

House Bill 1295

By: Representatives Cooper of the 45th, Stephens of the 164th, Hawkins of the 27th, Au of the 50th, and LaHood of the 175th

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 4 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated,
2 relating to physician assistants, so as to enter into an interstate compact known as the "PA
3 Licensure Compact"; to revise provisions relating to the Georgia Composite Medical Board;
4 to revise a definition; to require criminal background checks for licensure as a physician
5 assistant in this state; to provide for a short title; to provide for the purpose of the compact;
6 to provide for definitions; to provide for participation; to provide for compact privilege; to
7 provide for designation of the state from which a licensee is applying for such compact
8 privilege; to provide for adverse actions; to provide for the establishment of a commission;
9 to provide for a data system; to provide for rulemaking powers; to provide for oversight,
10 dispute resolution, and enforcement; to provide for date of implementation, withdrawal, and
11 amendment; to provide for construction and severability; to provide for effect of the
12 compact; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

15 Article 4 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to
 16 physician assistants, is amended by revising paragraph (7) of Code Section 43-34-102,
 17 relating to definitions, as follows:

18 "(7) 'Physician assistant' means ~~a skilled person who is licensed to a supervising~~
 19 ~~physician and who is qualified by academic and practical training~~ an individual who has
 20 been duly licensed as such under this article or who holds a compact privilege issued
 21 pursuant to Code Section 43-34-111, the 'Physician Assistant Licensure Compact,' and
 22 who is authorized to provide patients' services not necessarily within the physical
 23 presence but under the personal direction or supervision of the supervising physician."

24 **SECTION 2.**

25 Said article is further amended by revising subsection (a) of Code Section 43-34-103, relating
 26 to application for licensure as a physician assistant, authorized delegated authority, and
 27 prohibited acts, as follows:

28 "(a)(1) In order to obtain licensure as a physician assistant in this state, an applicant shall
 29 have satisfactory results from a criminal background check and submit an application to
 30 the board in accordance with this subsection.

31 (2)(A) An application for licensure as a physician assistant ~~Such application~~ shall
 32 include:

33 ~~(A)(i)~~ Evidence submitted by the applicant of his or her good moral character; and
 34 ~~(B)(ii)~~ Evidence of his or her competency in a health care area related to the job
 35 description which, ~~as a~~ at minimum, shall include:

36 ~~(i)(I)~~ Evidence of satisfactory completion of a training program approved by the
 37 board. If the applicant is not a graduate of an accredited school approved by the
 38 board, he or she shall be required to receive board approved refresher training and
 39 testing; and

40 ~~(i)~~(II) Evidence that the applicant has passed the Physician Assistant National
 41 Certification Examination (PANCE) administered by the National Commission for
 42 the Certification of Physician Assistants (NCCPA), or its successor, or the National
 43 Association for the Certification of Anesthesia Assistants, (NACAA) or its
 44 successor.

45 (B) The board may issue a temporary permit to any applicant for licensure who has
 46 satisfied the provisions of ~~division (i) of this subparagraph~~ subdivision (2)(A)(ii)(I) of
 47 this subsection and who is an applicant for the next available board approved or
 48 administered examination or who has completed this examination and is awaiting the
 49 results of such examination. ~~Such~~ The temporary permit shall expire upon notification
 50 of the applicant's failure to achieve a satisfactory score on the board approved or
 51 administered examination. A physician assistant licensed pursuant to this ~~paragraph~~
 52 subparagraph shall not be authorized to perform any medical acts of any sort except as
 53 approved for utilization by a physician in a job description pursuant to subparagraph
 54 (C) of this paragraph (2) of this subsection. The board may grant an inactive licensure
 55 status to a physician assistant who is licensed pursuant to this article but who is not
 56 practicing with the supervision of a board approved primary supervising physician.

57 ~~(2)(C)~~ (C) In order to obtain approval for the utilization of a physician assistant, whether
 58 the utilization is in a private practice or through a public or private health care
 59 institution or organization, the licensed physician who will be responsible for the
 60 performance of such physician assistant shall submit an application to the board which
 61 shall include:

62 ~~(A)(i)~~ (i) Evidence that the physician assistant is licensed pursuant to paragraph (1) of
 63 this subsection;

64 ~~(B)(ii)~~ (ii) A job description meeting the requirements of paragraph (4) of Code
 65 Section 43-34-102; and

66 ~~(C)~~(iii) A fee, established by the board; provided, however, that no fee will be
67 required if the physician assistant is an employee of the state or a county government.
68 (D)(i) The board is authorized to conduct and receive national criminal background
69 checks of applicants for licensure as physician assistants by the submission of
70 fingerprints to the Federal Bureau of Investigation through the Georgia Crime
71 Information Center. An application for licensure under this article shall constitute
72 express consent and authorization for the board to perform such criminal background
73 check. The applicant shall be responsible for all fees associated with the performance
74 of such background check.
75 (ii) In order to determine an applicant's suitability for licensure as a physician
76 assistant, each applicant shall furnish the board with any and all information
77 necessary, including, but not limited to, a full set of fingerprints, to enable a criminal
78 background check to be conducted. The board shall submit the fingerprints to the
79 Georgia Crime Information Center. The Georgia Crime Information Center is
80 authorized to conduct a state criminal background check and to submit the
81 fingerprints to the Federal Bureau of Investigation for a national criminal background
82 check.
83 (iii) The Georgia Crime Information Center shall notify the board in writing of any
84 findings or the absence of any findings that result from any criminal background
85 checks. All findings received by the board shall be used by it for the exclusive
86 purpose of carrying out its responsibilities under this chapter, shall not constitute
87 public records, shall be privileged, and shall not be disclosed to any other person or
88 agency."

89 **SECTION 3.**

90 Said article is further amended by revising Code Section 43-34-108, relating to powers and
91 duties of board, as follows:

92 "43-34-108.

93 (a) In addition to the powers specifically delegated to it in this article, the board shall:

94 (1) Administer the Physician Assistant Licensure Compact contained in Code
95 Section 43-34-111 of this article;

96 (2) Have ~~have~~ the authority to perform all acts which are necessary, proper, or incidental
97 to the efficient development of the category of ~~health care~~ healthcare established by this
98 article. ~~The board shall have;~~ and

99 (3) Have the authority to promulgate rules and regulations governing the definitions of
100 delegation by physicians to qualified persons other than physician assistants of any acts,
101 duties, or functions which are permitted by law or established by custom.

102 (b) Any power vested by law in the board, but not implemented by specific provisions for
103 the exercise thereof, may be executed and carried out by the board in a reasonable manner,
104 pursuant to such rules, regulations, and procedures as the board may adopt and subject to
105 such limitations as may be provided by law."

106 **SECTION 4.**

107 Said article is further amended by adding a new Code section to read as follows:

108 "43-34-111.

109 (a) This Code section shall be known and may be cited as the 'Physician Assistant
110 Licensure Compact.'

111 (b) The 'PA Licensure Compact' is enacted into law and entered into by the State of
112 Georgia with any and all other states legally joining therein in the form substantially as
113 follows:

114 **'PA Licensure Compact**

115 **Section 1. Purpose**

116 In order to strengthen access to Medical Services, and in recognition of the advances in the
117 delivery of Medical Services, the Participating States of the PA Licensure Compact have
118 allied in common purpose to develop a comprehensive process that complements the existing
119 authority of State Licensing Boards to license and discipline PAs and seeks to enhance the
120 portability of a License to practice as a PA while safeguarding the safety of patients. This
121 Compact allows Medical Services to be provided by PAs, via the mutual recognition of the
122 Licensee's Qualifying License by other Compact Participating States. This Compact also
123 adopts the prevailing standard for PA licensure and affirms that the practice and delivery of
124 Medical Services by the PA occurs where the patient is located at the time of the patient
125 encounter, and therefore requires the PA to be under the jurisdiction of the State Licensing
126 Board where the patient is located. State Licensing Boards that participate in this Compact
127 retain the jurisdiction to impose Adverse Action against a Compact Privilege in that State
128 issued to a PA through the procedures of this Compact. The PA Licensure Compact will
129 alleviate burdens for military families by allowing active duty military personnel and their
130 spouses to obtain a Compact Privilege based on having an unrestricted License in good
131 standing from a Participating State.

132 **Section 2. Definitions**

133 In this compact:

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

139 **B. "Compact Privilege"** means the authorization granted by a Remote State to allow
140 a Licensee from another Participating State to practice as a PA to provide Medical
141 Services and other licensed activity to a patient located in the Remote State under the
142 Remote State's laws and regulations.

143 **C. "Conviction"** means a finding by a court that an individual is guilty of a felony or
144 misdemeanor offense through adjudication or entry of a plea of guilt or no contest to the
145 charge by the offender.

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

150 **E. "Data System"** means the repository of information about Licensees, including but
151 not limited to License status and Adverse Actions, which is created and administered
152 under the terms of this Compact.

153 **F. "Executive Committee"** means a group of directors and ex-officio individuals
154 elected or appointed pursuant to Section 7.F.2.

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

157 **H. "Investigative Information"** means information, records, or documents received or
158 generated by a Licensing Board pursuant to an investigation.

159 **I. "Jurisprudence Requirement"** means the assessment of an individual's knowledge
160 of the laws and Rules governing the practice of a PA in a State.

161 **J. "License"** means current authorization by a State, other than authorization pursuant
162 to a Compact Privilege, for a PA to provide Medical Services, which would be unlawful
163 without current authorization.

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

- 166 **L. "Licensing Board"** means any State entity authorized to license and otherwise
167 regulate PAs.
- 168 **M. "Medical Services"** means health care services provided for the diagnosis,
169 prevention, treatment, cure or relief of a health condition, injury, or disease, as defined
170 by a State's laws and regulations.
- 171 **N. "Model Compact"** means the model for the PA Licensure Compact on file with The
172 Council of State Governments or other entity as designated by the Commission.
- 173 **O. "Participating State"** means a State that has enacted this Compact.
- 174 **P. "PA"** means an individual who is licensed as a physician assistant in a State. For
175 purposes of this Compact, any other title or status adopted by a State to replace the term
176 "physician assistant" shall be deemed synonymous with "physician assistant" and shall
177 confer the same rights and responsibilities to the Licensee under the provisions of this
178 Compact at the time of its enactment.
- 179 **Q. "PA Licensure Compact Commission," "Compact Commission," or**
180 **"Commission"** mean the national administrative body created pursuant to Section 7.A
181 of this Compact.
- 182 **R. "Qualifying License"** means an unrestricted License issued by a Participating State
183 to provide Medical Services as a PA.
- 184 **S. "Remote State"** means a Participating State where a Licensee who is not licensed as
185 a PA is exercising or seeking to exercise the Compact Privilege.
- 186 **T. "Rule"** means a regulation promulgated by an entity that has the force and effect of
187 law.
- 188 **U. "Significant Investigative Information"** means Investigative Information that a
189 Licensing Board, after an inquiry or investigation that includes notification and an
190 opportunity for the PA to respond if required by State law, has reason to believe is not
191 groundless and, if proven true, would indicate more than a minor infraction.
- 192 **V. "State"** means any state, commonwealth, district, or territory of the United States.

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

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

- 195 1. License PAs.
 - 196 2. Participate in the Compact Commission's Data System.
 - 197 3. Have a mechanism in place for receiving and investigating complaints against
198 Licensees and License applicants.
 - 199 4. Notify the Commission, in compliance with the terms of this Compact and
200 Commission Rules, of any Adverse Action against a Licensee or License applicant and
201 the existence of Significant Investigative Information regarding a Licensee or License
202 applicant.
 - 203 5. Fully implement a Criminal Background Check requirement, within a time frame
204 established by Commission Rule, by its Licensing Board receiving the results of a
205 Criminal Background Check and reporting to the Commission whether the License
206 applicant has been granted a License.
 - 207 6. Comply with the Rules of the Compact Commission.
 - 208 7. Utilize passage of a recognized national exam such as the NCCPA PANCE as a
209 requirement for PA licensure.
 - 210 8. Grant the Compact Privilege to a holder of a Qualifying License in a Participating
211 State.
- 212 B. Nothing in this Compact prohibits a Participating State from charging a fee for granting
213 the Compact Privilege.

214 **Section 4. Compact Privilege**

215 A. To exercise the Compact Privilege, a Licensee must:

- 216 1. Have graduated from a PA program accredited by the Accreditation Review
217 Commission on Education for the Physician Assistant, Inc. or other programs authorized
218 by Commission Rule.

- 219 2. Hold current NCCPA certification.
 - 220 3. Have no felony or misdemeanor Conviction.
 - 221 4. Have never had a controlled substance license, permit, or registration suspended or
222 revoked by a State or by the United States Drug Enforcement Administration.
 - 223 5. Have a unique identifier as determined by Commission Rule.
 - 224 6. Hold a Qualifying License.
 - 225 7. Have had no revocation of a License or limitation or restriction on any License
226 currently held due to an adverse action.
 - 227 8. If a Licensee has had a limitation or restriction on a License or Compact Privilege due
228 to an Adverse Action, two years must have elapsed from the date on which the License
229 or Compact Privilege is no longer limited or restricted due to the Adverse Action.
 - 230 9. If a Compact Privilege has been revoked or is limited or restricted in a Participating
231 State for conduct that would not be a basis for disciplinary action in a Participating State
232 in which the Licensee is practicing or applying to practice under a Compact Privilege,
233 that Participating State shall have the discretion not to consider such action as an Adverse
234 Action requiring the denial or removal of a Compact Privilege in that State.
 - 235 10. Notify the Compact Commission that the Licensee is seeking the Compact Privilege
236 in a Remote State.
 - 237 11. Meet any Jurisprudence Requirement of a Remote State in which the Licensee is
238 seeking to practice under the Compact Privilege and pay any fees applicable to satisfying
239 the Jurisprudence Requirement.
 - 240 12. Report to the Commission any Adverse Action taken by a non-participating State
241 within thirty (30) days after the action is taken.
- 242 B. The Compact Privilege is valid until the expiration or revocation of the Qualifying
243 License unless terminated pursuant to an Adverse Action. The Licensee must also comply
244 with all of the requirements of Subsection A above to maintain the Compact Privilege in
245 a Remote State. If the Participating State takes Adverse Action against a Qualifying

246 License, the Licensee shall lose the Compact Privilege in any Remote State in which the
247 Licensee has a Compact Privilege until all of the following occur:

- 248 1. The License is no longer limited or restricted; and
- 249 2. Two (2) years have elapsed from the date on which the License is no longer limited
250 or restricted due to the Adverse Action.

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

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

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

259 A. Upon a Licensee's application for a Compact Privilege, the Licensee shall identify to
260 the Commission the Participating State from which the Licensee is applying, in accordance
261 with applicable Rules adopted by the Commission, and subject to the following
262 requirements:

- 263 1. When applying for a Compact Privilege, the Licensee shall provide the Commission
264 with the address of the Licensee's primary residence and thereafter shall immediately
265 report to the Commission any change in the address of the Licensee's primary residence.

- 266 2. When applying for a Compact Privilege, the Licensee is required to consent to accept
267 service of process by mail at the Licensee's primary residence on file with the
268 Commission with respect to any action brought against the Licensee by the Commission
269 or a Participating State, including a subpoena, with respect to any action brought or
270 investigation conducted by the Commission or a Participating State.

271 **Section 6. Adverse Actions**

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

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

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

279 2. Issue subpoenas for both hearings and investigations that require the attendance and
280 testimony of witnesses as well as the production of evidence. Subpoenas issued by a
281 Licensing Board in a Participating State for the attendance and testimony of witnesses or
282 the production of evidence from another Participating State shall be enforced in the latter
283 State by any court of competent jurisdiction, according to the practice and procedure of
284 that court applicable to subpoenas issued in proceedings pending before it. The issuing
285 authority shall pay any witness fees, travel expenses, mileage and other fees required by
286 the service statutes of the State in which the witnesses or evidence are located.

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

291 4. Nothing in this Compact authorizes a Participating State to impose discipline against
292 a PA's Compact Privilege or to deny an application for a Compact Privilege in that
293 Participating State for the individual's otherwise lawful practice in another State.

294 C. For purposes of taking Adverse Action, the Participating State which issued the
295 Qualifying License shall give the same priority and effect to reported conduct received
296 from any other Participating State as it would if the conduct had occurred within the

297 Participating State which issued the Qualifying License. In so doing, that Participating
298 State shall apply its own State laws to determine appropriate action.

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

302 E. A Participating State may take Adverse Action based on the factual findings of a
303 Remote State, provided that the Participating State follows its own procedures for taking
304 the Adverse Action.

305 F. Joint Investigations

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

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

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

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

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

320 A. The Participating States hereby create and establish a joint government agency and
321 national administrative body known as the PA Licensure Compact Commission. The
322 Commission is an instrumentality of the Compact States acting jointly and not an

323 instrumentality of any one State. The Commission shall come into existence on or after the
324 effective date of the Compact as set forth in Section 11.A.

325 B. Membership, Voting, and Meetings

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

329 2. The delegate shall be either:

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

332 b. An administrator of a Licensing Board.

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

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

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

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

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

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

346 1. Establish a code of ethics for the Commission;

347 2. Establish the fiscal year of the Commission;

348 3. Establish fees;

349 4. Establish bylaws;

- 350 5. Maintain its financial records in accordance with the bylaws;
- 351 6. Meet and take such actions as are consistent with the provisions of this Compact and
352 the bylaws;
- 353 7. Promulgate Rules to facilitate and coordinate implementation and administration of
354 this Compact. The Rules shall have the force and effect of law and shall be binding in
355 all Participating States;
- 356 8. Bring and prosecute legal proceedings or actions in the name of the Commission,
357 provided that the standing of any State Licensing Board to sue or be sued under
358 applicable law shall not be affected;
- 359 9. Purchase and maintain insurance and bonds;
- 360 10. Borrow, accept, or contract for services of personnel, including, but not limited to,
361 employees of a Participating State;
- 362 11. Hire employees and engage contractors, elect or appoint officers, fix compensation,
363 define duties, grant such individuals appropriate authority to carry out the purposes of this
364 Compact, and establish the Commission's personnel policies and programs relating to
365 conflicts of interest, qualifications of personnel, and other related personnel matters;
- 366 12. Accept any and all appropriate donations and grants of money, equipment, supplies,
367 materials and services, and receive, utilize and dispose of the same; provided that at all
368 times the Commission shall avoid any appearance of impropriety or conflict of interest;
- 369 13. Lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold,
370 improve or use, any property, real, personal or mixed; provided that at all times the
371 Commission shall avoid any appearance of impropriety;
- 372 14. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of
373 any property real, personal, or mixed;
- 374 15. Establish a budget and make expenditures;
- 375 16. Borrow money;

- 376 17. Appoint committees, including standing committees composed of members, State
377 regulators, State legislators or their representatives, and consumer representatives, and
378 such other interested persons as may be designated in this Compact and the bylaws;
- 379 18. Provide and receive information from, and cooperate with, law enforcement
380 agencies;
- 381 19. Elect a Chair, Vice Chair, Secretary and Treasurer and such other officers of the
382 Commission as provided in the Commission's bylaws.
- 383 20. Reserve for itself, in addition to those reserved exclusively to the Commission under
384 the Compact, powers that the Executive Committee may not exercise;
- 385 21. Approve or disapprove a State's participation in the Compact based upon its
386 determination as to whether the State's Compact legislation departs in a material manner
387 from the Model Compact language;
- 388 22. Prepare and provide to the Participating States an annual report; and
- 389 23. Perform such other functions as may be necessary or appropriate to achieve the
390 purposes of this Compact consistent with the State regulation of PA licensure and
391 practice.

392 D. Meetings of the Commission

- 393 1. All meetings of the Commission that are not closed pursuant to this subsection shall
394 be open to the public. Notice of public meetings shall be posted on the Commission's
395 website at least thirty (30) days prior to the public meeting.
- 396 2. Notwithstanding subsection D.1 of this section, the Commission may convene a public
397 meeting by providing at least twenty-four (24) hours prior notice on the Commission's
398 website, and any other means as provided in the Commission's Rules, for any of the
399 reasons it may dispense with notice of proposed rulemaking under Section 9.L.
- 400 3. The Commission may convene in a closed, non-public meeting or non-public part of
401 a public meeting to receive legal advice or to discuss:
- 402 a. Non-compliance of a Participating State with its obligations under this Compact;

- 403 b. The employment, compensation, discipline or other matters, practices or procedures
404 related to specific employees or other matters related to the Commission's internal
405 personnel practices and procedures;
- 406 c. Current, threatened, or reasonably anticipated litigation;
- 407 d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real
408 estate;
- 409 e. Accusing any person of a crime or formally censuring any person;
- 410 f. Disclosure of trade secrets or commercial or financial information that is privileged
411 or confidential;
- 412 g. Disclosure of information of a personal nature where disclosure would constitute a
413 clearly unwarranted invasion of personal privacy;
- 414 h. Disclosure of investigative records compiled for law enforcement purposes;
- 415 I. Disclosure of information related to any investigative reports prepared by or on
416 behalf of or for use of the Commission or other committee charged with responsibility
417 of investigation or determination of compliance issues pursuant to this Compact;
- 418 j. Legal advice; or
- 419 k. Matters specifically exempted from disclosure by federal or Participating States'
420 statutes.
- 421 4. If a meeting, or portion of a meeting, is closed pursuant to this provision, the chair of
422 the meeting or the chair's designee shall certify that the meeting or portion of the meeting
423 may be closed and shall reference each relevant exempting provision.
- 424 5. The Commission shall keep minutes that fully and clearly describe all matters
425 discussed in a meeting and shall provide a full and accurate summary of actions taken,
426 including a description of the views expressed. All documents considered in connection
427 with an action shall be identified in such minutes. All minutes and documents of a closed
428 meeting shall remain under seal, subject to release by a majority vote of the Commission
429 or order of a court of competent jurisdiction.

430 E. Financing of the Commission

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

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

435 3. The Commission may levy on and collect an annual assessment from each
436 Participating State and may impose Compact Privilege fees on Licensees of Participating
437 States to whom a Compact Privilege is granted to cover the cost of the operations and
438 activities of the Commission and its staff, which must be in a total amount sufficient to
439 cover its annual budget as approved by the Commission each year for which revenue is
440 not provided by other sources. The aggregate annual assessment amount levied on
441 Participating States shall be allocated based upon a formula to be determined by
442 Commission Rule.

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

445 b. If the Licensee terminates the Qualifying License through which the Licensee
446 applied for the Compact Privilege before its scheduled expiration, and the Licensee has
447 a Qualifying License in another Participating State, the Licensee shall inform the
448 Commission that it is changing to that Participating State the Participating State through
449 which it applies for a Compact Privilege and pay to the Commission any Compact
450 Privilege fee required by Commission Rule.

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

454 5. The Commission shall keep accurate accounts of all receipts and disbursements. The
455 receipts and disbursements of the Commission shall be subject to the financial review and
456 accounting procedures established under its bylaws. All receipts and disbursements of

457 funds handled by the Commission shall be subject to an annual financial review by a
458 certified or licensed public accountant, and the report of the financial review shall be
459 included in and become part of the annual report of the Commission.

460 F. The Executive Committee

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

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

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

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

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

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

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

473 5. The Executive Committee shall meet at least annually.

474 6. The Executive Committee shall have the following duties and responsibilities:

475 a. Recommend to the Commission changes to the Commission's Rules or bylaws,
476 changes to this Compact legislation, fees to be paid by Compact Participating States
477 such as annual dues, and any Commission Compact fee charged to Licensees for the
478 Compact Privilege;

479 b. Ensure Compact administration services are appropriately provided, contractual or
480 otherwise;

481 c. Prepare and recommend the budget;

482 d. Maintain financial records on behalf of the Commission;

- 483 e. Monitor Compact compliance of Participating States and provide compliance reports
484 to the Commission;
- 485 f. Establish additional committees as necessary;
- 486 g. Exercise the powers and duties of the Commission during the interim between
487 Commission meetings, except for issuing proposed rulemaking or adopting
488 Commission Rules or bylaws, or exercising any other powers and duties exclusively
489 reserved to the Commission by the Commission's Rules; and
- 490 h. Perform other duties as provided in the Commission's Rules or bylaws.
- 491 7. All meeting of the Executive Committee at which it votes or plans to vote on matters
492 in exercising the powers and duties of the Commission shall be open to the public and
493 public notice of such meetings shall be given as public meetings of the Commission are
494 given.
- 495 8. The Executive Committee may convene in a closed, non-public meeting for the same
496 reasons that the Commission may convene in a non-public meeting as set forth in
497 Section 7.D.3 and shall announce the closed meeting as the Commission is required to
498 under Section 7.D.4 and keep minutes of the closed meeting as the Commission is
499 required to under Section 7.D.5.
- 500 G. Qualified Immunity, Defense, and Indemnification
- 501 1. The members, officers, executive director, employees and representatives of the
502 Commission shall be immune from suit and liability, both personally and in their official
503 capacity, for any claim for damage to or loss of property or personal injury or other civil
504 liability caused by or arising out of any actual or alleged act, error, or omission that
505 occurred, or that the person against whom the claim is made had a reasonable basis for
506 believing occurred within the scope of Commission employment, duties or
507 responsibilities; provided that nothing in this paragraph shall be construed to protect any
508 such person from suit or liability for any damage, loss, injury, or liability caused by the
509 intentional or willful or wanton misconduct of that person. The procurement of insurance

510 of any type by the Commission shall not in any way compromise or limit the immunity
511 granted hereunder.

512 2. The Commission shall defend any member, officer, executive director, employee, and
513 representative of the Commission in any civil action seeking to impose liability arising
514 out of any actual or alleged act, error, or omission that occurred within the scope of
515 Commission employment, duties, or responsibilities, or as determined by the commission
516 that the person against whom the claim is made had a reasonable basis for believing
517 occurred within the scope of Commission employment, duties, or responsibilities;
518 provided that nothing herein shall be construed to prohibit that person from retaining their
519 own counsel at their own expense; and provided further, that the actual or alleged act,
520 error, or omission did not result from that person's intentional or willful or wanton
521 misconduct.

522 3. The Commission shall indemnify and hold harmless any member, officer, executive
523 director, employee, and representative of the Commission for the amount of any
524 settlement or judgment obtained against that person arising out of any actual or alleged
525 act, error, or omission that occurred within the scope of Commission employment, duties,
526 or responsibilities, or that such person had a reasonable basis for believing occurred
527 within the scope of Commission employment, duties, or responsibilities, provided that
528 the actual or alleged act, error, or omission did not result from the intentional or willful
529 or wanton misconduct of that person.

530 4. Venue is proper and judicial proceedings by or against the Commission shall be
531 brought solely and exclusively in a court of competent jurisdiction where the principal
532 office of the Commission is located. The Commission may waive venue and
533 jurisdictional defenses in any proceedings as authorized by Commission Rules.

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

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

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

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

547 **Section 8. Data System**

548 A. The Commission shall provide for the development, maintenance, operation, and
549 utilization of a coordinated data and reporting system containing licensure, Adverse Action,
550 and the reporting of the existence of Significant Investigative Information on all licensed
551 PAs and applicants denied a License in Participating States.

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

- 555 1. Identifying information;
- 556 2. Licensure data;
- 557 3. Adverse Actions against a License or Compact Privilege;
- 558 4. Any denial of application for licensure, and the reason(s) for such denial (excluding
559 the reporting of any Criminal history record information where prohibited by law);
- 560 5. The existence of Significant Investigative Information; and
- 561 6. Other information that may facilitate the administration of this Compact, as
562 determined by the Rules of the Commission.

563 C. Significant Investigative Information pertaining to a Licensee in any Participating State
564 shall only be available to other Participating States.

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

568 E. Participating States contributing information to the Data System may, in accordance
569 with State or federal law, designate information that may not be shared with the public
570 without the express permission of the contributing State. Notwithstanding any such
571 designation, such information shall be reported to the Commission through the Data
572 System.

573 F. Any information submitted to the Data System that is subsequently expunged pursuant
574 to federal law or the laws of the Participating State contributing the information shall be
575 removed from the Data System upon reporting of such by the Participating State to the
576 Commission.

577 G. The records and information provided to a Participating State pursuant to this Compact
578 or through the Data System, when certified by the Commission or an agent thereof, shall
579 constitute the authenticated business records of the Commission, and shall be entitled to
580 any associated hearsay exception in any relevant judicial, quasi-judicial or administrative
581 proceedings in a Participating State.

582 **Section 9. Rulemaking**

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

586 B. The Commission shall promulgate reasonable Rules in order to effectively and
587 efficiently implement and administer this Compact and achieve its purposes. A
588 Commission Rule shall be invalid and have not force or effect only if a court of competent

589 jurisdiction holds that the Rule is invalid because the Commission exercised its rulemaking
590 authority in a manner that is beyond the scope of the purposes of this Compact, or the
591 powers granted hereunder, or based upon another applicable standard of review.

592 C. The Rules of the Commission shall have the force of law in each Participating State,
593 provided however that where the Rules of the Commission conflict with the laws of the
594 Participating State that establish the medical services a PA may perform in the Participating
595 State, as held by a court of competent jurisdiction, the Rules of the Commission shall be
596 ineffective in that State to the extent of the conflict.

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

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

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

- 606 1. On the website of the Commission or other publicly accessible platform; and
- 607 2. To persons who have requested notice of the Commission's notices of proposed
608 rulemaking, and
- 609 3. In such other way(s) as the Commission may by Rule specify.

610 G. The Notice of Proposed Rulemaking shall include:

- 611 1. The time, date, and location of the public hearing on the proposed Rule and the
612 proposed time, date and location of the meeting in which the proposed Rule will be
613 considered and voted upon;
- 614 2. The text of the proposed Rule and the reason for the proposed Rule;

- 615 3. A request for comments on the proposed Rule from any interested person and the date
616 by which written comments must be received; and
- 617 4. The manner in which interested persons may submit notice to the Commission of their
618 intention to attend the public hearing or provide any written comments.
- 619 H. Prior to adoption of a proposed Rule, the Commission shall allow persons to submit
620 written data, facts, opinions, and arguments, which shall be made available to the public.
- 621 I. If the hearing is to be held via electronic means, the Commission shall publish the
622 mechanism for access to the electronic hearing.
- 623 1. All persons wishing to be heard at the hearing shall as directed in the Notice of
624 Proposed Rulemaking, not less than five (5) business days before the scheduled date of
625 the hearing, notify the Commission of their desire to appear and testify at the hearing.
- 626 2. Hearings shall be conducted in a manner providing each person who wishes to
627 comment a fair and reasonable opportunity to comment orally or in writing.
- 628 3. All hearings shall be recorded. A copy of the recording and the written comments,
629 data, facts, opinions, and arguments received in response to the proposed rulemaking
630 shall be made available to a person upon request.
- 631 4. Nothing in this section shall be construed as requiring a separate hearing on each
632 proposed Rule. Proposed Rules may be grouped for the convenience of the Commission
633 at hearings required by this section.
- 634 J. Following the public hearing the Commission shall consider all written and oral
635 comments timely received.
- 636 K. The Commission shall, by majority vote of all delegates, take final action on the
637 proposed Rule and shall determine the effective date of the Rule, if adopted, based on the
638 Rulemaking record and the full text of the Rule.
- 639 1. If adopted, the Rule shall be posted on the Commission's website.
- 640 2. The Commission may adopt changes to the proposed Rule provided the changes do
641 not enlarge the original purpose of the proposed Rule.

642 3. The Commission shall provide on its website an explanation of the reasons for
643 substantive changes made to the proposed Rule as well as reasons for substantive changes
644 not made that were recommended by commenters.

645 4. The Commission shall determine a reasonable effective date for the Rule. Except for
646 an emergency as provided in subsection L, the effective date of the Rule shall be no
647 sooner than thirty (30) days after the Commission issued the notice that it adopted the
648 Rule.

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

- 656 1. Meet an imminent threat to public health, safety, or welfare;
- 657 2. Prevent a loss of Commission or Participating State funds;
- 658 3. Meet a deadline for the promulgation of a Commission Rule that is established by
659 federal law or Rule; or
- 660 4. Protect public health and safety.

661 M. The Commission or an authorized committee of the Commission may direct revisions
662 to a previously adopted Commission Rule for purposes of correcting typographical errors,
663 errors in format, errors in consistency, or grammatical errors. Public notice of any
664 revisions shall be posted on the website of the Commission. The revision shall be subject
665 to challenge by any person for a period of thirty (30) days after posting. The revision may
666 be challenged only on grounds that the revision results in a material change to a Rule. A
667 challenge shall be made as set forth in the notice of revisions and delivered to the
668 Commission prior to the end of the notice period. If no challenge is made, the revision will

669 take effect without further action. If the revision is challenged, the revision may not take
670 effect without the approval of the Commission.

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

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

673 A. Oversight

674 1. The executive and judicial branches of State government in each Participating State
675 shall enforce this Compact and take all actions necessary and appropriate to implement
676 the Compact.

677 2. Venue is proper and judicial proceedings by or against the Commission shall be
678 brought solely and exclusively in a court of competent jurisdiction where the principal
679 office of the Commission is located. The Commission may waive venue and
680 jurisdictional defenses to the extent it adopts or consents to participate in alternative
681 dispute resolution proceedings. Nothing herein shall affect or limit the selection or
682 propriety of venue in any action against a licensee for professional malpractice,
683 misconduct or any such similar matter.

684 3. The Commission shall be entitled to receive service of process in any proceeding
685 regarding the enforcement or interpretation of the Compact or the Commission's Rules
686 and shall have standing to intervene in such a proceeding for all purposes. Failure to
687 provide the Commission with service of process shall render a judgment or order in such
688 proceeding void as to the Commission, this Compact, or Commission Rules.

689 B. Default, Technical Assistance, and Termination

690 1. If the Commission determines that a Participating State has defaulted in the
691 performance of its obligations or responsibilities under this Compact or the Commission
692 Rules, the Commission shall provide written notice to the defaulting State and other
693 Participating States. The notice shall describe the default, the proposed means of curing

694 the default and any other action that the Commission may take and shall offer remedial
695 training and specific technical assistance regarding the default.

696 2. If a State in default fails to cure the default, the defaulting State may be terminated
697 from this Compact upon an affirmative vote of a majority of the delegates of the
698 Participating States, and all rights, privileges and benefits conferred by this Compact
699 upon such State may be terminated on the effective date of termination. A cure of the
700 default does not relieve the offending State of obligations or liabilities incurred during
701 the period of default.

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

707 4. A State that has been terminated is responsible for all assessments, obligations, and
708 liabilities incurred through the effective date of termination, including obligations that
709 extend beyond the effective date of termination.

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

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

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

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

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

727 C. Dispute Resolution

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

731 2. The Commission shall promulgate a Rule providing for both mediation and binding
732 dispute resolution for disputes as appropriate.

733 D. Enforcement

734 1. The Commission, in the reasonable exercise of its discretion, shall enforce the
735 provisions of this Compact and Rules of the Commission.

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

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

746 E. Legal Action Against the Commission

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

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

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

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

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

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

765 b. If any Participating State later withdraws from the Compact or its participation is
766 terminated, the Commission shall remain in existence and the Compact shall remain in
767 effect even if the number of Participating States should be less than seven.
768 Participating States enacting the Compact subsequent to the Commission convening
769 shall be subject to the process set forth in Section 7.C.21 to determine if their
770 enactments are materially different from the Model Compact and whether they qualify
771 for participation in the Compact.

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

776 3. All actions taken for the benefit of the Commission or in furtherance of the purposes
777 of the administration of the Compact prior to the effective date of the Compact or the
778 Commission coming into existence shall be considered to be actions of the Commission
779 unless specifically repudiated by the Commission.

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

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

786 1. A Participating State's withdrawal shall not take effect until one hundred eighty (180)
787 days after enactment of the repealing statute. During this one hundred eighty (180)
788 day-period, all Compact Privileges that were in effect in the withdrawing State and were
789 granted to Licensees licensed in the withdrawing State shall remain in effect. If any
790 Licensee licensed in the withdrawing State is also licensed in another Participating State
791 or obtains a license in another Participating State within the one hundred eighty (180)
792 days, the Licensee's Compact Privileges in other Participating States shall not be affected
793 by the passage of the one hundred eighty (180) days.

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

797 3. Upon the enactment of a statute withdrawing a State from this Compact, the State shall
798 immediately provide notice of such withdrawal to all Licensees within that State. Such

799 withdrawing State shall continue to recognize all licenses granted pursuant to this
800 Compact for a minimum of one hundred eighty (180) days after the date of such notice
801 of withdrawal.

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

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

810 **Section 12. Construction and Severability**

811 A. This Compact and the Commission's rulemaking authority shall be liberally construed
812 so as to effectuate the purposes, and the implementation and administration of the
813 Compact. Provisions of the Compact expressly authorizing or requiring the promulgation
814 of Rules shall not be construed to limit the Commission's rulemaking authority solely for
815 those purposes.

816 B. The provisions of this Compact shall be severable and if any phrase, clause, sentence
817 or provision of this Compact is held by a court of competent jurisdiction to be contrary to
818 the constitution of any Participating State, a State seeking participation in the Compact, or
819 of the United States, or the applicability thereof to any government, agency, person or
820 circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity
821 of the remainder of this Compact and the applicability thereof to any other government,
822 agency, person or circumstance shall not be affected thereby.

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

825 terminate a Participating State's participation in the Compact, if it determines that a
826 constitutional requirement of a Participating State is, or would be with respect to a State
827 seeking to participate in the Compact, a material departure from the Compact. Otherwise,
828 if this Compact shall be held to be contrary to the constitution of any Participating State,
829 the Compact shall remain in full force and effect as to the remaining Participating States
830 and in full force and effect as to the Participating State affected as to all severable matters.

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

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

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

836 C. All agreements between the Commission and the Participating States are binding in
837 accordance with their terms."

838 **SECTION 5.**

839 All laws and parts of laws in conflict with this Act are repealed.