

1 ENGROSSED HOUSE
2 BILL NO. 3781

By: Duel of the House

and

Pugh of the Senate

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6 An Act relating to physician assistants; creating the
7 PA Licensure Compact; stating purpose; defining
8 terms; providing requirements for state participation
9 in the Compact; providing for Compact privilege;
10 providing for state designation; providing for
11 adverse actions; establishing the PA Licensure
12 Compact Commission; providing for data and reporting
13 system; providing for rulemaking; providing for
14 oversight, dispute resolution, and enforcement;
15 providing for implementation of the Commission;
16 providing for construction and severability;
17 providing for binding effect of Compact; providing
18 for codification; and providing an effective date.

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BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 545.1 of Title 59, unless there
is created a duplication in numbering, reads as follows:

In order to strengthen access to medical services and in
recognition of the advances in the delivery of medical services, the
participating states of the PA Licensure Compact have allied in
common purpose to develop a comprehensive process that complements
the existing authority of state licensing boards to license and

1 discipline physician assistants, or PAs, and seeks to enhance the
2 portability of a license to practice as a PA while safeguarding the
3 safety of patients. The Compact allows medical services to be
4 provided by PAs via the mutual recognition of the licensee's
5 qualifying license by other Compact participating states. The
6 Compact also adopts the prevailing standard for PA licensure and
7 affirms that the practice and delivery of medical services by the PA
8 occurs where the patient is located at the time of the patient
9 encounter and therefore requires the PA to be under the jurisdiction
10 of the state licensing board where the patient is located. State
11 licensing boards that participate in the Compact retain the
12 jurisdiction to impose adverse action against a Compact privilege in
13 that state issued to a PA through the procedures of the Compact.
14 The PA Licensure Compact will alleviate burdens for military
15 families by allowing active duty military personnel and their
16 spouses to obtain a Compact privilege based on having an
17 unrestricted license in good standing from a participating state.

18 SECTION 2. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 545.2 of Title 59, unless there
20 is created a duplication in numbering, reads as follows:

21 As used in the Compact:

22 1. "Adverse action" means any administrative, civil, equitable,
23 or criminal action permitted by a state's laws which is imposed by a
24 licensing board or other authority against a PA license or license

1 application or Compact privilege such as license denial, censure,
2 revocation, suspension, probation, monitoring of the licensee, or
3 restriction on the licensee's practice;

4 2. "Compact privilege" means the authorization granted by a
5 remote state to allow a licensee from another participating state to
6 practice as a PA to provide medical services and other licensed
7 activity to a patient located in the remote state under the remote
8 state's laws and regulations;

9 3. "Conviction" means a finding by a court that an individual
10 is guilty of a felony or misdemeanor offense through adjudication or
11 entry of a plea of guilt or no contest to the charge by the
12 offender;

13 4. "Criminal background check" means the submission of
14 fingerprints or other biometric-based information for a license
15 applicant for the purpose of obtaining that applicant's criminal
16 history record information, as defined in 28 C.F.R., Section
17 20.3(d), from the state's criminal history record repository as
18 defined in 28 C.F.R., Section 20.3(f);

19 5. "Data system" means the repository of information about
20 licensees, including, but not limited to, license status and adverse
21 actions, which is created and administered under the terms of the
22 Compact;

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1 6. "Executive committee" means a group of directors and ex
2 officio individuals elected or appointed pursuant to paragraph 2 of
3 subsection F of Section 7 of this Compact;

4 7. "Impaired practitioner" means a PA whose practice is
5 adversely affected by health-related conditions that impact his or
6 her ability to practice;

7 8. "Investigative information" means information, records, or
8 documents received or generated by a licensing board pursuant to an
9 investigation;

10 9. "Jurisprudence requirement" means the assessment of an
11 individual's knowledge of the laws and rules governing the practice
12 of a PA in a state;

13 10. "License" means current authorization by a state, other
14 than authorization pursuant to a Compact privilege, for a PA to
15 provide medical services, which would be unlawful without current
16 authorization;

17 11. "Licensee" means an individual who holds a license from a
18 state to provide medical services as a PA;

19 12. "Licensing board" means any state entity authorized to
20 license and otherwise regulate PAs;

21 13. "Medical services" means health care services provided for
22 the diagnosis, prevention, treatment, cure, or relief of a health
23 condition, injury, or disease, as defined by a state's laws and
24 regulations;

1 14. "Model Compact" means the model for the PA Licensure
2 Compact on file with The Council of State Governments or other
3 entity as designated by the Commission;

4 15. "Participating state" means a state that has enacted the
5 Compact;

6 16. "PA" means an individual who is licensed as a physician
7 assistant in a state. For purposes of the Compact, any other title
8 or status adopted by a state to replace the term "physician
9 assistant" shall be deemed synonymous with "physician assistant" and
10 shall confer the same rights and responsibilities to the licensee
11 under the provisions of the Compact at the time of its enactment;

12 17. "PA Licensure Compact Commission", "Compact Commission", or
13 "Commission" means the national administrative body created pursuant
14 to subsection A of Section 7 of this Compact;

15 18. "Qualifying license" means an unrestricted license issued
16 by a participating state to provide medical services as a PA;

17 19. "Remote state" means a participating state where a licensee
18 who is not licensed as a PA is exercising or seeking to exercise the
19 Compact privilege;

20 20. "Rule" means a regulation promulgated by an entity that has
21 the force and effect of law;

22 21. "Significant investigative information" means investigative
23 information that a licensing board, after an inquiry or
24 investigation that includes notification and an opportunity for the

1 PA to respond if required by state law, has reason to believe is not
2 groundless and, if proven true, would indicate more than a minor
3 infraction; and

4 22. "State" means any state, commonwealth, district, or
5 territory of the United States.

6 SECTION 3. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 545.3 of Title 59, unless there
8 is created a duplication in numbering, reads as follows:

9 A. To participate in the Compact, a participating state shall:

10 1. License PAs;

11 2. Participate in the Compact Commission's data system;

12 3. Have a mechanism in place for receiving and investigating
13 complaints against licensees and license applicants;

14 4. Notify the Commission, in compliance with the terms of the
15 Compact and Commission rules, of any adverse action against a
16 licensee or license applicant and the existence of significant
17 investigative information regarding a licensee or license applicant;

18 5. Fully implement a criminal background check requirement
19 within a time frame established by Commission rule, by its licensing
20 board receiving the results of a criminal background check, and
21 reporting to the Commission whether the license applicant has been
22 granted a license;

23 6. Comply with the rules of the Compact Commission;

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1 7. Utilize passage of a recognized national exam such as the
2 NCCPA PANCE as a requirement for PA licensure; and

3 8. Grant the Compact privilege to a holder of a qualifying
4 license in a participating state.

5 B. Nothing in the Compact prohibits a participating state from
6 charging a fee for granting the Compact privilege.

7 SECTION 4. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 545.4 of Title 59, unless there
9 is created a duplication in numbering, reads as follows:

10 A. To exercise the Compact privilege, a licensee shall:

11 1. Have graduated from a PA program accredited by the
12 Accreditation Review Commission on Education for the Physician

13 Assistant, Inc., or other programs authorized by Commission rule;

14 2. Hold current NCCPA certification;

15 3. Have no felony or misdemeanor conviction;

16 4. Have never had a controlled substance license, permit, or
17 registration suspended or revoked by a state or by the United States

18 Drug Enforcement Administration;

19 5. Have a unique identifier as determined by Commission rule;

20 6. Hold a qualifying license;

21 7. Have had no revocation of a license or limitation or
22 restriction on any license currently held due to an adverse action;

23 8. If a licensee has had a limitation or restriction on a
24 license or Compact privilege due to an adverse action, two (2) years

1 must have elapsed from the date on which the license or Compact
2 privilege is no longer limited or restricted due to the adverse
3 action;

4 9. If a Compact privilege has been revoked or is limited or
5 restricted in a participating state for conduct that would not be a
6 basis for disciplinary action in a participating state in which the
7 licensee is practicing or applying to practice under a Compact
8 privilege, that participating state shall have the discretion not to
9 consider such action as an adverse action requiring the denial or
10 removal of a Compact privilege in that state;

11 10. Notify the Compact Commission that the licensee is seeking
12 the Compact privilege in a remote state;

13 11. Meet any jurisprudence requirement of a remote state in
14 which the licensee is seeking to practice under the Compact
15 privilege and pay any fees applicable to satisfying the
16 jurisprudence requirement; and

17 12. Report to the Commission any adverse action taken by a
18 nonparticipating state within thirty (30) days after the action is
19 taken.

20 B. The Compact privilege is valid until the expiration or
21 revocation of the qualifying license unless terminated pursuant to
22 an adverse action. The licensee must also comply with all of the
23 requirements of subsection A of this section to maintain the Compact
24 privilege in a remote state. If the participating state takes

1 adverse action against a qualifying license, the licensee shall lose
2 the Compact privilege in any remote state in which the licensee has
3 a Compact privilege until all of the following occur:

- 4 1. The license is no longer limited or restricted; and
- 5 2. Two (2) years have elapsed from the date on which the
6 license is no longer limited or restricted due to the adverse
7 action.

8 C. Once a restricted or limited license satisfies the
9 requirements of paragraphs 1 and 2 of subsection B of this section,
10 the licensee must meet the requirements of subsection A of this
11 section to obtain a Compact privilege in any remote state.

12 D. For each remote state in which a PA seeks authority to
13 prescribe controlled substances, the PA shall satisfy all
14 requirements imposed by such state in granting or renewing such
15 authority.

16 SECTION 5. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 545.5 of Title 59, unless there
18 is created a duplication in numbering, reads as follows:

19 Upon a licensee's application for a Compact privilege, the
20 licensee shall identify to the Commission the participating state
21 from which the licensee is applying, in accordance with applicable
22 rules adopted by the Commission, and subject to the following
23 requirements:

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1 1. When applying for a Compact privilege, the licensee shall
2 provide the Commission with the address of the licensee's primary
3 residence and thereafter shall immediately report to the Commission
4 any change in the address of the licensee's primary residence; and

5 2. When applying for a Compact privilege, the licensee is
6 required to consent to accept service of process by mail at the
7 licensee's primary residence on file with the Commission with
8 respect to any action brought against the licensee by the Commission
9 or a participating state, including a subpoena, with respect to any
10 action brought or investigation conducted by the Commission or a
11 participating state.

12 SECTION 6. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 545.6 of Title 59, unless there
14 is created a duplication in numbering, reads as follows:

15 A. A participating state in which a licensee is licensed shall
16 have exclusive power to impose adverse action against the qualifying
17 license issued by that participating state.

18 B. In addition to the other powers conferred by state law, a
19 remote state shall have the authority, in accordance with existing
20 state due process law, to do all of the following:

21 1. Take adverse action against a PA's Compact privilege within
22 that state to remove a licensee's Compact privilege or take other
23 action necessary under applicable law to protect the health and
24 safety of its citizens;

1 2. Issue subpoenas for both hearings and investigations that
2 require the attendance and testimony of witnesses, as well as the
3 production of evidence. Subpoenas issued by a licensing board in a
4 participating state for the attendance and testimony of witnesses or
5 the production of evidence from another participating state shall be
6 enforced in the latter state by any court of competent jurisdiction,
7 according to the practice and procedure of that court applicable to
8 subpoenas issued in proceedings pending before it. The issuing
9 authority shall pay any witness fees, travel expenses, mileage, and
10 other fees required by the service statutes of the state in which
11 the witnesses or evidence are located;

12 3. Notwithstanding paragraph 2 of this subsection, subpoenas
13 may not be issued by a participating state to gather evidence of
14 conduct in another state that is lawful in that other state for the
15 purpose of taking adverse action against a licensee's Compact
16 privilege or application for a Compact privilege in that
17 participating state; and

18 4. Nothing in the Compact authorizes a participating state to
19 impose discipline against a PA's Compact privilege or to deny an
20 application for a Compact privilege in that participating state for
21 the individual's otherwise lawful practice in another state.

22 C. For purposes of taking adverse action, the participating
23 state which issued the qualifying license shall give the same
24 priority and effect to reported conduct received from any other

1 participating state as it would if the conduct had occurred within
2 the participating state which issued the qualifying license. In so
3 doing, that participating state shall apply its own state laws to
4 determine appropriate action.

5 D. A participating state, if otherwise permitted by state law,
6 may recover from the affected PA the costs of investigations and
7 disposition of cases resulting from any adverse action taken against
8 that PA.

9 E. A participating state may take adverse action based on the
10 factual findings of a remote state, provided that the participating
11 state follows its own procedures for taking the adverse action.

12 F. Joint investigations:

13 1. In addition to the authority granted to a participating
14 state by its respective state PA laws and regulations or other
15 applicable state law, any participating state may participate with
16 other participating states in joint investigations of licensees; and

17 2. Participating states shall share any investigative,
18 litigation, or compliance materials in furtherance of any joint or
19 individual investigation initiated under the Compact.

20 G. If an adverse action is taken against a PA's qualifying
21 license, the PA's Compact privilege in all remote states shall be
22 deactivated until two (2) years have elapsed after all restrictions
23 have been removed from the state license. All disciplinary orders
24 by the participating state which issued the qualifying license that

1 impose adverse action against a PA's license shall include a
2 statement that the PA's Compact privilege is deactivated in all
3 participating states during the pendency of the order.

4 H. If any participating state takes adverse action, it promptly
5 shall notify the administrator of the data system.

6 SECTION 7. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 545.7 of Title 59, unless there
8 is created a duplication in numbering, reads as follows:

9 A. The participating states hereby create and establish a joint
10 government agency and national administrative body known as the PA
11 Licensure Compact Commission. The Commission is an instrumentality
12 of the Compact states acting jointly and not an instrumentality of
13 any one state. The Commission shall come into existence on or after
14 the effective date of the Compact as set forth in subsection A of
15 Section 11.

16 B. Membership, voting, and meetings:

17 1. Each participating state shall have and be limited to one
18 delegate selected by that participating state's licensing board or,
19 if the state has more than one licensing board, selected
20 collectively by the participating state's licensing boards;

21 2. The delegate shall be either:

- 22 a. a current PA, physician, or public member of a
23 licensing board or PA council/committee, or
24 b. an administrator of a licensing board;

1 3. Any delegate may be removed or suspended from office as
2 provided by the laws of the state from which the delegate is
3 appointed;

4 4. The participating state licensing board shall fill any
5 vacancy occurring in the Commission within sixty (60) days;

6 5. Each delegate shall be entitled to one vote on all matters
7 voted on by the Commission and shall otherwise have an opportunity
8 to participate in the business and affairs of the Commission. A
9 delegate shall vote in person or by such other means as provided in
10 the bylaws. The bylaws may provide for delegates' participation in
11 meetings by telecommunications, video conference, or other means of
12 communication;

13 6. The Commission shall meet at least once during each calendar
14 year. Additional meetings shall be held as set forth in the Compact
15 and the bylaws; and

16 7. The Commission shall establish by rule a term of office for
17 delegates.

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

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

20 2. Establish the fiscal year of the Commission;

21 3. Establish fees;

22 4. Establish bylaws;

23 5. Maintain its financial records in accordance with the
24 bylaws;

1 6. Meet and take such actions as are consistent with the
2 provisions of the Compact and the bylaws;

3 7. Promulgate rules to facilitate and coordinate implementation
4 and administration of the Compact. The rules shall have the force
5 and effect of law and shall be binding in all participating states;

6 8. Bring and prosecute legal proceedings or actions in the name
7 of the Commission, provided that the standing of any state licensing
8 board to sue or be sued under applicable law shall not be affected;

9 9. Purchase and maintain insurance and bonds;

10 10. Borrow, accept, or contract for services of personnel,
11 including, but not limited to, employees of a participating state;

12 11. Hire employees and engage contractors, elect or appoint
13 officers, fix compensation, define duties, grant such individuals
14 appropriate authority to carry out the purposes of the Compact, and
15 establish the Commission's personnel policies and programs relating
16 to conflicts of interest, qualifications of personnel, and other
17 related personnel matters;

18 12. Accept any and all appropriate donations and grants of
19 money, equipment, supplies, materials, and services, and receive,
20 utilize, and dispose of the same, provided that at all times the
21 Commission shall avoid any appearance of impropriety or conflict of
22 interest;

23 13. Lease, purchase, accept appropriate gifts or donations of,
24 or otherwise own, hold, improve, or use, any property, real,

1 personal or mixed, provided that at all times the Commission shall
2 avoid any appearance of impropriety;

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

5 15. Establish a budget and make expenditures;

6 16. Borrow money;

7 17. Appoint committees, including standing committees, composed
8 of members, state regulators, state legislators or their
9 representatives, and consumer representatives and such other
10 interested persons as may be designated in the Compact and the
11 bylaws;

12 18. Provide and receive information from, and cooperate with,
13 law enforcement agencies;

14 19. Elect a chair, vice-chair, secretary and treasurer, and
15 such other officers of the Commission as provided in the
16 Commission's bylaws;

17 20. Reserve for itself, in addition to those reserved
18 exclusively to the Commission under the Compact, powers that the
19 executive committee may not exercise;

20 21. Approve or disapprove a state's participation in the
21 Compact based upon its determination as to whether the state's
22 Compact legislation departs in a material manner from the model
23 Compact language;

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1 22. Prepare and provide to the participating states an annual
2 report; and

3 23. Perform such other functions as may be necessary or
4 appropriate to achieve the purposes of the Compact consistent with
5 the state regulation of PA licensure and practice.

6 D. Meetings of the Commission:

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

11 2. Notwithstanding paragraph 1 of this subsection, the
12 Commission may convene a public meeting by providing at least
13 twenty-four (24) hours prior notice on the Commission's website, and
14 any other means as provided in the Commission's rules, for any of
15 the reasons it may dispense with notice of proposed rulemaking under
16 subsection L of Section 9 of this Compact;

17 3. The Commission may convene in a closed, nonpublic meeting or
18 nonpublic part of a public meeting to receive legal advice or to
19 discuss:

- 20 a. noncompliance of a participating state with its
- 21 obligations under the Compact,
- 22 b. the employment, compensation, discipline, or other
- 23 matters, practices, or procedures, related to specific
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- 1 employees or other matters related to the Commission's
2 internal personnel practices and procedures,
- 3 c. current, threatened, or reasonably anticipated
4 litigation,
 - 5 d. negotiation of contracts for the purchase, lease, or
6 sale of goods, services, or real estate,
 - 7 e. accusing any person of a crime or formally censuring
8 any person,
 - 9 f. disclosure of trade secrets or commercial or financial
10 information that is privileged or confidential,
 - 11 g. disclosure of information of a personal nature where
12 disclosure would constitute a clearly unwarranted
13 invasion of personal privacy,
 - 14 h. disclosure of investigative records compiled for law
15 enforcement purposes,
 - 16 i. disclosure of information related to any investigative
17 reports prepared by or on behalf of or for use of the
18 Commission or other committee charged with
19 responsibility of investigation or determination of
20 compliance issues pursuant to the Compact,
 - 21 j. legal advice, or
 - 22 k. matters specifically exempted from disclosure by
23 federal or participating states' statutes;
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1 4. If a meeting, or portion of a meeting, is closed pursuant to
2 this subsection, the chair of the meeting or the chair's designee
3 shall certify that the meeting or portion of the meeting may be
4 closed and shall reference each relevant exempting provision; and

5 5. The Commission shall keep minutes that fully and clearly
6 describe all matters discussed in a meeting and shall provide a full
7 and accurate summary of actions taken, including a description of
8 the views expressed. All documents considered in connection with an
9 action shall be identified in such minutes. All minutes and
10 documents of a closed meeting shall remain under seal, subject to
11 release by a majority vote of the Commission or order of a court of
12 competent jurisdiction.

13 E. Financing of the Commission:

14 1. The Commission shall pay, or provide for the payment of, the
15 reasonable expenses of its establishment, organization, and ongoing
16 activities;

17 2. The Commission may accept any and all appropriate revenue
18 sources, donations, and grants of money, equipment, supplies,
19 materials, and services; and

20 3. The Commission may levy on and collect an annual assessment
21 from each participating state and may impose Compact privilege fees
22 on licensees of participating states to whom a Compact privilege is
23 granted to cover the cost of the operations and activities of the
24 Commission and its staff, which must be in a total amount sufficient

1 to cover its annual budget as approved by the Commission each year
2 for which revenue is not provided by other sources. The aggregate
3 annual assessment amount levied on participating states shall be
4 allocated based upon a formula to be determined by Commission rule.

5 a. a Compact privilege expires when the licensee's
6 qualifying license in the participating state from
7 which the licensee applied for the Compact privilege
8 expires, and

9 b. if the licensee terminates the qualifying license
10 through which the licensee applied for the Compact
11 privilege before its scheduled expiration, and the
12 licensee has a qualifying license in another
13 participating state, the licensee shall inform the
14 Commission that it is changing to that participating
15 state the participating state through which it applies
16 for a Compact privilege and pay to the Commission any
17 Compact privilege fee required by Commission rule;

18 4. The Commission shall not incur obligations of any kind prior
19 to securing the funds adequate to meet the same, nor shall the
20 Commission pledge the credit of any of the participating states,
21 except by and with the authority of the participating state;

22 5. The Commission shall keep accurate accounts of all receipts
23 and disbursements. The receipts and disbursements of the Commission
24 shall be subject to the financial review and accounting procedures

1 established under its bylaws. All receipts and disbursements of
2 funds handled by the Commission shall be subject to an annual
3 financial review by a certified or licensed public accountant, and
4 the report of the financial review shall be included in and become
5 part of the annual report of the Commission.

6 F. The executive committee:

7 1. The executive committee shall have the power to act on
8 behalf of the Commission according to the terms of the Compact and
9 Commission rules;

10 2. The executive committee shall be composed of nine (9)
11 members:

12 a. seven voting members who are elected by the Commission
13 from the current membership of the Commission,

14 b. one ex officio, nonvoting member from a recognized
15 national PA professional association, and

16 c. one ex officio, nonvoting member from a recognized
17 national PA certification organization;

18 3. The ex officio members will be selected by their respective
19 organizations;

20 4. The Commission may remove any member of the executive
21 committee as provided in its bylaws;

22 5. The executive committee shall meet at least annually;

23 6. The executive committee shall have the following duties and
24 responsibilities:

- a. recommend to the Commission changes to the Commission's rules or bylaws, changes to the 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,
- b. ensure Compact administration services are appropriately provided, contractual or otherwise,
- c. prepare and recommend the budget,
- d. maintain financial records on behalf of the Commission,
- e. monitor Compact compliance of participating states and provide compliance reports to the Commission,
- f. establish additional committees as necessary,
- 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
- h. perform other duties as provided in the Commission's rules or bylaws;

7. All meetings 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

1 meetings shall be given as public meetings of the Commission are
2 given; and

3 8. The executive committee may convene in a closed, nonpublic
4 meeting for the same reasons that the Commission may convene in a
5 nonpublic meeting as set forth in paragraph 3 of subsection D of
6 this section and shall announce the closed meeting as the Commission
7 is required to under paragraph 4 of subsection D of this section and
8 keep minutes of the closed meeting as the Commission is required to
9 under paragraph 5 of subsection D of this section.

10 G. Qualified immunity, defense, and indemnification:

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

1 2. The Commission shall defend any member, officer, executive
2 director, employee, and representative of the Commission in any
3 civil action seeking to impose liability arising out of any actual
4 or alleged act, error, or omission that occurred within the scope of
5 Commission employment, duties, or responsibilities, or as determined
6 by the Commission that the person against whom the claim is made had
7 a reasonable basis for believing occurred within the scope of
8 Commission employment, duties, or responsibilities, provided that
9 nothing herein shall be construed to prohibit that person from
10 retaining their own counsel at their own expense, and provided
11 further, that the actual or alleged act, error, or omission did not
12 result from that person's intentional or willful or wanton
13 misconduct;

14 3. The Commission shall indemnify and hold harmless any member,
15 officer, executive director, employee, and representative of the
16 Commission for the amount of any settlement or judgment obtained
17 against that person arising out of any actual or alleged act, error,
18 or omission that occurred within the scope of Commission employment,
19 duties, or responsibilities, or that such person had a reasonable
20 basis for believing occurred within the scope of Commission
21 employment, duties, or responsibilities, provided that the actual or
22 alleged act, error, or omission did not result from the intentional
23 or willful or wanton misconduct of that person;

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1 4. Venue is proper and judicial proceedings by or against the
2 Commission shall be brought solely and exclusively in a court of
3 competent jurisdiction where the principal office of the Commission
4 is located. The Commission may waive venue and jurisdictional
5 defenses in any proceedings as authorized by Commission rules;

6 5. Nothing herein shall be construed as a limitation on the
7 liability of any licensee for professional malpractice or
8 misconduct, which shall be governed solely by any other applicable
9 state laws;

10 6. Nothing herein shall be construed to designate the venue or
11 jurisdiction to bring actions for alleged acts of malpractice,
12 professional misconduct, negligence, or other such civil action
13 pertaining to the practice of a PA. All such matters shall be
14 determined exclusively by state law other than the Compact;

15 7. Nothing in the Compact shall be interpreted to waive or
16 otherwise abrogate a participating state's state action immunity or
17 state action affirmative defense with respect to antitrust claims
18 under the Sherman Act, Clayton Act, or any other state or federal
19 antitrust or anticompetitive law or regulation; and

20 8. Nothing in the Compact shall be construed to be a waiver of
21 sovereign immunity by the participating states or by the Commission.

22 SECTION 8. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 545.8 of Title 59, unless there
24 is created a duplication in numbering, reads as follows:

1 A. The Commission shall provide for the development,
2 maintenance, operation, and utilization of a coordinated data and
3 reporting system containing licensure, adverse action, and the
4 reporting of the existence of significant investigative information
5 on all licensed PAs and applicants denied a license in participating
6 states.

7 B. Notwithstanding any other state law to the contrary, a
8 participating state shall submit a uniform data set to the data
9 system on all PAs to whom the Compact is applicable (utilizing a
10 unique identifier) as required by the rules of the Commission,
11 including:

- 12 1. Identifying information;
- 13 2. Licensure data;
- 14 3. Adverse actions against a license or Compact privilege; and
- 15 4. Any denial of application for licensure and the reason for
16 such denial, excluding the reporting of any criminal history record
17 information where prohibited by law;
- 18 5. The existence of significant investigative information; and
- 19 6. Other information that may facilitate the administration of
20 the Compact, as determined by the rules of the Commission.

21 C. Significant investigative information pertaining to a
22 licensee in any participating state shall only be available to other
23 participating states.

24

1 D. The Commission shall promptly notify all participating
2 states of any adverse action taken against a licensee or an
3 individual applying for a license that has been reported to it.
4 This adverse action information shall be available to any other
5 participating state.

6 E. Participating states contributing information to the data
7 system may, in accordance with state or federal law, designate
8 information that may not be shared with the public without the
9 express permission of the contributing state. Notwithstanding any
10 such designation, such information shall be reported to the
11 Commission through the data system.

12 F. Any information submitted to the data system that is
13 subsequently expunged pursuant to federal law or the laws of the
14 participating state contributing the information shall be removed
15 from the data system upon reporting of such by the participating
16 state to the Commission.

17 G. The records and information provided to a participating
18 state pursuant to the Compact or through the data system, when
19 certified by the Commission or an agent thereof, shall constitute
20 the authenticated business records of the Commission and shall be
21 entitled to any associated hearsay exception in any relevant
22 judicial, quasi-judicial, or administrative proceedings in a
23 participating state.

24

1 SECTION 9. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 545.9 of Title 59, unless there
3 is created a duplication in numbering, reads as follows:

4 A. The Commission shall exercise its rulemaking powers pursuant
5 to the criteria set forth in this section and the rules adopted
6 thereunder. Commission rules shall become binding as of the date
7 specified by the Commission for each rule.

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

16 C. The rules of the Commission shall have the force of law in
17 each participating state; provided, however, that where the rules of
18 the Commission conflict with the laws of the participating state
19 that establish the medical services a PA may perform in the
20 participating state, as held by a court of competent jurisdiction,
21 the rules of the Commission shall be ineffective in that state to
22 the extent of the conflict.

23 D. If a majority of the legislatures of the participating
24 states rejects a Commission rule, by enactment of a statute or

1 resolution in the same manner used to adopt the Compact within four
2 (4) years of the date of adoption of the rule, then such rule shall
3 have no further force and effect in any participating state or to
4 any state applying to participate in the Compact.

5 E. Commission rules shall be adopted at a regular or special
6 meeting of the Commission.

7 F. Prior to promulgation and adoption of a final rule or rules
8 by the Commission, and at least thirty (30) days in advance of the
9 meeting at which the rule will be considered and voted upon, the
10 Commission shall file a notice of proposed rulemaking:

11 1. On the website of the Commission or other publicly
12 accessible platform;

13 2. To persons who have requested notice of the Commission's
14 notices of proposed rulemaking; and

15 3. In such other way(s) as the Commission may by rule specify.

16 G. The notice of proposed rulemaking shall include:

17 1. The time, date, and location of the public hearing on the
18 proposed rule and the proposed time, date, and location of the
19 meeting in which the proposed rule will be considered and voted
20 upon;

21 2. The text of the proposed rule and the reason for the
22 proposed rule;

23

24

1 3. A request for comments on the proposed rule from any
2 interested person and the date by which written comments must be
3 received; and

4 4. The manner in which interested persons may submit notice to
5 the Commission of their intention to attend the public hearing or
6 provide any written comments.

7 H. Prior to adoption of a proposed rule, the Commission shall
8 allow persons to submit written data, facts, opinions, and
9 arguments, which shall be made available to the public.

10 I. If the hearing is to be held via electronic means, the
11 Commission shall publish the mechanism for access to the electronic
12 hearing.

13 1. All persons wishing to be heard at the hearing shall, as
14 directed in the notice of proposed rulemaking, not less than five
15 (5) business days before the scheduled date of the hearing, notify
16 the Commission of their desire to appear and testify at the hearing.

17 2. Hearings shall be conducted in a manner providing each
18 person who wishes to comment a fair and reasonable opportunity to
19 comment orally or in writing.

20 3. All hearings shall be recorded. A copy of the recording and
21 the written comments, data, facts, opinions, and arguments received
22 in response to the proposed rulemaking shall be made available to a
23 person upon request.

1 4. Nothing in this section shall be construed as requiring a
2 separate hearing on each proposed rule. Proposed rules may be
3 grouped for the convenience of the Commission at hearings required
4 by this section.

5 J. Following the public hearing, the Commission shall consider
6 all written and oral comments timely received.

7 K. The Commission shall, by majority vote of all delegates,
8 take final action on the proposed rule and shall determine the
9 effective date of the rule, if adopted, based on the rulemaking
10 record and the full text of the rule.

11 1. If adopted, the rule shall be posted on the Commission's
12 website.

13 2. The Commission may adopt changes to the proposed rule
14 provided the changes do not enlarge the original purpose of the
15 proposed rule.

16 3. The Commission shall provide on its website an explanation
17 of the reasons for substantive changes made to the proposed rule, as
18 well as reasons for substantive changes not made that were
19 recommended by commenters.

20 4. The Commission shall determine a reasonable effective date
21 for the rule. Except for an emergency as provided in subsection L
22 of this section, the effective date of the rule shall be no sooner
23 than thirty (30) days after the Commission issued the notice that it
24 adopted the rule.

1 L. Upon determination that an emergency exists, the Commission
2 may consider and adopt an emergency rule with twenty-four (24) hours
3 prior notice, without the opportunity for comment or hearing,
4 provided that the usual rulemaking procedures provided in the
5 Compact and in this section shall be retroactively applied to the
6 rule as soon as reasonably possible, in no event later than ninety
7 (90) days after the effective date of the rule. For the purposes of
8 this subsection, an emergency rule is one that must be adopted
9 immediately by the Commission in order to:

10 1. Meet an imminent threat to public health, safety, or
11 welfare;

12 2. Prevent a loss of Commission or participating state funds;

13 3. Meet a deadline for the promulgation of a Commission rule
14 that is established by federal law or rule; or

15 4. Protect public health and safety.

16 M. The Commission or an authorized committee of the Commission
17 may direct revisions to a previously adopted Commission rule for
18 purposes of correcting typographical errors, errors in format,
19 errors in consistency, or grammatical errors. Public notice of any
20 revisions shall be posted on the website of the Commission. The
21 revision shall be subject to challenge by any person for a period of
22 thirty (30) days after posting. The revision may be challenged only
23 on grounds that the revision results in a material change to a rule.
24 A challenge shall be made as set forth in the notice of revisions

1 and delivered to the Commission prior to the end of the notice
2 period. If no challenge is made, the revision will take effect
3 without further action. If the revision is challenged, the revision
4 may not take effect without the approval of the Commission.

5 N. No participating state's rulemaking requirements shall apply
6 under the Compact.

7 SECTION 10. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 545.10 of Title 59, unless there
9 is created a duplication in numbering, reads as follows:

10 A. Oversight:

11 1. The executive and judicial branches of state government in
12 each participating state shall enforce the Compact and take all
13 actions necessary and appropriate to implement the Compact;

14 2. Venue is proper and judicial proceedings by or against the
15 Commission shall be brought solely and exclusively in a court of
16 competent jurisdiction where the principal office of the Commission
17 is located. The Commission may waive venue and jurisdictional
18 defenses to the extent it adopts or consents to participate in
19 alternative dispute resolution proceedings. Nothing herein shall
20 affect or limit the selection or propriety of venue in any action
21 against a licensee for professional malpractice, misconduct, or any
22 such similar matter; and

23 3. The Commission shall be entitled to receive service of
24 process in any proceeding regarding the enforcement or

1 interpretation of the Compact or the Commission's rules and shall
2 have standing to intervene in such a proceeding for all purposes.
3 Failure to provide the Commission with service of process shall
4 render a judgment or order in such proceeding void as to the
5 Commission, the Compact, or Commission rules.

6 B. Default, technical assistance, and termination:

7 1. If the Commission determines that a participating state has
8 defaulted in the performance of its obligations or responsibilities
9 under the Compact or the Commission rules, the Commission shall
10 provide written notice to the defaulting state and other
11 participating states. The notice shall describe the default, the
12 proposed means of curing the default, and any other action that the
13 Commission may take and shall offer remedial training and specific
14 technical assistance regarding the default;

15 2. If a state in default fails to cure the default, the
16 defaulting state may be terminated from the Compact upon an
17 affirmative vote of a majority of the delegates of the participating
18 states, and all rights, privileges, and benefits conferred by the
19 Compact upon such state may be terminated on the effective date of
20 termination. A cure of the default does not relieve the offending
21 state of obligations or liabilities incurred during the period of
22 default;

23 3. Termination of participation in the Compact shall be imposed
24 only after all other means of securing compliance have been

1 exhausted. Notice of intent to suspend or terminate shall be given
2 by the Commission to the governor, the majority and minority leaders
3 of the defaulting state's legislature, and to the licensing boards
4 of each of the participating states;

5 4. A state that has been terminated is responsible for all
6 assessments, obligations, and liabilities incurred through the
7 effective date of termination, including obligations that extend
8 beyond the effective date of termination;

9 5. The Commission shall not bear any costs related to a state
10 that is found to be in default or that has been terminated from the
11 Compact, unless agreed upon in writing between the Commission and
12 the defaulting state;

13 6. The defaulting state may appeal its termination from the
14 Compact by the Commission by petitioning the U.S. District Court for
15 the District of Columbia or the federal district where the
16 Commission has its principal offices. The prevailing member shall
17 be awarded all costs of such litigation, including reasonable
18 attorney fees; and

19 7. Upon the termination of a state's participation in the
20 Compact, the state shall immediately provide notice to all licensees
21 within that state of such termination:

22 a. licensees who have been granted a Compact privilege in
23 that state shall retain the Compact privilege for one
24

1 hundred eighty (180) days following the effective date
2 of such termination, and

3 b. licensees who are licensed in that state who have been
4 granted a Compact privilege in a participating state
5 shall retain the Compact privilege for one hundred
6 eighty (180) days unless the licensee also has a
7 qualifying license in a participating state or obtains
8 a qualifying license in a participating state before
9 the one-hundred-eighty-day period ends, in which case
10 the Compact privilege shall continue.

11 C. Dispute resolution:

12 1. Upon request by a participating state, the Commission shall
13 attempt to resolve disputes related to the Compact that arise among
14 participating states and between participating and nonparticipating
15 states; and

16 2. The Commission shall promulgate a rule providing for both
17 mediation and binding dispute resolution for disputes as
18 appropriate.

19 D. Enforcement:

20 1. The Commission, in the reasonable exercise of its
21 discretion, shall enforce the provisions of the Compact and rules of
22 the Commission;

23 2. If compliance is not secured after all means to secure
24 compliance have been exhausted, by majority vote, the Commission may

1 initiate legal action in the U.S. District Court for the District of
2 Columbia or the federal district where the Commission has its
3 principal offices against a participating state in default to
4 enforce compliance with the provisions of the Compact and the
5 Commission's promulgated rules and bylaws. The relief sought may
6 include both injunctive relief and damages. In the event judicial
7 enforcement is necessary, the prevailing party shall be awarded all
8 costs of such litigation, including reasonable attorney fees; and

9 3. The remedies herein shall not be the exclusive remedies of
10 the Commission. The Commission may pursue any other remedies
11 available under federal or state law.

12 E. Legal action against the Commission:

13 1. A participating state may initiate legal action against the
14 Commission in the U.S. District Court for the District of Columbia
15 or the federal district where the Commission has its principal
16 offices to enforce compliance with the provisions of the Compact and
17 its rules. The relief sought may include both injunctive relief and
18 damages. In the event judicial enforcement is necessary, the
19 prevailing party shall be awarded all costs of such litigation,
20 including reasonable attorney fees.

21 2. No person other than a participating state shall enforce the
22 Compact against the Commission.
23
24

1 SECTION 11. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 545.11 of Title 59, unless there
3 is created a duplication in numbering, reads as follows:

4 A. The Compact shall come into effect on the date on which the
5 Compact statute is enacted into law in the seventh participating
6 state.

7 1. On or after the effective date of the Compact, the
8 Commission shall convene and review the enactment of each of the
9 states that enacted the Compact prior to the Commission convening
10 "Charter Participating States" to determine if the statute enacted
11 by each such Charter Participating State is materially different
12 than the model Compact:

13 a. A Charter Participating State whose enactment is found
14 to be materially different from the model Compact
15 shall be entitled to the default process set forth in
16 subsection B of Section 10 of this Compact, and

17 b. If any participating state later withdraws from the
18 Compact or its participation is terminated, the
19 Commission shall remain in existence and the Compact
20 shall remain in effect even if the number of
21 participating states should be less than seven.

22 Participating states enacting the Compact subsequent
23 to the Commission convening shall be subject to the
24 process set forth in paragraph 21 of subsection C of

1 Section 7 of this Compact to determine if their
2 enactments are materially different from the model
3 Compact and whether they qualify for participation in
4 the Compact;

5 2. Participating states enacting the Compact subsequent to the
6 seven initial Charter Participating States shall be subject to the
7 process set forth in paragraph 21 of subsection C of Section 7 of
8 this Compact to determine if their enactments are materially
9 different from the model Compact and whether they qualify for
10 participation in the Compact; and

11 3. All actions taken for the benefit of the Commission or in
12 furtherance of the purposes of the administration of the Compact
13 prior to the effective date of the Compact or the Commission coming
14 into existence shall be considered to be actions of the Commission
15 unless specifically repudiated by the Commission.

16 B. Any state that joins the Compact shall be subject to the
17 Commission's rules and bylaws as they exist on the date on which the
18 Compact becomes law in that state. Any rule that has been
19 previously adopted by the Commission shall have the full force and
20 effect of law on the day the Compact becomes law in that state.

21 C. Any participating state may withdraw from the Compact by
22 enacting a statute repealing the same.

23 1. A participating state's withdrawal shall not take effect
24 until one hundred eighty (180) days after enactment of the repealing

1 statute. During this one-hundred-eighty-day period, all Compact
2 privileges that were in effect in the withdrawing state and were
3 granted to licensees licensed in the withdrawing state shall remain
4 in effect. If any licensee licensed in the withdrawing state is
5 also licensed in another participating state or obtains a license in
6 another participating state within the one hundred eighty (180)
7 days, the licensee's Compact privileges in other participating
8 states shall not be affected by the passage of the one hundred
9 eighty (180) days.

10 2. Withdrawal shall not affect the continuing requirement of
11 the state licensing boards of the withdrawing state to comply with
12 the investigative and adverse action reporting requirements of the
13 Compact prior to the effective date of withdrawal.

14 3. Upon the enactment of a statute withdrawing a state from the
15 Compact, the state shall immediately provide notice of such
16 withdrawal to all licensees within that state. Such withdrawing
17 state shall continue to recognize all licenses granted pursuant to
18 the Compact for a minimum of one hundred eighty (180) days after the
19 date of such notice of withdrawal.

20 D. Nothing contained in the Compact shall be construed to
21 invalidate or prevent any PA licensure agreement or other
22 cooperative arrangement between participating states and between a
23 participating state and nonparticipating state that does not
24 conflict with the provisions of the Compact.

1 E. The Compact may be amended by the participating states. No
2 amendment to the Compact shall become effective and binding upon any
3 participating state until it is enacted materially in the same
4 manner into the laws of all participating states as determined by
5 the Commission.

6 SECTION 12. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 545.12 of Title 59, unless there
8 is created a duplication in numbering, reads as follows:

9 A. The Compact and the Commission's rulemaking authority shall
10 be liberally construed so as to effectuate the purposes and the
11 implementation and administration of the Compact. Provisions of the
12 Compact expressly authorizing or requiring the promulgation of rules
13 shall not be construed to limit the Commission's rulemaking
14 authority solely for those purposes.

15 B. The provisions of the Compact shall be severable, and if any
16 phrase, clause, sentence, or provision of the Compact is held by a
17 court of competent jurisdiction to be contrary to the constitution
18 of any participating state, a state seeking participation in the
19 Compact, or of the United States, or the applicability thereof to
20 any government, agency, person, or circumstance is held to be
21 unconstitutional by a court of competent jurisdiction, the validity
22 of the remainder of the Compact and the applicability thereof to any
23 other government, agency, person, or circumstance shall not be
24 affected thereby.

1 C. Notwithstanding subsection B of this section, the Commission
2 may deny a state's participation in the Compact or, in accordance
3 with the requirements of subsection B of Section 10 of this Compact,
4 terminate a participating state's participation in the Compact, if
5 it determines that a constitutional requirement of a participating
6 state is, or would be with respect to a state seeking to participate
7 in the Compact, a material departure from the Compact. Otherwise,
8 if the Compact shall be held to be contrary to the constitution of
9 any participating state, the Compact shall remain in full force and
10 effect as to the remaining participating states and in full force
11 and effect as to the participating state affected as to all
12 severable matters.

13 SECTION 13. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 545.13 of Title 59, unless there
15 is created a duplication in numbering, reads as follows:

16 A. Nothing herein prevents the enforcement of any other law of
17 a participating state that is not inconsistent with the Compact.

18 B. Any laws in a participating state in conflict with the
19 Compact are superseded to the extent of the conflict.

20 C. All agreements between the Commission and the participating
21 states are binding in accordance with their terms.

22 SECTION 14. This act shall become effective November 1, 2024.
23
24

1 Passed the House of Representatives the 4th day of March, 2024.

2
3 _____
4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2024.

6
7
8 _____
9 Presiding Officer of the Senate