

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 24-0461.01 Josh Schultz x5486

SENATE BILL 24-018

SENATE SPONSORSHIP

Simpson and Michaelson Jenet,

HOUSE SPONSORSHIP

Amabile and Winter T.,

Senate Committees

Health & Human Services
Finance
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE ENACTMENT OF THE "PHYSICIAN ASSISTANT**
102 **LICENSURE COMPACT", AND, IN CONNECTION THEREWITH,**
103 **MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill enacts the "Physician Assistant Licensure Compact" (compact). The compact is designed to enable a physician assistant with a license in a state that has signed the compact (participating state) to more easily become authorized to practice in any other participating state.

Participating states and physician assistants must meet specific

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

conditions enumerated in the compact to participate in the compact. The compact allows only the participating state where a physician assistant is licensed to discipline the physician assistant, but allows a participating state where the physician assistant is practicing, but is not licensed, to revoke the physician assistant's authority to practice in that state.

The bill authorizes the Colorado medical board (board) to promulgate rules and to facilitate Colorado's participation in the compact, including notifying the Compact Commission (commission) established by the compact of any adverse action taken by the board against a physician assistant licensed in Colorado or practicing in Colorado under the compact. The commission includes a delegate from each participating state and has the powers and duties set forth in the bill.

The compact becomes effective on the date the compact is enacted in the seventh participating state.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 45 to article
3 60 of title 24 as follows:

4 **PART 45**

5 **PHYSICIAN ASSISTANT LICENSURE COMPACT**

6 **24-60-4501. Short title.** THE SHORT TITLE OF THIS PART 45 IS THE
7 "PHYSICIAN ASSISTANT LICENSURE COMPACT".

8 **24-60-4502. Compact approved and ratified.** THE GENERAL
9 ASSEMBLY APPROVES AND RATIFIES, AND THE GOVERNOR SHALL ENTER
10 INTO, A COMPACT ON BEHALF OF THE STATE OF COLORADO AND ANY OF
11 THE UNITED STATES OR OTHER JURISDICTIONS LEGALLY JOINING THE
12 COMPACT IN THE FORM SUBSTANTIALLY AS FOLLOWS:

13 **Section 1. Purpose**

14 IN ORDER TO STRENGTHEN ACCESS TO MEDICAL SERVICES, AND IN
15 RECOGNITION OF ADVANCES IN THE DELIVERY OF MEDICAL SERVICES, THE
16 PARTICIPATING STATES OF THE PA LICENSURE COMPACT HAVE ALLIED IN
17 COMMON PURPOSE TO DEVELOP A COMPREHENSIVE PROCESS THAT

1 COMPLEMENTS THE EXISTING AUTHORITY OF STATE LICENSING BOARDS
2 TO LICENSE AND DISCIPLINE PAs AND SEEKS TO ENHANCE THE
3 PORTABILITY OF A LICENSE TO PRACTICE AS A PA WHILE SAFEGUARDING
4 THE SAFETY OF PATIENTS. THIS COMPACT ALLOWS MEDICAL SERVICES TO
5 BE PROVIDED BY PAs, VIA THE MUTUAL RECOGNITION OF THE LICENSEE'S
6 QUALIFYING LICENSE BY OTHER COMPACT PARTICIPATING STATES. THIS
7 COMPACT ALSO ADOPTS THE PREVAILING STANDARD FOR PA LICENSURE
8 AND AFFIRMS THAT THE PRACTICE AND DELIVERY OF MEDICAL SERVICES
9 BY THE PA OCCURS WHERE THE PATIENT IS LOCATED AT THE TIME OF THE
10 PATIENT ENCOUNTER, AND THEREFORE REQUIRES THE PA TO BE UNDER
11 THE JURISDICTION OF THE STATE LICENSING BOARD WHERE THE PATIENT
12 IS LOCATED. STATE LICENSING BOARDS THAT PARTICIPATE IN THIS
13 COMPACT RETAIN THE JURISDICTION TO IMPOSE ADVERSE ACTION
14 AGAINST A COMPACT PRIVILEGE IN THAT STATE ISSUED TO A PA THROUGH
15 THE PROCEDURES OF THIS COMPACT. THE PA LICENSURE COMPACT WILL
16 ALLEVIATE BURDENS FOR MILITARY FAMILIES BY ALLOWING ACTIVE DUTY
17 MILITARY PERSONNEL AND THEIR SPOUSES TO OBTAIN A COMPACT
18 PRIVILEGE BASED ON HAVING AN UNRESTRICTED LICENSE IN GOOD
19 STANDING FROM A PARTICIPATING STATE.

20 **Section 2. Definitions**

21 IN THIS COMPACT:

22 A. "ADVERSE ACTION" MEANS ANY ADMINISTRATIVE, CIVIL,
23 EQUITABLE, OR CRIMINAL ACTION PERMITTED BY A STATE'S LAWS
24 WHICH IS IMPOSED BY A LICENSING BOARD OR OTHER AUTHORITY
25 AGAINST A PA LICENSE OR LICENSE APPLICATION OR COMPACT
26 PRIVILEGE SUCH AS LICENSE DENIAL, CENSURE, REVOCATION,
27 SUSPENSION, PROBATION, MONITORING OF THE LICENSEE, OR

- 1 RESTRICTION ON THE LICENSEE'S PRACTICE.
- 2 B. "COMPACT PRIVILEGE" MEANS THE AUTHORIZATION GRANTED BY
3 A REMOTE STATE TO ALLOW A LICENSEE FROM ANOTHER
4 PARTICIPATING STATE TO PRACTICE AS A PA TO PROVIDE MEDICAL
5 SERVICES AND OTHER LICENSED ACTIVITY TO A PATIENT LOCATED
6 IN THE REMOTE STATE UNDER THE REMOTE STATE'S LAWS AND
7 REGULATIONS.
- 8 C. "CONVICTION" MEANS A FINDING BY A COURT THAT AN INDIVIDUAL
9 IS GUILTY OF A FELONY OR MISDEMEANOR OFFENSE THROUGH
10 ADJUDICATION OR ENTRY OF A PLEA OF GUILT OR NO CONTEST TO
11 THE CHARGE BY THE OFFENDER.
- 12 D. "CRIMINAL BACKGROUND CHECK" MEANS THE SUBMISSION OF
13 FINGERPRINTS OR OTHER BIOMETRIC-BASED INFORMATION FOR A
14 LICENSE APPLICANT FOR THE PURPOSE OF OBTAINING THAT
15 APPLICANT'S CRIMINAL HISTORY RECORD INFORMATION, AS
16 DEFINED IN 28 CFR 20.3 (d), FROM THE STATE'S CRIMINAL HISTORY
17 RECORD REPOSITORY AS DEFINED IN 28 CFR 20.3 (f).
- 18 E. "DATA SYSTEM" MEANS THE REPOSITORY OF INFORMATION ABOUT
19 LICENSEES, INCLUDING BUT NOT LIMITED TO LICENSE STATUS AND
20 ADVERSE ACTIONS, WHICH IS CREATED AND ADMINISTERED UNDER
21 THE TERMS OF THIS COMPACT.
- 22 F. "EXECUTIVE COMMITTEE" MEANS A GROUP OF DIRECTORS AND EX
23 OFFICIO INDIVIDUALS ELECTED OR APPOINTED PURSUANT TO
24 SECTION 7.F.2.
- 25 G. "IMPAIRED PRACTITIONER" MEANS A PA WHOSE PRACTICE IS
26 ADVERSELY AFFECTED BY HEALTH-RELATED CONDITION(S) THAT
27 IMPACT THEIR ABILITY TO PRACTICE.

- 1 H. "INVESTIGATIVE INFORMATION" MEANS INFORMATION, RECORDS,
2 OR DOCUMENTS RECEIVED OR GENERATED BY A LICENSING BOARD
3 PURSUANT TO AN INVESTIGATION.
- 4 I. "JURISPRUDENCE REQUIREMENT" MEANS THE ASSESSMENT OF AN
5 INDIVIDUAL'S KNOWLEDGE OF THE LAWS AND RULES GOVERNING
6 THE PRACTICE OF A PA IN A STATE.
- 7 J. "LICENSE" MEANS CURRENT AUTHORIZATION BY A STATE, OTHER
8 THAN AUTHORIZATION PURSUANT TO A COMPACT PRIVILEGE, FOR
9 A PA TO PROVIDE MEDICAL SERVICES, WHICH WOULD BE
10 UNLAWFUL WITHOUT CURRENT AUTHORIZATION.
- 11 K. "LICENSEE" MEANS AN INDIVIDUAL WHO HOLDS A LICENSE FROM
12 A STATE TO PROVIDE MEDICAL SERVICES AS A PA.
- 13 L. "LICENSING BOARD" MEANS ANY STATE ENTITY AUTHORIZED TO
14 LICENSE AND OTHERWISE REGULATE PAs.
- 15 M. "MEDICAL SERVICES" MEANS HEALTH CARE SERVICES PROVIDED
16 FOR THE DIAGNOSIS, PREVENTION, TREATMENT, CURE, OR RELIEF OF
17 A HEALTH CONDITION, INJURY, OR DISEASE, AS DEFINED BY A
18 STATE'S LAWS AND REGULATIONS.
- 19 N. "MODEL COMPACT" MEANS THE MODEL FOR THE PA LICENSURE
20 COMPACT ON FILE WITH THE COUNCIL OF STATE GOVERNMENTS OR
21 OTHER ENTITY AS DESIGNATED BY THE COMMISSION.
- 22 O. "PARTICIPATING STATE" MEANS A STATE THAT HAS ENACTED THIS
23 COMPACT.
- 24 P. "PA" MEANS AN INDIVIDUAL WHO IS LICENSED AS A PHYSICIAN
25 ASSISTANT IN A STATE. FOR PURPOSES OF THIS COMPACT, ANY
26 OTHER TITLE OR STATUS ADOPTED BY A STATE TO REPLACE THE
27 TERM "PHYSICIAN ASSISTANT" SHALL BE DEEMED SYNONYMOUS

1 WITH "PHYSICIAN ASSISTANT" AND SHALL CONFER THE SAME
2 RIGHTS AND RESPONSIBILITIES TO THE LICENSEE UNDER THE
3 PROVISIONS OF THIS COMPACT AT THE TIME OF ITS ENACTMENT.

4 Q. "PA LICENSURE COMPACT COMMISSION," "COMPACT
5 COMMISSION," OR "COMMISSION" MEANS THE NATIONAL
6 ADMINISTRATIVE BODY CREATED PURSUANT TO SECTION 7.A OF
7 THIS COMPACT.

8 R. "QUALIFYING LICENSE" MEANS AN UNRESTRICTED LICENSE ISSUED
9 BY A PARTICIPATING STATE TO PROVIDE MEDICAL SERVICES AS A
10 PA.

11 S. "REMOTE STATE" MEANS A PARTICIPATING STATE WHERE A
12 LICENSEE WHO IS NOT LICENSED AS A PA IS EXERCISING OR
13 SEEKING TO EXERCISE THE COMPACT PRIVILEGE.

14 T. "RULE" MEANS A REGULATION PROMULGATED BY AN ENTITY THAT
15 HAS THE FORCE AND EFFECT OF LAW.

16 U. "SIGNIFICANT INVESTIGATIVE INFORMATION" MEANS
17 INVESTIGATIVE INFORMATION THAT A LICENSING BOARD, AFTER
18 AN INQUIRY OR INVESTIGATION THAT INCLUDES NOTIFICATION AND
19 AN OPPORTUNITY FOR THE PA TO RESPOND IF REQUIRED BY STATE
20 LAW, HAS REASON TO BELIEVE IS NOT GROUNDLESS AND, IF PROVEN
21 TRUE, WOULD INDICATE MORE THAN A MINOR INFRACTION.

22 V. "STATE" MEANS ANY STATE, COMMONWEALTH, DISTRICT, OR
23 TERRITORY OF THE UNITED STATES.

24 **Section 3. State Participation in this Compact**

25 A. TO PARTICIPATE IN THIS COMPACT, A PARTICIPATING STATE SHALL:

- 26 1. LICENSE PAs;
27 2. PARTICIPATE IN THE COMPACT COMMISSION'S DATA

- 1 SYSTEM;
- 2 3. HAVE A MECHANISM IN PLACE FOR RECEIVING AND
- 3 INVESTIGATING COMPLAINTS AGAINST LICENSEES AND
- 4 LICENSE APPLICANTS;
- 5 4. NOTIFY THE COMMISSION, IN COMPLIANCE WITH THE TERMS
- 6 OF THIS COMPACT AND COMMISSION RULES, OF ANY
- 7 ADVERSE ACTION AGAINST A LICENSEE OR LICENSE
- 8 APPLICANT AND THE EXISTENCE OF SIGNIFICANT
- 9 INVESTIGATIVE INFORMATION REGARDING A LICENSEE OR
- 10 LICENSE APPLICANT;
- 11 5. FULLY IMPLEMENT A CRIMINAL BACKGROUND CHECK
- 12 REQUIREMENT, WITHIN A TIME FRAME ESTABLISHED BY
- 13 COMMISSION RULE, BY ITS LICENSING BOARD RECEIVING
- 14 THE RESULTS OF A CRIMINAL BACKGROUND CHECK AND
- 15 REPORTING TO THE COMMISSION WHETHER THE LICENSE
- 16 APPLICANT HAS BEEN GRANTED A LICENSE;
- 17 6. COMPLY WITH THE RULES OF THE COMPACT COMMISSION;
- 18 7. UTILIZE PASSAGE OF A RECOGNIZED NATIONAL EXAM SUCH
- 19 AS THE NATIONAL COMMISSION ON CERTIFICATION OF
- 20 PHYSICIAN ASSISTANTS PHYSICIAN ASSISTANT NATIONAL
- 21 CERTIFYING EXAMINATION AS A REQUIREMENT FOR PA
- 22 LICENSURE;
- 23 8. GRANT THE COMPACT PRIVILEGE TO A HOLDER OF A
- 24 QUALIFYING LICENSE IN A PARTICIPATING STATE.
- 25 B. NOTHING IN THIS COMPACT PROHIBITS A PARTICIPATING STATE
- 26 FROM CHARGING A FEE FOR GRANTING THE COMPACT PRIVILEGE.

27 **Section 4. Compact Privilege**

- 1 A. TO EXERCISE THE COMPACT PRIVILEGE, A LICENSEE MUST:
- 2 1. HAVE GRADUATED FROM A PA PROGRAM ACCREDITED BY
- 3 THE ACCREDITATION REVIEW COMMISSION ON EDUCATION
- 4 FOR THE PHYSICIAN ASSISTANT, INC., OR OTHER PROGRAMS
- 5 AUTHORIZED BY COMMISSION RULE;
- 6 2. HOLD CURRENT NATIONAL COMMISSION ON CERTIFICATION
- 7 OF PHYSICIAN ASSISTANTS CERTIFICATION;
- 8 3. HAVE NO FELONY OR MISDEMEANOR CONVICTION;
- 9 4. HAVE NEVER HAD A CONTROLLED SUBSTANCE LICENSE,
- 10 PERMIT, OR REGISTRATION SUSPENDED OR REVOKED BY A
- 11 STATE OR BY THE UNITED STATES DRUG ENFORCEMENT
- 12 ADMINISTRATION;
- 13 5. HAVE A UNIQUE IDENTIFIER AS DETERMINED BY
- 14 COMMISSION RULE;
- 15 6. HOLD A QUALIFYING LICENSE;
- 16 7. HAVE HAD NO REVOCATION OF A LICENSE OR LIMITATION
- 17 OR RESTRICTION ON ANY LICENSE CURRENTLY HELD DUE TO
- 18 AN ADVERSE ACTION;
- 19 8. IF A LICENSEE HAS HAD A LIMITATION OR RESTRICTION ON
- 20 A LICENSE OR COMPACT PRIVILEGE DUE TO AN ADVERSE
- 21 ACTION, TWO YEARS MUST HAVE ELAPSED FROM THE DATE
- 22 ON WHICH THE LICENSE OR COMPACT PRIVILEGE IS NO
- 23 LONGER LIMITED OR RESTRICTED DUE TO THE ADVERSE
- 24 ACTION;
- 25 9. IF A COMPACT PRIVILEGE HAS BEEN REVOKED OR IS LIMITED
- 26 OR RESTRICTED IN A PARTICIPATING STATE FOR CONDUCT
- 27 THAT WOULD NOT BE A BASIS FOR DISCIPLINARY ACTION IN

1 A PARTICIPATING STATE IN WHICH THE LICENSEE IS
2 PRACTICING OR APPLYING TO PRACTICE UNDER A COMPACT
3 PRIVILEGE, THAT PARTICIPATING STATE SHALL HAVE THE
4 DISCRETION NOT TO CONSIDER SUCH ACTION AS AN
5 ADVERSE ACTION REQUIRING THE DENIAL OR REMOVAL OF
6 A COMPACT PRIVILEGE IN THAT STATE;

7 10. NOTIFY THE COMPACT COMMISSION THAT THE LICENSEE IS
8 SEEKING THE COMPACT PRIVILEGE IN A REMOTE STATE;

9 11. MEET ANY JURISPRUDENCE REQUIREMENT OF A REMOTE
10 STATE IN WHICH THE LICENSEE IS SEEKING TO PRACTICE
11 UNDER THE COMPACT PRIVILEGE AND PAY ANY FEES
12 APPLICABLE TO SATISFYING THE JURISPRUDENCE
13 REQUIREMENT;

14 12. REPORT TO THE COMMISSION ANY ADVERSE ACTION TAKEN
15 BY A NON-PARTICIPATING STATE WITHIN THIRTY (30) DAYS
16 AFTER THE ACTION IS TAKEN.

17 B. THE COMPACT PRIVILEGE IS VALID UNTIL THE EXPIRATION OR
18 REVOCATION OF THE QUALIFYING LICENSE UNLESS TERMINATED
19 PURSUANT TO AN ADVERSE ACTION. THE LICENSEE MUST ALSO
20 COMPLY WITH ALL OF THE REQUIREMENTS OF SUBSECTION A OF
21 THIS SECTION TO MAINTAIN THE COMPACT PRIVILEGE IN A REMOTE
22 STATE. IF THE PARTICIPATING STATE TAKES ADVERSE ACTION
23 AGAINST A QUALIFYING LICENSE, THE LICENSEE SHALL LOSE THE
24 COMPACT PRIVILEGE IN ANY REMOTE STATE IN WHICH THE
25 LICENSEE HAS A COMPACT PRIVILEGE UNTIL ALL OF THE
26 FOLLOWING OCCUR:

27 1. THE LICENSE IS NO LONGER LIMITED OR RESTRICTED; AND

- 1 2. TWO (2) YEARS HAVE ELAPSED FROM THE DATE ON WHICH
2 THE LICENSE IS NO LONGER LIMITED OR RESTRICTED DUE TO
3 THE ADVERSE ACTION.
- 4 C. ONCE A RESTRICTED OR LIMITED LICENSE SATISFIES THE
5 REQUIREMENTS OF SUBSECTIONS B.1 AND B.2 OF THIS SECTION,
6 THE LICENSEE MUST MEET THE REQUIREMENTS OF SUBSECTION A
7 OF THIS SECTION TO OBTAIN A COMPACT PRIVILEGE IN ANY
8 REMOTE STATE.
- 9 D. FOR EACH REMOTE STATE IN WHICH A PA SEEKS AUTHORITY TO
10 PRESCRIBE CONTROLLED SUBSTANCES, THE PA SHALL SATISFY ALL
11 REQUIREMENTS IMPOSED BY SUCH STATE IN GRANTING OR
12 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
16 LICENSEE SHALL IDENTIFY TO THE COMMISSION THE
17 PARTICIPATING STATE FROM WHICH THE LICENSEE IS APPLYING, IN
18 ACCORDANCE WITH APPLICABLE RULES ADOPTED BY THE
19 COMMISSION, AND SUBJECT TO THE FOLLOWING REQUIREMENTS:
- 20 1. WHEN APPLYING FOR A COMPACT PRIVILEGE, THE LICENSEE
21 SHALL PROVIDE THE COMMISSION WITH THE ADDRESS OF
22 THE LICENSEE'S PRIMARY RESIDENCE AND THEREAFTER
23 SHALL IMMEDIATELY REPORT TO THE COMMISSION ANY
24 CHANGE IN THE ADDRESS OF THE LICENSEE'S PRIMARY
25 RESIDENCE.
- 26 2. WHEN APPLYING FOR A COMPACT PRIVILEGE, THE LICENSEE
27 IS REQUIRED TO CONSENT TO ACCEPT SERVICE OF PROCESS

1 BY MAIL AT THE LICENSEE'S PRIMARY RESIDENCE ON FILE
2 WITH THE COMMISSION WITH RESPECT TO ANY ACTION
3 BROUGHT AGAINST THE LICENSEE BY THE COMMISSION OR
4 A PARTICIPATING STATE, INCLUDING A SUBPOENA, WITH
5 RESPECT TO ANY ACTION BROUGHT OR INVESTIGATION
6 CONDUCTED BY THE COMMISSION OR A PARTICIPATING
7 STATE.

8 **Section 6. Adverse Actions**

9 A. A PARTICIPATING STATE IN WHICH A LICENSEE IS LICENSED SHALL
10 HAVE EXCLUSIVE POWER TO IMPOSE ADVERSE ACTION AGAINST
11 THE QUALIFYING LICENSE ISSUED BY THAT PARTICIPATING STATE.

12 B. IN ADDITION TO THE OTHER POWERS CONFERRED BY STATE LAW, A
13 REMOTE STATE SHALL HAVE THE AUTHORITY, IN ACCORDANCE
14 WITH EXISTING STATE DUE PROCESS LAW, TO DO ALL OF THE
15 FOLLOWING:

16 1. TAKE ADVERSE ACTION AGAINST A PA'S COMPACT
17 PRIVILEGE WITHIN THAT STATE TO REMOVE A LICENSEE'S
18 COMPACT PRIVILEGE OR TAKE OTHER ACTION NECESSARY
19 UNDER APPLICABLE LAW TO PROTECT THE HEALTH AND
20 SAFETY OF ITS CITIZENS.

21 2. ISSUE SUBPOENAS FOR BOTH HEARINGS AND
22 INVESTIGATIONS THAT REQUIRE THE ATTENDANCE AND
23 TESTIMONY OF WITNESSES AS WELL AS THE PRODUCTION OF
24 EVIDENCE. SUBPOENAS ISSUED BY A LICENSING BOARD IN
25 A PARTICIPATING STATE FOR THE ATTENDANCE AND
26 TESTIMONY OF WITNESSES OR THE PRODUCTION OF
27 EVIDENCE FROM ANOTHER PARTICIPATING STATE SHALL BE

1 ENFORCED IN THE LATTER STATE BY ANY COURT OF
2 COMPETENT JURISDICTION, ACCORDING TO THE PRACTICE
3 AND PROCEDURE OF THAT COURT APPLICABLE TO
4 SUBPOENAS ISSUED IN PROCEEDINGS PENDING BEFORE IT.
5 THE ISSUING AUTHORITY SHALL PAY ANY WITNESS FEES,
6 TRAVEL EXPENSES, MILEAGE, AND OTHER FEES REQUIRED BY
7 THE SERVICE STATUTES OF THE STATE IN WHICH THE
8 EVIDENCE OR WITNESSES ARE LOCATED.

9 3. NOTWITHSTANDING SUBSECTION A.2 OF THIS SECTION,
10 SUBPOENAS MAY NOT BE ISSUED BY A PARTICIPATING
11 STATE TO GATHER EVIDENCE OF CONDUCT IN ANOTHER
12 STATE THAT IS LAWFUL IN THAT OTHER STATE FOR THE
13 PURPOSE OF TAKING ADVERSE ACTION AGAINST A
14 LICENSEE'S COMPACT PRIVILEGE OR APPLICATION FOR A
15 COMPACT PRIVILEGE IN THAT PARTICIPATING STATE.

16 4. NOTHING IN THIS COMPACT AUTHORIZES A PARTICIPATING
17 STATE TO IMPOSE DISCIPLINE AGAINST A PA'S COMPACT
18 PRIVILEGE OR TO DENY AN APPLICATION FOR A COMPACT
19 PRIVILEGE IN THAT PARTICIPATING STATE FOR THE
20 INDIVIDUAL'S OTHERWISE LAWFUL PRACTICE IN ANOTHER
21 STATE.

22 C. FOR PURPOSES OF TAKING ADVERSE ACTION, THE PARTICIPATING
23 STATE WHICH ISSUED THE QUALIFYING LICENSE SHALL GIVE THE
24 SAME PRIORITY AND EFFECT TO REPORTED CONDUCT RECEIVED
25 FROM ANY OTHER PARTICIPATING STATE AS IT WOULD IF THE
26 CONDUCT HAD OCCURRED WITHIN THE PARTICIPATING STATE
27 WHICH ISSUED THE QUALIFYING LICENSE. IN SO DOING, THAT

1 PARTICIPATING STATE SHALL APPLY ITS OWN STATE LAWS TO
2 DETERMINE APPROPRIATE ACTION.

3 D. A PARTICIPATING STATE, IF OTHERWISE PERMITTED BY STATE LAW,
4 MAY RECOVER FROM THE AFFECTED PA THE COSTS OF
5 INVESTIGATIONS AND DISPOSITION OF CASES RESULTING FROM ANY
6 ADVERSE ACTION TAKEN AGAINST THAT PA.

7 E. A PARTICIPATING STATE MAY TAKE ADVERSE ACTION BASED ON
8 THE FACTUAL FINDINGS OF A REMOTE STATE, PROVIDED THAT THE
9 PARTICIPATING STATE FOLLOWS ITS OWN PROCEDURES FOR TAKING
10 THE ADVERSE ACTION.

11 F. JOINT INVESTIGATIONS

12 1. IN ADDITION TO THE AUTHORITY GRANTED TO A
13 PARTICIPATING STATE BY ITS RESPECTIVE STATE PA LAWS
14 AND REGULATIONS OR OTHER APPLICABLE STATE LAW, ANY
15 PARTICIPATING STATE MAY PARTICIPATE WITH OTHER
16 PARTICIPATING STATES IN JOINT INVESTIGATIONS OF
17 LICENSEES.

18 2. PARTICIPATING STATES SHALL SHARE ANY INVESTIGATIVE,
19 LITIGATION, OR COMPLIANCE MATERIALS IN FURTHERANCE
20 OF ANY JOINT OR INDIVIDUAL INVESTIGATION INITIATED
21 UNDER THIS COMPACT.

22 G. IF AN ADVERSE ACTION IS TAKEN AGAINST A PA'S QUALIFYING
23 LICENSE, THE PA'S COMPACT PRIVILEGE IN ALL REMOTE STATES
24 SHALL BE DEACTIVATED UNTIL TWO (2) YEARS HAVE ELAPSED
25 AFTER ALL RESTRICTIONS HAVE BEEN REMOVED FROM THE STATE
26 LICENSE. ALL DISCIPLINARY ORDERS BY THE PARTICIPATING STATE
27 WHICH ISSUED THE QUALIFYING LICENSE THAT IMPOSE ADVERSE

1 ACTION AGAINST A PA'S LICENSE SHALL INCLUDE A STATEMENT
2 THAT THE PA'S COMPACT PRIVILEGE IS DEACTIVATED IN ALL
3 PARTICIPATING STATES DURING THE PENDENCY OF THE ORDER.

4 H. IF ANY PARTICIPATING STATE TAKES ADVERSE ACTION, IT
5 PROMPTLY SHALL NOTIFY THE ADMINISTRATOR OF THE DATA
6 SYSTEM.

7 **Section 7. Establishment of the**
8 **PA Licensure Compact Commission**

9 A. THE PARTICIPATING STATES HEREBY CREATE AND ESTABLISH A
10 JOINT GOVERNMENT AGENCY AND NATIONAL ADMINISTRATIVE
11 BODY KNOWN AS THE PA LICENSURE COMPACT COMMISSION. THE
12 COMMISSION IS AN INSTRUMENTALITY OF THE COMPACT STATES
13 ACTING JOINTLY AND NOT AN INSTRUMENTALITY OF ANY ONE
14 STATE. THE COMMISSION SHALL COME INTO EXISTENCE ON OR
15 AFTER THE EFFECTIVE DATE OF THE COMPACT AS SET FORTH IN
16 SECTION 11.A OF THIS COMPACT.

17 B. MEMBERSHIP, VOTING, AND MEETINGS

18 1. EACH PARTICIPATING STATE SHALL HAVE AND BE LIMITED
19 TO ONE (1) DELEGATE SELECTED BY THAT PARTICIPATING
20 STATE'S LICENSING BOARD OR, IF THE STATE HAS MORE
21 THAN ONE LICENSING BOARD, SELECTED COLLECTIVELY BY
22 THE PARTICIPATING STATE'S LICENSING BOARDS.

23 2. THE DELEGATE SHALL BE EITHER:

24 a. A CURRENT PA, PHYSICIAN, OR PUBLIC MEMBER OF
25 A LICENSING BOARD OR PA COUNCIL/COMMITTEE;

26 OR

27 b. AN ADMINISTRATOR OF A LICENSING BOARD.

- 1 3. ANY DELEGATE MAY BE REMOVED OR SUSPENDED FROM
2 OFFICE AS PROVIDED BY THE LAWS OF THE STATE FROM
3 WHICH THE DELEGATE IS APPOINTED.
- 4 4. THE PARTICIPATING STATE LICENSING BOARD SHALL FILL
5 ANY VACANCY OCCURRING IN THE COMMISSION WITHIN
6 SIXTY (60) DAYS.
- 7 5. EACH DELEGATE SHALL BE ENTITLED TO ONE (1) VOTE ON
8 ALL MATTERS VOTED ON BY THE COMMISSION AND SHALL
9 OTHERWISE HAVE AN OPPORTUNITY TO PARTICIPATE IN THE
10 BUSINESS AND AFFAIRS OF THE COMMISSION. A DELEGATE
11 SHALL VOTE IN PERSON OR BY SUCH OTHER MEANS AS
12 PROVIDED IN THE BYLAWS. THE BYLAWS MAY PROVIDE FOR
13 DELEGATES' PARTICIPATION IN MEETINGS BY
14 TELECOMMUNICATIONS, VIDEO CONFERENCE, OR OTHER
15 MEANS OF COMMUNICATION.
- 16 6. THE COMMISSION SHALL MEET AT LEAST ONCE DURING
17 EACH CALENDAR YEAR. ADDITIONAL MEETINGS SHALL BE
18 HELD AS SET FORTH IN THIS COMPACT AND THE BYLAWS.
- 19 7. THE COMMISSION SHALL ESTABLISH BY RULE A TERM OF
20 OFFICE FOR DELEGATES.
- 21 C. THE COMMISSION SHALL HAVE THE FOLLOWING POWERS AND
22 DUTIES:
- 23 1. ESTABLISH A CODE OF ETHICS FOR THE COMMISSION;
24 2. ESTABLISH THE FISCAL YEAR OF THE COMMISSION;
25 3. ESTABLISH FEES;
26 4. ESTABLISH BYLAWS;
27 5. MAINTAIN ITS FINANCIAL RECORDS IN ACCORDANCE WITH

- 1 THE BYLAWS;
- 2 6. MEET AND TAKE SUCH ACTIONS AS ARE CONSISTENT WITH
- 3 THE PROVISIONS OF THIS COMPACT AND THE BYLAWS;
- 4 7. PROMULGATE RULES TO FACILITATE AND COORDINATE
- 5 IMPLEMENTATION AND ADMINISTRATION OF THIS COMPACT.
- 6 THE RULES SHALL HAVE THE FORCE AND EFFECT OF LAW
- 7 AND SHALL BE BINDING IN ALL PARTICIPATING STATES.
- 8 8. BRING AND PROSECUTE LEGAL PROCEEDINGS OR ACTIONS IN
- 9 THE NAME OF THE COMMISSION, PROVIDED THAT THE
- 10 STANDING OF ANY STATE LICENSING BOARD TO SUE OR BE
- 11 SUED UNDER APPLICABLE LAW SHALL NOT BE AFFECTED;
- 12 9. PURCHASE AND MAINTAIN INSURANCE AND BONDS;
- 13 10. BORROW, ACCEPT, OR CONTRACT FOR SERVICES OF
- 14 PERSONNEL, INCLUDING, BUT NOT LIMITED TO, EMPLOYEES
- 15 OF A PARTICIPATING STATE;
- 16 11. HIRE EMPLOYEES AND ENGAGE CONTRACTORS, ELECT OR
- 17 APPOINT OFFICERS, FIX COMPENSATION, DEFINE DUTIES,
- 18 GRANT SUCH INDIVIDUALS APPROPRIATE AUTHORITY TO
- 19 CARRY OUT THE PURPOSES OF THIS COMPACT, AND
- 20 ESTABLISH THE COMMISSION'S PERSONNEL POLICIES AND
- 21 PROGRAMS RELATING TO CONFLICTS OF INTEREST,
- 22 QUALIFICATIONS OF PERSONNEL, AND OTHER RELATED
- 23 PERSONNEL MATTERS;
- 24 12. ACCEPT ANY AND ALL APPROPRIATE DONATIONS AND
- 25 GRANTS OF MONEY, EQUIPMENT, SUPPLIES, MATERIALS, AND
- 26 SERVICES, AND RECEIVE, UTILIZE, AND DISPOSE OF THE
- 27 SAME; PROVIDED THAT AT ALL TIMES THE COMMISSION

- 1 SHALL AVOID ANY APPEARANCE OF IMPROPRIETY OR
2 CONFLICT OF INTEREST;
- 3 13. LEASE, PURCHASE, ACCEPT APPROPRIATE GIFTS OR
4 DONATIONS OF, OR OTHERWISE OWN, HOLD, IMPROVE, OR
5 USE, ANY PROPERTY, REAL, PERSONAL, OR MIXED; PROVIDED
6 THAT AT ALL TIMES THE COMMISSION SHALL AVOID ANY
7 APPEARANCE OF IMPROPRIETY;
- 8 14. SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE,
9 ABANDON, OR OTHERWISE DISPOSE OF ANY PROPERTY, REAL,
10 PERSONAL, OR MIXED;
- 11 15. ESTABLISH A BUDGET AND MAKE EXPENDITURES;
- 12 16. BORROW MONEY;
- 13 17. APPOINT COMMITTEES, INCLUDING STANDING COMMITTEES
14 COMPOSED OF MEMBERS, STATE REGULATORS, STATE
15 LEGISLATORS OR THEIR REPRESENTATIVES, AND CONSUMER
16 REPRESENTATIVES, AND SUCH OTHER INTERESTED PERSONS
17 AS MAY BE DESIGNATED IN THIS COMPACT AND THE
18 BYLAWS;
- 19 18. PROVIDE AND RECEIVE INFORMATION FROM, AND
20 COOPERATE WITH, LAW ENFORCEMENT AGENCIES;
- 21 19. ELECT A CHAIR, VICE CHAIR, SECRETARY, AND TREASURER
22 AND SUCH OTHER OFFICERS OF THE COMMISSION AS
23 PROVIDED IN THE COMMISSION'S BYLAWS;
- 24 20. RESERVE FOR ITSELF, IN ADDITION TO THOSE RESERVED
25 EXCLUSIVELY TO THE COMMISSION UNDER THE COMPACT,
26 POWERS THAT THE EXECUTIVE COMMITTEE MAY NOT
27 EXERCISE;

- 1 21. APPROVE OR DISAPPROVE A STATE'S PARTICIPATION IN THE
- 2 COMPACT BASED UPON ITS DETERMINATION AS TO WHETHER
- 3 THE STATE'S COMPACT LEGISLATION DEPARTS IN A
- 4 MATERIAL MANNER FROM THE MODEL COMPACT
- 5 LANGUAGE;
- 6 22. PREPARE AND PROVIDE TO THE PARTICIPATING STATES AN
- 7 ANNUAL REPORT; AND
- 8 23. PERFORM SUCH OTHER FUNCTIONS AS MAY BE NECESSARY
- 9 OR APPROPRIATE TO ACHIEVE THE PURPOSES OF THIS
- 10 COMPACT CONSISTENT WITH THE STATE REGULATION OF PA
- 11 LICENSURE AND PRACTICE.

12 D. MEETINGS OF THE COMMISSION

- 13 1. ALL MEETINGS OF THE COMMISSION THAT ARE NOT CLOSED
- 14 PURSUANT TO THIS SUBSECTION D.1 SHALL BE OPEN TO THE
- 15 PUBLIC. NOTICE OF PUBLIC MEETINGS SHALL BE POSTED ON
- 16 THE COMMISSION'S WEBSITE AT LEAST THIRTY (30) DAYS
- 17 PRIOR TO THE PUBLIC MEETING.
- 18 2. NOTWITHSTANDING SUBSECTION D.1 OF THIS SECTION, THE
- 19 COMMISSION MAY CONVENE A PUBLIC MEETING BY
- 20 PROVIDING AT LEAST TWENTY-FOUR (24) HOURS PRIOR
- 21 NOTICE ON THE COMMISSION'S WEBSITE, AND ANY OTHER
- 22 MEANS AS PROVIDED IN THE COMMISSION'S RULES, FOR ANY
- 23 OF THE REASONS IT MAY DISPENSE WITH NOTICE OF
- 24 PROPOSED RULEMAKING UNDER SECTION 9.L OF THIS
- 25 COMPACT.
- 26 3. THE COMMISSION MAY CONVENE IN A CLOSED, NON-PUBLIC
- 27 MEETING OR NON-PUBLIC PART OF A PUBLIC MEETING TO

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- RECEIVE LEGAL ADVICE OR TO DISCUSS:
- a. NON-COMPLIANCE OF A PARTICIPATING STATE WITH ITS OBLIGATIONS UNDER THIS COMPACT;
 - b. THE EMPLOYMENT, COMPENSATION, DISCIPLINE OR OTHER ENFORCEMENT MATTERS, PRACTICES, OR PROCEDURES RELATED TO SPECIFIC EMPLOYEES OR OTHER MATTERS RELATED TO THE COMMISSION'S INTERNAL PERSONNEL PRACTICES AND PROCEDURES;
 - c. CURRENT, THREATENED, OR REASONABLY ANTICIPATED LITIGATION;
 - d. NEGOTIATION OF CONTRACTS FOR THE PURCHASE, LEASE, OR SALE OF GOODS, SERVICES, OR REAL ESTATE;
 - e. ACCUSING ANY PERSON OF A CRIME OR FORMALLY CENSURING ANY PERSON;
 - f. DISCLOSURE OF TRADE SECRETS OR COMMERCIAL OR FINANCIAL INFORMATION THAT IS PRIVILEGED OR CONFIDENTIAL;
 - g. DISCLOSURE OF INFORMATION OF A PERSONAL NATURE WHERE DISCLOSURE WOULD CONSTITUTE A CLEARLY UNWARRANTED INVASION OF PERSONAL PRIVACY;
 - h. DISCLOSURE OF INVESTIGATIVE RECORDS COMPILED FOR LAW ENFORCEMENT PURPOSES;
 - i. DISCLOSURE OF INFORMATION RELATED TO ANY INVESTIGATIVE REPORTS PREPARED BY OR ON BEHALF OF OR FOR USE OF THE COMMISSION OR

1 OTHER COMMITTEE CHARGED WITH RESPONSIBILITY
2 OF INVESTIGATION OR DETERMINATION OF
3 COMPLIANCE ISSUES PURSUANT TO THIS COMPACT;

4 j. LEGAL ADVICE; OR

5 k. MATTERS SPECIFICALLY EXEMPTED FROM
6 DISCLOSURE BY FEDERAL OR PARTICIPATING STATES'
7 STATUTES.

8 4. IF A MEETING, OR PORTION OF A MEETING, IS CLOSED
9 PURSUANT TO THIS SUBSECTION D, THE CHAIR OF THE
10 MEETING OR THE CHAIR'S DESIGNEE SHALL CERTIFY THAT
11 THE MEETING OR PORTION OF THE MEETING MAY BE CLOSED
12 AND SHALL REFERENCE EACH RELEVANT EXEMPTING
13 PROVISION.

14 5. THE COMMISSION SHALL KEEP MINUTES THAT FULLY AND
15 CLEARLY DESCRIBE ALL MATTERS DISCUSSED IN A MEETING
16 AND SHALL PROVIDE A FULL AND ACCURATE SUMMARY OF
17 ACTIONS TAKEN, INCLUDING A DESCRIPTION OF THE VIEWS
18 EXPRESSED. ALL DOCUMENTS CONSIDERED IN CONNECTION
19 WITH AN ACTION SHALL BE IDENTIFIED IN SUCH MINUTES.
20 ALL MINUTES AND DOCUMENTS OF A CLOSED MEETING
21 SHALL REMAIN UNDER SEAL, SUBJECT TO RELEASE BY A
22 MAJORITY VOTE OF THE COMMISSION OR ORDER OF A COURT
23 OF COMPETENT JURISDICTION.

24 E. FINANCING OF THE COMMISSION

25 1. THE COMMISSION SHALL PAY, OR PROVIDE FOR THE
26 PAYMENT OF, THE REASONABLE EXPENSES OF ITS
27 ESTABLISHMENT, ORGANIZATION, AND ONGOING ACTIVITIES.

- 1 2. THE COMMISSION MAY ACCEPT ANY AND ALL APPROPRIATE
2 REVENUE SOURCES, DONATIONS, AND GRANTS OF MONEY,
3 EQUIPMENT, SUPPLIES, MATERIALS, AND SERVICES.
- 4 3. THE COMMISSION MAY LEVY ON AND COLLECT AN ANNUAL
5 ASSESSMENT FROM EACH PARTICIPATING STATE AND MAY
6 IMPOSE COMPACT PRIVILEGE FEES ON LICENSEES OF
7 PARTICIPATING STATES TO WHOM A COMPACT PRIVILEGE IS
8 GRANTED TO COVER THE COST OF THE OPERATIONS AND
9 ACTIVITIES OF THE COMMISSION AND ITS STAFF, WHICH
10 MUST BE IN A TOTAL AMOUNT SUFFICIENT TO COVER ITS
11 ANNUAL BUDGET AS APPROVED BY THE COMMISSION EACH
12 YEAR FOR WHICH REVENUE IS NOT PROVIDED BY OTHER
13 SOURCES. THE AGGREGATE ANNUAL ASSESSMENT AMOUNT
14 LEVIED ON PARTICIPATING STATES SHALL BE ALLOCATED
15 BASED UPON A FORMULA TO BE DETERMINED BY
16 COMMISSION RULE.
- 17 a. A COMPACT PRIVILEGE EXPIRES WHEN THE
18 LICENSEE'S QUALIFYING LICENSE IN THE
19 PARTICIPATING STATE FROM WHICH THE LICENSEE
20 APPLIED FOR THE COMPACT PRIVILEGE EXPIRES.
- 21 b. IF THE LICENSEE TERMINATES THE QUALIFYING
22 LICENSE THROUGH WHICH THE LICENSEE APPLIED
23 FOR THE COMPACT PRIVILEGE BEFORE ITS
24 SCHEDULED EXPIRATION, AND THE LICENSEE HAS A
25 QUALIFYING LICENSE IN ANOTHER PARTICIPATING
26 STATE, THE LICENSEE SHALL INFORM THE
27 COMMISSION THAT THE LICENSEE IS CHANGING TO

1 THAT PARTICIPATING STATE THE PARTICIPATING
2 STATE THROUGH WHICH IT APPLIES FOR A COMPACT
3 PRIVILEGE AND PAY TO THE COMMISSION ANY
4 COMPACT PRIVILEGE FEE REQUIRED BY COMMISSION
5 RULE.

6 4. THE COMMISSION SHALL NOT INCUR OBLIGATIONS OF ANY
7 KIND PRIOR TO SECURING THE FUNDS ADEQUATE TO MEET
8 THE SAME; NOR SHALL THE COMMISSION PLEDGE THE
9 CREDIT OF ANY OF THE PARTICIPATING STATES, EXCEPT BY
10 AND WITH THE AUTHORITY OF THE PARTICIPATING STATE.

11 5. THE COMMISSION SHALL KEEP ACCURATE ACCOUNTS OF ALL
12 RECEIPTS AND DISBURSEMENTS. THE RECEIPTS AND
13 DISBURSEMENTS OF THE COMMISSION SHALL BE SUBJECT TO
14 THE FINANCIAL REVIEW AND ACCOUNTING PROCEDURES
15 ESTABLISHED UNDER ITS BYLAWS. ALL RECEIPTS AND
16 DISBURSEMENTS OF FUNDS HANDLED BY THE COMMISSION
17 SHALL BE SUBJECT TO AN ANNUAL FINANCIAL REVIEW BY A
18 CERTIFIED OR LICENSED PUBLIC ACCOUNTANT, AND THE
19 REPORT OF THE FINANCIAL REVIEW SHALL BE INCLUDED IN
20 AND BECOME PART OF THE ANNUAL REPORT OF THE
21 COMMISSION.

22 F. THE EXECUTIVE COMMITTEE

23 1. THE EXECUTIVE COMMITTEE SHALL HAVE THE POWER TO
24 ACT ON BEHALF OF THE COMMISSION ACCORDING TO THE
25 TERMS OF THIS COMPACT AND COMMISSION RULES.

26 2. THE EXECUTIVE COMMITTEE SHALL BE COMPOSED OF NINE
27 (9) MEMBERS:

- 1 a. SEVEN (7) VOTING MEMBERS WHO ARE ELECTED BY
- 2 THE COMMISSION FROM THE CURRENT MEMBERSHIP
- 3 OF THE COMMISSION;
- 4 b. ONE (1) EX OFFICIO, NONVOTING MEMBER FROM A
- 5 RECOGNIZED NATIONAL PA PROFESSIONAL
- 6 ASSOCIATION; AND
- 7 c. ONE (1) EX OFFICIO, NONVOTING MEMBER FROM A
- 8 RECOGNIZED NATIONAL PA CERTIFICATION
- 9 ORGANIZATION.
- 10 3. THE EX OFFICIO MEMBERS WILL BE SELECTED BY THEIR
- 11 RESPECTIVE ORGANIZATIONS.
- 12 4. THE COMMISSION MAY REMOVE ANY MEMBER OF THE
- 13 EXECUTIVE COMMITTEE AS PROVIDED IN ITS BYLAWS.
- 14 5. THE EXECUTIVE COMMITTEE SHALL MEET AT LEAST
- 15 ANNUALLY.
- 16 6. THE EXECUTIVE COMMITTEE SHALL HAVE THE FOLLOWING
- 17 DUTIES AND RESPONSIBILITIES:
- 18 a. RECOMMEND TO THE COMMISSION CHANGES TO THE
- 19 COMMISSION'S RULES OR BYLAWS, CHANGES TO THIS
- 20 COMPACT LEGISLATION, FEES TO BE PAID BY
- 21 COMPACT PARTICIPATING STATES SUCH AS ANNUAL
- 22 DUES, AND ANY COMMISSION COMPACT FEE
- 23 CHARGED TO LICENSEES FOR THE COMPACT
- 24 PRIVILEGE;
- 25 b. ENSURE COMPACT ADMINISTRATION SERVICES ARE
- 26 APPROPRIATELY PROVIDED, CONTRACTUAL OR
- 27 OTHERWISE;

- 1 c. PREPARE AND RECOMMEND THE BUDGET;
- 2 d. MAINTAIN FINANCIAL RECORDS ON BEHALF OF THE
- 3 COMMISSION;
- 4 e. MONITOR COMPACT COMPLIANCE OF PARTICIPATING
- 5 STATES AND PROVIDE COMPLIANCE REPORTS TO THE
- 6 COMMISSION;
- 7 f. ESTABLISH ADDITIONAL COMMITTEES AS
- 8 NECESSARY;
- 9 g. EXERCISE THE POWERS AND DUTIES OF THE
- 10 COMMISSION DURING THE INTERIM BETWEEN
- 11 COMMISSION MEETINGS, EXCEPT FOR ISSUING
- 12 PROPOSED RULEMAKING OR ADOPTING COMMISSION
- 13 RULES OR BYLAWS, OR EXERCISING ANY OTHER
- 14 POWERS AND DUTIES EXCLUSIVELY RESERVED TO
- 15 THE COMMISSION BY THE COMMISSION'S RULES;
- 16 AND
- 17 h. PERFORM OTHER DUTIES AS PROVIDED IN THE
- 18 COMMISSION'S RULES OR BYLAWS.
- 19 7. ALL MEETINGS OF THE EXECUTIVE COMMITTEE AT WHICH
- 20 IT VOTES OR PLANS TO VOTE ON MATTERS IN EXERCISING
- 21 THE POWERS AND DUTIES OF THE COMMISSION SHALL BE
- 22 OPEN TO THE PUBLIC, AND PUBLIC NOTICE OF SUCH
- 23 MEETINGS SHALL BE GIVEN AS PUBLIC MEETINGS OF THE
- 24 COMMISSION ARE GIVEN.
- 25 8. THE EXECUTIVE COMMITTEE MAY CONVENE IN A CLOSED,
- 26 NON-PUBLIC MEETING FOR THE SAME REASONS THAT THE
- 27 COMMISSION MAY CONVENE IN A NON-PUBLIC MEETING AS

1 SET FORTH IN SUBSECTION D.3 OF THIS SECTION AND SHALL
2 ANNOUNCE THE CLOSED MEETING AS THE COMMISSION IS
3 REQUIRED TO UNDER SUBSECTION D.4 OF THIS SECTION AND
4 KEEP MINUTES OF THE CLOSED MEETING AS THE
5 COMMISSION IS REQUIRED TO UNDER SUBSECTION D.5 OF
6 THIS SECTION.

7 G. QUALIFIED IMMUNITY, DEFENSE, AND INDEMNIFICATION

8 1. THE MEMBERS, OFFICERS, EXECUTIVE DIRECTOR,
9 EMPLOYEES, AND REPRESENTATIVES OF THE COMMISSION
10 SHALL BE IMMUNE FROM SUIT AND LIABILITY, BOTH
11 PERSONALLY AND IN THEIR OFFICIAL CAPACITY, FOR ANY
12 CLAIM FOR DAMAGE TO OR LOSS OF PROPERTY OR PERSONAL
13 INJURY OR OTHER CIVIL LIABILITY CAUSED BY OR ARISING
14 OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION
15 THAT OCCURRED, OR THAT THE PERSON AGAINST WHOM THE
16 CLAIM IS MADE HAD A REASONABLE BASIS FOR BELIEVING
17 OCCURRED WITHIN THE SCOPE OF COMMISSION
18 EMPLOYMENT, DUTIES, OR RESPONSIBILITIES; PROVIDED
19 THAT NOTHING HEREIN SHALL BE CONSTRUED TO PROTECT
20 ANY SUCH PERSON FROM SUIT OR LIABILITY FOR ANY
21 DAMAGE, LOSS, INJURY, OR LIABILITY CAUSED BY THE
22 INTENTIONAL OR WILLFUL OR WANTON MISCONDUCT OF
23 THAT PERSON. THE PROCUREMENT OF INSURANCE OF ANY
24 TYPE BY THE COMMISSION SHALL NOT IN ANY WAY
25 COMPROMISE OR LIMIT THE IMMUNITY GRANTED
26 HEREUNDER.

27 2. THE COMMISSION SHALL DEFEND ANY MEMBER, OFFICER,

1 EXECUTIVE DIRECTOR, EMPLOYEE, AND REPRESENTATIVE OF
2 THE COMMISSION IN ANY CIVIL ACTION SEEKING TO IMPOSE
3 LIABILITY ARISING OUT OF ANY ACTUAL OR ALLEGED ACT,
4 ERROR, OR OMISSION THAT OCCURRED WITHIN THE SCOPE OF
5 COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES,
6 OR AS DETERMINED BY THE COMMISSION THAT THE PERSON
7 AGAINST WHOM THE CLAIM IS MADE HAD A REASONABLE
8 BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF
9 COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES;
10 PROVIDED THAT NOTHING HEREIN SHALL BE CONSTRUED TO
11 PROHIBIT THAT PERSON FROM RETAINING THEIR OWN
12 COUNSEL AT THEIR OWN EXPENSE; AND PROVIDED FURTHER,
13 THAT THE ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION
14 DID NOT RESULT FROM THAT PERSON'S INTENTIONAL OR
15 WILLFUL OR WANTON MISCONDUCT.

16 3. THE COMMISSION SHALL INDEMNIFY AND HOLD HARMLESS
17 ANY MEMBER, OFFICER, EXECUTIVE DIRECTOR, EMPLOYEE,
18 AND REPRESENTATIVE OF THE COMMISSION FOR THE
19 AMOUNT OF ANY SETTLEMENT OR JUDGMENT OBTAINED
20 AGAINST THAT PERSON ARISING OUT OF ANY ACTUAL OR
21 ALLEGED ACT, ERROR, OR OMISSION THAT OCCURRED
22 WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES,
23 OR RESPONSIBILITIES, OR THAT SUCH PERSON HAD A
24 REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE
25 SCOPE OF COMMISSION EMPLOYMENT, DUTIES, OR
26 RESPONSIBILITIES, PROVIDED THAT THE ACTUAL OR
27 ALLEGED ACT, ERROR, OR OMISSION DID NOT RESULT FROM

1 THE INTENTIONAL OR WILLFUL OR WANTON MISCONDUCT OF
2 THAT PERSON.

3 4. VENUE IS PROPER AND JUDICIAL PROCEEDINGS BY OR
4 AGAINST THE COMMISSION SHALL BE BROUGHT SOLELY AND
5 EXCLUSIVELY IN A COURT OF COMPETENT JURISDICTION
6 WHERE THE PRINCIPAL OFFICE OF THE COMMISSION IS
7 LOCATED. THE COMMISSION MAY WAIVE VENUE AND
8 JURISDICTIONAL DEFENSES IN ANY PROCEEDINGS AS
9 AUTHORIZED BY COMMISSION RULES.

10 5. NOTHING HEREIN SHALL BE CONSTRUED AS A LIMITATION
11 ON THE LIABILITY OF ANY LICENSEE FOR PROFESSIONAL
12 MALPRACTICE OR MISCONDUCT, WHICH SHALL BE
13 GOVERNED SOLELY BY ANY OTHER APPLICABLE STATE
14 LAWS.

15 6. NOTHING HEREIN SHALL BE CONSTRUED TO DESIGNATE THE
16 VENUE OR JURISDICTION TO BRING ACTIONS FOR ALLEGED
17 ACTS OF MALPRACTICE, PROFESSIONAL MISCONDUCT,
18 NEGLIGENCE, OR OTHER SUCH CIVIL ACTION PERTAINING TO
19 THE PRACTICE OF A PA. ALL SUCH MATTERS SHALL BE
20 DETERMINED EXCLUSIVELY BY STATE LAW OTHER THAN
21 THIS COMPACT.

22 7. NOTHING IN THIS COMPACT SHALL BE INTERPRETED TO
23 WAIVE OR OTHERWISE ABROGATE A PARTICIPATING STATE'S
24 STATE ACTION IMMUNITY OR STATE ACTION AFFIRMATIVE
25 DEFENSE WITH RESPECT TO ANTITRUST CLAIMS UNDER THE
26 SHERMAN ACT, CLAYTON ACT, OR ANY OTHER STATE OR
27 FEDERAL ANTITRUST OR ANTICOMPETITIVE LAW OR

1 REGULATION.

2 8. NOTHING IN THIS COMPACT SHALL BE CONSTRUED TO BE A
3 WAIVER OF SOVEREIGN IMMUNITY BY THE PARTICIPATING
4 STATES OR BY THE COMMISSION.

5 **Section 8. Data System**

6 A. THE COMMISSION SHALL PROVIDE FOR THE DEVELOPMENT,
7 MAINTENANCE, OPERATION, AND UTILIZATION OF A COORDINATED
8 DATA AND REPORTING SYSTEM CONTAINING LICENSURE
9 INFORMATION, ADVERSE ACTION INFORMATION, AND THE
10 REPORTING OF THE EXISTENCE OF SIGNIFICANT INVESTIGATIVE
11 INFORMATION ON ALL LICENSED PAs AND APPLICANTS DENIED A
12 LICENSE IN PARTICIPATING STATES.

13 B. NOTWITHSTANDING ANY OTHER STATE LAW TO THE CONTRARY, A
14 PARTICIPATING STATE SHALL SUBMIT A UNIFORM DATA SET TO THE
15 DATA SYSTEM ON ALL PAs TO WHOM THIS COMPACT IS
16 APPLICABLE (UTILIZING A UNIQUE IDENTIFIER) AS REQUIRED BY THE
17 RULES OF THE COMMISSION, INCLUDING:

- 18 1. IDENTIFYING INFORMATION;
- 19 2. LICENSURE DATA;
- 20 3. ADVERSE ACTIONS AGAINST A LICENSE OR COMPACT
21 PRIVILEGE;
- 22 4. ANY DENIAL OF APPLICATION FOR LICENSURE, AND THE
23 REASON(S) FOR SUCH DENIAL (EXCLUDING THE REPORTING
24 OF ANY CRIMINAL HISTORY RECORD INFORMATION WHERE
25 PROHIBITED BY LAW);
- 26 5. THE EXISTENCE OF SIGNIFICANT INVESTIGATIVE
27 INFORMATION; AND

- 1 6. OTHER INFORMATION THAT MAY FACILITATE THE
2 ADMINISTRATION OF THIS COMPACT, AS DETERMINED BY
3 THE RULES OF THE COMMISSION.
- 4 C. SIGNIFICANT INVESTIGATIVE INFORMATION PERTAINING TO A
5 LICENSEE IN ANY PARTICIPATING STATE SHALL ONLY BE
6 AVAILABLE TO OTHER PARTICIPATING STATES.
- 7 D. THE COMMISSION SHALL PROMPTLY NOTIFY ALL PARTICIPATING
8 STATES OF ANY ADVERSE ACTION TAKEN AGAINST A LICENSEE OR
9 AN INDIVIDUAL APPLYING FOR A LICENSE THAT HAS BEEN
10 REPORTED TO IT. THIS ADVERSE ACTION INFORMATION SHALL BE
11 AVAILABLE TO ANY OTHER PARTICIPATING STATE.
- 12 E. PARTICIPATING STATES CONTRIBUTING INFORMATION TO THE
13 DATA SYSTEM MAY, IN ACCORDANCE WITH STATE OR FEDERAL
14 LAW, DESIGNATE INFORMATION THAT MAY NOT BE SHARED WITH
15 THE PUBLIC WITHOUT THE EXPRESS PERMISSION OF THE
16 CONTRIBUTING STATE. NOTWITHSTANDING ANY SUCH
17 DESIGNATION, SUCH INFORMATION SHALL BE REPORTED TO THE
18 COMMISSION THROUGH THE DATA SYSTEM.
- 19 F. ANY INFORMATION SUBMITTED TO THE DATA SYSTEM THAT IS
20 SUBSEQUENTLY EXPUNGED PURSUANT TO FEDERAL LAW OR THE
21 LAWS OF THE PARTICIPATING STATE CONTRIBUTING THE
22 INFORMATION SHALL BE REMOVED FROM THE DATA SYSTEM UPON
23 REPORTING OF SUCH BY THE PARTICIPATING STATE TO THE
24 COMMISSION.
- 25 G. THE RECORDS AND INFORMATION PROVIDED TO A PARTICIPATING
26 STATE PURSUANT TO THIS COMPACT OR THROUGH THE DATA
27 SYSTEM, WHEN CERTIFIED BY THE COMMISSION OR AN AGENT

1 THEREOF, SHALL CONSTITUTE THE AUTHENTICATED BUSINESS
2 RECORDS OF THE COMMISSION, AND SHALL BE ENTITLED TO ANY
3 ASSOCIATED HEARSAY EXCEPTION IN ANY RELEVANT JUDICIAL,
4 QUASI-JUDICIAL, OR ADMINISTRATIVE PROCEEDINGS IN A
5 PARTICIPATING STATE.

6 **Section 9. Rulemaking**

7 A. THE COMMISSION SHALL EXERCISE ITS RULEMAKING POWERS
8 PURSUANT TO THE CRITERIA SET FORTH IN THIS SECTION AND THE
9 RULES ADOPTED THEREUNDER. COMMISSION RULES SHALL
10 BECOME BINDING AS OF THE DATE SPECIFIED BY THE COMMISSION
11 FOR EACH RULE.

12 B. THE COMMISSION SHALL PROMULGATE REASONABLE RULES IN
13 ORDER TO EFFECTIVELY AND EFFICIENTLY IMPLEMENT AND
14 ADMINISTER THIS COMPACT AND ACHIEVE ITS PURPOSES. A
15 COMMISSION RULE SHALL BE INVALID AND HAVE NO FORCE OR
16 EFFECT ONLY IF A COURT OF COMPETENT JURISDICTION HOLDS THAT
17 THE RULE IS INVALID BECAUSE THE COMMISSION EXERCISED ITS
18 RULEMAKING AUTHORITY IN A MANNER THAT IS BEYOND THE SCOPE
19 OF THE PURPOSES OF THIS COMPACT, OR THE POWERS GRANTED
20 HEREUNDER, OR BASED UPON ANOTHER APPLICABLE STANDARD OF
21 REVIEW.

22 C. THE RULES OF THE COMMISSION SHALL HAVE THE FORCE OF LAW
23 IN EACH PARTICIPATING STATE, PROVIDED HOWEVER THAT WHERE
24 THE RULES OF THE COMMISSION CONFLICT WITH THE LAWS OF THE
25 PARTICIPATING STATE THAT ESTABLISH THE MEDICAL SERVICES A
26 PA MAY PERFORM IN THE PARTICIPATING STATE, AS HELD BY A
27 COURT OF COMPETENT JURISDICTION, THE RULES OF THE

1 COMMISSION SHALL BE INEFFECTIVE IN THAT STATE TO THE
2 EXTENT OF THE CONFLICT.

3 D. IF A MAJORITY OF THE LEGISLATURES OF THE PARTICIPATING
4 STATES REJECTS A COMMISSION RULE, BY ENACTMENT OF A
5 STATUTE OR RESOLUTION IN THE SAME MANNER USED TO ADOPT
6 THIS COMPACT WITHIN FOUR (4) YEARS OF THE DATE OF ADOPTION
7 OF THE RULE, THEN SUCH RULE SHALL HAVE NO FURTHER FORCE
8 AND EFFECT IN ANY PARTICIPATING STATE OR TO ANY STATE
9 APPLYING TO PARTICIPATE IN THE COMPACT.

10 E. COMMISSION RULES SHALL BE ADOPTED AT A REGULAR OR SPECIAL
11 MEETING OF THE COMMISSION.

12 F. PRIOR TO PROMULGATION AND ADOPTION OF A FINAL RULE OR
13 RULES BY THE COMMISSION, AND AT LEAST THIRTY (30) DAYS IN
14 ADVANCE OF THE MEETING AT WHICH THE RULE WILL BE
15 CONSIDERED AND VOTED UPON, THE COMMISSION SHALL FILE A
16 NOTICE OF PROPOSED RULEMAKING:

- 17 1. ON THE WEBSITE OF THE COMMISSION OR OTHER PUBLICLY
18 ACCESSIBLE PLATFORM;
- 19 2. TO PERSONS WHO HAVE REQUESTED THE COMMISSION'S
20 NOTICES OF PROPOSED RULEMAKING; AND
- 21 3. IN SUCH OTHER WAY(S) AS THE COMMISSION MAY BY RULE
22 SPECIFY.

23 G. THE NOTICE OF PROPOSED RULEMAKING SHALL INCLUDE:
24 1. THE TIME, DATE, AND LOCATION OF THE PUBLIC HEARING ON
25 THE PROPOSED RULE AND THE PROPOSED TIME, DATE, AND
26 LOCATION OF THE MEETING IN WHICH THE PROPOSED RULE
27 WILL BE CONSIDERED AND VOTED UPON;

- 1 2. THE TEXT OF THE PROPOSED RULE AND THE REASON FOR
2 THE PROPOSED RULE;
- 3 3. A REQUEST FOR COMMENTS ON THE PROPOSED RULE FROM
4 ANY INTERESTED PERSON AND THE DATE BY WHICH
5 WRITTEN COMMENTS MUST BE RECEIVED; AND
- 6 4. THE MANNER IN WHICH INTERESTED PERSONS MAY SUBMIT
7 NOTICE TO THE COMMISSION OF THEIR INTENTION TO
8 ATTEND THE PUBLIC HEARING OR PROVIDE ANY WRITTEN
9 COMMENTS.
- 10 H. PRIOR TO ADOPTION OF A PROPOSED RULE, THE COMMISSION SHALL
11 ALLOW PERSONS TO SUBMIT WRITTEN DATA, FACTS, OPINIONS, AND
12 ARGUMENTS, WHICH SHALL BE MADE AVAILABLE TO THE PUBLIC.
- 13 I. IF THE HEARING IS TO BE HELD VIA ELECTRONIC MEANS, THE
14 COMMISSION SHALL PUBLISH THE MECHANISM FOR ACCESS TO THE
15 ELECTRONIC HEARING.
- 16 1. ALL PERSONS WISHING TO BE HEARD AT THE HEARING
17 SHALL AS DIRECTED IN THE NOTICE OF PROPOSED
18 RULEMAKING, NOT LESS THAN FIVE (5) BUSINESS DAYS
19 BEFORE THE SCHEDULED DATE OF THE HEARING, NOTIFY THE
20 COMMISSION OF THEIR DESIRE TO APPEAR AND TESTIFY AT
21 THE HEARING.
- 22 2. HEARINGS SHALL BE CONDUCTED IN A MANNER PROVIDING
23 EACH PERSON WHO WISHES TO COMMENT A FAIR AND
24 REASONABLE OPPORTUNITY TO COMMENT ORALLY OR IN
25 WRITING.
- 26 3. ALL HEARINGS SHALL BE RECORDED. A COPY OF THE
27 RECORDING AND THE WRITTEN COMMENTS, DATA, FACTS,

1 OPINIONS, AND ARGUMENTS RECEIVED IN RESPONSE TO THE
2 PROPOSED RULEMAKING SHALL BE MADE AVAILABLE TO A
3 PERSON UPON REQUEST.

4 4. NOTHING IN THIS SECTION SHALL BE CONSTRUED AS
5 REQUIRING A SEPARATE HEARING ON EACH PROPOSED RULE.
6 PROPOSED RULES MAY BE GROUPED FOR THE CONVENIENCE
7 OF THE COMMISSION AT HEARINGS REQUIRED BY THIS
8 SECTION.

9 J. FOLLOWING THE PUBLIC HEARING THE COMMISSION SHALL
10 CONSIDER ALL WRITTEN AND ORAL COMMENTS TIMELY RECEIVED.

11 K. THE COMMISSION SHALL, BY MAJORITY VOTE OF ALL DELEGATES,
12 TAKE FINAL ACTION ON THE PROPOSED RULE AND SHALL
13 DETERMINE THE EFFECTIVE DATE OF THE RULE, IF ADOPTED, BASED
14 ON THE RULEMAKING RECORD AND THE FULL TEXT OF THE RULE.

15 1. IF ADOPTED, THE RULE SHALL BE POSTED ON THE
16 COMMISSION'S WEBSITE.

17 2. THE COMMISSION MAY ADOPT CHANGES TO THE PROPOSED
18 RULE PROVIDED THE CHANGES DO NOT ENLARGE THE
19 ORIGINAL PURPOSE OF THE PROPOSED RULE.

20 3. THE COMMISSION SHALL PROVIDE ON ITS WEBSITE AN
21 EXPLANATION OF THE REASONS FOR SUBSTANTIVE CHANGES
22 MADE TO THE PROPOSED RULE AS WELL AS REASONS FOR
23 SUBSTANTIVE CHANGES NOT MADE THAT WERE
24 RECOMMENDED BY COMMENTERS.

25 4. THE COMMISSION SHALL DETERMINE A REASONABLE
26 EFFECTIVE DATE FOR THE RULE. EXCEPT FOR AN
27 EMERGENCY AS PROVIDED IN SUBSECTION L OF THIS

1 SECTION, THE EFFECTIVE DATE OF THE RULE SHALL BE NO
2 SOONER THAN THIRTY (30) DAYS AFTER THE COMMISSION
3 ISSUED THE NOTICE THAT IT ADOPTED THE RULE.

4 L. UPON DETERMINATION THAT AN EMERGENCY EXISTS, THE
5 COMMISSION MAY CONSIDER AND ADOPT AN EMERGENCY RULE
6 WITH TWENTY-FOUR (24) HOURS PRIOR NOTICE, WITHOUT THE
7 OPPORTUNITY FOR COMMENT OR HEARING, PROVIDED THAT THE
8 USUAL RULEMAKING PROCEDURES PROVIDED IN THIS COMPACT
9 AND IN THIS SECTION SHALL BE RETROACTIVELY APPLIED TO THE
10 RULE AS SOON AS REASONABLY POSSIBLE, IN NO EVENT LATER
11 THAN NINETY (90) DAYS AFTER THE EFFECTIVE DATE OF THE RULE.
12 FOR THE PURPOSES OF THIS SUBSECTION L, AN EMERGENCY RULE
13 IS ONE THAT MUST BE ADOPTED IMMEDIATELY BY THE COMMISSION
14 IN ORDER TO:

- 15 1. MEET AN IMMINENT THREAT TO PUBLIC HEALTH, SAFETY,
16 OR WELFARE;
- 17 2. PREVENT A LOSS OF COMMISSION OR PARTICIPATING STATE
18 FUNDS;
- 19 3. MEET A DEADLINE FOR THE PROMULGATION OF A
20 COMMISSION RULE THAT IS ESTABLISHED BY FEDERAL LAW
21 OR RULE; OR
- 22 4. PROTECT PUBLIC HEALTH AND SAFETY.

23 M. THE COMMISSION OR AN AUTHORIZED COMMITTEE OF THE
24 COMMISSION MAY DIRECT REVISIONS TO A PREVIOUSLY ADOPTED
25 COMMISSION RULE FOR PURPOSES OF CORRECTING TYPOGRAPHICAL
26 ERRORS, ERRORS IN FORMAT, ERRORS IN CONSISTENCY, OR
27 GRAMMATICAL ERRORS. PUBLIC NOTICE OF ANY REVISIONS SHALL

1 BE POSTED ON THE WEBSITE OF THE COMMISSION. THE REVISION
2 SHALL BE SUBJECT TO CHALLENGE BY ANY PERSON FOR A PERIOD
3 OF THIRTY (30) DAYS AFTER POSTING. THE REVISION MAY BE
4 CHALLENGED ONLY ON GROUNDS THAT THE REVISION RESULTS IN
5 A MATERIAL CHANGE TO A RULE. A CHALLENGE SHALL BE MADE AS
6 SET FORTH IN THE NOTICE OF REVISIONS AND DELIVERED TO THE
7 COMMISSION PRIOR TO THE END OF THE NOTICE PERIOD. IF NO
8 CHALLENGE IS MADE, THE REVISION WILL TAKE EFFECT WITHOUT
9 FURTHER ACTION. IF THE REVISION IS CHALLENGED, THE REVISION
10 MAY NOT TAKE EFFECT WITHOUT THE APPROVAL OF THE
11 COMMISSION.

12 N. NO PARTICIPATING STATE'S RULEMAKING REQUIREMENTS SHALL
13 APPLY UNDER THIS COMPACT.

14 **Section 10. Oversight, Dispute Resolution, and Enforcement**

15 A. OVERSIGHT

16 1. THE EXECUTIVE AND JUDICIAL BRANCHES OF STATE
17 GOVERNMENT IN EACH PARTICIPATING STATE SHALL
18 ENFORCE THIS COMPACT AND TAKE ALL ACTIONS
19 NECESSARY AND APPROPRIATE TO IMPLEMENT THE
20 COMPACT.

21 2. VENUE IS PROPER AND JUDICIAL PROCEEDINGS BY OR
22 AGAINST THE COMMISSION SHALL BE BROUGHT SOLELY AND
23 EXCLUSIVELY IN A COURT OF COMPETENT JURISDICTION
24 WHERE THE PRINCIPAL OFFICE OF THE COMMISSION IS
25 LOCATED. THE COMMISSION MAY WAIVE VENUE AND
26 JURISDICTIONAL DEFENSES TO THE EXTENT IT ADOPTS OR
27 CONSENTS TO PARTICIPATE IN ALTERNATIVE DISPUTE

1 RESOLUTION PROCEEDINGS. NOTHING HEREIN SHALL AFFECT
2 OR LIMIT THE SELECTION OR PROPRIETY OF VENUE IN ANY
3 ACTION AGAINST A LICENSEE FOR PROFESSIONAL
4 MALPRACTICE, MISCONDUCT, OR ANY SUCH SIMILAR
5 MATTER.

6 3. THE COMMISSION SHALL BE ENTITLED TO RECEIVE SERVICE
7 OF PROCESS IN ANY PROCEEDING REGARDING THE
8 ENFORCEMENT OR INTERPRETATION OF THE COMPACT OR
9 THE COMMISSION'S RULES AND SHALL HAVE STANDING TO
10 INTERVENE IN SUCH A PROCEEDING FOR ALL PURPOSES.
11 FAILURE TO PROVIDE THE COMMISSION WITH SERVICE OF
12 PROCESS SHALL RENDER A JUDGMENT OR ORDER IN SUCH
13 PROCEEDING VOID AS TO THE COMMISSION, THIS COMPACT,
14 OR COMMISSION RULES.

15 B. DEFAULT, TECHNICAL ASSISTANCE, AND TERMINATION

16 1. IF THE COMMISSION DETERMINES THAT A PARTICIPATING
17 STATE HAS DEFAULTED IN THE PERFORMANCE OF ITS
18 OBLIGATIONS OR RESPONSIBILITIES UNDER THIS COMPACT
19 OR THE COMMISSION RULES, THE COMMISSION SHALL
20 PROVIDE WRITTEN NOTICE TO THE DEFAULTING STATE AND
21 OTHER PARTICIPATING STATES. THE NOTICE SHALL
22 DESCRIBE THE DEFAULT, THE PROPOSED MEANS OF CURING
23 THE DEFAULT, AND ANY OTHER ACTION THAT THE
24 COMMISSION MAY TAKE AND SHALL OFFER REMEDIAL
25 TRAINING AND SPECIFIC TECHNICAL ASSISTANCE REGARDING
26 THE DEFAULT.

27 2. IF A STATE IN DEFAULT FAILS TO CURE THE DEFAULT, THE

1 DEFAULTING STATE MAY BE TERMINATED FROM THIS
2 COMPACT UPON AN AFFIRMATIVE VOTE OF A MAJORITY OF
3 THE DELEGATES OF THE PARTICIPATING STATES, AND ALL
4 RIGHTS, PRIVILEGES, AND BENEFITS CONFERRED BY THIS
5 COMPACT UPON SUCH STATE MAY BE TERMINATED ON THE
6 EFFECTIVE DATE OF TERMINATION. A CURE OF THE DEFAULT
7 DOES NOT RELIEVE THE OFFENDING STATE OF OBLIGATIONS
8 OR LIABILITIES INCURRED DURING THE PERIOD OF DEFAULT.

9 3. TERMINATION OF PARTICIPATION IN THIS COMPACT SHALL
10 BE IMPOSED ONLY AFTER ALL OTHER MEANS OF SECURING
11 COMPLIANCE HAVE BEEN EXHAUSTED. NOTICE OF INTENT TO
12 SUSPEND OR TERMINATE SHALL BE GIVEN BY THE
13 COMMISSION TO THE GOVERNOR, THE MAJORITY AND
14 MINORITY LEADERS OF THE DEFAULTING STATE'S
15 LEGISLATURE, AND THE LICENSING BOARD(S) OF EACH OF
16 THE PARTICIPATING STATES.

17 4. A STATE THAT HAS BEEN TERMINATED IS RESPONSIBLE FOR
18 ALL ASSESSMENTS, OBLIGATIONS, AND LIABILITIES
19 INCURRED THROUGH THE EFFECTIVE DATE OF TERMINATION,
20 INCLUDING OBLIGATIONS THAT EXTEND BEYOND THE
21 EFFECTIVE DATE OF TERMINATION.

22 5. THE COMMISSION SHALL NOT BEAR ANY COSTS RELATED TO
23 A STATE THAT IS FOUND TO BE IN DEFAULT OR THAT HAS
24 BEEN TERMINATED FROM THIS COMPACT, UNLESS AGREED
25 UPON IN WRITING BETWEEN THE COMMISSION AND THE
26 DEFAULTING STATE.

27 6. THE DEFAULTING STATE MAY APPEAL ITS TERMINATION

1 FROM THE COMPACT BY THE COMMISSION BY PETITIONING
2 THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
3 COLUMBIA OR THE FEDERAL DISTRICT WHERE THE
4 COMMISSION HAS ITS PRINCIPAL OFFICES. THE PREVAILING
5 PARTY SHALL BE AWARDED ALL COSTS OF SUCH LITIGATION,
6 INCLUDING REASONABLE ATTORNEY'S FEES.

7 7. UPON THE TERMINATION OF A STATE'S PARTICIPATION IN
8 THE COMPACT, THE STATE SHALL IMMEDIATELY PROVIDE
9 NOTICE TO ALL LICENSEES WITHIN THAT STATE OF SUCH
10 TERMINATION:

11 a. LICENSEES WHO HAVE BEEN GRANTED A COMPACT
12 PRIVILEGE IN THAT STATE SHALL RETAIN THE
13 COMPACT PRIVILEGE FOR ONE HUNDRED EIGHTY
14 (180) DAYS FOLLOWING THE EFFECTIVE DATE OF
15 SUCH TERMINATION.

16 b. LICENSEES WHO ARE LICENSED IN THAT STATE WHO
17 HAVE BEEN GRANTED A COMPACT PRIVILEGE IN A
18 PARTICIPATING STATE SHALL RETAIN THE COMPACT
19 PRIVILEGE FOR ONE HUNDRED EIGHTY (180) DAYS
20 UNLESS THE LICENSEE ALSO HAS A QUALIFYING
21 LICENSE IN A PARTICIPATING STATE OR OBTAINS A
22 QUALIFYING LICENSE IN A PARTICIPATING STATE
23 BEFORE THE ONE HUNDRED EIGHTY (180)-DAY
24 PERIOD ENDS, IN WHICH CASE THE COMPACT
25 PRIVILEGE SHALL CONTINUE.

26 C. DISPUTE RESOLUTION

27 1. UPON REQUEST BY A PARTICIPATING STATE, THE

1 COMMISSION SHALL ATTEMPT TO RESOLVE DISPUTES
2 RELATED TO THIS COMPACT THAT ARISE AMONG
3 PARTICIPATING STATES AND BETWEEN PARTICIPATING AND
4 NON-PARTICIPATING STATES.

5 2. THE COMMISSION SHALL PROMULGATE A RULE PROVIDING
6 FOR BOTH MEDIATION AND BINDING DISPUTE RESOLUTION
7 FOR DISPUTES AS APPROPRIATE.

8 D. ENFORCEMENT

9 1. THE COMMISSION, IN THE REASONABLE EXERCISE OF ITS
10 DISCRETION, SHALL ENFORCE THE PROVISIONS OF THIS
11 COMPACT AND RULES OF THE COMMISSION.

12 2. IF COMPLIANCE IS NOT SECURED AFTER ALL MEANS TO
13 SECURE COMPLIANCE HAVE BEEN EXHAUSTED, BY MAJORITY
14 VOTE, THE COMMISSION MAY INITIATE LEGAL ACTION IN
15 THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
16 COLUMBIA OR THE FEDERAL DISTRICT WHERE THE
17 COMMISSION HAS ITS PRINCIPAL OFFICES, AGAINST A
18 PARTICIPATING STATE IN DEFAULT TO ENFORCE
19 COMPLIANCE WITH THE PROVISIONS OF THIS COMPACT AND
20 THE COMMISSION'S PROMULGATED RULES AND BYLAWS.
21 THE RELIEF SOUGHT MAY INCLUDE BOTH INJUNCTIVE RELIEF
22 AND DAMAGES. IN THE EVENT JUDICIAL ENFORCEMENT IS
23 NECESSARY, THE PREVAILING PARTY SHALL BE AWARDED
24 ALL COSTS OF SUCH LITIGATION, INCLUDING REASONABLE
25 ATTORNEY'S FEES.

26 3. THE REMEDIES HEREIN SHALL NOT BE THE EXCLUSIVE
27 REMEDIES OF THE COMMISSION. THE COMMISSION MAY

1 PURSUE ANY OTHER REMEDIES AVAILABLE UNDER FEDERAL
2 OR STATE LAW.

3 E. LEGAL ACTION AGAINST THE COMMISSION

4 1. A PARTICIPATING STATE MAY INITIATE LEGAL ACTION
5 AGAINST THE COMMISSION IN THE UNITED STATES DISTRICT
6 COURT FOR THE DISTRICT OF COLUMBIA OR THE FEDERAL
7 DISTRICT WHERE THE COMMISSION HAS ITS PRINCIPAL
8 OFFICES TO ENFORCE COMPLIANCE WITH THE PROVISIONS OF
9 THE COMPACT AND ITS RULES. THE RELIEF SOUGHT MAY
10 INCLUDE BOTH INJUNCTIVE RELIEF AND DAMAGES. IN THE
11 EVENT JUDICIAL ENFORCEMENT IS NECESSARY, THE
12 PREVAILING PARTY SHALL BE AWARDED ALL COSTS OF SUCH
13 LITIGATION, INCLUDING REASONABLE ATTORNEY'S FEES.

14 2. NO PERSON OTHER THAN A PARTICIPATING STATE SHALL
15 ENFORCE THIS COMPACT AGAINST THE COMMISSION.

16 **Section 11. Date of Implementation of the**
17 **PA Licensure Compact Commission**

18 A. THIS COMPACT SHALL COME INTO EFFECT ON THE DATE ON WHICH
19 THIS COMPACT STATUTE IS ENACTED INTO LAW IN THE SEVENTH
20 PARTICIPATING STATE.

21 1. ON OR AFTER THE EFFECTIVE DATE OF THIS COMPACT, THE
22 COMMISSION SHALL CONVENE AND REVIEW THE
23 ENACTMENT OF EACH OF THE STATES THAT ENACTED THIS
24 COMPACT PRIOR TO THE COMMISSION CONVENING
25 ("CHARTER PARTICIPATING STATES") TO DETERMINE IF THE
26 STATUTE ENACTED BY EACH SUCH CHARTER PARTICIPATING
27 STATE IS MATERIALLY DIFFERENT THAN THE MODEL

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- COMPACT.
- a. A CHARTER PARTICIPATING STATE WHOSE ENACTMENT IS FOUND TO BE MATERIALLY DIFFERENT FROM THE MODEL COMPACT SHALL BE ENTITLED TO THE DEFAULT PROCESS SET FORTH IN SECTION 10.B OF THIS COMPACT.
 - b. IF ANY PARTICIPATING STATE LATER WITHDRAWS FROM THE COMPACT OR ITS PARTICIPATION IS TERMINATED, THE COMMISSION SHALL REMAIN IN EXISTENCE AND THE COMPACT SHALL REMAIN IN EFFECT EVEN IF THE NUMBER OF PARTICIPATING STATES SHOULD BE LESS THAN SEVEN. PARTICIPATING STATES ENACTING THE COMPACT SUBSEQUENT TO THE COMMISSION CONVENING SHALL BE SUBJECT TO THE PROCESS SET FORTH IN SECTION 7.C.21 OF THIS COMPACT TO DETERMINE IF THEIR ENACTMENTS ARE MATERIALLY DIFFERENT FROM THE MODEL COMPACT AND WHETHER THEY QUALIFY FOR PARTICIPATION IN THE COMPACT.
- 2. PARTICIPATING STATES ENACTING THIS COMPACT SUBSEQUENT TO THE SEVEN INITIAL CHARTER PARTICIPATING STATES SHALL BE SUBJECT TO THE PROCESS SET FORTH IN SECTION 7.C.21 OF THIS COMPACT TO DETERMINE IF THEIR ENACTMENTS ARE MATERIALLY DIFFERENT FROM THE MODEL COMPACT AND WHETHER THEY QUALIFY FOR PARTICIPATION IN THE COMPACT.
 - 3. ALL ACTIONS TAKEN FOR THE BENEFIT OF THE COMMISSION

1 OR IN FURTHERANCE OF THE PURPOSES OF THE
2 ADMINISTRATION OF THIS COMPACT PRIOR TO THE
3 EFFECTIVE DATE OF THIS COMPACT OR THE COMMISSION
4 COMING INTO EXISTENCE SHALL BE CONSIDERED TO BE
5 ACTIONS OF THE COMMISSION UNLESS SPECIFICALLY
6 REPUDIATED BY THE COMMISSION.

7 B. ANY STATE THAT JOINS THIS COMPACT SHALL BE SUBJECT TO THE
8 COMMISSION'S RULES AND BYLAWS AS THEY EXIST ON THE DATE
9 ON WHICH THIS COMPACT BECOMES LAW IN THAT STATE. ANY
10 RULE THAT HAS BEEN PREVIOUSLY ADOPTED BY THE COMMISSION
11 SHALL HAVE THE FULL FORCE AND EFFECT OF LAW ON THE DAY
12 THIS COMPACT BECOMES LAW IN THAT STATE.

13 C. ANY PARTICIPATING STATE MAY WITHDRAW FROM THIS COMPACT
14 BY ENACTING A STATUTE REPEALING THE SAME.

15 1. A PARTICIPATING STATE'S WITHDRAWAL SHALL NOT TAKE
16 EFFECT UNTIL ONE HUNDRED EIGHTY (180) DAYS AFTER
17 ENACTMENT OF THE REPEALING STATUTE. DURING THIS ONE
18 HUNDRED EIGHTY (180)-DAY PERIOD, ALL COMPACT
19 PRIVILEGES THAT WERE IN EFFECT IN THE WITHDRAWING
20 STATE AND WERE GRANTED TO LICENSEES LICENSED IN THE
21 WITHDRAWING STATE SHALL REMAIN IN EFFECT. IF ANY
22 LICENSEE LICENSED IN THE WITHDRAWING STATE IS ALSO
23 LICENSED IN ANOTHER PARTICIPATING STATE OR OBTAINS
24 A LICENSE IN ANOTHER PARTICIPATING STATE WITHIN THE
25 ONE HUNDRED EIGHTY (180) DAYS, THE LICENSEE'S
26 COMPACT PRIVILEGES IN OTHER PARTICIPATING STATES
27 SHALL NOT BE AFFECTED BY THE PASSAGE OF THE ONE

- 1 HUNDRED EIGHTY (180) DAYS.
- 2 2. WITHDRAWAL SHALL NOT AFFECT THE CONTINUING
3 REQUIREMENT OF THE STATE LICENSING BOARD(S) OF THE
4 WITHDRAWING STATE TO COMPLY WITH THE INVESTIGATIVE
5 AND ADVERSE ACTION REPORTING REQUIREMENTS OF THIS
6 COMPACT PRIOR TO THE EFFECTIVE DATE OF WITHDRAWAL.
- 7 3. UPON THE ENACTMENT OF A STATUTE WITHDRAWING A
8 STATE FROM THIS COMPACT, THE STATE SHALL
9 IMMEDIATELY PROVIDE NOTICE OF SUCH WITHDRAWAL TO
10 ALL LICENSEES WITHIN THAT STATE. SUCH WITHDRAWING
11 STATE SHALL CONTINUE TO RECOGNIZE ALL LICENSES
12 GRANTED PURSUANT TO THIS COMPACT FOR A MINIMUM OF
13 ONE HUNDRED EIGHTY (180) DAYS AFTER THE DATE OF
14 SUCH NOTICE OF WITHDRAWAL.
- 15 D. NOTHING CONTAINED IN THIS COMPACT SHALL BE CONSTRUED TO
16 INVALIDATE OR PREVENT ANY PA LICENSURE AGREEMENT OR
17 OTHER COOPERATIVE ARRANGEMENT BETWEEN PARTICIPATING
18 STATES AND BETWEEN A PARTICIPATING STATE AND
19 NON-PARTICIPATING STATE THAT DOES NOT CONFLICT WITH THE
20 PROVISIONS OF THIS COMPACT.
- 21 E. THIS COMPACT MAY BE AMENDED BY THE PARTICIPATING STATES.
22 NO AMENDMENT TO THIS COMPACT SHALL BECOME EFFECTIVE AND
23 BINDING UPON ANY PARTICIPATING STATE UNTIL IT IS ENACTED
24 MATERIALLY IN THE SAME MANNER INTO THE LAWS OF ALL
25 PARTICIPATING STATES AS DETERMINED BY THE COMMISSION.

26 **Section 12. Construction and Severability**

- 27 A. THIS COMPACT AND THE COMMISSION'S RULEMAKING AUTHORITY

1 SHALL BE LIBERALLY CONSTRUED SO AS TO EFFECTUATE THE
2 PURPOSES, AND THE IMPLEMENTATION AND ADMINISTRATION OF
3 THIS COMPACT. PROVISIONS OF THIS COMPACT EXPRESSLY
4 AUTHORIZING OR REQUIRING THE PROMULGATION OF RULES SHALL
5 NOT BE CONSTRUED TO LIMIT THE COMMISSION'S RULEMAKING
6 AUTHORITY SOLELY FOR THOSE PURPOSES.

7 B. THE PROVISIONS OF THIS COMPACT SHALL BE SEVERABLE AND IF
8 ANY PHRASE, CLAUSE, SENTENCE, OR PROVISION OF THIS COMPACT
9 IS HELD BY A COURT OF COMPETENT JURISDICTION TO BE
10 CONTRARY TO THE CONSTITUTION OF ANY PARTICIPATING STATE,
11 A STATE SEEKING PARTICIPATION IN THIS COMPACT, OR OF THE
12 UNITED STATES, OR THE APPLICABILITY THEREOF TO ANY
13 GOVERNMENT, AGENCY, PERSON, OR CIRCUMSTANCE IS HELD TO BE
14 UNCONSTITUTIONAL BY A COURT OF COMPETENT JURISDICTION, THE
15 VALIDITY OF THE REMAINDER OF THIS COMPACT AND THE
16 APPLICABILITY THEREOF TO ANY OTHER GOVERNMENT, AGENCY,
17 PERSON, OR CIRCUMSTANCE SHALL NOT BE AFFECTED THEREBY.

18 C. NOTWITHSTANDING SUBSECTION B OF THIS SECTION, THE
19 COMMISSION MAY DENY A STATE'S PARTICIPATION IN THE
20 COMPACT OR, IN ACCORDANCE WITH THE REQUIREMENTS OF
21 SECTION 10.B OF THIS COMPACT, TERMINATE A PARTICIPATING
22 STATE'S PARTICIPATION IN THE COMPACT, IF IT DETERMINES THAT
23 A CONSTITUTIONAL REQUIREMENT OF A PARTICIPATING STATE IS,
24 OR WOULD BE WITH RESPECT TO A STATE SEEKING TO PARTICIPATE
25 IN THIS COMPACT, A MATERIAL DEPARTURE FROM THE COMPACT.
26 OTHERWISE, IF THIS COMPACT SHALL BE HELD TO BE CONTRARY TO
27 THE CONSTITUTION OF ANY PARTICIPATING STATE, THIS COMPACT

1 SHALL REMAIN IN FULL FORCE AND EFFECT AS TO THE REMAINING
2 PARTICIPATING STATES AND IN FULL FORCE AND EFFECT AS TO THE
3 PARTICIPATING STATE AFFECTED AS TO ALL SEVERABLE MATTERS.

4 **Section 13. Binding Effect of Compact**

5 A. NOTHING HEREIN PREVENTS THE ENFORCEMENT OF ANY OTHER
6 LAW OF A PARTICIPATING STATE THAT IS NOT INCONSISTENT WITH
7 THIS COMPACT.

8 B. ANY LAWS IN A PARTICIPATING STATE IN CONFLICT WITH THIS
9 COMPACT ARE SUPERSEDED TO THE EXTENT OF THE CONFLICT.

10 C. ALL AGREEMENTS BETWEEN THE COMMISSION AND THE
11 PARTICIPATING STATES ARE BINDING IN ACCORDANCE WITH THEIR
12 TERMS.

13 **24-60-4503. Notice to revisor of statutes - effective date of**
14 **compact.** THIS PART 45 TAKES EFFECT ON THE DATE THIS COMPACT IS
15 ENACTED INTO LAW IN THE SEVENTH COMPACT STATE. THE DIRECTOR OF
16 THE DIVISION OF PROFESSIONS AND OCCUPATIONS IN THE DEPARTMENT OF
17 REGULATORY AGENCIES SHALL NOTIFY THE REVISOR OF STATUTES IN
18 WRITING WHEN THE CONDITION SPECIFIED IN THIS SECTION HAS OCCURRED
19 BY E-MAILING THE NOTICE TO REVISOROFSTATUTES.GA@COLEG.GOV. THIS
20 PART 45 TAKES EFFECT UPON THE DATE IDENTIFIED IN THE NOTICE THAT
21 THE COMPACT IS ENACTED INTO LAW IN THE SEVENTH COMPACT STATE OR
22 UPON THE DATE OF THE NOTICE TO THE REVISOR OF STATUTES IF THE
23 NOTICE DOES NOT SPECIFY A DIFFERENT DATE.

24 **SECTION 2.** In Colorado Revised Statutes, **add** 12-240-146 as
25 follows:

26 **12-240-146. Interstate compact - powers and duties of the**
27 **board - rules - definitions.** (1) AS USED IN THIS SECTION:

1 (a) "ADVERSE ACTION" HAS THE MEANING SET FORTH IN SECTION
2 24-60-4502.

3 (b) "COMMISSION" MEANS THE PA LICENSURE COMPACT
4 COMMISSION CREATED IN SECTION 24-60-4502.

5 (c) "COMPACT" MEANS THE PHYSICIAN ASSISTANT LICENSURE
6 COMPACT AUTHORIZED IN PART 45 OF ARTICLE 60 OF TITLE 24.

7 (d) "COMPACT PRIVILEGE" HAS THE MEANING SET FORTH IN
8 SECTION 24-60-4502.

9 (e) "DATA SYSTEM" HAS THE MEANING SET FORTH IN SECTION
10 24-60-4502.

11 (f) "INVESTIGATIVE INFORMATION" HAS THE MEANING SET FORTH
12 IN SECTION 24-60-4502.

13 (g) "LICENSEE" HAS THE MEANING SET FORTH IN SECTION
14 24-60-4502.

15 (h) "LICENSING BOARD" HAS THE MEANING SET FORTH IN SECTION
16 24-60-4502.

17 (i) "MEDICAL SERVICES" HAS THE MEANING SET FORTH IN SECTION
18 24-60-4502.

19 (j) "PARTICIPATING STATE" MEANS A STATE THAT HAS ENACTED
20 THE COMPACT.

21 (k) "SIGNIFICANT INVESTIGATIVE INFORMATION" HAS THE
22 MEANING SET FORTH IN SECTION 24-60-4502.

23 (2) IN ADDITION TO ANY POWERS AND DUTIES SPECIFIED IN THE
24 COMPACT FOR PARTICIPATING STATES, THE BOARD HAS THE FOLLOWING
25 POWERS AND DUTIES WITH REGARD TO THE COMPACT:

26 (a) TO FACILITATE COLORADO'S PARTICIPATION IN THE COMPACT;

27 (b) TO COMPLY WITH THE RULES OF THE COMMISSION;

1 (c) TO PROMULGATE RULES IN ACCORDANCE WITH ARTICLE 4 OF
2 TITLE 24 AS NECESSARY FOR THE IMPLEMENTATION, ADMINISTRATION,
3 AND ENFORCEMENT OF THE COMPACT;

4 (d) TO APPOINT A PERSON TO SERVE AS A DELEGATE ON AND
5 ATTEND MEETINGS OF THE COMMISSION IN ACCORDANCE WITH THE TERMS
6 OF THE COMPACT;

7 (e) TO NOTIFY THE COMMISSION, IN COMPLIANCE WITH THE TERMS
8 OF THE COMPACT AND COMMISSION RULES, OF ANY ADVERSE ACTION OR
9 THE AVAILABILITY OF SIGNIFICANT INVESTIGATIVE INFORMATION
10 REGARDING A LICENSEE;

11 (f) TO REQUIRE A LICENSEE TO SUBMIT TO A FINGERPRINT-BASED
12 CRIMINAL HISTORY RECORD CHECK IN ACCORDANCE WITH THE
13 FOLLOWING:

14 (I) THE APPLICANT MUST PAY THE COSTS ASSOCIATED WITH THE
15 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK;

16 (II) AFTER SUBMITTING AN APPLICATION FOR A COMPACT
17 PRIVILEGE, THE APPLICANT SHALL HAVE THE APPLICANT'S FINGERPRINTS
18 TAKEN BY A LOCAL LAW ENFORCEMENT AGENCY OR ANY THIRD PARTY
19 APPROVED BY THE COLORADO BUREAU OF INVESTIGATION FOR THE
20 PURPOSE OF OBTAINING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD
21 CHECK. THE APPLICANT SHALL AUTHORIZE THE ENTITY TAKING THE
22 APPLICANT'S FINGERPRINTS TO SUBMIT, AND THE ENTITY SHALL SUBMIT,
23 THE COMPLETE SET OF THE APPLICANT'S FINGERPRINTS TO THE COLORADO
24 BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A
25 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.

26 (III) IF AN APPROVED THIRD PARTY TAKES THE PERSON'S
27 FINGERPRINTS, THE FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED

1 USING COLORADO BUREAU OF INVESTIGATION-APPROVED LIVESCAN
2 EQUIPMENT. THIRD-PARTY VENDORS SHALL NOT KEEP THE APPLICANT'S
3 INFORMATION FOR MORE THAN THIRTY DAYS.

4 (IV) THE COLORADO BUREAU OF INVESTIGATION SHALL USE THE
5 APPLICANT'S FINGERPRINTS TO CONDUCT A CRIMINAL HISTORY RECORD
6 CHECK USING THE BUREAU'S RECORDS. THE COLORADO BUREAU OF
7 INVESTIGATION SHALL ALSO FORWARD THE FINGERPRINTS TO THE FEDERAL
8 BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A
9 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE COLORADO
10 BUREAU OF INVESTIGATION, APPLICANT, BOARD, AND ENTITY TAKING
11 FINGERPRINTS SHALL COMPLY WITH THE FEDERAL BUREAU OF
12 INVESTIGATION'S REQUIREMENTS TO CONDUCT A CRIMINAL HISTORY
13 RECORD CHECK.

14 (V) THE COLORADO BUREAU OF INVESTIGATION SHALL RETURN
15 THE RESULTS OF ITS CRIMINAL HISTORY RECORD CHECK TO THE BOARD,
16 AND THE BOARD IS AUTHORIZED TO RECEIVE THE RESULTS OF THE FEDERAL
17 BUREAU OF INVESTIGATION'S CRIMINAL HISTORY RECORD CHECK. THE
18 BOARD SHALL USE THE INFORMATION RESULTING FROM THE CRIMINAL
19 HISTORY RECORD CHECKS TO INVESTIGATE AND DETERMINE WHETHER AN
20 APPLICANT IS QUALIFIED FOR A COMPACT PRIVILEGE.

21 (VI) THE RESULTS OF THE RECORD CHECK ARE CONFIDENTIAL. THE
22 BOARD SHALL NOT RELEASE THE RESULTS OF THE RECORD CHECK TO THE
23 PUBLIC, THE COMMISSION, A PARTICIPATING STATE, OR OTHER STATE
24 LICENSING BOARDS.

25 (g) TO GRANT A COMPACT PRIVILEGE TO A LICENSEE OF A
26 PARTICIPATING STATE IN ACCORDANCE WITH THE TERMS OF THE COMPACT
27 AND TO CHARGE A FEE TO INDIVIDUALS APPLYING FOR THE COMPACT

1 PRIVILEGE;

2 (h) TOPARTICIPATE FULLY IN THE DATA SYSTEM CONSISTENT WITH
3 THE COMPACT REQUIREMENTS AND THE RULES OF THE COMMISSION; AND

4 (i) TO APPROVE PAYMENT OF ASSESSMENTS LEVIED BY THE
5 COMMISSION TO COVER THE COST OF OPERATIONS AND ACTIVITIES OF THE
6 COMMISSION AND ITS STAFF.

7 (3) A PHYSICIAN ASSISTANT PROVIDING MEDICAL SERVICES TO A
8 PATIENT IN COLORADO PURSUANT TO THE COMPACT IS SUBJECT TO THE
9 REQUIREMENTS OF SECTIONS 12-240-107 (6) AND 12-240-114.5 AND, IF
10 THE PHYSICIAN ASSISTANT IS PRACTICING PODIATRY, SECTION 12-290-117.

11 **SECTION 3. Appropriation.** (1) For the 2024-25 state fiscal
12 year, \$78,750 is appropriated to the department of regulatory agencies for
13 use by the division of professions and occupations. This appropriation is
14 from the division of professions and occupations cash fund created in
15 section 12-20-105 (3), C.R.S. To implement this act, the department may
16 use this appropriation as follows:

17 (a) \$34,440 for personal services, which amount is based on an
18 assumption that the division will require an additional 0.5 FTE;

19 (b) \$9,310 for operating expenses; and

20 (c) \$35,000 for the purchase of information technology services.

21 (2) For the 2024-25 state fiscal year, \$35,000 is appropriated to
22 the office of the governor for use by the office of information technology.
23 This appropriation is from reappropriated funds received from the
24 department of regulatory agencies under subsection (1)(c) of this section.
25 To implement this act, the office may use this appropriation to provide
26 information technology services for the department of regulatory
27 agencies.

1 **SECTION 4. Act subject to petition - effective date.** This act
2 takes effect at 12:01 a.m. on the day following the expiration of the
3 ninety-day period after final adjournment of the general assembly; except
4 that, if a referendum petition is filed pursuant to section 1 (3) of article V
5 of the state constitution against this act or an item, section, or part of this
6 act within such period, then the act, item, section, or part will not take
7 effect unless approved by the people at the general election to be held in
8 November 2024 and, in such case, will take effect on the date of the
9 official declaration of the vote thereon by the governor.