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Gunther
5/4/26

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

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered:
Referred:

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

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the rural health transformation program; relating to audiologist**
2 **licensure; relating to speech-language pathologist licensure; relating to the interstate**
3 **medical licensure compact; relating to the PA licensure compact; relating to**
4 **occupational therapists and occupational therapy assistants; relating to physical therapy**
5 **licensure; relating to the practice of physical therapy; relating to physical therapist**
6 **assistant licensure; relating to the practice of occupational therapy; relating to the**
7 **psychology interjurisdictional compact; relating to the practice of respiratory care;**
8 **relating to the duties of the Department of Commerce, Community, and Economic**
9 **Development; relating to telehealth provided by respiratory care practitioners; relating**
10 **to a social work licensure compact; relating to the practice of social work; relating to**
11 **medical malpractice liability of respiratory care practitioners; relating to immunity**
12 **from civil liability for a respiratory care practitioner providing free health care services;**

1 **relating to national criminal history record checks; relating to respiratory care**
2 **practitioners providing documentation and treatment plans for public school students**
3 **with asthma or anaphylaxis; relating to the recognition of EMS personnel licensure**
4 **interstate compact; prohibiting unfair discrimination under group health insurance**
5 **against respiratory care practitioners; establishing the Rural Health Transformation**
6 **Program Advisory Council; and providing for an effective date."**

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

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

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

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

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

1 tends to show that the person is willing or qualified to diagnose, treat, test, or counsel
2 another person, shall clarify the letters or title by adding the appropriate specialist
3 designation, if any, such as "dermatologist," "radiologist," "audiologist," "naturopath,"
4 or the like.

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

6 (1) "health care provider" means

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

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

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

25 * **Sec. 4.** AS 08.11 is amended by adding a new section to read:

26 **Sec. 08.11.310. Compact privilege applications.** A licensee applying for a
27 compact privilege under AS 08.11.300 shall submit, along with the application, the
28 applicant's fingerprints and the fees required by the Department of Public Safety under
29 AS 12.62.160 for criminal justice information and a national criminal history record
30 check. The board shall forward the fingerprints and fees to the Department of Public
31 Safety to obtain a report of criminal justice information under AS 12.62 and a national

1 criminal history record check under AS 12.62.400. Criminal justice information and
2 criminal history record information obtained under this section may only be used by
3 the department for the purpose of determining an applicant's qualifications and fitness
4 for the compact privilege.

5 * **Sec. 5.** AS 08.64.101(a) is amended to read:

6 (a) The board shall

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

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

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

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

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

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

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

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

31 * **Sec. 6.** AS 08.64.190 is amended by adding a new subsection to read:

1 (b) An applicant applying for an expedited license as a physician or osteopath
2 under AS 08.64.253 or a license as a physician assistant under AS 08.64.107 shall
3 submit, along with the application, the applicant's fingerprints and the fees required by
4 the Department of Public Safety under AS 12.62.160 for criminal justice information
5 and a national criminal history record check. The board shall forward the fingerprints
6 and fees to the Department of Public Safety to obtain a report of criminal justice
7 information under AS 12.62 and a national criminal history record check under
8 AS 12.62.400. Criminal justice information and criminal history record information
9 obtained under this subsection may only be used by the board for the purpose of
10 determining an applicant's qualifications and fitness for a license, expedited license, or
11 compact privilege under this chapter.

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

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

17 SECTION 1. PURPOSE.

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

SECTION 2. DEFINITIONS.

In this compact,

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

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

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

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

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

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

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

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

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

(j) "Physician" means any person who

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

(2) passed each component of the United States Medical Licensing Examination (USMLE) or the Comprehensive Osteopathic Medical Licensing

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

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

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

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

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

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

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

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

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

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

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

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

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

6 SECTION 3. ELIGIBILITY.

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

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

13 SECTION 4. DESIGNATION OF STATE OF PRINCIPAL LICENSE.

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

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

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

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

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

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

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

29 SECTION 5. APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE.

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

1 physician as the state of principal license.

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

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

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

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

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

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

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

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

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

7 SECTION 6. FEES FOR EXPEDITED LICENSURE.

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

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

13 SECTION 7. RENEWAL AND CONTINUED PARTICIPATION.

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

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

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

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

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

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

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

31 (d) Upon receipt of any renewal fees collected in subsection (c), a member

1 board shall renew the physician's license.

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

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

6 SECTION 8. COORDINATED INFORMATION SYSTEM.

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

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

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

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

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

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

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

23 SECTION 9. JOINT INVESTIGATIONS.

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

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

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

31 (d) Member boards may share any investigative, litigation, or compliance

1 materials in furtherance of any joint or individual investigation initiate under the
2 Compact.

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

6 SECTION 10. DISCIPLINARY ACTIONS.

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

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

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

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

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

27 (d) If a license granted to a physician by a member board is revoked,
28 surrendered or relinquished in lieu of discipline, or suspended, then any licenses
29 issued to the physician by any other member boards shall be suspended, automatically
30 and immediately without further action necessary by the other member boards, for
31 ninety (90) days upon entry of the order by the disciplining board, to permit the

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

5 SECTION 11. INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (j) The Interstate Commission shall make its information and official records,

1 to the extent not otherwise designated in the Compact or by its rules, available to the
2 public for inspection.

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

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

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

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

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

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

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

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

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

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

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

30 (i) Purchase and maintain insurance and bonds;

31 (j) Employ an executive director who shall have such powers to employ, select

1 or appoint employees, agents, or consultants, and to determine their qualifications,
2 define their duties, and fix their compensation;

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

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

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

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

12 (o) Establish a budget and make expenditures;

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

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

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

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

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

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

25 SECTION 13. FINANCE POWERS.

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

1 upon all member states.

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

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

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

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

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

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

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

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

30 (e) The liability of the executive director and employees of the Interstate
31 Commission or representatives of the Interstate Commission, acting within the scope

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

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

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

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

29 (a) The Interstate Commission shall promulgate reasonable rules in order to
30 effectively and efficiently achieve the purpose of the Compact. Notwithstanding the
31 foregoing, in the event the Interstate Commission exercises its rulemaking authority in

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

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

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

17 SECTION 16. OVERSIGHT OF INTERSTATE COMPACT.

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

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

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

1 SECTION 17. ENFORCEMENT OF INTERSTATE COMPACT.

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

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

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

15 SECTION 18. DEFAULT PROCEDURES.

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

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

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

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

28 (c) If the defaulting state fails to cure the default, the defaulting state shall be
29 terminated from the Compact upon an affirmative vote of a majority of the
30 Commissioners and all rights, privileges, and benefits conferred by the Compact shall
31 terminate on the effective date of termination. A cure of the default does not relieve

1 the offending state of obligations or liabilities incurred during the period of the
2 default.

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

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

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

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

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

22 SECTION 19. DISPUTE RESOLUTION.

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

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

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

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

30 (b) The Compact shall become effective and binding upon legislative
31 enactment of the Compact into law by no less than seven (7) states. Thereafter, it shall

1 become effective and binding on a state upon enactment of the Compact into law by
2 that state.

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

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

10 SECTION 21. WITHDRAWAL.

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

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

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

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

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

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

30 (g) The Interstate Commission is authorized to develop rules to address the
31 impact of the withdrawal of a member state on licenses granted in other member states

1 to physicians who designated the withdrawing member state as the state of principal
2 license.

3 SECTION 22. DISSOLUTION.

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

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

11 SECTION 23. SEVERABILITY AND CONSTRUCTION.

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

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

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

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

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

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

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

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

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

1 Medical Services and other licensed activity to a patient located in the Remote State
2 under the Remote State's laws and regulations.

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

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

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

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

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

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

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

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

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

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

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

31 (N) "Model Compact" means the model for the PA Licensure Compact on file

1 with The Council of State Governments or other entity as designated by the
2 Commission.

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

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

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

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

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

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

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

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

24 SECTION 3. STATE PARTICIPATION IN THIS COMPACT.

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

26 (1) License PAs.

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

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

30 (4) Notify the Commission, in compliance with the terms of this
31 Compact and Commission Rules, of any Adverse Action against a Licensee or License

1 applicant and the existence of Significant Investigative Information regarding a
2 Licensee or License applicant.

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

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

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

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

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

14 SECTION 4. COMPACT PRIVILEGE.

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

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

19 (2) Hold current NCCPA certification.

20 (3) Have no felony or misdemeanor Conviction.

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

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

25 (6) Hold a Qualifying License.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 SECTION 6. ADVERSE ACTIONS.

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

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

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

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

1 the witnesses or evidence are located.

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

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

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

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

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

22 (F) Joint Investigations.

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

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

30 (G) If an Adverse Action is taken against a PA's Qualifying License, the PA's
31 Compact Privilege in all Remote States shall be deactivated until two (2) years have

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

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

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

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

15 (B) Membership, Voting, and Meetings.

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

20 (2) The delegate shall be either:

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

23 (b) An administrator of a Licensing Board.

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

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

28 (5) Each delegate shall be entitled to one (1) vote on all matters voted
29 on by the Commission and shall otherwise have an opportunity to participate in the
30 business and affairs of the Commission. A delegate shall vote in person or by such
31 other means as provided in the bylaws. The bylaws may provide for delegates'

1 participation in meetings by telecommunications, video conference, or other means of
2 communication.

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

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

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

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

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

10 (3) Establish fees;

11 (4) Establish bylaws;

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

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

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

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

21 (9) Purchase and maintain insurance and bonds;

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

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

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

1 impropriety or conflict of interest;

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

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

7 (15) Establish a budget and make expenditures;

8 (16) Borrow money;

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

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

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

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

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

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

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

28 (D) Meetings of the Commission.

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

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

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

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

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

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

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

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

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

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

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

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

28 (j) Legal advice; or

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

31 (4) If a meeting, or portion of a meeting, is closed pursuant to this

1 provision, the chair of the meeting or the chair's designee shall certify that the meeting
2 or portion of the meeting may be closed and shall reference each relevant exempting
3 provision.

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

10 (E) Financing of the Commission.

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

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

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

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

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

1 required by Commission Rule.

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

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

13 (F) The Executive Committee.

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

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

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

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

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

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

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

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

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

30 (a) Recommend to the Commission changes to the
31 Commission's Rules or bylaws, changes to this Compact legislation, fees to be

1 paid by Compact Participating States such as annual dues, and any
2 Commission Compact fee charged to Licensees for the Compact Privilege;

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

5 (c) Prepare and recommend the budget;

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

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

9 (f) Establish additional committees as necessary;

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

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

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

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

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

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

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

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

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

26 (4) 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 in any proceedings as authorized by
30 Commission Rules.

31 (5) Nothing herein shall be construed as a limitation on the liability of

1 any Licensee for professional malpractice or misconduct, which shall be governed
2 solely by any other applicable State laws.

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

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

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

13 SECTION 8. DATA SYSTEM.

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

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

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

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

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

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

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

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

21 SECTION 9. RULEMAKING.

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (4) The manner in which interested persons may submit notice to the
31 Commission of their intention to attend the public hearing or provide any written

1 comments.

2 (H) 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
4 to the public.

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

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

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

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

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

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

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

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

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

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

31 (4) The Commission shall determine a reasonable effective date for the

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

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

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

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

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

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

29 (A) Oversight.

30 (1) The executive and judicial branches of State government in each
31 Participating State shall enforce this Compact and take all actions necessary and

1 appropriate to implement the Compact.

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

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

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

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

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

29 (3) Termination of participation in this Compact shall be imposed only
30 after all other means of securing compliance have been exhausted. Notice of intent to
31 suspend or terminate shall be given by the Commission to the governor, the majority

1 and minority leaders of the defaulting State's legislature, and to the Licensing Board(s)
2 of each of the Participating States.

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

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

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

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

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

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

26 (C) Dispute Resolution.

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

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

1 (D) Enforcement.

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

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

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

15 (E) Legal Action Against the Commission.

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

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

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

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

28 (1) On or after the effective date of the Compact, the Commission shall
29 convene and review the enactment of each of the States that enacted the Compact prior
30 to the Commission convening ("Charter Participating States") to determine if the
31 statute enacted by each such Charter Participating State is materially different than the

1 Model Compact.

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

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

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

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

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

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

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

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

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

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

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

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

22 SECTION 12. CONSTRUCTION AND SEVERABILITY.

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

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

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

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

14 SECTION 13. BINDING EFFECT OF COMPACT.

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

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

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

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

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

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

1 **(9) expedited license issued or renewed through the Interstate**
2 **Medical Licensure Compact under AS 08.64.253;**

3 **(10) compact privilege.**

4 * **Sec. 9.** AS 08.84.030(a) is amended to read:

5 (a) To be eligible for licensure by the board as a physical therapist or physical
6 therapist assistant, an applicant, unless a graduate of a foreign school of physical
7 therapy located outside the United States, shall

8 (1) have graduated from a professional physical therapy education
9 program that includes supervised field work and is accredited by a national
10 accreditation agency approved by the board;

11 (2) pass, to the satisfaction of the board, an examination prepared by a
12 national testing service approved by the board to determine the applicant's fitness for
13 practice as a physical therapist or physical therapist assistant, or be entitled to
14 licensure without examination as provided in AS 08.84.060;

15 (3) meet qualifications for licensure established in regulations adopted
16 by the board under AS 08.84.010(b); and

17 (4) have been fingerprinted and have provided the fees required by the
18 Department of Public Safety under AS 12.62.160 for criminal justice information and
19 a national criminal history record check; the fingerprints and fees shall be forwarded
20 to the Department of Public Safety to obtain a report of criminal justice information
21 under AS 12.62 and a national criminal history record check under AS 12.62.400;

22 **criminal justice information and criminal history record information obtained**
23 **under this paragraph may only be used by the board for the purpose of**
24 **determining an applicant's qualifications and fitness for the license or a compact**
25 **privilege under AS 08.84.188.**

26 * **Sec. 10.** AS 08.84 is amended by adding a new section to read:

27 **Sec. 08.84.095. Scope of practice for occupational therapists and**
28 **occupational therapy assistants.** (a) An occupational therapist may provide
29 occupational therapy to a person whose ability or opportunity to participate in
30 activities of daily living, play, leisure, or an occupation is or may be limited or
31 restricted because the person has or is at risk of having an injury, disorder,

1 impairment, or disability that limits or restricts the person's ability to engage in an
2 occupation or other goal-oriented task or activity. The therapist may evaluate, analyze,
3 and diagnose the cause of the limitation or restriction and intervene with occupational
4 therapy to decrease or eliminate the cause, help the person recover from or adjust to
5 the limitation or restriction, and restore the person's ability to engage in an occupation
6 or other goal-oriented task or activity.

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

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

11 (1) treating a person's pain;

12 (2) habilitating, rehabilitating, and working with a person to adjust
13 physical, neuromusculoskeletal, cognitive, psychosocial, sensory-perceptive, visual, or
14 other aspects of performance in a variety of contexts to improve or maintain the
15 person's ability to engage in an occupation or other goal-oriented task or activity,
16 regardless of the person's ability-related needs;

17 (3) evaluating and treating a person to promote, enhance, or restore the
18 person's ability to safely perform activities of daily living and instrumental activities
19 of daily living and safely engage in sleep, rest, education, work, play, leisure, health
20 management, and social participation;

21 (4) administering, evaluating, and interpreting tests and measurements
22 of a person's bodily functions and structures;

23 (5) establishing, remediating, preventing, or compensating for a barrier
24 to a person's performance skills; in this paragraph, a barrier to a person's performance
25 skills may include the person's bodily structures and functions, habits, routines, roles,
26 environmental and personal factors, and physical, neuromusculoskeletal, cognitive,
27 psychosocial, sensory perception, communication, interaction, and pain management
28 skills;

29 (6) managing a person's ability to eat, feed themselves, or swallow to
30 improve or maintain eating and feeding performance;

31 (7) designing, fabricating, applying, or fitting assistive technology or

1 an adaptive or orthotic device;

2 (8) training a person to

3 (A) use assistive technology or an adaptive, orthotic, or
4 prosthetic device; and

5 (B) manage the person's seating and positioning;

6 (9) adapting environments and assessing, recommending, and training
7 a person on the techniques the person may use to enhance the person's functional and
8 community mobility;

9 (10) preventing pain and dysfunction, restoring function, or reversing
10 or arresting the progression of a pathology;

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

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

17 (d) An occupational therapist may allow an occupational therapy assistant to
18 assist with or administer occupational therapy that the occupational therapy assistant is
19 professionally competent to assist with or administer, including assessing a patient in
20 an evaluation delegated to the occupational therapy assistant and preparing reports on
21 the assessment for the occupational therapist. The occupational therapist shall
22 supervise the occupational therapy assistant when acting under this subsection.

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

24 * **Sec. 11.** AS 08.84.190(3) is amended to read:

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

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

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

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

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

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

(F) ADAPTING ENVIRONMENTS FOR THE DISABLED;]

* **Sec. 12.** AS 08.84.190(4) is amended to read:

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

* **Sec. 13.** AS 08.84.190 is amended by adding a new paragraph to read:

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

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

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

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

- 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. 15.** 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. 16.** 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. 17.** 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. 18.** 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 the
3 applicant's fingerprints and the fees required by the Department of Public Safety under
4 AS 12.62.160 for criminal justice information and a national criminal history record
5 check. The board shall forward the fingerprints and fees to the Department of Public
6 Safety to obtain a report of criminal justice information under AS 12.62 and a national
7 criminal history record check under AS 12.62.400. Criminal justice information and
8 criminal history record information obtained under this subsection may only be used
9 by the board for the purpose of determining an applicant's qualifications and fitness
10 for a license or authority to practice under this chapter.

11 * **Sec. 19.** 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. 20.** 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 secs. 1 - 3, 21 - 30, 34, 35, 38, and 41 of this Act, the required fees
28 and written evidence, verified by oath, that the applicant was employed in the state to
29 practice respiratory care under the direction of a physician on or before the effective
30 date of secs. 1 - 3, 21 - 30, 34, 35, 38, and 41 of this Act. An applicant issued a license
31 under this subsection may renew the license without meeting the initial licensure

1 requirements provided under (a)(2) and (3) of this section, but is otherwise subject to
2 this chapter.

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

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

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

13 (3) paid the required fees; and

14 (4) met all other requirements established by the department in
15 regulation.

16 **Sec. 08.90.040. Evidence of licensure in other jurisdictions.** An applicant for
17 a license under AS 08.90.020 or 08.90.030 must submit evidence to the department of
18 all licenses granted to the applicant to practice respiratory care in another state, a
19 territory of the United States, or a foreign country and whether that license is in good
20 standing.

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

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

31 (1) providing pulmonary care services that are safe, aseptic, and

1 preventive or restorative to the patient;

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

6 (3) making observations of the patient and monitoring the patient's
7 signs, symptoms, behavior, and physical responses to respiratory therapy treatment to
8 determine whether the patient exhibits any abnormal characteristics and, based on
9 those determinations, refer the patient, implement respiratory therapy protocols, or
10 change the patient's treatment regimen;

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

12 (A) medical gases, excluding general anesthesia;

13 (B) aerosols;

14 (C) humidification;

15 (D) pharmacological agents related to respiratory care
16 procedures;

17 (E) mechanical or physiological ventilatory support;

18 (F) bronchopulmonary hygiene procedures;

19 (G) oxygen therapy;

20 (H) telehealth as permitted under AS 08.02.130;

21 (I) cardiopulmonary disease management; and

22 (J) instruction on tobacco cessation;

23 (5) diagnostic or therapeutic techniques that may be medically
24 essential to maintaining the patient's good respiratory health, including

25 (A) maintaining natural airways;

26 (B) inserting, without cutting tissue, and maintaining artificial
27 airways;

28 (C) collecting blood and other body fluids, including specimens
29 from the respiratory tract;

30 (D) collecting inspired and expired gas samples;

31 (E) analyzing blood samples and respiratory secretions;

- 1 (F) measuring ventilatory volumes, pressures, and flows;
- 2 (G) measuring hemodynamic and other physiological
- 3 parameters of the cardiopulmonary system;
- 4 (H) performing cardiopulmonary resuscitation; and
- 5 (I) implementing and maintaining environmental control
- 6 systems and hyperbaric therapy;
- 7 (6) transcribing the written or oral orders of an authorized provider
- 8 regarding the patient;
- 9 (7) providing instruction and education to the patient on the proper
- 10 methods of providing self-care and preventing cardiopulmonary disease and other
- 11 conditions requiring the use of respiratory care equipment and techniques;
- 12 (8) participating in air and ground transport of the patient;
- 13 (9) inserting and maintaining invasive lines for the patient;
- 14 (10) managing and maintaining an extracorporeal membrane
- 15 oxygenation unit for the patient;
- 16 (11) determining which medically approved respiratory care protocols
- 17 should be followed for the patient, in the absence of an authorized provider, during an
- 18 emergency;
- 19 (12) establishing procedures for administering treatment and testing of
- 20 the patient ordered by an authorized provider to aid diagnosis, patient health
- 21 monitoring, or medical research; and
- 22 (13) providing inhalation and respiratory therapy to the patient.
- 23 (b) A licensee may practice respiratory care in a clinic, hospital, skilled
- 24 nursing facility, or private dwelling. A licensee may practice respiratory care in
- 25 another location if the department determines that the location is appropriate or
- 26 necessary, the location is authorized by a physician in a written or oral order, and the
- 27 practices performed at the location are performed under the supervision of a qualified
- 28 medical director.
- 29 (c) A licensee may perform advanced techniques not ordinarily in the scope of
- 30 practice of respiratory care if the licensee has received formal training to perform
- 31 those techniques from a respiratory care educational program that

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

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

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

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

8 (e) In this section,

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

12 (2) "home health agency" means a public agency or private
13 organization, or a subdivision of a public agency or private organization, that
14 primarily engages in providing skilled nursing services in combination with
15 respiratory therapy, physical therapy, occupational therapy, speech therapy, or services
16 provided by a home health aide to an individual in the individual's home, an assisted
17 living home, or another residential setting;

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

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

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

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

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

31 **Sec. 08.90.070. Disciplinary sanctions.** (a) The department may revoke,

1 suspend, or refuse to issue a license to a person if the department finds that the person

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

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

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

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

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

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

13 (7) failed to meet the standards of practice for respiratory care,
14 including

15 (A) wilfully and repeatedly ordering and performing laboratory
16 tests or studies that were unnecessary and clinically unjustifiable; or

17 (B) administrating treatment that was unnecessary and
18 clinically unjustifiable;

19 (8) violated, or aided or abetted another person in violating, this
20 chapter;

21 (9) has been convicted of

22 (A) a felony that materially affects the ability to safely practice
23 respiratory care; or

24 (B) insurance fraud;

25 (10) failed to disclose that a license to practice respiratory care in
26 another state, a territory of the United States, or a foreign country is not in good
27 standing.

28 (b) When determining whether to refuse to issue a license to an applicant or
29 impose a disciplinary sanction on a licensee under (a)(3) of this section, the
30 department shall consider whether an applicant or licensee is participating in a
31 substance abuse program.

1 **Sec. 08.90.080. Exceptions.** (a) This chapter does not apply to

2 (1) a person licensed in this state under a statute outside this chapter
3 who performs respiratory care within the scope of practice for which the person's
4 license was issued;

5 (2) a student enrolled in an accredited respiratory care educational
6 program who is

7 (A) practicing respiratory care as an integral part of the
8 program; or

9 (B) practicing respiratory care, within limits established by the
10 department, as an employee of a health care provider while a licensee or
11 physician is available to communicate with, consult with, and assist the
12 student;

13 (3) a person who is not a licensee and practices respiratory care as self-
14 care or care for a member of the person's family;

15 (4) a person practicing respiratory care in an emergency;

16 (5) a person practicing respiratory care within the scope of the person's
17 duties while

18 (A) in the armed forces of the United States; or

19 (B) working in a federal facility;

20 (6) a person employed in a diagnostic laboratory, physician's office,
21 clinic, or outpatient treatment facility that is administering treatment or performing
22 diagnostic procedures in that location under the direction of a physician; and

23 (7) a person employed by a durable or home medical equipment
24 company who delivers, calibrates, or maintains respiratory care equipment and does
25 not assess or evaluate patients.

26 (b) A student practicing respiratory care shall use the title

27 (1) "student respiratory care practitioner" or "student R.C.P." if
28 practicing under (a)(2)(A) of this section; and

29 (2) "student respiratory care practitioner," "trainee respiratory care
30 practitioner," "student R.C.P.," or "trainee R.C.P." if practicing under (a)(2)(B) of this
31 section.

1 **Sec. 08.90.090. Criminal penalty.** A person who violates or aids a person in a
2 violation of this chapter is guilty of a class B misdemeanor.

3 **Sec. 08.90.100. Regulations.** The department may adopt regulations to carry
4 out the purposes of this chapter.

5 **Sec. 08.90.990. Definitions.** In this chapter,

6 (1) "accredited respiratory care educational program" means a
7 respiratory care educational program that is

8 (A) accredited by a national health education accrediting body
9 in collaboration with a national respiratory care accrediting body; and

10 (B) approved by the department;

11 (2) "department" means the Department of Commerce, Community,
12 and Economic Development;

13 (3) "licensee" means a person licensed to practice respiratory care
14 under this chapter;

15 (4) "physician" means a person licensed as a physician under
16 AS 08.64.

17 * **Sec. 21.** AS 08.95.030 is amended to read:

18 **Sec. 08.95.030. Duties.** The board shall

19 (1) issue licenses to qualified applicants;

20 (2) adopt regulations

21 (A) requiring that continuing education requirements be
22 satisfied before a license is renewed;

23 (B) establishing a code of professional ethics that a licensee
24 must observe;

25 (C) establishing standards of practice for social work
26 performed by a licensee; [AND]

27 (D) establishing standards for supervisors and for supervision
28 that is required for licensure under AS 08.95.110(a); **and**

29 **(E)** [(3) ADOPT REGULATIONS] necessary to carry out the
30 duties and purpose of this chapter;

31 **(3) implement the Social Work Licensure Compact enacted under**

AS 08.95.200; and

(4) appoint a member of the board to serve as a delegate on the Social Work Licensure Compact Commission established under AS 08.95.200.

* **Sec. 22.** AS 08.95.100(a) is amended to read:

(a) A person who practices clinical social work without obtaining a license under this chapter to practice clinical social work is guilty of a class B misdemeanor unless the person is

(1) licensed under a provision of this title that is outside this chapter, is practicing within the scope of that license, and is not representing to the public by title or description of service as being engaged in the practice of clinical social work; [OR]

(2) practicing clinical social work as a student in a social work program approved by the board; **or**

(3) practicing clinical social work under a multistate authorization to practice.

* **Sec. 23.** AS 08.95.100(b) is amended to read:

(b) A person is guilty of a class B misdemeanor if the person **does not hold a valid license or multistate authorization to practice** [IS NOT LICENSED]

(1) under this chapter and uses the title "social worker" unless the person is exempt from licensure under AS 08.95.911;

(2) as a clinical social worker under this chapter [OR HAS A CLINICAL SOCIAL WORKER LICENSE THAT IS SUSPENDED, REVOKED, OR LAPSED,] and the person

(A) uses in connection with the person's name the words or letters "L.C.S.W.," "Licensed Clinical Social Worker," or other letters, words, or insignia indicating or implying that the person is a licensed clinical social worker; or

(B) in any way, orally or in writing, directly or by implication, holds out as a licensed clinical social worker;

(3) as a master social worker under this chapter [OR HAS A MASTER SOCIAL WORKER LICENSE THAT IS SUSPENDED, REVOKED, OR LAPSED,] and the person

1 (A) uses in connection with the person's name the words or
2 letters "L.M.S.W.," "Licensed Master Social Worker," or other letters, words,
3 or insignia indicating or implying that the person is a licensed master social
4 worker; or

5 (B) in any way, orally or in writing, directly or by implication,
6 holds out as being a licensed master social worker; or

7 (4) as a baccalaureate social worker under this chapter [OR HAS A
8 BACCALAUREATE SOCIAL WORKER LICENSE THAT IS SUSPENDED,
9 REVOKED, OR LAPSED,] and the person

10 (A) uses in connection with the person's name the words or
11 letters "L.B.S.W.," "Licensed Baccalaureate Social Worker," or other letters,
12 words, or insignia indicating or implying that the person is a licensed
13 baccalaureate social worker; or

14 (B) in any way, orally or in writing, directly or by implication,
15 holds out as being a licensed baccalaureate social worker.

16 * **Sec. 24.** AS 08.95.110 is amended by adding a new subsection to read:

17 (d) An applicant for a multistate license as a social worker under
18 AS 08.95.200 shall submit, along with the application, the applicant's fingerprints and
19 the fees required by the Department of Public Safety under AS 12.62.160 for criminal
20 justice information and a national criminal history record check. The board shall
21 forward the fingerprints and fees to the Department of Public Safety to obtain a report
22 of criminal justice information under AS 12.62 and a national criminal history record
23 check under AS 12.62.400. Criminal justice information and criminal history record
24 information obtained under this subsection may only be used by the board for the
25 purpose of determining an applicant's qualifications and fitness for a multistate license
26 under this chapter.

27 * **Sec. 25.** AS 08.95.120 is amended by adding a new subsection to read:

28 (c) This section does not apply to an applicant who is a regulated social
29 worker.

30 * **Sec. 26.** AS 08.95.125 is amended by adding a new subsection to read:

31 (f) This section does not apply to an applicant who is a regulated social

1 worker.

2 * **Sec. 27.** AS 08.95 is amended by adding a new section to read:

3 **Article 2A. Social Work Licensure Compact.**

4 **Sec. 08.95.200. Compact enacted.** The Social Work Licensure Compact as
5 contained in this section is enacted into law and entered into on behalf of the state with
6 all other states and jurisdictions legally joining it in a form substantially as follows:

7 SECTION 1. PURPOSE.

8 The purpose of this Compact is to facilitate interstate practice of Regulated
9 Social Workers by improving public access to competent Social Work Services. The
10 Compact preserves the regulatory authority of States to protect public health and
11 safety through the current system of State licensure.

12 This Compact is designed to achieve the following objectives:

13 (A) Increase public access to Social Work Services;

14 (B) Reduce overly burdensome and duplicative requirements
15 associated with holding multiple licenses;

16 (C) Enhance the Member States' ability to protect the public's health
17 and safety;

18 (D) Encourage the cooperation of Member States in regulating
19 multistate practice;

20 (E) Promote mobility and address workforce shortages by eliminating
21 the necessity for licenses in multiple States by providing for the mutual recognition of
22 other Member State licenses;

23 (F) Support military families;

24 (G) Facilitate the exchange of licensure and disciplinary information
25 among Member States;

26 (H) Authorize all Member States to hold a Regulated Social Worker
27 accountable for abiding by a Member State's laws, regulations, and applicable
28 professional standards in the Member State in which the client is located at the time
29 care is rendered; and

30 (I) Allow for the use of telehealth to facilitate increased access to
31 regulated Social Work Services.

SECTION 2. DEFINITIONS.

As used in this Compact, and except as otherwise provided, the following definitions shall apply:

(A) "Active Military Member" means any individual with full-time duty status in the active armed forces of the United States including members of the National Guard and Reserve.

(B) "Adverse Action" means any administrative, civil, equitable or criminal action permitted by a State's laws which is imposed by a Licensing Authority or other authority against a Regulated Social Worker, including actions against an individual's license or Multistate Authorization to Practice such as revocation, suspension, probation, monitoring of the Licensee, limitation on the Licensee's practice, or any other Encumbrance on licensure affecting a Regulated Social Worker's authorization to practice, including issuance of a cease and desist action.

(C) "Alternative Program" means a non-disciplinary monitoring or practice remediation process approved by a Licensing Authority to address practitioners with an Impairment.

(D) "Charter Member States" means Member States who have enacted legislation to adopt this Compact where such legislation predates the effective date of this Compact as described in Section 14.

(E) "Compact Commission" or "Commission" means the government agency whose membership consists of all States that have enacted this Compact, which is known as the Social Work Licensure Compact Commission, as described in Section 10, and which shall operate as an instrumentality of the Member States.

(F) "Current Significant Investigative Information" means:

(1) Investigative information that a Licensing Authority, after a preliminary inquiry that includes notification and an opportunity for the Regulated Social Worker to respond, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction as may be defined by the Commission; or

(2) Investigative information that indicates that the Regulated Social Worker represents an immediate threat to public health and safety, as

1 may be defined by the Commission, regardless of whether the Regulated
2 Social Worker has been notified and has had an opportunity to respond.

3 (G) "Data System" means a repository of information about Licensees,
4 including continuing education, examination, licensure, Current Significant
5 Investigative Information, Disqualifying Event, Multistate License(s) and Adverse
6 Action information or other information as required by the Commission.

7 (H) "Disqualifying Event" means any Adverse Action or incident
8 which results in an Encumbrance that disqualifies or makes the Licensee ineligible to
9 either obtain, retain or renew a Multistate License.

10 (I) "Domicile" means the jurisdiction in which the Licensee resides
11 and intends to remain indefinitely.

12 (J) "Encumbrance" means a revocation or suspension of, or any
13 limitation on, the full and unrestricted practice of Social Work licensed and regulated
14 by a Licensing Authority.

15 (K) "Executive Committee" means a group of delegates elected or
16 appointed to act on behalf of, and within the powers granted to them by, the Compact
17 and Commission.

18 (L) "Home State" means the Member State that is the Licensee's
19 primary Domicile.

20 (M) "Impairment" means a condition(s) that may impair a
21 practitioner's ability to engage in full and unrestricted practice as a Regulated Social
22 Worker without some type of intervention and may include alcohol and drug
23 dependence, mental health impairment, and neurological or physical impairments.

24 (N) "Licensee(s)" means an individual who currently holds a license
25 from a State to practice as a Regulated Social Worker.

26 (O) "Licensing Authority" means the board or agency of a Member
27 State, or equivalent, that is responsible for the licensing and regulation of Regulated
28 Social Workers.

29 (P) "Member State" means a state, commonwealth, district, or territory
30 of the United States of America that has enacted this Compact.

31 (Q) "Multistate Authorization to Practice" means a legally authorized

1 privilege to practice, which is equivalent to a license, associated with a Multistate
2 License permitting the practice of Social Work in a Remote State.

3 (R) "Multistate License" means a license to practice as a Regulated
4 Social Worker issued by a Home State Licensing Authority that authorizes the
5 Regulated Social Worker to practice in all Member States under Multistate
6 Authorization to Practice.

7 (S) "Qualifying National Exam" means a national licensing
8 examination approved by the Commission.

9 (T) "Regulated Social Worker" means any clinical, master's or
10 bachelor's Social Worker licensed by a Member State regardless of the title used by
11 that Member State.

12 (U) "Remote State" means a Member State other than the Licensee's
13 Home State.

14 (V) "Rule(s)" or "Rule(s) of the Commission" means a regulation or
15 regulations duly promulgated by the Commission, as authorized by the Compact, that
16 has the force of law.

17 (W) "Single State License" means a Social Work license issued by any
18 State that authorizes practice only within the issuing State and does not include
19 Multistate Authorization to Practice in any Member State.

20 (X) "Social Work" or "Social Work Services" means the application of
21 social work theory, knowledge, methods, ethics, and the professional use of self to
22 restore or enhance social, psychosocial, or biopsychosocial functioning of individuals,
23 couples, families, groups, organizations, and communities through the care and
24 services provided by a Regulated Social Worker as set forth in the Member State's
25 statutes and regulations in the State where the services are being provided.

26 (Y) "State" means any state, commonwealth, district, or territory of the
27 United States of America that regulates the practice of Social Work.

28 (Z) "Unencumbered License" means a license that authorizes a
29 Regulated Social Worker to engage in the full and unrestricted practice of Social
30 Work.

31 SECTION 3. STATE PARTICIPATION IN THE COMPACT.

1 (A) To be eligible to participate in the Compact, a potential Member
2 State must currently meet all of the following criteria:

3 (1) License and regulate the practice of Social Work at either
4 the clinical, master's, or bachelor's category.

5 (2) Require applicants for licensure to graduate from a program
6 that is:

7 (a) Operated by a college or university recognized by
8 the Licensing Authority;

9 (b) Accredited, or in candidacy by an institution that
10 subsequently becomes accredited, by an accrediting agency recognized
11 by either:

12 (i) the Council for Higher Education
13 Accreditation, or its successor; or

14 (ii) the United States Department of Education;
15 and

16 (c) Corresponds to the licensure sought as outlined in
17 Section 4.

18 (3) Require applicants for clinical licensure to complete a
19 period of supervised practice.

20 (4) Have a mechanism in place for receiving, investigating, and
21 adjudicating complaints about Licensees.

22 (B) To maintain membership in the Compact a Member State shall:

23 (1) Require that applicants for a Multistate License pass a
24 Qualifying National Exam for the corresponding category of Multistate
25 License sought as outlined in Section 4.

26 (2) Participate fully in the Commission's Data System,
27 including using the Commission's unique identifier as defined in Rules;

28 (3) Notify the Commission, in compliance with the terms of the
29 Compact and Rules, of any Adverse Action or the availability of Current
30 Significant Investigative Information regarding a Licensee;

31 (4) Implement procedures for considering the criminal history

1 records of applicants for a Multistate License. Such procedures shall include
2 the submission of fingerprints or other biometric-based information by
3 applicants for the purpose of obtaining an applicant's criminal history record
4 information from the Federal Bureau of Investigation and the agency
5 responsible for retaining that State's criminal records.

6 (5) Comply with the Rules of the Commission;

7 (6) Require an applicant to obtain or retain a license in the
8 Home State and meet the Home State's qualifications for licensure or renewal
9 of licensure, as well as all other applicable Home State laws;

10 (7) Authorize a Licensee holding a Multistate License in any
11 Member State to practice in accordance with the terms of the Compact and
12 Rules of the Commission; and

13 (8) Designate a delegate to participate in the Commission
14 meetings.

15 (C) A Member State meeting the requirements of Section 3(A) and
16 3(B) of this Compact shall designate the categories of Social Work licensure that are
17 eligible for issuance of a Multistate License for applicants in such Member State. To
18 the extent that any Member State does not meet the requirements for participation in
19 the Compact at any particular category of Social Work licensure, such Member State
20 may choose, but is not obligated to issue, a Multistate License to applicants that
21 otherwise meet the requirements of Section 4 for issuance of a Multistate License in
22 such category or categories of licensure.

23 (D) The Home State may charge a fee for granting the Multistate
24 License.

25 SECTION 4. SOCIAL WORKER PARTICIPATION IN THE COMPACT.

26 (A) To be eligible for a Multistate License under the terms and
27 provisions of the Compact, an applicant, regardless of category, must:

28 (1) Hold or be eligible for an active, Unencumbered License in
29 the Home State;

30 (2) Pay any applicable fees, including any State fee, for the
31 Multistate License;

1 (3) Submit, in connection with an application for a Multistate
2 License, fingerprints or other biometric data for the purpose of obtaining
3 criminal history record information from the Federal Bureau of Investigation
4 and the agency responsible for retaining that State's criminal records;

5 (4) Notify the Home State of any Adverse Action,
6 Encumbrance, or restriction on any professional license taken by any Member
7 State or non-Member State within 30 days from the date the action is taken;

8 (5) Meet any continuing competence requirements established
9 by the Home State;

10 (6) Abide by the laws, regulations, and applicable standards in
11 the Member State where the client is located at the time care is rendered.

12 (B) An applicant for a clinical-category Multistate License must meet
13 all of the following requirements:

14 (1) Fulfill a competency requirement, which shall be satisfied
15 by either:

16 (a) Passage of a clinical-category Qualifying National
17 Exam;

18 (b) Licensure of the applicant in their Home State at the
19 clinical category, beginning prior to such time as a Qualifying National
20 Exam was required by the Home State and accompanied by a period of
21 continuous Social Work licensure thereafter, all of which may be
22 further governed by the Rules of the Commission; or

23 (c) The substantial equivalency of the foregoing
24 competency requirements which the Commission may determine by
25 Rule.

26 (2) Attain at least a master's degree in Social Work from a
27 program that is:

28 (a) Operated by a college or university recognized by
29 the Licensing Authority; and

30 (b) Accredited, or in candidacy that subsequently
31 becomes accredited, by an accrediting agency recognized by either:

1 (i) the Council for Higher Education
2 Accreditation or its successor; or

3 (ii) the United States Department of Education.

4 (3) Fulfill a practice requirement, which shall be satisfied by
5 demonstrating completion of either:

6 (a) A period of postgraduate supervised clinical practice
7 equal to a minimum of three thousand hours;

8 (b) A minimum of two years of full-time postgraduate
9 supervised clinical practice; or

10 (c) The substantial equivalency of the foregoing
11 practice requirements which the Commission may determine by Rule.

12 (C) An applicant for a master's-category Multistate License must meet
13 all of the following requirements:

14 (1) Fulfill a competency requirement, which shall be satisfied
15 by either:

16 (a) Passage of a masters-category Qualifying National
17 Exam;

18 (b) Licensure of the applicant in their Home State at the
19 master's category, beginning prior to such time as a Qualifying
20 National Exam was required by the Home State at the master's category
21 and accompanied by a continuous period of Social Work licensure
22 thereafter, all of which may be further governed by the Rules of the
23 Commission; or

24 (c) The substantial equivalency of the foregoing
25 competency requirements which the Commission may determine by
26 Rule.

27 (2) Attain at least a master's degree in Social Work from a
28 program that is:

29 (a) Operated by a college or university recognized by
30 the Licensing Authority; and

31 (b) Accredited, or in candidacy that subsequently

1 becomes accredited, by an accrediting agency recognized by either:

2 (i) the Council for Higher Education
3 Accreditation or its successor; or

4 (ii) the United States Department of Education.

5 (D) An applicant for a bachelor's-category Multistate License must
6 meet all of the following requirements:

7 (1) Fulfill a competency requirement, which shall be satisfied
8 by either:

9 (a) Passage of a bachelor's-category Qualifying
10 National Exam;

11 (b) Licensure of the applicant in their Home State at the
12 bachelor's category, beginning prior to such time as a Qualifying
13 National Exam was required by the Home State and accompanied by a
14 period of continuous Social Work licensure thereafter, all of which may
15 be further governed by the Rules of the Commission; or

16 (c) The substantial equivalency of the foregoing
17 competency requirements which the Commission may determine by
18 Rule.

19 (2) Attain at least a bachelor's degree in Social Work from a
20 program that is:

21 (a) Operated by a college or university recognized by
22 the Licensing Authority; and

23 (b) Accredited, or in candidacy that subsequently
24 becomes accredited, by an accrediting agency recognized by either:

25 (i) the Council for Higher Education
26 Accreditation or its successor; or

27 (ii) the United States Department of Education.

28 (E) The Multistate License for a Regulated Social Worker is subject to
29 the renewal requirements of the Home State. The Regulated Social Worker must
30 maintain compliance with the requirements of Section 4(A) to be eligible to renew a
31 Multistate License.

1 (F) The Regulated Social Worker's services in a Remote State are
2 subject to that Member State's regulatory authority. A Remote State may, in
3 accordance with due process and that Member State's laws, remove a Regulated Social
4 Worker's Multistate Authorization to Practice in the Remote State for a specific period
5 of time, impose fines, and take any other necessary actions to protect the health and
6 safety of its citizens.

7 (G) If a Multistate License is encumbered, the Regulated Social
8 Worker's Multistate Authorization to Practice shall be deactivated in all Remote States
9 until the Multistate License is no longer encumbered.

10 (H) If a Multistate Authorization to Practice is encumbered in a
11 Remote State, the regulated Social Worker's Multistate Authorization to Practice may
12 be deactivated in that State until the Multistate Authorization to Practice is no longer
13 encumbered.

14 SECTION 5. ISSUANCE OF A MULTISTATE LICENSE.

15 (A) Upon receipt of an application for Multistate License, the Home
16 State Licensing Authority shall determine the applicant's eligibility for a Multistate
17 License in accordance with Section 4 of this Compact.

18 (B) If such applicant is eligible pursuant to Section 4 of this Compact,
19 the Home State Licensing Authority shall issue a Multistate License that authorizes
20 the applicant or Regulated Social Worker to practice in all Member States under a
21 Multistate Authorization to Practice.

22 (C) Upon issuance of a Multistate License, the Home State Licensing
23 Authority shall designate whether the Regulated Social Worker holds a Multistate
24 License in the Bachelors, Masters, or Clinical category of Social Work.

25 (D) A Multistate License issued by a Home State to a resident in that
26 State shall be recognized by all Compact Member States as authorizing Social Work
27 Practice under a Multistate Authorization to Practice corresponding to each category
28 of licensure regulated in each Member State.

29 SECTION 6. AUTHORITY OF INTERSTATE COMPACT COMMISSION AND 30 MEMBER STATE LICENSING AUTHORITIES.

31 (A) Nothing in this Compact, nor any Rule of the Commission, shall

1 be construed to limit, restrict, or in any way reduce the ability of a Member State to
2 enact and enforce laws, regulations, or other rules related to the practice of Social
3 Work in that State, where those laws, regulations, or other rules are not inconsistent
4 with the provisions of this Compact.

5 (B) Nothing in this Compact shall affect the requirements established
6 by a Member State for the issuance of a Single State License.

7 (C) Nothing in this Compact, nor any Rule of the Commission, shall
8 be construed to limit, restrict, or in any way reduce the ability of a Member State to
9 take Adverse Action against a Licensee's Single State License to practice Social Work
10 in that State.

11 (D) Nothing in this Compact, nor any Rule of the Commission, shall
12 be construed to limit, restrict, or in any way reduce the ability of a Remote State to
13 take Adverse Action against a Licensee's Multistate Authorization to Practice in that
14 State.

15 (E) Nothing in this Compact, nor any Rule of the Commission, shall be
16 construed to limit, restrict, or in any way reduce the ability of a Licensee's Home State
17 to take Adverse Action against a Licensee's Multistate License based upon
18 information provided by a Remote State.

19 SECTION 7. REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME STATE.

20 (A) A Licensee can hold a Multistate License, issued by their Home
21 State, in only one Member State at any given time.

22 (B) If a Licensee changes their Home State by moving between two
23 Member States:

24 (1) The Licensee shall immediately apply for the reissuance of
25 their Multistate License in their new Home State. The Licensee shall pay all
26 applicable fees and notify the prior Home State in accordance with the Rules of
27 the Commission.

28 (2) Upon receipt of an application to reissue a Multistate
29 License, the new Home State shall verify that the Multistate License is active,
30 unencumbered and eligible for reissuance under the terms of the Compact and
31 the Rules of the Commission. The Multistate License issued by the prior Home

1 State will be deactivated and all Member States notified in accordance with the
2 applicable Rules adopted by the Commission.

3 (3) Prior to the reissuance of the Multistate License, the new
4 Home State shall conduct procedures for considering the criminal history
5 records of the Licensee. Such procedures shall include the submission of
6 fingerprints or other biometric-based information by applicants for the purpose
7 of obtaining an applicant's criminal history record information from the
8 Federal Bureau of Investigation and the agency responsible for retaining that
9 State's criminal records.

10 (4) If required for initial licensure, the new Home State may
11 require completion of jurisprudence requirements in the new Home State.

12 (5) Notwithstanding any other provision of this Compact, if a
13 Licensee does not meet the requirements set forth in this Compact for the
14 reissuance of a Multistate License by the new Home State, then the Licensee
15 shall be subject to the new Home State requirements for the issuance of a
16 Single State License in that State.

17 (C) If a Licensee changes their primary State of residence by moving
18 from a Member State to a non-Member State, or from a non-Member State to a
19 Member State, then the Licensee shall be subject to the State requirements for the
20 issuance of a Single State License in the new Home State.

21 (D) Nothing in this Compact shall interfere with a Licensee's ability to
22 hold a Single State License in multiple States; however, for the purposes of this
23 Compact, a Licensee shall have only one Home State, and only one Multistate
24 License.

25 (E) Nothing in this Compact shall interfere with the requirements
26 established by a Member State for the issuance of a Single State License.

27 SECTION 8. MILITARY FAMILIES.

28 An Active Military Member or their spouse shall designate a Home State
29 where the individual has a Multistate License. The individual may retain their Home
30 State designation during the period the service member is on active duty.

31 SECTION 9. ADVERSE ACTIONS.

1 (A) In addition to the other powers conferred by State law, a Remote
2 State shall have the authority, in accordance with existing State due process law, to:

3 (1) Take Adverse Action against a Regulated Social Worker's
4 Multistate Authorization to Practice only within that Member State, and issue
5 subpoenas for both hearings and investigations that require the attendance and
6 testimony of witnesses as well as the production of evidence. Subpoenas issued
7 by a Licensing Authority in a Member State for the attendance and testimony
8 of witnesses or the production of evidence from another Member State shall be
9 enforced in the latter State by any court of competent jurisdiction, according to
10 the practice and procedure of that court applicable to subpoenas issued in
11 proceedings pending before it. The issuing Licensing Authority shall pay any
12 witness fees, travel expenses, mileage, and other fees required by the service
13 statutes of the State in which the witnesses or evidence are located.

14 (2) Only the Home State shall have the power to take Adverse
15 Action against a Regulated Social Worker's Multistate License.

16 (B) For purposes of taking Adverse Action, the Home State shall give
17 the same priority and effect to reported conduct received from a Member State as it
18 would if the conduct had occurred within the Home State. In so doing, the Home State
19 shall apply its own State laws to determine appropriate action.

20 (C) The Home State shall complete any pending investigations of a
21 Regulated Social Worker who changes their Home State during the course of the
22 investigations. The Home State shall also have the authority to take appropriate
23 action(s) and shall promptly report the conclusions of the investigations to the
24 administrator of the Data System. The administrator of the Data System shall promptly
25 notify the new Home State of any Adverse Actions.

26 (D) A Member State, if otherwise permitted by State law, may recover
27 from the affected Regulated Social Worker the costs of investigations and dispositions
28 of cases resulting from any Adverse Action taken against that Regulated Social
29 Worker.

30 (E) A Member State may take Adverse Action based on the factual
31 findings of another Member State, provided that the Member State follows its own

1 procedures for taking the Adverse Action.

2 (F) Joint Investigations:

3 (1) In addition to the authority granted to a Member State by its
4 respective Social Work practice act or other applicable State law, any Member
5 State may participate with other Member States in joint investigations of
6 Licensees.

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

10 (G) If Adverse Action is taken by the Home State against the
11 Multistate License of a Regulated Social Worker, the Regulated Social Worker's
12 Multistate Authorization to Practice in all other Member States shall be deactivated
13 until all Encumbrances have been removed from the Multistate License. All Home
14 State disciplinary orders that impose Adverse Action against the license of a
15 Regulated Social Worker shall include a statement that the Regulated Social Worker's
16 Multistate Authorization to Practice is deactivated in all Member States until all
17 conditions of the decision, order or agreement are satisfied.

18 (H) If a Member State takes Adverse Action, it shall promptly notify
19 the administrator of the Data System. The administrator of the Data System shall
20 promptly notify the Home State and all other Member States of any Adverse Actions
21 by Remote States.

22 (I) Nothing in this Compact shall override a Member State's decision
23 that participation in an Alternative Program may be used in lieu of Adverse Action.

24 (J) Nothing in this Compact shall authorize a Member State to demand
25 the issuance of subpoenas for attendance and testimony of witnesses or the production
26 of evidence from another Member State for lawful actions within that Member State.

27 (K) Nothing in this Compact shall authorize a Member State to impose
28 discipline against a Regulated Social Worker who holds a Multistate Authorization to
29 Practice for lawful actions within another Member State.

30 SECTION 10. ESTABLISHMENT OF SOCIAL WORK LICENSURE COMPACT

31 COMMISSION.

1 (A) The Compact Member States hereby create and establish a joint
2 government agency whose membership consists of all Member States that have
3 enacted the Compact known as the Social Work Licensure Compact Commission. The
4 Commission is an instrumentality of the Compact States acting jointly and not an
5 instrumentality of any one State. The Commission shall come into existence on or
6 after the effective date of the Compact as set forth in Section 14.

7 (B) Membership, Voting, and Meetings

8 (1) Each Member State shall have and be limited to one (1)
9 delegate selected by that Member State's State Licensing Authority.

10 (2) The delegate shall be either:

11 (a) A current member of the State Licensing Authority
12 at the time of appointment, who is a Regulated Social Worker or public
13 member of the State Licensing Authority; or

14 (b) An administrator of the State Licensing Authority or
15 their designee.

16 (3) The Commission shall by Rule or bylaw establish a term of
17 office for delegates and may by Rule or bylaw establish term limits.

18 (4) The Commission may recommend removal or suspension
19 of any delegate from office.

20 (5) A Member State's State Licensing Authority shall fill any
21 vacancy of its delegate occurring on the Commission within 60 days of the
22 vacancy.

23 (6) Each delegate shall be entitled to one vote on all matters
24 before the Commission requiring a vote by Commission delegates.

25 (7) A delegate shall vote in person or by such other means as
26 provided in the bylaws. The bylaws may provide for delegates to meet by
27 telecommunication, videoconference, or other means of communication.

28 (8) The Commission shall meet at least once during each
29 calendar year. Additional meetings may be held as set forth in the bylaws. The
30 Commission may meet by telecommunication, videoconference, or other
31 similar electronic means.

1 (C) The Commission shall have the following powers:

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

3 (2) Establish code of conduct and conflict of interest policies;

4 (3) Establish and amend Rules and bylaws;

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

7 (5) Meet and take such actions as are consistent with the
8 provisions of this Compact, the Commission's Rules, and the bylaws;

9 (6) Initiate and conclude legal proceedings or actions in the
10 name of the Commission, provided that the standing of any State Licensing
11 Board to sue or be sued under applicable law shall not be affected;

12 (7) Maintain and certify records and information provided to a
13 Member State as the authenticated business records of the Commission, and
14 designate an agent to do so on the Commission's behalf;

15 (8) Purchase and maintain insurance and bonds;

16 (9) Borrow, accept, or contract for services of personnel,
17 including, but not limited to, employees of a Member State;

18 (10) Conduct an annual financial review;

19 (11) Hire employees, elect or appoint officers, fix
20 compensation, define duties, grant such individuals appropriate authority to
21 carry out the purposes of the Compact, and establish the Commission's
22 personnel policies and programs relating to conflicts of interest, qualifications
23 of personnel, and other related personnel matters;

24 (12) Assess and collect fees;

25 (13) Accept any and all appropriate gifts, donations, grants of
26 money, other sources of revenue, equipment, supplies, materials, and services,
27 and receive, utilize, and dispose of the same; provided that at all times the
28 Commission shall avoid any appearance of impropriety or conflict of interest;

29 (14) Lease, purchase, retain, own, hold, improve, or use any
30 property, real, personal, or mixed, or any undivided interest therein;

31 (15) Sell, convey, mortgage, pledge, lease, exchange, abandon,

1 or otherwise dispose of any property real, personal, or mixed;

2 (16) Establish a budget and make expenditures;

3 (17) Borrow money;

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

8 (19) Provide and receive information from, and cooperate with,
9 law enforcement agencies;

10 (20) Establish and elect an Executive Committee, including a
11 chair and a vice chair;

12 (21) Determine whether a State's adopted language is
13 materially different from the model Compact language such that the State
14 would not qualify for participation in the Compact; and

15 (22) Perform such other functions as may be necessary or
16 appropriate to achieve the purposes of this Compact.

17 (D) The Executive Committee

18 (1) The Executive Committee shall have the power to act on
19 behalf of the Commission according to the terms of this Compact. The powers,
20 duties, and responsibilities of the Executive Committee shall include:

21 (a) Oversee the day-to-day activities of the
22 administration of the Compact including enforcement and compliance
23 with the provisions of the Compact, its Rules and bylaws, and other
24 such duties as deemed necessary;

25 (b) Recommend to the Commission changes to the
26 Rules or bylaws, changes to this Compact legislation, fees charged to
27 Compact Member States, fees charged to Licensees, and other fees;

28 (c) Ensure Compact administration services are
29 appropriately provided, including by contract;

30 (d) Prepare and recommend the budget;

31 (e) Maintain financial records on behalf of the

Commission;

(f) Monitor Compact compliance of Member States and provide compliance reports to the Commission;

(g) Establish additional committees as necessary;

(h) Exercise the powers and duties of the Commission during the interim between Commission meetings, except for adopting or amending Rules, adopting or amending bylaws, and exercising any other powers and duties expressly reserved to the Commission by Rule or bylaw; and

(i) Other duties as provided in the Rules or bylaws of the Commission.

(2) The Executive Committee shall be composed of up to eleven (11) members:

(a) The chair and vice chair of the Commission shall be voting members of the Executive Committee;

(b) The Commission shall elect five (5) voting members from the current membership of the Commission;

(c) Up to four (4) ex-officio, nonvoting members from four (4) recognized national Social Work organizations; and

(d) The ex-officio members will be selected by their respective organizations.

(3) The Commission may remove any member of the Executive Committee as provided in the Commission's bylaws.

(4) The Executive Committee shall meet at least annually.

(a) Executive Committee meetings shall be open to the public, except that the Executive Committee may meet in a closed, non-public meeting as provided in subsection F(2) below.

(b) The Executive Committee shall give seven (7) days' notice of its meetings, posted on its website and as determined to provide notice to persons with an interest in the business of the Commission.

1 (c) The Executive Committee may hold a special
2 meeting in accordance with subsection F(1)(b) below.

3 (E) The Commission shall adopt and provide to the Member States an
4 annual report.

5 (F) Meetings of the Commission

6 (1) All meetings shall be open to the public, except that the
7 Commission may meet in a closed, non-public meeting as provided in
8 subsection F(2) below.

9 (a) Public notice for all meetings of the full
10 Commission shall be given in the same manner as required under the
11 Rulemaking provisions in Section 12, except that the Commission may
12 hold a special meeting as provided in subsection F(1)(b) below.

13 (b) The Commission may hold a special meeting when
14 it must meet to conduct emergency business by giving 48 hours' notice
15 to all commissioners, on the Commission's website, and other means as
16 provided in the Commission's Rules. The Commission's legal counsel
17 shall certify that the Commission's need to meet qualifies as an
18 emergency.

19 (2) The Commission or the Executive Committee or other
20 committees of the Commission may convene in a closed, non-public meeting
21 for the Commission or Executive Committee or other committees of the
22 Commission to receive legal advice or to discuss:

23 (a) Non-compliance of a Member State with its
24 obligations under the Compact;

25 (b) The employment, compensation, discipline or other
26 matters, practices or procedures related to specific employees;

27 (c) Current or threatened discipline of a Licensee by the
28 Commission or by a Member State's Licensing Authority;

29 (d) Current, threatened, or reasonably anticipated
30 litigation;

31 (e) Negotiation of contracts for the purchase, lease, or

1 sale of goods, services, or real estate;

2 (f) Accusing any person of a crime or formally
3 censuring any person;

4 (g) Trade secrets or commercial or financial
5 information that is privileged or confidential;

6 (h) Information of a personal nature where disclosure
7 would constitute a clearly unwarranted invasion of personal privacy;

8 (i) Investigative records compiled for law enforcement
9 purposes;

10 (j) Information related to any investigative reports
11 prepared by or on behalf of or for use of the Commission or other
12 committee charged with responsibility of investigation or determination
13 of compliance issues pursuant to the Compact;

14 (k) Matters specifically exempted from disclosure by
15 federal or Member State law; or

16 (l) Other matters as promulgated by the Commission by
17 Rule.

18 (3) If a meeting, or portion of a meeting, is closed, the
19 presiding officer shall state that the meeting will be closed and reference each
20 relevant exempting provision, and such reference shall be recorded in the
21 minutes.

22 (4) The Commission shall keep minutes that fully and clearly
23 describe all matters discussed in a meeting and shall provide a full and accurate
24 summary of actions taken, and the reasons therefore, including a description of
25 the views expressed. All documents considered in connection with an action
26 shall be identified in such minutes. All minutes and documents of a closed
27 meeting shall remain under seal, subject to release only by a majority vote of
28 the Commission or order of a court of competent jurisdiction.

29 (G) Financing of the Commission

30 (1) The Commission shall pay, or provide for the payment of,
31 the reasonable expenses of its establishment, organization, and ongoing

1 activities.

2 (2) The Commission may accept any and all appropriate
3 revenue sources as provided in subsection C(13).

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

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

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

23 (H) Qualified Immunity, Defense, and Indemnification

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

1 protect any such person from suit or liability for any damage, loss, injury, or
2 liability caused by the intentional or willful or wanton misconduct of that
3 person. The procurement of insurance of any type by the Commission shall not
4 in any way compromise or limit the immunity granted hereunder.

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

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

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

28 (5) Nothing in this Compact shall be interpreted to waive or
29 otherwise abrogate a Member State's state action immunity or state action
30 affirmative defense with respect to antitrust claims under the Sherman Act,
31 Clayton Act, or any other State or federal antitrust or anticompetitive law or

1 regulation.

2 (6) Nothing in this Compact shall be construed to be a waiver
3 of sovereign immunity by the Member States or by the Commission.

4 SECTION 11. DATA SYSTEM.

5 (A) The Commission shall provide for the development, maintenance,
6 operation, and utilization of a coordinated Data System.

7 (B) The Commission shall assign each applicant for a Multistate
8 License a unique identifier, as determined by the Rules of the Commission.

9 (C) Notwithstanding any other provision of State law to the contrary, a
10 Member State shall submit a uniform data set to the Data System on all individuals to
11 whom this Compact is applicable as required by the Rules of the Commission,
12 including:

13 (1) Identifying information;

14 (2) Licensure data;

15 (3) Adverse Actions against a license and information related
16 thereto;

17 (4) Non-confidential information related to Alternative
18 Program participation, the beginning and ending dates of such participation,
19 and other information related to such participation not made confidential under
20 Member State law;

21 (5) Any denial of application for licensure, and the reason(s)
22 for such denial;

23 (6) The presence of Current Significant Investigative
24 Information; and

25 (7) Other information that may facilitate the administration of
26 this Compact or the protection of the public, as determined by the Rules of the
27 Commission.

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

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

2 (E) Current Significant Investigative Information pertaining to a
3 Licensee in any Member State will only be available to other Member States.

4 (1) It is the responsibility of the Member States to report any
5 Adverse Action against a Licensee and to monitor the database to determine
6 whether Adverse Action has been taken against a Licensee. Adverse Action
7 information pertaining to a Licensee in any Member State will be available to
8 any other Member State.

9 (F) Member States contributing information to the Data System may
10 designate information that may not be shared with the public without the express
11 permission of the contributing State.

12 (G) Any information submitted to the Data System that is subsequently
13 expunged pursuant to federal law or the laws of the Member State contributing the
14 information shall be removed from the Data System.

15 SECTION 12. RULEMAKING.

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

23 (B) The Rules of the Commission shall have the force of law in each
24 Member State, provided however that, where the Rules of the Commission conflict
25 with the laws of the Member State that establish the Member State's laws, regulations,
26 and applicable standards that govern the practice of Social Work as held by a court of
27 competent jurisdiction, the Rules of the Commission shall be ineffective in that State
28 to the extent of the conflict.

29 (C) The Commission shall exercise its Rulemaking powers pursuant to
30 the criteria set forth in this Section and the Rules adopted thereunder. Rules shall
31 become binding on the day following adoption or the date specified in the rule or

1 amendment, whichever is later.

2 (D) If a majority of the legislatures of the Member States rejects a Rule
3 or portion of a Rule, by enactment of a statute or resolution in the same manner used
4 to adopt the Compact within four (4) years of the date of adoption of the Rule, then
5 such Rule shall have no further force and effect in any Member State.

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

8 (F) Prior to adoption of a proposed Rule, the Commission shall hold a
9 public hearing and allow persons to provide oral and written comments, data, facts,
10 opinions, and arguments.

11 (G) Prior to adoption of a proposed Rule by the Commission, and at
12 least thirty (30) days in advance of the meeting at which the Commission will hold a
13 public hearing on the proposed Rule, the Commission shall provide a Notice of
14 Proposed Rulemaking:

15 (1) On the website of the Commission or other publicly
16 accessible platform;

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

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

21 (H) The Notice of Proposed Rulemaking shall include:

22 (1) The time, date, and location of the public hearing at which
23 the Commission will hear public comments on the proposed Rule and, if
24 different, the time, date, and location of the meeting where the Commission
25 will consider and vote on the proposed Rule;

26 (2) If the hearing is held via telecommunication, video
27 conference, or other electronic means, the Commission shall include the
28 mechanism for access to the hearing in the Notice of Proposed Rulemaking;

29 (3) The text of the proposed Rule and the reason therefor;

30 (4) A request for comments on the proposed Rule from any
31 interested person; and

1 (5) The manner in which interested persons may submit written
2 comments.

3 (I) All hearings will be recorded. A copy of the recording and all
4 written comments and documents received by the Commission in response to the
5 proposed Rule shall be available to the public.

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

9 (K) The Commission shall, by majority vote of all members, take final
10 action on the proposed Rule based on the Rulemaking record and the full text of the
11 Rule.

12 (1) The Commission may adopt changes to the proposed Rule
13 provided the changes do not enlarge the original purpose of the proposed Rule.

14 (2) The Commission shall provide an explanation of the
15 reasons for substantive changes made to the proposed Rule as well as reasons
16 for substantive changes not made that were recommended by commenters.

17 (3) The Commission shall determine a reasonable effective date
18 for the Rule. Except for an emergency as provided in Section 12(L), the
19 effective date of the rule shall be no sooner than 30 days after issuing the
20 notice that it adopted or amended the Rule.

21 (L) Upon determination that an emergency exists, the Commission
22 may consider and adopt an emergency Rule with 48 hours' notice, with opportunity to
23 comment, provided that the usual Rulemaking procedures provided in the Compact
24 and in this section shall be retroactively applied to the Rule as soon as reasonably
25 possible, in no event later than ninety (90) days after the effective date of the Rule. For
26 the purposes of this provision, an emergency Rule is one that must be adopted
27 immediately in order to:

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

29 (2) Prevent a loss of Commission or Member State funds;

30 (3) Meet a deadline for the promulgation of a Rule that is
31 established by federal law or rule; or

1 (4) Protect public health and safety.

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

12 (N) No Member State's rulemaking requirements shall apply under this
13 Compact.

14 SECTION 13. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT.

15 (A) Oversight

16 (1) The executive and judicial branches of State government in
17 each Member State shall enforce this Compact and take all actions necessary
18 and appropriate to implement the Compact.

19 (2) Except as otherwise provided in this Compact, venue is
20 proper and judicial proceedings by or against the Commission shall be brought
21 solely and exclusively in a court of competent jurisdiction where the principal
22 office of the Commission is located. The Commission may waive venue and
23 jurisdictional defenses to the extent it adopts or consents to participate in
24 alternative dispute resolution proceedings. Nothing herein shall affect or limit
25 the selection or propriety of venue in any action against a Licensee for
26 professional malpractice, misconduct or any such similar matter.

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

1 Rules.

2 (B) Default, Technical Assistance, and Termination

3 (1) If the Commission determines that a Member State has
4 defaulted in the performance of its obligations or responsibilities under this
5 Compact or the promulgated Rules, the Commission shall provide written
6 notice to the defaulting State. The notice of default shall describe the default,
7 the proposed means of curing the default, and any other action that the
8 Commission may take, and shall offer training and specific technical assistance
9 regarding the default.

10 (2) The Commission shall provide a copy of the notice of
11 default to the other Member States.

12 (C) If a State in default fails to cure the default, the defaulting State
13 may be terminated from the Compact upon an affirmative vote of a majority of the
14 delegates of the Member States, and all rights, privileges and benefits conferred on
15 that State by this Compact may be terminated on the effective date of termination. A
16 cure of the default does not relieve the offending State of obligations or liabilities
17 incurred during the period of default.

18 (D) Termination of membership in the Compact shall be imposed only
19 after all other means of securing compliance have been exhausted. Notice of intent to
20 suspend or terminate shall be given by the Commission to the governor, the majority
21 and minority leaders of the defaulting State's legislature, the defaulting State's State
22 Licensing Authority and each of the Member States' State Licensing Authority.

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

26 (F) Upon the termination of a State's membership from this Compact,
27 that State shall immediately provide notice to all Licensees within that State of such
28 termination. The terminated State shall continue to recognize all licenses granted
29 pursuant to this Compact for a minimum of six (6) months after the date of said notice
30 of termination.

31 (G) The Commission shall not bear any costs related to a State that is

1 found to be in default or that has been terminated from the Compact, unless agreed
2 upon in writing between the Commission and the defaulting State.

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

7 (I) Dispute Resolution

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

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

13 (J) Enforcement

14 (1) By majority vote as provided by Rule, the Commission may
15 initiate legal action against a Member State in default in the United States
16 District Court for the District of Columbia or the federal district where the
17 Commission has its principal offices to enforce compliance with the provisions
18 of the Compact and its promulgated Rules. The relief sought may include both
19 injunctive relief and damages. In the event judicial enforcement is necessary,
20 the prevailing party shall be awarded all costs of such litigation, including
21 reasonable attorney's fees. The remedies herein shall not be the exclusive
22 remedies of the Commission. The Commission may pursue any other remedies
23 available under federal or the defaulting Member State's law.

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

31 (3) No person other than a Member State shall enforce this

1 Compact against the Commission.

2 SECTION 14. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT.

3 (A) The Compact shall come into effect on the date on which the
4 Compact statute is enacted into law in the seventh Member State.

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

10 (a) A Charter Member State whose enactment is found
11 to be materially different from the model Compact statute shall be
12 entitled to the default process set forth in Section 13.

13 (b) If any Member State is later found to be in default,
14 or is terminated or withdraws from the Compact, the Commission shall
15 remain in existence and the Compact shall remain in effect even if the
16 number of Member States should be less than seven.

17 (2) Member States enacting the Compact subsequent to the
18 seven initial Charter Member States shall be subject to the process set forth in
19 Section 10(C)(21) to determine if their enactments are materially different
20 from the model Compact statute and whether they qualify for participation in
21 the Compact.

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

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

1 in that State.

2 (B) Any Member State may withdraw from this Compact by enacting a
3 statute repealing the same.

4 (1) A Member State's withdrawal shall not take effect until 180
5 days after enactment of the repealing statute.

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

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

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

20 (D) This Compact may be amended by the Member States. No
21 amendment to this Compact shall become effective and binding upon any Member
22 State until it is enacted into the laws of all Member States.

23 SECTION 15. CONSTRUCTION AND SEVERABILITY.

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

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

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

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

14 SECTION 16. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS.

15 (A) A Licensee providing services in a Remote State under a
16 Multistate Authorization to Practice shall adhere to the laws and regulations, including
17 laws, regulations, and applicable standards, of the Remote State where the client is
18 located at the time care is rendered.

19 (B) Nothing herein shall prevent or inhibit the enforcement of any
20 other law of a Member State that is not inconsistent with the Compact.

21 (C) Any laws, statutes, regulations, or other legal requirements in a
22 Member State in conflict with the Compact are superseded to the extent of the conflict.

23 (D) All permissible agreements between the Commission and the
24 Member States are binding in accordance with their terms.

25 * **Sec. 28.** AS 08.95.990 is amended by adding new paragraphs to read:

26 (8) "multistate authorization to practice" has the meaning given in
27 AS 08.95.200;

28 (9) "regulated social worker" has the meaning given in AS 08.95.200.

29 * **Sec. 29.** AS 09.55.560(2) is amended to read:

30 (2) "health care provider" means an acupuncturist licensed under
31 AS 08.06; an audiologist or speech-language pathologist licensed under AS 08.11; a

1 chiropractor licensed under AS 08.20; a dental hygienist licensed under AS 08.32; a
2 dentist licensed under AS 08.36; a nurse licensed under AS 08.68; a dispensing
3 optician licensed under AS 08.71; a naturopath licensed under AS 08.45; an
4 optometrist licensed under AS 08.72; a pharmacist licensed under AS 08.80; **a**
5 **respiratory care practitioner licensed under AS 08.90;** a physical therapist or
6 occupational therapist licensed under AS 08.84; a physician or physician assistant
7 licensed under AS 08.64; a podiatrist; a psychologist and a psychological associate
8 licensed under AS 08.86; a hospital as defined in AS 47.32.900, including a
9 governmentally owned or operated hospital; an employee of a health care provider
10 acting within the course and scope of employment; an ambulatory surgical facility and
11 other organizations whose primary purpose is the delivery of health care, including a
12 health maintenance organization, individual practice association, integrated delivery
13 system, preferred provider organization or arrangement, and a physical hospital
14 organization;

15 * **Sec. 30.** AS 09.65.300(c)(1) is amended to read:

16 (1) "health care provider" means a physician, physician assistant,
17 dentist, dental hygienist, osteopath, optometrist, chiropractor, registered nurse,
18 practical nurse, advanced practice registered nurse, naturopath, **respiratory care**
19 **practitioner,** physical therapist, occupational therapist, marital and family therapist,
20 psychologist, psychological associate, behavior analyst, assistant behavior analyst,
21 licensed clinical social worker, athletic trainer, certified direct-entry midwife, licensed
22 professional counselor, or licensed associate counselor;

23 * **Sec. 31.** AS 12.62.400(a)(4) is amended to read:

24 (4) licensure to practice audiology or speech-language pathology under
25 AS 08.11, **including a compact privilege to practice as an audiologist or speech-**
26 **language pathologist under AS 08.11.300;**

27 * **Sec. 32.** AS 12.62.400(a)(10) is amended to read:

28 (10) licensure as a physical therapist, physical therapist assistant,
29 occupational therapist, or occupational therapy assistant under AS 08.84, **including a**
30 **compact privilege to practice as a physical therapist or physical therapist**
31 **assistant under AS 08.84.188;**

1 * **Sec. 33.** AS 12.62.400(a) is amended by adding new paragraphs to read:

2 (26) expedited licensure as a physician or osteopath under
3 AS 08.64.253;

4 (27) licensure as a physician assistant under AS 08.64.107, including a
5 compact privilege under AS 08.64.254;

6 (28) licensure as a psychologist under AS 08.86, including an authority
7 to practice under AS 08.86.225;

8 (29) certification or licensure as an emergency medical technician or
9 mobile intensive care paramedic under AS 18.08 or as an advanced emergency
10 medical technician under regulations adopted under AS 18.08, including a privilege to
11 practice under AS 18.08.105.

12 * **Sec. 34.** AS 12.62.400(a), as amended by sec. 33 of this Act, is amended by adding a new
13 paragraph to read:

14 (30) multistate licensure as a social worker under AS 08.95.200.

15 * **Sec. 35.** AS 14.30.141(e) is amended to read:

16 (e) In this section, "health care provider" means a licensed physician,
17 advanced practice registered nurse, **respiratory care practitioner**, physician assistant,
18 village health aide, or pharmacist operating within the scope of the health care
19 provider's authority.

20 * **Sec. 36.** AS 18.08.082 is amended by adding new subsections to read:

21 (d) An applicant for a license or certificate as an emergency medical
22 technician or mobile intensive care paramedic under this section or as an advanced
23 emergency medical technician under regulations adopted under this chapter shall
24 submit to the department the applicant's fingerprints and the fees required by the
25 Department of Public Safety under AS 12.62.160 for criminal justice information and
26 a national criminal history record check. The department shall forward the fingerprints
27 and fees to the Department of Public Safety to obtain a report of criminal justice
28 information under AS 12.62 and a national criminal history record check under
29 AS 12.62.400. Criminal justice information and criminal history record information
30 obtained under this subsection may only be used by the department for the purpose of
31 determining an applicant's qualifications and fitness for a license or privilege to

1 practice under this chapter.

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

4 * **Sec. 37.** AS 18.08 is amended by adding a new section to read:

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

9 SECTION 1. PURPOSE.

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

- 21 (1) increase public access to EMS personnel;
- 22 (2) enhance the states' ability to protect the public's health and safety,
23 especially patient safety;
- 24 (3) encourage the cooperation of member states in the areas of EMS
25 personnel licensure and regulation;
- 26 (4) support licensing of military members who are separating from an
27 active-duty tour and their spouses;
- 28 (5) facilitate the exchange of information between member states
29 regarding EMS personnel licensure, adverse action and significant investigatory
30 information;
- 31 (6) promote compliance with the laws governing EMS personnel

1 practice in each member state; and

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

4 SECTION 2. DEFINITIONS.

5 In this Compact:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (P) "Scope of Practice" means: defined parameters of various duties or
20 services that may be provided by an individual with specific credentials. Whether
21 regulated by rule, statute, or court decision, it tends to represent the limits of services
22 an individual may perform.

23 (Q) "Significant Investigatory Information" means:

24 (1) investigative information that a state EMS authority, after a
25 preliminary inquiry that includes notification and an opportunity to respond if required
26 by state law, has reason to believe, if proved true, would result in the imposition of an
27 adverse action on a license or privilege to practice; or

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

31 (R) "State" means: any state, commonwealth, district, or territory of the

1 United States.

2 (S) "State EMS Authority" means: the board, office, or other agency with the
3 legislative mandate to license EMS personnel.

4 SECTION 3. HOME STATE LICENSURE.

5 (A) Any member state in which an individual holds a current license shall be
6 deemed a home state for purposes of this Compact.

7 (B) Any member state may require an individual to obtain and retain a license
8 to be authorized to practice in the member state under circumstances not authorized by
9 the privilege to practice under the terms of this Compact.

10 (C) A home state's license authorizes an individual to practice in a remote
11 state under the privilege to practice only if the home state:

12 (1) Currently requires the use of the National Registry of Emergency
13 Medical Technicians (NREMT) examination as a condition of issuing initial licenses
14 at the EMT and paramedic levels;

15 (2) Has a mechanism in place for receiving and investigating
16 complaints about individuals;

17 (3) Notifies the Commission, in compliance with the terms herein, of
18 any adverse action or significant investigatory information regarding an individual;

19 (4) No later than five years after activation of the Compact, requires a
20 criminal background check of all applicants for initial licensure, including the use of
21 the results of fingerprint or other biometric data checks compliant with the
22 requirements of the Federal Bureau of Investigation with the exception of federal
23 employees who have suitability determination in accordance with 5 C.F.R. 731.202
24 and submit documentation of such as promulgated in the rules of the Commission; and

25 (5) Complies with the rules of the Commission.

26 SECTION 4. COMPACT PRIVILEGE TO PRACTICE.

27 (A) Member states shall recognize the privilege to practice of an individual
28 licensed in another member state that is in conformance with Section 3.

29 (B) To exercise the privilege to practice under the terms and provisions of this
30 Compact, an individual must:

31 (1) Be at least 18 years of age;

1 (2) Possess a current unrestricted license in a member state as an EMT,
2 AEMT, paramedic, or state recognized and licensed level with a scope of practice and
3 authority between EMT and paramedic; and

4 (3) Practice under the supervision of a medical director.

5 (C) An individual providing patient care in a remote state under the privilege
6 to practice shall function within the scope of practice authorized by the home state
7 unless and until modified by an appropriate authority in the remote state as may be
8 defined in the rules of the commission.

9 (D) Except as provided in Section 4(C), an individual practicing in a remote
10 state will be subject to the remote state's authority and laws. A remote state may, in
11 accordance with due process and that state's laws, restrict, suspend, or revoke an
12 individual's privilege to practice in the remote state and may take any other necessary
13 actions to protect the health and safety of its citizens. If a remote state takes action it
14 shall promptly notify the home state and the Commission.

15 (E) If an individual's license in any home state is restricted or suspended, the
16 individual shall not be eligible to practice in a remote state under the privilege to
17 practice until the individual's home state license is restored.

18 (F) If an individual's privilege to practice in any remote state is restricted,
19 suspended, or revoked the individual shall not be eligible to practice in any remote
20 state until the individual's privilege to practice is restored.

21 SECTION 5. CONDITIONS OF PRACTICE IN A REMOTE STATE.

22 An individual may practice in a remote state under a privilege to practice only
23 in the performance of the individual's EMS duties as assigned by an appropriate
24 authority, as defined in the rules of the Commission, and under the following
25 circumstances:

26 (1) The individual originates a patient transport in a home state and
27 transports the patient to a remote state;

28 (2) The individual originates in the home state and enters a remote
29 state to pick up a patient and provide care and transport of the patient to the home
30 state;

31 (3) The individual enters a remote state to provide patient care and/or

1 transport within that remote state;

2 (4) The individual enters a remote state to pick up a patient and
3 provide care and transport to a third member state;

4 (5) Other conditions as determined by rules promulgated by the
5 commission.

6 SECTION 6. RELATIONSHIP TO EMERGENCY MANAGEMENT ASSISTANCE
7 COMPACT.

8 Upon a member state's governor's declaration of a state of emergency or
9 disaster that activates the Emergency Management Assistance Compact (EMAC), all
10 relevant terms and provisions of EMAC shall apply and to the extent any terms or
11 provisions of this Compact conflicts with EMAC, the terms of EMAC shall prevail
12 with respect to any individual practicing in the remote state in response to such
13 declaration.

14 SECTION 7. VETERANS, SERVICE MEMBERS SEPARATING FROM ACTIVE-DUTY
15 MILITARY, AND THEIR SPOUSES.

16 (A) Member states shall consider a veteran, active military service member,
17 and member of the National Guard and Reserves separating from an active-duty tour,
18 and a spouse thereof, who holds a current valid and unrestricted NREMT certification
19 at or above the level of the state license being sought as satisfying the minimum
20 training and examination requirements for such licensure.

21 (B) Member states shall expedite the processing of licensure applications
22 submitted by veterans, active military service members, and members of the National
23 Guard and Reserves separating from an active-duty tour, and their spouses.

24 (C) All individuals functioning with a privilege to practice under this Section
25 remain subject to the Adverse Actions provisions of Section 8.

26 SECTION 8. ADVERSE ACTIONS.

27 (A) A home state shall have exclusive power to impose adverse action against
28 an individual's license issued by the home state.

29 (B) If an individual's license in any home state is restricted or suspended, the
30 individual shall not be eligible to practice in a remote state under the privilege to
31 practice until the individual's home state license is restored.

1 (1) All home state adverse action orders shall include a statement that
2 the individual's Compact privileges are inactive. The order may allow the individual to
3 practice in remote states with prior written authorization from both the home state and
4 remote state's EMS authority.

5 (2) An individual currently subject to adverse action in the home state
6 shall not practice in any remote state without prior written authorization from both the
7 home state and remote state's EMS authority.

8 (C) A member state shall report adverse actions and any occurrences that the
9 individual's Compact privileges are restricted, suspended, or revoked to the
10 Commission in accordance with the rules of the Commission.

11 (D) A remote state may take adverse action on an individual's privilege to
12 practice within that state.

13 (E) Any member state may take adverse action against an individual's
14 privilege to practice in that state based on the factual findings of another member state,
15 so long as each state follows its own procedures for imposing such adverse action.

16 (F) A home state's EMS authority shall investigate and take appropriate action
17 with respect to reported conduct in a remote state as it would if such conduct had
18 occurred within the home state. In such cases, the home state's law shall control in
19 determining the appropriate adverse action.

20 (G) Nothing in this Compact shall override a member state's decision that
21 participation in an alternative program may be used in lieu of adverse action and that
22 such participation shall remain non-public if required by the member state's laws.
23 Member states must require individuals who enter any alternative programs to agree
24 not to practice in any other member state during the term of the alternative program
25 without prior authorization from such other member state.

26 SECTION 9. ADDITIONAL POWERS INVESTED IN A MEMBER STATE'S EMS
27 AUTHORITY.

28 A member state's EMS authority, in addition to any other powers granted
29 under state law, is authorized under this Compact to:

30 (1) Issue subpoenas for both hearings and investigations that require
31 the attendance and testimony of witnesses and the production of evidence. Subpoenas

1 issued by a member state's EMS authority for the attendance and testimony of
2 witnesses, and/or the production of evidence from another member state, shall be
3 enforced in the remote state by any court of competent jurisdiction, according to that
4 court's practice and procedure in considering subpoenas issued in its own proceedings.
5 The issuing state EMS authority shall pay any witness fees, travel expenses, mileage,
6 and other fees required by the service statutes of the state where the witnesses and/or
7 evidence are located; and

8 (2) Issue cease and desist orders to restrict, suspend, or revoke an
9 individual's privilege to practice in the state.

10 SECTION 10. ESTABLISHMENT OF THE INTERSTATE COMMISSION FOR EMS
11 PERSONNEL PRACTICE.

12 (A) The Compact states hereby create and establish a joint public agency
13 known as the Interstate Commission for EMS Personnel Practice.

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

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

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

23 (B) Membership, Voting, and Meetings.

24 (1) Each member state shall have and be limited to one (1) delegate.
25 The responsible official of the state EMS authority or his designee shall be the
26 delegate to this Compact for each member state. Any delegate may be removed or
27 suspended from office as provided by the law of the state from which the delegate is
28 appointed. Any vacancy occurring in the Commission shall be filled in accordance
29 with the laws of the member state in which the vacancy exists. In the event that more
30 than one board, office, or other agency with the legislative mandate to license EMS
31 personnel at and above the level of EMT exists, the Governor of the state will

1 determine which entity will be responsible for assigning the delegate.

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

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

9 (4) All meetings shall be open to the public, and public notice of
10 meetings shall be given in the same manner as required under the rulemaking
11 provisions in Section 7.

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

14 (a) Non-compliance of a member state with its obligations
15 under the Compact;

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

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

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

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

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

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

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

31 (i) Disclosure of information related to any investigatory

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

4 (j) Matters specifically exempted from disclosure by federal or
5 member state statute.

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

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

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

19 (2) Providing reasonable standards and procedures:

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

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

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

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

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

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

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

14 (8) The Commission shall publish its bylaws and file a copy thereof,
15 and a copy of any amendment thereto, with the appropriate agency or officer in each
16 of the member states, if any;

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

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

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

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

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

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

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

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

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

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

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

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

17 (10) To borrow money;

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

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

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

25 (14) To perform such other functions as may be necessary or
26 appropriate to achieve the purposes of this Compact consistent with the state
27 regulation of EMS personnel licensure and practice.

28 (E) Financing of the Commission.

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

31 (2) The Commission may accept any and all appropriate revenue

1 sources, donations, and grants of money, equipment, supplies, materials, and services.

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

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

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

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

30 (2) The Commission shall defend any member, officer, executive
31 director, employee or representative of the Commission in any civil action seeking to

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

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

16 SECTION 11. COORDINATED DATABASE.

17 (A) The Commission shall provide for the development and maintenance of a
18 coordinated database and reporting system containing licensure, adverse action, and
19 significant investigatory information on all licensed individuals in member states.

20 (B) Notwithstanding any other provision of state law to the contrary, a
21 member state shall submit a uniform data set to the coordinated database on all
22 individuals to whom this Compact is applicable as required by the rules of the
23 Commission, including:

- 24 (1) Identifying information;
- 25 (2) Licensure data;
- 26 (3) Significant investigatory information;
- 27 (4) Adverse actions against an individual's license;
- 28 (5) An indicator that an individual's privilege to practice is restricted,
29 suspended or revoked;
- 30 (6) Non-confidential information related to alternative program
31 participation;

1 (7) Any denial of application for licensure, and the reason(s) for such
2 denial; and

3 (8) Other information that may facilitate the administration of this
4 Compact, as determined by the rules of the Commission.

5 (C) The coordinated database administrator shall promptly notify all member
6 states of any adverse action taken against, or significant investigative information on,
7 any individual in a member state.

8 (D) Member states contributing information to the coordinated database may
9 designate information that may not be shared with the public without the express
10 permission of the contributing state.

11 (E) Any information submitted to the coordinated database that is
12 subsequently required to be expunged by the laws of the member state contributing the
13 information shall be removed from the coordinated database.

14 SECTION 12. 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. Rules and
17 amendments shall become binding as of the date specified in each rule or amendment.

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

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

23 (D) Prior to promulgation and adoption of a final rule or rules by the
24 Commission, and at least sixty (60) days in advance of the meeting at which the rule
25 will be considered and voted upon, the Commission shall file a Notice of Proposed
26 Rulemaking:

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

28 (2) On the website of each member state EMS authority or the
29 publication in which each state would otherwise publish proposed rules.

30 (E) The Notice of Proposed Rulemaking shall include:

31 (1) The proposed time, date, and location of the meeting in which the

1 rule will be considered and voted upon;

2 (2) The text of the proposed rule or amendment and the reason for the
3 proposed rule;

4 (3) A request for comments on the proposed rule from any interested
5 person; and

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

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

11 (G) The Commission shall grant an opportunity for a public hearing before it
12 adopts a rule or amendment if a hearing is requested by:

13 (1) At least twenty-five (25) persons;

14 (2) A governmental subdivision or agency; or

15 (3) An association having at least twenty-five (25) members.

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

18 (1) All persons wishing to be heard at the hearing shall notify the
19 executive director of the Commission or other designated member in writing of their
20 desire to appear and testify at the hearing not less than five (5) business days before
21 the scheduled date of the hearing.

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

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

30 (4) Nothing in this section shall be construed as requiring a separate
31 hearing on each rule. Rules may be grouped for the convenience of the Commission at

1 hearings required by this section.

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

5 (J) The Commission shall, by majority vote of all members, take final action
6 on the proposed rule and shall determine the effective date of the rule, if any, based on
7 the rulemaking record and the full text of the rule.

8 (K) If no written notice of intent to attend the public hearing by interested
9 parties is received, the Commission may proceed with promulgation of the proposed
10 rule without a public hearing.

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

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

19 (2) Prevent a loss of Commission or member state funds;

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

22 (4) Protect public health and safety.

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

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

2 SECTION 13. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT.

3 (A) Oversight.

4 (1) The executive, legislative, and judicial branches of state
5 government in each member state shall enforce this Compact and take all actions
6 necessary and appropriate to effectuate the Compact's purposes and intent. The
7 provisions of this Compact and the rules promulgated hereunder shall have standing as
8 statutory law.

9 (2) All courts shall take judicial notice of the Compact and the rules in
10 any judicial or administrative proceeding in a member state pertaining to the subject
11 matter of this Compact which may affect the powers, responsibilities or actions of the
12 Commission.

13 (3) The Commission shall be entitled to receive service of process in
14 any such proceeding, and shall have standing to intervene in such a proceeding for all
15 purposes. Failure to provide service of process to the Commission shall render a
16 judgment or order void as to the Commission, this Compact, or promulgated rules.

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

18 (1) If the Commission determines that a member state has defaulted in
19 the performance of its obligations or responsibilities under this Compact or the
20 promulgated rules, the Commission shall:

21 (a) Provide written notice to the defaulting state and other
22 member states of the nature of the default, the proposed means of curing the
23 default and/or any other action to be taken by the Commission; and

24 (b) Provide remedial training and specific technical assistance
25 regarding the default.

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

31 (3) Termination of membership in the Compact shall be imposed only

1 after all other means of securing compliance have been exhausted. Notice of intent to
2 suspend or terminate shall be given by the Commission to the governor, the majority
3 and minority leaders of the defaulting state's legislature, and each of the member
4 states.

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

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

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

15 (C) Dispute Resolution.

16 (1) Upon request by a member state, the Commission shall attempt to
17 resolve disputes related to the Compact that arise among member states and between
18 member and non-member states.

19 (2) The Commission shall promulgate a rule providing for both
20 mediation and binding dispute resolution for disputes as appropriate.

21 (D) Enforcement.

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

24 (2) By majority vote, the Commission may initiate legal action in the
25 United States District Court for the District of Columbia or the federal district where
26 the Commission has its principal offices against a member state in default to enforce
27 compliance with the provisions of the Compact and its promulgated rules and bylaws.
28 The relief sought may include both injunctive relief and damages. In the event judicial
29 enforcement is necessary, the prevailing member shall be awarded all costs of such
30 litigation, including reasonable attorney's fees.

31 (3) The remedies herein shall not be the exclusive remedies of the

1 Commission. The Commission may pursue any other remedies available under federal
2 or state law.

3 SECTION 14. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION
4 FOR EMS PERSONNEL PRACTICE AND ASSOCIATED RULES, WITHDRAWAL,
5 AND AMENDMENT.

6 (A) The Compact shall come into effect on the date on which the Compact
7 statute is enacted into law in the tenth member state. The provisions, which become
8 effective at that time, shall be limited to the powers granted to the Commission
9 relating to assembly and the promulgation of rules. Thereafter, the Commission shall
10 meet and exercise rulemaking powers necessary to the implementation and
11 administration of the Compact.

12 (B) Any state that joins the Compact subsequent to the Commission's initial
13 adoption of the rules shall be subject to the rules as they exist on the date on which the
14 Compact becomes law in that state. Any rule that has been previously adopted by the
15 Commission shall have the full force and effect of law on the day the Compact
16 becomes law in that state.

17 (C) Any member state may withdraw from this Compact by enacting a statute
18 repealing the same.

19 (1) A member state's withdrawal shall not take effect until six (6)
20 months after enactment of the repealing statute.

21 (2) Withdrawal shall not affect the continuing requirement of the
22 withdrawing state's EMS authority to comply with the investigative and adverse action
23 reporting requirements of this act prior to the effective date of withdrawal.

24 (D) Nothing contained in this Compact shall be construed to invalidate or
25 prevent any EMS personnel licensure agreement or other cooperative arrangement
26 between a member state and a non-member state that does not conflict with the
27 provisions of this Compact.

28 (E) This Compact may be amended by the member states. No amendment to
29 this Compact shall become effective and binding upon any member state until it is
30 enacted into the laws of all member states.

31 SECTION 15. 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 member
4 states. Nothing in this Compact supersedes state law or rules related to licensure of
5 EMS agencies.

6 * **Sec. 38.** AS 21.36.090(d) is amended to read:

7 (d) Except to the extent necessary to comply with AS 21.42.365 and
8 AS 21.56, a person may not practice or permit unfair discrimination against a person
9 who provides a service covered under a group health insurance policy that extends
10 coverage on an expense incurred basis, or under a group service or indemnity type
11 contract issued by a health maintenance organization or a nonprofit corporation, if the
12 service is within the scope of the provider's occupational license. In this subsection,
13 "provider" means a state licensed physician, physician assistant, dentist, osteopath,
14 optometrist, chiropractor, advanced practice registered nurse, pharmacist, naturopath,
15 **respiratory care practitioner**, physical therapist, occupational therapist, marital and
16 family therapist, psychologist, psychological associate, licensed clinical social worker,
17 licensed professional counselor, licensed associate counselor, certified direct-entry
18 midwife, or dental hygienist holding an advanced practice permit.

19 * **Sec. 39.** AS 44.29 is amended by adding new sections to read:

20 **Article 5A. Rural Health Transformation Program.**

21 **Sec. 44.29.410. Rural Health Transformation Program Advisory Council.**

22 (a) The Rural Health Transformation Program Advisory Council is established in the
23 department.

24 (b) The council consists of eight members as follows:

25 (1) the deputy commissioner of health, or the deputy commissioner of
26 health's designee, who shall serve as the chair and is a nonvoting member;

27 (2) one member who represents a tribal health organization or
28 consortium, appointed by the governor; in this paragraph, "tribal health
29 organization" means an organization recognized by the United States Indian
30 Health Service to provide health-related services;

31 (3) one member who represents a federally qualified health center or

1 professional organization for federally qualified health centers, appointed by the
2 governor; in this paragraph, "federally qualified health center" has the meaning given
3 in 42 U.S.C. 1396d(l)(2)(B);

4 (4) one member who represents a hospital or professional organization
5 for hospitals, appointed by the governor;

6 (5) one member who represents a local government, appointed by the
7 governor;

8 (6) one member who represents the Alaska Mental Health Trust
9 Authority, appointed by the governor;

10 (7) one member of the house of representatives, appointed by the
11 speaker of the house; and

12 (8) one member of the senate, appointed by the president of the senate.

13 (c) In addition to the qualifications required under (b)(2) - (6) of this section,
14 the governor shall appoint members under (b)(2) - (6) of this section

15 (1) based on interest in public affairs, good judgment, knowledge, and
16 ability in the field of action of the council;

17 (2) with a view to providing diversity of interest and points of view in
18 the membership;

19 (3) without consideration of political affiliation; and

20 (4) so that the members appointed under (b)(2) - (6) of this section
21 collectively represent each judicial district.

22 (d) A member of the council serves at the pleasure of the appointing authority
23 of the member.

24 (e) Members of the council are not entitled to compensation or per diem and
25 travel expenses authorized under AS 39.20.180.

26 (f) The council shall meet in person, telephonically, or by electronic means at
27 least biannually.

28 (g) The council shall advise the department on the state's participation in the
29 rural health transformation program.

30 (h) The council may adopt bylaws for the operation of the council.

31 **Sec. 44.29.420. Department duties.** (a) The department shall

1 (1) establish specific criteria for scoring grant applications;

2 (2) publish on the department's Internet website

3 (A) the state's application for the rural health transformation
4 program, changes to the application, and the state's approved application;

5 (B) the criteria established under (1) of this subsection;

6 (C) annual updates on the grant applications the state receives,
7 the application scores, the grants awarded, how the awarded grants are being
8 used by grantees, and the progress of each grantee in achieving the goals
9 identified in the grantee's application; and

10 (D) annual updates on all state projects funded with money
11 received by the state under the rural health transformation program; and

12 (3) by the first day of each regular session of the legislature, deliver
13 copies of the reports the department submitted to the federal government in the
14 previous year under the rural health transformation program to the senate secretary
15 and the chief clerk of the house of representatives and notify the legislature that the
16 reports are available.

17 (b) The department may use funds received by the state under the rural health
18 transformation program to award grants. The department shall award grants in a
19 manner that addresses the initiatives identified in the state's approved application.

20 **Sec. 44.29.450. Definitions.** In AS 44.29.410 - 44.29.450,

21 (1) "approved application" means an application to participate in the
22 rural health transformation program that has been approved by the federal
23 government;

24 (2) "council" means the Rural Health Transformation Program
25 Advisory Council;

26 (3) "department" means the Department of Health;

27 (4) "rural health transformation program" means the program
28 authorized under 42 U.S.C. 1397ee(h).

29 * **Sec. 40.** AS 44.29.410, 44.29.420, and 44.29.450 are repealed December 31, 2031.

30 * **Sec. 41.** The uncodified law of the State of Alaska is amended by adding a new section to
31 read:

1 TRANSITION: QUALIFICATIONS. Notwithstanding the licensing requirements of
2 AS 08.90.010 and 08.90.020, enacted by sec. 20 of this Act, a person who, on the day before
3 the effective date of secs. 1 - 3, 20 - 30, 34, 35, and 38 of this Act, is engaged in the practice
4 of respiratory care and is qualified to perform acts within the scope of practice of respiratory
5 care, may continue to perform those acts without a license issued under AS 08.90 by the
6 Department of Commerce, Community, and Economic Development for a period not to
7 exceed one year after the effective date of secs. 1 - 3, 20 - 30, 34, 35, and 38 of this Act.

8 * **Sec. 42.** Sections 1 - 3, 20 - 30, 34, 35, 38, and 41 of this Act take effect January 1, 2027.