

SENATE CS FOR HOUSE BILL NO. 110(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

**Offered:
Referred:**

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

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the interstate medical licensure compact; relating to the PA**
2 **licensure compact; relating to the psychology interjurisdictional compact; relating to the**
3 **practice of respiratory care; relating to the duties of the Department of Commerce,**
4 **Community, and Economic Development; relating to telehealth provided by respiratory**
5 **care practitioners; relating to a social work licensure compact; relating to the practice of**
6 **social work; relating to medical malpractice liability of respiratory care practitioners;**
7 **relating to immunity from civil liability for a respiratory care practitioner providing**
8 **free health care services; relating to national criminal history record checks; relating to**
9 **respiratory care practitioners providing documentation and treatment plans for public**
10 **school students with asthma or anaphylaxis; relating to the recognition of EMS**
11 **personnel licensure interstate compact; prohibiting unfair discrimination under group**
12 **health insurance against respiratory care practitioners; and providing for an effective**

1 **date."**

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

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

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

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

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

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

30 (1) "health care provider" means

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

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

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

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

20 (a) The board shall

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

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

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

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

30 (5) under regulations adopted by the board, contract with private
31 professional organizations to establish an impaired medical professionals program to

1 identify, confront, evaluate, and treat persons licensed under this chapter who abuse
2 alcohol, other drugs, or other substances or are mentally ill or cognitively impaired;

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

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

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

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

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

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

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

31 SECTION 1. PURPOSE.

1 in the practice of medicine, which would be unlawful without authorization.

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

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

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

8 (j) "Physician" means any person who

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 SECTION 3. ELIGIBILITY.

21 (a) A physician must meet the eligibility requirements as defined in Section
22 2(j) to receive an expedited license under the terms and provisions of the Compact.

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

27 SECTION 4. DESIGNATION OF STATE OF PRINCIPAL LICENSE.

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

- 1 (1) The state of principal residence for the physician;
2 (2) The state where at least 25 percent of the practice of medicine
3 occurs;
4 (3) The location of the physician's employer; or
5 (4) If no state qualifies under subsection (1), subsection (2), or
6 subsection (3), the state designated as state of residence for purpose of federal income
7 tax.

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

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

12 SECTION 5. APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE.

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

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

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

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

31 (3) Appeal on the determination of eligibility shall be made to the

1 member state where the application was filed and shall be subject to the law of that
2 state.

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

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

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

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

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

21 SECTION 6. FEES FOR EXPEDITED LICENSURE.

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

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

27 SECTION 7. RENEWAL AND CONTINUED PARTICIPATION.

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

30 (1) Maintains a full and unrestricted license in a state of principal
31 license;

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

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

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

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

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

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

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

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

20 SECTION 8. COORDINATED INFORMATION SYSTEM.

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

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

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

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

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

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

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

6 SECTION 9. JOINT INVESTIGATIONS.

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

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

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

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

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

20 SECTION 10. DISCIPLINARY ACTIONS.

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

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

1 action to reinstate the license in a manner consistent with the Medical Practice Act of
2 that state.

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

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

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

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

19 SECTION 11. INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION.

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

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

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

29 (d) The Interstate Commission shall consist of two voting representatives
30 appointed by each member state who shall serve as Commissioners. In states where
31 allopathic and osteopathic physicians are regulated by separate member boards, or if

1 the licensing and disciplinary authority is split between separate member boards, or if
2 the licensing and disciplinary authority is split between multiple member boards
3 within a member state, the member state shall appoint one representative from each
4 member board. A Commissioner shall be

5 (1) An allopathic or osteopathic physician appointed to a member
6 board;

7 (2) An executive director, executive secretary, or similar executive of a
8 member board; or

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

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

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

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

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

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

30 (2) Discuss matters specifically exempted from disclosure by federal
31 statute;

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

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

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

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

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

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

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

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

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

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

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

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

31 (c) Issue, upon the request of a member state or member board, advisory

1 opinions concerning the meaning or interpretation of the Compact, its bylaws, rules,
2 and actions;

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

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

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

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

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

13 (i) Purchase and maintain insurance and bonds;

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

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

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

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

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

26 (o) Establish a budget and make expenditures;

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

29 (q) Report annually to the legislatures and governors of the member states
30 concerning the activities of the Interstate Commission during the preceding year. Such
31 reports shall also include reports of financial audits and any recommendations that

1 may have been adopted by the Interstate Commission;

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

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

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

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

8 SECTION 13. FINANCE POWERS.

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

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

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

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

23 SECTION 14. ORGANIZATION AND OPERATION OF THE INTERSTATE 24 COMMISSION.

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

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

1 in the chairperson's absence or disability, the vice-chairperson, shall preside at all
2 meetings of the Interstate Commission.

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

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

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

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

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

10 SECTION 15. RULEMAKING FUNCTIONS OF THE INTERSTATE
11 COMMISSION.

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

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

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

31 SECTION 16. OVERSIGHT OF INTERSTATE COMPACT.

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

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

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

15 SECTION 17. ENFORCEMENT OF INTERSTATE COMPACT.

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

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

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

29 SECTION 18. DEFAULT PROCEDURES.

30 (a) The grounds for default include, but are not limited to, failure of a member
31 state to perform such obligations or responsibilities imposed upon it by the Compact,

1 or the rules and bylaws of the Interstate Commission promulgated under the Compact.

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

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

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

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

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

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

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

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

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

5 SECTION 19. DISPUTE RESOLUTION.

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

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

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

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

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

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

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

24 SECTION 21. WITHDRAWAL.

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

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

1 (c) The withdrawing state shall immediately notify the chairperson of the
2 Interstate Commission in writing upon the introduction of legislation repealing the
3 Compact in the withdrawing state.

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

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

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

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

17 SECTION 22. DISSOLUTION.

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

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

25 SECTION 23. SEVERABILITY AND CONSTRUCTION.

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

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

31 (c) Nothing in the Compact shall be construed to prohibit the applicability of

1 other interstate compacts to which the member states are members.

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

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

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

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

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

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

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

18 SECTION 1. PURPOSE.

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

1 Compact Privilege in that State issued to a PA through the procedures of this
2 Compact. The PA Licensure Compact will alleviate burdens for military families by
3 allowing active duty military personnel and their spouses to obtain a Compact
4 Privilege based on having an unrestricted License in good standing from a
5 Participating State.

6 SECTION 2. DEFINITIONS.

7 In this Compact:

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

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

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

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

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

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

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

31 (H) "Investigative Information" means information, records, or documents

1 received or generated by a Licensing Board pursuant to an investigation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 SECTION 3. STATE PARTICIPATION IN THIS COMPACT.

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

9 (1) License PAs.

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

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

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

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

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

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

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

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

28 SECTION 4. COMPACT PRIVILEGE.

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

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

1 authorized by Commission Rule.

2 (2) Hold current NCCPA certification.

3 (3) Have no felony or misdemeanor Conviction.

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

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

8 (6) Hold a Qualifying License.

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

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

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

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

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

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

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

1 Action against a Qualifying License, the Licensee shall lose the Compact Privilege in
2 any Remote State in which the Licensee has a Compact Privilege until all of the
3 following occur:

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

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

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

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

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

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

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

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

28 SECTION 6. ADVERSE ACTIONS.

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

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

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

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

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

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

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

30 (D) A Participating State, if otherwise permitted by State law, may recover
31 from the affected PA the costs of investigations and disposition of cases resulting from

1 any Adverse Action taken against that PA.

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

5 (F) Joint Investigations.

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

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

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

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

22 SECTION 7. ESTABLISHMENT OF THE PA LICENSURE COMPACT
23 COMMISSION.

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

29 (B) Membership, Voting, and Meetings.

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

1 than one Licensing Board, selected collectively by the Participating State's Licensing
2 Boards.

3 (2) The delegate shall be either:

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

6 (b) An administrator of a Licensing Board.

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

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

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

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

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

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

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

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

24 (3) Establish fees;

25 (4) Establish bylaws;

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

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

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

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

4 (9) Purchase and maintain insurance and bonds;

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

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

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

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

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

21 (15) Establish a budget and make expenditures;

22 (16) Borrow money;

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

27 (18) Provide and receive information from, and cooperate with, law
28 enforcement agencies;

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

31 (20) Reserve for itself, in addition to those reserved exclusively to the

1 Commission under the Compact, powers that the Executive Committee may not
2 exercise;

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

6 (22) Prepare and provide to the Participating States an annual report;
7 and

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

11 (D) Meetings of the Commission.

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

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

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

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

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

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

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

30 (e) Accusing any person of a crime or formally censuring any
31 person;

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

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

5 (h) Disclosure of investigative records compiled for law
6 enforcement purposes;

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

11 (j) Legal advice; or

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

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

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

24 (E) Financing of the Commission.

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

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

29 (3) The Commission may levy on and collect an annual assessment
30 from each Participating State and may impose Compact Privilege fees on Licensees of
31 Participating States to whom a Compact Privilege is granted to cover the cost of the

1 operations and activities of the Commission and its staff, which must be in a total
2 amount sufficient to cover its annual budget as approved by the Commission each year
3 for which revenue is not provided by other sources. The aggregate annual assessment
4 amount levied on Participating States shall be allocated based upon a formula to be
5 determined by Commission Rule.

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

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

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

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

27 (F) The Executive Committee.

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

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

31 (a) Seven voting members who are elected by the Commission

1 from the current membership of the Commission;

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

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

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

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

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

11 (6) The Executive Committee shall have the following duties and
12 responsibilities:

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

17 (b) Ensure Compact administration services are appropriately
18 provided, contractual or otherwise;

19 (c) Prepare and recommend the budget;

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

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

23 (f) Establish additional committees as necessary;

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

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

31 (7) All meetings of the Executive Committee at which it votes or plans

1 to vote on matters in exercising the powers and duties of the Commission shall be
2 open to the public and public notice of such meetings shall be given as public
3 meetings of the Commission are given.

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

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

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

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

1 (3) The Commission shall indemnify and hold harmless any member,
2 officer, executive director, employee, and representative of the Commission for the
3 amount of any settlement or judgment obtained against that person arising out of any
4 actual or alleged act, error, or omission that occurred within the scope of Commission
5 employment, duties, or responsibilities, or that such person had a reasonable basis for
6 believing occurred within the scope of Commission employment, duties, or
7 responsibilities, provided that the actual or alleged act, error, or omission did not result
8 from the intentional or willful or wanton misconduct of that person.

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

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

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

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

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

27 SECTION 8. DATA SYSTEM.

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

1 Participating States.

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

6 (1) Identifying information;

7 (2) Licensure data;

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

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

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

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

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

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

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

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

30 (G) The records and information provided to a Participating State pursuant to
31 this Compact or through the Data System, when certified by the Commission or an

1 agent thereof, shall constitute the authenticated business records of the Commission,
2 and shall be entitled to any associated hearsay exception in any relevant judicial,
3 quasi-judicial or administrative proceedings in a Participating State.

4 SECTION 9. RULEMAKING.

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

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

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

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

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

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

31 (1) On the website of the Commission or other publicly accessible

1 platform; and

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

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

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

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

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

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

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

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

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

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

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

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

31 (4) Nothing in this section shall be construed as requiring a separate

1 hearing on each proposed Rule. Proposed Rules may be grouped for the convenience
2 of the Commission at hearings required by this section.

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

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

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

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

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

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

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

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

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

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

29 (4) Protect public health and safety.

30 (M) The Commission or an authorized committee of the Commission may
31 direct revisions to a previously adopted Commission Rule for purposes of correcting

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

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

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

12 (A) Oversight.

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

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. Nothing herein shall affect or
21 limit the selection or propriety of venue in any action against a Licensee for
22 professional malpractice, misconduct or any such similar matter.

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

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

30 (1) If the Commission determines that a Participating State has
31 defaulted in the performance of its obligations or responsibilities under this Compact

1 or the Commission Rules, the Commission shall provide written notice to the
2 defaulting State and other Participating States. The notice shall describe the default,
3 the proposed means of curing the default and any other action that the Commission
4 may take and shall offer remedial training and specific technical assistance regarding
5 the default.

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

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

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

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

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

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

31 (a) Licensees who have been granted a Compact Privilege in

1 that State shall retain the Compact Privilege for one hundred eighty (180) days
2 following the effective date of such termination.

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

9 (C) Dispute Resolution.

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

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

15 (D) Enforcement.

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

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

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

29 (E) Legal Action Against the Commission.

30 (1) A Participating State may initiate legal action against the
31 Commission in the U.S. District Court for the District of Columbia or the federal

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

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

7 SECTION 11. DATE OF IMPLEMENTATION OF THE PA LICENSURE
8 COMPACT COMMISSION.

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

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

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

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

27 (2) Participating States enacting the Compact subsequent to the seven
28 initial Charter Participating States shall be subject to the process set forth in Section
29 7(C)(21) to determine if their enactments are materially different from the Model
30 Compact and whether they qualify for participation in the Compact.

31 (3) All actions taken for the benefit of the Commission or in

1 furtherance of the purposes of the administration of the Compact prior to the effective
2 date of the Compact or the Commission coming into existence shall be considered to
3 be actions of the Commission unless specifically repudiated by the Commission.

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

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

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

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

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

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

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

5 SECTION 12. CONSTRUCTION AND SEVERABILITY.

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

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

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

28 SECTION 13. BINDING EFFECT OF COMPACT.

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

31 (B) Any laws in a Participating State in conflict with this Compact are

1 superseded to the extent of the conflict.

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

4 * **Sec. 7.** AS 08.64.315 is amended to read:

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

7 (1) application;

8 (2) license by examination;

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

10 (4) temporary permit;

11 (5) locum tenens permit;

12 (6) license renewal, active;

13 (7) license renewal, inactive;

14 (8) license by reexamination;

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

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

17 **(10) compact privilege.**

18 * **Sec. 8.** AS 08.86.070 is amended to read:

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

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

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

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

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

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

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

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

31 (8) compile information for submission to the department on the

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

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

4 * **Sec. 9.** AS 08.86.130(a) is amended to read:

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

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

9 (A) clinical psychology;

10 (B) counseling psychology; or

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

12 by the board;

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

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

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

19 **(5) has been fingerprinted and has provided the fees required by**
20 **the Department of Public Safety under AS 12.62.160 for criminal justice**
21 **information and a national criminal history record check; the fingerprints and**
22 **fees shall be forwarded to the Department of Public Safety to obtain a report of**
23 **criminal justice information under AS 12.62 and a national criminal history**
24 **record check under AS 12.62.400; criminal justice information and criminal**
25 **history record information obtained under this paragraph may only be used by**
26 **the board for the purpose of determining an applicant's qualifications and fitness**
27 **for a license or authority to practice under this chapter.**

28 * **Sec. 10.** AS 08.86.140(a) is amended to read:

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

30 (1) application;

31 (2) examination;

(3) credential review;

(4) initial license;

(5) license renewal;

(6) authority to practice under AS 08.86.225.

* **Sec. 11.** AS 08.86.150 is amended to read:

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

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

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

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

* **Sec. 12.** AS 08.86.150 is amended by adding a new subsection to read:

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

* **Sec. 13.** AS 08.86 is amended by adding a new section to read:

Article 5A. Psychology Interjurisdictional Compact.

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

ARTICLE I. PURPOSE.

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

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

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

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

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

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

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

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

- (1) Increase public access to professional psychological services by

1 allowing for telepsychological practice across state lines as well as temporary in-
2 person, face-to-face services in a state which the psychologist is not licensed to
3 practice psychology;

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

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

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

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

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

14 ARTICLE II. DEFINITIONS.

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

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

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

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

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

30 (E) "Client/Patient" means: the recipient of psychological services,
31 whether psychological services are delivered in the context of healthcare, corporate,

1 supervision, and/or consulting services;

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

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

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

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

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

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

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

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

26 (N) "Home State" means: a Compact State where a psychologist is
27 licensed to practice psychology; if the psychologist is licensed in more than one
28 Compact State and is practicing under the Authorization to Practice Interjurisdictional
29 Telepsychology, the Home State is the Compact State where the psychologist is
30 physically present when the telepsychological services are delivered, or if the
31 psychologist is licensed in more than one Compact State and is practicing under the

1 Temporary Authorization to Practice, the Home State is any Compact State where the
2 psychologist is licensed;

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

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

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

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

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

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

23 (U) "Psychology Interjurisdictional Compact Commission" and
24 "Commission" mean: the national administration of which all Compact States are
25 members;

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

28 (W) "Rule" means: a written statement by the Psychology
29 Interjurisdictional Compact Commission promulgated pursuant to Article XI of the
30 Compact that is of general applicability, implements, interprets, or prescribes a policy
31 or provision of the Compact, or an organizational, procedural, or practice requirement

1 of the Commission and has the force and effect of statutory law in a Compact State,
2 and includes the amendment, repeal or suspension of an existing Rule;

3 (X) "Significant Investigatory Information" means:

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

9 (2) investigative information that indicates that the
10 psychologist represents an immediate threat to public health and safety
11 regardless of whether the psychologist has been notified and/or had an
12 opportunity to respond;

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

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

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

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

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

27 ARTICLE III. HOME STATE LICENSURE.

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

30 (B) A psychologist may hold one or more Compact State licenses at a time. If
31 the psychologist is licensed in more than one Compact State, the Home State is the

1 Compact State where the psychologist is physically present when the services are
2 delivered as authorized by the Authority to Practice Interjurisdictional Telepsychology
3 under the terms of this Compact.

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

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

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

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

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

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

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

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

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

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

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

31 (3) Notifies the Commission, in compliance with the terms herein, of

1 any adverse action or significant investigatory information regarding a licensed
2 individual;

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

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

9 ARTICLE IV. COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (7) Provide attestations in regard to areas of intended practice,
29 conformity with standards of practice, competence in telepsychology technology;
30 criminal background; and knowledge and adherence to legal requirements in the Home
31 and Receiving States, and provide a release of information to allow for primary source

1 verification in a manner specified by the Commission; and

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

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

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

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

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

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

24 (B) To exercise the Temporary Authorization to Practice under the terms and
25 provisions of this Compact, a psychologist licensed to practice in a Compact State
26 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 degrees and a
28 minimum 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) No history of adverse action that violate the Rules of the
3 Commission;

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

6 (6) Possess a current, active IPC;

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

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

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

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

21 (E) If a psychologist's license in any Home State, another Compact State, or
22 any Temporary Authorization to Practice in any Distant State, is restricted, suspended
23 or otherwise limited, the IPC shall be revoked and therefore the psychologist shall not
24 be eligible to practice in a Compact State under the Temporary Authorization to
25 Practice.

26 **ARTICLE VI. CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING**
27 **STATE.**

28 (A) A psychologist may practice in a Receiving State under the Authority to
29 Practice Interjurisdictional Telepsychology only in the performance of the scope of
30 practice for psychology as assigned by an appropriate State Psychology Regulatory

1 Authority, as defined in the Rules of the Commission, and under the following
2 circumstances:

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

5 (2) Other conditions regarding telepsychology as determined by Rules
6 promulgated by the Commission.

7 ARTICLE VII. ADVERSE ACTIONS.

8 (A) A Home State shall have the power to impose adverse action against a
9 psychologist's license issued by the Home State. A Distant State shall have the power
10 to take adverse action on a psychologist's Temporary Authorization to Practice within
11 that Distant State.

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

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

20 (1) All Home State disciplinary orders which impose adverse action
21 shall be reported to the Commission in accordance with the Rules promulgated by the
22 Commission. A Compact State shall report adverse actions in accordance with the
23 Rules of the Commission.

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

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

29 (D) A Home State's psychology regulatory authority shall investigate and take
30 appropriate action with respect to reported inappropriate conduct engaged in by a
31 licensee which occurred in a Receiving State as it would if such conduct had occurred

1 by a licensee within the Home State. In such cases, the Home State's law shall control
2 in determining any adverse action against a psychologist's license.

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

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

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

20 ARTICLE VIII. ADDITIONAL AUTHORITIES INVESTED IN A COMPACT STATE'S
21 PSYCHOLOGY REGULATORY AUTHORITY.

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

24 (1) Issue subpoenas, for both hearings and investigations, which
25 require the attendance and testimony of witnesses and the production of evidence.
26 Subpoenas issued by a Compact State's psychology regulatory authority for the
27 attendance and testimony of witnesses, and/or the production of evidence from another
28 Compact State shall be enforced in the latter state by any court of competent
29 jurisdiction, according to that court's practice and procedure in considering subpoenas
30 issued in its own proceedings. The issuing State Psychology Regulatory Authority
31 shall pay any witness fees, travel expenses, mileage and other fees required by the

1 service statutes of the state where the witnesses and/or evidence are located; and

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

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

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

18 (A) The Commission shall provide for the development and maintenance of a
19 coordinated licensure information system (coordinated database) and reporting system
20 containing licensure and disciplinary action information on all licensees to whom this
21 Compact is applicable in all Compact States as defined by the Rules of the
22 Commission.

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

26 (1) Identifying information;

27 (2) Licensure data;

28 (3) Significant investigatory information;

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

30 (5) An indicator that a psychologist's Authority to Practice
31 Interjurisdictional Telepsychology and/or Temporary Authorization to Practice is

1 revoked;

2 (6) Non-confidential information related to alternative program
3 participation information;

4 (7) Any denial of application for licensure, and the reasons for such
5 denial; and

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

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

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

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

17 ARTICLE X. ESTABLISHMENT OF THE PSYCHOLOGY
18 INTERJURISDICTIONAL COMPACT COMMISSION.

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

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

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

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

30 (B) Membership, Voting, and Meetings.

31 (1) The Commission shall consist of one voting representative

1 appointed by each Compact State who shall serve as that state's commissioner. The
2 State Psychology Regulatory Authority shall appoint its delegate. This delegate shall
3 be empowered to act on behalf of the Compact State. This delegate shall be limited to:

- 4 (a) Executive director, executive secretary or similar executive;
5 (b) Current member of the State Psychology Regulatory
6 Authority of a Compact State; or
7 (c) Designee empowered with the appropriate delegate
8 authority to act on behalf of the Compact State.

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

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

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

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

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

- 26 (a) Non-compliance of a Compact State with its obligations
27 under the Compact;
28 (b) The employment, compensation, discipline or other
29 personnel matters, practices or procedures related to specific employees or
30 other matters related to the Commission's internal personnel practices and
31 procedures;

1 (c) Current, threatened, or reasonably anticipated litigation
2 against the Commission;

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

5 (e) Accusation against any person of a crime or formally
6 censuring any person;

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

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

11 (h) Disclosure of investigatory records compiled for law
12 enforcement purposes;

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

17 (j) Matters specifically exempted from disclosure by federal
18 and state statute.

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

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

- 1 (1) Establishing the fiscal year of the Commission;
- 2 (2) Providing reasonable standards and procedures:
- 3 (a) for the establishment and meetings of other committees; and
- 4 (b) governing any general or specific delegation of any
- 5 authority or function of the Commission;
- 6 (3) Providing reasonable procedures for calling and conducting
- 7 meetings of the Commission, ensuring reasonable advance notice of all meetings and
- 8 providing an opportunity for attendance of such meetings by interested parties, with
- 9 enumerated exceptions designed to protect the public's interest, the privacy of
- 10 individuals of such proceedings, and proprietary information, including trade secrets.
- 11 The Commission may meet in closed session only after a majority of the
- 12 commissioners vote to close a meeting to the public in whole or in part. As soon as
- 13 practicable, the Commission must make public a copy of the vote to close the meeting
- 14 revealing the vote of each commissioner with no proxy votes allowed;
- 15 (4) Establishing the titles, duties and authority and reasonable
- 16 procedures for the election of the officers of the Commission;
- 17 (5) Providing reasonable standards and procedures for the
- 18 establishment of the personnel policies and programs of the Commission.
- 19 Notwithstanding any civil service or other similar law of any Compact State, the
- 20 Bylaws shall exclusively govern the personnel policies and programs of the
- 21 Commission;
- 22 (6) Promulgating a Code of Ethics to address permissible and
- 23 prohibited activities of Commission members and employees;
- 24 (7) Providing a mechanism for concluding the operations of the
- 25 Commission and the equitable disposition of any surplus funds that may exist after the
- 26 termination of the Compact after the payment and/or reserving of all of its debts and
- 27 obligations;
- 28 (8) The Commission shall publish its Bylaws in a convenient form and
- 29 file a copy thereof and a copy of any amendment thereto, with the appropriate agency
- 30 or officer in each of the Compact States;
- 31 (9) The Commission shall maintain its financial records in accordance

1 with the Bylaws; and

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

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

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

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

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

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

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

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

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

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

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

31 (10) To borrow money;

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

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

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

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

12 (E) The Executive Board.

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

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

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

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

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

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

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

28 (5) The Executive Board shall have the following duties and
29 responsibilities:

30 (a) Recommend to the entire Commission changes to the Rules
31 or Bylaws, changes to this Compact legislation, fees paid by Compact States

1 such as annual dues, and any other applicable fees;

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

4 (c) Prepare and recommend the budget;

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

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

8 (f) Establish additional committees as necessary; and

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

10 (F) 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 Compact State or impose fees on other parties to cover the cost of the
17 operations and activities of the Commission and its staff which must be in a total
18 amount sufficient to cover its annual budget as approved each year for which revenue
19 is not provided by other sources. The aggregate annual assessment amount shall be
20 allocated based upon a formula to be determined by the Commission which shall
21 promulgate a Rule binding upon all Compact States.

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

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

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

2 (1) The members, officers, Executive Director, employees and
3 representatives of the Commission shall be immune from suit and liability, either
4 personally or in their official capacity, for any claim for damage to or loss of property
5 or personal injury or other civil liability caused by or arising out of any actual or
6 alleged act, error or omission that occurred, or that the person against whom the claim
7 is made had a reasonable basis for believing occurred within the scope of Commission
8 employment, duties or responsibilities; provided that nothing in this paragraph shall be
9 construed to protect any such person from suit and/or liability for any damage, loss,
10 injury or liability caused by the intentional or willful or wanton misconduct of that
11 person.

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

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

29 ARTICLE XI. RULEMAKING.

30 (A) The Commission shall exercise its rulemaking powers pursuant to the
31 criteria set forth in this Article and the Rules adopted thereunder. Rules and

1 amendments shall become binding as of the date specified in each Rule or amendment.

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

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

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

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

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

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

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

18 (2) The text of the proposed Rule or amendment and the reason for the
19 proposed Rule;

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

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

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

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

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

31 (2) A governmental subdivision or agency; or

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

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

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

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

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

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

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

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

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

29 (L) Upon determination that an emergency exists, the Commission may
30 consider and adopt an emergency Rule without prior notice, opportunity for comment,
31 or hearing, provided that the usual rulemaking procedures provided in the Compact

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

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

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

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

21 (A) Oversight

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

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

31 (3) The Commission shall be entitled to receive service of process in

1 any such proceeding, and shall have standing to intervene in such a proceeding for all
2 purposes. Failure to provide service of process to the Commission shall render a
3 judgment or order void as to the Commission, this Compact or promulgated Rules.

4 (B) Default, Technical Assistance, and Termination

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

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

11 (b) Provide remedial training and specific technical assistance
12 regarding the default.

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

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

24 (4) A Compact State which has been terminated is responsible for all
25 assessments, obligations and liabilities incurred through the effective date of
26 termination, including obligations which extend beyond the effective date of
27 termination.

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

31 (6) The defaulting state may appeal the action of the Commission by

1 petitioning the United States District Court for the State of Georgia or the federal
2 district where the Compact has its principal offices. The prevailing member shall be
3 awarded all costs of such litigation, including reasonable attorney's fees.

4 (C) Dispute Resolution

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

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

11 (D) Enforcement

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

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

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

24 ARTICLE XIII. DATE OF IMPLEMENTATION OF THE PSYCHOLOGY
25 INTERJURISDICTIONAL COMPACT COMMISSION AND ASSOCIATED
26 RULES, WITHDRAWAL, AND AMENDMENTS.

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

1 Compact.

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

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

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

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

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

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

22 ARTICLE XIV. CONSTRUCTION AND SEVERABILITY.

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

27 * **Sec. 14.** AS 08 is amended by adding a new chapter to read:

28 **Chapter 90. Respiratory Care Practitioners.**

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

31 (1) practice respiratory care; or

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

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

7 (1) holds a respiratory therapist certification from a nationally
8 recognized organization for respiratory therapists that is approved by the department
9 in regulation;

10 (2) has paid the required fees; and

11 (3) has met all other requirements established by the department in
12 regulation.

13 (b) The department shall issue a license to practice respiratory care to an
14 applicant who submits to the department, before the date that is one year after the
15 effective date of this section, the required fees and written evidence, verified by oath,
16 that the applicant was employed in the state to practice respiratory care under the
17 direction of a physician on or before the effective date of this section. An applicant
18 issued a license under this subsection may renew the license without meeting the
19 initial licensure requirement provided under (a)(1) of this section, but is otherwise
20 subject to this chapter.

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

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

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

31 (3) paid the required fees; and

1 (4) met all other requirements established by the department in
2 regulation.

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

8 **Sec. 08.90.050. License renewal.** The department may renew a license issued
9 under this chapter only if the licensee successfully completes 20 credit hours of
10 continuing respiratory care education during the concluding licensing period.

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

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

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

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

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

29 (A) medical gases, excluding general anesthesia;

30 (B) aerosols;

31 (C) humidification;

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- (D) pharmacological agents related to respiratory care procedures;
 - (E) mechanical or physiological ventilatory support;
 - (F) bronchopulmonary hygiene procedures;
 - (G) oxygen therapy;
 - (H) telehealth as permitted under AS 08.02.130;
 - (I) cardiopulmonary disease management; and
 - (J) instruction on tobacco cessation;
- (5) diagnostic or therapeutic techniques that may be medically essential to maintaining the patient's good respiratory health, including
- (A) maintaining natural airways;
 - (B) inserting, without cutting tissue, and maintaining artificial airways;
 - (C) collecting blood and other body fluids, including specimens from the respiratory tract;
 - (D) collecting inspired and expired gas samples;
 - (E) analyzing blood samples and respiratory secretions;
 - (F) measuring ventilatory volumes, pressures, and flows;
 - (G) measuring hemodynamic and other physiological parameters of the cardiopulmonary system;
 - (H) performing cardiopulmonary resuscitation; and
 - (I) implementing and maintaining environmental control systems and hyperbaric therapy;
- (6) transcribing the written or oral orders of an authorized provider regarding the patient;
- (7) providing instruction and education to the patient on the proper methods of providing self-care and preventing cardiopulmonary disease and other conditions requiring the use of respiratory care equipment and techniques;
- (8) participating in air and ground transport of the patient;
 - (9) inserting and maintaining invasive lines for the patient;
 - (10) managing and maintaining an extracorporeal membrane

1 oxygenation unit for the patient;

2 (11) determining which medically approved respiratory care protocols
3 should be followed for the patient, in the absence of an authorized provider, during an
4 emergency;

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

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

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

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

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

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

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

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

25 (e) In this section,

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

29 (2) "home health agency" means a public agency or private
30 organization, or a subdivision of a public agency or private organization, that
31 primarily engages in providing skilled nursing services in combination with

1 respiratory therapy, physical therapy, occupational therapy, speech therapy, or services
2 provided by a home health aide to an individual in the individual's home, an assisted
3 living home, or another residential setting;

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

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

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

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

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

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

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

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

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

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

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

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

30 (7) failed to meet the standards of practice for respiratory care,
31 including

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

3 (B) administrating treatment that was unnecessary and
4 clinically unjustifiable;

5 (8) violated, or aided or abetted another person in violating, this
6 chapter;

7 (9) has been convicted of

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

10 (B) insurance fraud;

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

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

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

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

22 (2) a student enrolled in an accredited respiratory care educational
23 program who is

24 (A) practicing respiratory care as an integral part of the
25 program; or

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

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

1 (4) a person practicing respiratory care in an emergency;
 2 (5) a person practicing respiratory care within the scope of the person's
 3 duties while

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

5 (B) working in a federal facility;

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

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

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

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

15 (2) "student respiratory care practitioner," "trainee respiratory care
 16 practitioner," "student R.C.P.," or "trainee R.C.P." if practicing under (a)(2)(B) of this
 17 section.

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

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

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

23 (1) "accredited respiratory care educational program" means a
 24 respiratory care educational program that is

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

27 (B) approved by the department;

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

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

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

* Sec. 15. AS 08.95.030 is amended to read:

Sec. 08.95.030. Duties. The board shall

(1) issue licenses to qualified applicants;

(2) adopt regulations

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

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

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

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

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

(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. 16. 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.

1 * **Sec. 17.** AS 08.95.100(b) is amended to read:

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

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

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

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

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

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

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

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

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

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

31 (B) in any way, orally or in writing, directly or by implication,

1 holds out as being a licensed baccalaureate social worker.

2 * **Sec. 18.** AS 08.95.110 is amended by adding a new subsection to read:

3 (d) An applicant for a multistate license as a social worker under
4 AS 08.95.200 shall submit, along with the application, the applicant's fingerprints and
5 the fees required by the Department of Public Safety under AS 12.62.160 for criminal
6 justice information and a national criminal history record check. The board shall
7 forward the fingerprints and fees to the Department of Public Safety to obtain a report
8 of criminal justice information under AS 12.62 and a national criminal history record
9 check under AS 12.62.400. Criminal justice information and criminal history record
10 information obtained under this subsection may only be used by the board for the
11 purpose of determining an applicant's qualifications and fitness for a multistate license
12 under this chapter.

13 * **Sec. 19.** AS 08.95.120 is amended by adding a new subsection to read:

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

16 * **Sec. 20.** AS 08.95.125 is amended by adding a new subsection to read:

17 (f) This section does not apply to an applicant who is a regulated social
18 worker.

19 * **Sec. 21.** AS 08.95 is amended by adding a new section to read:

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

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

24 SECTION 1. PURPOSE.

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

29 This Compact is designed to achieve the following objectives:

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

31 (B) Reduce overly burdensome and duplicative requirements

1 associated with holding multiple licenses;

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

4 (D) Encourage the cooperation of Member States in regulating
5 multistate practice;

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

9 (F) Support military families;

10 (G) Facilitate the exchange of licensure and disciplinary information
11 among Member States;

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

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

18 SECTION 2. DEFINITIONS.

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

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

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

31 (C) "Alternative Program" means a non-disciplinary monitoring or

1 practice remediation process approved by a Licensing Authority to address
2 practitioners with an Impairment.

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

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

10 (F) "Current Significant Investigative Information" means:

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

16 (2) Investigative information that indicates that the Regulated
17 Social Worker represents an immediate threat to public health and safety, as
18 may be defined by the Commission, regardless of whether the Regulated
19 Social Worker has been notified and has had an opportunity to respond.

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

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

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

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

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

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

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

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

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

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

17 (Q) "Multistate Authorization to Practice" means a legally authorized
18 privilege to practice, which is equivalent to a license, associated with a Multistate
19 License permitting the practice of Social Work in a Remote State.

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

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

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

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

31 (V) "Rule(s)" or "Rule(s) of the Commission" means a regulation or

1 regulations duly promulgated by the Commission, as authorized by the Compact, that
2 has the force of law.

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

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

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

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

17 SECTION 3. STATE PARTICIPATION IN THE COMPACT.

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

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

22 (2) Require applicants for licensure to graduate from a program
23 that is:

24 (a) Operated by a college or university recognized by
25 the Licensing Authority;

26 (b) Accredited, or in candidacy by an institution that
27 subsequently becomes accredited, by an accrediting agency recognized
28 by either:

29 (i) the Council for Higher Education
30 Accreditation, or its successor; or

31 (ii) the United States Department of Education;

and

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

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

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

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

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

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

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

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

(5) Comply with the Rules of the Commission;

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

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

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

1 (C) A Member State meeting the requirements of Section 3(A) and
2 3(B) of this Compact shall designate the categories of Social Work licensure that are
3 eligible for issuance of a Multistate License for applicants in such Member State. To
4 the extent that any Member State does not meet the requirements for participation in
5 the Compact at any particular category of Social Work licensure, such Member State
6 may choose, but is not obligated to issue, a Multistate License to applicants that
7 otherwise meet the requirements of Section 4 for issuance of a Multistate License in
8 such category or categories of licensure.

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

11 SECTION 4. SOCIAL WORKER PARTICIPATION IN THE COMPACT.

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

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

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

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

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

25 (5) Meet any continuing competence requirements established
26 by the Home State;

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

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

31 (1) Fulfill a competency requirement, which shall be satisfied

1 by either:

2 (a) Passage of a clinical-category Qualifying National
3 Exam;

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

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

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

14 (a) Operated by a college or university recognized by
15 the Licensing Authority; and

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

18 (i) the Council for Higher Education
19 Accreditation or its successor; or

20 (ii) the United States Department of Education.

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

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

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

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

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

31 (1) Fulfill a competency requirement, which shall be satisfied

1 by either:

2 (a) Passage of a masters-category Qualifying National
3 Exam;

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

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

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

15 (a) Operated by a college or university recognized by
16 the Licensing Authority; and

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

19 (i) the Council for Higher Education
20 Accreditation or its successor; or

21 (ii) the United States Department of Education.

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

24 (1) Fulfill a competency requirement, which shall be satisfied
25 by either:

26 (a) Passage of a bachelor's-category Qualifying
27 National Exam;

28 (b) Licensure of the applicant in their Home State at the
29 bachelor's category, beginning prior to such time as a Qualifying
30 National Exam was required by the Home State and accompanied by a
31 period of continuous Social Work licensure thereafter, all of which may

1 be further governed by the Rules of the Commission; or

2 (c) The substantial equivalency of the foregoing
3 competency requirements which the Commission may determine by
4 Rule.

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

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

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

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

13 (ii) the United States Department of Education.

14 (E) The Multistate License for a Regulated Social Worker is subject to
15 the renewal requirements of the Home State. The Regulated Social Worker must
16 maintain compliance with the requirements of Section 4(A) to be eligible to renew a
17 Multistate License.

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

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

27 (H) If a Multistate Authorization to Practice is encumbered in a
28 Remote State, the regulated Social Worker's Multistate Authorization to Practice may
29 be deactivated in that State until the Multistate Authorization to Practice is no longer
30 encumbered.

31 SECTION 5. ISSUANCE OF A MULTISTATE LICENSE.

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

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

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

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

15 SECTION 6. AUTHORITY OF INTERSTATE COMPACT COMMISSION AND

16 MEMBER STATE LICENSING AUTHORITIES.

17 (A) Nothing in this Compact, nor any Rule of the Commission, shall
18 be construed to limit, restrict, or in any way reduce the ability of a Member State to
19 enact and enforce laws, regulations, or other rules related to the practice of Social
20 Work in that State, where those laws, regulations, or other rules are not inconsistent
21 with the provisions of this Compact.

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

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

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

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

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

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

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

10 (1) The Licensee shall immediately apply for the reissuance of
11 their Multistate License in their new Home State. The Licensee shall pay all
12 applicable fees and notify the prior Home State in accordance with the Rules of
13 the Commission.

14 (2) Upon receipt of an application to reissue a Multistate
15 License, the new Home State shall verify that the Multistate License is active,
16 unencumbered and eligible for reissuance under the terms of the Compact and
17 the Rules of the Commission. The Multistate License issued by the prior Home
18 State will be deactivated and all Member States notified in accordance with the
19 applicable Rules adopted by the Commission.

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

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

29 (5) Notwithstanding any other provision of this Compact, if a
30 Licensee does not meet the requirements set forth in this Compact for the
31 reissuance of a Multistate License by the new Home State, then the Licensee

1 shall be subject to the new Home State requirements for the issuance of a
2 Single State License in that State.

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

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

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

13 SECTION 8. MILITARY FAMILIES.

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

17 SECTION 9. ADVERSE ACTIONS.

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

20 (1) Take Adverse Action against a Regulated Social Worker's
21 Multistate Authorization to Practice only within that Member State, and issue
22 subpoenas for both hearings and investigations that require the attendance and
23 testimony of witnesses as well as the production of evidence. Subpoenas issued
24 by a Licensing Authority in a Member State for the attendance and testimony
25 of witnesses or the production of evidence from another Member State shall be
26 enforced in the latter State by any court of competent jurisdiction, according to
27 the practice and procedure of that court applicable to subpoenas issued in
28 proceedings pending before it. The issuing Licensing Authority shall pay any
29 witness fees, travel expenses, mileage, and other fees required by the service
30 statutes of the State in which the witnesses or evidence are located.

31 (2) Only the Home State shall have the power to take Adverse

1 Action against a Regulated Social Worker's Multistate License.

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

6 (C) The Home State shall complete any pending investigations of a
7 Regulated Social Worker who changes their Home State during the course of the
8 investigations. The Home State shall also have the authority to take appropriate
9 action(s) and shall promptly report the conclusions of the investigations to the
10 administrator of the Data System. The administrator of the Data System shall promptly
11 notify the new Home State of any Adverse Actions.

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

16 (E) A Member State may take Adverse Action based on the factual
17 findings of another Member State, provided that the Member State follows its own
18 procedures for taking the Adverse Action.

19 (F) Joint Investigations:

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

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

27 (G) If Adverse Action is taken by the Home State against the
28 Multistate License of a Regulated Social Worker, the Regulated Social Worker's
29 Multistate Authorization to Practice in all other Member States shall be deactivated
30 until all Encumbrances have been removed from the Multistate License. All Home
31 State disciplinary orders that impose Adverse Action against the license of a

1 Regulated Social Worker shall include a statement that the Regulated Social Worker's
2 Multistate Authorization to Practice is deactivated in all Member States until all
3 conditions of the decision, order or agreement are satisfied.

4 (H) If a Member State takes Adverse Action, it shall promptly notify
5 the administrator of the Data System. The administrator of the Data System shall
6 promptly notify the Home State and all other Member States of any Adverse Actions
7 by Remote States.

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

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

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

16 SECTION 10. ESTABLISHMENT OF SOCIAL WORK LICENSURE COMPACT
17 COMMISSION.

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

24 (B) Membership, Voting, and Meetings

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

27 (2) The delegate shall be either:

28 (a) A current member of the State Licensing Authority
29 at the time of appointment, who is a Regulated Social Worker or public
30 member of the State Licensing Authority; or

31 (b) An administrator of the State Licensing Authority or

1 their designee.

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

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

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

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

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

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

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

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

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

21 (3) Establish and amend Rules and bylaws;

22 (4) Maintain its financial records in accordance with the
23 bylaws;

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

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

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

1 (8) Purchase and maintain insurance and bonds;

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

4 (10) Conduct an annual financial review;

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

10 (12) Assess and collect fees;

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

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

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

19 (16) Establish a budget and make expenditures;

20 (17) Borrow money;

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

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

27 (20) Establish and elect an Executive Committee, including a
28 chair and a vice chair;

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

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

3 (D) The Executive Committee

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

7 (a) Oversee the day-to-day activities of the
8 administration of the Compact including enforcement and compliance
9 with the provisions of the Compact, its Rules and bylaws, and other
10 such duties as deemed necessary;

11 (b) Recommend to the Commission changes to the
12 Rules or bylaws, changes to this Compact legislation, fees charged to
13 Compact Member States, fees charged to Licensees, and other fees;

14 (c) Ensure Compact administration services are
15 appropriately provided, including by contract;

16 (d) Prepare and recommend the budget;

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

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

21 (g) Establish additional committees as necessary;

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

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

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

31 (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.

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

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

(F) Meetings of the Commission

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

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

(b) The Commission may hold a special meeting when it must meet to conduct emergency business by giving 48 hours' notice

1 to all commissioners, on the Commission's website, and other means as
2 provided in the Commission's Rules. The Commission's legal counsel
3 shall certify that the Commission's need to meet qualifies as an
4 emergency.

5 (2) The Commission or the Executive Committee or other
6 committees of the Commission may convene in a closed, non-public meeting
7 for the Commission or Executive Committee or other committees of the
8 Commission to receive legal advice or to discuss:

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

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

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

15 (d) Current, threatened, or reasonably anticipated
16 litigation;

17 (e) Negotiation of contracts for the purchase, lease, or
18 sale of goods, services, or real estate;

19 (f) Accusing any person of a crime or formally
20 censuring any person;

21 (g) Trade secrets or commercial or financial
22 information that is privileged or confidential;

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

25 (i) Investigative records compiled for law enforcement
26 purposes;

27 (j) Information related to any investigative reports
28 prepared by or on behalf of or for use of the Commission or other
29 committee charged with responsibility of investigation or determination
30 of compliance issues pursuant to the Compact;

31 (k) Matters specifically exempted from disclosure by

1 federal or Member State law; or

2 (l) Other matters as promulgated by the Commission by
3 Rule.

4 (3) If a meeting, or portion of a meeting, is closed, the
5 presiding officer shall state that the meeting will be closed and reference each
6 relevant exempting provision, and such reference shall be recorded in the
7 minutes.

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

15 (G) Financing of the Commission

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

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

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

29 (4) The Commission shall not incur obligations of any kind
30 prior to securing the funds adequate to meet the same; nor shall the
31 Commission pledge the credit of any of the Member States, except by and with

1 the authority of the Member State.

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

9 (H) Qualified Immunity, Defense, and Indemnification

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

22 (2) The Commission shall defend any member, officer,
23 executive director, employee, and representative of the Commission in any
24 civil action seeking to impose liability arising out of any actual or alleged act,
25 error, or omission that occurred within the scope of Commission employment,
26 duties, or responsibilities, or as determined by the Commission that the person
27 against whom the claim is made had a reasonable basis for believing occurred
28 within the scope of Commission employment, duties, or responsibilities;
29 provided that nothing herein shall be construed to prohibit that person from
30 retaining their own counsel at their own expense; and provided further, that the
31 actual or alleged act, error, or omission did not result from that person's

1 intentional or willful or wanton misconduct.

2 (3) The Commission shall indemnify and hold harmless any
3 member, officer, executive director, employee, and representative of the
4 Commission for the amount of any settlement or judgment obtained against
5 that person arising out of any actual or alleged act, error, or omission that
6 occurred within the scope of Commission employment, duties, or
7 responsibilities, or that such person had a reasonable basis for believing
8 occurred within the scope of Commission employment, duties, or
9 responsibilities, provided that the actual or alleged act, error, or omission did
10 not result from the intentional or willful or wanton misconduct of that person.

11 (4) Nothing herein shall be construed as a limitation on the
12 liability of any Licensee for professional malpractice or misconduct, which
13 shall be governed solely by any other applicable State laws.

14 (5) Nothing in this Compact shall be interpreted to waive or
15 otherwise abrogate a Member State's state action immunity or state action
16 affirmative defense with respect to antitrust claims under the Sherman Act,
17 Clayton Act, or any other State or federal antitrust or anticompetitive law or
18 regulation.

19 (6) Nothing in this Compact shall be construed to be a waiver
20 of sovereign immunity by the Member States or by the Commission.

21 SECTION 11. DATA SYSTEM.

22 (A) The Commission shall provide for the development, maintenance,
23 operation, and utilization of a coordinated Data System.

24 (B) The Commission shall assign each applicant for a Multistate
25 License a unique identifier, as determined by the Rules of the Commission.

26 (C) Notwithstanding any other provision of State law to the contrary, a
27 Member State shall submit a uniform data set to the Data System on all individuals to
28 whom this Compact is applicable as required by the Rules of the Commission,
29 including:

30 (1) Identifying information;

31 (2) Licensure data;

1 (3) Adverse Actions against a license and information related
2 thereto;

3 (4) Non-confidential information related to Alternative
4 Program participation, the beginning and ending dates of such participation,
5 and other information related to such participation not made confidential under
6 Member State law;

7 (5) Any denial of application for licensure, and the reason(s)
8 for such denial;

9 (6) The presence of Current Significant Investigative
10 Information; and

11 (7) Other information that may facilitate the administration of
12 this Compact or the protection of the public, as determined by the Rules of the
13 Commission.

14 (D) The records and information provided to a Member State pursuant
15 to this Compact or through the Data System, when certified by the Commission or an
16 agent thereof, shall constitute the authenticated business records of the Commission,
17 and shall be entitled to any associated hearsay exception in any relevant judicial,
18 quasi-judicial or administrative proceedings in a Member State.

19 (E) Current Significant Investigative Information pertaining to a
20 Licensee in any Member State will only be available to other Member States.

21 (1) It is the responsibility of the Member States to report any
22 Adverse Action against a Licensee and to monitor the database to determine
23 whether Adverse Action has been taken against a Licensee. Adverse Action
24 information pertaining to a Licensee in any Member State will be available to
25 any other Member State.

26 (F) Member States contributing information to the Data System may
27 designate information that may not be shared with the public without the express
28 permission of the contributing State.

29 (G) Any information submitted to the Data System that is subsequently
30 expunged pursuant to federal law or the laws of the Member State contributing the
31 information shall be removed from the Data System.

SECTION 12. RULEMAKING.

(A) The Commission shall promulgate reasonable Rules in order to effectively and efficiently implement and administer the purposes and provisions of the Compact. A Rule shall be invalid and have no force or effect only if a court of competent jurisdiction holds that the Rule is invalid because the Commission exercised its rulemaking authority in a manner that is beyond the scope and purposes of the Compact, or the powers granted hereunder, or based upon another applicable standard of review.

(B) The Rules of the Commission shall have the force of law in each Member State, provided however that, where the Rules of the Commission conflict with the laws of the Member State that establish the Member State's laws, regulations, and applicable standards that govern the practice of Social Work as held by a court of competent jurisdiction, the Rules of the Commission shall be ineffective in that State to the extent of the conflict.

(C) The Commission shall exercise its Rulemaking powers pursuant to the criteria set forth in this Section and the Rules adopted thereunder. Rules shall become binding on the day following adoption or the date specified in the rule or amendment, whichever is later.

(D) If a majority of the legislatures of the Member States rejects a Rule or portion of a Rule, by enactment of a statute or resolution in the same manner used to adopt the Compact within four (4) years of the date of adoption of the Rule, then such Rule shall have no further force and effect in any Member State.

(E) Rules shall be adopted at a regular or special meeting of the Commission.

(F) Prior to adoption of a proposed Rule, the Commission shall hold a public hearing and allow persons to provide oral and written comments, data, facts, opinions, and arguments.

(G) Prior to adoption of a proposed Rule by the Commission, and at least thirty (30) days in advance of the meeting at which the Commission will hold a public hearing on the proposed Rule, the Commission shall provide a Notice of Proposed Rulemaking:

1 (1) On the website of the Commission or other publicly
2 accessible platform;

3 (2) To persons who have requested notice of the Commission's
4 notices of proposed rulemaking; and

5 (3) In such other way(s) as the Commission may by Rule
6 specify.

7 (H) The Notice of Proposed Rulemaking shall include:

8 (1) The time, date, and location of the public hearing at which
9 the Commission will hear public comments on the proposed Rule and, if
10 different, the time, date, and location of the meeting where the Commission
11 will consider and vote on the proposed Rule;

12 (2) If the hearing is held via telecommunication, video
13 conference, or other electronic means, the Commission shall include the
14 mechanism for access to the hearing in the Notice of Proposed Rulemaking;

15 (3) The text of the proposed Rule and the reason therefor;

16 (4) A request for comments on the proposed Rule from any
17 interested person; and

18 (5) The manner in which interested persons may submit written
19 comments.

20 (I) All hearings will be recorded. A copy of the recording and all
21 written comments and documents received by the Commission in response to the
22 proposed Rule shall be available to the public.

23 (J) Nothing in this section shall be construed as requiring a separate
24 hearing on each Rule. Rules may be grouped for the convenience of the Commission
25 at hearings required by this section.

26 (K) The Commission shall, by majority vote of all members, take final
27 action on the proposed Rule based on the Rulemaking record and the full text of the
28 Rule.

29 (1) The Commission may adopt changes to the proposed Rule
30 provided the changes do not enlarge the original purpose of the proposed Rule.

31 (2) The Commission shall provide an explanation of the

1 reasons for substantive changes made to the proposed Rule as well as reasons
2 for substantive changes not made that were recommended by commenters.

3 (3) The Commission shall determine a reasonable effective date
4 for the Rule. Except for an emergency as provided in Section 12(L), the
5 effective date of the rule shall be no sooner than 30 days after issuing the
6 notice that it adopted or amended the Rule.

7 (L) Upon determination that an emergency exists, the Commission
8 may consider and adopt an emergency Rule with 48 hours' notice, with opportunity to
9 comment, 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 Member State funds;
16 (3) Meet a deadline for the promulgation of a Rule that is
17 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
20 may direct revisions to a previously adopted Rule 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 Commission prior to the end of the notice period. If no challenge is made, the
27 revision will take effect without further action. If the revision is challenged, the
28 revision may not take effect without the approval of the Commission.

29 (N) No Member State's rulemaking requirements shall apply under this
30 Compact.

31 SECTION 13. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT.

1 (A) Oversight

2 (1) The executive and judicial branches of State government in
3 each Member State shall enforce this Compact and take all actions necessary
4 and appropriate to implement the Compact.

5 (2) Except as otherwise provided in this Compact, venue is
6 proper and judicial proceedings by or against the Commission shall be brought
7 solely and exclusively in a court of competent jurisdiction where the principal
8 office of the Commission is located. The Commission may waive venue and
9 jurisdictional defenses to the extent it adopts or consents to participate in
10 alternative dispute resolution proceedings. Nothing herein shall affect or limit
11 the selection or propriety of venue in any action against a Licensee for
12 professional malpractice, misconduct or any such similar matter.

13 (3) The Commission shall be entitled to receive service of
14 process in any proceeding regarding the enforcement or interpretation of the
15 Compact and shall have standing to intervene in such a proceeding for all
16 purposes. Failure to provide the Commission service of process shall render a
17 judgment or order void as to the Commission, this Compact, or promulgated
18 Rules.

19 (B) Default, Technical Assistance, and Termination

20 (1) If the Commission determines that a Member State has
21 defaulted in the performance of its obligations or responsibilities under this
22 Compact or the promulgated Rules, the Commission shall provide written
23 notice to the defaulting State. The notice of default shall describe the default,
24 the proposed means of curing the default, and any other action that the
25 Commission may take, and shall offer training and specific technical assistance
26 regarding the default.

27 (2) The Commission shall provide a copy of the notice of
28 default to the other Member States.

29 (C) If a State in default fails to cure the default, the defaulting State
30 may be terminated from the Compact upon an affirmative vote of a majority of the
31 delegates of the Member States, and all rights, privileges and benefits conferred on

1 that State by this Compact may be terminated on the effective date of termination. A
2 cure of the default does not relieve the offending State of obligations or liabilities
3 incurred during the period of default.

4 (D) Termination of membership in the Compact shall be imposed only
5 after all other means of securing compliance have been exhausted. Notice of intent to
6 suspend or terminate shall be given by the Commission to the governor, the majority
7 and minority leaders of the defaulting State's legislature, the defaulting State's State
8 Licensing Authority and each of the Member States' State Licensing Authority.

9 (E) A State that has been terminated is responsible for all assessments,
10 obligations, and liabilities incurred through the effective date of termination, including
11 obligations that extend beyond the effective date of termination.

12 (F) Upon the termination of a State's membership from this Compact,
13 that State shall immediately provide notice to all Licensees within that State of such
14 termination. The terminated State shall continue to recognize all licenses granted
15 pursuant to this Compact for a minimum of six (6) months after the date of said notice
16 of termination.

17 (G) The Commission shall not bear any costs related to a State that is
18 found to be in default or that has been terminated from the Compact, unless agreed
19 upon in writing between the Commission and the defaulting State.

20 (H) The defaulting State may appeal the action of the Commission by
21 petitioning the U.S. District Court for the District of Columbia or the federal district
22 where the Commission has its principal offices. The prevailing party shall be awarded
23 all costs of such litigation, including reasonable attorney's fees.

24 (I) Dispute Resolution

25 (1) Upon request by a Member State, the Commission shall
26 attempt to resolve disputes related to the Compact that arise among Member
27 States and between Member and non-Member States.

28 (2) The Commission shall promulgate a Rule providing for
29 both mediation and binding dispute resolution for disputes as appropriate.

30 (J) Enforcement

31 (1) By majority vote as provided by Rule, the Commission may

1 initiate legal action against a Member State in default in the United States
2 District Court for the District of Columbia or the federal district where the
3 Commission has its principal offices to enforce compliance with the provisions
4 of the Compact and its promulgated Rules. The relief sought may include both
5 injunctive relief and damages. In the event judicial enforcement is necessary,
6 the prevailing party shall be awarded all costs of such litigation, including
7 reasonable attorney's fees. The remedies herein shall not be the exclusive
8 remedies of the Commission. The Commission may pursue any other remedies
9 available under federal or the defaulting Member State's law.

10 (2) A Member State may initiate legal action against the
11 Commission in the U.S. District Court for the District of Columbia or the
12 federal district where the Commission has its principal offices to enforce
13 compliance with the provisions of the Compact and its promulgated Rules. The
14 relief sought may include both injunctive relief and damages. In the event
15 judicial enforcement is necessary, the prevailing party shall be awarded all
16 costs of such litigation, including reasonable attorney's fees.

17 (3) No person other than a Member State shall enforce this
18 Compact against the Commission.

19 SECTION 14. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT.

20 (A) The Compact shall come into effect on the date on which the
21 Compact statute is enacted into law in the seventh Member State.

22 (1) On or after the effective date of the Compact, the
23 Commission shall convene and review the enactment of each of the first seven
24 Member States ("Charter Member States") to determine if the statute enacted
25 by each such Charter Member State is materially different than the model
26 Compact statute.

27 (a) A Charter Member State whose enactment is found
28 to be materially different from the model Compact statute shall be
29 entitled to the default process set forth in Section 13.

30 (b) If any Member State is later found to be in default,
31 or is terminated or withdraws from the Compact, the Commission shall

1 remain in existence and the Compact shall remain in effect even if the
2 number of Member States should be less than seven.

3 (2) Member States enacting the Compact subsequent to the
4 seven initial Charter Member States shall be subject to the process set forth in
5 Section 10(C)(21) to determine if their enactments are materially different
6 from the model Compact statute and whether they qualify for participation in
7 the Compact.

8 (3) All actions taken for the benefit of the Commission or in
9 furtherance of the purposes of the administration of the Compact prior to the
10 effective date of the Compact or the Commission coming into existence shall
11 be considered to be actions of the Commission unless specifically repudiated
12 by the Commission.

13 (4) Any State that joins the Compact subsequent to the
14 Commission's initial adoption of the Rules and bylaws shall be subject to the
15 Rules and bylaws as they exist on the date on which the Compact becomes law
16 in that State. Any Rule that has been previously adopted by the Commission
17 shall have the full force and effect of law on the day the Compact becomes law
18 in that State.

19 (B) Any Member State may withdraw from this Compact by enacting a
20 statute repealing the same.

21 (1) A Member State's withdrawal shall not take effect until 180
22 days after enactment of the repealing statute.

23 (2) Withdrawal shall not affect the continuing requirement of
24 the withdrawing State's Licensing Authority to comply with the investigative
25 and Adverse Action reporting requirements of this Compact prior to the
26 effective date of withdrawal.

27 (3) Upon the enactment of a statute withdrawing from this
28 Compact, a State shall immediately provide notice of such withdrawal to all
29 Licensees within that State. Notwithstanding any subsequent statutory
30 enactment to the contrary, such withdrawing State shall continue to recognize
31 all licenses granted pursuant to this Compact for a minimum of 180 days after

1 the date of such notice of withdrawal.

2 (C) Nothing contained in this Compact shall be construed to invalidate
3 or prevent any licensure agreement or other cooperative arrangement between a
4 Member State and a non-Member State that does not conflict with the provisions of
5 this Compact.

6 (D) This Compact may be amended by the Member States. No
7 amendment to this Compact shall become effective and binding upon any Member
8 State until it is enacted into the laws of all Member States.

9 SECTION 15. CONSTRUCTION AND SEVERABILITY.

10 (A) This Compact and the Commission's rulemaking authority shall be
11 liberally construed so as to effectuate the purposes, and the implementation and
12 administration of the Compact. Provisions of the Compact expressly authorizing or
13 requiring the promulgation of Rules shall not be construed to limit the Commission's
14 rulemaking authority solely for those purposes.

15 (B) The provisions of this Compact shall be severable and if any
16 phrase, clause, sentence or provision of this Compact is held by a court of competent
17 jurisdiction to be contrary to the constitution of any Member State, a State seeking
18 participation in the Compact, or of the United States, or the applicability thereof to any
19 government, agency, person or circumstance is held to be unconstitutional by a court
20 of competent jurisdiction, the validity of the remainder of this Compact and the
21 applicability thereof to any other government, agency, person or circumstance shall
22 not be affected thereby.

23 (C) Notwithstanding subsection B of this section, the Commission may
24 deny a State's participation in the Compact or, in accordance with the requirements of
25 Section 13(B), terminate a Member State's participation in the Compact, if it
26 determines that a constitutional requirement of a Member State is a material departure
27 from the Compact. Otherwise, if this Compact shall be held to be contrary to the
28 constitution of any Member State, the Compact shall remain in full force and effect as
29 to the remaining Member States and in full force and effect as to the Member State
30 affected as to all severable matters.

31 SECTION 16. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS.

1 (A) A Licensee providing services in a Remote State under a
2 Multistate Authorization to Practice shall adhere to the laws and regulations, including
3 laws, regulations, and applicable standards, of the Remote State where the client is
4 located at the time care is rendered.

5 (B) Nothing herein shall prevent or inhibit the enforcement of any
6 other law of a Member State that is not inconsistent with the Compact.

7 (C) Any laws, statutes, regulations, or other legal requirements in a
8 Member State in conflict with the Compact are superseded to the extent of the conflict.

9 (D) All permissible agreements between the Commission and the
10 Member States are binding in accordance with their terms.

11 * **Sec. 22.** AS 08.95.990 is amended by adding new paragraphs to read:

12 (8) "multistate authorization to practice" has the meaning given in
13 AS 08.95.200;

14 (9) "regulated social worker" has the meaning given in AS 08.95.200.

15 * **Sec. 23.** AS 09.55.560(2) is amended to read:

16 (2) "health care provider" means an acupuncturist licensed under
17 AS 08.06; an audiologist or speech-language pathologist licensed under AS 08.11; a
18 chiropractor licensed under AS 08.20; a dental hygienist licensed under AS 08.32; a
19 dentist licensed under AS 08.36; a nurse licensed under AS 08.68; a dispensing
20 optician licensed under AS 08.71; a naturopath licensed under AS 08.45; an
21 optometrist licensed under AS 08.72; a pharmacist licensed under AS 08.80; **a**
22 **respiratory care practitioner licensed under AS 08.90;** a physical therapist or
23 occupational therapist licensed under AS 08.84; a physician or physician assistant
24 licensed under AS 08.64; a podiatrist; a psychologist and a psychological associate
25 licensed under AS 08.86; a hospital as defined in AS 47.32.900, including a
26 governmentally owned or operated hospital; an employee of a health care provider
27 acting within the course and scope of employment; an ambulatory surgical facility and
28 other organizations whose primary purpose is the delivery of health care, including a
29 health maintenance organization, individual practice association, integrated delivery
30 system, preferred provider organization or arrangement, and a physical hospital
31 organization;

1 * **Sec. 24.** AS 09.65.300(c)(1) is amended to read:

2 (1) "health care provider" means a physician, physician assistant,
3 dentist, dental hygienist, osteopath, optometrist, chiropractor, registered nurse,
4 practical nurse, advanced practice registered nurse, naturopath, **respiratory care**
5 **practitioner**, physical therapist, occupational therapist, marital and family therapist,
6 psychologist, psychological associate, behavior analyst, assistant behavior analyst,
7 licensed clinical social worker, athletic trainer, certified direct-entry midwife, licensed
8 professional counselor, or licensed associate counselor;

9 * **Sec. 25.** AS 12.62.400(a) is amended by adding new paragraphs to read:

10 (26) expedited licensure as a physician or osteopath under
11 AS 08.64.253;

12 (27) licensure as a physician assistant under AS 08.64.107, including a
13 compact privilege under AS 08.64.254;

14 (28) licensure as a psychologist under AS 08.86, including an authority
15 to practice under AS 08.86.225;

16 (29) certification or licensure as an emergency medical technician or
17 mobile intensive care paramedic under AS 18.08 or as an advanced emergency
18 medical technician under regulations adopted under AS 18.08, including a privilege to
19 practice under AS 18.08.105.

20 * **Sec. 26.** AS 12.62.400(a), as amended by sec. 25 of this Act, is amended by adding a new
21 paragraph to read:

22 (30) multistate licensure as a social worker under AS 08.95.200.

23 * **Sec. 27.** AS 14.30.141(e) is amended to read:

24 (e) In this section, "health care provider" means a licensed physician,
25 advanced practice registered nurse, **respiratory care practitioner**, physician assistant,
26 village health aide, or pharmacist operating within the scope of the health care
27 provider's authority.

28 * **Sec. 28.** AS 18.08.082 is amended by adding new subsections to read:

29 (d) An applicant for a license or certificate as an emergency medical
30 technician or mobile intensive care paramedic under this section or as an advanced
31 emergency medical technician under regulations adopted under this chapter shall

1 submit to the department the applicant's fingerprints and the fees required by the
2 Department of Public Safety under AS 12.62.160 for criminal justice information and
3 a national criminal history record check. The department shall forward the fingerprints
4 and fees to the Department of Public Safety to obtain a report of criminal justice
5 information under AS 12.62 and a national criminal history record check under
6 AS 12.62.400. Criminal justice information and criminal history record information
7 obtained under this subsection may only be used by the department for the purpose of
8 determining an applicant's qualifications and fitness for a license or privilege to
9 practice under this chapter.

10 (e) The department shall implement the recognition of EMS personnel
11 licensure interstate compact under AS 18.08.105.

12 * **Sec. 29.** AS 18.08 is amended by adding a new section to read:

13 **Sec. 18.08.105. Recognition of EMS personnel licensure interstate**
14 **compact.** The recognition of EMS personnel licensure interstate compact as contained
15 in this section is enacted into law and entered into on behalf of the state with all other
16 states and jurisdictions legally joining it in a form substantially as follows:

17 SECTION 1. PURPOSE.

18 In order to protect the public through verification of competency and ensure
19 accountability for patient care related activities all states license emergency medical
20 services (EMS) personnel, such as emergency medical technicians (EMTs), advanced
21 EMTs and paramedics. This Compact is intended to facilitate the day-to-day
22 movement of EMS personnel across state boundaries in the performance of their EMS
23 duties as assigned by an appropriate authority and authorize state EMS offices to
24 afford immediate legal recognition to EMS personnel licensed in a member state. This
25 Compact recognizes that states have a vested interest in protecting the public's health
26 and safety through their licensing and regulation of EMS personnel and that such state
27 regulation shared among the member states will best protect public health and safety.
28 This Compact is designed to achieve the following purposes and objectives:

- 29 (1) increase public access to EMS personnel;
30 (2) enhance the states' ability to protect the public's health and safety,
31 especially patient safety;

1 (3) encourage the cooperation of member states in the areas of EMS
2 personnel licensure and regulation;

3 (4) support licensing of military members who are separating from an
4 active-duty tour and their spouses;

5 (5) facilitate the exchange of information between member states
6 regarding EMS personnel licensure, adverse action and significant investigatory
7 information;

8 (6) promote compliance with the laws governing EMS personnel
9 practice in each member state; and

10 (7) invest all member states with the authority to hold EMS personnel
11 accountable through the mutual recognition of member state licenses.

12 SECTION 2. DEFINITIONS.

13 In this Compact:

14 (A) "Advanced Emergency Medical Technician" and "AEMT" mean: an
15 individual licensed with cognitive knowledge and a scope of practice that corresponds
16 to that level in the National EMS Education Standards and National EMS Scope of
17 Practice Model.

18 (B) "Adverse Action" means: any administrative, civil, equitable or criminal
19 action permitted by a state's laws which may be imposed against licensed EMS
20 personnel by a state EMS authority or state court, including, but not limited to, actions
21 against an individual's license such as revocation, suspension, probation, consent
22 agreement, monitoring or other limitation or encumbrance on the individual's practice,
23 letters of reprimand or admonition, fines, criminal convictions and state court
24 judgments enforcing adverse actions by the state EMS authority.

25 (C) "Alternative program" means: a voluntary, non-disciplinary substance
26 abuse recovery program approved by a state EMS authority.

27 (D) "Certification" means: the successful verification of entry-level cognitive
28 and psychomotor competency using a reliable, validated, and legally defensible
29 examination.

30 (E) "Commission" means: the national administrative body of which all states
31 that have enacted the Compact are members.

1 (F) "Emergency Medical Technician" and "EMT" mean: an individual
2 licensed with cognitive knowledge and a scope of practice that corresponds to that
3 level in the National EMS Education Standards and National EMS Scope of Practice
4 Model.

5 (G) "Home State" means: a member state where an individual is licensed to
6 practice emergency medical services.

7 (H) "License" means: the authorization by a state for an individual to practice
8 as an EMT, AEMT, paramedic, or a level in between EMT and paramedic.

9 (I) "Medical Director" means: a physician licensed in a member state who is
10 accountable for the care delivered by EMS personnel.

11 (J) "Member State" means: a state that has enacted this Compact.

12 (K) "Paramedic" means: an individual licensed with cognitive knowledge and
13 a scope of practice that corresponds to that level in the National EMS Education
14 Standards and National EMS Scope of Practice Model.

15 (L) "Privilege to Practice" means: an individual's authority to deliver
16 emergency medical services in remote states as authorized under this Compact.

17 (M) "Remote State" means: a member state in which an individual is not
18 licensed.

19 (N) "Restricted" means: the outcome of an adverse action that limits a license
20 or the privilege to practice.

21 (O) "Rule" means: a written statement by the interstate Commission
22 promulgated pursuant to Section 12 of this Compact that is of general applicability;
23 implements, interprets, or prescribes a policy or provision of the Compact; or is an
24 organizational, procedural, or practice requirement of the Commission and has the
25 force and effect of statutory law in a member state and includes the amendment,
26 repeal, or suspension of an existing rule.

27 (P) "Scope of Practice" means: defined parameters of various duties or
28 services that may be provided by an individual with specific credentials. Whether
29 regulated by rule, statute, or court decision, it tends to represent the limits of services
30 an individual may perform.

31 (Q) "Significant Investigatory Information" means:

1 (1) investigative information that a state EMS authority, after a
2 preliminary inquiry that includes notification and an opportunity to respond if required
3 by state law, has reason to believe, if proved true, would result in the imposition of an
4 adverse action on a license or privilege to practice; or

5 (2) investigative information that indicates that the individual
6 represents an immediate threat to public health and safety regardless of whether the
7 individual has been notified and had an opportunity to respond.

8 (R) "State" means: any state, commonwealth, district, or territory of the
9 United States.

10 (S) "State EMS Authority" means: the board, office, or other agency with the
11 legislative mandate to license EMS personnel.

12 SECTION 3. HOME STATE LICENSURE.

13 (A) Any member state in which an individual holds a current license shall be
14 deemed a home state for purposes of this Compact.

15 (B) Any member state may require an individual to obtain and retain a license
16 to be authorized to practice in the member state under circumstances not authorized by
17 the privilege to practice under the terms of this Compact.

18 (C) A home state's license authorizes an individual to practice in a remote
19 state under the privilege to practice only if the home state:

20 (1) Currently requires the use of the National Registry of Emergency
21 Medical Technicians (NREMT) examination as a condition of issuing initial licenses
22 at the EMT and paramedic levels;

23 (2) Has a mechanism in place for receiving and investigating
24 complaints about individuals;

25 (3) Notifies the Commission, in compliance with the terms herein, of
26 any adverse action or significant investigatory information regarding an individual;

27 (4) No later than five years after activation of the Compact, requires a
28 criminal background check of all applicants for initial licensure, including the use of
29 the results of fingerprint or other biometric data checks compliant with the
30 requirements of the Federal Bureau of Investigation with the exception of federal
31 employees who have suitability determination in accordance with 5 C.F.R. 731.202

1 and submit documentation of such as promulgated in the rules of the Commission; and

2 (5) Complies with the rules of the Commission.

3 SECTION 4. COMPACT PRIVILEGE TO PRACTICE.

4 (A) Member states shall recognize the privilege to practice of an individual
5 licensed in another member state that is in conformance with Section 3.

6 (B) To exercise the privilege to practice under the terms and provisions of this
7 Compact, an individual must:

8 (1) Be at least 18 years of age;

9 (2) Possess a current unrestricted license in a member state as an EMT,
10 AEMT, paramedic, or state recognized and licensed level with a scope of practice and
11 authority between EMT and paramedic; and

12 (3) Practice under the supervision of a medical director.

13 (C) An individual providing patient care in a remote state under the privilege
14 to practice shall function within the scope of practice authorized by the home state
15 unless and until modified by an appropriate authority in the remote state as may be
16 defined in the rules of the commission.

17 (D) Except as provided in Section 4(C), an individual practicing in a remote
18 state will be subject to the remote state's authority and laws. A remote state may, in
19 accordance with due process and that state's laws, restrict, suspend, or revoke an
20 individual's privilege to practice in the remote state and may take any other necessary
21 actions to protect the health and safety of its citizens. If a remote state takes action it
22 shall promptly notify the home state and the Commission.

23 (E) If an individual's license in any home state is restricted or suspended, the
24 individual shall not be eligible to practice in a remote state under the privilege to
25 practice until the individual's home state license is restored.

26 (F) If an individual's privilege to practice in any remote state is restricted,
27 suspended, or revoked the individual shall not be eligible to practice in any remote
28 state until the individual's privilege to practice is restored.

29 SECTION 5. CONDITIONS OF PRACTICE IN A REMOTE STATE.

30 An individual may practice in a remote state under a privilege to practice only
31 in the performance of the individual's EMS duties as assigned by an appropriate

1 authority, as defined in the rules of the Commission, and under the following
2 circumstances:

3 (1) The individual originates a patient transport in a home state and
4 transports the patient to a remote state;

5 (2) The individual originates in the home state and enters a remote
6 state to pick up a patient and provide care and transport of the patient to the home
7 state;

8 (3) The individual enters a remote state to provide patient care and/or
9 transport within that remote state;

10 (4) The individual enters a remote state to pick up a patient and
11 provide care and transport to a third member state;

12 (5) Other conditions as determined by rules promulgated by the
13 commission.

14 SECTION 6. RELATIONSHIP TO EMERGENCY MANAGEMENT ASSISTANCE
15 COMPACT.

16 Upon a member state's governor's declaration of a state of emergency or
17 disaster that activates the Emergency Management Assistance Compact (EMAC), all
18 relevant terms and provisions of EMAC shall apply and to the extent any terms or
19 provisions of this Compact conflicts with EMAC, the terms of EMAC shall prevail
20 with respect to any individual practicing in the remote state in response to such
21 declaration.

22 SECTION 7. VETERANS, SERVICE MEMBERS SEPARATING FROM ACTIVE-DUTY
23 MILITARY, AND THEIR SPOUSES.

24 (A) Member states shall consider a veteran, active military service member,
25 and member of the National Guard and Reserves separating from an active-duty tour,
26 and a spouse thereof, who holds a current valid and unrestricted NREMT certification
27 at or above the level of the state license being sought as satisfying the minimum
28 training and examination requirements for such licensure.

29 (B) Member states shall expedite the processing of licensure applications
30 submitted by veterans, active military service members, and members of the National
31 Guard and Reserves separating from an active-duty tour, and their spouses.

1 (C) All individuals functioning with a privilege to practice under this Section
2 remain subject to the Adverse Actions provisions of Section 8.

3 SECTION 8. ADVERSE ACTIONS.

4 (A) A home state shall have exclusive power to impose adverse action against
5 an individual's license issued by the home state.

6 (B) If an individual's license in any home state is restricted or suspended, the
7 individual shall not be eligible to practice in a remote state under the privilege to
8 practice until the individual's home state license is restored.

9 (1) All home state adverse action orders shall include a statement that
10 the individual's Compact privileges are inactive. The order may allow the individual to
11 practice in remote states with prior written authorization from both the home state and
12 remote state's EMS authority.

13 (2) An individual currently subject to adverse action in the home state
14 shall not practice in any remote state without prior written authorization from both the
15 home state and remote state's EMS authority.

16 (C) A member state shall report adverse actions and any occurrences that the
17 individual's Compact privileges are restricted, suspended, or revoked to the
18 Commission in accordance with the rules of the Commission.

19 (D) A remote state may take adverse action on an individual's privilege to
20 practice within that state.

21 (E) Any member state may take adverse action against an individual's
22 privilege to practice in that state based on the factual findings of another member state,
23 so long as each state follows its own procedures for imposing such adverse action.

24 (F) A home state's EMS authority shall investigate and take appropriate action
25 with respect to reported conduct in a remote state as it would if such conduct had
26 occurred within the home state. In such cases, the home state's law shall control in
27 determining the appropriate adverse action.

28 (G) Nothing in this Compact shall override a member state's decision that
29 participation in an alternative program may be used in lieu of adverse action and that
30 such participation shall remain non-public if required by the member state's laws.
31 Member states must require individuals who enter any alternative programs to agree

1 not to practice in any other member state during the term of the alternative program
2 without prior authorization from such other member state.

3 SECTION 9. ADDITIONAL POWERS INVESTED IN A MEMBER STATE'S EMS
4 AUTHORITY.

5 A member state's EMS authority, in addition to any other powers granted
6 under state law, is authorized under this Compact to:

7 (1) Issue subpoenas for both hearings and investigations that require
8 the attendance and testimony of witnesses and the production of evidence. Subpoenas
9 issued by a member state's EMS authority for the attendance and testimony of
10 witnesses, and/or the production of evidence from another member state, shall be
11 enforced in the remote state by any court of competent jurisdiction, according to that
12 court's practice and procedure in considering subpoenas issued in its own proceedings.
13 The issuing state EMS authority shall pay any witness fees, travel expenses, mileage,
14 and other fees required by the service statutes of the state where the witnesses and/or
15 evidence are located; and

16 (2) Issue cease and desist orders to restrict, suspend, or revoke an
17 individual's privilege to practice in the state.

18 SECTION 10. ESTABLISHMENT OF THE INTERSTATE COMMISSION FOR EMS
19 PERSONNEL PRACTICE.

20 (A) The Compact states hereby create and establish a joint public agency
21 known as the Interstate Commission for EMS Personnel Practice.

22 (1) The Commission is a body politic and an instrumentality of the
23 Compact states.

24 (2) Venue is proper and judicial proceedings by or against the
25 Commission shall be brought solely and exclusively in a court of competent
26 jurisdiction where the principal office of the Commission is located. The Commission
27 may waive venue and jurisdictional defenses to the extent it adopts or consents to
28 participate in alternative dispute resolution proceedings.

29 (3) Nothing in this Compact shall be construed to be a waiver of
30 sovereign immunity.

31 (B) Membership, Voting, and Meetings.

1 (1) Each member state shall have and be limited to one (1) delegate.
2 The responsible official of the state EMS authority or his designee shall be the
3 delegate to this Compact for each member state. Any delegate may be removed or
4 suspended from office as provided by the law of the state from which the delegate is
5 appointed. Any vacancy occurring in the Commission shall be filled in accordance
6 with the laws of the member state in which the vacancy exists. In the event that more
7 than one board, office, or other agency with the legislative mandate to license EMS
8 personnel at and above the level of EMT exists, the Governor of the state will
9 determine which entity will be responsible for assigning the delegate.

10 (2) Each delegate shall be entitled to one (1) vote with regard to the
11 promulgation of rules and creation of bylaws and shall otherwise have an opportunity
12 to participate in the business and affairs of the Commission. A delegate shall vote in
13 person or by such other means as provided in the bylaws. The bylaws may provide for
14 delegates' participation in meetings by telephone or other means of communication.

15 (3) The Commission shall meet at least once during each calendar
16 year. Additional meetings shall be held as set forth in the bylaws.

17 (4) All meetings shall be open to the public, and public notice of
18 meetings shall be given in the same manner as required under the rulemaking
19 provisions in Section 7.

20 (5) The Commission may convene in a closed, non-public meeting if
21 the Commission must discuss:

22 (a) Non-compliance of a member state with its obligations
23 under the Compact;

24 (b) The employment, compensation, discipline or other
25 personnel matters, practices or procedures related to specific employees or
26 other matters related to the Commission's internal personnel practices and
27 procedures;

28 (c) Current, threatened, or reasonably anticipated litigation;

29 (d) Negotiation of contracts for the purchase or sale of goods,
30 services, or real estate;

31 (e) Accusing any person of a crime or formally censuring any

1 person;

2 (f) Disclosure of trade secrets or commercial or financial
3 information that is privileged or confidential;

4 (g) Disclosure of information of a personal nature where
5 disclosure would constitute a clearly unwarranted invasion of personal privacy;

6 (h) Disclosure of investigatory records compiled for law
7 enforcement purposes;

8 (i) Disclosure of information related to any investigatory
9 reports prepared by or on behalf of or for use of the Commission or other
10 committee charged with responsibility of investigation or determination of
11 compliance issues pursuant to the Compact; or

12 (j) Matters specifically exempted from disclosure by federal or
13 member state statute.

14 (6) If a meeting, or portion of a meeting, is closed pursuant to this
15 provision, the Commission's legal counsel or designee shall certify that the meeting
16 may be closed and shall reference each relevant exempting provision. The
17 Commission shall keep minutes that fully and clearly describe all matters discussed in
18 a meeting and shall provide a full and accurate summary of actions taken, and the
19 reasons therefore, including a description of the views expressed. All documents
20 considered in connection with an action shall be identified in such minutes. All
21 minutes and documents of a closed meeting shall remain under seal, subject to release
22 by a majority vote of the Commission or order of a court of competent jurisdiction.

23 (C) The Commission shall, by a majority vote of the delegates, prescribe
24 bylaws and/or rules to govern its conduct as may be necessary or appropriate to carry
25 out the purposes and exercise the powers of the Compact, including but not limited to:

26 (1) Establishing the fiscal year of the Commission;

27 (2) Providing reasonable standards and procedures:

28 (a) for the establishment and meetings of other committees; and

29 (b) governing any general or specific delegation of any
30 authority or function of the Commission;

31 (3) Providing reasonable procedures for calling and conducting

1 meetings of the Commission, ensuring reasonable advance notice of all meetings, and
2 providing an opportunity for attendance of such meetings by interested parties, with
3 enumerated exceptions designed to protect the public's interest, the privacy of
4 individuals, and proprietary information, including trade secrets. The Commission
5 may meet in closed session only after a majority of the membership votes to close a
6 meeting in whole or in part. As soon as practicable, the Commission must make public
7 a copy of the vote to close the meeting revealing the vote of each member with no
8 proxy votes allowed;

9 (4) Establishing the titles, duties and authority, and reasonable
10 procedures for the election of the officers of the Commission;

11 (5) Providing reasonable standards and procedures for the
12 establishment of the personnel policies and programs of the Commission.
13 Notwithstanding any civil service or other similar laws of any member state, the
14 bylaws shall exclusively govern the personnel policies and programs of the
15 Commission;

16 (6) Promulgating a code of ethics to address permissible and prohibited
17 activities of Commission members and employees;

18 (7) Providing a mechanism for winding up the operations of the
19 Commission and the equitable disposition of any surplus funds that may exist after the
20 termination of the Compact after the payment and/or reserving of all of its debts and
21 obligations;

22 (8) The Commission shall publish its bylaws and file a copy thereof,
23 and a copy of any amendment thereto, with the appropriate agency or officer in each
24 of the member states, if any;

25 (9) The Commission shall maintain its financial records in accordance
26 with the bylaws;

27 (10) The Commission shall meet and take such actions as are
28 consistent with the provisions of this Compact and the bylaws.

29 (D) The Commission shall have the following powers:

30 (1) The authority to promulgate uniform rules to facilitate and
31 coordinate implementation and administration of this Compact. The rules shall have

1 the force and effect of law and shall be binding in all member states;

2 (2) To bring and prosecute legal proceedings or actions in the name of
3 the Commission, provided that the standing of any state EMS authority or other
4 regulatory body responsible for EMS personnel licensure to sue or be sued under
5 applicable law shall not be affected;

6 (3) To purchase and maintain insurance and bonds;

7 (4) To borrow, accept, or contract for services of personnel, including,
8 but not limited to, employees of a member state;

9 (5) To hire employees, elect or appoint officers, fix compensation,
10 define duties, grant such individuals appropriate authority to carry out the purposes of
11 the Compact, and to establish the Commission's personnel policies and programs
12 relating to conflicts of interest, qualifications of personnel, and other related personnel
13 matters;

14 (6) To accept any and all appropriate donations and grants of money,
15 equipment, supplies, materials and services, and to receive, utilize and dispose of the
16 same; provided that at all times the Commission shall strive to avoid any appearance
17 of impropriety and/or conflict of interest;

18 (7) To lease, purchase, accept appropriate gifts or donations of, or
19 otherwise to own, hold, improve or use, any property, real, personal or mixed;
20 provided that at all times the Commission shall strive to avoid any appearance of
21 impropriety;

22 (8) To sell, convey, mortgage, pledge, lease, exchange, abandon, or
23 otherwise dispose of any property real, personal, or mixed;

24 (9) To establish a budget and make expenditures;

25 (10) To borrow money;

26 (11) To appoint committees, including advisory committees comprised
27 of members, state regulators, state legislators or their representatives, and consumer
28 representatives, and such other interested persons as may be designated in this
29 Compact and the bylaws;

30 (12) To provide and receive information from, and to cooperate with,
31 law enforcement agencies;

1 (13) To adopt and use an official seal; and

2 (14) To perform such other functions as may be necessary or
3 appropriate to achieve the purposes of this Compact consistent with the state
4 regulation of EMS personnel licensure and practice.

5 (E) Financing of the Commission.

6 (1) The Commission shall pay, or provide for the payment of, the
7 reasonable expenses of its establishment, organization, and ongoing activities.

8 (2) The Commission may accept any and all appropriate revenue
9 sources, donations, and grants of money, equipment, supplies, materials, and services.

10 (3) The Commission may levy on and collect an annual assessment
11 from each member state or impose fees on other parties to cover the cost of the
12 operations and activities of the Commission and its staff, which must be in a total
13 amount sufficient to cover its annual budget as approved each year for which revenue
14 is not provided by other sources. The aggregate annual assessment amount shall be
15 allocated based upon a formula to be determined by the Commission, which shall
16 promulgate a rule binding upon all member states.

17 (4) The Commission shall not incur obligations of any kind prior to
18 securing the funds adequate to meet the same; nor shall the Commission pledge the
19 credit of any of the member states, except by and with the authority of the member
20 state.

21 (5) The Commission shall keep accurate accounts of all receipts and
22 disbursements. The receipts and disbursements of the Commission shall be subject to
23 the audit and accounting procedures established under its bylaws. However, all
24 receipts and disbursements of funds handled by the Commission shall be audited
25 yearly by a certified or licensed public accountant, and the report of the audit shall be
26 included in and become part of the annual report of the Commission.

27 (F) Qualified Immunity, Defense, and Indemnification.

28 (1) The members, officers, executive director, employees and
29 representatives of the Commission shall be immune from suit and liability, either
30 personally or in their official capacity, for any claim for damage to or loss of property
31 or personal injury or other civil liability caused by or arising out of any actual or

1 alleged act, error or omission that occurred, or that the person against whom the claim
2 is made had a reasonable basis for believing occurred within the scope of Commission
3 employment, duties or responsibilities; provided that nothing in this paragraph shall be
4 construed to protect any such person from suit and/or liability for any damage, loss,
5 injury, or liability caused by the intentional or willful or wanton misconduct of that
6 person.

7 (2) The Commission shall defend any member, officer, executive
8 director, employee or representative of the Commission in any civil action seeking to
9 impose liability arising out of any actual or alleged act, error, or omission that
10 occurred within the scope of Commission employment, duties, or responsibilities, or
11 that the person against whom the claim is made had a reasonable basis for believing
12 occurred within the scope of Commission employment, duties, or responsibilities;
13 provided that nothing herein shall be construed to prohibit that person from retaining
14 his or her own counsel; and provided further, that the actual or alleged act, error, or
15 omission did not result from that person's intentional or willful or wanton misconduct.

16 (3) The Commission shall indemnify and hold harmless any member,
17 officer, executive director, employee, or representative of the Commission for the
18 amount of any settlement or judgment obtained against that person arising out of any
19 actual or alleged act, error or omission that occurred within the scope of Commission
20 employment, duties, or responsibilities, or that such person had a reasonable basis for
21 believing occurred within the scope of Commission employment, duties, or
22 responsibilities, provided that the actual or alleged act, error, or omission did not result
23 from the intentional or willful or wanton misconduct of that person.

24 SECTION 11. COORDINATED DATABASE.

25 (A) The Commission shall provide for the development and maintenance of a
26 coordinated database and reporting system containing licensure, adverse action, and
27 significant investigatory information on all licensed individuals in member states.

28 (B) Notwithstanding any other provision of state law to the contrary, a
29 member state shall submit a uniform data set to the coordinated database on all
30 individuals to whom this Compact is applicable as required by the rules of the
31 Commission, including:

- 1 (1) Identifying information;
- 2 (2) Licensure data;
- 3 (3) Significant investigatory information;
- 4 (4) Adverse actions against an individual's license;
- 5 (5) An indicator that an individual's privilege to practice is restricted,
- 6 suspended or revoked;
- 7 (6) Non-confidential information related to alternative program
- 8 participation;
- 9 (7) Any denial of application for licensure, and the reason(s) for such
- 10 denial; and
- 11 (8) Other information that may facilitate the administration of this
- 12 Compact, as determined by the rules of the Commission.

13 (C) The coordinated database administrator shall promptly notify all member
14 states of any adverse action taken against, or significant investigative information on,
15 any individual in a member state.

16 (D) Member states contributing information to the coordinated database may
17 designate information that may not be shared with the public without the express
18 permission of the contributing state.

19 (E) Any information submitted to the coordinated database that is
20 subsequently required to be expunged by the laws of the member state contributing the
21 information shall be removed from the coordinated database.

22 SECTION 12. RULEMAKING.

23 (A) The Commission shall exercise its rulemaking powers pursuant to the
24 criteria set forth in this Section and the rules adopted thereunder. Rules and
25 amendments shall become binding as of the date specified in each rule or amendment.

26 (B) If a majority of the legislatures of the member states rejects a rule, by
27 enactment of a statute or resolution in the same manner used to adopt the Compact,
28 then such rule shall have no further force and effect in any member state.

29 (C) Rules or amendments to the rules shall be adopted at a regular or special
30 meeting of the Commission.

31 (D) Prior to promulgation and adoption of a final rule or rules by the

1 Commission, and at least sixty (60) days in advance of the meeting at which the rule
2 will be considered and voted upon, the Commission shall file a Notice of Proposed
3 Rulemaking:

4 (1) On the website of the Commission; and

5 (2) On the website of each member state EMS authority or the
6 publication in which each state would otherwise publish proposed rules.

7 (E) The Notice of Proposed Rulemaking shall include:

8 (1) The proposed time, date, and location of the meeting in which the
9 rule will be considered and voted upon;

10 (2) The text of the proposed rule or amendment and the reason for the
11 proposed rule;

12 (3) A request for comments on the proposed rule from any interested
13 person; and

14 (4) The manner in which interested persons may submit notice to the
15 Commission of their intention to attend the public hearing and any written comments.

16 (F) Prior to adoption of a proposed rule, the Commission shall allow persons
17 to submit written data, facts, opinions, and arguments, which shall be made available
18 to the public.

19 (G) The Commission shall grant an opportunity for a public hearing before it
20 adopts a rule or amendment if a hearing is requested by:

21 (1) At least twenty-five (25) persons;

22 (2) A governmental subdivision or agency; or

23 (3) An association having at least twenty-five (25) members.

24 (H) If a hearing is held on the proposed rule or amendment, the Commission
25 shall publish the place, time, and date of the scheduled public hearing.

26 (1) All persons wishing to be heard at the hearing shall notify the
27 executive director of the Commission or other designated member in writing of their
28 desire to appear and testify at the hearing not less than five (5) business days before
29 the scheduled date of the hearing.

30 (2) Hearings shall be conducted in a manner providing each person
31 who wishes to comment a fair and reasonable opportunity to comment orally or in

1 writing.

2 (3) No transcript of the hearing is required, unless a written request for
3 a transcript is made, in which case the person requesting the transcript shall bear the
4 cost of producing the transcript. A recording may be made in lieu of a transcript under
5 the same terms and conditions as a transcript. This subsection shall not preclude the
6 Commission from making a transcript or recording of the hearing if it so chooses.

7 (4) Nothing in this section shall be construed as requiring a separate
8 hearing on each rule. Rules may be grouped for the convenience of the Commission at
9 hearings required by this section.

10 (I) Following the scheduled hearing date, or by the close of business on the
11 scheduled hearing date if the hearing was not held, the Commission shall consider all
12 written and oral comments received.

13 (J) The Commission shall, by majority vote of all members, take final action
14 on the proposed rule and shall determine the effective date of the rule, if any, based on
15 the rulemaking record and the full text of the rule.

16 (K) If no written notice of intent to attend the public hearing by interested
17 parties is received, the Commission may proceed with promulgation of the proposed
18 rule without a public hearing.

19 (L) Upon determination that an emergency exists, the Commission may
20 consider and adopt an emergency rule without prior notice, opportunity for comment,
21 or hearing, provided that the usual rulemaking procedures provided in the Compact
22 and in this section shall be retroactively applied to the rule as soon as reasonably
23 possible, in no event later than ninety (90) days after the effective date of the rule. For
24 the purposes of this provision, an emergency rule is one that must be adopted
25 immediately in order to:

- 26 (1) Meet an imminent threat to public health, safety, or welfare;
27 (2) Prevent a loss of Commission or member state funds;
28 (3) Meet a deadline for the promulgation of an administrative rule that
29 is established by federal law or rule; or
30 (4) Protect public health and safety.

31 (M) The Commission or an authorized committee of the Commission may

1 direct revisions to a previously adopted rule or amendment for purposes of correcting
2 typographical errors, errors in format, errors in consistency, or grammatical errors.
3 Public notice of any revisions shall be posted on the website of the Commission. The
4 revision shall be subject to challenge by any person for a period of thirty (30) days
5 after posting. The revision may be challenged only on grounds that the revision results
6 in a material change to a rule. A challenge shall be made in writing, and delivered to
7 the chair of the Commission prior to the end of the notice period. If no challenge is
8 made, the revision will take effect without further action. If the revision is challenged,
9 the revision may not take effect without the approval of the Commission.

10 SECTION 13. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT.

11 (A) Oversight.

12 (1) The executive, legislative, and judicial branches of state
13 government in each member state shall enforce this Compact and take all actions
14 necessary and appropriate to effectuate the Compact's purposes and intent. The
15 provisions of this Compact and the rules promulgated hereunder shall have standing as
16 statutory law.

17 (2) All courts shall take judicial notice of the Compact and the rules in
18 any judicial or administrative proceeding in a member state pertaining to the subject
19 matter of this Compact which may affect the powers, responsibilities or actions of the
20 Commission.

21 (3) The Commission shall be entitled to receive service of process in
22 any such proceeding, and shall have standing to intervene in such a proceeding for all
23 purposes. Failure to provide service of process to the Commission shall render a
24 judgment or order void as to the Commission, this Compact, or promulgated rules.

25 (B) Default, Technical Assistance, and Termination.

26 (1) If the Commission determines that a member state has defaulted in
27 the performance of its obligations or responsibilities under this Compact or the
28 promulgated rules, the Commission shall:

29 (a) Provide written notice to the defaulting state and other
30 member states of the nature of the default, the proposed means of curing the
31 default and/or any other action to be taken by the Commission; and

1 (b) Provide remedial training and specific technical assistance
2 regarding the default.

3 (2) If a state in default fails to cure the default, the defaulting state may
4 be terminated from the Compact upon an affirmative vote of a majority of the member
5 states, and all rights, privileges and benefits conferred by this Compact may be
6 terminated on the effective date of termination. A cure of the default does not relieve
7 the offending state of obligations or liabilities incurred during the period of default.

8 (3) Termination of membership in the Compact shall be imposed only
9 after all other means of securing compliance have been exhausted. Notice of intent to
10 suspend or terminate shall be given by the Commission to the governor, the majority
11 and minority leaders of the defaulting state's legislature, and each of the member
12 states.

13 (4) A state that has been terminated is responsible for all assessments,
14 obligations, and liabilities incurred through the effective date of termination, including
15 obligations that extend beyond the effective date of termination.

16 (5) The Commission shall not bear any costs related to a state that is
17 found to be in default or that has been terminated from the Compact, unless agreed
18 upon in writing between the Commission and the defaulting state.

19 (6) The defaulting state may appeal the action of the Commission by
20 petitioning the U.S. District Court for the District of Columbia or the federal district
21 where the Commission has its principal offices. The prevailing member shall be
22 awarded all costs of such litigation, including reasonable attorney's fees.

23 (C) Dispute Resolution.

24 (1) Upon request by a member state, the Commission shall attempt to
25 resolve disputes related to the Compact that arise among member states and between
26 member and non-member states.

27 (2) The Commission shall promulgate a rule providing for both
28 mediation and binding dispute resolution for disputes as appropriate.

29 (D) Enforcement.

30 (1) The Commission, in the reasonable exercise of its discretion, shall
31 enforce the provisions and rules of this Compact.

1 (2) By majority vote, the Commission may initiate legal action in the
2 United States District Court for the District of Columbia or the federal district where
3 the Commission has its principal offices against a member state in default to enforce
4 compliance with the provisions of the Compact and its promulgated rules and bylaws.
5 The relief sought may include both injunctive relief and damages. In the event judicial
6 enforcement is necessary, the prevailing member shall be awarded all costs of such
7 litigation, including reasonable attorney's fees.

8 (3) The remedies herein shall not be the exclusive remedies of the
9 Commission. The Commission may pursue any other remedies available under federal
10 or state law.

11 SECTION 14. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION
12 FOR EMS PERSONNEL PRACTICE AND ASSOCIATED RULES, WITHDRAWAL,
13 AND AMENDMENT.

14 (A) The Compact shall come into effect on the date on which the Compact
15 statute is enacted into law in the tenth member state. The provisions, which become
16 effective at that time, shall be limited to the powers granted to the Commission
17 relating to assembly and the promulgation of rules. Thereafter, the Commission shall
18 meet and exercise rulemaking powers necessary to the implementation and
19 administration of the Compact.

20 (B) Any state that joins the Compact subsequent to the Commission's initial
21 adoption of the rules shall be subject to the rules as they exist on the date on which the
22 Compact becomes law in that state. Any rule that has been previously adopted by the
23 Commission shall have the full force and effect of law on the day the Compact
24 becomes law in that state.

25 (C) Any member state may withdraw from this Compact by enacting a statute
26 repealing the same.

27 (1) A member state's withdrawal shall not take effect until six (6)
28 months after enactment of the repealing statute.

29 (2) Withdrawal shall not affect the continuing requirement of the
30 withdrawing state's EMS authority to comply with the investigative and adverse action
31 reporting requirements of this act prior to the effective date of withdrawal.

1 (D) Nothing contained in this Compact shall be construed to invalidate or
2 prevent any EMS personnel licensure agreement or other cooperative arrangement
3 between a member state and a non-member state that does not conflict with the
4 provisions of this Compact.

5 (E) This Compact may be amended by the member states. No amendment to
6 this Compact shall become effective and binding upon any member state until it is
7 enacted into the laws of all member states.

8 SECTION 15. CONSTRUCTION AND SEVERABILITY.

9 This Compact shall be liberally construed so as to effectuate the purposes
10 thereof. If this Compact shall be held contrary to the constitution of any state member
11 thereto, the Compact shall remain in full force and effect as to the remaining member
12 states. Nothing in this Compact supersedes state law or rules related to licensure of
13 EMS agencies.

14 * **Sec. 30.** AS 21.36.090(d) is amended to read:

15 (d) Except to the extent necessary to comply with AS 21.42.365 and
16 AS 21.56, a person may not practice or permit unfair discrimination against a person
17 who provides a service covered under a group health insurance policy that extends
18 coverage on an expense incurred basis, or under a group service or indemnity type
19 contract issued by a health maintenance organization or a nonprofit corporation, if the
20 service is within the scope of the provider's occupational license. In this subsection,
21 "provider" means a state licensed physician, physician assistant, dentist, osteopath,
22 optometrist, chiropractor, advanced practice registered nurse, pharmacist, naturopath,
23 **respiratory care practitioner**, physical therapist, occupational therapist, marital and
24 family therapist, psychologist, psychological associate, licensed clinical social worker,
25 licensed professional counselor, licensed associate counselor, certified direct-entry
26 midwife, or dental hygienist holding an advanced practice permit.

27 * **Sec. 31.** The uncodified law of the State of Alaska is amended by adding a new section to
28 read:

29 TRANSITION: QUALIFICATIONS. Notwithstanding the licensing requirements of
30 AS 08.90.010 and 08.90.020, enacted by sec. 14 of this Act, a person who, on the day before
31 the effective date of sec. 14 of this Act, is engaged in the practice of respiratory care and is

1 qualified to perform acts within the scope of practice of respiratory care, may continue to
2 perform those acts without a license issued under AS 08.90 by the Department of Commerce,
3 Community, and Economic Development for a period not to exceed one year after the
4 effective date of sec. 14 of this Act.

5 * **Sec. 32.** Sections 1 - 3, 14 - 24, 26, 27, 30, and 31 of this Act take effect January 1, 2027.