

As Reported by the House Health Provider Services Committee

135th General Assembly

Regular Session

2023-2024

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

A BILL

To amend sections 4723.651, 4723.66, 4723.67, 1
4723.69, and 4741.13; to amend, for the purpose 2
of adopting a new section number as indicated in 3
parentheses, section 4723.61 (4723.63); and to 4
enact sections 4723.671, 4730.70, and 4730.71 of 5
the Revised Code to enter into the Physician 6
Assistant Licensure Compact, revise the law 7
governing the certification and practice of 8
medication aides, and remove residency 9
conditions related to limited licenses to 10
practice veterinary medicine. 11

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

Section 1. That sections 4723.651, 4723.66, 4723.67, 12
4723.69, and 4741.13 be amended; section 4723.61 (4723.63) be 13
amended for the purpose of adopting a new section number as 14
indicated in parentheses; and sections 4723.671, 4730.70, and 15
4730.71 of the Revised Code be enacted to read as follows: 16

Sec. ~~4723.61~~ 4723.63. As used in this section and in 17

sections 4723.64 to 4723.69 of the Revised Code: 18

(A) "Intermediate care facility for individuals with 19
intellectual disabilities" and "ICF/IID" have the same meanings 20
as in section 5124.01 of the Revised Code. 21

(B) "Medication" means a drug, as defined in section 22
4729.01 of the Revised Code. 23

(C) "Medication error" means a failure to follow the 24
prescriber's instructions when administering a prescription 25
medication. 26

(D) "Nursing home" and "residential care facility" have 27
the same meanings as in section 3721.01 of the Revised Code. 28

(E) "Prescription medication" means a medication that may 29
be dispensed only pursuant to a prescription. 30

(F) "Prescriber" and "prescription" have the same meanings 31
as in section 4729.01 of the Revised Code. 32

Sec. 4723.651. (A) To be eligible to receive a medication 33
aide certificate, an applicant is subject to both of the 34
following: 35

(1) The applicant shall meet all of the following 36
conditions: 37

~~(1)(a)~~ Be at least eighteen years of age; 38

~~(2)(b)~~ Have a high school diploma or a certificate of 39
high school equivalence as defined in section 5107.40 of the 40
Revised Code; 41

~~(3) If the applicant is to practice as a medication aide~~ 42
~~in a nursing home, be a nurse aide who satisfies the~~ 43
~~requirements of division (A) (1), (2), (3), (4), (5), (6), or (8)~~ 44

~~of section 3721.32 of the Revised Code;~~ 45

~~(4) If the applicant is to practice as a medication aide in a residential care facility, be a nurse aide who satisfies the requirements of division (A) (1), (2), (3), (4), (5), (6), or (8) of section 3721.32 of the Revised Code or an individual who has at least one year of direct care experience in a residential care facility;~~ 46
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~~(5) If the applicant is to practice as a medication aide in an ICF/IID, be a nurse aide who satisfies the requirements of division (A) (1), (2), (3), (4), (5), (6), or (8) of section 3721.32 of the Revised Code or an individual who has at least one year of direct care experience in an ICF/IID;~~ 52
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~~(6)-(c)~~ Successfully complete the course of instruction provided by a training program approved under section 4723.66 of the Revised Code; 57
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~~(7)-(d)~~ Not be ineligible for licensure or certification in accordance with section 4723.092 of the Revised Code; 60
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~~(8)-(e)~~ Have not committed any act that is grounds for disciplinary action under section 3123.47 or 4723.28 of the Revised Code or be determined by the board to have made restitution, been rehabilitated, or both; 62
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~~(9) Meet all other requirements for a medication aide certificate established in rules adopted under section 4723.69 of the Revised Code.~~ 66
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(2) (a) If the applicant is to practice as a medication aide in a nursing home, then in addition to meeting the eligibility conditions described in division (A) (1) of this section, the applicant must be a nurse aide who satisfies the requirements of division (A) (1), (2), (3), (4), (5), (6), or (8) 69
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of section 3721.32 of the Revised Code. 74

(b) If the applicant is to practice as a medication aide 75
in a residential care facility, then the applicant must meet 76
only the eligibility conditions described in division (A)(1) of 77
this section. 78

(c) If the applicant is to practice as a medication aide 79
in an ICF/IID, then in addition to meeting the eligibility 80
conditions described in division (A)(1) of this section, the 81
applicant must be either a nurse aide who satisfies the 82
requirements of division (A)(1), (2), (3), (4), (5), (6), or (8) 83
of section 3721.32 of the Revised Code or an individual who has 84
one year of direct care experience in an ICF/IID. 85

(B) Except as provided in division (C) of this section, if 86
an applicant meets the requirements specified in division (A) of 87
this section, the board of nursing shall issue a medication aide 88
certificate to the applicant. ~~If~~ 89

If a medication aide certificate is issued to an 90
individual on the basis of having at least one year of direct 91
care experience working in a residential care facility, as 92
provided in division (A)(4) described in division (A)(2)(b) of 93
this section, the certificate is valid for use only in a 94
residential care facility. The board shall state such limitation 95
on the certificate issued to the individual. After demonstrating 96
to the board that the certificate holder has one year of direct 97
care experience in a residential care facility, the board shall 98
issue to the holder an updated copy of the certificate stating 99
that the certificate is valid for use in either a residential 100
care facility or ICF/IID. The date by which the updated 101
certificate is to be renewed remains the same as the renewal 102
date for the initial certificate. 103

If a medication aide certificate is issued to an 104
individual on the basis of having ~~at least~~ one year of direct 105
care experience ~~working~~ in an ICF/IID, as provided in division 106
~~(A) (5)~~ (A) (2) (c) of this section, the certificate is valid for 107
use only in an ICF/IID. The board shall state ~~the such~~ 108
limitation on the certificate issued to the individual. 109

(C) The board shall issue a medication aide certificate in 110
accordance with Chapter 4796. of the Revised Code to an 111
applicant if either of the following applies: 112

(1) The applicant holds a certificate or license in 113
another state. 114

(2) The applicant has satisfactory work experience, a 115
government certification, or a private certification as 116
described in that chapter as a medication aide in a state that 117
does not issue that certificate or license. 118

(D) A medication aide certificate is valid for two years, 119
unless earlier suspended or revoked. The certificate may be 120
renewed in accordance with procedures specified by the board in 121
rules adopted under section 4723.69 of the Revised Code. 122

The board shall provide each holder of a certificate 123
access to a renewal application that may be completed and 124
submitted to the board online, except that the board is not 125
required to provide such access when it is aware that a holder 126
may be otherwise ineligible for renewal, including for any 127
disqualifying offense listed on the internet web site maintained 128
by the board as described in division (C) of section 9.78 of the 129
Revised Code. 130

To be eligible for renewal, an applicant shall ~~pay meet~~ 131
all of the following conditions: 132

<u>(1) Have submitted on or before the thirtieth day of April</u>	133
<u>of an even-numbered year a completed renewal application;</u>	134
<u>(2) Have paid the renewal fee established in the rules and</u>	135
<u>meet all renewal qualifications specified in the rules in an</u>	136
<u>amount as follows:</u>	137
<u>(a) For an application submitted on or before the first</u>	138
<u>day of March of an even-numbered year, fifty dollars;</u>	139
<u>(b) For an application submitted after the first day of</u>	140
<u>March but before the first day of May of an even-numbered year,</u>	141
<u>one hundred dollars.</u>	142
<u>(3) Have demonstrated to the board that the applicant</u>	143
<u>successfully completed fifteen contact hours of continuing</u>	144
<u>education from one or more continuing education programs or</u>	145
<u>courses approved by the board and that included the following:</u>	146
<u>(a) One hour directly related to this chapter and any</u>	147
<u>rules adopted under it;</u>	148
<u>(b) One hour directly related to establishing and</u>	149
<u>maintaining professional boundaries;</u>	150
<u>(c) Ten hours related to medications or the administration</u>	151
<u>of prescription medications.</u>	152
<u>(E) A certified medication aide shall verify completion of</u>	153
<u>the continuing education required by this section on the</u>	154
<u>application for certificate renewal provided by the board of</u>	155
<u>nursing, and at the discretion of the board, may be required to</u>	156
<u>show proof of completion of the approved continuing education.</u>	157
<u>Failure to verify or provide proof shall result in ineligibility</u>	158
<u>to renew, reactivate, or reinstate a medication aide certificate</u>	159
<u>until the continuing education requirements are met.</u>	160

Sec. 4723.66. (A) A person or government entity seeking approval to provide a medication aide training program shall apply to the board of nursing on a form prescribed and provided by the board. The application shall be accompanied by the fee established in rules adopted under section 4723.69 of the Revised Code.

(B) Except as provided in division (C) of this section, the board shall approve the applicant to provide a medication aide training program if the content of the course of instruction to be provided by the program meets the standards specified by the board in rules adopted under section 4723.69 of the Revised Code and includes all of the following:

(1) At ~~In the case of an applicant seeking to provide a medication aide training program for practice in nursing homes or ICFs/IID, at least seventy clock-hours of instruction in medication administration, including both classroom instruction on medication administration and at least twenty clock-hours of supervised clinical practice in medication administration;~~

(2) In the case of an applicant seeking to provide a medication aide training program for practice in residential care facilities, seventy clock hours of instruction in medication administration, including fifteen clock hours of classroom instruction and fifteen clock hours of supervised clinical practice. Additionally, part of the seventy clock hours shall specifically include ten clock hours of instruction during which each of the following is addressed:

(a) Utilizing insulin pen devices that contain dosage indicators;

(b) Administering the initial dose of each new medication

<u>when conducting a medication pass;</u>	190
<u>(c) Administering schedule II controlled substances.</u>	191
<u>(3) A mechanism for evaluating whether an individual's</u>	192
reading, writing, and mathematical skills are sufficient for the	193
individual to be able to administer prescription medications	194
safely;	195
(3) <u>(4) An examination that tests the ability to</u>	196
administer prescription medications safely and that meets the	197
requirements established by the board in rules adopted under	198
section 4723.69 of the Revised Code.	199
(C) The board shall deny the application for approval if	200
an applicant submits or causes to be submitted to the board	201
false, misleading, or deceptive statements, information, or	202
documentation in the process of applying for approval of the	203
program.	204
(D) (1) The board may deny, suspend, or revoke the approval	205
granted to a medication aide training program for reasons	206
specified in rules adopted under section 4723.69 of the Revised	207
Code.	208
(2) The board may deny the application for approval if the	209
program is controlled by a person who controls or has controlled	210
a program that had its approval withdrawn, revoked, suspended,	211
or restricted by the board or a board of another jurisdiction	212
that is a member of the national council of state boards of	213
nursing. As used in division (D) (2) of this section, "control"	214
means any of the following:	215
(a) Holding fifty per cent or more of the program's	216
outstanding voting securities or membership interest;	217

(b) In the case of a program that is not incorporated, 218
having the right to fifty per cent or more of the program's 219
profits or in the event of a dissolution, fifty per cent or more 220
of the program's assets; 221

(c) In the case of a program that is a for-profit or not- 222
for-profit corporation, having the contractual authority 223
presently to designate fifty per cent or more of the program's 224
directors; 225

(d) In the case of a program that is a trust, having the 226
contractual authority presently to designate fifty per cent or 227
more of the program's trustees; 228

(e) Having the authority to direct the program's 229
management, policies, or investments. 230

(E) Except as otherwise provided in this division, all 231
actions taken by the board to deny, suspend, or revoke the 232
approval of a training program shall be taken in accordance with 233
Chapter 119. of the Revised Code. 234

When an action taken by the board is required to be taken 235
pursuant to an adjudication conducted under Chapter 119. of the 236
Revised Code, the board may, in lieu of an adjudication hearing, 237
enter into a consent agreement to resolve the matter. A consent 238
agreement, when ratified by a vote of a quorum of the board, 239
constitutes the findings and order of the board with respect to 240
the matter addressed in the agreement. If the board refuses to 241
ratify a consent agreement, the admissions and findings 242
contained in the agreement are of no effect. 243

In any instance in which the board is required under 244
Chapter 119. of the Revised Code to give notice to a program of 245
an opportunity for a hearing and the program does not make a 246

timely request for a hearing in accordance with section 119.07 247
of the Revised Code, the board is not required to hold a 248
hearing, but may adopt, by a vote of a quorum, a final order 249
that contains the board's findings. 250

(F) When the board denies, suspends, or revokes approval 251
of a program, the board may specify that its action is 252
permanent. A program subject to a permanent action taken by the 253
board is forever ineligible for approval and the board shall not 254
accept an application for the program's reinstatement or 255
approval. 256

Sec. 4723.67. This section establishes standards and 257
conditions under which a medication aide who holds a current, 258
valid medication aide certificate issued under this chapter is 259
authorized to administer prescription medications to residents 260
of a nursing home or ICF/IID. 261

(A) Except for the prescription medications specified in 262
division (C) of this section and the methods of medication 263
administration specified in division (D) of this section, a 264
medication aide ~~who holds a current, valid medication aide~~ 265
~~certificate issued under this chapter~~ may administer 266
prescription medications to the residents of nursing homes, ~~—~~ 267
~~residential care facilities,~~ and ICFs/IID that use medication 268
aides pursuant to section 4723.64 of the Revised Code. A 269
medication aide shall administer prescription medications only 270
pursuant to the delegation of a registered nurse or a licensed 271
practical nurse acting at the direction of a registered nurse. 272

Delegation of medication administration to a medication 273
aide shall be carried out in accordance with the rules for 274
nursing delegation adopted under this chapter by the board of 275
nursing. A nurse who has delegated to a medication aide 276

responsibility for the administration of prescription 277
medications to the residents of a nursing home, ~~residential care~~ 278
~~facility~~, or ICF/IID shall not withdraw the delegation on an 279
arbitrary basis or for any purpose other than patient safety. 280

(B) In exercising the authority to administer prescription 281
medications pursuant to nursing delegation, a medication aide 282
may administer prescription medications in any of the following 283
categories: 284

(1) Oral medications; 285

(2) Topical medications; 286

(3) Medications administered as drops to the eye, ear, or 287
nose; 288

(4) Rectal and vaginal medications; 289

(5) Medications prescribed with a designation authorizing 290
or requiring administration on an as-needed basis, but only if a 291
nursing assessment of the patient is completed before the 292
medication is administered. 293

(C) A medication aide shall not administer prescription 294
medications in either of the following categories: 295

(1) Medications containing a schedule II controlled 296
substance, as defined in section 3719.01 of the Revised Code; 297

(2) Medications requiring dosage calculations. 298

(D) A medication aide shall not administer prescription 299
medications by any of the following methods: 300

(1) Injection; 301

(2) Intravenous therapy procedures; 302

(3) Splitting pills for purposes of changing the dose 303
being given. 304

(E) A nursing home, ~~residential care facility~~, or ICF/IID 305
that uses medication aides shall ensure that medication aides do 306
not have access to any schedule II controlled substances within 307
the home, ~~facility~~, or ICF/IID for use by its residents. 308

Sec. 4723.671. This section establishes standards and 309
conditions under which a medication aide who holds a current, 310
valid medication aide certificate issued under this chapter is 311
authorized to administer prescription medications to residents 312
of a residential care facility. 313

(A) A medication aide may administer prescription 314
medications, but only pursuant to the delegation of a registered 315
nurse or a licensed practical nurse acting at the direction of a 316
registered nurse. 317

(B) In delegating medication administration to a 318
medication aide, all of the following apply: 319

(1) The delegation shall be carried out in accordance with 320
the rules for nursing delegation adopted under this chapter by 321
the board of nursing. 322

(2) A nurse who has delegated to a medication aide 323
responsibility for the administration of prescription 324
medications shall not withdraw the delegation on an arbitrary 325
basis or for any purpose other than patient safety. 326

(3) A nurse may delegate to a medication aide 327
responsibility for the administration of initial doses of 328
prescription medications. 329

(4) A nurse may delegate to a medication aide 330

responsibility for the administration of prescription 331
medications with designations authorizing or requiring 332
administration on an as-needed basis, but the delegation shall 333
occur only after the nurse has completed a nursing assessment of 334
the patient. 335

(C) In exercising the authority to administer prescription 336
medications pursuant to nursing delegation, all of the following 337
apply: 338

(1) A medication aide may administer prescription 339
medications in any of the following categories: 340

(a) Oral medications; 341

(b) Topical medications; 342

(c) Medications administered as drops to the eye, ear, or 343
nose; 344

(d) Rectal and vaginal medications. 345

(2) In the case of a medication prescribed with a 346
designation authorizing or requiring administration on an as- 347
needed basis, a medication aide may administer the medication 348
regardless of whether the delegating nurse is present at the 349
facility. 350

(3) A medication aide shall not administer prescription 351
medications in either of the following categories: 352

(a) Except as provided in division (C) (5) of this section, 353
medications containing a schedule II controlled substance, as 354
defined in section 3719.01 of the Revised Code; 355

(b) Medications requiring dosage calculations. 356

(4) A medication aide shall not administer prescription 357

<u>medications by any of the following methods:</u>	358
<u>(a) Except as provided in division (C) (6) of this section,</u> <u>injection;</u>	359 360
<u>(b) Intravenous therapy procedures;</u>	361
<u>(c) Splitting pills for purposes of changing the dose</u> <u>being given.</u>	362 363
<u>(5) A medication aide may administer oral or topical</u> <u>medications containing a schedule II controlled substance.</u>	364 365
<u>(6) A medication aide who satisfies training and</u> <u>competency requirements specified in rules adopted by the board</u> <u>may administer insulin to residents by injection, but only if</u> <u>the medication is injected using an insulin pen device that</u> <u>contains a dosage indicator.</u>	366 367 368 369 370
Sec. 4723.69. (A) The board of nursing shall adopt rules to implement sections 4723.61-4723.63 to 4723.68 of the Revised Code. All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code.	371 372 373 374
(B) The rules adopted under this section shall establish or specify all of the following:	375 376
(1) Fees <u>Except for renewal fees established by division</u> <u>(C) of section 4723.651 of the Revised Code, fees,</u> in an amount sufficient to cover the costs the board incurs in implementing sections 4723.61-4723.63 to 4723.68 of the Revised Code, for certification as a medication aide and approval of a medication aide training program;	377 378 379 380 381 382
(2) Requirements to obtain a medication aide certificate that are not otherwise specified in <u>Application procedures for</u> <u>medication aide certificates under</u> section 4723.651 of the	383 384 385

Revised Code;	386
(3) Procedures for renewal of <u>Renewal procedures for</u> medication aide certificates;	387 388
(4) The extent to which the board determines that the reasons for taking disciplinary actions under section 4723.28 of the Revised Code are applicable reasons for taking disciplinary actions under section 4723.652 of the Revised Code against an applicant for or holder of a medication aide certificate;	389 390 391 392 393
(5) Standards Subject to division (C) of this section, <u>standards</u> for medication aide training programs, including the examination to be administered by the training program to test an individual's ability to administer prescription medications safely;	394 395 396 397 398
(6) Standards for approval of continuing education programs and courses for medication aides;	399 400
(7) Reasons for denying, revoking, or suspending approval of a medication aide training program;	401 402
(8) Other standards and procedures the board considers necessary to implement sections 4723.61 to 4723.68 of the Revised Code.	403 404 405
(C) <u>Both of the following apply with respect to rules</u> <u>adopted under this section governing approval of and</u> <u>participation in medication aide training programs:</u>	406 407 408
(1) <u>In establishing or specifying standards for the</u> <u>supervised clinical practice components of the training</u> <u>programs, when such training is provided in a residential care</u> <u>facility and the facility has been notified by the department of</u> <u>health of real and present danger related to its administration</u>	409 410 411 412 413

of medications or provision of skilled nursing care, the board 414
shall prohibit the facility from commencing any further 415
supervised clinical practice components until either of the 416
following occurs: 417

(a) A plan of correction is approved; 418

(b) The facility resolves the danger. 419

The board shall allow a training program to continue any 420
supervised clinical practice components that commenced prior to 421
the department of health notifying the facility. 422

(2) If the rules establish a minimum or maximum number of 423
days for participation in or completion of a training program, 424
the board shall base that number on calendar days rather than 425
business days. 426

Sec. 4730.70. The Physician Assistant (PA) Licensure 427
Compact is hereby ratified, enacted into law, and entered into 428
by the state of Ohio as a party to the compact with any other 429
state that has legally joined the compact as follows: 430

Section 1. Purpose 431

In order to strengthen access to Medical Services, and in 432
recognition of the advances in the delivery of Medical Services, 433
the Participating States of the PA Licensure Compact have allied 434
in common purpose to develop a comprehensive process that 435
complements the existing authority of State Licensing Boards to 436
license and discipline PAs and seeks to enhance the portability 437
of a License to practice as a PA while safeguarding the safety 438
of patients. This Compact allows Medical Services to be provided 439
by PAs, via the mutual recognition of the Licensee's Qualifying 440
License by other Compact Participating States. This Compact also 441
adopts the prevailing standard for PA licensure and affirms that 442

the practice and delivery of Medical Services by the PA occurs 443
where the patient is located at the time of the patient 444
encounter, and therefore requires the PA to be under the 445
jurisdiction of the State Licensing Board where the patient is 446
located. State Licensing Boards that participate in this Compact 447
retain the jurisdiction to impose Adverse Action against a 448
Compact Privilege in that State issued to a PA through the 449
procedures of this Compact. The PA Licensure Compact will 450
alleviate burdens for military families by allowing active duty 451
military personnel and their spouses to obtain a Compact 452
Privilege based on having an unrestricted License in good 453
standing from a Participating State. 454

Section 2. Definitions 455

In this Compact: 456

A. "Adverse Action" means any administrative, civil, 457
equitable, or criminal action permitted by a State's laws which 458
is imposed by a Licensing Board or other authority against a PA 459
License or License application or Compact Privilege such as 460
License denial, censure, revocation, suspension, probation, 461
monitoring of the Licensee, or restriction on the Licensee's 462
practice. 463

B. "Compact Privilege" means the authorization granted by 464
a Remote State to allow a Licensee from another Participating 465
State to practice as a PA to provide Medical Services and other 466
licensed activity to a patient located in the Remote State under 467
the Remote State's laws and regulations. 468

C. "Conviction" means a finding by a court that an 469
individual is guilty of a felony or misdemeanor offense through 470
adjudication or entry of a plea of guilt or no contest to the 471

charge by the offender 472

D. "Criminal Background Check" means the submission of 473
fingerprints or other biometric based information for a License 474
applicant for the purpose of obtaining that applicant's criminal 475
history record information, as defined in 28 C.F.R. § 20.3(d), 476
from the State's criminal history record repository as defined 477
in 28 C.F.R. § 20.3(f). 478

E. "Data System" means the repository of information about 479
Licensees, including but not limited to License status and 480
Adverse Actions, which is created and administered under the 481
terms of this Compact. 482

F. "Executive Committee" means a group of directors and 483
ex-officio individuals elected or appointed pursuant to Section 484
7.F.2. 485

G. "Impaired Practitioner" means a PA whose practice is 486
adversely affected by health-related condition(s) that impact 487
their ability to practice. 488

H. "Investigative Information" means information, records, 489
or documents received or generated by a Licensing Board pursuant 490
to an investigation. 491

I. "Jurisprudence Requirement" means the assessment of an 492
individual's knowledge of the laws and Rules governing the 493
practice of a PA in a State. 494

J. "License" means current authorization by a State, other 495
than authorization pursuant to a Compact Privilege, for a PA to 496
provide Medical Services, which would be unlawful without 497
current authorization. 498

K. "Licensee" means an individual who holds a License from 499

<u>a State to provide Medical Services as a PA.</u>	500
<u>L. "Licensing Board" means any State entity authorized to</u>	501
<u>license and otherwise regulate PAs.</u>	502
<u>M. "Medical Services" means health care services provided</u>	503
<u>for the diagnosis, prevention, treatment, cure or relief of a</u>	504
<u>health condition, injury, or disease, as defined by a State's</u>	505
<u>laws and regulations.</u>	506
<u>N. "Model Compact" means the model for the PA Licensure</u>	507
<u>Compact on file with The Council of State Governments or other</u>	508
<u>entity as designated by the Commission.</u>	509
<u>O. "Participating State" means a State that has enacted</u>	510
<u>this Compact.</u>	511
<u>P. "PA" means an individual who is licensed as a physician</u>	512
<u>assistant in a State. For purposes of this Compact, any other</u>	513
<u>title or status adopted by a State to replace the term</u>	514
<u>"physician assistant" shall be deemed synonymous with "physician</u>	515
<u>assistant" and shall confer the same rights and responsibilities</u>	516
<u>to the Licensee under the provisions of this Compact at the time</u>	517
<u>of its enactment.</u>	518
<u>Q. "PA Licensure Compact Commission," "Compact</u>	519
<u>Commission," or "Commission" mean the national administrative</u>	520
<u>body created pursuant to Section 7.A of this Compact.</u>	521
<u>R. "Qualifying License" means an unrestricted License</u>	522
<u>issued by a Participating State to provide Medical Services as a</u>	523
<u>PA.</u>	524
<u>S. "Remote State" means a Participating State where a</u>	525
<u>Licensee who is not licensed as a PA is exercising or seeking to</u>	526
<u>exercise the Compact Privilege.</u>	527

T. "Rule" means a regulation promulgated by an entity that 528
has the force and effect of law. 529

U. "Significant Investigative Information" means 530
Investigative Information that a Licensing Board, after an 531
inquiry or investigation that includes notification and an 532
opportunity for the PA to respond if required by State law, has 533
reason to believe is not groundless and, if proven true, would 534
indicate more than a minor infraction. 535

V. "State" means any state, commonwealth, district, or 536
territory of the United States. 537

Section 3. State Participation in this Compact 538

A. To participate in this Compact, a Participating State 539
shall: 540

1. License PAs. 541

2. Participate in the Compact Commission's Data System. 542

3. Have a mechanism in place for receiving and 543
investigating complaints against Licensees and License 544
applicants. 545

4. Notify the Commission, in compliance with the terms of 546
this Compact and Commission Rules, of any Adverse Action against 547
a Licensee or License applicant and the existence of Significant 548
Investigative Information regarding a Licensee or License 549
applicant. 550

5. Fully implement a Criminal Background Check 551
requirement, within a time frame established by Commission Rule, 552
by its Licensing Board receiving the results of a Criminal 553
Background Check and reporting to the Commission whether the 554
License applicant has been granted a License. 555

<u>6. Comply with the Rules of the Compact Commission.</u>	556
<u>7. Utilize passage of a recognized national exam such as the NCCPA PANCE as a requirement for PA licensure.</u>	557 558
<u>8. Grant the Compact Privilege to a holder of a Qualifying License in a Participating State.</u>	559 560
<u>B. Nothing in this Compact prohibits a Participating State from charging a fee for granting the Compact Privilege.</u>	561 562
<u>Section 4. Compact Privilege</u>	563
<u>A. To exercise the Compact Privilege, a Licensee must:</u>	564
<u>1. Have graduated from a PA program accredited by the Accreditation Review Commission on Education for the Physician Assistant, Inc. or other programs authorized by Commission Rule.</u>	565 566 567
<u>2. Hold current NCCPA certification.</u>	568
<u>3. Have no felony or misdemeanor Conviction</u>	569
<u>4. Have never had a controlled substance license, permit, or registration suspended or revoked by a State or by the United States Drug Enforcement Administration.</u>	570 571 572
<u>5. Have a unique identifier as determined by Commission Rule.</u>	573 574
<u>6. Hold a Qualifying License.</u>	575
<u>7. Have had no revocation of a License or limitation or restriction on any License currently held due to an adverse action.</u>	576 577 578
<u>8. If a Licensee has had a limitation or restriction on a License or Compact Privilege due to an Adverse Action, two years must have elapsed from the date on which the License or Compact</u>	579 580 581

Privilege is no longer limited or restricted due to the Adverse Action. 582
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9. If a Compact Privilege has been revoked or is limited or restricted in a Participating State for conduct that would not be a basis for disciplinary action in a Participating State in which the Licensee is practicing or applying to practice under a Compact Privilege, that Participating State shall have the discretion not to consider such action as an Adverse Action requiring the denial or removal of a Compact Privilege in that State. 584
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10. Notify the Compact Commission that the Licensee is seeking the Compact Privilege in a Remote State. 592
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11. Meet any Jurisprudence Requirement of a Remote State in which the Licensee is seeking to practice under the Compact Privilege and pay any fees applicable to satisfying the Jurisprudence Requirement. 594
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12. Report to the Commission any Adverse Action taken by a non-participating State within thirty (30) days after the action is taken. 598
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B. The Compact Privilege is valid until the expiration or revocation of the Qualifying License unless terminated pursuant to an Adverse Action. The Licensee must also comply with all of the requirements of Subsection A above to maintain the Compact Privilege in a Remote State. If the Participating State takes Adverse Action against a Qualifying License, the Licensee shall lose the Compact Privilege in any Remote State in which the Licensee has a Compact Privilege until all of the following occur: 601
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1. The License is no longer limited or restricted; and 610

2. Two (2) years have elapsed from the date on which the License is no longer limited or restricted due to the Adverse Action. 611
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C. Once a restricted or limited License satisfies the requirements of Subsection B.1 and 2, the Licensee must meet the requirements of Subsection A to obtain a Compact Privilege in any Remote State. 614
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D. For each Remote State in which a PA seeks authority to prescribe controlled substances, the PA shall satisfy all requirements imposed by such State in granting or renewing such authority. 618
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Section 5. Designation of the State from Which Licensee is Applying for a Compact Privilege 622
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A. Upon a Licensee's application for a Compact Privilege, the Licensee shall identify to the Commission the Participating State from which the Licensee is applying, in accordance with applicable Rules adopted by the Commission, and subject to the following requirements: 624
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1. When applying for a Compact Privilege, the Licensee shall provide the Commission with the address of the Licensee's primary residence and thereafter shall immediately report to the Commission any change in the address of the Licensee's primary residence. 629
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2. When applying for a Compact Privilege, the Licensee is required to consent to accept service of process by mail at the Licensee's primary residence on file with the Commission with respect to any action brought against the Licensee by the Commission or a Participating State, including a subpoena, with respect to any action brought or investigation conducted by the 634
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Commission or a Participating State. 640

Section 6. Adverse Actions 641

A. A Participating State in which a Licensee is licensed 642
shall have exclusive power to impose Adverse Action against the 643
Qualifying License issued by that Participating State. 644

B. In addition to the other powers conferred by State law, 645
a Remote State shall have the authority, in accordance with 646
existing State due process law, to do all of the following: 647

1. Take Adverse Action against a PA's Compact Privilege 648
within that State to remove a Licensee's Compact Privilege or 649
take other action necessary under applicable law to protect the 650
health and safety of its citizens. 651

2. Issue subpoenas for both hearings and investigations 652
that require the attendance and testimony of witnesses as well 653
as the production of evidence. Subpoenas issued by a Licensing 654
Board in a Participating State for the attendance and testimony 655
of witnesses or the production of evidence from another 656
Participating State shall be enforced in the latter State by any 657
court of competent jurisdiction, according to the practice and 658
procedure of that court applicable to subpoenas issued in 659
proceedings pending before it. The issuing authority shall pay 660
any witness fees, travel expenses, mileage and other fees 661
required by the service statutes of the State in which the 662
witnesses or evidence are located. 663

3. Notwithstanding paragraph 2, subpoenas may not be 664
issued by a Participating State to gather evidence of conduct in 665
another State that is lawful in that other State for the purpose 666
of taking Adverse Action against a Licensee's Compact Privilege 667
or application for a Compact Privilege in that Participating 668

State. 669

4. Nothing in this Compact authorizes a Participating 670
State to impose discipline against a PA's Compact Privilege or 671
to deny an application for a Compact Privilege in that 672
Participating State for the individual's otherwise lawful 673
practice in another State. 674

C. For purposes of taking Adverse Action, the 675
Participating State which issued the Qualifying License shall 676
give the same priority and effect to reported conduct received 677
from any other Participating State as it would if the conduct 678
had occurred within the Participating State which issued the 679
Qualifying License. In so doing, that Participating State shall 680
apply its own State laws to determine appropriate action. 681

D. A Participating State, if otherwise permitted by State 682
law, may recover from the affected PA the costs of 683
investigations and disposition of cases resulting from any 684
Adverse Action taken against that PA. 685

E. A Participating State may take Adverse Action based on 686
the factual findings of a Remote State, provided that the 687
Participating State follows its own procedures for taking the 688
Adverse Action. 689

F. Joint Investigations 690

1. In addition to the authority granted to a Participating 691
State by its respective State PA laws and regulations or other 692
applicable State law, any Participating State may participate 693
with other Participating States in joint investigations of 694
Licensees. 695

2. Participating States shall share any investigative, 696
litigation, or compliance materials in furtherance of any joint 697

or individual investigation initiated under this Compact. 698

G. If an Adverse Action is taken against a PA's Qualifying License, the PA's Compact Privilege in all Remote States shall be deactivated until two (2) years have elapsed after all restrictions have been removed from the State License. All disciplinary orders by the Participating State which issued the Qualifying License that impose Adverse Action against a PA's License shall include a Statement that the PA's Compact Privilege is deactivated in all Participating States during the pendency of the order. 699
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H. If any Participating State takes Adverse Action, it promptly shall notify the administrator of the Data System. 708
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Section 7. Establishment of the PA Licensure Compact Commission 710
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A. The Participating States hereby create and establish a joint government agency and national administrative body known as the PA Licensure Compact Commission. The Commission is an instrumentality of the Compact States acting jointly and not an instrumentality of any one State. The Commission shall come into existence on or after the effective date of the Compact as set forth in Section 11.A. 712
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B. Membership, Voting, and Meetings 719

1. Each Participating State shall have and be limited to one (1) delegate selected by that Participating State's Licensing Board or, if the State has more than one Licensing Board, selected collectively by the Participating State's Licensing Boards. 720
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2. The delegate shall be either: 725

<u>a. A current PA, physician or public member of a Licensing Board or PA Council/Committee; or</u>	726
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<u>b. An administrator of a Licensing Board.</u>	728
<u>3. Any delegate may be removed or suspended from office as provided by the laws of the State from which the delegate is appointed.</u>	729
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<u>4. The Participating State Licensing Board shall fill any vacancy occurring in the Commission within sixty (60) days.</u>	732
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<u>5. Each delegate shall be entitled to one (1) vote on all matters voted on by the Commission and shall otherwise have an opportunity to participate in the business and affairs of the Commission. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telecommunications, video conference, or other means of communication.</u>	734
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<u>6. The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in this Compact and the bylaws.</u>	741
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<u>7. The Commission shall establish by Rule a term of office for delegates.</u>	744
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<u>C. The Commission shall have the following powers and duties:</u>	746
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<u>1. Establish a code of ethics for the Commission;</u>	748
<u>2. Establish the fiscal year of the Commission;</u>	749
<u>3. Establish fees;</u>	750
<u>4. Establish bylaws;</u>	751
<u>5. Maintain its financial records in accordance with the</u>	752

<u>bylaws;</u>	753
<u>6. Meet and take such actions as are consistent with the</u>	754
<u>provisions of this Compact and the bylaws;</u>	755
<u>7. Promulgate Rules to facilitate and coordinate</u>	756
<u>implementation and administration of this Compact. The Rules</u>	757
<u>shall have the force and effect of law and shall be binding in</u>	758
<u>all Participating States;</u>	759
<u>8. Bring and prosecute legal proceedings or actions in the</u>	760
<u>name of the Commission, provided that the standing of any State</u>	761
<u>Licensing Board to sue or be sued under applicable law shall not</u>	762
<u>be affected;</u>	763
<u>9. Purchase and maintain insurance and bonds;</u>	764
<u>10. Borrow, accept, or contract for services of personnel,</u>	765
<u>including, but not limited to, employees of a Participating</u>	766
<u>State;</u>	767
<u>11. Hire employees and engage contractors, elect or</u>	768
<u>appoint officers, fix compensation, define duties, grant such</u>	769
<u>individuals appropriate authority to carry out the purposes of</u>	770
<u>this Compact, and establish the Commission's personnel policies</u>	771
<u>and programs relating to conflicts of interest, qualifications</u>	772
<u>of personnel, and other related personnel matters;</u>	773
<u>12. Accept any and all appropriate donations and grants of</u>	774
<u>money, equipment, supplies, materials and services, and receive,</u>	775
<u>utilize and dispose of the same; provided that at all times the</u>	776
<u>Commission shall avoid any appearance of impropriety or conflict</u>	777
<u>of interest;</u>	778
<u>13. Lease, purchase, accept appropriate gifts or donations</u>	779
<u>of, or otherwise own, hold, improve or use, any property, real,</u>	780

- personal or mixed; provided that at all times the Commission 781
shall avoid any appearance of impropriety; 782
14. Sell, convey, mortgage, pledge, lease, exchange, 783
abandon, or otherwise dispose of any property real, personal, or 784
mixed; 785
15. Establish a budget and make expenditures; 786
16. Borrow money; 787
17. Appoint committees, including standing committees 788
composed of members, State regulators, State legislators or 789
their representatives, and consumer representatives, and such 790
other interested persons as may be designated in this Compact 791
and the bylaws; 792
18. Provide and receive information from, and cooperate 793
with, law enforcement agencies; 794
19. Elect a Chair, Vice Chair, Secretary and Treasurer and 795
such other officers of the Commission as provided in the 796
Commission's bylaws. 797
20. Reserve for itself, in addition to those reserved 798
exclusively to the Commission under the Compact, powers that the 799
Executive Committee may not exercise; 800
21. Approve or disapprove a State's participation in the 801
Compact based upon its determination as to whether the State's 802
Compact legislation departs in a material manner from the Model 803
Compact language; 804
22. Prepare and provide to the Participating States an 805
annual report; and 806
23. Perform such other functions as may be necessary or 807

appropriate to achieve the purposes of this Compact consistent 808
with the State regulation of PA licensure and practice. 809

D. Meetings of the Commission 810

1. All meetings of the Commission that are not closed 811
pursuant to this subsection shall be open to the public. Notice 812
of public meetings shall be posted on the Commission's website 813
at least thirty (30) days prior to the public meeting. 814

2. Notwithstanding subsection D.1 of this section, the 815
Commission may convene a public meeting by providing at least 816
twenty-four (24) hours prior notice on the Commission's website, 817
and any other means as provided in the Commission's Rules, for 818
any of the reasons it may dispense with notice of proposed 819
rulemaking under Section 9.L. 820

3. The Commission may convene in a closed, non-public 821
meeting or non public part of a public meeting to receive legal 822
advice or to discuss: 823

a. Non-compliance of a Participating State with its 824
obligations under this Compact; 825

b. The employment, compensation, discipline or other 826
matters, practices or procedures related to specific employees 827
or other matters related to the Commission's internal personnel 828
practices and procedures; 829

c. Current, threatened, or reasonably anticipated 830
litigation; 831

d. Negotiation of contracts for the purchase, lease, or 832
sale of goods, services, or real estate; 833

e. Accusing any person of a crime or formally censuring 834
any person; 835

<u>f. Disclosure of trade secrets or commercial or financial information that is privileged or confidential;</u>	836
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<u>g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;</u>	838
	839
	840
<u>h. Disclosure of investigative records compiled for law enforcement purposes;</u>	841
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<u>i. Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to this Compact;</u>	843
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<u>j. Legal advice; or</u>	847
<u>k. Matters specifically exempted from disclosure by federal or Participating States' statutes</u>	848
	849
<u>4. If a meeting, or portion of a meeting, is closed pursuant to this provision, the chair of the meeting or the chair's designee shall certify that the meeting or portion of the meeting may be closed and shall reference each relevant exempting provision.</u>	850
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<u>5. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Commission or order of a court of competent jurisdiction.</u>	855
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<u>E. Financing of the Commission</u>	863

1. The Commission shall pay, or provide for the payment 864
of, the reasonable expenses of its establishment, organization, 865
and ongoing activities. 866

2. The Commission may accept any and all appropriate 867
revenue sources, donations, and grants of money, equipment, 868
supplies, materials, and services. 869

3. The Commission may levy on and collect an annual 870
assessment from each Participating State and may impose Compact 871
Privilege fees on Licensees of Participating States to whom a 872
Compact Privilege is granted to cover the cost of the operations 873
and activities of the Commission and its staff, which must be in 874
a total amount sufficient to cover its annual budget as approved 875
by the Commission each year for which revenue is not provided by 876
other sources. The aggregate annual assessment amount levied on 877
Participating States shall be allocated based upon a formula to 878
be determined by Commission Rule. 879

a. A Compact Privilege expires when the Licensee's 880
Qualifying License in the Participating State from which the 881
Licensee applied for the Compact Privilege expires. 882

b. If the Licensee terminates the Qualifying License 883
through which the Licensee applied for the Compact Privilege 884
before its scheduled expiration, and the Licensee has a 885
Qualifying License in another Participating State, the Licensee 886
shall inform the Commission that it is changing to that 887
Participating State the Participating State through which it 888
applies for a Compact Privilege and pay to the Commission any 889
Compact Privilege fee required by Commission Rule. 890

4. The Commission shall not incur obligations of any kind 891
prior to securing the funds adequate to meet the same; nor shall 892

the Commission pledge the credit of any of the Participating 893
States, except by and with the authority of the Participating 894
State. 895

5. The Commission shall keep accurate accounts of all 896
receipts and disbursements. The receipts and disbursements of 897
the Commission shall be subject to the financial review and 898
accounting procedures established under its bylaws. All receipts 899
and disbursements of funds handled by the Commission shall be 900
subject to an annual financial review by a certified or licensed 901
public accountant, and the report of the financial review shall 902
be included in and become part of the annual report of the 903
Commission. 904

F. The Executive Committee 905

1. The Executive Committee shall have the power to act on 906
behalf of the Commission according to the terms of this Compact 907
and Commission Rules. 908

2. The Executive Committee shall be composed of nine (9) 909
members: 910

a. Seven voting members who are elected by the Commission 911
from the current membership of the Commission; 912

b. One ex-officio, nonvoting member from a recognized 913
national PA professional association; and 914

c. One ex-officio, nonvoting member from a recognized 915
national PA certification organization. 916

3. The ex-officio members will be selected by their 917
respective organizations. 918

4. The Commission may remove any member of the Executive 919
Committee as provided in its bylaws. 920

<u>5. The Executive Committee shall meet at least annually.</u>	921
<u>6. The Executive Committee shall have the following duties and responsibilities:</u>	922
<u> a. Recommend to the Commission changes to the Commission's Rules or bylaws, changes to this Compact legislation, fees to be paid by Compact Participating States such as annual dues, and any Commission Compact fee charged to Licensees for the Compact Privilege;</u>	923
<u> b. Ensure Compact administration services are appropriately provided, contractual or otherwise;</u>	924
<u> c. Prepare and recommend the budget;</u>	925
<u> d. Maintain financial records on behalf of the Commission;</u>	926
<u> e. Monitor Compact compliance of Participating States and provide compliance reports to the Commission;</u>	927
<u> f. Establish additional committees as necessary;</u>	928
<u> g. Exercise the powers and duties of the Commission during the interim between Commission meetings, except for issuing proposed rulemaking or adopting Commission Rules or bylaws, or exercising any other powers and duties exclusively reserved to the Commission by the Commission's Rules; and</u>	929
<u> h. Perform other duties as provided in the Commission's Rules or bylaws.</u>	930
<u>7. All meeting of the Executive Committee at which it votes or plans to vote on matters in exercising the powers and duties of the Commission shall be open to the public and public notice of such meetings shall be given as public meetings of the Commission are given.</u>	931
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8. The Executive Committee may convene in a closed, non-public meeting for the same reasons that the Commission may convene in a non-public meeting as set forth in Section 7.D.3 and shall announce the closed meeting as the Commission is required to under Section 7.D.4 and keep minutes of the closed meeting as the Commission is required to under Section 7.D.5.

G. Qualified Immunity, Defense, and Indemnification

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

2. The Commission shall defend any member, officer, executive director, employee, and representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or as determined by the commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment,

duties, or responsibilities; provided that nothing herein shall 978
be construed to prohibit that person from retaining their own 979
counsel at their own expense; and provided further, that the 980
actual or alleged act, error, or omission did not result from 981
that person's intentional or willful or wanton misconduct. 982

3. The Commission shall indemnify and hold harmless any 983
member, officer, executive director, employee, and 984
representative of the Commission for the amount of any 985
settlement or judgment obtained against that person arising out 986
of any actual or alleged act, error, or omission that occurred 987
within the scope of Commission employment, duties, or 988
responsibilities, or that such person had a reasonable basis for 989
believing occurred within the scope of Commission employment, 990
duties, or responsibilities, provided that the actual or alleged 991
act, error, or omission did not result from the intentional or 992
willful or wanton misconduct of that person. 993

4. Venue is proper and judicial proceedings by or against 994
the Commission shall be brought solely and exclusively in a 995
court of competent jurisdiction where the principal office of 996
the Commission is located. The Commission may waive venue and 997
jurisdictional defenses in any proceedings as authorized by 998
Commission Rules. 999

5. Nothing herein shall be construed as a limitation on 1000
the liability of any Licensee for professional malpractice or 1001
misconduct, which shall be governed solely by any other 1002
applicable State laws. 1003

6. Nothing herein shall be construed to designate the 1004
venue or jurisdiction to bring actions for alleged acts of 1005
malpractice, professional misconduct, negligence, or other such 1006
civil action pertaining to the practice of a PA. All such 1007

matters shall be determined exclusively by State law other than 1008
this Compact. 1009

7. Nothing in this Compact shall be interpreted to waive 1010
or otherwise abrogate a Participating State's state action 1011
immunity or state action affirmative defense with respect to 1012
antitrust claims under the Sherman Act, Clayton Act, or any 1013
other State or federal antitrust or anticompetitive law or 1014
regulation. 1015

8. Nothing in this Compact shall be construed to be a 1016
waiver of sovereign immunity by the Participating States or by 1017
the Commission. 1018

Section 8. Data System 1019

A. The Commission shall provide for the development, 1020
maintenance, operation, and utilization of a coordinated data 1021
and reporting system containing licensure, Adverse Action, and 1022
the reporting of the existence of Significant Investigative 1023
Information on all licensed PAs and applicants denied a License 1024
in Participating States. 1025

B. Notwithstanding any other State law to the contrary, a 1026
Participating State shall submit a uniform data set to the Data 1027
System on all PAs to whom this Compact is applicable (utilizing 1028
a unique identifier) as required by the Rules of the Commission, 1029
including: 1030

1. Identifying information; 1031

2. Licensure data; 1032

3. Adverse Actions against a License or Compact Privilege; 1033

4. Any denial of application for licensure, and the 1034
reason(s) for such denial (excluding the reporting of any 1035

<u>Criminal history record information where prohibited by law);</u>	1036
<u>5. The existence of Significant Investigative Information;</u>	1037
<u>and</u>	1038
<u>6. Other information that may facilitate the</u>	1039
<u>administration of this Compact, as determined by the Rules of</u>	1040
<u>the Commission.</u>	1041
<u>C. Significant Investigative Information pertaining to a</u>	1042
<u>Licensee in any Participating State shall only be available to</u>	1043
<u>other Participating States.</u>	1044
<u>D. The Commission shall promptly notify all Participating</u>	1045
<u>States of any Adverse Action taken against a Licensee or an</u>	1046
<u>individual applying for a License that has been reported to it.</u>	1047
<u>This Adverse Action information shall be available to any other</u>	1048
<u>Participating State.</u>	1049
<u>E. Participating States contributing information to the</u>	1050
<u>Data System may, in accordance with State or federal law,</u>	1051
<u>designate information that may not be shared with the public</u>	1052
<u>without the express permission of the contributing State.</u>	1053
<u>Notwithstanding any such designation, such information shall be</u>	1054
<u>reported to the Commission through the Data System.</u>	1055
<u>F. Any information submitted to the Data System that is</u>	1056
<u>subsequently expunged pursuant to federal law or the laws of the</u>	1057
<u>Participating State contributing the information shall be</u>	1058
<u>removed from the Data System upon reporting of such by the</u>	1059
<u>Participating State to the Commission.</u>	1060
<u>G. The records and information provided to a Participating</u>	1061
<u>State pursuant to this Compact or through the Data System, when</u>	1062
<u>certified by the Commission or an agent thereof, shall</u>	1063
<u>constitute the authenticated business records of the Commission,</u>	1064

and shall be entitled to any associated hearsay exception in any 1065
relevant judicial, quasi-judicial or administrative proceedings 1066
in a Participating State. 1067

Section 9. Rulemaking 1068

A. The Commission shall exercise its Rulemaking powers 1069
pursuant to the criteria set forth in this Section and the Rules 1070
adopted thereunder. Commission Rules shall become binding as of 1071
the date specified by the Commission for each Rule. 1072

B. The Commission shall promulgate reasonable Rules in 1073
order to effectively and efficiently implement and administer 1074
this Compact and achieve its purposes. A Commission Rule shall 1075
be invalid and have not force or effect only if a court of 1076
competent jurisdiction holds that the Rule is invalid because 1077
the Commission exercised its rulemaking authority in a manner 1078
that is beyond the scope of the purposes of this Compact, or the 1079
powers granted hereunder, or based upon another applicable 1080
standard of review. 1081

C. The Rules of the Commission shall have the force of law 1082
in each Participating State, provided however that where the 1083
Rules of the Commission conflict with the laws of the 1084
Participating State that establish the medical services a PA may 1085
perform in the Participating State, as held by a court of 1086
competent jurisdiction, the Rules of the Commission shall be 1087
ineffective in that State to the extent of the conflict. 1088

D. If a majority of the legislatures of the Participating 1089
States rejects a Commission Rule, by enactment of a statute or 1090
resolution in the same manner used to adopt this Compact within 1091
four (4) years of the date of adoption of the Rule, then such 1092
Rule shall have no further force and effect in any Participating 1093

<u>State or to any State applying to participate in the Compact.</u>	1094
<u>E. Commission Rules shall be adopted at a regular or</u>	1095
<u>special meeting of the Commission.</u>	1096
<u>F. Prior to promulgation and adoption of a final Rule or</u>	1097
<u>Rules by the Commission, and at least thirty (30) days in</u>	1098
<u>advance of the meeting at which the Rule will be considered and</u>	1099
<u>voted upon, the Commission shall file a Notice of Proposed</u>	1100
<u>Rulemaking:</u>	1101
<u>1. On the website of the Commission or other publicly</u>	1102
<u>accessible platform; and</u>	1103
<u>2. To persons who have requested notice of the</u>	1104
<u>Commission's notices of proposed rulemaking, and</u>	1105
<u>3. In such other way(s) as the Commission may by Rule</u>	1106
<u>specify</u>	1107
<u>G. The Notice of Proposed Rulemaking shall include:</u>	1108
<u>1. The time, date, and location of the public hearing on</u>	1109
<u>the proposed Rule and the proposed time, date and location of</u>	1110
<u>the meeting in which the proposed Rule will be considered and</u>	1111
<u>voted upon;</u>	1112
<u>2. The text of the proposed Rule and the reason for the</u>	1113
<u>proposed Rule;</u>	1114
<u>3. A request for comments on the proposed Rule from any</u>	1115
<u>interested person and the date by which written comments must be</u>	1116
<u>received; and</u>	1117
<u>4. The manner in which interested persons may submit</u>	1118
<u>notice to the Commission of their intention to attend the public</u>	1119
<u>hearing or provide any written comments.</u>	1120

H. Prior to adoption of a proposed Rule, the Commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public. 1121
1122
1123

I. If the hearing is to be held via electronic means, the Commission shall publish the mechanism for access to the electronic hearing. 1124
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1126

1. All persons wishing to be heard at the hearing shall as directed in the Notice of Proposed Rulemaking, not less than five (5) business days before the scheduled date of the hearing, notify the Commission of their desire to appear and testify at the hearing. 1127
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2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing. 1132
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3. All hearings shall be recorded. A copy of the recording and the written comments, data, facts, opinions, and arguments received in response to the proposed rulemaking shall be made available to a person upon request. 1135
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4. Nothing in this section shall be construed as requiring a separate hearing on each proposed Rule. Proposed Rules may be grouped for the convenience of the Commission at hearings required by this section. 1139
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J. Following the public hearing the Commission shall consider all written and oral comments timely received. 1143
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K. The Commission shall, by majority vote of all delegates, take final action on the proposed Rule and shall determine the effective date of the Rule, if adopted, based on the Rulemaking record and the full text of the Rule. 1145
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1. If adopted, the Rule shall be posted on the 1149
Commission's website. 1150
2. The Commission may adopt changes to the proposed Rule 1151
provided the changes do not enlarge the original purpose of the 1152
proposed Rule. 1153
3. The Commission shall provide on its website an 1154
explanation of the reasons for substantive changes made to the 1155
proposed Rule as well as reasons for substantive changes not 1156
made that were recommended by commenters. 1157
4. The Commission shall determine a reasonable effective 1158
date for the Rule. Except for an emergency as provided in 1159
subsection L, the effective date of the Rule shall be no sooner 1160
than thirty (30) days after the Commission issued the notice 1161
that it adopted the Rule. 1162
- L. Upon determination that an emergency exists, the 1163
Commission may consider and adopt an emergency Rule with twenty- 1164
four (24) hours prior notice, without the opportunity for 1165
comment, or hearing, provided that the usual rulemaking 1166
procedures provided in this Compact and in this section shall be 1167
retroactively applied to the Rule as soon as reasonably 1168
possible, in no event later than ninety (90) days after the 1169
effective date of the Rule. For the purposes of this provision, 1170
an emergency Rule is one that must be adopted immediately by the 1171
Commission in order to: 1172
1. Meet an imminent threat to public health, safety, or 1173
welfare; 1174
2. Prevent a loss of Commission or Participating State 1175
funds; 1176
3. Meet a deadline for the promulgation of a Commission 1177

<u>Rule that is established by federal law or Rule; or</u>	1178
<u>4. Protect public health and safety.</u>	1179
<u>M. The Commission or an authorized committee of the</u>	1180
<u>Commission may direct revisions to a previously adopted</u>	1181
<u>Commission Rule for purposes of correcting typographical errors,</u>	1182
<u>errors in format, errors in consistency, or grammatical errors.</u>	1183
<u>Public notice of any revisions shall be posted on the website of</u>	1184
<u>the Commission. The revision shall be subject to challenge by</u>	1185
<u>any person for a period of thirty (30) days after posting. The</u>	1186
<u>revision may be challenged only on grounds that the revision</u>	1187
<u>results in a material change to a Rule. A challenge shall be</u>	1188
<u>made as set forth in the notice of revisions and delivered to</u>	1189
<u>the Commission prior to the end of the notice period. If no</u>	1190
<u>challenge is made, the revision will take effect without further</u>	1191
<u>action. If the revision is challenged, the revision may not take</u>	1192
<u>effect without the approval of the Commission.</u>	1193
<u>N. No Participating State's rulemaking requirements shall</u>	1194
<u>apply under this Compact.</u>	1195
<u>Section 10. Oversight, Dispute Resolution, and Enforcement</u>	1196
<u>A. Oversight</u>	1197
<u>1. The executive and judicial branches of State government</u>	1198
<u>in each Participating State shall enforce this Compact and take</u>	1199
<u>all actions necessary and appropriate to implement the Compact.</u>	1200
<u>2. Venue is proper and judicial proceedings by or against</u>	1201
<u>the Commission shall be brought solely and exclusively in a</u>	1202
<u>court of competent jurisdiction where the principal office of</u>	1203
<u>the Commission is located. The Commission may waive venue and</u>	1204
<u>jurisdictional defenses to the extent it adopts or consents to</u>	1205
<u>participate in alternative dispute resolution proceedings.</u>	1206

Nothing herein shall affect or limit the selection or propriety 1207
of venue in any action against a licensee for professional 1208
malpractice, misconduct or any such similar matter. 1209

3. The Commission shall be entitled to receive service of 1210
process in any proceeding regarding the enforcement or 1211
interpretation of the Compact or the Commission's Rules and 1212
shall have standing to intervene in such a proceeding for all 1213
purposes. Failure to provide the Commission with service of 1214
process shall render a judgment or order in such proceeding void 1215
as to the Commission, this Compact, or Commission Rules. 1216

B. Default, Technical Assistance, and Termination 1217

1. If the Commission determines that a Participating State 1218
has defaulted in the performance of its obligations or 1219
responsibilities under this Compact or the Commission Rules, the 1220
Commission shall provide written notice to the defaulting State 1221
and other Participating States. The notice shall describe the 1222
default, the proposed means of curing the default and any other 1223
action that the Commission may take and shall offer remedial 1224
training and specific technical assistance regarding the 1225
default. 1226

2. If a State in default fails to cure the default, the 1227
defaulting State may be terminated from this Compact upon an 1228
affirmative vote of a majority of the delegates of the 1229
Participating States, and all rights, privileges and benefits 1230
conferred by this Compact upon such State may be terminated on 1231
the effective date of termination. A cure of the default does 1232
not relieve the offending State of obligations or liabilities 1233
incurred during the period of default. 1234

3. Termination of participation in this Compact shall be 1235

imposed only after all other means of securing compliance have 1236
been exhausted. Notice of intent to suspend or terminate shall 1237
be given by the Commission to the governor, the majority and 1238
minority leaders of the defaulting State's legislature, and to 1239
the Licensing Board(s) of each of the Participating States. 1240

4. A State that has been terminated is responsible for all 1241
assessments, obligations, and liabilities incurred through the 1242
effective date of termination, including obligations that extend 1243
beyond the effective date of termination. 1244

5. The Commission shall not bear any costs related to a 1245
State that is found to be in default or that has been terminated 1246
from this Compact, unless agreed upon in writing between the 1247
Commission and the defaulting State. 1248

6. The defaulting State may appeal its termination from 1249
the Compact by the Commission by petitioning the U.S. District 1250
Court for the District of Columbia or the federal district where 1251
the Commission has its principal offices. The prevailing member 1252
shall be awarded all costs of such litigation, including 1253
reasonable attorney's fees. 1254

7. Upon the termination of a State's participation in the 1255
Compact, the State shall immediately provide notice to all 1256
Licensees within that State of such termination: 1257

a. Licensees who have been granted a Compact Privilege in 1258
that State shall retain the Compact Privilege for one hundred 1259
eighty (180) days following the effective date of such 1260
termination. 1261

b. Licensees who are licensed in that State who have been 1262
granted a Compact Privilege in a Participating State shall 1263
retain the Compact Privilege for one hundred eighty (180) days 1264

unless the Licensee also has a Qualifying License in a 1265
Participating State or obtains a Qualifying License in a 1266
Participating State before the one hundred eighty (180)-day 1267
period ends, in which case the Compact Privilege shall continue. 1268

C. Dispute Resolution 1269

1. Upon request by a Participating State, the Commission 1270
shall attempt to resolve disputes related to this Compact that 1271
arise among Participating States and between participating and 1272
non-Participating States. 1273

2. The Commission shall promulgate a Rule providing for 1274
both mediation and binding dispute resolution for disputes as 1275
appropriate. 1276

D. Enforcement 1277

1. The Commission, in the reasonable exercise of its 1278
discretion, shall enforce the provisions of this Compact and 1279
Rules of the Commission. 1280

2. If compliance is not secured after all means to secure 1281
compliance have been exhausted, by majority vote, the Commission 1282
may initiate legal action in the United States District Court 1283
for the District of Columbia or the federal district where the 1284
Commission has its principal offices, against a Participating 1285
State in default to enforce compliance with the provisions of 1286
this Compact and the Commission's promulgated Rules and bylaws. 1287
The relief sought may include both injunctive relief and 1288
damages. In the event judicial enforcement is necessary, the 1289
prevailing party shall be awarded all costs of such litigation, 1290
including reasonable attorney's fees. 1291

3. The remedies herein shall not be the exclusive remedies 1292
of the Commission. The Commission may pursue any other remedies 1293

available under federal or State law. 1294

E. Legal Action Against the Commission 1295

1. A Participating State may initiate legal action against 1296
the Commission in the U.S. District Court for the District of 1297
Columbia or the federal district where the Commission has its 1298
principal offices to enforce compliance with the provisions of 1299
the Compact and its Rules. The relief sought may include both 1300
injunctive relief and damages. In the event judicial enforcement 1301
is necessary, the prevailing party shall be awarded all costs of 1302
such litigation, including reasonable attorney's fees. 1303

2. No person other than a Participating State shall 1304
enforce this Compact against the Commission. 1305

Section 11. Date of Implementation of the PA Licensure 1306
Compact Commission 1307

A. This Compact shall come into effect on the date on 1308
which this Compact statute is enacted into law in the seventh 1309
Participating State. 1310

1. On or after the effective date of the Compact, the 1311
Commission shall convene and review the enactment of each of the 1312
States that enacted the Compact prior to the Commission 1313
convening ("Charter Participating States") to determine if the 1314
statute enacted by each such Charter Participating State is 1315
materially different than the Model Compact. 1316

a. A Charter Participating State whose enactment is found 1317
to be materially different from the Model Compact shall be 1318
entitled to the default process set forth in Section 10.B. 1319

b. If any Participating State later withdraws from the 1320
Compact or its participation is terminated, the Commission shall 1321

remain in existence and the Compact shall remain in effect even 1322
if the number of Participating States should be less than seven. 1323
Participating States enacting the Compact subsequent to the 1324
Commission convening shall be subject to the process set forth 1325
in Section 7.C.21 to determine if their enactments are 1326
materially different from the Model Compact and whether they 1327
qualify for participation in the Compact. 1328

2. Participating States enacting the Compact subsequent to 1329
the seven initial Charter Participating States shall be subject 1330
to the process set forth in Section 7.C.21 to determine if their 1331
enactments are materially different from the Model Compact and 1332
whether they qualify for participation in the Compact. 1333

3. All actions taken for the benefit of the Commission or 1334
in furtherance of the purposes of the administration of the 1335
Compact prior to the effective date of the Compact or the 1336
Commission coming into existence shall be considered to be 1337
actions of the Commission unless specifically repudiated by the 1338
Commission. 1339

B. Any State that joins this Compact shall be subject to 1340
the Commission's Rules and bylaws as they exist on the date on 1341
which this Compact becomes law in that State. Any Rule that has 1342
been previously adopted by the Commission shall have the full 1343
force and effect of law on the day this Compact becomes law in 1344
that State. 1345

C. Any Participating State may withdraw from this Compact 1346
by enacting a statute repealing the same. 1347

1. A Participating State's withdrawal shall not take 1348
effect until one hundred eighty (180) days after enactment of 1349
the repealing statute. During this one hundred eighty (180) day- 1350

period, all Compact Privileges that were in effect in the 1351
withdrawing State and were granted to Licensees licensed in the 1352
withdrawing State shall remain in effect. If any Licensee 1353
licensed in the withdrawing State is also licensed in another 1354
Participating State or obtains a license in another 1355
Participating State within the one hundred eighty (180) days, 1356
the Licensee's Compact Privileges in other Participating States 1357
shall not be affected by the passage of the one hundred eighty 1358
(180) days. 1359

2. Withdrawal shall not affect the continuing requirement 1360
of the State Licensing Board(s) of the withdrawing State to 1361
comply with the investigative, and Adverse Action reporting 1362
requirements of this Compact prior to the effective date of 1363
withdrawal. 1364

3. Upon the enactment of a statute withdrawing a State 1365
from this Compact, the State shall immediately provide notice of 1366
such withdrawal to all Licensees within that State. Such 1367
withdrawing State shall continue to recognize all licenses 1368
granted pursuant to this Compact for a minimum of one hundred 1369
eighty (180) days after the date of such notice of withdrawal. 1370

D. Nothing contained in this Compact shall be construed to 1371
invalidate or prevent any PA licensure agreement or other 1372
cooperative arrangement between Participating States and between 1373
a Participating State and non-Participating State that does not 1374
conflict with the provisions of this Compact. 1375

E. This Compact may be amended by the Participating 1376
States. No amendment to this Compact shall become effective and 1377
binding upon any Participating State until it is enacted 1378
materially in the same manner into the laws of all Participating 1379
States as determined by the Commission. 1380

Section 12. Construction and Severability 1381

A. This Compact and the Commission's rulemaking authority 1382
shall be liberally construed so as to effectuate the purposes, 1383
and the implementation and administration of the Compact. 1384
Provisions of the Compact expressly authorizing or requiring the 1385
promulgation of Rules shall not be construed to limit the 1386
Commission's rulemaking authority solely for those purposes. 1387

B. The provisions of this Compact shall be severable and 1388
if any phrase, clause, sentence or provision of this Compact is 1389
held by a court of competent jurisdiction to be contrary to the 1390
constitution of any Participating State, a State seeking 1391
participation in the Compact, or of the United States, or the 1392
applicability thereof to any government, agency, person or 1393
circumstance is held to be unconstitutional by a court of 1394
competent jurisdiction, the validity of the remainder of this 1395
Compact and the applicability thereof to any other government, 1396
agency, person or circumstance shall not be affected thereby. 1397

C. Notwithstanding subsection B or this section, the 1398
Commission may deny a State's participation in the Compact or, 1399
in accordance with the requirements of Section 10.B, terminate a 1400
Participating State's participation in the Compact, if it 1401
determines that a constitutional requirement of a Participating 1402
State is, or would be with respect to a State seeking to 1403
participate in the Compact, a material departure from the 1404
Compact. Otherwise, if this Compact shall be held to be contrary 1405
to the constitution of any Participating State, the Compact 1406
shall remain in full force and effect as to the remaining 1407
Participating States and in full force and effect as to the 1408
Participating State affected as to all severable matters. 1409

Section 13. Binding Effect of Compact 1410

A. Nothing herein prevents the enforcement of any other 1411
law of a Participating State that is not inconsistent with this 1412
Compact. 1413

B. Any laws in a Participating State in conflict with this 1414
Compact are superseded to the extent of the conflict. 1415

C. All agreements between the Commission and the 1416
Participating States are binding in accordance with their terms. 1417

Sec. 4730.71. Not later than sixty days after the 1418
"Physician Assistant (PA) Licensure Compact" is entered into 1419
under section 4730.70 of the Revised Code, the state medical 1420
board, in accordance with Section 7 of the compact, shall select 1421
one individual to serve as the delegate to the PA licensure 1422
compact commission created under the compact. The board shall 1423
fill a vacancy in this position not later than sixty days after 1424
the vacancy occurs. 1425

Sec. 4741.13. The state veterinary medical licensing board 1426
may issue a limited license to practice veterinary medicine to a ~~nonresident~~ an individual whose sole professional capacity is 1427
with a veterinary academic institution or veterinary technology 1428
institution recognized by the board in accordance with rules the 1429
board adopts or with a government diagnostic laboratory. A 1430
person holding a limited license is authorized to engage in the 1431
practice of veterinary medicine only to the extent necessary to 1432
fulfill the person's employment or educational obligations as an 1433
instructor, researcher, diagnostician, intern, resident in a 1434
veterinary specialty, or graduate student. 1435
1436

The board may issue a limited license to a ~~nonresident~~ an 1437
applicant who submits a completed application on a form 1438
prescribed by the board, pays the applicable fee prescribed in 1439

section 4741.17 of the Revised Code, and meets the criteria 1440
established by the board. The board shall not require an 1441
individual issued a limited license under this section to obtain 1442
a license under Chapter 4796. of the Revised Code. 1443

Section 2. That existing sections 4723.61, 4723.651, 1444
4723.66, 4723.67, 4723.69, and 4741.13 of the Revised Code are 1445
hereby repealed. 1446