

**As Passed by the Senate**

**135th General Assembly**

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**Sub. S. B. No. 28**

**Senator Roegner**

**Cosponsors: Senators Johnson, Huffman, S., Antonio, Cirino, Craig, DeMora, Gavarone, Hackett, Hicks-Hudson, Hoagland, Ingram, Kunze, Landis, Lang, McColley, O'Brien, Reineke, Reynolds, Romanchuk, Wilson**

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**A BILL**

To enact sections 4730.70 and 4730.71 of the 1  
Revised Code to enter into the Physician 2  
Assistant Licensure Compact. 3

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 4730.70 and 4730.71 of the 4  
Revised Code be enacted to read as follows: 5

**Sec. 4730.70.** The Physician Assistant (PA) Licensure 6  
Compact is hereby ratified, enacted into law, and entered into 7  
by the state of Ohio as a party to the compact with any other 8  
state that has legally joined the compact as follows: 9

**Section 1. Purpose** 10

In order to strengthen access to Medical Services, and in 11  
recognition of the advances in the delivery of Medical Services, 12  
the Participating States of the PA Licensure Compact have allied 13  
in common purpose to develop a comprehensive process that 14  
complements the existing authority of State Licensing Boards to 15  
license and discipline PAs and seeks to enhance the portability 16

of a License to practice as a PA while safeguarding the safety 17  
of patients. This Compact allows Medical Services to be provided 18  
by PAs, via the mutual recognition of the Licensee's Qualifying 19  
License by other Compact Participating States. This Compact also 20  
adopts the prevailing standard for PA licensure and affirms that 21  
the practice and delivery of Medical Services by the PA occurs 22  
where the patient is located at the time of the patient 23  
encounter, and therefore requires the PA to be under the 24  
jurisdiction of the State Licensing Board where the patient is 25  
located. State Licensing Boards that participate in this Compact 26  
retain the jurisdiction to impose Adverse Action against a 27  
Compact Privilege in that State issued to a PA through the 28  
procedures of this Compact. The PA Licensure Compact will 29  
alleviate burdens for military families by allowing active duty 30  
military personnel and their spouses to obtain a Compact 31  
Privilege based on having an unrestricted License in good 32  
standing from a Participating State. 33

**Section 2. Definitions** 34

In this Compact: 35

**A. "Adverse Action"** means any administrative, civil, 36  
equitable, or criminal action permitted by a State's laws which 37  
is imposed by a Licensing Board or other authority against a PA 38  
License or License application or Compact Privilege such as 39  
License denial, censure, revocation, suspension, probation, 40  
monitoring of the Licensee, or restriction on the Licensee's 41  
practice. 42

**B. "Compact Privilege"** means the authorization granted by 43  
a Remote State to allow a Licensee from another Participating 44  
State to practice as a PA to provide Medical Services and other 45  
licensed activity to a patient located in the Remote State under 46

the Remote State's laws and regulations. 47

C. "Conviction" means a finding by a court that an 48  
individual is guilty of a felony or misdemeanor offense through 49  
adjudication or entry of a plea of guilt or no contest to the 50  
charge by the offender 51

D. "Criminal Background Check" means the submission of 52  
fingerprints or other biometric based information for a License 53  
applicant for the purpose of obtaining that applicant's criminal 54  
history record information, as defined in 28 C.F.R. § 20.3(d), 55  
from the State's criminal history record repository as defined 56  
in 28 C.F.R. § 20.3(f). 57

E. "Data System" means the repository of information about 58  
Licensees, including but not limited to License status and 59  
Adverse Actions, which is created and administered under the 60  
terms of this Compact. 61

F. "Executive Committee" means a group of directors and 62  
ex-officio individuals elected or appointed pursuant to Section 63  
7.F.2. 64

G. "Impaired Practitioner" means a PA whose practice is 65  
adversely affected by health-related condition(s) that impact 66  
their ability to practice. 67

H. "Investigative Information" means information, records, 68  
or documents received or generated by a Licensing Board pursuant 69  
to an investigation. 70

I. "Jurisprudence Requirement" means the assessment of an 71  
individual's knowledge of the laws and Rules governing the 72  
practice of a PA in a State. 73

J. "License" means current authorization by a State, other 74

than authorization pursuant to a Compact Privilege, for a PA to 75  
provide Medical Services, which would be unlawful without 76  
current authorization. 77

**K. "Licensee"** means an individual who holds a License from 78  
a State to provide Medical Services as a PA. 79

**L. "Licensing Board"** means any State entity authorized to 80  
license and otherwise regulate PAs. 81

**M. "Medical Services"** means health care services provided 82  
for the diagnosis, prevention, treatment, cure or relief of a 83  
health condition, injury, or disease, as defined by a State's 84  
laws and regulations. 85

**N. "Model Compact"** means the model for the PA Licensure 86  
Compact on file with The Council of State Governments or other 87  
entity as designated by the Commission. 88

**O. "Participating State"** means a State that has enacted 89  
this Compact. 90

**P. "PA"** means an individual who is licensed as a physician 91  
assistant in a State. For purposes of this Compact, any other 92  
title or status adopted by a State to replace the term 93  
"physician assistant" shall be deemed synonymous with "physician 94  
assistant" and shall confer the same rights and responsibilities 95  
to the Licensee under the provisions of this Compact at the time 96  
of its enactment. 97

**Q. "PA Licensure Compact Commission," "Compact** 98  
**Commission,"** or **"Commission"** mean the national administrative 99  
body created pursuant to Section 7.A of this Compact. 100

**R. "Qualifying License"** means an unrestricted License 101  
issued by a Participating State to provide Medical Services as a 102

<u>PA.</u>	103
<u>S. "Remote State" means a Participating State where a</u>	104
<u>Licensee who is not licensed as a PA is exercising or seeking to</u>	105
<u>exercise the Compact Privilege.</u>	106
<u>T. "Rule" means a regulation promulgated by an entity that</u>	107
<u>has the force and effect of law.</u>	108
<u>U. "Significant Investigative Information" means</u>	109
<u>Investigative Information that a Licensing Board, after an</u>	110
<u>inquiry or investigation that includes notification and an</u>	111
<u>opportunity for the PA to respond if required by State law, has</u>	112
<u>reason to believe is not groundless and, if proven true, would</u>	113
<u>indicate more than a minor infraction.</u>	114
<u>V. "State" means any state, commonwealth, district, or</u>	115
<u>territory of the United States.</u>	116
<b><u>Section 3. State Participation in this Compact</u></b>	117
<u>A. To participate in this Compact, a Participating State</u>	118
<u>shall:</u>	119
<u>1. License PAs.</u>	120
<u>2. Participate in the Compact Commission's Data System.</u>	121
<u>3. Have a mechanism in place for receiving and</u>	122
<u>investigating complaints against Licensees and License</u>	123
<u>applicants.</u>	124
<u>4. Notify the Commission, in compliance with the terms of</u>	125
<u>this Compact and Commission Rules, of any Adverse Action against</u>	126
<u>a Licensee or License applicant and the existence of Significant</u>	127
<u>Investigative Information regarding a Licensee or License</u>	128
<u>applicant.</u>	129

<u>5. Fully implement a Criminal Background Check</u>	130
<u>requirement, within a time frame established by Commission Rule,</u>	131
<u>by its Licensing Board receiving the results of a Criminal</u>	132
<u>Background Check and reporting to the Commission whether the</u>	133
<u>License applicant has been granted a License.</u>	134
<u>6. Comply with the Rules of the Compact Commission.</u>	135
<u>7. Utilize passage of a recognized national exam such as</u>	136
<u>the NCCPA PANCE as a requirement for PA licensure.</u>	137
<u>8. Grant the Compact Privilege to a holder of a Qualifying</u>	138
<u>License in a Participating State.</u>	139
<u>B. Nothing in this Compact prohibits a Participating State</u>	140
<u>from charging a fee for granting the Compact Privilege.</u>	141
<b><u>Section 4. Compact Privilege</u></b>	142
<u>A. To exercise the Compact Privilege, a Licensee must:</u>	143
<u>1. Have graduated from a PA program accredited by the</u>	144
<u>Accreditation Review Commission on Education for the Physician</u>	145
<u>Assistant, Inc. or other programs authorized by Commission Rule.</u>	146
<u>2. Hold current NCCPA certification.</u>	147
<u>3. Have no felony or misdemeanor Conviction</u>	148
<u>4. Have never had a controlled substance license, permit,</u>	149
<u>or registration suspended or revoked by a State or by the United</u>	150
<u>States Drug Enforcement Administration.</u>	151
<u>5. Have a unique identifier as determined by Commission</u>	152
<u>Rule.</u>	153
<u>6. Hold a Qualifying License.</u>	154
<u>7. Have had no revocation of a License or limitation or</u>	155

restriction on any License currently held due to an adverse 156  
action. 157

8. If a Licensee has had a limitation or restriction on a 158  
License or Compact Privilege due to an Adverse Action, two years 159  
must have elapsed from the date on which the License or Compact 160  
Privilege is no longer limited or restricted due to the Adverse 161  
Action. 162

9. If a Compact Privilege has been revoked or is limited 163  
or restricted in a Participating State for conduct that would 164  
not be a basis for disciplinary action in a Participating State 165  
in which the Licensee is practicing or applying to practice 166  
under a Compact Privilege, that Participating State shall have 167  
the discretion not to consider such action as an Adverse Action 168  
requiring the denial or removal of a Compact Privilege in that 169  
State. 170

10. Notify the Compact Commission that the Licensee is 171  
seeking the Compact Privilege in a Remote State. 172

11. Meet any Jurisprudence Requirement of a Remote State 173  
in which the Licensee is seeking to practice under the Compact 174  
Privilege and pay any fees applicable to satisfying the 175  
Jurisprudence Requirement. 176

12. Report to the Commission any Adverse Action taken by a 177  
non-participating State within thirty (30) days after the action 178  
is taken. 179

B. The Compact Privilege is valid until the expiration or 180  
revocation of the Qualifying License unless terminated pursuant 181  
to an Adverse Action. The Licensee must also comply with all of 182  
the requirements of Subsection A above to maintain the Compact 183  
Privilege in a Remote State. If the Participating State takes 184

Adverse Action against a Qualifying License, the Licensee shall 185  
lose the Compact Privilege in any Remote State in which the 186  
Licensee has a Compact Privilege until all of the following 187  
occur: 188

1. The License is no longer limited or restricted; and 189

2. Two (2) years have elapsed from the date on which the 190  
License is no longer limited or restricted due to the Adverse 191  
Action. 192

C. Once a restricted or limited License satisfies the 193  
requirements of Subsection B.1 and 2, the Licensee must meet the 194  
requirements of Subsection A to obtain a Compact Privilege in 195  
any Remote State. 196

D. For each Remote State in which a PA seeks authority to 197  
prescribe controlled substances, the PA shall satisfy all 198  
requirements imposed by such State in granting or renewing such 199  
authority. 200

**Section 5. Designation of the State from Which Licensee is** 201  
**Applying for a Compact Privilege** 202

A. Upon a Licensee's application for a Compact Privilege, 203  
the Licensee shall identify to the Commission the Participating 204  
State from which the Licensee is applying, in accordance with 205  
applicable Rules adopted by the Commission, and subject to the 206  
following requirements: 207

1. When applying for a Compact Privilege, the Licensee 208  
shall provide the Commission with the address of the Licensee's 209  
primary residence and thereafter shall immediately report to the 210  
Commission any change in the address of the Licensee's primary 211  
residence. 212



2. When applying for a Compact Privilege, the Licensee is 213  
required to consent to accept service of process by mail at the 214  
Licensee's primary residence on file with the Commission with 215  
respect to any action brought against the Licensee by the 216  
Commission or a Participating State, including a subpoena, with 217  
respect to any action brought or investigation conducted by the 218  
Commission or a Participating State. 219

**Section 6. Adverse Actions** 220

A. A Participating State in which a Licensee is licensed 221  
shall have exclusive power to impose Adverse Action against the 222  
Qualifying License issued by that Participating State. 223

B. In addition to the other powers conferred by State law, 224  
a Remote State shall have the authority, in accordance with 225  
existing State due process law, to do all of the following: 226

1. Take Adverse Action against a PA's Compact Privilege 227  
within that State to remove a Licensee's Compact Privilege or 228  
take other action necessary under applicable law to protect the 229  
health and safety of its citizens. 230

2. Issue subpoenas for both hearings and investigations 231  
that require the attendance and testimony of witnesses as well 232  
as the production of evidence. Subpoenas issued by a Licensing 233  
Board in a Participating State for the attendance and testimony 234  
of witnesses or the production of evidence from another 235  
Participating State shall be enforced in the latter State by any 236  
court of competent jurisdiction, according to the practice and 237  
procedure of that court applicable to subpoenas issued in 238  
proceedings pending before it. The issuing authority shall pay 239  
any witness fees, travel expenses, mileage and other fees 240  
required by the service statutes of the State in which the 241

<u>witnesses or evidence are located.</u>	242
<u>3. Notwithstanding paragraph 2, subpoenas may not be</u>	243
<u>issued by a Participating State to gather evidence of conduct in</u>	244
<u>another State that is lawful in that other State for the purpose</u>	245
<u>of taking Adverse Action against a Licensee's Compact Privilege</u>	246
<u>or application for a Compact Privilege in that Participating</u>	247
<u>State.</u>	248
<u>4. Nothing in this Compact authorizes a Participating</u>	249
<u>State to impose discipline against a PA's Compact Privilege or</u>	250
<u>to deny an application for a Compact Privilege in that</u>	251
<u>Participating State for the individual's otherwise lawful</u>	252
<u>practice in another State.</u>	253
<u>C. For purposes of taking Adverse Action, the</u>	254
<u>Participating State which issued the Qualifying License shall</u>	255
<u>give the same priority and effect to reported conduct received</u>	256
<u>from any other Participating State as it would if the conduct</u>	257
<u>had occurred within the Participating State which issued the</u>	258
<u>Qualifying License. In so doing, that Participating State shall</u>	259
<u>apply its own State laws to determine appropriate action.</u>	260
<u>D. A Participating State, if otherwise permitted by State</u>	261
<u>law, may recover from the affected PA the costs of</u>	262
<u>investigations and disposition of cases resulting from any</u>	263
<u>Adverse Action taken against that PA.</u>	264
<u>E. A Participating State may take Adverse Action based on</u>	265
<u>the factual findings of a Remote State, provided that the</u>	266
<u>Participating State follows its own procedures for taking the</u>	267
<u>Adverse Action.</u>	268
<u>F. Joint Investigations</u>	269
<u>1. In addition to the authority granted to a Participating</u>	270

State by its respective State PA laws and regulations or other 271  
applicable State law, any Participating State may participate 272  
with other Participating States in joint investigations of 273  
Licensees. 274

2. Participating States shall share any investigative, 275  
litigation, or compliance materials in furtherance of any joint 276  
or individual investigation initiated under this Compact. 277

G. If an Adverse Action is taken against a PA's Qualifying 278  
License, the PA's Compact Privilege in all Remote States shall 279  
be deactivated until two (2) years have elapsed after all 280  
restrictions have been removed from the State License. All 281  
disciplinary orders by the Participating State which issued the 282  
Qualifying License that impose Adverse Action against a PA's 283  
License shall include a Statement that the PA's Compact 284  
Privilege is deactivated in all Participating States during the 285  
pendency of the order. 286

H. If any Participating State takes Adverse Action, it 287  
promptly shall notify the administrator of the Data System. 288

**Section 7. Establishment of the PA Licensure Compact** 289  
**Commission** 290

A. The Participating States hereby create and establish a 291  
joint government agency and national administrative body known 292  
as the PA Licensure Compact Commission. The Commission is an 293  
instrumentality of the Compact States acting jointly and not an 294  
instrumentality of any one State. The Commission shall come into 295  
existence on or after the effective date of the Compact as set 296  
forth in Section 11.A. 297

B. Membership, Voting, and Meetings 298

1. Each Participating State shall have and be limited to 299

one (1) delegate selected by that Participating State's 300  
Licensing Board or, if the State has more than one Licensing 301  
Board, selected collectively by the Participating State's 302  
Licensing Boards. 303

2. The delegate shall be either: 304

a. A current PA, physician or public member of a Licensing 305  
Board or PA Council/Committee; or 306

b. An administrator of a Licensing Board. 307

3. Any delegate may be removed or suspended from office as 308  
provided by the laws of the State from which the delegate is 309  
appointed. 310

4. The Participating State Licensing Board shall fill any 311  
vacancy occurring in the Commission within sixty (60) days. 312

5. Each delegate shall be entitled to one (1) vote on all 313  
matters voted on by the Commission and shall otherwise have an 314  
opportunity to participate in the business and affairs of the 315  
Commission. A delegate shall vote in person or by such other 316  
means as provided in the bylaws. The bylaws may provide for 317  
delegates' participation in meetings by telecommunications, 318  
video conference, or other means of communication. 319

6. The Commission shall meet at least once during each 320  
calendar year. Additional meetings shall be held as set forth in 321  
this Compact and the bylaws. 322

7. The Commission shall establish by Rule a term of office 323  
for delegates. 324

C. The Commission shall have the following powers and 325  
duties: 326

<u>1. Establish a code of ethics for the Commission;</u>	327
<u>2. Establish the fiscal year of the Commission;</u>	328
<u>3. Establish fees;</u>	329
<u>4. Establish bylaws;</u>	330
<u>5. Maintain its financial records in accordance with the</u> <u>bylaws;</u>	331 332
<u>6. Meet and take such actions as are consistent with the</u> <u>provisions of this Compact and the bylaws;</u>	333 334
<u>7. Promulgate Rules to facilitate and coordinate</u> <u>implementation and administration of this Compact. The Rules</u> <u>shall have the force and effect of law and shall be binding in</u> <u>all Participating States;</u>	335 336 337 338
<u>8. Bring and prosecute legal proceedings or actions in the</u> <u>name of the Commission, provided that the standing of any State</u> <u>Licensing Board to sue or be sued under applicable law shall not</u> <u>be affected;</u>	339 340 341 342
<u>9. Purchase and maintain insurance and bonds;</u>	343
<u>10. Borrow, accept, or contract for services of personnel,</u> <u>including, but not limited to, employees of a Participating</u> <u>State;</u>	344 345 346
<u>11. Hire employees and engage contractors, elect or</u> <u>appoint officers, fix compensation, define duties, grant such</u> <u>individuals appropriate authority to carry out the purposes of</u> <u>this Compact, and establish the Commission's personnel policies</u> <u>and programs relating to conflicts of interest, qualifications</u> <u>of personnel, and other related personnel matters;</u>	347 348 349 350 351 352
<u>12. Accept any and all appropriate donations and grants of</u>	353

money, equipment, supplies, materials and services, and receive, 354  
utilize and dispose of the same; provided that at all times the 355  
Commission shall avoid any appearance of impropriety or conflict 356  
of interest; 357

13. Lease, purchase, accept appropriate gifts or donations 358  
of, or otherwise own, hold, improve or use, any property, real, 359  
personal or mixed; provided that at all times the Commission 360  
shall avoid any appearance of impropriety; 361

14. Sell, convey, mortgage, pledge, lease, exchange, 362  
abandon, or otherwise dispose of any property real, personal, or 363  
mixed; 364

15. Establish a budget and make expenditures; 365

16. Borrow money; 366

17. Appoint committees, including standing committees 367  
composed of members, State regulators, State legislators or 368  
their representatives, and consumer representatives, and such 369  
other interested persons as may be designated in this Compact 370  
and the bylaws; 371

18. Provide and receive information from, and cooperate 372  
with, law enforcement agencies; 373

19. Elect a Chair, Vice Chair, Secretary and Treasurer and 374  
such other officers of the Commission as provided in the 375  
Commission's bylaws. 376

20. Reserve for itself, in addition to those reserved 377  
exclusively to the Commission under the Compact, powers that the 378  
Executive Committee may not exercise; 379

21. Approve or disapprove a State's participation in the 380  
Compact based upon its determination as to whether the State's 381

<u>Compact legislation departs in a material manner from the Model</u>	382
<u>Compact language;</u>	383
<u>22. Prepare and provide to the Participating States an</u>	384
<u>annual report; and</u>	385
<u>23. Perform such other functions as may be necessary or</u>	386
<u>appropriate to achieve the purposes of this Compact consistent</u>	387
<u>with the State regulation of PA licensure and practice.</u>	388
<u>D. Meetings of the Commission</u>	389
<u>1. All meetings of the Commission that are not closed</u>	390
<u>pursuant to this subsection shall be open to the public. Notice</u>	391
<u>of public meetings shall be posted on the Commission's website</u>	392
<u>at least thirty (30) days prior to the public meeting.</u>	393
<u>2. Notwithstanding subsection D.1 of this section, the</u>	394
<u>Commission may convene a public meeting by providing at least</u>	395
<u>twenty-four (24) hours prior notice on the Commission's website,</u>	396
<u>and any other means as provided in the Commission's Rules, for</u>	397
<u>any of the reasons it may dispense with notice of proposed</u>	398
<u>rulemaking under Section 9.L.</u>	399
<u>3. The Commission may convene in a closed, non-public</u>	400
<u>meeting or non public part of a public meeting to receive legal</u>	401
<u>advice or to discuss:</u>	402
<u>a. Non-compliance of a Participating State with its</u>	403
<u>obligations under this Compact;</u>	404
<u>b. The employment, compensation, discipline or other</u>	405
<u>matters, practices or procedures related to specific employees</u>	406
<u>or other matters related to the Commission's internal personnel</u>	407
<u>practices and procedures;</u>	408
<u>c. Current, threatened, or reasonably anticipated</u>	409

<u>litigation;</u>	410
<u>d. Negotiation of contracts for the purchase, lease, or</u>	411
<u>sale of goods, services, or real estate;</u>	412
<u>e. Accusing any person of a crime or formally censuring</u>	413
<u>any person;</u>	414
<u>f. Disclosure of trade secrets or commercial or financial</u>	415
<u>information that is privileged or confidential;</u>	416
<u>g. Disclosure of information of a personal nature where</u>	417
<u>disclosure would constitute a clearly unwarranted invasion of</u>	418
<u>personal privacy;</u>	419
<u>h. Disclosure of investigative records compiled for law</u>	420
<u>enforcement purposes;</u>	421
<u>i. Disclosure of information related to any investigative</u>	422
<u>reports prepared by or on behalf of or for use of the Commission</u>	423
<u>or other committee charged with responsibility of investigation</u>	424
<u>or determination of compliance issues pursuant to this Compact;</u>	425
<u>j. Legal advice; or</u>	426
<u>k. Matters specifically exempted from disclosure by</u>	427
<u>federal or Participating States' statutes</u>	428
<u>4. If a meeting, or portion of a meeting, is closed</u>	429
<u>pursuant to this provision, the chair of the meeting or the</u>	430
<u>chair's designee shall certify that the meeting or portion of</u>	431
<u>the meeting may be closed and shall reference each relevant</u>	432
<u>exempting provision.</u>	433
<u>5. The Commission shall keep minutes that fully and</u>	434
<u>clearly describe all matters discussed in a meeting and shall</u>	435
<u>provide a full and accurate summary of actions taken, including</u>	436



a description of the views expressed. All documents considered 437  
in connection with an action shall be identified in such 438  
minutes. All minutes and documents of a closed meeting shall 439  
remain under seal, subject to release by a majority vote of the 440  
Commission or order of a court of competent jurisdiction. 441

E. Financing of the Commission 442

1. The Commission shall pay, or provide for the payment 443  
of, the reasonable expenses of its establishment, organization, 444  
and ongoing activities. 445

2. The Commission may accept any and all appropriate 446  
revenue sources, donations, and grants of money, equipment, 447  
supplies, materials, and services. 448

3. The Commission may levy on and collect an annual 449  
assessment from each Participating State and may impose Compact 450  
Privilege fees on Licensees of Participating States to whom a 451  
Compact Privilege is granted to cover the cost of the operations 452  
and activities of the Commission and its staff, which must be in 453  
a total amount sufficient to cover its annual budget as approved 454  
by the Commission each year for which revenue is not provided by 455  
other sources. The aggregate annual assessment amount levied on 456  
Participating States shall be allocated based upon a formula to 457  
be determined by Commission Rule. 458

a. A Compact Privilege expires when the Licensee's 459  
Qualifying License in the Participating State from which the 460  
Licensee applied for the Compact Privilege expires. 461

b. If the Licensee terminates the Qualifying License 462  
through which the Licensee applied for the Compact Privilege 463  
before its scheduled expiration, and the Licensee has a 464  
Qualifying License in another Participating State, the Licensee 465

shall inform the Commission that it is changing to that 466  
Participating State the Participating State through which it 467  
applies for a Compact Privilege and pay to the Commission any 468  
Compact Privilege fee required by Commission Rule. 469

4. The Commission shall not incur obligations of any kind 470  
prior to securing the funds adequate to meet the same; nor shall 471  
the Commission pledge the credit of any of the Participating 472  
States, except by and with the authority of the Participating 473  
State. 474

5. The Commission shall keep accurate accounts of all 475  
receipts and disbursements. The receipts and disbursements of 476  
the Commission shall be subject to the financial review and 477  
accounting procedures established under its bylaws. All receipts 478  
and disbursements of funds handled by the Commission shall be 479  
subject to an annual financial review by a certified or licensed 480  
public accountant, and the report of the financial review shall 481  
be included in and become part of the annual report of the 482  
Commission. 483

F. The Executive Committee 484

1. The Executive Committee shall have the power to act on 485  
behalf of the Commission according to the terms of this Compact 486  
and Commission Rules. 487

2. The Executive Committee shall be composed of nine (9) 488  
members: 489

a. Seven voting members who are elected by the Commission 490  
from the current membership of the Commission; 491

b. One ex-officio, nonvoting member from a recognized 492  
national PA professional association; and 493

<u>c. One ex-officio, nonvoting member from a recognized</u>	494
<u>national PA certification organization.</u>	495
<u>3. The ex-officio members will be selected by their</u>	496
<u>respective organizations.</u>	497
<u>4. The Commission may remove any member of the Executive</u>	498
<u>Committee as provided in its bylaws.</u>	499
<u>5. The Executive Committee shall meet at least annually.</u>	500
<u>6. The Executive Committee shall have the following duties</u>	501
<u>and responsibilities:</u>	502
<u>a. Recommend to the Commission changes to the Commission's</u>	503
<u>Rules or bylaws, changes to this Compact legislation, fees to be</u>	504
<u>paid by Compact Participating States such as annual dues, and</u>	505
<u>any Commission Compact fee charged to Licensees for the Compact</u>	506
<u>Privilege;</u>	507
<u>b. Ensure Compact administration services are</u>	508
<u>appropriately provided, contractual or otherwise;</u>	509
<u>c. Prepare and recommend the budget;</u>	510
<u>d. Maintain financial records on behalf of the Commission;</u>	511
<u>e. Monitor Compact compliance of Participating States and</u>	512
<u>provide compliance reports to the Commission;</u>	513
<u>f. Establish additional committees as necessary;</u>	514
<u>g. Exercise the powers and duties of the Commission during</u>	515
<u>the interim between Commission meetings, except for issuing</u>	516
<u>proposed rulemaking or adopting Commission Rules or bylaws, or</u>	517
<u>exercising any other powers and duties exclusively reserved to</u>	518
<u>the Commission by the Commission's Rules; and</u>	519
<u>h. Perform other duties as provided in the Commission's</u>	520

Rules or bylaws. 521

7. All meeting of the Executive Committee at which it 522  
votes or plans to vote on matters in exercising the powers and 523  
duties of the Commission shall be open to the public and public 524  
notice of such meetings shall be given as public meetings of the 525  
Commission are given. 526

8. The Executive Committee may convene in a closed, non- 527  
public meeting for the same reasons that the Commission may 528  
convene in a non-public meeting as set forth in Section 7.D.3 529  
and shall announce the closed meeting as the Commission is 530  
required to under Section 7.D.4 and keep minutes of the closed 531  
meeting as the Commission is required to under Section 7.D.5. 532

G. Qualified Immunity, Defense, and Indemnification 533

1. The members, officers, executive director, employees 534  
and representatives of the Commission shall be immune from suit 535  
and liability, both personally and in their official capacity, 536  
for any claim for damage to or loss of property or personal 537  
injury or other civil liability caused by or arising out of any 538  
actual or alleged act, error, or omission that occurred, or that 539  
the person against whom the claim is made had a reasonable basis 540  
for believing occurred within the scope of Commission 541  
employment, duties or responsibilities; provided that nothing in 542  
this paragraph shall be construed to protect any such person 543  
from suit or liability for any damage, loss, injury, or 544  
liability caused by the intentional or willful or wanton 545  
misconduct of that person. The procurement of insurance of any 546  
type by the Commission shall not in any way compromise or limit 547  
the immunity granted hereunder. 548

2. The Commission shall defend any member, officer, 549

executive director, employee, and representative of the 550  
Commission in any civil action seeking to impose liability 551  
arising out of any actual or alleged act, error, or omission 552  
that occurred within the scope of Commission employment, duties, 553  
or responsibilities, or as determined by the commission that the 554  
person against whom the claim is made had a reasonable basis for 555  
believing occurred within the scope of Commission employment, 556  
duties, or responsibilities; provided that nothing herein shall 557  
be construed to prohibit that person from retaining their own 558  
counsel at their own expense; and provided further, that the 559  
actual or alleged act, error, or omission did not result from 560  
that person's intentional or willful or wanton misconduct. 561

3. The Commission shall indemnify and hold harmless any 562  
member, officer, executive director, employee, and 563  
representative of the Commission for the amount of any 564  
settlement or judgment obtained against that person arising out 565  
of any actual or alleged act, error, or omission that occurred 566  
within the scope of Commission employment, duties, or 567  
responsibilities, or that such person had a reasonable basis for 568  
believing occurred within the scope of Commission employment, 569  
duties, or responsibilities, provided that the actual or alleged 570  
act, error, or omission did not result from the intentional or 571  
willful or wanton misconduct of that person. 572

4. Venue is proper and judicial proceedings by or against 573  
the Commission shall be brought solely and exclusively in a 574  
court of competent jurisdiction where the principal office of 575  
the Commission is located. The Commission may waive venue and 576  
jurisdictional defenses in any proceedings as authorized by 577  
Commission Rules. 578

5. Nothing herein shall be construed as a limitation on 579

the liability of any Licensee for professional malpractice or 580  
misconduct, which shall be governed solely by any other 581  
applicable State laws. 582

6. Nothing herein shall be construed to designate the 583  
venue or jurisdiction to bring actions for alleged acts of 584  
malpractice, professional misconduct, negligence, or other such 585  
civil action pertaining to the practice of a PA. All such 586  
matters shall be determined exclusively by State law other than 587  
this Compact. 588

7. Nothing in this Compact shall be interpreted to waive 589  
or otherwise abrogate a Participating State's state action 590  
immunity or state action affirmative defense with respect to 591  
antitrust claims under the Sherman Act, Clayton Act, or any 592  
other State or federal antitrust or anticompetitive law or 593  
regulation. 594

8. Nothing in this Compact shall be construed to be a 595  
waiver of sovereign immunity by the Participating States or by 596  
the Commission. 597

**Section 8. Data System** 598

A. The Commission shall provide for the development, 599  
maintenance, operation, and utilization of a coordinated data 600  
and reporting system containing licensure, Adverse Action, and 601  
the reporting of the existence of Significant Investigative 602  
Information on all licensed PAs and applicants denied a License 603  
in Participating States. 604

B. Notwithstanding any other State law to the contrary, a 605  
Participating State shall submit a uniform data set to the Data 606  
System on all PAs to whom this Compact is applicable (utilizing 607  
a unique identifier) as required by the Rules of the Commission, 608

<u>including:</u>	609
<u>1. Identifying information;</u>	610
<u>2. Licensure data;</u>	611
<u>3. Adverse Actions against a License or Compact Privilege;</u>	612
<u>4. Any denial of application for licensure, and the</u>	613
<u>reason(s) for such denial (excluding the reporting of any</u>	614
<u>Criminal history record information where prohibited by law);</u>	615
<u>5. The existence of Significant Investigative Information;</u>	616
<u>and</u>	617
<u>6. Other information that may facilitate the</u>	618
<u>administration of this Compact, as determined by the Rules of</u>	619
<u>the Commission.</u>	620
<u>C. Significant Investigative Information pertaining to a</u>	621
<u>Licensee in any Participating State shall only be available to</u>	622
<u>other Participating States.</u>	623
<u>D. The Commission shall promptly notify all Participating</u>	624
<u>States of any Adverse Action taken against a Licensee or an</u>	625
<u>individual applying for a License that has been reported to it.</u>	626
<u>This Adverse Action information shall be available to any other</u>	627
<u>Participating State.</u>	628
<u>E. Participating States contributing information to the</u>	629
<u>Data System may, in accordance with State or federal law,</u>	630
<u>designate information that may not be shared with the public</u>	631
<u>without the express permission of the contributing State.</u>	632
<u>Notwithstanding any such designation, such information shall be</u>	633
<u>reported to the Commission through the Data System.</u>	634
<u>F. Any information submitted to the Data System that is</u>	635

subsequently expunged pursuant to federal law or the laws of the 636  
Participating State contributing the information shall be 637  
removed from the Data System upon reporting of such by the 638  
Participating State to the Commission. 639

G. The records and information provided to a Participating 640  
State pursuant to this Compact or through the Data System, when 641  
certified by the Commission or an agent thereof, shall 642  
constitute the authenticated business records of the Commission, 643  
and shall be entitled to any associated hearsay exception in any 644  
relevant judicial, quasi-judicial or administrative proceedings 645  
in a Participating State. 646

**Section 9. Rulemaking** 647

A. The Commission shall exercise its Rulemaking powers 648  
pursuant to the criteria set forth in this Section and the Rules 649  
adopted thereunder. Commission Rules shall become binding as of 650  
the date specified by the Commission for each Rule. 651

B. The Commission shall promulgate reasonable Rules in 652  
order to effectively and efficiently implement and administer 653  
this Compact and achieve its purposes. A Commission Rule shall 654  
be invalid and have not force or effect only if a court of 655  
competent jurisdiction holds that the Rule is invalid because 656  
the Commission exercised its rulemaking authority in a manner 657  
that is beyond the scope of the purposes of this Compact, or the 658  
powers granted hereunder, or based upon another applicable 659  
standard of review. 660

C. The Rules of the Commission shall have the force of law 661  
in each Participating State, provided however that where the 662  
Rules of the Commission conflict with the laws of the 663  
Participating State that establish the medical services a PA may 664



perform in the Participating State, as held by a court of 665  
competent jurisdiction, the Rules of the Commission shall be 666  
ineffective in that State to the extent of the conflict. 667

D. If a majority of the legislatures of the Participating 668  
States rejects a Commission Rule, by enactment of a statute or 669  
resolution in the same manner used to adopt this Compact within 670  
four (4) years of the date of adoption of the Rule, then such 671  
Rule shall have no further force and effect in any Participating 672  
State or to any State applying to participate in the Compact. 673

E. Commission Rules shall be adopted at a regular or 674  
special meeting of the Commission. 675

F. Prior to promulgation and adoption of a final Rule or 676  
Rules by the Commission, and at least thirty (30) days in 677  
advance of the meeting at which the Rule will be considered and 678  
voted upon, the Commission shall file a Notice of Proposed 679  
Rulemaking: 680

1. On the website of the Commission or other publicly 681  
accessible platform; and 682

2. To persons who have requested notice of the 683  
Commission's notices of proposed rulemaking, and 684

3. In such other way(s) as the Commission may by Rule 685  
specify 686

G. The Notice of Proposed Rulemaking shall include: 687

1. The time, date, and location of the public hearing on 688  
the proposed Rule and the proposed time, date and location of 689  
the meeting in which the proposed Rule will be considered and 690  
voted upon; 691

2. The text of the proposed Rule and the reason for the 692

<u>proposed Rule;</u>	693
<u>3. A request for comments on the proposed Rule from any</u>	694
<u>interested person and the date by which written comments must be</u>	695
<u>received; and</u>	696
<u>4. The manner in which interested persons may submit</u>	697
<u>notice to the Commission of their intention to attend the public</u>	698
<u>hearing or provide any written comments.</u>	699
<u>H. Prior to adoption of a proposed Rule, the Commission</u>	700
<u>shall allow persons to submit written data, facts, opinions, and</u>	701
<u>arguments, which shall be made available to the public.</u>	702
<u>I. If the hearing is to be held via electronic means, the</u>	703
<u>Commission shall publish the mechanism for access to the</u>	704
<u>electronic hearing.</u>	705
<u>1. All persons wishing to be heard at the hearing shall as</u>	706
<u>directed in the Notice of Proposed Rulemaking, not less than</u>	707
<u>five (5) business days before the scheduled date of the hearing,</u>	708
<u>notify the Commission of their desire to appear and testify at</u>	709
<u>the hearing.</u>	710
<u>2. Hearings shall be conducted in a manner providing each</u>	711
<u>person who wishes to comment a fair and reasonable opportunity</u>	712
<u>to comment orally or in writing.</u>	713
<u>3. All hearings shall be recorded. A copy of the recording</u>	714
<u>and the written comments, data, facts, opinions, and arguments</u>	715
<u>received in response to the proposed rulemaking shall be made</u>	716
<u>available to a person upon request.</u>	717
<u>4. Nothing in this section shall be construed as requiring</u>	718
<u>a separate hearing on each proposed Rule. Proposed Rules may be</u>	719
<u>grouped for the convenience of the Commission at hearings</u>	720

<u>required by this section.</u>	721
<u>J. Following the public hearing the Commission shall</u>	722
<u>consider all written and oral comments timely received.</u>	723
<u>K. The Commission shall, by majority vote of all</u>	724
<u>delegates, take final action on the proposed Rule and shall</u>	725
<u>determine the effective date of the Rule, if adopted, based on</u>	726
<u>the Rulemaking record and the full text of the Rule.</u>	727
<u>1. If adopted, the Rule shall be posted on the</u>	728
<u>Commission's website.</u>	729
<u>2. The Commission may adopt changes to the proposed Rule</u>	730
<u>provided the changes do not enlarge the original purpose of the</u>	731
<u>proposed Rule.</u>	732
<u>3. The Commission shall provide on its website an</u>	733
<u>explanation of the reasons for substantive changes made to the</u>	734
<u>proposed Rule as well as reasons for substantive changes not</u>	735
<u>made that were recommended by commenters.</u>	736
<u>4. The Commission shall determine a reasonable effective</u>	737
<u>date for the Rule. Except for an emergency as provided in</u>	738
<u>subsection L, the effective date of the Rule shall be no sooner</u>	739
<u>than thirty (30) days after the Commission issued the notice</u>	740
<u>that it adopted the Rule.</u>	741
<u>L. Upon determination that an emergency exists, the</u>	742
<u>Commission may consider and adopt an emergency Rule with twenty-</u>	743
<u>four (24) hours prior notice, without the opportunity for</u>	744
<u>comment, or hearing, provided that the usual rulemaking</u>	745
<u>procedures provided in this Compact and in this section shall be</u>	746
<u>retroactively applied to the Rule as soon as reasonably</u>	747
<u>possible, in no event later than ninety (90) days after the</u>	748
<u>effective date of the Rule. For the purposes of this provision,</u>	749

an emergency Rule is one that must be adopted immediately by the 750  
Commission in order to: 751

1. Meet an imminent threat to public health, safety, or 752  
welfare; 753

2. Prevent a loss of Commission or Participating State 754  
funds; 755

3. Meet a deadline for the promulgation of a Commission 756  
Rule that is established by federal law or Rule; or 757

4. Protect public health and safety. 758

M. The Commission or an authorized committee of the 759  
Commission may direct revisions to a previously adopted 760  
Commission Rule for purposes of correcting typographical errors, 761  
errors in format, errors in consistency, or grammatical errors. 762  
Public notice of any revisions shall be posted on the website of 763  
the Commission. The revision shall be subject to challenge by 764  
any person for a period of thirty (30) days after posting. The 765  
revision may be challenged only on grounds that the revision 766  
results in a material change to a Rule. A challenge shall be 767  
made as set forth in the notice of revisions and delivered to 768  
the Commission prior to the end of the notice period. If no 769  
challenge is made, the revision will take effect without further 770  
action. If the revision is challenged, the revision may not take 771  
effect without the approval of the Commission. 772

N. No Participating State's rulemaking requirements shall 773  
apply under this Compact. 774

**Section 10. Oversight, Dispute Resolution, and Enforcement** 775

**A. Oversight** 776

1. The executive and judicial branches of State government 777

in each Participating State shall enforce this Compact and take 778  
all actions necessary and appropriate to implement the Compact. 779

2. Venue is proper and judicial proceedings by or against 780  
the Commission shall be brought solely and exclusively in a 781  
court of competent jurisdiction where the principal office of 782  
the Commission is located. The Commission may waive venue and 783  
jurisdictional defenses to the extent it adopts or consents to 784  
participate in alternative dispute resolution proceedings. 785  
Nothing herein shall affect or limit the selection or propriety 786  
of venue in any action against a licensee for professional 787  
malpractice, misconduct or any such similar matter. 788

3. The Commission shall be entitled to receive service of 789  
process in any proceeding regarding the enforcement or 790  
interpretation of the Compact or the Commission's Rules and 791  
shall have standing to intervene in such a proceeding for all 792  
purposes. Failure to provide the Commission with service of 793  
process shall render a judgment or order in such proceeding void 794  
as to the Commission, this Compact, or Commission Rules. 795

B. Default, Technical Assistance, and Termination 796

1. If the Commission determines that a Participating State 797  
has defaulted in the performance of its obligations or 798  
responsibilities under this Compact or the Commission Rules, the 799  
Commission shall provide written notice to the defaulting State 800  
and other Participating States. The notice shall describe the 801  
default, the proposed means of curing the default and any other 802  
action that the Commission may take and shall offer remedial 803  
training and specific technical assistance regarding the 804  
default. 805

2. If a State in default fails to cure the default, the 806

defaulting State may be terminated from this Compact upon an 807  
affirmative vote of a majority of the delegates of the 808  
Participating States, and all rights, privileges and benefits 809  
conferred by this Compact upon such State may be terminated on 810  
the effective date of termination. A cure of the default does 811  
not relieve the offending State of obligations or liabilities 812  
incurred during the period of default. 813

3. Termination of participation in this Compact shall be 814  
imposed only after all other means of securing compliance have 815  
been exhausted. Notice of intent to suspend or terminate shall 816  
be given by the Commission to the governor, the majority and 817  
minority leaders of the defaulting State's legislature, and to 818  
the Licensing Board(s) of each of the Participating States. 819

4. A State that has been terminated is responsible for all 820  
assessments, obligations, and liabilities incurred through the 821  
effective date of termination, including obligations that extend 822  
beyond the effective date of termination. 823

5. The Commission shall not bear any costs related to a 824  
State that is found to be in default or that has been terminated 825  
from this Compact, unless agreed upon in writing between the 826  
Commission and the defaulting State. 827

6. The defaulting State may appeal its termination from 828  
the Compact by the Commission by petitioning the U.S. District 829  
Court for the District of Columbia or the federal district where 830  
the Commission has its principal offices. The prevailing member 831  
shall be awarded all costs of such litigation, including 832  
reasonable attorney's fees. 833

7. Upon the termination of a State's participation in the 834  
Compact, the State shall immediately provide notice to all 835

<u>Licensees within that State of such termination:</u>	836
<u>a. Licensees who have been granted a Compact Privilege in</u>	837
<u>that State shall retain the Compact Privilege for one hundred</u>	838
<u>eighty (180) days following the effective date of such</u>	839
<u>termination.</u>	840
<u>b. Licensees who are licensed in that State who have been</u>	841
<u>granted a Compact Privilege in a Participating State shall</u>	842
<u>retain the Compact Privilege for one hundred eighty (180) days</u>	843
<u>unless the Licensee also has a Qualifying License in a</u>	844
<u>Participating State or obtains a Qualifying License in a</u>	845
<u>Participating State before the one hundred eighty (180)-day</u>	846
<u>period ends, in which case the Compact Privilege shall continue.</u>	847
<u>C. Dispute Resolution</u>	848
<u>1. Upon request by a Participating State, the Commission</u>	849
<u>shall attempt to resolve disputes related to this Compact that</u>	850
<u>arise among Participating States and between participating and</u>	851
<u>non-Participating States.</u>	852
<u>2. The Commission shall promulgate a Rule providing for</u>	853
<u>both mediation and binding dispute resolution for disputes as</u>	854
<u>appropriate.</u>	855
<u>D. Enforcement</u>	856
<u>1. The Commission, in the reasonable exercise of its</u>	857
<u>discretion, shall enforce the provisions of this Compact and</u>	858
<u>Rules of the Commission.</u>	859
<u>2. If compliance is not secured after all means to secure</u>	860
<u>compliance have been exhausted, by majority vote, the Commission</u>	861
<u>may initiate legal action in the United States District Court</u>	862
<u>for the District of Columbia or the federal district where the</u>	863

Commission has its principal offices, against a Participating 864  
State in default to enforce compliance with the provisions of 865  
this Compact and the Commission's promulgated Rules and bylaws. 866  
The relief sought may include both injunctive relief and 867  
damages. In the event judicial enforcement is necessary, the 868  
prevailing party shall be awarded all costs of such litigation, 869  
including reasonable attorney's fees. 870

3. The remedies herein shall not be the exclusive remedies 871  
of the Commission. The Commission may pursue any other remedies 872  
available under federal or State law. 873

E. Legal Action Against the Commission 874

1. A Participating State may initiate legal action against 875  
the Commission in the U.S. District Court for the District of 876  
Columbia or the federal district where the Commission has its 877  
principal offices to enforce compliance with the provisions of 878  
the Compact and its Rules. The relief sought may include both 879  
injunctive relief and damages. In the event judicial enforcement 880  
is necessary, the prevailing party shall be awarded all costs of 881  
such litigation, including reasonable attorney's fees. 882

2. No person other than a Participating State shall 883  
enforce this Compact against the Commission. 884

**Section 11. Date of Implementation of the PA Licensure** 885  
**Compact Commission** 886

A. This Compact shall come into effect on the date on 887  
which this Compact statute is enacted into law in the seventh 888  
Participating State. 889

1. On or after the effective date of the Compact, the 890  
Commission shall convene and review the enactment of each of the 891  
States that enacted the Compact prior to the Commission 892



convening ("Charter Participating States") to determine if the 893  
statute enacted by each such Charter Participating State is 894  
materially different than the Model Compact. 895

a. A Charter Participating State whose enactment is found 896  
to be materially different from the Model Compact shall be 897  
entitled to the default process set forth in Section 10.B. 898

b. If any Participating State later withdraws from the 899  
Compact or its participation is terminated, the Commission shall 900  
remain in existence and the Compact shall remain in effect even 901  
if the number of Participating States should be less than seven. 902  
Participating States enacting the Compact subsequent to the 903  
Commission convening shall be subject to the process set forth 904  
in Section 7.C.21 to determine if their enactments are 905  
materially different from the Model Compact and whether they 906  
qualify for participation in the Compact. 907

2. Participating States enacting the Compact subsequent to 908  
the seven initial Charter Participating States shall be subject 909  
to the process set forth in Section 7.C.21 to determine if their 910  
enactments are materially different from the Model Compact and 911  
whether they qualify for participation in the Compact. 912

3. All actions taken for the benefit of the Commission or 913  
in furtherance of the purposes of the administration of the 914  
Compact prior to the effective date of the Compact or the 915  
Commission coming into existence shall be considered to be 916  
actions of the Commission unless specifically repudiated by the 917  
Commission. 918

B. Any State that joins this Compact shall be subject to 919  
the Commission's Rules and bylaws as they exist on the date on 920  
which this Compact becomes law in that State. Any Rule that has 921

been previously adopted by the Commission shall have the full 922  
force and effect of law on the day this Compact becomes law in 923  
that State. 924

C. Any Participating State may withdraw from this Compact 925  
by enacting a statute repealing the same. 926

1. A Participating State's withdrawal shall not take 927  
effect until one hundred eighty (180) days after enactment of 928  
the repealing statute. During this one hundred eighty (180) day- 929  
period, all Compact Privileges that were in effect in the 930  
withdrawing State and were granted to Licensees licensed in the 931  
withdrawing State shall remain in effect. If any Licensee 932  
licensed in the withdrawing State is also licensed in another 933  
Participating State or obtains a license in another 934  
Participating State within the one hundred eighty (180) days, 935  
the Licensee's Compact Privileges in other Participating States 936  
shall not be affected by the passage of the one hundred eighty 937  
(180) days. 938

2. Withdrawal shall not affect the continuing requirement 939  
of the State Licensing Board(s) of the withdrawing State to 940  
comply with the investigative, and Adverse Action reporting 941  
requirements of this Compact prior to the effective date of 942  
withdrawal. 943

3. Upon the enactment of a statute withdrawing a State 944  
from this Compact, the State shall immediately provide notice of 945  
such withdrawal to all Licensees within that State. Such 946  
withdrawing State shall continue to recognize all licenses 947  
granted pursuant to this Compact for a minimum of one hundred 948  
eighty (180) days after the date of such notice of withdrawal. 949

D. Nothing contained in this Compact shall be construed to 950

invalidate or prevent any PA licensure agreement or other 951  
cooperative arrangement between Participating States and between 952  
a Participating State and non-Participating State that does not 953  
conflict with the provisions of this Compact. 954

E. This Compact may be amended by the Participating 955  
States. No amendment to this Compact shall become effective and 956  
binding upon any Participating State until it is enacted 957  
materially in the same manner into the laws of all Participating 958  
States as determined by the Commission. 959

**Section 12. Construction and Severability** 960

A. This Compact and the Commission's rulemaking authority 961  
shall be liberally construed so as to effectuate the purposes, 962  
and the implementation and administration of the Compact. 963  
Provisions of the Compact expressly authorizing or requiring the 964  
promulgation of Rules shall not be construed to limit the 965  
Commission's rulemaking authority solely for those purposes. 966

B. The provisions of this Compact shall be severable and 967  
if any phrase, clause, sentence or provision of this Compact is 968  
held by a court of competent jurisdiction to be contrary to the 969  
constitution of any Participating State, a State seeking 970  
participation in the Compact, or of the United States, or the 971  
applicability thereof to any government, agency, person or 972  
circumstance is held to be unconstitutional by a court of 973  
competent jurisdiction, the validity of the remainder of this 974  
Compact and the applicability thereof to any other government, 975  
agency, person or circumstance shall not be affected thereby. 976

C. Notwithstanding subsection B or this section, the 977  
Commission may deny a State's participation in the Compact or, 978  
in accordance with the requirements of Section 10.B, terminate a 979

Participating State's participation in the Compact, if it 980  
determines that a constitutional requirement of a Participating 981  
State is, or would be with respect to a State seeking to 982  
participate in the Compact, a material departure from the 983  
Compact. Otherwise, if this Compact shall be held to be contrary 984  
to the constitution of any Participating State, the Compact 985  
shall remain in full force and effect as to the remaining 986  
Participating States and in full force and effect as to the 987  
Participating State affected as to all severable matters. 988

**Section 13. Binding Effect of Compact** 989

A. Nothing herein prevents the enforcement of any other 990  
law of a Participating State that is not inconsistent with this 991  
Compact. 992

B. Any laws in a Participating State in conflict with this 993  
Compact are superseded to the extent of the conflict. 994

C. All agreements between the Commission and the 995  
Participating States are binding in accordance with their terms. 996

**Sec. 4730.71.** Not later than sixty days after the 997  
"Physician Assistant (PA) Licensure Compact" is entered into 998  
under section 4730.70 of the Revised Code, the state medical 999  
board, in accordance with Section 7 of the compact, shall select 1000  
one individual to serve as the delegate to the PA licensure 1001  
compact commission created under the compact. The board shall 1002  
fill a vacancy in this position not later than sixty days after 1003  
the vacancy occurs. 1004