

34-LS1488\H
Gunther
4/28/26

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 the practice of**
2 **genetic counseling; relating to the licensure of genetic counselors; establishing the**
3 **Genetic Counseling Advisory Council; relating to the duties of the State Medical Board;**
4 **relating to telehealth; relating to physicians, osteopaths, podiatrists, and physician**
5 **assistants; relating to the interstate medical licensure compact; relating to the PA**
6 **licensure compact; relating to psychologists; relating to the psychology**
7 **interjurisdictional compact; relating to the practice of respiratory care; relating to the**
8 **duties of the Department of Commerce, Community, and Economic Development;**
9 **relating to medical malpractice liability of health care providers; relating to immunity**
10 **from civil liability for a health care provider providing free health care services; relating**
11 **to national criminal history record checks; relating to respiratory care practitioners**
12 **providing documentation and treatment plans for public school students with asthma or**

1 **anaphylaxis; relating to emergency medical technicians, advanced emergency medical**
 2 **technicians, and mobile intensive care paramedics; relating to the recognition of EMS**
 3 **personnel licensure interstate compact; prohibiting unfair discrimination under group**
 4 **health insurance against certain providers; establishing the Rural Health**
 5 **Transformation Program Advisory Council; and providing for an effective date."**

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

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

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

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

10 (a) An acupuncturist licensed under AS 08.06, an audiologist or speech-
 11 language pathologist licensed under AS 08.11, a behavior analyst licensed under
 12 AS 08.15, a person licensed in the state as a chiropractor under AS 08.20, a
 13 professional or associate counselor licensed under AS 08.29, a dentist under AS 08.36,
 14 a dietitian or nutritionist licensed under AS 08.38, **a genetic counselor licensed**
 15 **under AS 08.53,** a massage therapist licensed under AS 08.61, a marital and family
 16 therapist licensed under AS 08.63, a medical practitioner or osteopath under AS 08.64,
 17 a direct-entry midwife certified under AS 08.65, a registered or advanced practice
 18 registered nurse under AS 08.68, an optometrist under AS 08.72, a licensed
 19 pharmacist under AS 08.80, a physical therapist or occupational therapist licensed
 20 under AS 08.84, a psychologist under AS 08.86, or a clinical social worker licensed
 21 under AS 08.95, shall use as professional identification appropriate letters or a title
 22 after that person's name that represents the person's specific field of practice. The
 23 letters or title shall appear on all signs, stationery, or other advertising in which the
 24 person offers or displays personal professional services to the public. In addition, a
 25 person engaged in the practice of medicine or osteopathy as defined in AS 08.64.380,
 26 or a person engaged in any manner in the healing arts who diagnoses, treats, tests, or
 27 counsels other persons in relation to human health or disease and uses the letters
 28 "M.D." or the title "doctor" or "physician" or another title that tends to show that the
 29 person is willing or qualified to diagnose, treat, test, or counsel another person, shall

1 clarify the letters or title by adding the appropriate specialist designation, if any, such
2 as "dermatologist," "radiologist," "audiologist," "naturopath," or the like.

3 * **Sec. 3.** AS 08.02.110(a), as amended by sec. 2 of this Act, is amended to read:

4 (a) An acupuncturist licensed under AS 08.06, an audiologist or speech-
5 language pathologist licensed under AS 08.11, a behavior analyst licensed under
6 AS 08.15, a person licensed in the state as a chiropractor under AS 08.20, a
7 professional or associate counselor licensed under AS 08.29, a dentist under AS 08.36,
8 a dietitian or nutritionist licensed under AS 08.38, a genetic counselor licensed under
9 AS 08.53, a massage therapist licensed under AS 08.61, a marital and family therapist
10 licensed under AS 08.63, a medical practitioner or osteopath under AS 08.64, a direct-
11 entry midwife certified under AS 08.65, a registered or advanced practice registered
12 nurse under AS 08.68, an optometrist under AS 08.72, a licensed pharmacist under
13 AS 08.80, a physical therapist or occupational therapist licensed under AS 08.84, a
14 psychologist under AS 08.86, **a respiratory care practitioner licensed under**
15 **AS 08.90**, or a clinical social worker licensed under AS 08.95, shall use as
16 professional identification appropriate letters or a title after that person's name that
17 represents the person's specific field of practice. The letters or title shall appear on all
18 signs, stationery, or other advertising in which the person offers or displays personal
19 professional services to the public. In addition, a person engaged in the practice of
20 medicine or osteopathy as defined in AS 08.64.380, or a person engaged in any
21 manner in the healing arts who diagnoses, treats, tests, or counsels other persons in
22 relation to human health or disease and uses the letters "M.D." or the title "doctor" or
23 "physician" or another title that tends to show that the person is willing or qualified to
24 diagnose, treat, test, or counsel another person, shall clarify the letters or title by
25 adding the appropriate specialist designation, if any, such as "dermatologist,"
26 "radiologist," "audiologist," "naturopath," or the like.

27 * **Sec. 4.** AS 08.02.130(j)(1) is amended to read:

28 (1) "health care provider" means

29 (A) an audiologist or speech-language pathologist licensed
30 under AS 08.11; a behavior analyst licensed under AS 08.15; a chiropractor
31 licensed under AS 08.20; a professional or associate counselor licensed under

1 AS 08.29; a dental hygienist licensed under AS 08.32; a dentist licensed under
2 AS 08.36; a dietitian or nutritionist licensed under AS 08.38; a naturopath
3 licensed under AS 08.45; **a genetic counselor licensed under AS 08.53;** a
4 marital and family therapist licensed under AS 08.63; a physician licensed
5 under AS 08.64; a podiatrist, osteopath, or physician assistant licensed under
6 AS 08.64; a direct-entry midwife certified under AS 08.65; a nurse licensed
7 under AS 08.68; a dispensing optician licensed under AS 08.71; an optometrist
8 licensed under AS 08.72; a pharmacist licensed under AS 08.80; a physical
9 therapist or occupational therapist licensed under AS 08.84; a psychologist or
10 psychological associate licensed under AS 08.86; or a social worker licensed
11 under AS 08.95;

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

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

15 * **Sec. 5.** AS 08.02.130(j)(1), as amended by sec. 4 of this Act, is amended to read:

16 (1) "health care provider" means

17 (A) an audiologist or speech-language pathologist licensed
18 under AS 08.11; a behavior analyst licensed under AS 08.15; a chiropractor
19 licensed under AS 08.20; a professional or associate counselor licensed under
20 AS 08.29; a dental hygienist licensed under AS 08.32; a dentist licensed under
21 AS 08.36; a dietitian or nutritionist licensed under AS 08.38; a naturopath
22 licensed under AS 08.45; a genetic counselor licensed under AS 08.53; a
23 marital and family therapist licensed under AS 08.63; a physician licensed
24 under AS 08.64; a podiatrist, osteopath, or physician assistant licensed under
25 AS 08.64; a direct-entry midwife certified under AS 08.65; a nurse licensed
26 under AS 08.68; a dispensing optician licensed under AS 08.71; an optometrist
27 licensed under AS 08.72; a pharmacist licensed under AS 08.80; a physical
28 therapist or occupational therapist licensed under AS 08.84; a psychologist or
29 psychological associate licensed under AS 08.86; **a respiratory care
30 practitioner licensed under AS 08.90 and authorized under
31 AS 08.90.060(a)(4)(H);** or a social worker licensed under AS 08.95;

(B) a physician licensed in another state; or

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

* **Sec. 6.** AS 08.02.130(j)(4) is amended to read:

(4) "member of a multidisciplinary care team" means an audiologist, speech-language pathologist, behavior analyst, professional counselor, dietitian, genetic counselor, nutritionist, naturopath, marital and family therapist, podiatrist, osteopath, physician assistant, nurse, pharmacist, physical therapist, occupational therapist, psychologist or psychological associate, advanced nurse practitioner, or social worker who is a member of a team coordinated by a physician licensed in another state who meets the requirements of (b)(3) of this section;

* **Sec. 7.** AS 08 is amended by adding a new chapter to read:

Chapter 53. Genetic Counselors.

Article 1. Licensing of Genetic Counselors.

Sec. 08.53.100. License required; title. (a) Except as provided in AS 08.53.150 and 08.53.210, a person may not practice, offer or attempt to practice, or advertise or announce as being prepared or qualified to practice as a genetic counselor without a license.

(b) Unless licensed under this chapter or excepted from licensure under AS 08.53.210(a), a person may not use or publicly display a title in connection with the person's name, including "genetic counselor," "licensed genetic counselor," "gene counselor," "genetic consultant," "genetic associate," or a similar title or associated letters, abbreviations, or insignia indicating that the person holds a genetic counseling license.

Sec. 08.53.110. Qualifications for license. (a) The board shall issue a license to practice genetic counseling to an applicant who

(1) pays the required fees and applies on a form prescribed by the board; and

(2) provides evidence satisfactory to the board that the applicant

(A) has successfully completed a certification program in genetic counseling or medical genetics that, at the time of graduation, is

1 accredited by a nationally recognized certifying organization for genetic
2 counseling or medical genetics and approved by the board in regulation;

3 (B) has passed a certified genetic counselor examination
4 provided by a nationally recognized certifying organization for genetic
5 counseling or medical genetics approved by the board in regulation;

6 (C) unless the license was later reinstated, has not had a license
7 to practice genetic counseling revoked, suspended, or, while under
8 investigation, has not voluntarily surrendered a license, in this state or another;

9 (D) is not the subject of an unresolved or adverse decision
10 based on a complaint, investigation, review procedure, or other disciplinary
11 proceeding undertaken by a state, territorial, local, or federal genetic
12 counseling licensing jurisdiction or law enforcement agency that relates to
13 criminal or fraudulent activity, genetic counseling malpractice, or negligent
14 genetic counseling and that adversely reflects on the applicant's ability or
15 competence to practice as a genetic counselor or on the safety or well-being of
16 a patient or client; and

17 (E) meets other qualifications for a license to practice genetic
18 counseling established by the board by regulation.

19 (b) The board shall issue a license to practice genetic counseling to an
20 applicant who does not qualify for licensure under (a)(2)(A) or (a)(2)(B) of this
21 section if the applicant

22 (1) meets the qualifications prescribed in (a)(1) and (a)(2)(C) - (E) of
23 this section;

24 (2) submits a letter of recommendation from three individuals who
25 have worked with the applicant in an employment setting within the previous 10 years
26 and can attest to the applicant's competency in providing genetic counseling services;
27 at least one letter of recommendation must be from a genetic counselor who qualifies
28 for licensure under (a) of this section, and at least one letter of recommendation must
29 be from either a certified clinical geneticist or a certified medical geneticist; in this
30 paragraph, "certified clinical geneticist" or "certified medical geneticist" means a
31 medical doctor certified by a nationally recognized certifying organization for genetic

1 counseling or medical genetics approved by the board in regulation, to be competent
2 in diagnosing, managing, and counseling patients, clients, and families about genetic
3 conditions;

4 (3) provides evidence satisfactory to the board that the applicant

5 (A) has worked as a genetic counselor for at least 10 years
6 before the effective date of this Act;

7 (B) has a master's degree or higher in genetics or related field
8 of study as determined by the board in regulation;

9 (C) has earned continuing education units in genetic counseling
10 within the last five years from a program by a nationally recognized certifying
11 organization for genetic counseling or medical genetics approved by the board
12 in regulation; and

13 (D) has never failed a certified genetic counselor examination
14 provided by a nationally recognized certifying organization for genetic
15 counseling or medical genetics.

16 **Sec. 08.53.120. Temporary license.** The board shall issue a temporary license
17 to practice genetic counseling for up to one year to an applicant who meets the
18 requirements of AS 08.53.110(a)(1), (a)(2)(A), and (a)(2)(C) - (E), and has met the
19 requirement to take the examination required under AS 08.53.110(a)(2)(B), but has
20 either not taken the examination or has not received examination results. A genetic
21 counselor working under a temporary license shall work under the general supervision
22 of a licensed genetic counselor or a licensed physician. A genetic counselor working
23 under a temporary license who fails the examination may renew the temporary license
24 for up to one year by submitting an application to the board that has been signed by
25 the licensed genetic counselor or physician supervising the applicant. A temporary
26 license terminates 30 days after the holder of the temporary license fails to pass the
27 examination.

28 **Sec. 08.53.130. Licensure by credentials.** The board may issue a license to
29 practice genetic counseling to an applicant who pays the required fees and provides
30 satisfactory evidence to the board that the applicant holds an equivalent valid license
31 issued by another state, territory, or jurisdiction of the United States.

1 **Sec. 08.53.140. Renewal of license; continuing education.** (a) The board
2 shall renew the license of a licensee who applies for renewal on a form provided by
3 the board, pays the required fee, provides evidence of continued competency in
4 accordance with regulations adopted by the board, and provides evidence satisfactory
5 to the board that the licensee meets the requirements of either (b) or (c) of this section.

6 (b) A licensee shall provide with an application to renew the license evidence
7 satisfactory to the board demonstrating the licensee has completed, within two years
8 immediately preceding the application, 50 continuing education units provided by a
9 nationally recognized certifying organization for genetic counseling or medical
10 genetics that is approved by the board in regulation.

11 (c) A licensee may submit a written request to the board to waive or reduce
12 the continuing education requirements under (b) of this section or grant an extension
13 of time in which the continuing education requirements must be completed. The board
14 may grant the request if the licensee was unable to complete the continuing education
15 requirements because

16 (1) of an illness of the licensee or of a family member for whom the
17 licensee provides care;

18 (2) the licensee experienced another demonstrated hardship that
19 substantially interfered with the licensee's ability to complete the continuing education
20 requirements; or

21 (3) approved continuing education units were not reasonably available
22 to the licensee.

23 **Sec. 08.53.150. Genetic counseling intern.** (a) A person enrolled as a student
24 in a certification program in genetic counseling or medical genetics that is accredited
25 by a nationally recognized certifying organization for genetic counseling or medical
26 genetics and approved by the board in regulation may perform genetic counseling
27 services using the title of genetic counseling intern if the services

28 (1) performed are an integral part of the student's course of study; and

29 (2) are performed under the direct supervision of a licensed genetic
30 counselor who is assigned to supervise the student.

31 (b) In this section, "direct supervision" means supervision that is on-site or

1 available by visual or real-time electronic means through which a supervising licensed
2 genetic counselor guides the genetic counseling intern while the genetic counseling
3 intern performs a clinical activity; "direct supervision" may include demonstration,
4 coaching, and observation to the extent that the demonstration, coaching, or
5 observation otherwise meets the requirements of this subsection.

6 **Article 2. Regulation of Genetic Counselors.**

7 **Sec. 08.53.160. Scope of practice of genetic counselors.** A licensed genetic
8 counselor may

9 (1) obtain and evaluate individual, family, and medical histories to
10 determine genetic risk for medical conditions and diseases in a patient or client or a
11 patient's or client's family members, including future potential children of the patient
12 or client;

13 (2) discuss the features, natural history, means of diagnosis, genetic
14 and environmental factors, and management of risk for genetic or medical conditions
15 or diseases with a patient or client;

16 (3) identify, order, and coordinate genetic laboratory tests and other
17 diagnostic studies as appropriate for the genetic assessment of a patient or client;

18 (4) integrate genetic laboratory test results and other diagnostic studies
19 with a patient's or client's personal and family medical history to assess and
20 communicate risk factors for genetic or medical conditions and diseases;

21 (5) explain the results and clinical implications of genetic laboratory
22 tests and other diagnostic studies to a patient or client;

23 (6) evaluate a patient's or client's or the patient's or client's family's
24 responses to, risk of, or risk of the recurrence of a medical condition or disease, and
25 provide related counseling and anticipatory guidance centered on the patient or client;

26 (7) use and provide referrals for community and online resources for
27 medical, educational, financial, and psychosocial support and advocacy to patients,
28 clients, families, and health care professionals; and

29 (8) provide written clinical documentation of medical, genetic, and
30 counseling information to patients, clients, families, and health care professionals.

31 **Sec. 08.53.170. Disciplinary sanctions.** (a) In addition to the board's powers

1 under AS 08.01.075, the board may revoke or suspend the license of a genetic
2 counselor, or may reprimand, censure, or discipline a licensee, if, after a hearing, the
3 board finds that the licensee

4 (1) used or knowingly cooperated in deceit, fraud, or intentional
5 misrepresentation to obtain a license;

6 (2) engaged in unprofessional conduct in the course of providing
7 professional services;

8 (3) violated the code of ethics adopted by the board;

9 (4) violated any provision of this chapter, a regulation adopted under
10 this chapter, or an order issued by the board; or

11 (5) has been convicted of a felony or a crime that involves moral
12 turpitude.

13 (b) The board may reinstate a revoked license if the licensee applies for
14 reinstatement of the revoked license at least one year after the revocation and, after a
15 hearing, the board finds that the licensee is able to practice the profession with skill
16 and safety.

17 **Article 3. Genetic Counseling Advisory Council.**

18 **Sec. 08.53.180. Genetic Counseling Advisory Council.** (a) The board shall
19 establish the Genetic Counseling Advisory Council for the purpose of advising the
20 board on matters relating to administering this chapter.

21 (b) The council consists of at least three and not more than five members
22 appointed by the board. A majority membership of the council must be licensed
23 genetic counselors. The council must include at least one licensed physician. If the
24 council has five members, the council may include one public member. A public
25 member of the council may not

26 (1) be engaged in the occupation that the board regulates;

27 (2) be associated by legal contract with a member of the occupation
28 that the board regulates except as a consumer of the services provided by a practitioner
29 of the occupation; or

30 (3) have a direct financial interest in the occupation that the board
31 regulates.

1 (c) The council shall meet at least annually or as necessary to conduct
2 business. The council may meet at the call of the chair, by the written request of a
3 majority of the council members, or at the request of the board.

4 (d) At the first meeting of the council, and annually thereafter, the council
5 shall elect from its membership a chair, vice chair, and secretary. An officer shall
6 serve until a successor is elected.

7 (e) A majority of the members of the council constitute a quorum.

8 (f) Members of the council serve staggered terms of three years. A council
9 member may not be appointed for more than three consecutive full terms. If a vacancy
10 occurs, the board shall appoint a qualified person to fill the unexpired portion of the
11 term. The board may remove a council member if the council member

12 (1) during the term of service, no longer meets the qualifications
13 required for appointment to the council;

14 (2) fails to attend council meetings for a period of one year;

15 (3) is found by the board to be in violation of a provision of this
16 chapter.

17 (g) Members of the council are entitled to per diem and travel expenses
18 authorized for boards and commissions under AS 39.20.180.

19 **Article 4. General Provisions.**

20 **Sec. 08.53.200. Application of Administrative Procedure Act.** AS 44.62
21 (Administrative Procedure Act) applies to any action taken by the board under this
22 chapter.

23 **Sec. 08.53.210. Exceptions to application of chapter.** (a) This chapter does
24 not apply to a genetic counselor who is

25 (1) in the military service in the discharge of official duties;

26 (2) in the employ of the United States Public Health Service, United
27 States Department of Veterans Affairs, United States Indian Health Service, or another
28 agency of the federal government, in the discharge of official duties;

29 (3) licensed in another state or jurisdiction who is teaching or
30 demonstrating clinical techniques at a meeting, seminar, or limited course of
31 instruction sponsored by a genetic counseling society or association or by an

1 accredited genetic counseling or medical genetics educational institution;

2 (4) employed in the state by an Indian health program, as that term is
3 defined in 25 U.S.C. 1603, while providing genetic counseling services to a person the
4 Indian health program is entitled to serve under 25 U.S.C. 5301 - 5332 (Indian Self-
5 Determination and Education Assistance Act), as amended, and 25 U.S.C. 1601 et seq.
6 (Indian Health Care Improvement Act), as amended.

7 (b) A health care provider licensed in the state who is not a licensed genetic
8 counselor may provide genetic information, education, and support consistent with the
9 scope of the health care provider's practice, education, and training.

10 (c) A person excepted from this chapter under (a) of this section is held to the
11 same standard of care as a person covered by this chapter.

12 **Sec. 08.53.220. Penalty.** A person who violates a provision of this chapter or a
13 regulation adopted under this chapter for which a penalty is not otherwise provided is
14 guilty of a class B misdemeanor.

15 **Sec. 08.53.230. Regulation of genetic counselors; powers of the board.** (a)
16 In consultation with the Genetic Counseling Advisory Council established under
17 AS 08.53.180, the board shall adopt regulations necessary to carry out the purposes of
18 AS 08.53 regarding the licensure of genetic counselors and regulation of services a
19 genetic counselor may perform. The regulations must include the adoption of a code
20 of ethics for genetic counselors based on nationally recognized ethical standards for
21 genetic counselors.

22 (b) The board shall have the power to administer oaths, subpoena witnesses,
23 and compel the production of documents pertinent to carrying out duties imposed by
24 this chapter.

25 **Sec. 08.53.300. Definitions.** In this chapter,

26 (1) "board" means the State Medical Board;

27 (2) "licensed genetic counselor" means a genetic counselor licensed
28 under this chapter.

29 * **Sec. 8.** AS 08.64.101(a) is amended to read:

30 (a) The board shall

31 (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, AS 08.53, 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. 9.** AS 08.64.103(a) is amended to read:

25 (a) After consulting with the board, the department shall employ two persons
26 who are not members of the board; one shall be assigned as the investigator for the
27 board; the other shall be assigned as the executive secretary for the board. The
28 investigator shall

29 (1) conduct investigations into alleged violations of this chapter,
30 **alleged violations of AS 08.53**, and into alleged violations of regulations and orders
31 of the board;

1 (2) at the request of the board, conduct investigations based on
2 complaints filed with the department or with the board; [AND]

3 (3) be directly responsible and accountable to the board, except that
4 only the department has authority to terminate the investigator's employment and the
5 department shall provide day-to-day [DAY TO DAY] and administrative supervision
6 of the investigator; and

7 (4) in consultation with the Genetic Counseling Advisory Council,
8 ensure that applicants for a license or renewal meet the applicable requirements
9 under AS 08.53 and established by the board.

10 * **Sec. 10.** AS 08.64.130(a) is amended to read:

11 (a) The board shall preserve a record of its proceedings, which must contain
12 the name, age, residence, and duration of residence of each applicant for a license
13 under this chapter, the time spent by the applicant in medical study, the place of
14 medical study, and the year and school from which degrees were granted. The record
15 must also show whether the applicant was granted a license or rejected.

16 * **Sec. 11.** AS 08.64.190 is amended by adding a new subsection to read:

17 (b) An applicant applying for an expedited license as a physician or osteopath
18 under AS 08.64.253 or a license as a physician assistant under AS 08.64.107 shall
19 submit, along with the application, the applicant's fingerprints and the fees required by
20 the Department of Public Safety under AS 12.62.160 for criminal justice information
21 and a national criminal history record check. The board shall forward the fingerprints
22 and fees to the Department of Public Safety to obtain a report of criminal justice
23 information under AS 12.62 and a national criminal history record check under
24 AS 12.62.400. Criminal justice information and criminal history record information
25 obtained under this subsection may only be used by the board for the purpose of
26 determining an applicant's qualifications and fitness for a license, expedited license, or
27 compact privilege under this chapter.

28 * **Sec. 12.** AS 08.64.200(a) is amended to read:

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

31 (1) submit a certificate of graduation from a legally chartered medical

1 school accredited by the Association of American Medical Colleges and the Council
2 on Medical Education of the American Medical Association;

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

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

10 (B) two years if the applicant graduated from medical school
11 on or after January 1, 1995, as evidenced by a certificate of completion of the
12 first year of postgraduate training from the facility where the applicant
13 completed the first year of internship or residency and a certificate of
14 successful completion of one additional year of postgraduate training at a
15 recognized hospital;

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

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

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

27 **(6) submit the applicant's fingerprints and the fees required by the**
28 **Department of Public Safety under AS 12.62.160 for criminal justice information**
29 **and a national criminal history record check; the board shall forward the**
30 **fingerprints and fees to the Department of Public Safety for a report of criminal**
31 **justice information under AS 12.62 and a national criminal history record check**

under AS 12.62.400.

* **Sec. 13.** AS 08.64.205 is amended to read:

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

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

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

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

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

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

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

* **Sec. 14.** AS 08.64.209(a) is amended to read:

(a) Each applicant who desires to practice podiatry shall meet the

1 qualifications prescribed in AS 08.64.200(a)(3) - (6) [AS 08.64.200(a)(3) - (5)] and
2 shall

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

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

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

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

15 * **Sec. 15.** AS 08.64.225(a) is amended to read:

16 (a) Applicants who are graduates of medical colleges not accredited by the
17 Association of American Medical Colleges and the Council on Medical Education of
18 the American Medical Association shall

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

21 (2) have successfully completed

22 (A) three years of postgraduate training as evidenced by a
23 certificate of completion of the first year of postgraduate training from the
24 facility where the applicant completed the first year of internship or residency
25 and a certificate of successful completion of two additional years of
26 postgraduate training at a recognized hospital; or

27 (B) other requirements establishing proof of competency and
28 professional qualifications as the board considers necessary to ensure the
29 continued protection of the public adopted at the discretion of the board by
30 regulation, including education in pain management and opioid use and
31 addiction, unless the applicant has demonstrated to the satisfaction of the board

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

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

5 * **Sec. 16.** AS 08.64 is amended by adding new sections to read:

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

10 SECTION 1. PURPOSE.

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

25 SECTION 2. DEFINITIONS.

26 In this compact,

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

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

31 (c) "Conviction" means a finding by a court that an individual is guilty of a

1 criminal offense through adjudication, or entry of a plea of guilt or no contest to the
2 charge by the offender. Evidence of an entry of a conviction of a criminal offense by
3 the court shall be considered final for purposes of disciplinary action by a member
4 board.

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

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

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

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

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

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

18 (j) "Physician" means any person who

19 (1) is a graduate of a medical school accredited by the Liaison
20 Committee on Medical Education, the Commission on Osteopathic College
21 Accreditation, or a medical school listed in the International Medical Education
22 Directory or its equivalent;

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

28 (3) successfully completed graduate medical education approved by
29 the Accreditation Council for Graduate Medical Education or the American
30 Osteopathic Association;

31 (4) holds specialty certification or a time-unlimited specialty certificate

1 recognized by the American Board of Medical Specialties or the American
2 Osteopathic Association's Bureau of Osteopathic Specialists;

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

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

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

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

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

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

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

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

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

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

30 SECTION 3. ELIGIBILITY.

31 (a) A physician must meet the eligibility requirements as defined in Section

1 2(j) to receive an expedited license under the terms and provisions of the Compact.

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

6 SECTION 4. DESIGNATION OF STATE OF PRINCIPAL LICENSE.

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

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

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

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

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

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

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

22 SECTION 5. APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE.

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

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

30 (1) Static qualifications, which include verification of medical
31 education, graduate medical education, results of any medical or licensing

1 examination, and other qualifications as determined by the Interstate Commission
2 through rule, shall not be subject to additional primary source verification where
3 already primary source verified by the state of principal license.

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

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

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

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

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

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

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

31 SECTION 6. FEES FOR EXPEDITED LICENSURE.

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

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

6 SECTION 7. RENEWAL AND CONTINUED PARTICIPATION.

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

9 (1) Maintains a full and unrestricted license in a state of principal
10 license;

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

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

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

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

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

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

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

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

30 SECTION 8. COORDINATED INFORMATION SYSTEM.

31 (a) The Interstate Commission shall establish a database of all physicians

1 licensed, or who have applied for licensure, under Section 5.

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

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

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

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

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

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

16 SECTION 9. JOINT INVESTIGATIONS.

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

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

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

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

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

30 SECTION 10. DISCIPLINARY ACTIONS.

31 (a) Any disciplinary action taken by any member board against a physician

1 licensed through the Compact shall be deemed unprofessional conduct which may be
2 subject to discipline by other member boards, in addition to any violation of the
3 Medical Practice Act or regulations in that state.

4 (b) If a license granted to a physician by the member board in the state of
5 principal license is revoked, surrendered or relinquished in lieu of discipline, or
6 suspended, then all licenses issued to the physician by member boards shall
7 automatically be placed, without further action necessary by any member board, on
8 the same status. If the member board in the state of principal license subsequently
9 reinstates the physician's license, a license issued to the physician by any other
10 member board shall remain encumbered until that respective member board takes
11 action to reinstate the license in a manner consistent with the Medical Practice Act of
12 that state.

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

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

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

20 (d) If a license granted to a physician by a member board is revoked,
21 surrendered or relinquished in lieu of discipline, or suspended, then any licenses
22 issued to the physician by any other member boards shall be suspended, automatically
23 and immediately without further action necessary by the other member boards, for
24 ninety (90) days upon entry of the order by the disciplining board, to permit the
25 member boards to investigate the basis for the action under the Medical Practice Act
26 of that state. A member board may terminate the automatic suspension of the license it
27 issued prior to the completion of the ninety (90) day suspension period in a manner
28 consistent with the Medical Practice Act of that state.

29 SECTION 11. INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION.

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

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

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

8 (d) The Interstate Commission shall consist of two voting representatives
9 appointed by each member state who shall serve as Commissioners. In states where
10 allopathic and osteopathic physicians are regulated by separate member boards, or if
11 the licensing and disciplinary authority is split between separate member boards, or if
12 the licensing and disciplinary authority is split between multiple member boards
13 within a member state, the member state shall appoint one representative from each
14 member board. A Commissioner shall be

15 (1) An allopathic or osteopathic physician appointed to a member
16 board;

17 (2) An executive director, executive secretary, or similar executive of a
18 member board; or

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

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

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

27 (g) Each Commissioner participating at a meeting of the Interstate
28 Commission is entitled to one vote. A majority of Commissioners shall constitute a
29 quorum for the transaction of business, unless a larger quorum is required by the
30 bylaws of the Interstate Commission. A Commissioner shall not delegate a vote to
31 another Commissioner. In the absence of its Commissioner, a member state may

1 delegate voting authority for a specified meeting to another person from that state who
2 shall meet the requirements of subsection (d).

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

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

9 (2) Discuss matters specifically exempted from disclosure by federal
10 statute;

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

13 (4) Involve accusing a person of a crime, or formally censuring a
14 person;

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

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

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

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

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

27 (k) The Interstate Commission shall establish an executive committee, which
28 shall include officers, members, and others as determined by the bylaws. The
29 executive committee shall have the power to act on behalf of the Interstate
30 Commission, with the exception of rulemaking, during periods when the Interstate
31 Commission is not in session. When acting on behalf of the Interstate Commission,

1 the executive committee shall oversee the administration of the Compact including
2 enforcement and compliance with the provisions of the Compact, its bylaws and rules,
3 and other such duties as necessary.

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

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

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

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

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

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

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

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

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

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

23 (i) Purchase and maintain insurance and bonds;

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

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

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

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

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

5 (o) Establish a budget and make expenditures;

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

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

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

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

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

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

18 SECTION 13. FINANCE POWERS.

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

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

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

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

1 included in the annual report of the Interstate Commission.

2 SECTION 14. ORGANIZATION AND OPERATION OF THE INTERSTATE
3 COMMISSION.

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

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

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

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

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

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

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

20 SECTION 15. RULEMAKING FUNCTIONS OF THE INTERSTATE
21 COMMISSION.

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

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

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

10 SECTION 16. OVERSIGHT OF INTERSTATE COMPACT.

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

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

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

25 SECTION 17. ENFORCEMENT OF INTERSTATE COMPACT.

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

28 (b) The Interstate Commission may, by majority vote of the Commissioners,
29 initiate legal action in the United States Court for the District of Columbia, or, at the
30 discretion of the Interstate Commission, in the federal district where the Interstate
31 Commission has its principal offices, to enforce compliance with the provisions of the

1 Compact, and its promulgated rules and bylaws, against a member state in default. The
2 relief sought may including both injunctive relief and damages. In the event judicial
3 enforcement is necessary, the prevailing party shall be awarded all costs of such
4 litigation including reasonable attorney's fees.

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

8 SECTION 18. DEFAULT PROCEDURES.

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

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

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

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

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

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

31 (e) The Interstate Commission shall establish rules and procedures to address

1 licenses and physicians that are materially impacted by the termination of a member
2 state, or the withdrawal of a member state.

3 (f) The member state which has been terminated is responsible for all due,
4 obligations, and liabilities incurred through the effective date of termination including
5 obligations, the performance of which extends beyond the effective date of
6 termination.

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

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

15 SECTION 19. DISPUTE RESOLUTION.

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

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

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

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

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

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

30 (d) The Interstate Commission may propose amendments to the Compact for
31 enactment by the member states. No amendment shall become effective and binding

1 upon the Interstate Commission and the member states unless and until it is enacted
2 into law by unanimous consent of the member states.

3 SECTION 21. WITHDRAWAL.

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

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

11 (c) The withdrawing state shall immediately notify the chairperson of the
12 Interstate Commission in writing upon the introduction of legislation repealing the
13 Compact in the withdrawing state.

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

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

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

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

27 SECTION 22. DISSOLUTION.

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

31 (b) Upon the dissolution of the Compact, the Compact becomes null and void

1 and shall be of no further force or effect, and the business and affairs of the Interstate
2 Commission shall be concluded, and surplus funds shall be distributed in accordance
3 with the bylaws.

4 SECTION 23. SEVERABILITY AND CONSTRUCTION.

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

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

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

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

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

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

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

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

21 (e) In the event any provision of the Compact exceeds the constitutional limits
22 imposed on the legislature of any member state, such provision shall be ineffective to
23 the extent of the conflict with the constitutional provision in question in that member
24 state.

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

28 SECTION 1. PURPOSE.

29 In order to strengthen access to Medical Services, and in recognition of the
30 advances in the delivery of Medical Services, the Participating States of the PA
31 Licensure Compact have allied in common purpose to develop a comprehensive

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

16 SECTION 2. DEFINITIONS.

17 In this Compact:

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

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

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

30 (D) "Criminal Background Check" means the submission of fingerprints or
31 other biometric-based information for a License applicant for the purpose of obtaining

1 that applicant's criminal history record information, as defined in 28 C.F.R. 20.3(d),
2 from the State's criminal history record repository as defined in 28 C.F.R. 20.3(f).

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

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

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

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

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

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

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

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

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

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

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

28 (P) "PA" means an individual who is licensed as a physician assistant in a
29 State. For purposes of this Compact, any other title or status adopted by a State to
30 replace the term "physician assistant" shall be deemed synonymous with "physician
31 assistant" and shall confer the same rights and responsibilities to the Licensee under

1 the provisions of this Compact at the time of its enactment.

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

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

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

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

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

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

17 SECTION 3. STATE PARTICIPATION IN THIS COMPACT.

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

19 (1) License PAs.

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

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

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

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

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

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

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

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

7 SECTION 4. COMPACT PRIVILEGE.

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

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

12 (2) Hold current NCCPA certification.

13 (3) Have no felony or misdemeanor Conviction.

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

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

18 (6) Hold a Qualifying License.

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

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

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

31 (10) Notify the Compact Commission that the Licensee is seeking the

1 Compact Privilege in a Remote State.

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

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

7 (B) The Compact Privilege is valid until the expiration or revocation of the
8 Qualifying License unless terminated pursuant to an Adverse Action. The Licensee
9 must also comply with all of the requirements of (A) of this Section above to maintain
10 the Compact Privilege in a Remote State. If the Participating State takes Adverse
11 Action against a Qualifying License, the Licensee shall lose the Compact Privilege in
12 any Remote State in which the Licensee has a Compact Privilege until all of the
13 following occur:

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

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

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

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

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

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

29 (1) When applying for a Compact Privilege, the Licensee shall provide
30 the Commission with the address of the Licensee's primary residence and thereafter
31 shall immediately report to the Commission any change in the address of the

1 Licensee's primary residence.

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

7 SECTION 6. ADVERSE ACTIONS.

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

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

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

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

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

30 (4) Nothing in this Compact authorizes a Participating State to impose
31 discipline against a PA's Compact Privilege or to deny an application for a Compact

1 Privilege in that Participating State for the individual's otherwise lawful practice in
2 another State.

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

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

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

15 (F) Joint Investigations.

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

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

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

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

1 SECTION 7. ESTABLISHMENT OF THE PA LICENSURE COMPACT
2 COMMISSION.

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

8 (B) Membership, Voting, and Meetings.

9 (1) Each Participating State shall have and be limited to one (1)
10 delegate selected by that Participating State's Licensing Board or, if the State has more
11 than one Licensing Board, selected collectively by the Participating State's Licensing
12 Boards.

13 (2) The delegate shall be either:

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

16 (b) An administrator of a Licensing Board.

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

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

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

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

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

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

- 1 (1) Establish a code of ethics for the Commission;
- 2 (2) Establish the fiscal year of the Commission;
- 3 (3) Establish fees;
- 4 (4) Establish bylaws;
- 5 (5) Maintain its financial records in accordance with the bylaws;
- 6 (6) Meet and take such actions as are consistent with the provisions of
7 this Compact and the bylaws;
- 8 (7) Promulgate Rules to facilitate and coordinate implementation and
9 administration of this Compact. The Rules shall have the force and effect of law and
10 shall be binding in all Participating States;
- 11 (8) Bring and prosecute legal proceedings or actions in the name of the
12 Commission, provided that the standing of any State Licensing Board to sue or be
13 sued under applicable law shall not be affected;
- 14 (9) Purchase and maintain insurance and bonds;
- 15 (10) Borrow, accept, or contract for services of personnel, including,
16 but not limited to, employees of a Participating State;
- 17 (11) Hire employees and engage contractors, elect or appoint officers,
18 fix compensation, define duties, grant such individuals appropriate authority to carry
19 out the purposes of this Compact, and establish the Commission's personnel policies
20 and programs relating to conflicts of interest, qualifications of personnel, and other
21 related personnel matters;
- 22 (12) Accept any and all appropriate donations and grants of money,
23 equipment, supplies, materials and services, and receive, utilize and dispose of the
24 same; provided that at all times the Commission shall avoid any appearance of
25 impropriety or conflict of interest;
- 26 (13) Lease, purchase, accept appropriate gifts or donations of, or
27 otherwise own, hold, improve or use, any property, real, personal or mixed; provided
28 that at all times the Commission shall avoid any appearance of impropriety;
- 29 (14) Sell, convey, mortgage, pledge, lease, exchange, abandon, or
30 otherwise dispose of any property real, personal, or mixed;
- 31 (15) Establish a budget and make expenditures;

1 (16) Borrow money;

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

6 (18) Provide and receive information from, and cooperate with, law
7 enforcement agencies;

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

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

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

16 (22) Prepare and provide to the Participating States an annual report;
17 and

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

21 (D) Meetings of the Commission.

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

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

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

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

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

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

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

9 (e) Accusing any person of a crime or formally censuring any
10 person;

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

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

15 (h) Disclosure of investigative records compiled for law
16 enforcement purposes;

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

21 (j) Legal advice; or

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

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

28 (5) The Commission shall keep minutes that fully and clearly describe
29 all matters discussed in a meeting and shall provide a full and accurate summary of
30 actions taken, including a description of the views expressed. All documents
31 considered in connection with an action shall be identified in such minutes. All

1 minutes and documents of a closed meeting shall remain under seal, subject to release
2 by a majority vote of the Commission or order of a court of competent jurisdiction.

3 (E) Financing of the Commission.

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

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

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

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

19 (b) If the Licensee terminates the Qualifying License through
20 which the Licensee applied for the Compact Privilege before its scheduled
21 expiration, and the Licensee has a Qualifying License in another Participating
22 State, the Licensee shall inform the Commission that it is changing to that
23 Participating State the Participating State through which it applies for a
24 Compact Privilege and pay to the Commission any Compact Privilege fee
25 required by Commission Rule.

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

30 (5) The Commission shall keep accurate accounts of all receipts and
31 disbursements. The receipts and disbursements of the Commission shall be subject to

1 the financial review and accounting procedures established under its bylaws. All
2 receipts and disbursements of funds handled by the Commission shall be subject to an
3 annual financial review by a certified or licensed public accountant, and the report of
4 the financial review shall be included in and become part of the annual report of the
5 Commission.

6 (F) The Executive Committee.

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

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

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

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

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

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

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

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

21 (6) The Executive Committee shall have the following duties and
22 responsibilities:

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

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

29 (c) Prepare and recommend the budget;

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

31 (e) Monitor Compact compliance of Participating States and

1 provide compliance reports to the Commission;

2 (f) Establish additional committees as necessary;

3 (g) Exercise the powers and duties of the Commission during
4 the interim between Commission meetings, except for issuing proposed
5 rulemaking or adopting Commission Rules or bylaws, or exercising any other
6 powers and duties exclusively reserved to the Commission by the
7 Commission's Rules; and

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

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

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

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

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

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

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

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

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

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

31 (7) Nothing in this Compact shall be interpreted to waive or otherwise

1 abrogate a Participating State's state action immunity or state action affirmative
2 defense with respect to antitrust claims under the Sherman Act, Clayton Act, or any
3 other State or federal antitrust or anticompetitive law or regulation.

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

6 SECTION 8. DATA SYSTEM.

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

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

16 (1) Identifying information;
17 (2) Licensure data;
18 (3) Adverse Actions against a License or Compact Privilege;
19 (4) Any denial of application for licensure, and the reason(s) for such
20 denial (excluding the reporting of any Criminal history record information where
21 prohibited by law);

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

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

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

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

31 (E) Participating States contributing information to the Data System may, in

1 accordance with State or federal law, designate information that may not be shared
2 with the public without the express permission of the contributing State.
3 Notwithstanding any such designation, such information shall be reported to the
4 Commission through the Data System.

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

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

14 SECTION 9. RULEMAKING.

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

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

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

30 (D) If a majority of the legislatures of the Participating States rejects a
31 Commission Rule, by enactment of a statute or resolution in the same manner used to

1 adopt this Compact within four (4) years of the date of adoption of the Rule, then such
2 Rule shall have no further force and effect in any Participating State or to any State
3 applying to participate in the Compact.

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

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

10 (1) On the website of the Commission or other publicly accessible
11 platform; and

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

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

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

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

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

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

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

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

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

31 (1) All persons wishing to be heard at the hearing shall as directed in

1 the Notice of Proposed Rulemaking, not less than five (5) business days before the
2 scheduled date of the hearing, notify the Commission of their desire to appear and
3 testify at the hearing.

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

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

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

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

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

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

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

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

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

28 (L) Upon determination that an emergency exists, the Commission may
29 consider and adopt an emergency Rule with twenty-four (24) hours prior notice,
30 without the opportunity for comment, or hearing, provided that the usual rulemaking
31 procedures provided in this Compact and in this section shall be retroactively applied

1 to the Rule as soon as reasonably possible, in no event later than ninety (90) days after
2 the effective date of the Rule. For the purposes of this provision, an emergency Rule is
3 one that must be adopted immediately by the Commission in order to:

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

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

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

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

22 (A) Oversight.

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

26 (2) Venue is proper and judicial proceedings by or against the
27 Commission shall be brought solely and exclusively in a court of competent
28 jurisdiction where the principal office of the Commission is located. The Commission
29 may waive venue and jurisdictional defenses to the extent it adopts or consents to
30 participate in alternative dispute resolution proceedings. Nothing herein shall affect or
31 limit the selection or propriety of venue in any action against a Licensee for

1 professional malpractice, misconduct or any such similar matter.

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

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

9 (1) If the Commission determines that a Participating State has
10 defaulted in the performance of its obligations or responsibilities under this Compact
11 or the Commission Rules, the Commission shall provide written notice to the
12 defaulting State and other Participating States. The notice shall describe the default,
13 the proposed means of curing the default and any other action that the Commission
14 may take and shall offer remedial training and specific technical assistance regarding
15 the default.

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

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

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

30 (5) The Commission shall not bear any costs related to a State that is
31 found to be in default or that has been terminated from this Compact, unless agreed

1 upon in writing between the Commission and the defaulting State.

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

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

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

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

19 (C) Dispute Resolution.

20 (1) Upon request by a Participating State, the Commission shall
21 attempt to resolve disputes related to this Compact that arise among Participating
22 States and between participating and non-Participating 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 of this Compact and Rules of the Commission.

28 (2) If compliance is not secured after all means to secure compliance
29 have been exhausted, by majority vote, the Commission may initiate legal action in the
30 United States District Court for the District of Columbia or the federal district where
31 the Commission has its principal offices, against a Participating State in default to

1 enforce compliance with the provisions of this Compact and the Commission's
2 promulgated Rules and bylaws. The relief sought may include both injunctive relief
3 and damages. In the event judicial enforcement is necessary, the prevailing party shall
4 be awarded all costs of such litigation, including reasonable attorney's fees.

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

8 (E) Legal Action Against the Commission.

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

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

17 SECTION 11. DATE OF IMPLEMENTATION OF THE PA LICENSURE
18 COMPACT COMMISSION.

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

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

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

29 (b) If any Participating State later withdraws from the Compact
30 or its participation is terminated, the Commission shall remain in existence and
31 the Compact shall remain in effect even if the number of Participating States

1 should be less than seven. Participating States enacting the Compact
2 subsequent to the Commission convening shall be subject to the process set
3 forth in Section 7(C)(21) to determine if their enactments are materially
4 different from the Model Compact and whether they qualify for participation in
5 the Compact.

6 (2) Participating States enacting the Compact subsequent to the seven
7 initial Charter Participating States shall be subject to the process set forth in Section
8 7(C)(21) to determine if their enactments are materially different from the Model
9 Compact and whether they qualify for participation in the Compact.

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

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

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

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

29 (2) Withdrawal shall not affect the continuing requirement of the State
30 Licensing Board(s) of the withdrawing State to comply with the investigative, and
31 Adverse Action reporting requirements of this Compact prior to the effective date of

1 withdrawal.

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

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

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

15 SECTION 12. CONSTRUCTION AND SEVERABILITY.

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

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

29 (C) Notwithstanding (B) of this section or this section, the Commission may
30 deny a State's participation in the Compact or, in accordance with the requirements of
31 Section 10(B), terminate a Participating State's participation in the Compact, if it

1 determines that a constitutional requirement of a Participating State is, or would be
 2 with respect to a State seeking to participate in the Compact, a material departure from
 3 the Compact. Otherwise, if this Compact shall be held to be contrary to the
 4 constitution of any Participating State, the Compact shall remain in full force and
 5 effect as to the remaining Participating States and in full force and effect as to the
 6 Participating State affected as to all severable matters.

7 SECTION 13. BINDING EFFECT OF COMPACT.

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

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

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

14 * **Sec. 17.** AS 08.64.315 is amended to read:

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

- 17 (1) application;
- 18 (2) license by examination;
- 19 (3) license by endorsement or waiver of examination;
- 20 (4) temporary permit;
- 21 (5) locum tenens permit;
- 22 (6) license renewal, active;
- 23 (7) license renewal, inactive;
- 24 (8) license by reexamination;
- 25 **(9) expedited license issued or renewed through the Interstate**

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

- 27 **(10) compact privilege.**

28 * **Sec. 18.** AS 08.86.070 is amended to read:

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

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

- 1 (2) examine, or cause to be examined, eligible license applicants;
- 2 (3) approve the issuance of licenses to qualified applicants;
- 3 (4) adopt regulations establishing standards for the practice of
- 4 psychology;
- 5 (5) impose disciplinary sanctions as authorized by this chapter;
- 6 (6) adopt regulations requiring proof of continued competency for
- 7 license renewal;
- 8 (7) review, when requested by the department, the quality and
- 9 availability of psychological services in the state;
- 10 (8) compile information for submission to the department on the
- 11 practice of psychology by psychologists and psychological associates in the state;

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

14 * **Sec. 19.** AS 08.86.130(a) is amended to read:

- 15 (a) The board shall issue a psychologist license to a person who
- 16 (1) holds an earned doctorate degree, from an academic institution
- 17 whose program of graduate study for a doctorate degree in psychology meets the
- 18 criteria established by the board by regulation, in
 - 19 (A) clinical psychology;
 - 20 (B) counseling psychology; or
 - 21 (C) education in a field of specialization considered equivalent
 - 22 by the board;
- 23 (2) has not engaged in dishonorable conduct related to the practice of
- 24 counseling or psychometry;
- 25 (3) has one year of post doctoral supervised experience approved by
- 26 the board; [AND]
- 27 (4) takes and passes the objective examination developed or approved
- 28 by the board; **and**
- 29 **(5) has been fingerprinted and has provided the fees required by**
 30 **the Department of Public Safety under AS 12.62.160 for criminal justice**
 31 **information and a national criminal history record check; the fingerprints and**

1 **fees shall be forwarded to the Department of Public Safety to obtain a report of**
2 **criminal justice information under AS 12.62 and a national criminal history**
3 **record check under AS 12.62.400; criminal justice information and criminal**
4 **history record information obtained under this paragraph may only be used by**
5 **the board for the purpose of determining an applicant's qualifications and fitness**
6 **for a license or authority to practice under this chapter.**

7 * **Sec. 20.** AS 08.86.140(a) is amended to read:

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

- 9 (1) application;
10 (2) examination;
11 (3) credential review;
12 (4) initial license;
13 (5) license renewal;

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

15 * **Sec. 21.** AS 08.86.150 is amended to read:

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

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

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

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

1 * **Sec. 22.** AS 08.86.150 is amended by adding a new subsection to read:

2 (b) An applicant for a license by credentials shall submit to the board
3 the applicant's fingerprints and the fees required by the Department of Public Safety
4 under AS 12.62.160 for criminal justice information and a national criminal history
5 record check. The board shall forward the fingerprints and fees to the Department of
6 Public Safety to obtain a report of criminal justice information under AS 12.62 and a
7 national criminal history record check under AS 12.62.400. Criminal justice
8 information and criminal history record information obtained under this subsection
9 may only be used by the board for the purpose of determining an applicant's
10 qualifications and fitness for a license or authority to practice under this chapter.

11 * **Sec. 23.** AS 08.86 is amended by adding a new section to read:

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

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

17 **ARTICLE I. PURPOSE.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 ARTICLE II. DEFINITIONS.

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

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

30 (B) "Association of State and Provincial Psychology Boards" means:
31 the recognized membership organization composed of State and Provincial

1 Psychology Regulatory Authorities responsible for the licensure and registration of
2 psychologists throughout the United States and Canada;

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

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

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

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

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

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

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

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

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

29 (L) "E.Passport" means: a certificate issued by the Association of State
30 and Provincial Psychology Boards that promotes the standardization in the criteria of
31 interjurisdictional telepsychology practice and facilitates the process for licensed

1 psychologists to provide telepsychological services across state lines;

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

5 (N) "Home State" means: a Compact State where a psychologist is
6 licensed to practice psychology; if the psychologist is licensed in more than one
7 Compact State and is practicing under the Authorization to Practice Interjurisdictional
8 Telepsychology, the Home State is the Compact State where the psychologist is
9 physically present when the telepsychological services are delivered, or if the
10 psychologist is licensed in more than one Compact State and is practicing under the
11 Temporary Authorization to Practice, the Home State is any Compact State where the
12 psychologist is licensed;

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

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

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

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

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

31 (T) "Psychologist" means: an individual licensed for the independent

1 practice of psychology;

2 (U) "Psychology Interjurisdictional Compact Commission" and
3 "Commission" mean: the national administration of which all Compact States are
4 members;

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

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

13 (X) "Significant Investigatory Information" means:

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

19 (2) investigative information that indicates that the
20 psychologist represents an immediate threat to public health and safety
21 regardless of whether the psychologist has been notified and/or had an
22 opportunity to respond;

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

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

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

30 (BB) "Temporary Authorization to Practice" means: a licensed
31 psychologist's authority to conduct temporary in-person, face-to-face practice, within

1 the limits authorized under this Compact, in another Compact State;

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

6 ARTICLE III. HOME STATE LICENSURE.

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

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

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

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

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

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

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

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

30 (4) Requires an Identity History Summary of all applicants at initial
31 licensure, including the use of the results of fingerprints or other biometric data checks

1 compliant with the requirements of the Federal Bureau of Investigation, or other
2 designee with similar authority, no later than ten years after activation of the Compact;
3 and

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (2) Hold a graduate degree in psychology that meets the following
6 criteria:

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

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

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

16 (d) The program must consist of an integrated, organized
17 sequence of study;

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

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

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

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

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

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

31 (3) Possess a current, full and unrestricted license to practice

1 psychology in a Home State which is a Compact State;

2 (4) Have no history of adverse action that violate the Rules of the
3 Commission;

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

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

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

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

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

16 (D) A psychologist practicing in a Receiving State under the Authority to
17 Practice Interjurisdictional Telepsychology will be subject to the Receiving State's
18 scope of practice. A Receiving State may, in accordance with that state's due process
19 law, limit or revoke a psychologist's Authority to Practice Interjurisdictional
20 Telepsychology in the Receiving State and may take any other necessary actions under
21 the Receiving State's applicable law to protect the health and safety of the Receiving
22 State's citizens. If a Receiving State takes action, the state shall promptly notify the
23 Home State and the Commission.

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

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

30 (A) Compact States shall also recognize the right of a psychologist, licensed in
31 a Compact State in conformance with Article III, to practice temporarily in other

1 Compact States (Distant States) in which the psychologist is not licensed, as provided
2 in the Compact.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (4) No history of adverse action that violate the Rules of the
13 Commission;

14 (5) No criminal record history that violates the Rules of the
15 Commission;

16 (6) Possess a current, active IPC;

17 (7) Provide attestations in regard to areas of intended practice and
18 work experience 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) A psychologist practicing in a Distant State under the Temporary
22 Authorization to Practice shall practice within the scope of practice authorized by the
23 Distant State.

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

31 (E) If a psychologist's license in any Home State, another Compact State, or

1 any Temporary Authorization to Practice in any Distant State, is restricted, suspended
2 or otherwise limited, the IPC shall be revoked and therefore the psychologist shall not
3 be eligible to practice in a Compact State under the Temporary Authorization to
4 Practice.

5 ARTICLE VI. CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING
6 STATE.

7 (A) A psychologist may practice in a Receiving State under the Authority to
8 Practice Interjurisdictional Telepsychology only in the performance of the scope of
9 practice for psychology as assigned by an appropriate State Psychology Regulatory
10 Authority, as defined in the Rules of the Commission, and under the following
11 circumstances:

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

14 (2) Other conditions regarding telepsychology as determined by Rules
15 promulgated by the Commission.

16 ARTICLE VII. ADVERSE ACTIONS.

17 (A) A Home State shall have the power to impose adverse action against a
18 psychologist's license issued by the Home State. A Distant State shall have the power
19 to take adverse action on a psychologist's Temporary Authorization to Practice within
20 that Distant State.

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

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

29 (1) All Home State disciplinary orders which impose adverse action
30 shall be reported to the Commission in accordance with the Rules promulgated by the
31 Commission. A Compact State shall report adverse actions in accordance with the

1 Rules of the Commission.

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

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

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

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

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

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

29 ARTICLE VIII. ADDITIONAL AUTHORITIES INVESTED IN A COMPACT STATE'S
30 PSYCHOLOGY REGULATORY AUTHORITY.

31 (A) In addition to any other powers granted under state law, a Compact State's

1 psychology regulatory authority shall have the authority under this Compact to:

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

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

14 (3) During the course of any investigation, a psychologist may not
15 change his/her Home State licensure. A Home State Psychology Regulatory Authority
16 is authorized to complete any pending investigations of a psychologist and to take any
17 actions appropriate under its law. The Home State Psychology Regulatory Authority
18 shall promptly report the conclusions of such investigations to the Commission. Once
19 an investigation has been completed, and pending the outcome of said investigation,
20 the psychologist may change his/her Home State licensure. The Commission shall
21 promptly notify the new Home State of any such decisions as provided in the Rules of
22 the Commission. All information provided to the Commission or distributed by
23 Compact States pursuant to the psychologist shall be confidential, filed under seal and
24 used for investigatory or disciplinary matters. The Commission may create additional
25 Rules for mandated or discretionary sharing of information by Compact States.

26 **ARTICLE IX. COORDINATED LICENSURE INFORMATION SYSTEM.**

27 (A) The Commission shall provide for the development and maintenance of a
28 coordinated licensure information system (coordinated database) and reporting system
29 containing licensure and disciplinary action information on all licensees to whom this
30 Compact is applicable in all Compact States as defined by the Rules of the
31 Commission.

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

4 (1) Identifying information;

5 (2) Licensure data;

6 (3) Significant investigatory information;

7 (4) Adverse actions against a psychologist's license;

8 (5) An indicator that a psychologist's Authority to Practice
9 Interjurisdictional Telepsychology and/or Temporary Authorization to Practice is
10 revoked;

11 (6) Non-confidential information related to alternative program
12 participation information;

13 (7) Any denial of application for licensure, and the reasons for such
14 denial; and

15 (8) Other information which may facilitate the administration of this
16 Compact, as determined by the Rules of the Commission.

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

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

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

26 ARTICLE X. ESTABLISHMENT OF THE PSYCHOLOGY
27 INTERJURISDICTIONAL COMPACT COMMISSION.

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

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

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

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

8 (B) Membership, Voting, and Meetings.

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

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

14 (b) Current member of the State Psychology Regulatory
15 Authority of a Compact State; or

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

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

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

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

30 (5) All meetings shall be open to the public, and public notice of
31 meetings shall be given in the same manner as required under the rulemaking

1 provisions in Article XI.

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

4 (a) Non-compliance of a Compact State with its obligations
5 under the Compact;

6 (b) The employment, compensation, discipline or other
7 personnel matters, practices or procedures related to specific employees or
8 other matters related to the Commission's internal personnel practices and
9 procedures;

10 (c) Current, threatened, or reasonably anticipated litigation
11 against the Commission;

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

14 (e) Accusation against any person of a crime or formally
15 censuring any person;

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

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

20 (h) Disclosure of investigatory records compiled for law
21 enforcement purposes;

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

26 (j) Matters specifically exempted from disclosure by federal
27 and state statute.

28 (7) If a meeting, or portion of a meeting, is closed pursuant to this
29 provision, the Commission's legal counsel or designee shall certify that the meeting
30 may be closed and shall reference each relevant exempting provision. The
31 Commission shall keep minutes which fully and clearly describe all matters discussed

1 in a meeting and shall provide a full and accurate summary of actions taken, of any
2 person participating in the meeting, and the reasons therefore, including a description
3 of the views expressed. All documents considered in connection with an action shall
4 be identified in such minutes. All minutes and documents of a closed meeting shall
5 remain under seal, subject to release only by a majority vote of the Commission or
6 order of a court of competent jurisdiction.

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

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

11 (2) Providing reasonable standards and procedures:

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

13 (b) governing any general or specific delegation of any
14 authority or function of the Commission;

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

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

26 (5) Providing reasonable standards and procedures for the
27 establishment of the personnel policies and programs of the Commission.
28 Notwithstanding any civil service or other similar law of any Compact State, the
29 Bylaws shall exclusively govern the personnel policies and programs of the
30 Commission;

31 (6) Promulgating a Code of Ethics to address permissible and

1 prohibited activities of Commission members and employees;

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

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

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

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

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

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

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

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

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

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

29 (6) To accept any and all appropriate donations and grants of money,
30 equipment, supplies, materials and services, and to receive, utilize and dispose of the
31 same; provided that at all times the Commission shall strive to avoid any appearance

1 of impropriety and/or conflict of interest;

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

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

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

9 (10) To borrow money;

10 (11) To appoint committees, including advisory committees comprised
11 of 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 (12) To provide and receive information from, and to cooperate with,
15 law enforcement agencies;

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

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

21 (E) The Executive Board.

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

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

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

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

31 (2) The ex-officio member must have served as staff or member on a

1 State Psychology Regulatory Authority and will be selected by its respective
2 organization.

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

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

6 (5) The Executive Board shall have the following duties and
7 responsibilities:

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

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

13 (c) Prepare and recommend the budget;

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

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

17 (f) Establish additional committees as necessary; and

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

19 (F) Financing of the Commission.

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

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

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

31 (4) The Commission shall not incur obligations of any kind prior to

1 securing the funds adequate to meet the same; nor shall the Commission pledge the
2 credit of any of the Compact States, except by and with the authority of the Compact
3 State.

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

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

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

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

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

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

7 ARTICLE XI. RULEMAKING.

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

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

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

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

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

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

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

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

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

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

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

1 Commission of their intention to attend the public hearing and any written comments.

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

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

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

9 (2) A governmental subdivision or agency; or

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (A) Oversight

- 31 (1) The executive, legislative and judicial branches of state

1 government in each Compact State shall enforce this Compact and take all actions
2 necessary and appropriate to effectuate the Compact's purposes and intent. The
3 provisions of this Compact and the Rules promulgated hereunder shall have standing
4 as statutory law.

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

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

13 (B) Default, Technical Assistance, and Termination

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

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

20 (b) Provide remedial training and specific technical assistance
21 regarding the default.

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

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

1 Compact States.

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

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

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

13 (C) Dispute Resolution

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

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

20 (D) Enforcement

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

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

30 (3) The remedies herein shall not be the exclusive remedies of the
31 Commission. The Commission may pursue any other remedies available under federal

1 or state law.

2 ARTICLE XIII. DATE OF IMPLEMENTATION OF THE PSYCHOLOGY
3 INTERJURISDICTIONAL COMPACT COMMISSION AND ASSOCIATED
4 RULES, WITHDRAWAL, AND AMENDMENTS.

5 (A) The Compact shall come into effect on the date on which the Compact is
6 enacted into law in the seventh Compact State. The provisions which become effective
7 at that time shall be limited to the powers granted to the Commission relating to
8 assembly and the promulgation of Rules. Thereafter, the Commission shall meet and
9 exercise rulemaking powers necessary to the implementation and administration of the
10 Compact.

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

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

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

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

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

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

31 ARTICLE XIV. CONSTRUCTION AND SEVERABILITY.

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

5 * **Sec. 24.** AS 08 is amended by adding a new chapter to read:

6 **Chapter 90. Respiratory Care Practitioners.**

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

- 9 (1) practice respiratory care; or
10 (2) represent that the person is a respiratory care practitioner, including
11 using the titles "licensed respiratory care practitioner" or "R.C.P." or any other words,
12 abbreviations, signs, or symbols indicating that the person is a licensee.

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

- 16 (1) obtained a high school diploma or its equivalent;
17 (2) successfully completed an accredited respiratory care educational
18 program;
19 (3) passed an examination for a registered respiratory therapist
20 credential that is administered by a nationally recognized organization for respiratory
21 therapists and approved by the department in regulation;
22 (4) paid the required fees; and
23 (5) met all other requirements established by the department in
24 regulation.

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

1 this chapter.

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

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

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

12 (3) paid the required fees; and

13 (4) met all other requirements established by the department in
14 regulation.

15 **Sec. 08.90.040. Evidence of licensure in other jurisdictions.** An applicant for
16 a license under AS 08.90.020 or 08.90.030 must submit evidence to the department of
17 all licenses granted to the applicant to practice respiratory care in another state, a
18 territory of the United States, or a foreign country and whether that license is in good
19 standing.

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

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

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

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

5 (3) making observations of the patient and monitoring the patient's
6 signs, symptoms, behavior, and physical responses to respiratory therapy treatment to
7 determine whether the patient exhibits any abnormal characteristics and, based on
8 those determinations, refer the patient, implement respiratory therapy protocols, or
9 change the patient's treatment regimen;

10 (4) employing on the patient the diagnostic or therapeutic use of
11 (A) medical gases, excluding general anesthesia;
12 (B) aerosols;
13 (C) humidification;
14 (D) pharmacological agents related to respiratory care
15 procedures;

16 (E) mechanical or physiological ventilatory support;
17 (F) bronchopulmonary hygiene procedures;
18 (G) oxygen therapy;
19 (H) telehealth as permitted under AS 08.02.130;
20 (I) cardiopulmonary disease management; and
21 (J) instruction on tobacco cessation;

22 (5) diagnostic or therapeutic techniques that may be medically
23 essential to maintaining the patient's good respiratory health, including

24 (A) maintaining natural airways;
25 (B) inserting, without cutting tissue, and maintaining artificial
26 airways;
27 (C) collecting blood and other body fluids, including specimens
28 from the respiratory tract;
29 (D) collecting inspired and expired gas samples;
30 (E) analyzing blood samples and respiratory secretions;
31 (F) measuring ventilatory volumes, pressures, and flows;

1 (G) measuring hemodynamic and other physiological
2 parameters of the cardiopulmonary system;

3 (H) performing cardiopulmonary resuscitation; and

4 (I) implementing and maintaining environmental control
5 systems and hyperbaric therapy;

6 (6) transcribing the written or oral orders of an authorized provider
7 regarding the patient;

8 (7) providing instruction and education to the patient on the proper
9 methods of providing self-care and preventing cardiopulmonary disease and other
10 conditions requiring the use of respiratory care equipment and techniques;

11 (8) participating in air and ground transport of the patient;

12 (9) inserting and maintaining invasive lines for the patient;

13 (10) managing and maintaining an extracorporeal membrane
14 oxygenation unit for the patient;

15 (11) determining which medically approved respiratory care protocols
16 should be followed for the patient, in the absence of an authorized provider, during an
17 emergency;

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

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

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

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

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

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

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

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

7 (e) In this section,

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

11 (2) "home health agency" means a public agency or private
12 organization, or a subdivision of a public agency or private organization, that
13 primarily engages in providing skilled nursing services in combination with
14 respiratory therapy, physical therapy, occupational therapy, speech therapy, or services
15 provided by a home health aide to an individual in the individual's home, an assisted
16 living home, or another residential setting;

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

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

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

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

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

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

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

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

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

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

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

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

12 (7) failed to meet the standards of practice for respiratory care,
13 including

14 (A) wilfully and repeatedly ordering and performing laboratory
15 tests or studies that were unnecessary and clinically unjustifiable; or

16 (B) administering treatment that was unnecessary and
17 clinically unjustifiable;

18 (8) violated, or aided or abetted another person in violating, this
19 chapter;

20 (9) has been convicted of

21 (A) a felony that materially affects the ability to safely practice
22 respiratory care; or

23 (B) insurance fraud;

24 (10) failed to disclose that a license to practice respiratory care in
25 another state, a territory of the United States, or a foreign country is not in good
26 standing.

27 (b) When determining whether to refuse to issue a license to an applicant or
28 impose a disciplinary sanction on a licensee under (a)(3) of this section, the
29 department shall consider whether an applicant or licensee is participating in a
30 substance abuse program.

31 **Sec. 08.90.080. Exceptions.** (a) This chapter does not apply to

1 (1) a person licensed in this state under a statute outside this chapter
2 who performs respiratory care within the scope of practice for which the person's
3 license was issued;

4 (2) a student enrolled in an accredited respiratory care educational
5 program who is

6 (A) practicing respiratory care as an integral part of the
7 program; or

8 (B) practicing respiratory care, within limits established by the
9 department, as an employee of a health care provider while a licensee or
10 physician is available to communicate with, consult with, and assist the
11 student;

12 (3) a person who is not a licensee and practices respiratory care as self-
13 care or care for a member of the person's family;

14 (4) a person practicing respiratory care in an emergency;

15 (5) a person practicing respiratory care within the scope of the person's
16 duties while

17 (A) in the armed forces of the United States; or

18 (B) working in a federal facility;

19 (6) a person employed in a diagnostic laboratory, physician's office,
20 clinic, or outpatient treatment facility that is administering treatment or performing
21 diagnostic procedures in that location under the direction of a physician; and

22 (7) a person employed by a durable or home medical equipment
23 company who delivers, calibrates, or maintains respiratory care equipment and does
24 not assess or evaluate patients.

25 (b) A student practicing respiratory care shall use the title

26 (1) "student respiratory care practitioner" or "student R.C.P." if
27 practicing under (a)(2)(A) of this section; and

28 (2) "student respiratory care practitioner," "trainee respiratory care
29 practitioner," "student R.C.P.," or "trainee R.C.P." if practicing under (a)(2)(B) of this
30 section.

31 **Sec. 08.90.090. Criminal penalty.** A person who violates or aids a person in a

1 violation of this chapter is guilty of a class B misdemeanor.

2 **Sec. 08.90.100. Regulations.** The department may adopt regulations to carry
3 out the purposes of this chapter.

4 **Sec. 08.90.990. Definitions.** In this chapter,

5 (1) "accredited respiratory care educational program" means a
6 respiratory care educational program that is

7 (A) accredited by a national health education accrediting body
8 in collaboration with a national respiratory care accrediting body; and

9 (B) approved by the department;

10 (2) "department" means the Department of Commerce, Community,
11 and Economic Development;

12 (3) "licensee" means a person licensed to practice respiratory care
13 under this chapter;

14 (4) "physician" means a person licensed as a physician under
15 AS 08.64.

16 * **Sec. 25.** AS 09.55.560(2) is amended to read:

17 (2) "health care provider" means an acupuncturist licensed under
18 AS 08.06; an audiologist or speech-language pathologist licensed under AS 08.11; a
19 chiropractor licensed under AS 08.20; a dental hygienist licensed under AS 08.32; a
20 dentist licensed under AS 08.36; a genetic counselor licensed under AS 08.53; a
21 nurse licensed under AS 08.68; a dispensing optician licensed under AS 08.71; a
22 naturopath licensed under AS 08.45; an optometrist licensed under AS 08.72; a
23 pharmacist licensed under AS 08.80; a physical therapist or occupational therapist
24 licensed under AS 08.84; a physician or physician assistant licensed under AS 08.64; a
25 podiatrist; a psychologist and a psychological associate licensed under AS 08.86; a
26 hospital as defined in AS 47.32.900, including a governmentally owned or operated
27 hospital; an employee of a health care provider acting within the course and scope of
28 employment; an ambulatory surgical facility and other organizations whose primary
29 purpose is the delivery of health care, including a health maintenance organization,
30 individual practice association, integrated delivery system, preferred provider
31 organization or arrangement, and a physical hospital organization;

1 * **Sec. 26.** AS 09.55.560(2), as amended by sec. 25 of this Act, is amended to read:

2 (2) "health care provider" means an acupuncturist licensed under
3 AS 08.06; an audiologist or speech-language pathologist licensed under AS 08.11; a
4 chiropractor licensed under AS 08.20; a dental hygienist licensed under AS 08.32; a
5 dentist licensed under AS 08.36; a genetic counselor licensed under AS 08.53; a nurse
6 licensed under AS 08.68; a dispensing optician licensed under AS 08.71; a naturopath
7 licensed under AS 08.45; an optometrist licensed under AS 08.72; a pharmacist
8 licensed under AS 08.80; **a respiratory care practitioner licensed under AS 08.90;**
9 a physical therapist or occupational therapist licensed under AS 08.84; a physician or
10 physician assistant licensed under AS 08.64; a podiatrist; a psychologist and a
11 psychological associate licensed under AS 08.86; a hospital as defined in
12 AS 47.32.900, including a governmentally owned or operated hospital; an employee
13 of a health care provider acting within the course and scope of employment; an
14 ambulatory surgical facility and other organizations whose primary purpose is the
15 delivery of health care, including a health maintenance organization, individual
16 practice association, integrated delivery system, preferred provider organization or
17 arrangement, and a physical hospital organization;

18 * **Sec. 27.** AS 09.65.300(c)(1) is amended to read:

19 (1) "health care provider" means a physician, physician assistant,
20 dentist, dental hygienist, osteopath, optometrist, chiropractor, registered nurse,
21 practical nurse, advanced practice registered nurse, naturopath, physical therapist,
22 occupational therapist, marital and family therapist, psychologist, psychological
23 associate, behavior analyst, assistant behavior analyst, licensed clinical social worker,
24 athletic trainer, certified direct-entry midwife, **genetic counselor,** licensed
25 professional counselor, or licensed associate counselor;

26 * **Sec. 28.** AS 09.65.300(c)(1), as amended by sec. 27 of this Act, is amended to read:

27 (1) "health care provider" means a physician, physician assistant,
28 dentist, dental hygienist, osteopath, optometrist, chiropractor, registered nurse,
29 practical nurse, advanced practice registered nurse, naturopath, **respiratory care**
30 **practitioner,** physical therapist, occupational therapist, marital and family therapist,
31 psychologist, psychological associate, behavior analyst, assistant behavior analyst,

1 licensed clinical social worker, athletic trainer, certified direct-entry midwife, genetic
2 counselor, licensed professional counselor, or licensed associate counselor;

3 * **Sec. 29.** AS 12.62.400(a) is amended by adding new paragraphs to read:

4 (26) licensure as a physician, osteopath, podiatrist, or physician
5 assistant under AS 08.64, including an expedited license as a physician or osteopath
6 under AS 08.64.253 or compact privilege to practice as a physician assistant under
7 AS 08.64.254;

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

10 (28) certification or licensure as an emergency medical technician or
11 mobile intensive care paramedic under AS 18.08 or as an advanced emergency
12 medical technician under regulations adopted under AS 18.08, including a privilege to
13 practice under AS 18.08.105.

14 * **Sec. 30.** AS 14.30.141(e) is amended to read:

15 (e) In this section, "health care provider" means a licensed physician,
16 advanced practice registered nurse, respiratory care practitioner, physician assistant,
17 village health aide, or pharmacist operating within the scope of the health care
18 provider's authority.

19 * **Sec. 31.** AS 18.08.082 is amended by adding new subsections to read:

20 (d) An applicant for a license or certificate as an emergency medical
21 technician or mobile intensive care paramedic under this section or as an advanced
22 emergency medical technician under regulations adopted under this chapter shall
23 submit to the department the applicant's fingerprints and the fees required by the
24 Department of Public Safety under AS 12.62.160 for criminal justice information and
25 a national criminal history record check. The department shall forward the fingerprints
26 and fees to the Department of Public Safety to obtain a report of criminal justice
27 information under AS 12.62 and a national criminal history record check under
28 AS 12.62.400. Criminal justice information and criminal history record information
29 obtained under this subsection may only be used by the department for the purpose of
30 determining an applicant's qualifications and fitness for a license or privilege to
31 practice under this chapter.

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

* **Sec. 32.** AS 18.08 is amended by adding a new section to read:

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

SECTION 1. PURPOSE.

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

- (1) increase public access to EMS personnel;
- (2) enhance the states' ability to protect the public's health and safety, especially patient safety;
- (3) encourage the cooperation of member states in the areas of EMS personnel licensure and regulation;
- (4) support licensing of military members who are separating from an active-duty tour and their spouses;
- (5) facilitate the exchange of information between member states regarding EMS personnel licensure, adverse action and significant investigatory information;
- (6) promote compliance with the laws governing EMS personnel practice in each member state; and

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

3 SECTION 2. DEFINITIONS.

4 In this Compact:

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

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

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

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

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

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

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

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

31 (I) "Medical Director" means: a physician licensed in a member state who is

1 accountable for the care delivered by EMS personnel.

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

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

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

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

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

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

18 (P) "Scope of Practice" means: defined parameters of various duties or
19 services that may be provided by an individual with specific credentials. Whether
20 regulated by rule, statute, or court decision, it tends to represent the limits of services
21 an individual may perform.

22 (Q) "Significant Investigatory Information" means:

23 (1) investigative information that a state EMS authority, after a
24 preliminary inquiry that includes notification and an opportunity to respond if required
25 by state law, has reason to believe, if proved true, would result in the imposition of an
26 adverse action on a license or privilege to practice; or

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

30 (R) "State" means: any state, commonwealth, district, or territory of the
31 United States.

1 (S) "State EMS Authority" means: the board, office, or other agency with the
2 legislative mandate to license EMS personnel.

3 SECTION 3. HOME STATE LICENSURE.

4 (A) Any member state in which an individual holds a current license shall be
5 deemed a home state for purposes of this Compact.

6 (B) Any member state may require an individual to obtain and retain a license
7 to be authorized to practice in the member state under circumstances not authorized by
8 the privilege to practice under the terms of this Compact.

9 (C) A home state's license authorizes an individual to practice in a remote
10 state under the privilege to practice only if the home state:

11 (1) Currently requires the use of the National Registry of Emergency
12 Medical Technicians (NREMT) examination as a condition of issuing initial licenses
13 at the EMT and paramedic levels;

14 (2) Has a mechanism in place for receiving and investigating
15 complaints about individuals;

16 (3) Notifies the Commission, in compliance with the terms herein, of
17 any adverse action or significant investigatory information regarding an individual;

18 (4) No later than five years after activation of the Compact, requires a
19 criminal background check of all applicants for initial licensure, including the use of
20 the results of fingerprint or other biometric data checks compliant with the
21 requirements of the Federal Bureau of Investigation with the exception of federal
22 employees who have suitability determination in accordance with 5 C.F.R. 731.202
23 and submit documentation of such as promulgated in the rules of the Commission; and

24 (5) Complies with the rules of the Commission.

25 SECTION 4. COMPACT PRIVILEGE TO PRACTICE.

26 (A) Member states shall recognize the privilege to practice of an individual
27 licensed in another member state that is in conformance with Section 3.

28 (B) To exercise the privilege to practice under the terms and provisions of this
29 Compact, an individual must:

30 (1) Be at least 18 years of age;

31 (2) Possess a current unrestricted license in a member state as an EMT,

1 AEMT, paramedic, or state recognized and licensed level with a scope of practice and
2 authority between EMT and paramedic; and

3 (3) Practice under the supervision of a medical director.

4 (C) An individual providing patient care in a remote state under the privilege
5 to practice shall function within the scope of practice authorized by the home state
6 unless and until modified by an appropriate authority in the remote state as may be
7 defined in the rules of the commission.

8 (D) Except as provided in Section 4(C), an individual practicing in a remote
9 state will be subject to the remote state's authority and laws. A remote state may, in
10 accordance with due process and that state's laws, restrict, suspend, or revoke an
11 individual's privilege to practice in the remote state and may take any other necessary
12 actions to protect the health and safety of its citizens. If a remote state takes action it
13 shall promptly notify the home state and the Commission.

14 (E) If an individual's license in any home state is restricted or suspended, the
15 individual shall not be eligible to practice in a remote state under the privilege to
16 practice until the individual's home state license is restored.

17 (F) If an individual's privilege to practice in any remote state is restricted,
18 suspended, or revoked the individual shall not be eligible to practice in any remote
19 state until the individual's privilege to practice is restored.

20 SECTION 5. CONDITIONS OF PRACTICE IN A REMOTE STATE.

21 An individual may practice in a remote state under a privilege to practice only
22 in the performance of the individual's EMS duties as assigned by an appropriate
23 authority, as defined in the rules of the Commission, and under the following
24 circumstances:

25 (1) The individual originates a patient transport in a home state and
26 transports the patient to a remote state;

27 (2) The individual originates in the home state and enters a remote
28 state to pick up a patient and provide care and transport of the patient to the home
29 state;

30 (3) The individual enters a remote state to provide patient care and/or
31 transport within that remote state;

1 (4) The individual enters a remote state to pick up a patient and
2 provide care and transport to a third member state;

3 (5) Other conditions as determined by rules promulgated by the
4 commission.

5 SECTION 6. RELATIONSHIP TO EMERGENCY MANAGEMENT ASSISTANCE
6 COMPACT.

7 Upon a member state's governor's declaration of a state of emergency or
8 disaster that activates the Emergency Management Assistance Compact (EMAC), all
9 relevant terms and provisions of EMAC shall apply and to the extent any terms or
10 provisions of this Compact conflicts with EMAC, the terms of EMAC shall prevail
11 with respect to any individual practicing in the remote state in response to such
12 declaration.

13 SECTION 7. VETERANS, SERVICE MEMBERS SEPARATING FROM ACTIVE-DUTY
14 MILITARY, AND THEIR SPOUSES.

15 (A) Member states shall consider a veteran, active military service member,
16 and member of the National Guard and Reserves separating from an active-duty tour,
17 and a spouse thereof, who holds a current valid and unrestricted NREMT certification
18 at or above the level of the state license being sought as satisfying the minimum
19 training and examination requirements for such licensure.

20 (B) Member states shall expedite the processing of licensure applications
21 submitted by veterans, active military service members, and members of the National
22 Guard and Reserves separating from an active-duty tour, and their spouses.

23 (C) All individuals functioning with a privilege to practice under this Section
24 remain subject to the Adverse Actions provisions of Section 8.

25 SECTION 8. ADVERSE ACTIONS.

26 (A) A home state shall have exclusive power to impose adverse action against
27 an individual's license issued by the home state.

28 (B) If an individual's license in any home state is restricted or suspended, the
29 individual shall not be eligible to practice in a remote state under the privilege to
30 practice until the individual's home state license is restored.

31 (1) All home state adverse action orders shall include a statement that

1 the individual's Compact privileges are inactive. The order may allow the individual to
2 practice in remote states with prior written authorization from both the home state and
3 remote state's EMS authority.

4 (2) An individual currently subject to adverse action in the home state
5 shall not practice in any remote state without prior written authorization from both the
6 home state and remote state's EMS authority.

7 (C) A member state shall report adverse actions and any occurrences that the
8 individual's Compact privileges are restricted, suspended, or revoked to the
9 Commission in accordance with the rules of the Commission.

10 (D) A remote state may take adverse action on an individual's privilege to
11 practice within that state.

12 (E) Any member state may take adverse action against an individual's
13 privilege to practice in that state based on the factual findings of another member state,
14 so long as each state follows its own procedures for imposing such adverse action.

15 (F) A home state's EMS authority shall investigate and take appropriate action
16 with respect to reported conduct in a remote state as it would if such conduct had
17 occurred within the home state. In such cases, the home state's law shall control in
18 determining the appropriate adverse action.

19 (G) Nothing in this Compact shall override a member state's decision that
20 participation in an alternative program may be used in lieu of adverse action and that
21 such participation shall remain non-public if required by the member state's laws.
22 Member states must require individuals who enter any alternative programs to agree
23 not to practice in any other member state during the term of the alternative program
24 without prior authorization from such other member state.

25 SECTION 9. ADDITIONAL POWERS INVESTED IN A MEMBER STATE'S EMS
26 AUTHORITY.

27 A member state's EMS authority, in addition to any other powers granted
28 under state law, is authorized under this Compact to:

29 (1) Issue subpoenas for both hearings and investigations that require
30 the attendance and testimony of witnesses and the production of evidence. Subpoenas
31 issued by a member state's EMS authority for the attendance and testimony of

1 witnesses, and/or the production of evidence from another member state, shall be
 2 enforced in the remote state by any court of competent jurisdiction, according to that
 3 court's practice and procedure in considering subpoenas issued in its own proceedings.
 4 The issuing state EMS authority shall pay any witness fees, travel expenses, mileage,
 5 and other fees required by the service statutes of the state where the witnesses and/or
 6 evidence are located; and

7 (2) Issue cease and desist orders to restrict, suspend, or revoke an
 8 individual's privilege to practice in the state.

9 SECTION 10. ESTABLISHMENT OF THE INTERSTATE COMMISSION FOR EMS
 10 PERSONNEL PRACTICE.

11 (A) The Compact states hereby create and establish a joint public agency
 12 known as the Interstate Commission for EMS Personnel Practice.

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

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

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

22 (B) Membership, Voting, and Meetings.

23 (1) Each member state shall have and be limited to one (1) delegate.
 24 The responsible official of the state EMS authority or his designee shall be the
 25 delegate to this Compact for each member state. Any delegate may be removed or
 26 suspended from office as provided by the law of the state from which the delegate is
 27 appointed. Any vacancy occurring in the Commission shall be filled in accordance
 28 with the laws of the member state in which the vacancy exists. In the event that more
 29 than one board, office, or other agency with the legislative mandate to license EMS
 30 personnel at and above the level of EMT exists, the Governor of the state will
 31 determine which entity will be responsible for assigning the delegate.

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

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

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

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

13 (a) Non-compliance of a member state with its obligations
14 under the Compact;

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

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

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

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

24 (f) Disclosure of trade secrets or commercial or financial
25 information that 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 of investigation or determination of
2 compliance issues pursuant to the Compact; or

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

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

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

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

18 (2) Providing reasonable standards and procedures:

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

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

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

31 (4) Establishing the titles, duties and authority, and reasonable

1 procedures for the election of the officers of the Commission;

2 (5) Providing reasonable standards and procedures for the
3 establishment of the personnel policies and programs of the Commission.
4 Notwithstanding any civil service or other similar laws of any member state, the
5 bylaws shall exclusively govern the personnel policies and programs of the
6 Commission;

7 (6) Promulgating a code of ethics to address permissible and prohibited
8 activities of Commission members and employees;

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

13 (8) The Commission shall publish its bylaws and file a copy thereof,
14 and a copy of any amendment thereto, with the appropriate agency or officer in each
15 of the member states, if any;

16 (9) The Commission shall maintain its financial records in accordance
17 with the bylaws;

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

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

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

24 (2) To bring and prosecute legal proceedings or actions in the name of
25 the Commission, provided that the standing of any state EMS authority or other
26 regulatory body responsible for EMS personnel licensure to sue or be sued under
27 applicable law shall not be affected;

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

29 (4) To borrow, accept, or contract for services of personnel, including,
30 but not limited to, employees of a member state;

31 (5) To hire employees, elect or appoint officers, fix compensation,

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

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

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

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

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

16 (10) To borrow money;

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

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

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

24 (14) To perform such other functions as may be necessary or
25 appropriate to achieve the purposes of this Compact consistent with the state
26 regulation of EMS personnel licensure and practice.

27 (E) 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 member 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 member 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 member states, except by and with the authority of the member
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 (F) 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

1 occurred within the scope of Commission employment, duties, or responsibilities, or
2 that the person against whom the claim is made had a reasonable basis for believing
3 occurred within the scope of Commission employment, duties, or responsibilities;
4 provided that nothing herein shall be construed to prohibit that person from retaining
5 his or her own counsel; and provided further, that the actual or alleged act, error, or
6 omission did not 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 SECTION 11. COORDINATED DATABASE.

16 (A) The Commission shall provide for the development and maintenance of a
17 coordinated database and reporting system containing licensure, adverse action, and
18 significant investigatory information on all licensed individuals in member states.

19 (B) Notwithstanding any other provision of state law to the contrary, a
20 member state shall submit a uniform data set to the coordinated database on all
21 individuals to whom this Compact is applicable as required by the rules of the
22 Commission, including:

- 23 (1) Identifying information;
- 24 (2) Licensure data;
- 25 (3) Significant investigatory information;
- 26 (4) Adverse actions against an individual's license;
- 27 (5) An indicator that an individual's privilege to practice is restricted,
28 suspended or revoked;
- 29 (6) Non-confidential information related to alternative program
30 participation;
- 31 (7) Any denial of application for licensure, and the reason(s) for such

1 denial; and

2 (8) Other information that may facilitate the administration of this
3 Compact, as determined by the rules of the Commission.

4 (C) The coordinated database administrator shall promptly notify all member
5 states of any adverse action taken against, or significant investigative information on,
6 any individual in a member state.

7 (D) Member states contributing information to the coordinated database may
8 designate information that may not be shared with the public without the express
9 permission of the contributing state.

10 (E) Any information submitted to the coordinated database that is
11 subsequently required to be expunged by the laws of the member state contributing the
12 information shall be removed from the coordinated database.

13 SECTION 12. RULEMAKING.

14 (A) The Commission shall exercise its rulemaking powers pursuant to the
15 criteria set forth in this Section and the rules adopted thereunder. Rules and
16 amendments shall become binding as of the date specified in each rule or amendment.

17 (B) If a majority of the legislatures of the member states rejects a rule, by
18 enactment of a statute or resolution in the same manner used to adopt the Compact,
19 then such rule shall have no further force and effect in any member state.

20 (C) Rules or amendments to the rules shall be adopted at a regular or special
21 meeting of the Commission.

22 (D) Prior to promulgation and adoption of a final rule or rules by the
23 Commission, and at least sixty (60) days in advance of the meeting at which the rule
24 will be considered and voted upon, the Commission shall file a Notice of Proposed
25 Rulemaking:

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

27 (2) On the website of each member state EMS authority or the
28 publication in which each state would otherwise publish proposed rules.

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

30 (1) The proposed time, date, and location of the meeting in which the
31 rule will be considered and voted upon;

1 (2) The text of the proposed rule or amendment and the reason for the
2 proposed rule;

3 (3) A request for comments on the proposed rule from any interested
4 person; and

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

7 (F) Prior to adoption of a proposed rule, the Commission shall allow persons
8 to submit written data, facts, opinions, and arguments, which shall be made available
9 to the public.

10 (G) The Commission shall grant an opportunity for a public hearing before it
11 adopts a rule or amendment if a hearing is requested by:

12 (1) At least twenty-five (25) persons;

13 (2) A governmental subdivision or agency; or

14 (3) An association having at least twenty-five (25) members.

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

17 (1) All persons wishing to be heard at the hearing shall notify the
18 executive director of the Commission or other designated member in writing of their
19 desire to appear and testify at the hearing not less than five (5) business days before
20 the scheduled date of the hearing.

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

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

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

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

4 (J) The Commission shall, by majority vote of all members, take final action
5 on the proposed rule and shall determine the effective date of the rule, if any, based on
6 the rulemaking record and the full text of the rule.

7 (K) If no written notice of intent to attend the public hearing by interested
8 parties is received, the Commission may proceed with promulgation of the proposed
9 rule without a public hearing.

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

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

18 (2) Prevent a loss of Commission or member state funds;

19 (3) Meet a deadline for the promulgation of an administrative rule that
20 is established by federal law or rule; or

21 (4) Protect public health and safety.

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

1 SECTION 13. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT.

2 (A) Oversight.

3 (1) The executive, legislative, and judicial branches of state
4 government in each member state shall enforce this Compact and take all actions
5 necessary and appropriate to effectuate the Compact's purposes and intent. The
6 provisions of this Compact and the rules promulgated hereunder shall have standing as
7 statutory law.

8 (2) All courts shall take judicial notice of the Compact and the rules in
9 any judicial or administrative proceeding in a member state pertaining to the subject
10 matter of this Compact which may affect the powers, responsibilities or actions of the
11 Commission.

12 (3) The Commission shall be entitled to receive service of process in
13 any such proceeding, and shall have standing to intervene in such a proceeding for all
14 purposes. Failure to provide service of process to the Commission shall render a
15 judgment or order void as to the Commission, this Compact, or promulgated rules.

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

17 (1) If the Commission determines that a member state has defaulted in
18 the performance of its obligations or responsibilities under this Compact or the
19 promulgated rules, the Commission shall:

20 (a) Provide written notice to the defaulting state and other
21 member states of the nature of the default, the proposed means of curing the
22 default and/or any other action to be taken by the Commission; and

23 (b) Provide remedial training and specific technical assistance
24 regarding the default.

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

30 (3) Termination of membership in the 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 each of the member
3 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 the Compact, unless agreed
9 upon in writing between the Commission and the defaulting state.

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

14 (C) Dispute Resolution.

15 (1) Upon request by a member state, the Commission shall attempt to
16 resolve disputes related to the Compact that arise among member states and between
17 member and non-member states.

18 (2) The Commission shall promulgate a rule providing for both
19 mediation and binding dispute resolution for disputes as appropriate.

20 (D) Enforcement.

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

23 (2) By majority vote, the Commission may initiate legal action in the
24 United States District Court for the District of Columbia or the federal district where
25 the Commission has its principal offices against a member state in default to enforce
26 compliance with the provisions of the Compact and its promulgated rules and bylaws.
27 The relief sought may include both injunctive relief and damages. In the event judicial
28 enforcement is necessary, the prevailing member shall be awarded all costs of such
29 litigation, including reasonable attorney's fees.

30 (3) The remedies herein shall not be the exclusive remedies of the
31 Commission. The Commission may pursue any other remedies available under federal

1 or state law.

2 SECTION 14. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION
3 FOR EMS PERSONNEL PRACTICE AND ASSOCIATED RULES, WITHDRAWAL,
4 AND AMENDMENT.

5 (A) The Compact shall come into effect on the date on which the Compact
6 statute is enacted into law in the tenth member state. The provisions, which become
7 effective at that time, shall be limited to the powers granted to the Commission
8 relating to assembly and the promulgation of rules. Thereafter, the Commission shall
9 meet and exercise rulemaking powers necessary to the implementation and
10 administration of the Compact.

11 (B) Any state that joins the Compact subsequent to the Commission's initial
12 adoption of the rules shall be subject to the rules as they exist on the date on which the
13 Compact becomes law in that state. Any rule that has been previously adopted by the
14 Commission shall have the full force and effect of law on the day the Compact
15 becomes law in that state.

16 (C) Any member state may withdraw from this Compact by enacting a statute
17 repealing the same.

18 (1) A member state's withdrawal shall not take effect until six (6)
19 months after enactment of the repealing statute.

20 (2) Withdrawal shall not affect the continuing requirement of the
21 withdrawing state's EMS authority to comply with the investigative and adverse action
22 reporting requirements of this act prior to the effective date of withdrawal.

23 (D) Nothing contained in this Compact shall be construed to invalidate or
24 prevent any EMS personnel licensure agreement or other cooperative arrangement
25 between a member state and a non-member state that does not conflict with the
26 provisions of this Compact.

27 (E) This Compact may be amended by the member states. No amendment to
28 this Compact shall become effective and binding upon any member state until it is
29 enacted into the laws of all member states.

30 SECTION 15. CONSTRUCTION AND SEVERABILITY.

31 This Compact shall be liberally construed so as to effectuate the purposes

1 thereof. If this Compact shall be held contrary to the constitution of any state member
2 thereto, the Compact shall remain in full force and effect as to the remaining member
3 states. Nothing in this Compact supersedes state law or rules related to licensure of
4 EMS agencies.

5 * **Sec. 33.** AS 21.36.090(d) is amended to read:

6 (d) Except to the extent necessary to comply with AS 21.42.365 and
7 AS 21.56, a person may not practice or permit unfair discrimination against a person
8 who provides a service covered under a group health insurance policy that extends
9 coverage on an expense incurred basis, or under a group service or indemnity type
10 contract issued by a health maintenance organization or a nonprofit corporation, if the
11 service is within the scope of the provider's occupational license. In this subsection,
12 "provider" means a state licensed physician, physician assistant, dentist, osteopath,
13 optometrist, chiropractor, advanced practice registered nurse, pharmacist, naturopath,
14 physical therapist, occupational therapist, marital and family therapist, psychologist,
15 psychological associate, licensed clinical social worker, licensed professional
16 counselor, licensed associate counselor, certified direct-entry midwife, **genetic**
17 **counselor**, or dental hygienist holding an advanced practice permit.

18 * **Sec. 34.** AS 21.36.090(d), as amended by sec. 33 of this Act, is amended to read:

19 (d) Except to the extent necessary to comply with AS 21.42.365 and
20 AS 21.56, a person may not practice or permit unfair discrimination against a person
21 who provides a service covered under a group health insurance policy that extends
22 coverage on an expense incurred basis, or under a group service or indemnity type
23 contract issued by a health maintenance organization or a nonprofit corporation, if the
24 service is within the scope of the provider's occupational license. In this subsection,
25 "provider" means a state licensed physician, physician assistant, dentist, osteopath,
26 optometrist, chiropractor, advanced practice registered nurse, pharmacist, naturopath,
27 **respiratory care practitioner**, physical therapist, occupational therapist, marital and
28 family therapist, psychologist, psychological associate, licensed clinical social worker,
29 licensed professional counselor, licensed associate counselor, certified direct-entry
30 midwife, genetic counselor, or dental hygienist holding an advanced practice permit.

31 * **Sec. 35.** AS 44.29 is amended by adding new sections to read:

1 **Article 5A. Rural Health Transformation Program.**

2 **Sec. 44.29.410. Rural Health Transformation Program Advisory Council.**

3 (a) The Rural Health Transformation Program Advisory Council is established in the
4 department.

5 (b) The council consists of eight members as follows:

6 (1) the deputy commissioner of health, or the deputy commissioner of
7 health's designee, who shall serve as the chair and is a nonvoting member;

8 (2) one member who represents a tribal health organization or
9 consortium, appointed by the governor; in this paragraph, "tribal health
10 organization" means an organization recognized by the United States Indian
11 Health Service to provide health-related services;

12 (3) one member who represents a federally qualified health center or
13 professional organization for federally qualified health centers, appointed by the
14 governor; in this paragraph, "federally qualified health center" has the meaning given
15 in 42 U.S.C. 1396d(l)(2)(B);

16 (4) one member who represents a hospital or professional organization
17 for hospitals, appointed by the governor;

18 (5) one member who represents a local government, appointed by the
19 governor;

20 (6) one member who represents the Alaska Mental Health Trust
21 Authority, appointed by the governor;

22 (7) one member of the house of representatives, appointed by the
23 speaker of the house; and

24 (8) one member of the senate, appointed by the president of the senate.

25 (c) In addition to the qualifications required under (b)(2) - (6) of this section,
26 the governor shall appoint members under (b)(2) - (6) of this section

27 (1) based on interest in public affairs, good judgment, knowledge, and
28 ability in the field of action of the council;

29 (2) with a view to providing diversity of interest and points of view in
30 the membership;

31 (3) without consideration of political affiliation; and

1 (4) so that the members appointed under (b)(2) - (6) of this section
2 collectively represent each judicial district.

3 (d) A member of the council serves at the pleasure of the appointing authority
4 of the member.

5 (e) Members of the council are not entitled to compensation or per diem and
6 travel expenses authorized under AS 39.20.180.

7 (f) The council shall meet in person, telephonically, or by electronic means at
8 least biannually.

9 (g) The council shall advise the department on the state's participation in the
10 rural health transformation program.

11 (h) The council may adopt bylaws for the operation of the council.

12 **Sec. 44.29.420. Department duties.** (a) The department shall

13 (1) establish specific criteria for scoring grant applications;

14 (2) publish on the department's Internet website

15 (A) the state's application for the rural health transformation
16 program, changes to the application, and the state's approved application;

17 (B) the criteria established under (1) of this subsection;

18 (C) annual updates on the grant applications the state receives,
19 the application scores, the grants awarded, how the awarded grants are being
20 used by grantees, and the progress of each grantee in achieving the goals
21 identified in the grantee's application; and

22 (D) annual updates on all state projects funded with money
23 received by the state under the rural health transformation program; and

24 (3) by the first day of each regular session of the legislature, deliver
25 copies of the reports the department submitted to the federal government in the
26 previous year under the rural health transformation program to the senate secretary
27 and the chief clerk of the house of representatives and notify the legislature that the
28 reports are available.

29 (b) The department may use funds received by the state under the rural health
30 transformation program to award grants. The department shall award grants in a
31 manner that addresses the initiatives identified in the state's approved application.

1 **Sec. 44.29.450. Definitions.** In AS 44.29.410 - 44.29.450,

2 (1) "approved application" means an application to participate in the
3 rural health transformation program that has been approved by the federal
4 government;

5 (2) "council" means the Rural Health Transformation Program
6 Advisory Council;

7 (3) "department" means the Department of Health;

8 (4) "rural health transformation program" means the program
9 authorized under 42 U.S.C. 1397ee(h).

10 * **Sec. 36.** AS 44.29.410, 44.29.420, and 44.29.450 are repealed December 31, 2031.

11 * **Sec. 37.** The uncodified law of the State of Alaska is amended by adding a new section to
12 read:

13 TRANSITION: CURRENT GENETIC COUNSELORS. Notwithstanding the
14 licensing requirement of AS 08.53.100, enacted by sec. 7 of this Act, a person who, on the
15 day before the effective date of sec. 7 of this Act, is engaged in the practice of genetic
16 counseling, may continue to practice genetic counseling without a license issued under
17 AS 08.53 by the State Medical Board until July 1, 2027.

18 * **Sec. 38.** The uncodified law of the State of Alaska is amended by adding a new section to
19 read:

20 TRANSITION: INITIAL MEMBERS OF THE GENETIC COUNSELING
21 ADVISORY COUNCIL. (a) The State Medical Board shall appoint the initial members of the
22 Genetic Counseling Advisory Council established in AS 08.53.180, enacted by sec. 7 of this
23 Act, during the first meeting of the board following the effective date of sec. 7 of this Act.

24 (b) Notwithstanding AS 08.53.180(b), enacted by sec. 7 of this Act, a person who is
25 engaged in the practice of genetic counseling on the day before the effective date of sec. 7 of
26 this Act may be appointed by the State Medical Board as an initial member of the Genetic
27 Counseling Advisory Council without a license issued under AS 08.53 by the State Medical
28 Board. A person appointed under this subsection may only continue to serve on the Genetic
29 Counseling Advisory Council after July 1, 2027, if the person obtains a license issued under
30 AS 08.53 by the State Medical Board on or before July 1, 2027.

31 * **Sec. 39.** The uncodified law of the State of Alaska is amended by adding a new section to

1 read:

2 TRANSITION: QUALIFICATIONS TO PRACTICE RESPIRATORY CARE.

3 Notwithstanding the licensing requirements of AS 08.90.010 and 08.90.020, enacted by sec.
4 24 of this Act, a person who, on the day before the effective date of sec. 24 of this Act, is
5 engaged in the practice of respiratory care and is qualified to perform acts within the scope of
6 practice of respiratory care, may continue to perform those acts without a license issued under
7 AS 08.90 by the Department of Commerce, Community, and Economic Development for a
8 period not to exceed one year after the effective date of sec. 24 of this Act.

9 * **Sec. 40.** Sections 1, 3, 5, 24, 26, 28, 30, 34, and 39 of this Act take effect January 1, 2027.