1) Be at least 18 years of age;

5 (2) Possess a current unrestricted license in a member state as an EMT,
6 AEMT, paramedic, or state recognized and licensed level with a scope of practice and
7 authority between EMT and paramedic; and

8 (3) Practice under the supervision of a medical director.

9 (C) An individual providing patient care in a remote state under the privilege
10 to practice shall function within the scope of practice authorized by the home state
11 unless and until modified by an appropriate authority in the remote state as may be
12 defined in the rules of the commission.

13 (D) Except as provided in Section 4(C), an individual practicing in a remote
14 state will be subject to the remote state's authority and laws. A remote state may, in
15 accordance with due process and that state's laws, restrict, suspend, or revoke an
16 individual's privilege to practice in the remote state and may take any other necessary
17 actions to protect the health and safety of its citizens. If a remote state takes action it
18 shall promptly notify the home state and the Commission.

19 (E) If an individual's license in any home state is restricted or suspended, the
20 individual shall not be eligible to practice in a remote state under the privilege to
21 practice until the individual's home state license is restored.

22 (F) If an individual's privilege to practice in any remote state is restricted,
23 suspended, or revoked the individual shall not be eligible to practice in any remote
24 state until the individual's privilege to practice is restored.

25 SECTION 5. CONDITIONS OF PRACTICE IN A REMOTE STATE.

26 An individual may practice in a remote state under a privilege to practice only
27 in the performance of the individual's EMS duties as assigned by an appropriate
28 authority, as defined in the rules of the Commission, and under the following
29 circumstances:

30 (1) The individual originates a patient transport in a home state and
31 transports the patient to a remote state;

1 (2) The individual originates in the home state and enters a remote
2 state to pick up a patient and provide care and transport of the patient to the home
3 state;

4 (3) The individual enters a remote state to provide patient care and/or
5 transport within that remote state;

6 (4) The individual enters a remote state to pick up a patient and
7 provide care and transport to a third member state;

8 (5) Other conditions as determined by rules promulgated by the
9 commission.

10 SECTION 6. RELATIONSHIP TO EMERGENCY MANAGEMENT ASSISTANCE

11 COMPACT.

12 Upon a member state's governor's declaration of a state of emergency or
13 disaster that activates the Emergency Management Assistance Compact (EMAC), all
14 relevant terms and provisions of EMAC shall apply and to the extent any terms or
15 provisions of this Compact conflicts with EMAC, the terms of EMAC shall prevail
16 with respect to any individual practicing in the remote state in response to such
17 declaration.

18 SECTION 7. VETERANS, SERVICE MEMBERS SEPARATING FROM ACTIVE-DUTY 19 MILITARY, AND THEIR SPOUSES.

20 (A) Member states shall consider a veteran, active military service member,
21 and member of the National Guard and Reserves separating from an active-duty tour,
22 and a spouse thereof, who holds a current valid and unrestricted NREMT certification
23 at or above the level of the state license being sought as satisfying the minimum
24 training and examination requirements for such licensure.

25 (B) Member states shall expedite the processing of licensure applications
26 submitted by veterans, active military service members, and members of the National
27 Guard and Reserves separating from an active-duty tour, and their spouses.

28 (C) All individuals functioning with a privilege to practice under this Section
29 remain subject to the Adverse Actions provisions of Section 8.

30 SECTION 8. ADVERSE ACTIONS.

31 (A) A home state shall have exclusive power to impose adverse action against

1 an individual's license issued by the home state.

2 (B) If an individual's license in any home state is restricted or suspended, the
3 individual shall not be eligible to practice in a remote state under the privilege to
4 practice until the individual's home state license is restored.

5 (1) All home state adverse action orders shall include a statement that
6 the individual's Compact privileges are inactive. The order may allow the individual to
7 practice in remote states with prior written authorization from both the home state and
8 remote state's EMS authority.

9 (2) An individual currently subject to adverse action in the home state
10 shall not practice in any remote state without prior written authorization from both the
11 home state and remote state's EMS authority.

12 (C) A member state shall report adverse actions and any occurrences that the
13 individual's Compact privileges are restricted, suspended, or revoked to the
14 Commission in accordance with the rules of the Commission.

15 (D) A remote state may take adverse action on an individual's privilege to
16 practice within that state.

17 (E) Any member state may take adverse action against an individual's
18 privilege to practice in that state based on the factual findings of another member state,
19 so long as each state follows its own procedures for imposing such adverse action.

20 (F) A home state's EMS authority shall investigate and take appropriate action
21 with respect to reported conduct in a remote state as it would if such conduct had
22 occurred within the home state. In such cases, the home state's law shall control in
23 determining the appropriate adverse action.

24 (G) Nothing in this Compact shall override a member state's decision that
25 participation in an alternative program may be used in lieu of adverse action and that
26 such participation shall remain non-public if required by the member state's laws.
27 Member states must require individuals who enter any alternative programs to agree
28 not to practice in any other member state during the term of the alternative program
29 without prior authorization from such other member state.

30 SECTION 9. ADDITIONAL POWERS INVESTED IN A MEMBER STATE'S EMS
31 AUTHORITY.

1 A member state's EMS authority, in addition to any other powers granted
2 under state law, is authorized under this Compact to:

3 (1) Issue subpoenas for both hearings and investigations that require
4 the attendance and testimony of witnesses and the production of evidence. Subpoenas
5 issued by a member state's EMS authority for the attendance and testimony of
6 witnesses, and/or the production of evidence from another member state, shall be
7 enforced in the remote state by any court of competent jurisdiction, according to that
8 court's practice and procedure in considering subpoenas issued in its own proceedings.
9 The issuing state EMS authority shall pay any witness fees, travel expenses, mileage,
10 and other fees required by the service statutes of the state where the witnesses and/or
11 evidence are located; and

12 (2) Issue cease and desist orders to restrict, suspend, or revoke an
13 individual's privilege to practice in the state.

14 SECTION 10. ESTABLISHMENT OF THE INTERSTATE COMMISSION FOR EMS
15 PERSONNEL PRACTICE.

16 (A) The Compact states hereby create and establish a joint public agency
17 known as the Interstate Commission for EMS Personnel Practice.

18 (1) The Commission is a body politic and an instrumentality of the
19 Compact states.

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

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

27 (B) Membership, Voting, and Meetings.

28 (1) Each member state shall have and be limited to one (1) delegate.
29 The responsible official of the state EMS authority or his designee shall be the
30 delegate to this Compact for each member state. Any delegate may be removed or
31 suspended from office as provided by the law of the state from which the delegate is

1 appointed. Any vacancy occurring in the Commission shall be filled in accordance
2 with the laws of the member state in which the vacancy exists. In the event that more
3 than one board, office, or other agency with the legislative mandate to license EMS
4 personnel at and above the level of EMT exists, the Governor of the state will
5 determine which entity will be responsible for assigning the delegate.

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

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

13 (4) All meetings shall be open to the public, and public notice of
14 meetings shall be given in the same manner as required under the rulemaking
15 provisions in Section 7.

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

18 (a) Non-compliance of a member state with its obligations
19 under the Compact;

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

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

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

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

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

31 (g) Disclosure of information of a personal nature where

1 disclosure would constitute a clearly unwarranted invasion of personal privacy;

2 (h) Disclosure of investigatory records compiled for law
3 enforcement purposes;

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

8 (j) Matters specifically exempted from disclosure by federal or
9 member state statute.

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

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

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

23 (2) Providing reasonable standards and procedures:

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

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

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

1 may meet in closed session only after a majority of the membership votes to close a
2 meeting in whole or in part. As soon as practicable, the Commission must make public
3 a copy of the vote to close the meeting revealing the vote of each member with no
4 proxy votes allowed;

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

7 (5) Providing reasonable standards and procedures for the
8 establishment of the personnel policies and programs of the Commission.
9 Notwithstanding any civil service or other similar laws of any member state, the
10 bylaws shall exclusively govern the personnel policies and programs of the
11 Commission;

12 (6) Promulgating a code of ethics to address permissible and prohibited
13 activities of Commission members and employees;

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

18 (8) The Commission shall publish its bylaws and file a copy thereof,
19 and a copy of any amendment thereto, with the appropriate agency or officer in each
20 of the member states, if any;

21 (9) The Commission shall maintain its financial records in accordance
22 with the bylaws;

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

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

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

29 (2) To bring and prosecute legal proceedings or actions in the name of
30 the Commission, provided that the standing of any state EMS authority or other
31 regulatory body responsible for EMS personnel licensure to sue or be sued under

1 applicable law shall not be affected;

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

3 (4) To borrow, accept, or contract for services of personnel, including,
4 but not limited to, employees of a member state;

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

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

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

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

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

21 (10) To borrow money;

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

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

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

29 (14) To perform such other functions as may be necessary or
30 appropriate to achieve the purposes of this Compact consistent with the state
31 regulation of EMS personnel licensure and practice.

1 (E) Financing of the Commission.

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

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

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

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

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

23 (F) Qualified Immunity, Defense, and Indemnification.

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

1 injury, or liability caused by the intentional or willful or wanton misconduct of that
2 person.

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

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

20 SECTION 11. COORDINATED DATABASE.

21 (A) The Commission shall provide for the development and maintenance of a
22 coordinated database and reporting system containing licensure, adverse action, and
23 significant investigatory information on all licensed individuals in member states.

24 (B) Notwithstanding any other provision of state law to the contrary, a
25 member state shall submit a uniform data set to the coordinated database on all
26 individuals to whom this Compact is applicable as required by the rules of the
27 Commission, including:

- 28 (1) Identifying information;
- 29 (2) Licensure data;
- 30 (3) Significant investigatory information;
- 31 (4) Adverse actions against an individual's license;

1 (5) An indicator that an individual's privilege to practice is restricted,
2 suspended or revoked;

3 (6) Non-confidential information related to alternative program
4 participation;

5 (7) Any denial of application for licensure, and the reason(s) for such
6 denial; and

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

9 (C) The coordinated database administrator shall promptly notify all member
10 states of any adverse action taken against, or significant investigative information on,
11 any individual in a member state.

12 (D) Member states contributing information to the coordinated database may
13 designate information that may not be shared with the public without the express
14 permission of the contributing state.

15 (E) Any information submitted to the coordinated database that is
16 subsequently required to be expunged by the laws of the member state contributing the
17 information shall be removed from the coordinated database.

18 SECTION 12. RULEMAKING.

19 (A) The Commission shall exercise its rulemaking powers pursuant to the
20 criteria set forth in this Section 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 member 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 member 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 member state EMS authority or the
2 publication in which each state would otherwise publish proposed rules.

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

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

6 (2) The text of the proposed rule or amendment and the reason for the
7 proposed rule;

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

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

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

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

17 (1) At least twenty-five (25) persons;

18 (2) A governmental subdivision or agency; or

19 (3) An association having at least twenty-five (25) members.

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

22 (1) All persons wishing to be heard at the hearing shall notify the
23 executive director of the Commission or other designated member in writing of their
24 desire to appear and testify at the hearing not less than five (5) business days before
25 the scheduled date of the hearing.

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

29 (3) No transcript of the hearing is required, unless a written request for
30 a transcript is made, in which case the person requesting the transcript shall bear the
31 cost of producing the transcript. A recording may be made in lieu of a transcript under

1 the same terms and conditions as a transcript. This subsection shall not preclude the
2 Commission from making a transcript or recording of the hearing if it so chooses.

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

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

9 (J) The Commission shall, by majority vote of all members, take final action
10 on the proposed rule and shall determine the effective date of the rule, if any, based on
11 the rulemaking record and the full text of the rule.

12 (K) If no written notice of intent to attend the public hearing by interested
13 parties is received, the Commission may proceed with promulgation of the proposed
14 rule without a public hearing.

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

- 22 (1) Meet an imminent threat to public health, safety, or welfare;
23 (2) Prevent a loss of Commission or member state funds;
24 (3) Meet a deadline for the promulgation of an administrative rule that
25 is established by federal law or rule; or
26 (4) Protect public health and safety.

27 (M) The Commission or an authorized committee of the Commission may
28 direct revisions to a previously adopted rule or amendment for purposes of correcting
29 typographical errors, errors in format, errors in consistency, or grammatical errors.
30 Public notice of any revisions shall be posted on the website of the Commission. The
31 revision shall be subject to challenge by any person for a period of thirty (30) days

1 after posting. The revision may be challenged only on grounds that the revision results
2 in a material change to a rule. A challenge shall be made in writing, and delivered to
3 the chair of the Commission prior to the end of the notice period. If no challenge is
4 made, the revision will take effect without further action. If the revision is challenged,
5 the revision may not take effect without the approval of the Commission.

6 SECTION 13. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT.

7 (A) Oversight.

8 (1) The executive, legislative, and judicial branches of state
9 government in each member state shall enforce this Compact and take all actions
10 necessary and appropriate to effectuate the Compact's purposes and intent. The
11 provisions of this Compact and the rules promulgated hereunder shall have standing as
12 statutory law.

13 (2) All courts shall take judicial notice of the Compact and the rules in
14 any judicial or administrative proceeding in a member state pertaining to the subject
15 matter of this Compact which may affect the powers, responsibilities or actions of the
16 Commission.

17 (3) The Commission shall be entitled to receive service of process in
18 any such proceeding, and shall have standing to intervene in such a proceeding for all
19 purposes. Failure to provide service of process to the Commission shall render a
20 judgment or order void as to the Commission, this Compact, or promulgated rules.

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

22 (1) If the Commission determines that a member state has defaulted in
23 the performance of its obligations or responsibilities under this Compact or the
24 promulgated rules, the Commission shall:

25 (a) Provide written notice to the defaulting state and other
26 member states of the nature of the default, the proposed means of curing the
27 default and/or any other action to be taken by the Commission; and

28 (b) Provide remedial training and specific technical assistance
29 regarding the default.

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

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

4 (3) Termination of membership in the Compact shall be imposed only
5 after all other means of securing compliance have been exhausted. Notice of intent to
6 suspend or terminate shall be given by the Commission to the governor, the majority
7 and minority leaders of the defaulting state's legislature, and each of the member
8 states.

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

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

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

19 (C) Dispute Resolution.

20 (1) Upon request by a member state, the Commission shall attempt to
21 resolve disputes related to the Compact that arise among member states and between
22 member and non-member states.

23 (2) The Commission shall promulgate a rule providing for both
24 mediation and binding dispute resolution for disputes as appropriate.

25 (D) Enforcement.

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

28 (2) By majority vote, the Commission may initiate legal action in the
29 United States District Court for the District of Columbia or the federal district where
30 the Commission has its principal offices against a member state in default to enforce
31 compliance with the provisions of the Compact and its promulgated rules and bylaws.

1 The relief sought may include both injunctive relief and damages. In the event judicial
2 enforcement is necessary, the prevailing member shall be awarded all costs of such
3 litigation, including reasonable attorney's fees.

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

7 SECTION 14. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION
8 FOR EMS PERSONNEL PRACTICE AND ASSOCIATED RULES, WITHDRAWAL,
9 AND AMENDMENT.

10 (A) The Compact shall come into effect on the date on which the Compact
11 statute is enacted into law in the tenth member state. The provisions, which become
12 effective at that time, shall be limited to the powers granted to the Commission
13 relating to assembly and the promulgation of rules. Thereafter, the Commission shall
14 meet and exercise rulemaking powers necessary to the implementation and
15 administration of the Compact.

16 (B) Any state that joins the Compact subsequent to the Commission's initial
17 adoption of the rules shall be subject to the rules as they exist on the date on which the
18 Compact becomes law in that state. Any rule that has been previously adopted by the
19 Commission shall have the full force and effect of law on the day the Compact
20 becomes law in that state.

21 (C) Any member state may withdraw from this Compact by enacting a statute
22 repealing the same.

23 (1) A member state's withdrawal shall not take effect until six (6)
24 months after enactment of the repealing statute.

25 (2) Withdrawal shall not affect the continuing requirement of the
26 withdrawing state's EMS authority to comply with the investigative and adverse action
27 reporting requirements of this act prior to the effective date of withdrawal.

28 (D) Nothing contained in this Compact shall be construed to invalidate or
29 prevent any EMS personnel licensure agreement or other cooperative arrangement
30 between a member state and a non-member state that does not conflict with the
31 provisions of this Compact.

1 (E) This Compact may be amended by the member states. No amendment to
2 this Compact shall become effective and binding upon any member state until it is
3 enacted into the laws of all member states.

4 SECTION 15. CONSTRUCTION AND SEVERABILITY.

5 This Compact shall be liberally construed so as to effectuate the purposes
6 thereof. If this Compact shall be held contrary to the constitution of any state member
7 thereto, the Compact shall remain in full force and effect as to the remaining member
8 states. Nothing in this Compact supersedes state law or rules related to licensure of
9 EMS agencies.

10 * **Sec. 18.** AS 44.29 is amended by adding new sections to read:

11 **Article 5A. Rural Health Transformation Program.**

12 **Sec. 44.29.410. Rural Health Transformation Program Advisory Council.**

13 (a) The Rural Health Transformation Program Advisory Council is established in the
14 department.

15 (b) The council consists of eight members as follows:

16 (1) the deputy commissioner of health, or the deputy commissioner of
17 health's designee, who shall serve as the chair and is a nonvoting member;

18 (2) one member who represents a tribal health organization or
19 consortium, appointed by the governor; in this paragraph, "tribal health
20 organization" means an organization recognized by the United States Indian
21 Health Service to provide health-related services;

22 (3) one member who represents a federally qualified health center or
23 professional organization for federally qualified health center services, appointed by
24 the governor; in this paragraph,

25 (A) "federally qualified health center" has the meaning given in
26 42 U.S.C. 1396d(l)(2)(B);

27 (B) "federally qualified health center services" has the meaning
28 given in 42 U.S.C. 1396d(l)(2)(A);

29 (4) one member who represents a hospital or professional organization
30 for hospitals, appointed by the governor;

31 (5) one member who represents a local government, appointed by the

1 governor;

2 (6) one member who represents the Alaska Mental Health Trust
3 Authority, appointed by the governor;

4 (7) one member of the house of representatives, appointed by the
5 speaker of the house; and

6 (8) one member of the senate, appointed by the president of the senate.

7 (c) A member of the council serves at the pleasure of the appointing authority
8 of the member.

9 (d) Members of the council are not entitled to compensation or per diem and
10 travel expenses authorized under AS 39.20.180.

11 (e) The council shall meet in person, telephonically, or by electronic means at
12 least biannually.

13 (f) The council shall advise the department on the state's participation in the
14 rural health transformation program.

15 (g) The council may adopt bylaws for the operation of the council.

16 **Sec. 44.29.420. Department duties.** (a) The department shall

17 (1) establish specific criteria for scoring grant applications;

18 (2) publish on the department's Internet website

19 (A) the state's application for the rural health transformation
20 program, changes to the application, and the state's approved application;

21 (B) the criteria established under (1) of this subsection;

22 (C) annual updates on the grant applications the state receives,
23 the application scores, the grants awarded, how the awarded grants are being
24 used by grantees, and the progress of each grantee in achieving the goals
25 identified in the grantee's application; and

26 (D) annual updates on all state projects funded with money
27 received by the state under the rural health transformation program; and

28 (3) by the first day of each regular session of the legislature, deliver
29 copies of the reports the department submitted to the federal government in the
30 previous year under the rural health transformation program to the senate secretary
31 and the chief clerk of the house of representatives and notify the legislature that the

1 reports are available.

2 (b) The department may use funds received by the state under the rural health
3 transformation program to award grants. The department shall award grants in a
4 manner that addresses the initiatives identified in the state's approved application.

5 **Sec. 44.29.450. Definitions.** In AS 44.29.410 - 44.29.450,

6 (1) "approved application" means an application to participate in the
7 rural health transformation program that has been approved by the federal
8 government;

9 (2) "council" means the Rural Health Transformation Program
10 Advisory Council;

11 (3) "department" means the Department of Health;

12 (4) "rural health transformation program" means the program
13 authorized under 42 U.S.C. 1397ee(h).