



House Professional Licensure Committee

Meeting Agenda

September 30, 2026

9:30 a.m.

G-50 Irvis Office Building

Call to Order

Roll call

HOUSE BILL 2774 (Abney) – Amends Title 63 of the Pa. Consolidated Statutes to authorize Pennsylvania to join the Audiology, Physician Assistant, Dental and Social Work compacts.

HOUSE RESOLUTION 631 (Malagari) -- Recognizes October 25-31, 2026, as “Respiratory Care Week” in Pennsylvania.

SENATE BILL 114 (Argall) -- Establishes new standards for nurse aide training and certification.

- Amendment A04384 (Watro) – Guts and replaces the bill to instead direct the Joint State Government Commission to conduct a study of nurse aide training and make recommendations for improvements as well as which single government agency should have oversight of the Nurse Aide Training Program.

SENATE BILL 1133 (Farry) – Adds a second institutional pharmacy seat and a pharmacy technician seat to the Board of Pharmacy.

Any other business

Adjournment

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2774 Session of
2026

INTRODUCED BY ABNEY, TIBURCIO, VENKAT, MAYES, HANBIDGE, WEBSTER,
HILL-EVANS, MALAGARI, BOROWSKI, RIVERA, INGLIS, FRIEL,
SANCHEZ, D. WILLIAMS AND PASHINSKI, SEPTEMBER 15, 2026

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE,
SEPTEMBER 16, 2026

AN ACT

1 Amending Title 63 (Professions and Occupations (State Licensed))
2 of the Pennsylvania Consolidated Statutes, authorizing the
3 Commonwealth of Pennsylvania to join the audiology and
4 speech-language compact, dentist and dental hygienist
5 compact, physician assistant compact and social work
6 licensure compact.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Title 63 of the Pennsylvania Consolidated
10 Statutes is amended by adding a part to read:

11 PART III

12 INTERSTATE COMPACTS

13 Chapter

14 51. Audiology and Speech-Language Compact

15 53. Dentist and Dental Hygienist Compact

16 55. Physician Assistant Compact

17 57. Social Work Licensure Compact

18 CHAPTER 51

19 AUDIOLOGY AND SPEECH-LANGUAGE COMPACT

1 Sec.

2 5101. Authority to execute compact.

3 5102. When and how compact becomes operative.

4 § 5101. Authority to execute compact.

5 The Governor, on behalf of the Commonwealth, may execute a
6 compact in substantially the following form with any one or more
7 of the states of the United States, and the General Assembly
8 signifies in advance its approval and ratification of the
9 compact:

10 SECTION 1. PURPOSE

11 The purpose of this Compact is to facilitate interstate
12 practice of audiology and speech-language pathology with the
13 goal of improving public access to audiology and speech-language
14 pathology services. The practice of audiology and speech-
15 language pathology occurs in the state where the
16 patient/client/student is located at the time of the
17 patient/client/student encounter. This Compact preserves the
18 regulatory authority of states to protect public health and
19 safety through the current system of state licensure. This
20 Compact is designed to achieve the following purposes and
21 objectives:

22 1. Increase public access to audiology and speech-
23 language pathology services by providing for the mutual
24 recognition of other member state licenses;

25 2. Enhance the states' ability to protect the public's
26 health and safety;

27 3. Encourage the cooperation of member states in
28 regulating multistate audiology and speech-language pathology
29 practice;

30 4. Support spouses of relocating active duty military

1 personnel;

2 5. Enhance the exchange of licensure, investigative and
3 disciplinary information between member states;

4 6. Allow a remote state to hold a provider of services
5 with a compact privilege in that state accountable to that
6 state's practice standards; and

7 7. Allow for the use of telehealth technology to
8 facilitate increased access to audiology and speech-language
9 pathology services.

10 SECTION 2. DEFINITIONS

11 As used in this Compact, and except as otherwise provided,
12 the following definitions shall apply:

13 A. "Active Duty Military" means: full-time duty status in
14 the active uniformed service of the United States, including
15 members of the National Guard and Reserve on active duty orders
16 pursuant to 10 U.S.C. Chapters 1209 (relating to active duty)
17 and 1211 (relating to national guard members in federal
18 service).

19 B. "Adverse Action" means: any administrative, civil,
20 equitable or criminal action permitted by a state's laws which
21 is imposed by a licensing board or other authority against an
22 audiologist or speech-language pathologist, including actions
23 against an individual's license or privilege to practice such as
24 revocation, suspension, probation, monitoring of the licensee,
25 or restriction on the licensee's practice.

26 C. "Alternative Program" means: a non-disciplinary
27 monitoring process approved by an audiology or speech-language
28 pathology licensing board to address impaired practitioners.

29 D. "Audiologist" means: an individual who is licensed by a
30 state to practice audiology.

1 E. "Audiology" means: the care and services provided by a
2 licensed audiologist as set forth in the member state's statutes
3 and rules.

4 F. "Audiology and Speech-Language Pathology Compact
5 Commission" or "Commission" means: the national administrative
6 body whose membership consists of all states that have enacted
7 the Compact.

8 G. "Audiology and Speech-Language Pathology Licensing
9 Board," "Audiology Licensing Board," "Speech-Language Pathology
10 Licensing Board," or "Licensing Board" means: the agency of a
11 state that is responsible for the licensing and regulation of
12 audiologists and/or speech-language pathologists.

13 H. "Compact Privilege" means: the authorization granted by
14 a remote state to allow a licensee from another member state to
15 practice as an audiologist or speech-language pathologist in the
16 remote state under its laws and rules. The practice of audiology
17 or speech-language pathology occurs in the member state where
18 the patient/client/student is located at the time of the
19 patient/client/student encounter.

20 I. "Current Significant Investigative Information" means:
21 investigative information that a licensing board, after an
22 inquiry or investigation that includes notification and an
23 opportunity for the audiologist or speech-language pathologist
24 to respond, if required by state law, has reason to believe is
25 not groundless and, if proved true, would indicate more than a
26 minor infraction.

27 J. "Data System" means: a repository of information about
28 licensees, including, but not limited to, continuing education,
29 examination, licensure, investigative, compact privilege and
30 adverse action.

1 K. "Encumbered License" means: a license in which an
2 adverse action restricts the practice of audiology or speech-
3 language pathology by the licensee and said adverse action has
4 been reported to the National Practitioner Data Bank (NPDB).

5 L. "Executive Committee" means: a group of directors
6 elected or appointed to act on behalf of, and within the powers
7 granted to them by, the Commission.

8 M. "Home State" means: the member state that is the
9 licensee's primary state of residence.

10 N. "Impaired Practitioner" means: individuals whose
11 professional practice is adversely affected by substance abuse,
12 addiction, or other health-related conditions.

13 O. "Licensee" means: an individual who currently holds an
14 authorization from the state licensing board to practice as an
15 audiologist or speech-language pathologist.

16 P. "Member State" means: a state that has enacted the
17 Compact.

18 Q. "Privilege to Practice" means: a legal authorization
19 permitting the practice of audiology or speech-language
20 pathology in a remote state.

21 R. "Remote State" means: a member state other than the home
22 state where a licensee is exercising or seeking to exercise the
23 compact privilege.

24 S. "Rule" means: a regulation, principle or directive
25 promulgated by the Commission that has the force of law.

26 T. "Single-State License" means: an audiology or speech-
27 language pathology license issued by a member state that
28 authorizes practice only within the issuing state and does not
29 include a privilege to practice in any other member state.

30 U. "Speech-Language Pathologist" means: an individual who

1 is licensed by a state to practice speech-language pathology.

2 V. "Speech-Language Pathology" means: the care and services
3 provided by a licensed speech-language pathologist as set forth
4 in the member state's statutes and rules.

5 W. "State" means: any state, commonwealth, district or
6 territory of the United States of America that regulates the
7 practice of audiology and speech-language pathology.

8 X. "State Practice Laws" means: a member state's laws,
9 rules and regulations that govern the practice of audiology or
10 speech-language pathology, define the scope of audiology or
11 speech-language pathology practice, and create the methods and
12 grounds for imposing discipline.

13 Y. "Telehealth" means: the application of telecommunication
14 technology to deliver audiology or speech-language pathology
15 services at a distance for assessment, intervention and/or
16 consultation.

17 SECTION 3. STATE PARTICIPATION IN THE COMPACT

18 A. A license issued to an audiologist or speech-language
19 pathologist by a home state to a resident in that state shall be
20 recognized by each member state as authorizing an audiologist or
21 speech-language pathologist to practice audiology or speech-
22 language pathology, under a privilege to practice, in each
23 member state.

24 B. A state must implement or utilize procedures for
25 considering the criminal history records of applicants for
26 initial privilege to practice. These procedures shall include
27 the submission of fingerprints or other biometric-based
28 information by applicants for the purpose of obtaining an
29 applicant's criminal history record information from the Federal
30 Bureau of Investigation and the agency responsible for retaining

1 that state's criminal records:

2 1. A member state must fully implement a criminal
3 background check requirement, within a time frame established
4 by rule, by receiving the results of the Federal Bureau of
5 Investigation record search on criminal background checks and
6 use the results in making licensure decisions; and

7 2. Communication between a member state, the Commission
8 and among member states regarding the verification of
9 eligibility for licensure through the Compact shall not
10 include any information received from the Federal Bureau of
11 Investigation relating to a federal criminal records check
12 performed by a member state under the Federal Bureau of
13 Investigation appropriation of Title II of Public Law 92-544,
14 86 Stat. 1115.

15 C. Upon application for a privilege to practice, the
16 licensing board in the issuing remote state shall ascertain,
17 through the data system, whether the applicant has ever held, or
18 is the holder of, a license issued by any other state, whether
19 there are any encumbrances on any license or privilege to
20 practice held by the applicant, whether any adverse action has
21 been taken against any license or privilege to practice held by
22 the applicant.

23 D. Each member state shall require an applicant to obtain or
24 retain a license in the home state and meet the home state's
25 qualifications for licensure or renewal of licensure, as well
26 as, all other applicable state laws.

27 E. For an audiologist:

28 1. Must meet one of the following educational
29 requirements:

30 a. On or before, December 31, 2007, has graduated

1 with a master's degree or doctorate in audiology, or
2 equivalent degree regardless of degree name, from a
3 program that is accredited by an accrediting agency
4 recognized by the Council for Higher Education
5 Accreditation, or its successor, or by the United States
6 Department of Education and operated by a college or
7 university accredited by a regional or national
8 accrediting organization recognized by the board; or

9 b. On or after, January 1, 2008, has graduated with
10 a Doctoral degree in audiology, or equivalent degree,
11 regardless of degree name, from a program that is
12 accredited by an accrediting agency recognized by the
13 Council for Higher Education Accreditation, or its
14 successor, or by the United States Department of
15 Education and operated by a college or university
16 accredited by a regional or national accrediting
17 organization recognized by the board; or

18 c. Has graduated from an audiology program that is
19 housed in an institution of higher education outside of
20 the United States (a) for which the program and
21 institution have been approved by the authorized
22 accrediting body in the applicable country and (b) the
23 degree program has been verified by an independent
24 credentials review agency to be comparable to a state
25 licensing board-approved program.

26 2. Has completed a supervised clinical practicum
27 experience from an accredited educational institution or its
28 cooperating programs as required by the Commission;

29 3. Has successfully passed a national examination
30 approved by the Commission;

1 4. Holds an active, unencumbered license;

2 5. Has not been convicted or found guilty, and has not
3 entered into an agreed disposition, of a felony related to
4 the practice of audiology, under applicable state or federal
5 criminal law; and

6 6. Has a valid United States Social Security or National
7 Practitioner Identification number.

8 F. For a speech-language pathologist:

9 1. Must meet one of the following educational
10 requirements:

11 a. Has graduated with a master's degree from a
12 speech-language pathology program that is accredited by
13 an organization recognized by the United States
14 Department of Education and operated by a college or
15 university accredited by a regional or national
16 accrediting organization recognized by the board; or

17 b. Has graduated from a speech-language pathology
18 program that is housed in an institution of higher
19 education outside of the United States:

20 (a) for which the program and institution
21 have been approved by the authorized accrediting
22 body in the applicable country; and

23 (b) the degree program has been verified by
24 an independent credentials review agency to be
25 comparable to a state licensing board-approved
26 program.

27 2. Has completed a supervised clinical practicum
28 experience from an educational institution or its cooperating
29 programs as required by the Commission;

30 3. Has completed a supervised postgraduate professional

experience as required by the Commission;

4. Has successfully passed a national examination
approved by the Commission;

5. Holds an active, unencumbered license;

6. Has not been convicted or found guilty, and has not
entered into an agreed disposition, of a felony related to
the practice of speech-language pathology, under applicable
state or federal criminal law;

7. Has a valid United States Social Security or National
Practitioner Identification number.

G. The privilege to practice is derived from the home state
license.

H. An audiologist or speech-language pathologist practicing
in a member state must comply with the state practice laws of
the state in which the client is located at the time service is
provided. The practice of audiology and speech-language
pathology shall include all audiology and speech-language
pathology practice as defined by the state practice laws of the
member state in which the client is located. The practice of
audiology and speech-language pathology in a member state under
a privilege to practice shall subject an audiologist or speech-
language pathologist to the jurisdiction of the licensing board,
the courts and the laws of the member state in which the client
is located at the time service is provided.

I. Individuals not residing in a member state shall continue
to be able to apply for a member state's single-state license as
provided under the laws of each member state. However, the
single-state license granted to these individuals shall not be
recognized as granting the privilege to practice audiology or
speech-language pathology in any other member state. Nothing in

this Compact shall affect the requirements established by a member state for the issuance of a single-state license.

J. Member states may charge a fee for granting a compact privilege.

K. Member states must comply with the bylaws and rules and regulations of the Commission.

SECTION 4. COMPACT PRIVILEGE

A. To exercise the compact privilege under the terms and provisions of the Compact, the audiologist or speech-language pathologist shall:

1. Hold an active license in the home state;

2. Have no encumbrance on any state license;

3. Be eligible for a compact privilege in any member state in accordance with Section 3;

4. Have not had any adverse action against any license or compact privilege within the previous two years from date of application;

5. Notify the Commission that the licensee is seeking the compact privilege within a remote state(s);

6. Pay any applicable fees, including any state fee, for the compact privilege;

7. Report to the Commission adverse action taken by any non-member state within 30 days from the date the adverse action is taken.

B. For the purposes of the compact privilege, an audiologist or speech-language pathologist shall only hold one home state license at a time.

C. Except as provided in Section 6, if an audiologist or speech-language pathologist changes primary state of residence by moving between two-member states, the audiologist or speech-

1 language pathologist must apply for licensure in the new home
2 state, and the license issued by the prior home state shall be
3 deactivated in accordance with applicable rules adopted by the
4 Commission.

5 D. The audiologist or speech-language pathologist may apply
6 for licensure in advance of a change in primary state of
7 residence.

8 E. A license shall not be issued by the new home state until
9 the audiologist or speech-language pathologist provides
10 satisfactory evidence of a change in primary state of residence
11 to the new home state and satisfies all applicable requirements
12 to obtain a license from the new home state.

13 F. If an audiologist or speech-language pathologist changes
14 primary state of residence by moving from a member state to a
15 non-member state, the license issued by the prior home state
16 shall convert to a single-state license, valid only in the
17 former home state.

18 G. The compact privilege is valid until the expiration date
19 of the home state license. The licensee must comply with the
20 requirements of Section 4A to maintain the compact privilege in
21 the remote state.

22 H. A licensee providing audiology or speech-language
23 pathology services in a remote state under the compact privilege
24 shall function within the laws and regulations of the remote
25 state.

26 I. A licensee providing audiology or speech-language
27 pathology services in a remote state is subject to that state's
28 regulatory authority. A remote state may, in accordance with due
29 process and that state's laws, remove a licensee's compact
30 privilege in the remote state for a specific period of time,

impose fines, and/or take any other necessary actions to protect the health and safety of its citizens.

J. If a home state license is encumbered, the licensee shall lose the compact privilege in any remote state until the following occur:

1. The home state license is no longer encumbered; and

2. Two years have elapsed from the date of the adverse action.

K. Once an encumbered license in the home state is restored to good standing, the licensee must meet the requirements of Section 4A to obtain a compact privilege in any remote state.

L. Once the requirements of Section 4J have been met, the licensee must meet the requirements in Section 4A to obtain a compact privilege in a remote state.

SECTION 5. COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

Member states shall recognize the right of an audiologist or speech-language pathologist, licensed by a home state in accordance with Section 3 and under rules promulgated by the Commission, to practice audiology or speech-language pathology in any member state via telehealth under a privilege to practice as provided in the Compact and rules promulgated by the Commission.

SECTION 6. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

Active duty military personnel, or their spouse, shall designate a home state where the individual has a current license in good standing. The individual may retain the home state designation during the period the service member is on active duty. Subsequent to designating a home state, the individual shall only change their home state through application for licensure in the new state.

1 SECTION 7. ADVERSE ACTIONS

2 A. In addition to the other powers conferred by state law, a
3 remote state shall have the authority, in accordance with
4 existing state due process law, to:

5 1. Take adverse action against an audiologist's or
6 speech-language pathologist's privilege to practice within
7 that member state.

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

20 3. Only the home state shall have the power to take
21 adverse action against a audiologist's or speech-language
22 pathologist's license issued by the home state.

23 B. For purposes of taking adverse action, the home state
24 shall give the same priority and effect to reported conduct
25 received from a member state as it would if the conduct had
26 occurred within the home state. In so doing, the home state
27 shall apply its own state laws to determine appropriate action.

28 C. The home state shall complete any pending investigations
29 of an audiologist or speech-language pathologist who changes
30 primary state of residence during the course of the

1 investigations. The home state shall also have the authority to
2 take appropriate action(s) and shall promptly report the
3 conclusions of the investigations to the administrator of the
4 data system. The administrator of the coordinated licensure
5 information system shall promptly notify the new home state of
6 any adverse actions.

7 D. If otherwise permitted by state law, the member state may
8 recover from the affected audiologist or speech-language
9 pathologist the costs of investigations and disposition of cases
10 resulting from any adverse action taken against that audiologist
11 or speech-language pathologist.

12 E. The member state may take adverse action based on the
13 factual findings of the remote state, provided that the member
14 state follows the member state's own procedures for taking the
15 adverse action.

16 F. Joint Investigations

17 1. In addition to the authority granted to a member
18 state by its respective audiology or speech-language
19 pathology practice act or other applicable state law, any
20 member state may participate with other member states in
21 joint investigations of licensees.

22 2. Member states shall share any investigative,
23 litigation, or compliance materials in furtherance of any
24 joint or individual investigation initiated under the
25 Compact.

26 G. If adverse action is taken by the home state against an
27 audiologist's or speech-language pathologist's license, the
28 audiologist's or speech-language pathologist's privilege to
29 practice in all other member states shall be deactivated until
30 all encumbrances have been removed from the state license. All

home state disciplinary orders that impose adverse action
against an audiologist's or speech-language pathologist's
license shall include a statement that the audiologist's or
speech-language pathologist's privilege to practice is
deactivated in all member states during the pendency of the
order.

H. If a member state takes adverse action, it shall promptly
notify the administrator of the data system. The administrator
of the data system shall promptly notify the home state of any
adverse actions by remote states.

I. Nothing in this Compact shall override a member state's
decision that participation in an alternative program may be
used in lieu of adverse action.

SECTION 8. ESTABLISHMENT OF THE AUDIOLOGY AND SPEECH-LANGUAGE
PATHOLOGY COMPACT COMMISSION

A. The Compact member states hereby create and establish a
joint public agency known as the Audiology and Speech-Language
Pathology Compact Commission:

1. The Commission is an instrumentality of the Compact
states.

2. Venue is proper and judicial proceedings by or
against the Commission shall be brought solely and
exclusively in a court of competent jurisdiction where the
principal office of the Commission is located. The Commission
may waive venue and jurisdictional defenses to the extent it
adopts or consents to participate in alternative dispute
resolution proceedings.

3. Nothing in this Compact shall be construed to be a
waiver of sovereign immunity.

B. Membership, Voting and Meetings

1 1. Each member state shall have two (2) delegates
2 selected by that member state's licensing board. The
3 delegates shall be current members of the licensing board.
4 One shall be an audiologist and one shall be a speech-
5 language pathologist.

6 2. An additional five (5) delegates, who are either a
7 public member or board administrator from a state licensing
8 board, shall be chosen by the Executive Committee from a pool
9 of nominees provided by the Commission at Large.

10 3. Any delegate may be removed or suspended from office
11 as provided by the law of the state from which the delegate
12 is appointed.

13 4. The member state board shall fill any vacancy
14 occurring on the Commission, within 90 days.

15 5. Each delegate shall be entitled to one (1) vote with
16 regard to the promulgation of rules and creation of bylaws
17 and shall otherwise have an opportunity to participate in the
18 business and affairs of the Commission.

19 6. A delegate shall vote in person or by other means as
20 provided in the bylaws. The bylaws may provide for delegates'
21 participation in meetings by telephone or other means of
22 communication.

23 7. The Commission shall meet at least once during each
24 calendar year. Additional meetings shall be held as set forth
25 in the bylaws.

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

28 1. Establish the fiscal year of the Commission;

29 2. Establish bylaws;

30 3. Establish a Code of Ethics;

1 4. Maintain its financial records in accordance with the
2 bylaws;

3 5. Meet and take actions as are consistent with the
4 provisions of this Compact and the bylaws;

5 6. Promulgate uniform rules to facilitate and coordinate
6 implementation and administration of this Compact. The rules
7 shall have the force and effect of law and shall be binding
8 in all member states;

9 7. Bring and prosecute legal proceedings or actions in
10 the name of the Commission, provided that the standing of any
11 state audiology or speech-language pathology licensing board
12 to sue or be sued under applicable law shall not be affected;

13 8. Purchase and maintain insurance and bonds;

14 9. Borrow, accept, or contract for services of
15 personnel, including, but not limited to, employees of a
16 member state;

17 10. Hire employees, elect or appoint officers, fix
18 compensation, define duties, grant individuals appropriate
19 authority to carry out the purposes of the Compact, and to
20 establish the Commission's personnel policies and programs
21 relating to conflicts of interest, qualifications of
22 personnel, and other related personnel matters;

23 11. Accept any and all appropriate donations and grants
24 of money, equipment, supplies, materials and services, and to
25 receive, utilize and dispose of the same; provided that at
26 all times the Commission shall avoid any appearance of
27 impropriety and/or conflict of interest;

28 12. Lease, purchase, accept appropriate gifts or
29 donations of, or otherwise to own, hold, improve or use, any
30 property, real, personal or mixed; provided that at all times

1 the Commission shall avoid any appearance of impropriety;

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

5 14. Establish a budget and make expenditures;

6 15. Borrow money;

7 16. Appoint committees, including standing committees
8 composed of members, and other interested persons as may be
9 designated in this Compact and the bylaws;

10 17. Provide and receive information from, and cooperate
11 with, law enforcement agencies;

12 18. Establish and elect an Executive Committee; and

13 19. Perform other functions as may be necessary or
14 appropriate to achieve the purposes of this Compact
15 consistent with the state regulation of audiology and speech-
16 language pathology licensure and practice.

17 D. The Executive Committee

18 The Executive Committee shall have the power to act on behalf
19 of the Commission according to the terms of this Compact:

20 1. The Executive Committee shall be composed of ten (10)
21 members:

22 a. Seven (7) voting members who are elected by the
23 Commission from the current membership of the Commission;

24 b. Two (2) ex-officios, consisting of one nonvoting
25 member from a recognized national audiology professional
26 association and one nonvoting member from a recognized
27 national speech-language pathology association; and

28 c. One (1) ex-officio, nonvoting member from the
29 recognized membership organization of the audiology and
30 speech-language pathology licensing boards.

1 E. The ex-officio members shall be selected by their
2 respective organizations.

3 1. The Commission may remove any member of the Executive
4 Committee as provided in bylaws.

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

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

8 a. Recommend to the entire Commission changes to the
9 rules or bylaws, changes to this Compact legislation,
10 fees paid by Compact member states such as annual dues,
11 and any commission Compact fee charged to licensees for
12 the compact privilege;

13 b. Ensure Compact administration services are
14 appropriately provided, contractual or otherwise;

15 c. Prepare and recommend the budget;

16 d. Maintain financial records on behalf of the
17 Commission;

18 e. Monitor Compact compliance of member states and
19 provide compliance reports to the Commission;

20 f. Establish additional committees as necessary; and

21 g. Other duties as provided in rules or bylaws.

22 4. Meetings of the Commission

23 All meetings shall be open to the public, and public
24 notice of meetings shall be given in the same manner as
25 required under the rulemaking provisions in Section 10.

26 5. The Commission or the Executive Committee or other
27 committees of the Commission may convene in a closed, non-
28 public meeting if the Commission or Executive Committee or
29 other committees of the Commission must discuss:

30 a. Non-compliance of a member state with its

1 obligations under the Compact;

2 b. The employment, compensation, discipline or other
3 matters, practices or procedures related to specific
4 employees or other matters related to the Commission's
5 internal personnel practices and procedures;

6 c. Current, threatened, or reasonably anticipated
7 litigation;

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

10 e. Accusing any person of a crime or formally
11 censuring any person;

12 f. Disclosure of trade secrets or commercial or
13 financial information that is privileged or confidential;

14 g. Disclosure of information of a personal nature
15 where disclosure would constitute a clearly unwarranted
16 invasion of personal privacy;

17 h. Disclosure of investigative records compiled for
18 law enforcement purposes;

19 i. Disclosure of information related to any
20 investigative reports prepared by or on behalf of or for
21 use of the Commission or other committee charged with
22 responsibility of investigation or determination of
23 compliance issues pursuant to the Compact; or

24 j. Matters specifically exempted from disclosure by
25 federal or member state statute.

26 6. If a meeting, or portion of a meeting, is closed
27 pursuant to this provision, the Commission's legal counsel or
28 designee shall certify that the meeting may be closed and
29 shall reference each relevant exempting provision.

30 7. The Commission shall keep minutes that fully and

1 clearly describe all matters discussed in a meeting and shall
2 provide a full and accurate summary of actions taken, and the
3 reasons therefore, including a description of the views
4 expressed. All documents considered in connection with an
5 action shall be identified in minutes. All minutes and
6 documents of a closed meeting shall remain under seal,
7 subject to release by a majority vote of the Commission or
8 order of a court of competent jurisdiction.

9 8. Financing of the Commission

10 a. The Commission shall pay, or provide for the
11 payment of, the reasonable expenses of its establishment,
12 organization, and ongoing activities.

13 b. The Commission may accept any and all appropriate
14 revenue sources, donations, and grants of money,
15 equipment, supplies, materials, and services.

16 c. The Commission may levy on and collect an annual
17 assessment from each member state or impose fees on other
18 parties to cover the cost of the operations and
19 activities of the Commission and its staff, which must be
20 in a total amount sufficient to cover its annual budget
21 as approved each year for which revenue is not provided
22 by other sources. The aggregate annual assessment amount
23 shall be allocated based upon a formula to be determined
24 by the Commission, which shall promulgate a rule binding
25 upon all member states.

26 9. The Commission shall not incur obligations of any
27 kind prior to securing the funds adequate to meet the same;
28 nor shall the Commission pledge the credit of any of the
29 member states, except by and with the authority of the member
30 state.

1 10. The Commission shall keep accurate accounts of all
2 receipts and disbursements. The receipts and disbursements of
3 the Commission shall be subject to the audit and accounting
4 procedures established under its bylaws. However, all
5 receipts and disbursements of funds handled by the Commission
6 shall be audited yearly by a certified or licensed public
7 accountant, and the report of the audit shall be included in
8 and become part of the annual report of the Commission.

9 F. Qualified Immunity, Defense, and Indemnification

10 1. The members, officers, executive director, employees
11 and representatives of the Commission shall be immune from
12 suit and liability, either personally or in their official
13 capacity, for any claim for damage to or loss of property or
14 personal injury or other civil liability caused by or arising
15 out of any actual or alleged act, error or omission that
16 occurred, or that the person against whom the claim is made
17 had a reasonable basis for believing occurred within the
18 scope of Commission employment, duties or responsibilities;
19 provided that nothing in this paragraph shall be construed to
20 protect any person from suit and/or liability for any damage,
21 loss, injury, or liability caused by the intentional or
22 willful or wanton misconduct of that person.

23 2. The Commission shall defend any member, officer,
24 executive director, employee or representative of the
25 Commission in any civil action seeking to impose liability
26 arising out of any actual or alleged act, error, or omission
27 that occurred within the scope of Commission employment,
28 duties, or responsibilities, or that the person against whom
29 the claim is made had a reasonable basis for believing
30 occurred within the scope of Commission employment, duties,

1 or responsibilities; provided that nothing herein shall be
2 construed to prohibit that person from retaining his or her
3 own counsel; and provided further, that the actual or alleged
4 act, error, or omission did not result from that person's
5 intentional or willful or wanton misconduct.

6 3. The Commission shall indemnify and hold harmless any
7 member, officer, executive director, employee, or
8 representative of the Commission for the amount of any
9 settlement or judgment obtained against that person arising
10 out of any actual or alleged act, error or omission that
11 occurred within the scope of Commission employment, duties,
12 or responsibilities, or that person had a reasonable basis
13 for believing occurred within the scope of Commission
14 employment, duties, or responsibilities, provided that the
15 actual or alleged act, error, or omission did not result from
16 the intentional or willful or wanton misconduct of that
17 person.

18 SECTION 9. DATA SYSTEM

19 A. The Commission shall provide for the development,
20 maintenance, and utilization of a coordinated database and
21 reporting system containing licensure, adverse action, and
22 investigative information on all licensed individuals in member
23 states.

24 B. Notwithstanding any other provision of state law to the
25 contrary, a member state shall submit a uniform data set to the
26 data system on all individuals to whom this Compact is
27 applicable as required by the rules of the Commission,
28 including:

29 1. Identifying information;

30 2. Licensure data;

1 3. Adverse actions against a license or compact
2 privilege;

3 4. Non-confidential information related to alternative
4 program participation;

5 5. Any denial of application for licensure, and the
6 reason(s) for denial; and

7 6. Other information that may facilitate the
8 administration of this Compact, as determined by the rules of
9 the Commission.

10 C. Investigative information pertaining to a licensee in any
11 member state shall only be available to other member states.

12 D. The Commission shall promptly notify all member states of
13 any adverse action taken against a licensee or an individual
14 applying for a license. Adverse action information pertaining to
15 a licensee in any member state shall be available to any other
16 member state.

17 E. Member states contributing information to the data system
18 may designate information that may not be shared with the public
19 without the express permission of the contributing state.

20 F. Any information submitted to the data system that is
21 subsequently required to be expunged by the laws of the member
22 state contributing the information shall be removed from the
23 data system.

24 SECTION 10. RULEMAKING

25 A. The Commission shall exercise its rulemaking powers
26 pursuant to the criteria set forth in this Section and the rules
27 adopted thereunder. Rules and amendments shall become binding as
28 of the date specified in each rule or amendment.

29 B. If a majority of the legislatures of the member states
30 rejects a rule, by enactment of a statute or resolution in the

1 same manner used to adopt the Compact within 4 years of the date
2 of adoption of the rule, the rule shall have no further force
3 and effect in any member state.

4 C. Rules or amendments to the rules shall be adopted at a
5 regular or special meeting of the Commission.

6 D. Prior to promulgation and adoption of a final rule or
7 rules by the Commission, and at least thirty (30) days in
8 advance of the meeting at which the rule shall be considered and
9 voted upon, the Commission shall file a Notice of Proposed
10 Rulemaking:

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

13 2. On the website of each member state audiology or
14 speech-language pathology licensing board or other publicly
15 accessible platform or the publication in which each state
16 would otherwise publish proposed rules.

17 E. The Notice of Proposed Rulemaking shall include:

18 1. The proposed time, date, and location of the meeting
19 in which the rule shall be considered and voted upon;

20 2. The text of the proposed rule or amendment and the
21 reason for the proposed rule;

22 3. A request for comments on the proposed rule from any
23 interested person; and

24 4. The manner in which interested persons may submit
25 notice to the Commission of their intention to attend the
26 public hearing and any written comments.

27 F. Prior to the adoption of a proposed rule, the Commission
28 shall allow persons to submit written data, facts, opinions and
29 arguments, which shall be made available to the public.

30 G. The Commission shall grant an opportunity for a public

1 hearing before it adopts a rule or amendment if a hearing is
2 requested by:

3 1. At least twenty-five (25) persons;

4 2. A federal or state or governmental subdivision or
5 agency; or

6 3. An association having at least twenty-five (25)
7 members.

8 H. If a hearing is held on the proposed rule or amendment,
9 the Commission shall publish the place, time, and date of the
10 scheduled public hearing. If the hearing is held via electronic
11 means, the Commission shall publish the mechanism for access to
12 the electronic hearing.

13 1. All persons wishing to be heard at the hearing shall
14 notify the executive director of the Commission or other
15 designated member in writing of their desire to appear and
16 testify at the hearing not less than five (5) business days
17 before the scheduled date of the hearing.

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

21 3. All hearings shall be recorded. A copy of the
22 recording shall be made available on request.

23 4. Nothing in this section shall be construed as
24 requiring a separate hearing on each rule. Rules may be
25 grouped for the convenience of the Commission at hearings
26 required by this section.

27 I. Following the scheduled hearing date, or by the close of
28 business on the scheduled hearing date if the hearing was not
29 held, the Commission shall consider all written and oral
30 comments received.

1 J. If no written notice of intent to attend the public
2 hearing by interested parties is received, the Commission may
3 proceed with promulgation of the proposed rule without a public
4 hearing.

5 K. The Commission shall, by majority vote of all members,
6 take final action on the proposed rule and shall determine the
7 effective date of the rule, if any, based on the rulemaking
8 record and the full text of the rule.

9 L. Upon determination that an emergency exists, the
10 Commission may consider and adopt an emergency rule without
11 prior notice, opportunity for comment, or hearing, provided that
12 the usual rulemaking procedures provided in the Compact and in
13 this section shall be retroactively applied to the rule as soon
14 as reasonably possible, in no event later than ninety (90) days
15 after the effective date of the rule. For the purposes of this
16 provision, an emergency rule is one that must be adopted
17 immediately in order to:

18 1. Meet an imminent threat to public health, safety, or
19 welfare;

20 2. Prevent a loss of Commission or member state funds;
21 or

22 3. Meet a deadline for the promulgation of an
23 administrative rule that is established by federal law or
24 rule.

25 M. The Commission or an authorized committee of the
26 Commission may direct revisions to a previously adopted rule or
27 amendment for purposes of correcting typographical errors,
28 errors in format, errors in consistency, or grammatical errors.
29 Public notice of any revisions shall be posted on the website of
30 the Commission. The revision shall be subject to challenge by

1 any person for a period of thirty (30) days after posting. The
2 revision may be challenged only on grounds that the revision
3 results in a material change to a rule. A challenge shall be
4 made in writing and delivered to the chair of the Commission
5 prior to the end of the notice period. If no challenge is made,
6 the revision shall take effect without further action. If the
7 revision is challenged, the revision may not take effect without
8 the approval of the Commission.

9 SECTION 11. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

10 A. Dispute Resolution

11 1. Upon request by a member state, the Commission shall
12 attempt to resolve disputes related to the Compact that arise
13 among member states and between member and non-member states.

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

17 B. Enforcement

18 1. The Commission, in the reasonable exercise of its
19 discretion, shall enforce the provisions and rules of this
20 Compact.

21 2. By majority vote, the Commission may initiate legal
22 action in the United States District Court for the District
23 of Columbia or the federal district where the Commission has
24 its principal offices against a member state in default to
25 enforce compliance with the provisions of the Compact and its
26 promulgated rules and bylaws. The relief sought may include
27 both injunctive relief and damages. In the event judicial
28 enforcement is necessary, the prevailing member shall be
29 awarded all costs of litigation, including reasonable
30 attorney's fees.

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

4 SECTION 12. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION
5 FOR AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY PRACTICE
6 AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

7 A. The Compact shall come into effect on the date on which
8 the Compact statute is enacted into law in the 10th member
9 state. The provisions, which become effective at that time,
10 shall be limited to the powers granted to the Commission
11 relating to assembly and the promulgation of rules. Thereafter,
12 the Commission shall meet and exercise rulemaking powers
13 necessary to the implementation and administration of the
14 Compact.

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

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

23 1. A member state's withdrawal shall not take effect
24 until six (6) months after enactment of the repealing
25 statute.

26 2. Withdrawal shall not affect the continuing
27 requirement of the withdrawing state's audiology or speech-
28 language pathology licensing board to comply with the
29 investigative and adverse action reporting requirements of
30 this act prior to the effective date of withdrawal.

1 D. Nothing contained in this Compact shall be construed to
2 invalidate or prevent any audiology or speech-language pathology
3 licensure agreement or other cooperative arrangement between a
4 member state and a non-member state that does not conflict with
5 the provisions of this Compact.

6 E. This Compact may be amended by the member states. No
7 amendment to this Compact shall become effective and binding
8 upon any member state until it is enacted into the laws of all
9 member states.

10 SECTION 13. CONSTRUCTION AND SEVERABILITY

11 This Compact shall be liberally construed so as to effectuate
12 the purposes thereof. The provisions of this Compact shall be
13 severable and if any phrase, clause, sentence or provision of
14 this Compact is declared to be contrary to the constitution of
15 any member state or of the United States or the applicability
16 thereof to any government, agency, person or circumstance is
17 held invalid, the validity of the remainder of this Compact and
18 the applicability thereof to any government, agency, person or
19 circumstance shall not be affected thereby. If this Compact
20 shall be held contrary to the constitution of any member state,
21 the Compact shall remain in full force and effect as to the
22 remaining member states and in full force and effect as to the
23 member state affected as to all severable matters.

24 SECTION 14. BINDING EFFECT OF COMPACT AND OTHER LAWS

25 A. Nothing herein prevents the enforcement of any other law
26 of a member state that is not inconsistent with the Compact.

27 B. All laws in a member state in conflict with the Compact
28 are superseded to the extent of the conflict.

29 C. All lawful actions of the Commission, including all rules
30 and bylaws promulgated by the Commission, are binding upon the

1 member states.

2 D. All agreements between the Commission and the member
3 states are binding in accordance with their terms.

4 E. In the event any provision of the Compact exceeds the
5 constitutional limits imposed on the legislature of any member
6 state, the provision shall be ineffective to the extent of the
7 conflict with the constitutional provision in question in that
8 member state.

9 § 5102. When and how compact becomes operative.

10 (a) Execution.--When the Governor executes the Audiology and
11 Speech-Language Pathology Interstate Compact on behalf of this
12 State and files a verified copy with the Secretary of the
13 Commonwealth and when the compact is ratified by one or more
14 other states, districts or territories of the United States, the
15 compact shall become operative and effective between this State
16 and the other states, districts or territories of the United
17 States. The Governor shall take action as may be necessary to
18 complete the exchange of official documents between this State
19 and any other state, district or territory of the United States
20 ratifying the compact.

21 (b) Notice in Pennsylvania Bulletin.--The Secretary of the
22 Commonwealth shall transmit a notice to the Legislative
23 Reference Bureau for publication in the next available issue of
24 the Pennsylvania Bulletin when the conditions specified in
25 subsection (a) are satisfied and shall include in the notice the
26 date on which the compact became effective and operative between
27 this State and any other states, districts or territories of the
28 United States in accordance with this chapter.

29 (c) Implementation.--The State Board of Examiners in Speech-
30 Language Pathology and Audiology shall:

1 (1) Promulgate temporary regulations necessary to
2 implement this chapter under 63 Pa.C.S. § 3120 (relating to
3 temporary rulemaking authority) no later than 180 days after
4 the effective date of this paragraph.

5 (2) Accept compact privilege applications and issue
6 compact privileges under this chapter no later than 180 days
7 after the effective date of this paragraph.

8 CHAPTER 53

9 DENTIST AND DENTAL HYGIENIST COMPACT

10 Sec.

11 5301. Authority to execute compact.

12 5302. When and how compact becomes operative.

13 5303. Compensation and expenses of commissioner.

14 § 5301. Authority to execute compact.

15 The Governor, on behalf of the Commonwealth, may execute a
16 compact in substantially the following form with any one or more
17 of the states of the United States, and the General Assembly
18 signifies in advance its approval and ratification of the
19 compact:

20 DENTIST AND DENTAL HYGIENIST COMPACT

21 SECTION 1. TITLE AND PURPOSE

22 This statute shall be known and cited as the Dentist and
23 Dental Hygienist Compact. The purposes of this Compact are to
24 facilitate the interstate practice of dentistry and dental
25 hygiene and improve public access to dentistry and dental
26 hygiene services by providing Dentists and Dental Hygienists
27 licensed in a Participating State the ability to practice in
28 Participating States in which they are not licensed. The Compact
29 does this by establishing a pathway for Dentists and Dental
30 Hygienists licensed in a Participating State to obtain a Compact

Privilege that authorizes them to practice in another
Participating State in which they are not licensed. The Compact
enables Participating States to protect the public health and
safety with respect to the practice of such Dentists and Dental
Hygienists, through the State's authority to regulate the
practice of dentistry and dental hygiene in the State. The
Compact:

A. Enables Dentists and Dental Hygienists who qualify for a
Compact Privilege to practice in other Participating States
without satisfying burdensome and duplicative requirements
associated with securing a License to practice in those States;

B. Promotes mobility and addresses workforce shortages
through each Participating State's acceptance of a Compact
Privilege to practice in that State;

C. Increases public access to qualified, licensed Dentists
and Dental Hygienists by creating a responsible, streamlined
pathway for Licensees to practice in Participating States.

D. Enhances the ability of Participating States to protect
the public's health and safety;

E. Does not interfere with licensure requirements established
by a Participating State;

F. Facilitates the sharing of licensure and disciplinary
information among Participating States;

G. Requires Dentists and Dental Hygienists who practice in a
Participating State pursuant to a Compact Privilege to practice
within the Scope of Practice authorized in that State;

H. Extends the authority of a Participating State to regulate
the practice of dentistry and dental hygiene within its borders
to Dentists and Dental Hygienists who practice in the State
through a Compact Privilege;

1 I. Promotes the cooperation of Participating State in
2 regulating the practice of dentistry and dental hygiene within
3 those States;

4 J. Facilitates the relocation of military members and their
5 spouses who are licensed to practice dentistry or dental
6 hygiene;

7 SECTION 2. DEFINITIONS

8 As used in this Compact, unless the context requires
9 otherwise, the following definitions shall apply:

10 A. "Active Military Member" means any person with full-time
11 duty status in the armed forces of the United States, including
12 members of the National Guard and Reserve.

13 B. "Adverse Action" means disciplinary action or encumbrance
14 imposed on a License or Compact Privilege by a State Licensing
15 Authority.

16 C. "Alternative Program" means a non-disciplinary monitoring
17 or practice remediation process applicable to a Dentist or
18 Dental Hygienist approved by a State Licensing Authority of a
19 Participating State in which the Dentist or Dental Hygienist is
20 licensed. This includes, but is not limited to, programs to
21 which Licensees with substance abuse or addiction issues are
22 referred in lieu of Adverse Action.

23 D. "Clinical Assessment" means examination or process,
24 required for licensure as a Dentist or Dental Hygienist as
25 applicable, that provides evidence of clinical competence in
26 dentistry or dental hygiene.

27 E. "Commissioner" means the individual appointed by a
28 Participating State to serve as the member of the Commission for
29 that Participating State.

30 F. "Compact" means this Dentist and Dental Hygienist Compact.

1 G. "Compact Privilege" means the authorization granted by a
2 Remote State to allow a Licensee from a Participating State to
3 practice as a Dentist or Dental Hygienist in a Remote State.

4 H. "Continuing Professional Development" means a requirement,
5 as a condition of License renewal to provide evidence of
6 successful participation in educational or professional
7 activities relevant to practice or area of work.

8 I. "Criminal Background Check" means the submission of
9 fingerprints or other biometric-based information for a License
10 applicant for the purpose of obtaining that applicant's criminal
11 history record information, as defined in 28 C.F.R. § 20.3(d)
12 from the Federal Bureau of Investigation and the State's
13 criminal history record repository as defined in 28 C.F.R. §
14 20.3(f).

15 J. "Data System" means the Commission's repository of
16 information about Licensees, including but not limited to
17 examination, licensure, investigative, Compact Privilege,
18 Adverse Action, and Alternative Program.

19 K. "Dental Hygienist" means an individual who is licensed by
20 a State Licensing Authority to practice dental hygiene.

21 L. "Dentist" means an individual who is licensed by a State
22 Licensing Authority to practice dentistry.

23 M. "Dentist and Dental Hygienist Compact Commission" or
24 "Commission" means a joint government agency established by this
25 Compact comprised of each State that has enacted the Compact and
26 a national administrative body comprised of a Commissioner from
27 each State that has enacted the Compact.

28 N. "Encumbered License" means a License that a State
29 Licensing Authority has limited in any way other than through an
30 Alternative Program.

1 O. "Executive Board" means the Chair, Vice Chair, Secretary
2 and Treasurer and any other Commissioners as may be determined
3 by Commission Rule or bylaw.

4 P. "Jurisprudence Requirement" means the assessment of an
5 individual's knowledge of the laws and Rules governing the
6 practice of dentistry or dental hygiene, as applicable, in a
7 State.

8 Q. "License" means current authorization by a State, other
9 than authorization pursuant to a Compact Privilege, or other
10 privilege, for an individual to practice as a Dentist or Dental
11 Hygienist in that State.

12 R. "Licensee" means an individual who holds an unrestricted
13 License from a Participating State to practice as a Dentist or
14 Dental Hygienist in that State.

15 S. "Model Compact" the model for the Dentist and Dental
16 Hygienist Compact on file with the Council of State Governments
17 or other entity as designated by the Commission.

18 T. "Participating State" means a State that has enacted the
19 Compact and been admitted to the Commission in accordance with
20 the provisions herein and Commission Rules.

21 U. "Qualifying License" means a License that is not an
22 Encumbered License issued by a Participating State to practice
23 dentistry or dental hygiene.

24 V. "Remote State" means a Participating State where a
25 Licensee who is not licensed as a Dentist or Dental Hygienist is
26 exercising or seeking to exercise the Compact Privilege.

27 W. "Rule" means a regulation promulgated by an entity that
28 has the force of law.

29 X. "Scope of Practice" means the procedures, actions, and
30 processes a Dentist or Dental Hygienist licensed in a State is

1 permitted to undertake in that State and the circumstances under
2 which the Licensee is permitted to undertake those procedures,
3 actions and processes. Such procedures, actions and processes
4 and the circumstances under which they may be undertaken may be
5 established through means, including, but not limited to,
6 statute, regulations, case law, and other processes available to
7 the State Licensing Authority or other government agency.

8 Y. "Significant Investigative Information" means information,
9 records, and documents received or generated by a State
10 Licensing Authority pursuant to an investigation for which a
11 determination has been made that there is probable cause to
12 believe that the Licensee has violated a statute or regulation
13 that is considered more than a minor infraction for which the
14 State Licensing Authority could pursue Adverse Action against
15 the Licensee.

16 Z. "State" means any state, commonwealth, district, or
17 territory of the United States of America that regulates the
18 practices of dentistry and dental hygiene.

19 AA. "State Licensing Authority" means an agency or other
20 entity of a State that is responsible for the licensing and
21 regulation of Dentists or Dental Hygienists.

22 SECTION 3. STATE PARTICIPATION IN THE COMPACT

23 A. In order to join the Compact and thereafter continue as a
24 Participating State, a State must:

- 25 1. Enact a compact that is not materially different from the
26 Model Compact as determined in accordance with Commission Rules;
- 27 2. Participate fully in the Commission's Data System;
- 28 3. Have a mechanism in place for receiving and investigating
29 complaints about its Licensees and License applicants;
- 30 4. Notify the Commission, in compliance with the terms of the

Compact and Commission Rules, of any Adverse Action or the
availability of Significant Investigative Information regarding
a Licensee and License applicant;

5. Fully implement a Criminal Background Check requirement,
within a time frame established by Commission Rule, by receiving
the results of a qualifying Criminal Background Check;

6. Comply with the Commission Rules applicable to a
Participating State;

7. Accept the National Board Examinations of the Joint
Commission on National Dental Examinations or another
examination accepted by Commission Rule as a licensure
examination;

8. Accept for licensure that applicants for a Dentist License
graduate from a predoctoral dental education program accredited
by the Commission on Dental Accreditation, or another
accrediting agency recognized by the United States Department of
Education for the accreditation of dentistry and dental hygiene
education programs, leading to the Doctor of Dental Surgery
(D.D.S.) or Doctor of Dental Medicine (D.M.D.) degree;

9. Accept for licensure that applicants for a Dental
Hygienist License graduate from a dental hygiene education
program accredited by the Commission on Dental Accreditation or
another accrediting agency recognized by the United States
Department of Education for the accreditation of dentistry and
dental hygiene education programs;

10. Require for licensure that applicants successfully
complete a Clinical Assessment;

11. Have Continuing Professional Development requirements as
a condition for License renewal; and

12. Pay a participation fee to the Commission as established

1 by Commission Rule.

2 B. Providing alternative pathways for an individual to obtain
3 an unrestricted License does not disqualify a State from
4 participating in the Compact.

5 C. When conducting a Criminal Background Check the State
6 Licensing Authority shall:

7 1. Consider that information in making a licensure decision;

8 2. Maintain documentation of completion of the Criminal
9 Background Check and background check information to the extent
10 allowed by State and federal law; and

11 3. Report to the Commission whether it has completed the
12 Criminal Background Check and whether the individual was granted
13 or denied a License.

14 D. A Licensee of a Participating State who has a Qualifying
15 License in that State and does not hold an Encumbered License in
16 any other Participating State, shall be issued a Compact
17 Privilege in a Remote State in accordance with the terms of the
18 Compact and Commission Rules. If a Remote State has a
19 Jurisprudence Requirement a Compact Privilege will not be issued
20 to the Licensee unless the Licensee has satisfied the
21 Jurisprudence Requirement.

22 SECTION 4. COMPACT PRIVILEGE

23 A. To obtain and exercise the Compact Privilege under the
24 terms and provisions of the Compact, the Licensee shall:

25 1. Have a Qualifying License as a Dentist or Dental Hygienist
26 in a Participating State;

27 2. Be eligible for a Compact Privilege in any Remote State in
28 accordance with D, G and H of this section;

29 3. Submit to an application process whenever the Licensee is
30 seeking a Compact Privilege;

1 4. Pay any applicable Commission and Remote State fees for a
2 Compact Privilege in the Remote State;

3 5. Meet any Jurisprudence Requirement established by a Remote
4 State in which the Licensee is seeking a Compact Privilege;

5 6. Have passed a National Board Examination of the Joint
6 Commission on National Dental Examinations or another
7 examination accepted by Commission Rule;

8 7. For a Dentist, have graduated from a predoctoral dental
9 education program accredited by the Commission on Dental
10 Accreditation, or another accrediting agency recognized by the
11 United States Department of Education for the accreditation of
12 dentistry and dental hygiene education programs, leading to the
13 Doctor of Dental Surgery (D.D.S.) or Doctor of Dental Medicine
14 (D.M.D.) degree;

15 8. For a Dental Hygienist, have graduated from a dental
16 hygiene education program accredited by the Commission on Dental
17 Accreditation or another accrediting agency recognized by the
18 United States Department of Education for the accreditation of
19 dentistry and dental hygiene education programs;

20 9. Have successfully completed a Clinical Assessment for
21 licensure;

22 10. Report to the Commission Adverse Action taken by any non-
23 Participating State when applying for a Compact Privilege and,
24 otherwise, within thirty (30) days from the date the Adverse
25 Action is taken;

26 11. Report to the Commission when applying for a Compact
27 Privilege the address of the Licensee's primary residence and
28 thereafter immediately report to the Commission any change in
29 the address of the Licensee's primary residence; and

30 12. Consent to accept service of process by mail at the

1 Licensee's primary residence on record with the Commission with
2 respect to any action brought against the Licensee by the
3 Commission or a Participating State, and consent to accept
4 service of a subpoena by mail at the Licensee's primary
5 residence on record with the Commission with respect to any
6 action brought or investigation conducted by the Commission or a
7 Participating State.

8 B. The Licensee must comply with the requirements of
9 subsection A of this section to maintain the Compact Privilege
10 in the Remote State. If those requirements are met, the Compact
11 Privilege will continue as long as the Licensee maintains a
12 Qualifying License in the State through which the Licensee
13 applied for the Compact Privilege and pays any applicable
14 Compact Privilege renewal fees.

15 C. A Licensee providing dentistry or dental hygiene in a
16 Remote State under the Compact Privilege shall function within
17 the Scope of Practice authorized by the Remote State for a
18 Dentist or Dental Hygienist licensed in that State.

19 D. A Licensee providing dentistry or dental hygiene pursuant
20 to a Compact Privilege in a Remote State is subject to that
21 State's regulatory authority. A Remote State may, in accordance
22 with due process and that State's laws, by Adverse Action revoke
23 or remove a Licensee's Compact Privilege in the Remote State for
24 a specific period of time and impose fines or take any other
25 necessary actions to protect the health and safety of its
26 citizens. If a Remote State imposes an Adverse Action against a
27 Compact Privilege that limits the Compact Privilege, that
28 Adverse Action applies to all Compact Privileges in all Remote
29 States. A Licensee whose Compact Privilege in a Remote State is
30 removed for a specified period of time is not eligible for a

Compact Privilege in any other Remote State until the specific time for removal of the Compact Privilege has passed and all encumbrance requirements are satisfied.

E. If a License in a Participating State is an Encumbered License, the Licensee shall lose the Compact Privilege in a Remote State and shall not be eligible for a Compact Privilege in any Remote State until the License is no longer encumbered.

F. Once an Encumbered License in a Participating State is restored to good standing, the Licensee must meet the requirements of subsection A of this section to obtain a Compact Privilege in a Remote State.

G. If a Licensee's Compact Privilege in a Remote State is removed by the Remote State, the individual shall lose or be ineligible for the Compact Privilege in any Remote State until the following occur:

1. The specific period of time for which the Compact Privilege was removed has ended; and

2. All conditions for removal of the Compact Privilege have been satisfied.

H. Once the requirements of subsection G of this section have been met, the Licensee must meet the requirements in subsection A of this section to obtain a Compact Privilege in a Remote State.

SECTION 5. ACTIVE MILITARY MEMBER OR THEIR SPOUSES

An Active Military Member and their spouse shall not be required to pay to the Commission for a Compact Privilege the fee otherwise charged by the Commission. If a Remote State chooses to charge a fee for a Compact Privilege, it may choose to charge a reduced fee or no fee to an Active Military Member and their spouse for a Compact Privilege.

1 SECTION 6. ADVERSE ACTIONS

2 A. A Participating State in which a Licensee is licensed
3 shall have exclusive authority to impose Adverse Action against
4 the Qualifying License issued by that Participating State.

5 B. A Participating State may take Adverse Action based on the
6 Significant Investigative Information of a Remote State, so long
7 as the Participating State follows its own procedures for
8 imposing Adverse Action.

9 C. Nothing in this Compact shall override a Participating
10 State's decision that participation in an Alternative Program
11 may be used in lieu of Adverse Action and that such
12 participation shall remain non-public if required by the
13 Participating State's laws. Participating States must require
14 Licensees who enter any Alternative Program in lieu of
15 discipline to agree not to practice pursuant to a Compact
16 Privilege in any other Participating State during the term of
17 the Alternative Program without prior authorization from such
18 other Participating State.

19 D. Any Participating State in which a Licensee is applying to
20 practice or is practicing pursuant to a Compact Privilege may
21 investigate actual or alleged violations of the statutes and
22 regulations authorizing the practice of dentistry or dental
23 hygiene in any other Participating State in which the Dentist or
24 Dental Hygienist holds a License or Compact Privilege.

25 E. A Remote State shall have the authority to:

26 1. Take Adverse Actions as set forth in Section 4.D against a
27 Licensee's Compact Privilege in the State;

28 2. In furtherance of its rights and responsibilities under
29 the Compact and the Commission's Rules issue subpoenas for both
30 hearings and investigations that require the attendance and

testimony of witnesses, and the production of evidence.
Subpoenas issued by a State Licensing Authority in a
Participating State for the attendance and testimony of
witnesses, or the production of evidence from another
Participating State, shall be enforced in the latter State by
any court of competent jurisdiction, according to the practice
and procedure of that court applicable to subpoenas issued in
proceedings pending before it. The issuing authority shall pay
any witness fees, travel expenses, mileage, and other fees
required by the service statutes of the State where the
witnesses or evidence are located; and

3. If otherwise permitted by State law, recover from the
Licensee the costs of investigations and disposition of cases
resulting from any Adverse Action taken against that Licensee.

F. Joint Investigations

1. In addition to the authority granted to a Participating
State by its Dentist or Dental Hygienist licensure act or other
applicable State law, a Participating State may jointly
investigate Licensees with other Participating States.

2. Participating States shall share any Significant
Investigative Information, litigation, or compliance materials
in furtherance of any joint or individual investigation
initiated under the Compact.

G. Authority to Continue Investigation

1. After a Licensee's Compact Privilege in a Remote State is
terminated, the Remote State may continue an investigation of
the Licensee that began when the Licensee had a Compact
Privilege in that Remote State.

2. If the investigation yields what would be Significant
Investigative Information had the Licensee continued to have a

Compact Privilege in that Remote State, the Remote State shall report the presence of such information to the Data System as required by Section 8.B.6 as if it was Significant Investigative Information.

SECTION 7. ESTABLISHMENT AND OPERATION OF THE COMMISSION.

A. The Compact Participating States hereby create and establish a joint government agency whose membership consists of all Participating States that have enacted the Compact. The Commission is an instrumentality of the Participating States acting jointly and not an instrumentality of any one State. The Commission shall come into existence on or after the effective date of the Compact as set forth in Section 11A.

B. Participation, Voting, and Meetings

1. Each Participating State shall have and be limited to one (1) Commissioner selected by that Participating State's State Licensing Authority or, if the State has more than one State Licensing Authority, selected collectively by the State Licensing Authorities.

2. The Commissioner shall be a member or designee of such Authority or Authorities.

3. The Commission may by Rule or bylaw establish a term of office for Commissioners and may by Rule or bylaw establish term limits.

4. The Commission may recommend to a State Licensing Authority or Authorities, as applicable, removal or suspension of an individual as the State's Commissioner.

5. A Participating State's State Licensing Authority, or Authorities, as applicable, shall fill any vacancy of its Commissioner on the Commission within sixty (60) days of the vacancy.

1 6. Each Commissioner shall be entitled to one vote on all
2 matters that are voted upon by the Commission.

3 7. The Commission shall meet at least once during each
4 calendar year. Additional meetings may be held as set forth in
5 the bylaws. The Commission may meet by telecommunication, video
6 conference or other similar electronic means.

7 C. The Commission shall have the following powers:

8 1. Establish the fiscal year of the Commission;

9 2. Establish a code of conduct and conflict of interest
10 policies;

11 3. Adopt Rules and bylaws;

12 4. Maintain its financial records in accordance with the
13 bylaws;

14 5. Meet and take such actions as are consistent with the
15 provisions of this Compact, the Commission's Rules, and the
16 bylaws;

17 6. Initiate and conclude legal proceedings or actions in the
18 name of the Commission, provided that the standing of any State
19 Licensing Authority to sue or be sued under applicable law shall
20 not be affected;

21 7. Maintain and certify records and information provided to a
22 Participating State as the authenticated business records of the
23 Commission, and designate a person to do so on the Commission's
24 behalf;

25 8. Purchase and maintain insurance and bonds;

26 9. Borrow, accept, or contract for services of personnel,
27 including, but not limited to, employees of a Participating
28 State;

29 10. Conduct an annual financial review;

30 11. Hire employees, elect or appoint officers, fix

1 compensation, define duties, grant such individuals appropriate
2 authority to carry out the purposes of the Compact, and
3 establish the Commission's personnel policies and programs
4 relating to conflicts of interest, qualifications of personnel,
5 and other related personnel matters;

6 12. As set forth in the Commission Rules, charge a fee to a
7 Licensee for the grant of a Compact Privilege in a Remote State
8 and thereafter, as may be established by Commission Rule, charge
9 the Licensee a Compact Privilege renewal fee for each renewal
10 period in which that Licensee exercises or intends to exercise
11 the Compact Privilege in that Remote State. Nothing herein shall
12 be construed to prevent a Remote State from charging a Licensee
13 a fee for a Compact Privilege or renewals of a Compact
14 Privilege, or a fee for the Jurisprudence Requirement if the
15 Remote State imposes such a requirement for the grant of a
16 Compact Privilege;

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

22 14. Lease, purchase, retain, own, hold, improve, or use any
23 property, real, personal, or mixed, or any undivided interest
24 therein;

25 15. Sell, convey, mortgage, pledge, lease, exchange, abandon,
26 or otherwise dispose of any property real, personal, or mixed;

27 16. Establish a budget and make expenditures;

28 17. Borrow money;

29 18. Appoint committees, including standing committees, which
30 may be composed of members, State regulators, State legislators

or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the bylaws;

19. Provide and receive information from, and cooperate with, law enforcement agencies;

20. Elect a Chair, Vice Chair, Secretary and Treasurer and such other officers of the Commission as provided in the Commission's bylaws;

21. Establish and elect an Executive Board;

22. Adopt and provide to the Participating States an annual report;

23. Determine whether a State's enacted compact is materially different from the Model Compact language such that the State would not qualify for participation in the Compact; and

24. Perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact.

D. Meetings of the Commission

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

2. Notwithstanding subsection D.1 of this section, the Commission may convene an emergency public meeting by providing at least twenty-four (24) hours prior notice on the Commission's website, and any other means as provided in the Commission's Rules, for any of the reasons it may dispense with notice of proposed rulemaking under Section 9.L. The Commission's legal counsel shall certify that one of the reasons justifying an emergency public meeting has been met.

3. Notice of all Commission meetings shall provide the time,

date, and location of the meeting, and if the meeting is to be held or accessible via telecommunication, video conference, or other electronic means, the notice shall include the mechanism for access to the meeting through such means.

4. The Commission may convene in a closed, non-public meeting for the Commission to receive legal advice or to discuss:

a. Non-compliance of a Participating State with its obligations under the Compact;

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

c. Current or threatened discipline of a Licensee or Compact Privilege holder by the Commission or by a Participating State's Licensing Authority;

d. Current, threatened, or reasonably anticipated litigation;

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

f. Accusing any person of a crime or formally censuring any person;

g. Trade secrets or commercial or financial information that is privileged or confidential;

h. Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

i. Investigative records compiled for law enforcement purposes;

j. Information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact;

1 k. Legal advice;

2 l. Matters specifically exempted from disclosure to the
3 public by federal or Participating State law; and

4 m. Other matters as promulgated by the Commission by Rule.

5 5. If a meeting, or portion of a meeting, is closed, the
6 presiding officer shall state that the meeting will be closed
7 and reference each relevant exempting provision, and such
8 reference shall be recorded in the minutes.

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

18 E. Financing of the Commission

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

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

25 3. The Commission may levy on and collect an annual
26 assessment from each Participating State and impose fees on
27 Licensees of Participating States when a Compact Privilege is
28 granted, to cover the cost of the operations and activities of
29 the Commission and its staff, which must be in a total amount
30 sufficient to cover its annual budget as approved each fiscal

year for which sufficient revenue is not provided by other
sources. The aggregate annual assessment amount for
Participating States shall be allocated based upon a formula
that the Commission shall promulgate by Rule.

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

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

F. The Executive Board

1. The Executive Board shall have the power to act on behalf
of the Commission according to the terms of this Compact. The
powers, duties, and responsibilities of the Executive Board
shall include:

a. Overseeing the day-to-day activities of the administration
of the Compact including compliance with the provisions of the
Compact, the Commission's Rules and bylaws;

b. Recommending to the Commission changes to the Rules or
bylaws, changes to this Compact legislation, fees charged to
Compact Participating States, fees charged to Licensees, and
other fees;

c. Ensuring Compact administration services are appropriately

provided, including by contract;

d. Preparing and recommending the budget;

e. Maintaining financial records on behalf of the Commission;

f. Monitoring Compact compliance of Participating States and
providing compliance reports to the Commission;

g. Establishing additional committees as necessary;

h. Exercising the powers and duties of the Commission during
the interim between Commission meetings, except for adopting or
amending Rules, adopting or amending bylaws, and exercising any
other powers and duties expressly reserved to the Commission by
Rule or bylaw; and

i. Other duties as provided in the Rules or bylaws of the
Commission.

2. The Executive Board shall be composed of up to seven (7)
members:

a. The Chair, Vice Chair, Secretary and Treasurer of the
Commission and any other members of the Commission who serve on
the Executive Board shall be voting members of the Executive
Board; and

b. Other than the Chair, Vice Chair, Secretary, and
Treasurer, the Commission may elect up to three (3) voting
members from the current membership of the Commission.

3. The Commission may remove any member of the Executive
Board as provided in the Commission's bylaws.

4. The Executive Board shall meet at least annually.

a. An Executive Board meeting at which it takes or intends to
take formal action on a matter shall be open to the public,
except that the Executive Board may meet in a closed, non-public
session of a public meeting when dealing with any of the matters
covered under subsection D.4.

1 b. The Executive Board shall give five (5) business days'
2 notice of its public meetings, posted on its website and as it
3 may otherwise determine to provide notice to persons with an
4 interest in the public matters the Executive Board intends to
5 address at those meetings.

6 5. The Executive Board may hold an emergency meeting when
7 acting for the Commission to:

8 a. Meet an imminent threat to public health, safety, or
9 welfare;

10 b. Prevent a loss of Commission or Participating State funds;
11 or

12 c. Protect public health and safety.

13 G. Qualified Immunity, Defense, and Indemnification

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

29 2. The Commission shall defend any member, officer, executive
30 director, employee, and representative of the Commission in any

civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or as determined by the Commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining their own counsel at their own expense; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

3. Notwithstanding subsection G.1 of this section, should any member, officer, executive director, employee, or representative of the Commission be held liable for the amount of any settlement or judgment arising out of any actual or alleged act, error, or omission that occurred within the scope of that individual's employment, duties, or responsibilities for the Commission, or that the person to whom that individual is liable had a reasonable basis for believing occurred within the scope of the individual's employment, duties, or responsibilities for the Commission, the Commission shall indemnify and hold harmless such individual, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of the individual.

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

5. Nothing in this Compact shall be interpreted to waive or otherwise abrogate a Participating State's state action immunity

or state action affirmative defense with respect to antitrust claims under the Sherman Act, Clayton Act, or any other State or federal antitrust or anticompetitive law or regulation.

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

SECTION 8. DATA SYSTEM

A. The Commission shall provide for the development, maintenance, operation, and utilization of a coordinated database and reporting system containing licensure, Adverse Action, and the presence of Significant Investigative Information on all Licensees and applicants for a License in Participating States.

B. Notwithstanding any other provision of State law to the contrary, a Participating State shall submit a uniform data set to the Data System on all individuals to whom this Compact is applicable as required by the Rules of the Commission, including:

1. Identifying information;

2. Licensure data;

3. Adverse Actions against a Licensee, License applicant or Compact Privilege and information related thereto;

4. Non-confidential information related to Alternative Program participation, the beginning and ending dates of such participation, and other information related to such participation;

5. Any denial of an application for licensure, and the reason(s) for such denial, (excluding the reporting of any criminal history record information where prohibited by law);

6. The presence of Significant Investigative Information; and

1 7. Other information that may facilitate the administration
2 of this Compact or the protection of the public, as determined
3 by the Rules of the Commission.

4 C. The records and information provided to a Participating
5 State pursuant to this Compact or through the Data System, when
6 certified by the Commission or an agent thereof, shall
7 constitute the authenticated business records of the Commission,
8 and shall be entitled to any associated hearsay exception in any
9 relevant judicial, quasi-judicial or administrative proceedings
10 in a Participating State.

11 D. Significant Investigative Information pertaining to a
12 Licensee in any Participating State will only be available to
13 other Participating States.

14 E. It is the responsibility of the Participating States to
15 monitor the database to determine whether Adverse Action has
16 been taken against a Licensee or License applicant. Adverse
17 Action information pertaining to a Licensee or License applicant
18 in any Participating State will be available to any other
19 Participating State.

20 F. Participating States contributing information to the Data
21 System may designate information that may not be shared with the
22 public without the express permission of the contributing State.

23 G. Any information submitted to the Data System that is
24 subsequently expunged pursuant to federal law or the laws of the
25 Participating State contributing the information shall be
26 removed from the Data System.

27 SECTION 9. RULEMAKING

28 A. The Commission shall promulgate reasonable Rules in order
29 to effectively and efficiently implement and administer the
30 purposes and provisions of the Compact. A Commission Rule shall

1 be invalid and have no force or effect only if a court of
2 competent jurisdiction holds that the Rule is invalid because
3 the Commission exercised its rulemaking authority in a manner
4 that is beyond the scope and purposes of the Compact, or the
5 powers granted hereunder, or based upon another applicable
6 standard of review.

7 B. The Rules of the Commission shall have the force of law in
8 each Participating State, provided however that where the Rules
9 of the Commission conflict with the laws of the Participating
10 State that establish the Participating State's Scope of Practice
11 as held by a court of competent jurisdiction, the Rules of the
12 Commission shall be ineffective in that State to the extent of
13 the conflict.

14 C. The Commission shall exercise its Rulemaking powers
15 pursuant to the criteria set forth in this section and the Rules
16 adopted thereunder. Rules shall become binding as of the date
17 specified by the Commission for each Rule.

18 D. If a majority of the legislatures of the Participating
19 States rejects a Commission Rule or portion of a Commission
20 Rule, by enactment of a statute or resolution in the same manner
21 used to adopt the Compact, within four (4) years of the date of
22 adoption of the Rule, then such Rule shall have no further force
23 and effect in any Participating State or to any State applying
24 to participate in the Compact.

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

27 F. Prior to adoption of a proposed Rule, the Commission shall
28 hold a public hearing and allow persons to provide oral and
29 written comments, data, facts, opinions, and arguments.

30 G. Prior to adoption of a proposed Rule by the Commission,

1 and at least thirty (30) days in advance of the meeting at which
2 the Commission will hold a public hearing on the proposed Rule,
3 the Commission shall provide a Notice of Proposed Rulemaking:

4 1. On the website of the Commission or other publicly
5 accessible platform;

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

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

10 H. The Notice of Proposed Rulemaking shall include:

11 1. The time, date, and location of the public hearing at
12 which the Commission will hear public comments on the proposed
13 Rule and, if different, the time, date, and location of the
14 meeting where the Commission will consider and vote on the
15 proposed Rule;

16 2. If the hearing is held via telecommunication, video
17 conference, or other electronic means, the Commission shall
18 include the mechanism for access to the hearing in the Notice of
19 Proposed Rulemaking;

20 3. The text of the proposed Rule and the reason therefor;

21 4. A request for comments on the proposed Rule from any
22 interested person; and

23 5. The manner in which interested persons may submit written
24 comments.

25 I. All hearings will be recorded. A copy of the recording and
26 all written comments and documents received by the Commission in
27 response to the proposed Rule shall be available to the public.

28 J. Nothing in this section shall be construed as requiring a
29 separate hearing on each Commission Rule. Rules may be grouped
30 for the convenience of the Commission at hearings required by

1 this section.

2 K. The Commission shall, by majority vote of all
3 Commissioners, take final action on the proposed Rule based on
4 the rulemaking record.

5 1. The Commission may adopt changes to the proposed Rule
6 provided the changes do not enlarge the original purpose of the
7 proposed Rule.

8 2. The Commission shall provide an explanation of the reasons
9 for substantive changes made to the proposed Rule as well as
10 reasons for substantive changes not made that were recommended
11 by commenters.

12 3. The Commission shall determine a reasonable effective date
13 for the Rule. Except for an emergency as provided in subsection
14 L, the effective date of the Rule shall be no sooner than thirty
15 (30) days after the Commission issuing the notice that it
16 adopted or amended the Rule.

17 L. Upon determination that an emergency exists, the
18 Commission may consider and adopt an emergency Rule with 24
19 hours' notice, with opportunity to comment, provided that the
20 usual rulemaking procedures provided in the Compact and in this
21 section shall be retroactively applied to the Rule as soon as
22 reasonably possible, in no event later than ninety (90) days
23 after the effective date of the Rule. For the purposes of this
24 provision, an emergency Rule is one that must be adopted
25 immediately in order to:

26 1. Meet an imminent threat to public health, safety, or
27 welfare;

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

29 3. Meet a deadline for the promulgation of a Rule that is
30 established by federal law or rule; or

1 4. Protect public health and safety.

2 M. The Commission or an authorized committee of the
3 Commission may direct revisions to a previously adopted Rule for
4 purposes of correcting typographical errors, errors in format,
5 errors in consistency, or grammatical errors. Public notice of
6 any revisions shall be posted on the website of the Commission.
7 The revision shall be subject to challenge by any person for a
8 period of thirty (30) days after posting. The revision may be
9 challenged only on grounds that the revision results in a
10 material change to a Rule. A challenge shall be made in writing
11 and delivered to the Commission prior to the end of the notice
12 period. If no challenge is made, the revision will take effect
13 without further action. If the revision is challenged, the
14 revision may not take effect without the approval of the
15 Commission.

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

18 SECTION 10. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

19 A. Oversight

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

23 2. Venue is proper and judicial proceedings by or against the
24 Commission shall be brought solely and exclusively in a court of
25 competent jurisdiction where the principal office of the
26 Commission is located. The Commission may waive venue and
27 jurisdictional defenses to the extent it adopts or consents to
28 participate in alternative dispute resolution proceedings.
29 Nothing herein shall affect or limit the selection or propriety
30 of venue in any action against a Licensee for professional

1 malpractice, misconduct or any such similar matter.

2 3. The Commission shall be entitled to receive service of
3 process in any proceeding regarding the enforcement or
4 interpretation of the Compact or Commission Rule and shall have
5 standing to intervene in such a proceeding for all purposes.
6 Failure to provide the Commission service of process shall
7 render a judgment or order void as to the Commission, this
8 Compact, or promulgated Rules.

9 B. Default, Technical Assistance, and Termination

10 1. If the Commission determines that a Participating State
11 has defaulted in the performance of its obligations or
12 responsibilities under this Compact or the promulgated Rules,
13 the Commission shall provide written notice to the defaulting
14 State. The notice of default shall describe the default, the
15 proposed means of curing the default, and any other action that
16 the Commission may take, and shall offer training and specific
17 technical assistance regarding the default.

18 2. The Commission shall provide a copy of the notice of
19 default to the other Participating States.

20 C. If a State in default fails to cure the default, the
21 defaulting State may be terminated from the Compact upon an
22 affirmative vote of a majority of the Commissioners, and all
23 rights, privileges and benefits conferred on that State by this
24 Compact may be terminated on the effective date of termination.
25 A cure of the default does not relieve the offending State of
26 obligations or liabilities incurred during the period of
27 default.

28 D. Termination of participation in the Compact shall be
29 imposed only after all other means of securing compliance have
30 been exhausted. Notice of intent to suspend or terminate shall

1 be given by the Commission to the governor, the majority and
2 minority leaders of the defaulting State's legislature, the
3 defaulting State's State Licensing Authority or Authorities, as
4 applicable, and each of the Participating States' State
5 Licensing Authority or Authorities, as applicable.

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

10 F. Upon the termination of a State's participation in this
11 Compact, that State shall immediately provide notice to all
12 Licensees of the State, including Licensees of other
13 Participating States issued a Compact Privilege to practice
14 within that State, of such termination. The terminated State
15 shall continue to recognize all Compact Privileges then in
16 effect in that State for a minimum of one hundred eighty (180)
17 days after the date of said notice of termination.

18 G. The Commission shall not bear any costs related to a State
19 that is found to be in default or that has been terminated from
20 the Compact, unless agreed upon in writing between the
21 Commission and the defaulting State.

22 H. The defaulting State may appeal the action of the
23 Commission by petitioning the U.S. District Court for the
24 District of Columbia or the federal district where the
25 Commission has its principal offices. The prevailing party shall
26 be awarded all costs of such litigation, including reasonable
27 attorney's fees.

28 I. Dispute Resolution

29 1. Upon request by a Participating State, the Commission
30 shall attempt to resolve disputes related to the Compact that

arise among Participating States and between Participating States and non-Participating States.

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

J. Enforcement

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

2. By majority vote, the Commission may initiate legal action against a Participating State in default in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices to enforce compliance with the provisions of the Compact and its promulgated Rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or the defaulting Participating State's law.

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

attorney's fees.

4. No individual or entity other than a Participating State may enforce this Compact against the Commission.

SECTION 11. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

A. The Compact shall come into effect on the date on which the Compact statute is enacted into law in the seventh Participating State.

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

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

b. If any Participating State is later found to be in default, or is terminated or withdraws from the Compact, the Commission shall remain in existence and the Compact shall remain in effect even if the number of Participating States should be less than seven (7).

2. Participating States enacting the Compact subsequent to the Charter Participating States shall be subject to the process set forth in Section 7.C.23 to determine if their enactments are materially different from the Model Compact and whether they qualify for participation in the Compact.

3. All actions taken for the benefit of the Commission or in furtherance of the purposes of the administration of the Compact prior to the effective date of the Compact or the Commission coming into existence shall be considered to be actions of the

Commission unless specifically repudiated by the Commission.

4. Any State that joins the Compact subsequent to the Commission's initial adoption of the Rules and bylaws shall be subject to the Commission's Rules and bylaws as they exist on the date on which the Compact becomes law in that State. Any Rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that State.

B. Any Participating State may withdraw from this Compact by enacting a statute repealing that State's enactment of the Compact.

1. A Participating State's withdrawal shall not take effect until one hundred eighty (180) days after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing State's Licensing Authority or Authorities to comply with the investigative and Adverse Action reporting requirements of this Compact prior to the effective date of withdrawal.

3. Upon the enactment of a statute withdrawing from this Compact, the State shall immediately provide notice of such withdrawal to all Licensees within that State. Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing State shall continue to recognize all Compact Privileges to practice within that State granted pursuant to this Compact for a minimum of one hundred eighty (180) days after the date of such notice of withdrawal.

C. Nothing contained in this Compact shall be construed to invalidate or prevent any licensure agreement or other cooperative arrangement between a Participating State and a non-

1 Participating State that does not conflict with the provisions
2 of this Compact.

3 D. This Compact may be amended by the Participating States.

4 No amendment to this Compact shall become effective and binding
5 upon any Participating State until it is enacted into the laws
6 of all Participating States.

7 SECTION 12. CONSTRUCTION AND SEVERABILITY

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

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

24 C. Notwithstanding subsection B of this section, the
25 Commission may deny a State's participation in the Compact or,
26 in accordance with the requirements of Section 10.B, terminate a
27 Participating State's participation in the Compact, if it
28 determines that a constitutional requirement of a Participating
29 State is a material departure from the Compact. Otherwise, if
30 this Compact shall be held to be contrary to the constitution of

any Participating State, the Compact shall remain in full force and effect as to the remaining Participating States and in full force and effect as to the Participating State affected as to all severable matters.

SECTION 13. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

A. Nothing herein shall prevent or inhibit the enforcement of any other law of a Participating State that is not inconsistent with the Compact.

B. Any laws, statutes, regulations, or other legal requirements in a Participating State in conflict with the Compact are superseded to the extent of the conflict.

C. All permissible agreements between the Commission and the Participating States are binding in accordance with their terms.
§ 5302. When and how compact becomes operative.

(a) Execution.--When the Governor executes the Dentist and Dental Hygienist Compact on behalf of this State and files a verified copy thereof with the Secretary of the Commonwealth and when the compact is ratified by six or more other states, then the compact shall become operative and effective between this State and such other state or states. The Governor shall take action as may be necessary to complete the exchange of official documents between this State and any other state ratifying the compact.

(b) Notice in Pennsylvania Bulletin.--The Secretary of the Commonwealth shall transmit a notice to the Legislative Reference Bureau for publication in the next available issue of the Pennsylvania Bulletin when the conditions set forth in subsection (a) are satisfied and shall include in the notice the date on which the compact became effective and operative between this State and any other state or states in accordance with this

1 chapter.

2 (c) Implementation.--The State Board of Dentistry shall:

3 (1) Promulgate temporary regulations necessary to
4 implement this chapter under 63 Pa.C.S. § 3120 (relating to
5 temporary rulemaking authority) no later than one year after
6 the effective date of this paragraph.

7 (2) Accept compact privilege applications and issue
8 compact privileges under this chapter no later than one year
9 after the effective date of this paragraph.

10 § 5303. Compensation and expenses of commissioner.

11 The commissioner who represents this State, as provided for
12 in section 7B of the compact, is not entitled to any additional
13 compensation for the duties and responsibilities as
14 commissioner, but is entitled to reimbursement for reasonable
15 expenses actually incurred in connection with the duties and
16 responsibilities as commissioner in the same manner as for
17 expenses incurred in connection with other duties and
18 responsibilities of the individual's office or employment.

19 CHAPTER 55

20 PHYSICIAN ASSISTANT COMPACT

21 Sec.

22 5501. Authority to executive compact.

23 5502. When and how compact becomes operative.

24 5503. Compensation and expenses of delegate.

25 § 5501. Authority to execute compact.

26 The Governor of Pennsylvania, on behalf of this State, may
27 execute a compact in substantially the following form with any
28 one or more of the states of the United States and the General
29 Assembly signifies in advance its approval and ratification of
30 the compact:

1 PA LICENSURE COMPACT

2 Section 1. Purpose

3 In order to strengthen access to Medical Services, and in
4 recognition of the advances in the delivery of Medical Services,
5 the Participating States of the PA Licensure Compact have allied
6 in common purpose to develop a comprehensive process that
7 complements the existing authority of State Licensing Boards to
8 license and discipline PAs and seeks to enhance the portability
9 of a License to practice as a PA while safeguarding the safety
10 of patients. This Compact allows Medical Services to be provided
11 by PAs, via the mutual recognition of the Licensee's Qualifying
12 License by other Compact Participating States. This Compact also
13 adopts the prevailing standard for PA licensure and affirms that
14 the practice and delivery of Medical Services by the PA occurs
15 where the patient is located at the time of the patient
16 encounter, and therefore requires the PA to be under the
17 jurisdiction of the State Licensing Board where the patient is
18 located. State Licensing Boards that participate in this Compact
19 retain the jurisdiction to impose Adverse Action against a
20 Compact Privilege in that State issued to a PA through the
21 procedures of this Compact. The PA Licensure Compact will
22 alleviate burdens for military families by allowing active duty
23 military personnel and their spouses to obtain a Compact
24 Privilege based on having an unrestricted License in good
25 standing from a Participating State.

26 Section 2. Definitions

27 In this Compact:

28 A. "Adverse Action" means any administrative, civil,
29 equitable, or criminal action permitted by a State's laws which
30 is imposed by a Licensing Board or other authority against a PA

License or License application or Compact Privilege such as
License denial, censure, revocation, suspension, probation,
monitoring of the Licensee, or restriction on the Licensee's
practice.

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

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

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

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

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

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

H. "Investigative Information" means information, records,

or documents received or generated by a Licensing Board pursuant to an investigation.

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

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

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

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

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

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

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

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

Q. "PA Licensure Compact Commission," "Compact Commission,"

or "Commission" mean the national administrative body created pursuant to Section 7.A of this Compact.

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

S. "Remote State" means a Participating State where a Licensee who is not licensed as a PA is exercising or seeking to exercise the Compact Privilege.

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

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

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

Section 3. State Participation in this Compact

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

1. License PAs.

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

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

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

1 5. Fully implement a Criminal Background Check
2 requirement, within a time frame established by Commission
3 Rule, by its Licensing Board receiving the results of a
4 Criminal Background Check and reporting to the Commission
5 whether the License applicant has been granted a License.

6 6. Comply with the Rules of the Compact Commission.

7 7. Utilize passage of a recognized national exam such as
8 the NCCPA PANCE as a requirement for PA licensure.

9 8. Grant the Compact Privilege to a holder of a
10 Qualifying License in a Participating State.

11 B. Nothing in this Compact prohibits a Participating State
12 from charging a fee for granting the Compact Privilege.

13 Section 4. Compact Privilege

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

15 1. Have graduated from a PA program accredited by the
16 Accreditation Review Commission on Education for the
17 Physician Assistant, Inc. or other programs authorized by
18 Commission Rule.

19 2. Hold current NCCPA certification.

20 3. Have no felony or misdemeanor Conviction.

21 4. Have never had a controlled substance license,
22 permit, or registration suspended or revoked by a State or by
23 the United States Drug Enforcement Administration.

24 5. Have a unique identifier as determined by Commission
25 Rule.

26 6. Hold a Qualifying License.

27 7. Have had no revocation of a License or limitation or
28 restriction on any License currently held due to an adverse
29 action.

30 8. If a Licensee has had a limitation or restriction on

1 a License or Compact Privilege due to an Adverse Action, two
2 years must have elapsed from the date on which the License or
3 Compact Privilege is no longer limited or restricted due to
4 the Adverse Action.

5 9. If a Compact Privilege has been revoked or is limited
6 or restricted in a Participating State for conduct that would
7 not be a basis for disciplinary action in a Participating
8 State in which the Licensee is practicing or applying to
9 practice under a Compact Privilege, that Participating State
10 shall have the discretion not to consider such action as an
11 Adverse Action requiring the denial or removal of a Compact
12 Privilege in that State.

13 10. Notify the Compact Commission that the Licensee is
14 seeking the Compact Privilege in a Remote State.

15 11. Meet any Jurisprudence Requirement of a Remote State
16 in which the Licensee is seeking to practice under the
17 Compact Privilege and pay any fees applicable to satisfying
18 the Jurisprudence Requirement.

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

22 B. The Compact Privilege is valid until the expiration or
23 revocation of the Qualifying License unless terminated pursuant
24 to an Adverse Action. The Licensee must also comply with all of
25 the requirements of Subsection A above to maintain the Compact
26 Privilege in a Remote State. If the Participating State takes
27 Adverse Action against a Qualifying License, the Licensee shall
28 lose the Compact Privilege in any Remote State in which the
29 Licensee has a Compact Privilege until all of the following
30 occur:

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

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

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

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

13 Section 5. Designation of the State from Which Licensee is
14 Applying for a Compact Privilege

15 A. Upon a Licensee's application for a Compact Privilege,
16 the Licensee shall identify to the Commission the Participating
17 State from which the Licensee is applying, in accordance with
18 applicable Rules adopted by the Commission, and subject to the
19 following requirements:

20 1. When applying for a Compact Privilege, the Licensee
21 shall provide the Commission with the address of the
22 Licensee's primary residence and thereafter shall immediately
23 report to the Commission any change in the address of the
24 Licensee's primary residence.

25 2. When applying for a Compact Privilege, the Licensee
26 is required to consent to accept service of process by mail
27 at the Licensee's primary residence on file with the
28 Commission with respect to any action brought against the
29 Licensee by the Commission or a Participating State,
30 including a subpoena, with respect to any action brought or

1 investigation conducted by the Commission or a Participating
2 State.

3 Section 6. Adverse Actions

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

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

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

14 2. Issue subpoenas for both hearings and investigations
15 that require the attendance and testimony of witnesses as
16 well as the production of evidence. Subpoenas issued by a
17 Licensing Board in a Participating State for the attendance
18 and testimony of witnesses or the production of evidence from
19 another Participating State shall be enforced in the latter
20 State by any court of competent jurisdiction, according to
21 the practice and procedure of that court applicable to
22 subpoenas issued in proceedings pending before it. The
23 issuing authority shall pay any witness fees, travel
24 expenses, mileage and other fees required by the service
25 statutes of the State in which the witnesses or evidence are
26 located.

27 3. Notwithstanding paragraph 2, subpoenas may not be
28 issued by a Participating State to gather evidence of conduct
29 in another State that is lawful in that other State for the
30 purpose of taking Adverse Action against a Licensee's Compact

1 Privilege or application for a Compact Privilege in that
2 Participating State.

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

8 C. For purposes of taking Adverse Action, the Participating
9 State which issued the Qualifying License shall give the same
10 priority and effect to reported conduct received from any other
11 Participating State as it would if the conduct had occurred
12 within the Participating State which issued the Qualifying
13 License. In so doing, that Participating State shall apply its
14 own State laws to determine appropriate action.

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

19 E. A Participating State may take Adverse Action based on
20 the factual findings of a Remote State, provided that the
21 Participating State follows its own procedures for taking the
22 Adverse Action.

23 F. Joint Investigations

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

29 2. Participating States shall share any investigative,
30 litigation, or compliance materials in furtherance of any

1 joint or individual investigation initiated under this
2 Compact.

3 G. If an Adverse Action is taken against a PA's Qualifying
4 License, the PA's Compact Privilege in all Remote States shall
5 be deactivated until two (2) years have elapsed after all
6 restrictions have been removed from the State License. All
7 disciplinary orders by the Participating State which issued the
8 Qualifying License that impose Adverse Action against a PA's
9 License shall include a Statement that the PA's Compact
10 Privilege is deactivated in all Participating States during the
11 pendency of the order.

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

14 Section 7. Establishment of the PA Licensure Compact Commission

15 A. The Participating States hereby create and establish a
16 joint government agency and national administrative body known
17 as the PA Licensure Compact Commission. The Commission is an
18 instrumentality of the Compact States acting jointly and not an
19 instrumentality of any one State. The Commission shall come into
20 existence on or after the effective date of the Compact as set
21 forth in Section 11.A.

22 B. Membership, Voting, and Meetings

23 1. Each Participating State shall have and be limited to
24 one (1) delegate selected by that Participating State's
25 Licensing Board or, if the State has more than one Licensing
26 Board, selected collectively by the Participating State's
27 Licensing Boards.

28 2. The delegate shall be either:

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

- 1 b. An administrator of a Licensing Board.
- 2 3. Any delegate may be removed or suspended from office
3 as provided by the laws of the State from which the delegate
4 is appointed.
- 5 4. The Participating State Licensing Board shall fill
6 any vacancy occurring in the Commission within sixty (60)
7 days.
- 8 5. Each delegate shall be entitled to one (1) vote on
9 all matters voted on by the Commission and shall otherwise
10 have an opportunity to participate in the business and
11 affairs of the Commission. A delegate shall vote in person or
12 by such other means as provided in the bylaws. The bylaws may
13 provide for delegates' participation in meetings by
14 telecommunications, video conference, or other means of
15 communication.
- 16 6. The Commission shall meet at least once during each
17 calendar year. Additional meetings shall be held as set forth
18 in this Compact and the bylaws.
- 19 7. The Commission shall establish by Rule a term of
20 office for delegates.

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

- 23 1. Establish a code of ethics for the Commission;
24 2. Establish the fiscal year of the Commission;
25 3. Establish fees;
26 4. Establish bylaws;
27 5. Maintain its financial records in accordance with the
28 bylaws;
- 29 6. Meet and take such actions as are consistent with the
30 provisions of this Compact and the bylaws;

1 7. Promulgate Rules to facilitate and coordinate
2 implementation and administration of this Compact. The Rules
3 shall have the force and effect of law and shall be binding
4 in all Participating States;

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

9 9. Purchase and maintain insurance and bonds;

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

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

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

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

29 14. Sell, convey, mortgage, pledge, lease, exchange,
30 abandon, or otherwise dispose of any property real, personal,

1 or mixed;

2 15. Establish a budget and make expenditures;

3 16. Borrow money;

4 17. Appoint committees, including standing committees
5 composed of members, State regulators, State legislators or
6 their representatives, and consumer representatives, and such
7 other interested persons as may be designated in this Compact
8 and the bylaws;

9 18. Provide and receive information from, and cooperate
10 with, law enforcement agencies;

11 19. Elect a Chair, Vice Chair, Secretary and Treasurer
12 and such other officers of the Commission as provided in the
13 Commission's bylaws.

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

17 21. Approve or disapprove a State's participation in the
18 Compact based upon its determination as to whether the
19 State's Compact legislation departs in a material manner from
20 the Model Compact language;

21 22. Prepare and provide to the Participating States an
22 annual report; and

23 23. Perform such other functions as may be necessary or
24 appropriate to achieve the purposes of this Compact
25 consistent with the State regulation of PA licensure and
26 practice.

27 D. Meetings of the Commission

28 1. All meetings of the Commission that are not closed
29 pursuant to this subsection shall be open to the public.

30 Notice of public meetings shall be posted on the Commission's

1 website at least thirty (30) days prior to the public
2 meeting.

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

9 3. The Commission may convene in a closed, non-public
10 meeting or non-public part of a public meeting to receive
11 legal advice or to discuss:

12 a. Non-compliance of a Participating State with its
13 obligations under this Compact;

14 b. The employment, compensation, discipline or other
15 matters, practices or procedures related to specific
16 employees or other matters related to the Commission's
17 internal personnel practices and procedures;

18 c. Current, threatened, or reasonably anticipated
19 litigation;

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

22 e. Accusing any person of a crime or formally
23 censuring any person;

24 f. Disclosure of trade secrets or commercial or
25 financial information that is privileged or confidential;

26 g. Disclosure of information of a personal nature
27 where disclosure would constitute a clearly unwarranted
28 invasion of personal privacy;

29 h. Disclosure of investigative records compiled for
30 law enforcement purposes;

1 i. Disclosure of information related to any
2 investigative reports prepared by or on behalf of or for
3 use of the Commission or other committee charged with
4 responsibility of investigation or determination of
5 compliance issues pursuant to this Compact;

6 j. Legal advice; or

7 k. Matters specifically exempted from disclosure by
8 federal or Participating States' statutes.

9 4. If a meeting, or portion of a meeting, is closed
10 pursuant to this provision, the chair of the meeting or the
11 chair's designee shall certify that the meeting or portion of
12 the meeting may be closed and shall reference each relevant
13 exempting provision.

14 5. The Commission shall keep minutes that fully and
15 clearly describe all matters discussed in a meeting and shall
16 provide a full and accurate summary of actions taken,
17 including a description of the views expressed. All documents
18 considered in connection with an action shall be identified
19 in such minutes. All minutes and documents of a closed
20 meeting shall remain under seal, subject to release by a
21 majority vote of the Commission or order of a court of
22 competent jurisdiction.

23 E. Financing of the Commission

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

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

30 3. The Commission may levy on and collect an annual

1 assessment from each Participating State and may impose
2 Compact Privilege fees on Licensees of Participating States
3 to whom a Compact Privilege is granted to cover the cost of
4 the operations and activities of the Commission and its
5 staff, which must be in a total amount sufficient to cover
6 its annual budget as approved by the Commission each year for
7 which revenue is not provided by other sources. The aggregate
8 annual assessment amount levied on Participating States shall
9 be allocated based upon a formula to be determined by
10 Commission Rule.

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

14 b. If the Licensee terminates the Qualifying License
15 through which the Licensee applied for the Compact
16 Privilege before its scheduled expiration, and the
17 Licensee has a Qualifying License in another
18 Participating State, the Licensee shall inform the
19 Commission that it is changing to that Participating
20 State the Participating State through which it applies
21 for a Compact Privilege and pay to the Commission any
22 Compact Privilege fee required by Commission Rule.

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

28 5. The Commission shall keep accurate accounts of all
29 receipts and disbursements. The receipts and disbursements of
30 the Commission shall be subject to the financial review and

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

7 F. The Executive Committee

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

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

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

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

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

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

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

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

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

26 a. Recommend to the Commission changes to the
27 Commission's Rules or bylaws, changes to this Compact
28 legislation, fees to be paid by Compact Participating
29 States such as annual dues, and any Commission Compact
30 fee charged to Licensees for the Compact Privilege;

1 b. Ensure Compact administration services are
2 appropriately provided, contractual or otherwise;
3 c. Prepare and recommend the budget;
4 d. Maintain financial records on behalf of the
5 Commission;
6 e. Monitor Compact compliance of Participating
7 States and provide compliance reports to the Commission;
8 f. Establish additional committees as necessary;
9 g. Exercise the powers and duties of the Commission
10 during the interim between Commission meetings, except
11 for issuing proposed rulemaking or adopting Commission
12 Rules or bylaws, or exercising any other powers and
13 duties exclusively reserved to the Commission by the
14 Commission's Rules; and
15 h. Perform other duties as provided in the
16 Commission's Rules or bylaws.

17 7. All meeting of the Executive Committee at which it
18 votes or plans to vote on matters in exercising the powers
19 and duties of the Commission shall be open to the public and
20 public notice of such meetings shall be given as public
21 meetings of the Commission are given.

22 8. The Executive Committee may convene in a closed, non-
23 public meeting for the same reasons that the Commission may
24 convene in a non-public meeting as set forth in Section 7.D 3
25 and shall announce the closed meeting as the Commission is
26 required to under Section 7.D.4 and keep minutes of the
27 closed meeting as the Commission is required to under Section
28 7.D.5.

29 G. Qualified Immunity, Defense, and Indemnification

30 1. The members, officers, executive director, employees

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

16 2. The Commission shall defend any member, officer,
17 executive director, employee, and representative of the
18 Commission in any civil action seeking to impose liability
19 arising out of any actual or alleged act, error, or omission
20 that occurred within the scope of Commission employment,
21 duties, or responsibilities, or as determined by the
22 commission that the person against whom the claim is made had
23 a reasonable basis for believing occurred within the scope of
24 Commission employment, duties, or responsibilities; provided
25 that nothing herein shall be construed to prohibit that
26 person from retaining their own counsel at their own expense;
27 and provided further, that the actual or alleged act, error,
28 or omission did not result from that person's intentional or
29 willful or wanton misconduct.

30 3. The Commission shall indemnify and hold harmless any

1 member, officer, executive director, employee, and
2 representative of the Commission for the amount of any
3 settlement or judgment obtained against that person arising
4 out of any actual or alleged act, error, or omission that
5 occurred within the scope of Commission employment, duties,
6 or responsibilities, or that such person had a reasonable
7 basis for believing occurred within the scope of Commission
8 employment, duties, or responsibilities, provided that the
9 actual or alleged act, error, or omission did not result from
10 the intentional or willful or wanton misconduct of that
11 person.

12 4. Venue is proper and judicial proceedings by or
13 against the Commission shall be brought solely and
14 exclusively in a court of competent jurisdiction where the
15 principal office of the Commission is located. The Commission
16 may waive venue and jurisdictional defenses in any
17 proceedings as authorized by Commission Rules.

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

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

28 7. Nothing in this Compact shall be interpreted to waive
29 or otherwise abrogate a Participating State's state action
30 immunity or state action affirmative defense with respect to

antitrust claims under the Sherman Act, Clayton Act, or any other State or federal antitrust or anticompetitive law or regulation.

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

Section 8. Data System

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

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

1. Identifying information;

2. Licensure data;

3. Adverse Actions against a License or Compact Privilege;

4. Any denial of application for licensure, and the reason(s) for such denial (excluding the reporting of any Criminal history record information where prohibited by law);

5. The existence of Significant Investigative Information; and

6. Other information that may facilitate the administration of this Compact, as determined by the Rules of the Commission.

1 C. Significant Investigative Information pertaining to a
2 Licensee in any Participating State shall only be available to
3 other Participating States.

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

9 E. Participating States contributing information to the Data
10 System may, in accordance with State or federal law, designate
11 information that may not be shared with the public without the
12 express permission of the contributing State. Notwithstanding
13 any such designation, such information shall be reported to the
14 Commission through the Data System.

15 F. Any information submitted to the Data System that is
16 subsequently expunged pursuant to federal law or the laws of the
17 Participating State contributing the information shall be
18 removed from the Data System upon reporting of such by the
19 Participating State to the Commission.

20 G. The records and information provided to a Participating
21 State pursuant to this Compact or through the Data System, when
22 certified by the Commission or an agent thereof, shall
23 constitute the authenticated business records of the Commission,
24 and shall be entitled to any associated hearsay exception in any
25 relevant judicial, quasi-judicial or administrative proceedings
26 in a Participating State.

27 Section 9. Rulemaking

28 A. The Commission shall exercise its Rulemaking powers
29 pursuant to the criteria set forth in this Section and the Rules
30 adopted thereunder. Commission Rules shall become binding as of

the date specified by the Commission for each Rule.

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

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

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

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

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

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

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

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

7 G. The Notice of Proposed Rulemaking shall include:

8 1. The time, date, and location of the public hearing on
9 the proposed Rule and the proposed time, date and location of
10 the meeting in which the proposed Rule will be considered and
11 voted upon;

12 2. The text of the proposed Rule and the reason for the
13 proposed Rule;

14 3. A request for comments on the proposed Rule from any
15 interested person and the date by which written comments must
16 be received; and

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

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

23 I. If the hearing is to be held via electronic means, the
24 Commission shall publish the mechanism for access to the
25 electronic hearing.

26 1. All persons wishing to be heard at the hearing shall
27 as directed in the Notice of Proposed Rulemaking, not less
28 than five (5) business days before the scheduled date of the
29 hearing, notify the Commission of their desire to appear and
30 testify at the hearing.

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

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

8 4. Nothing in this section shall be construed as
9 requiring a separate hearing on each proposed Rule. Proposed
10 Rules may be grouped for the convenience of the Commission at
11 hearings required by this section.

12 J. Following the public hearing the Commission shall
13 consider all written and oral comments timely received.

14 K. The Commission shall, by majority vote of all delegates,
15 take final action on the proposed Rule and shall determine the
16 effective date of the Rule, if adopted, based on the Rulemaking
17 record and the full text of the Rule.

18 1. If adopted, the Rule shall be posted on the
19 Commission's website.

20 2. The Commission may adopt changes to the proposed Rule
21 provided the changes do not enlarge the original purpose of
22 the proposed Rule.

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

27 4. The Commission shall determine a reasonable effective
28 date for the Rule. Except for an emergency as provided in
29 subsection L, the effective date of the Rule shall be no
30 sooner than thirty (30) days after the Commission issued the

1 notice that it adopted the Rule.

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

12 1. Meet an imminent threat to public health, safety, or
13 welfare;

14 2. Prevent a loss of Commission or Participating State
15 funds;

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

18 4. Protect public health and safety.

19 M. The Commission or an authorized committee of the
20 Commission may direct revisions to a previously adopted
21 Commission Rule for purposes of correcting typographical errors,
22 errors in format, errors in consistency, or grammatical errors.
23 Public notice of any revisions shall be posted on the website of
24 the Commission. The revision shall be subject to challenge by
25 any person for a period of thirty (30) days after posting. The
26 revision may be challenged only on grounds that the revision
27 results in a material change to a Rule. A challenge shall be
28 made as set forth in the notice of revisions and delivered to
29 the Commission prior to the end of the notice period. If no
30 challenge is made, the revision will take effect without further

1 action. If the revision is challenged, the revision may not take
2 effect without the approval of the Commission.

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

5 Section 10. Oversight, Dispute Resolution, and Enforcement

6 A. Oversight

7 1. The executive and judicial branches of State
8 government in each Participating State shall enforce this
9 Compact and take all actions necessary and appropriate to
10 implement the Compact.

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

21 3. The Commission shall be entitled to receive service
22 of process in any proceeding regarding the enforcement or
23 interpretation of the Compact or the Commission's Rules and
24 shall have standing to intervene in such a proceeding for all
25 purposes. Failure to provide the Commission with service of
26 process shall render a judgment or order in such proceeding
27 void as to the Commission, this Compact, or Commission Rules.

28 B. Default, Technical Assistance, and Termination

29 1. If the Commission determines that a Participating
30 State has defaulted in the performance of its obligations or

1 responsibilities under this Compact or the Commission Rules,
2 the Commission shall provide written notice to the defaulting
3 State and other Participating States. The notice shall
4 describe the default, the proposed means of curing the
5 default and any other action that the Commission may take and
6 shall offer remedial training and specific technical
7 assistance regarding the default.

8 2. If a State in default fails to cure the default, the
9 defaulting State may be terminated from this Compact upon an
10 affirmative vote of a majority of the delegates of the
11 Participating States, and all rights, privileges and benefits
12 conferred by this Compact upon such State may be terminated
13 on the effective date of termination. A cure of the default
14 does not relieve the offending State of obligations or
15 liabilities incurred during the period of default.

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

23 4. A State that has been terminated is responsible for
24 all assessments, obligations, and liabilities incurred
25 through the effective date of termination, including
26 obligations that extend beyond the effective date of
27 termination.

28 5. The Commission shall not bear any costs related to a
29 State that is found to be in default or that has been
30 terminated from this Compact, unless agreed upon in writing

1 between the Commission and the defaulting State.

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

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

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

15 b. Licensees who are licensed in that State who have
16 been granted a Compact Privilege in a Participating State
17 shall retain the Compact Privilege for one hundred eighty
18 (180) days unless the Licensee also has a Qualifying
19 License in a Participating State or obtains a Qualifying
20 License in a Participating State before the one hundred
21 eighty (180)-day period ends, in which case the Compact
22 Privilege shall continue.

23 C. Dispute Resolution

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

28 2. The Commission shall promulgate a Rule providing for
29 both mediation and binding dispute resolution for disputes as
30 appropriate.

1 D. Enforcement

2 1. The Commission, in the reasonable exercise of its
3 discretion, shall enforce the provisions of this Compact and
4 Rules of the Commission.

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

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

20 E. Legal Action Against the Commission

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

30 2. No person other than a Participating State shall

1 enforce this Compact against the Commission.

2 Section 11. Date of Implementation of the PA Licensure Compact
3 Commission

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

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

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

17 b. If any Participating State later withdraws from
18 the 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 to
23 the Commission convening shall be subject to the process
24 set forth in Section 7.C.21 to determine if their
25 enactments are materially different from the Model
26 Compact and whether they qualify for participation in the
27 Compact.

28 2. Participating States enacting the Compact subsequent
29 to the seven initial Charter Participating States shall be
30 subject to the process set forth in Section 7.C.21 to

1 determine if their enactments are materially different from
2 the Model Compact and whether they qualify for participation
3 in the Compact.

4 3. All actions taken for the benefit of the Commission
5 or in furtherance of the purposes of the administration of
6 the Compact prior to the effective date of the Compact or the
7 Commission coming into existence shall be considered to be
8 actions of the Commission unless specifically repudiated by
9 the Commission.

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

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

18 1. A Participating State's withdrawal shall not take
19 effect until one hundred eighty (180) days after enactment of
20 the repealing statute. During this one hundred eighty (180)
21 day-period, all Compact Privileges that were in effect in the
22 withdrawing State and were granted to Licensees licensed in
23 the withdrawing State shall remain in effect. If any Licensee
24 licensed in the withdrawing State is also licensed in another
25 Participating State or obtains a license in another
26 Participating State within the one hundred eighty (180) days,
27 the Licensee's Compact Privileges in other Participating
28 States shall not be affected by the passage of the one
29 hundred eighty (180) days.

30 2. Withdrawal shall not affect the continuing

1 requirement of the State Licensing Board(s) of the
2 withdrawing State to comply with the investigative, and
3 Adverse Action reporting requirements of this Compact prior
4 to the effective date of withdrawal.

5 3. Upon the enactment of a statute withdrawing a State
6 from this Compact, the State shall immediately provide notice
7 of such withdrawal to all Licensees within that State. Such
8 withdrawing State shall continue to recognize all licenses
9 granted pursuant to this Compact for a minimum of one hundred
10 eighty (180) days after the date of such notice of
11 withdrawal.

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

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

22 Section 12. Construction and Severability

23 A. This Compact and the Commission's rulemaking authority
24 shall be liberally construed so as to effectuate the purposes,
25 and the implementation and administration of the Compact.
26 Provisions of the Compact expressly authorizing or requiring the
27 promulgation of Rules shall not be construed to limit the
28 Commission's rulemaking authority solely for those purposes.

29 B. The provisions of this Compact shall be severable and if
30 any phrase, clause, sentence or provision of this Compact is

1 held by a court of competent jurisdiction to be contrary to the
2 constitution of any Participating State, a State seeking
3 participation in the Compact, or of the United States, or the
4 applicability thereof to any government, agency, person or
5 circumstance is held to be unconstitutional by a court of
6 competent jurisdiction, the validity of the remainder of this
7 Compact and the applicability thereof to any other government,
8 agency, person or circumstance shall not be affected thereby.

9 C. Notwithstanding subsection B or this section, the
10 Commission may deny a State's participation in the Compact or,
11 in accordance with the requirements of Section 10.B, terminate a
12 Participating State's participation in the Compact, if it
13 determines that a constitutional requirement of a Participating
14 State is, or would be with respect to a State seeking to
15 participate in the Compact, a material departure from the
16 Compact. Otherwise, if this Compact shall be held to be contrary
17 to the constitution of any Participating State, the Compact
18 shall remain in full force and effect as to the remaining
19 Participating States and in full force and effect as to the
20 Participating State affected as to all severable matters.

21 Section 13. Binding Effect of Compact

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

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

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

29 § 5502. When and how compact becomes operative.

30 (a) Execution.--When the Governor executes the PA Licensure

Compact on behalf of this State and files a verified copy thereof with the Secretary of the Commonwealth and when the compact comes into effect in accordance with section 11 of the compact, the compact shall become operative and effective between this State and the other participating states. The Governor shall take any necessary action to complete the exchange of official documents between this State and any other participating state.

(b) Notice in Pennsylvania Bulletin.--The Secretary of the Commonwealth shall transmit notice to the Legislative Reference Bureau for publication in the next available issue of the Pennsylvania Bulletin when the conditions specified in subsection (a) are satisfied. The notice shall include the date on which the compact became effective and operative between this State and the other participating states in accordance with this chapter.

(c) Implementation.--The State Board of Medicine and the State Board of Osteopathic Medicine shall:

(1) Promulgate temporary regulations necessary to implement this chapter under 63 Pa.C.S. § 3120 (relating to temporary rulemaking authority) no later than one year after the effective date of this paragraph.

(2) Accept compact privilege applications and issue compact privileges under this chapter no later than one year after the effective date of this paragraph.

§ 5503. Compensation and expenses of delegate.

The delegate who represents this State, as provided for in section 7 of the compact, is not entitled to any additional compensation for the duties and responsibilities as delegate, but is entitled to reimbursement for reasonable expenses

actually incurred in connection with the duties and
responsibilities as delegate in the same manner as for expenses
incurred in connection with other duties and responsibilities of
the individual's office or employment.

CHAPTER 57

SOCIAL WORK LICENSURE COMPACT

Sec.

5701. Authority to execute compact.

5702. When and how compact becomes operative.

5703. Compensation and expenses of delegate.

§ 5701. Authority to execute compact.

The Governor, on behalf of the Commonwealth, may execute a
compact in substantially the following form with any one or more
of the states of the United States, and the General Assembly
signifies in advance its approval and ratification of the
compact:

SOCIAL WORK LICENSURE COMPACT

SECTION 1. PURPOSE

The purpose of this Compact is to facilitate interstate
practice of Regulated Social Workers by improving public access
to competent Social Work Services. The Compact preserves the
regulatory authority of States to protect public health and
safety through the current system of State licensure.

This Compact is designed to achieve the following objectives:

A. Increase public access to Social Work Services;

B. Reduce overly burdensome and duplicative requirements
associated with holding multiple licenses;

C. Enhance the Member States' ability to protect the
public's health and safety;

D. Encourage the cooperation of Member States in

1 regulating multistate practice;

2 E. Promote mobility and address workforce shortages by
3 eliminating the necessity for licenses in multiple States by
4 providing for the mutual recognition of other Member State
5 licenses;

6 F. Support military families;

7 G. Facilitate the exchange of licensure and disciplinary
8 information among Member States;

9 H. Authorize all Member States to hold a Regulated
10 Social Worker accountable for abiding by a Member State's
11 laws, regulations, and applicable professional standards in
12 the Member State in which the client is located at the time
13 care is rendered; and

14 I. Allow for the use of telehealth to facilitate
15 increased access to regulated Social Work Services.

16 SECTION 2. DEFINITIONS

17 As used in this Compact, and except as otherwise provided,
18 the following definitions shall apply:

19 A. "Active Military Member" means any individual with full-
20 time duty status in the active armed forces of the United States
21 including members of the National Guard and Reserve.

22 B. "Adverse Action" means any administrative, civil,
23 equitable or criminal action permitted by a State's laws which
24 is imposed by a Licensing Authority or other authority against a
25 Regulated Social Worker, including actions against an
26 individual's license or Multistate Authorization to Practice
27 such as revocation, suspension, probation, monitoring of the
28 Licensee, limitation on the Licensee's practice, or any other
29 Encumbrance on licensure affecting a Regulated Social Worker's
30 authorization to practice, including issuance of a cease and

desist action.

C. "Alternative Program" means a non-disciplinary monitoring or practice remediation process approved by a Licensing Authority to address practitioners with an Impairment.

D. "Charter Member States" - Member States who have enacted legislation to adopt this Compact where such legislation predates the effective date of this Compact as described in Section 14.

E. "Compact Commission" or "Commission" means the government agency whose membership consists of all States that have enacted this Compact, which is known as the Social Work Licensure Compact Commission, as described in Section 10, and which shall operate as an instrumentality of the Member States.

F. "Current Significant Investigative Information" means:

1. Investigative information that a Licensing Authority, after a preliminary inquiry that includes notification and an opportunity for the Regulated Social Worker to respond has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction as may be defined by the Commission; or

2. Investigative information that indicates that the Regulated Social Worker represents an immediate threat to public health and safety, as may be defined by the Commission, regardless of whether the Regulated Social Worker has been notified and has had an opportunity to respond.

G. "Data System" means a repository of information about Licensees, including, continuing education, examination, licensure, Current Significant Investigative Information, Disqualifying Event, Multistate License(s) and Adverse Action information or other information as required by the Commission.

1 H. "Disqualifying Event" means any Adverse Action or
2 incident which results in an Encumbrance that disqualifies or
3 makes the Licensee ineligible to either obtain, retain or renew
4 a Multistate License.

5 I. "Domicile" means the jurisdiction in which the Licensee
6 resides and intends to remain indefinitely.

7 J. "Encumbrance" means a revocation or suspension of, or any
8 limitation on, the full and unrestricted practice of Social Work
9 licensed and regulated by a Licensing Authority.

10 K. "Executive Committee" means a group of delegates elected
11 or appointed to act on behalf of, and within the powers granted
12 to them by, the compact and Commission.

13 L. "Home State" means the Member State that is the
14 Licensee's primary Domicile.

15 M. "Impairment" means a condition(s) that may impair a
16 practitioner's ability to engage in full and unrestricted
17 practice as a Regulated Social Worker without some type of
18 intervention and may include alcohol and drug dependence, mental
19 health impairment, and neurological or physical impairments.

20 N. "Licensee(s)" means an individual who currently holds a
21 license from a State to practice as a Regulated Social Worker.

22 O. "Licensing Authority" means the board or agency of a
23 Member State, or equivalent, that is responsible for the
24 licensing and regulation of Regulated Social Workers.

25 P. "Member State" means a state, commonwealth, district, or
26 territory of the United States of America that has enacted this
27 Compact.

28 Q. "Multistate Authorization to Practice" means a legally
29 authorized privilege to practice, which is equivalent to a
30 license, associated with a Multistate License permitting the

1 practice of Social Work in a Remote State.

2 R. "Multistate License" means a license to practice as a
3 Regulated Social Worker issued by a Home State Licensing
4 Authority that authorizes the Regulated Social Worker to
5 practice in all Member States under Multistate Authorization to
6 Practice.

7 S. "Qualifying National Exam" means a national licensing
8 examination approved by the Commission.

9 T. "Regulated Social Worker" means any clinical, master's or
10 bachelor's Social Worker licensed by a Member State regardless
11 of the title used by that Member State.

12 U. "Remote State" means a Member State other than the
13 Licensee's Home State.

14 V. "Rule(s)" or "Rule(s) of the Commission" means a
15 regulation or regulations duly promulgated by the Commission, as
16 authorized by the Compact, that has the force of law.

17 W. "Single State License" means a Social Work license issued
18 by any State that authorizes practice only within the issuing
19 State and does not include Multistate Authorization to Practice
20 in any Member State.

21 X. "Social Work" or "Social Work Services" means the
22 application of social work theory, knowledge, methods, ethics,
23 and the professional use of self to restore or enhance social,
24 psychosocial, or biopsychosocial functioning of individuals,
25 couples, families, groups, organizations, and communities
26 through the care and services provided by a Regulated Social
27 Worker as set forth in the Member State's statutes and
28 regulations in the State where the services are being provided.

29 Y. "State" means any state, commonwealth, district, or
30 territory of the United States of America that regulates the

practice of Social Work.

Z. "Unencumbered License" means a license that authorizes a Regulated Social Worker to engage in the full and unrestricted practice of Social Work.

SECTION 3. STATE PARTICIPATION IN THE COMPACT

A. To be eligible to participate in the compact, a potential Member State must currently meet all of the following criteria:

1. License and regulate the practice of Social Work at either the clinical, master's, or bachelor's category.

2. Require applicants for licensure to graduate from a program that is:

a. Operated by a college or university recognized by the Licensing Authority;

b. Accredited, or in candidacy by an institution that subsequently becomes accredited, by an accrediting agency recognized by either:

i. the Council for Higher Education Accreditation, or its successor; or

ii. the United States Department of Education; and

c. Corresponds to the licensure sought as outlined in Section 4.

3. Require applicants for clinical licensure to complete a period of supervised practice.

4. Have a mechanism in place for receiving, investigating, and adjudicating complaints about Licensees.

B. To maintain membership in the Compact a Member State shall:

1. Require that applicants for a Multistate License pass a Qualifying National Exam for the corresponding category of

1 Multistate License sought as outlined in Section 4.

2 2. Participate fully in the Commission's Data System,
3 including using the Commission's unique identifier as defined
4 in Rules.

5 3. Notify the Commission, in compliance with the terms
6 of the Compact and Rules, of any Adverse Action or the
7 availability of Current Significant Investigative Information
8 regarding a Licensee.

9 4. Implement procedures for considering the criminal
10 history records of applicants for a Multistate License. Such
11 procedures shall include the submission of fingerprints or
12 other biometric-based information by applicants for the
13 purpose of obtaining an applicant's criminal history record
14 information from the Federal Bureau of Investigation and the
15 agency responsible for retaining that State's criminal
16 records.

17 5. Comply with the Rules of the Commission.

18 6. Require an applicant to obtain or retain a license in
19 the Home State and meet the Home State's qualifications for
20 licensure or renewal of licensure, as well as all other
21 applicable Home State laws.

22 7. Authorize a Licensee holding a Multistate License in
23 any Member State to practice in accordance with the terms of
24 the Compact and Rules of the Commission.

25 8. Designate a delegate to participate in the Commission
26 meetings.

27 C. A Member State meeting the requirements of Section 3.A.
28 and 3.B of this Compact shall designate the categories of Social
29 Work licensure that are eligible for issuance of a Multistate
30 License for applicants in such Member State. To the extent that

any Member State does not meet the requirements for participation in the Compact at any particular category of Social Work licensure, such Member State may choose, but is not obligated to, issue a Multistate License to applicants that otherwise meet the requirements of Section 4 for issuance of a Multistate License in such category or categories of licensure.

D. The Home State may charge a fee for granting the Multistate License.

SECTION 4. SOCIAL WORKER PARTICIPATION IN THE COMPACT

A. To be eligible for a Multistate License under the terms and provisions of the Compact, an applicant, regardless of category must:

1. Hold or be eligible for an active, Unencumbered License in the Home State.

2. Pay any applicable fees, including any State fee, for the Multistate License.

3. Submit, in connection with an application for a Multistate License, fingerprints or other biometric data for the purpose of obtaining criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that State's criminal records.

4. Notify the Home State of any Adverse Action, Encumbrance, or restriction on any professional license taken by any Member State or non-Member State within 30 days from the date the action is taken.

5. Meet any continuing competence requirements established by the Home State.

6. Abide by the laws, regulations, and applicable standards in the Member State where the client is located at the time care is rendered.

1 B. An applicant for a clinical-category Multistate License
2 must meet all of the following requirements:

3 1. Fulfill a competency requirement, which shall be
4 satisfied by either:

5 a. Passage of a clinical-category Qualifying
6 National Exam; or

7 b. Licensure of the applicant in their Home State at
8 the clinical category, beginning prior to such time as a
9 Qualifying National Exam was required by the Home State
10 and accompanied by a period of continuous Social Work
11 licensure thereafter, all of which may be further
12 governed by the Rules of the Commission; or

13 c. The substantial equivalency of the foregoing
14 competency requirements which the Commission may
15 determine by Rule.

16 2. Attain at least a master's degree in Social Work from
17 a program that is:

18 a. Operated by a college or university recognized by
19 the Licensing Authority; and

20 b. Accredited, or in candidacy that subsequently
21 becomes accredited, by an accrediting agency recognized
22 by either:

23 i. the Council for Higher Education
24 Accreditation or its successor; or

25 ii. the United States Department of Education.

26 3. Fulfill a practice requirement, which shall be
27 satisfied by demonstrating completion of either:

28 a. A period of postgraduate supervised clinical
29 practice equal to a minimum of three thousand hours; or

30 b. A minimum of two years of full-time postgraduate

1 supervised clinical practice; or

2 c. The substantial equivalency of the foregoing
3 practice requirements which the Commission may determine
4 by Rule.

5 C. An applicant for a master's-category Multistate License
6 must meet all of the following requirements:

7 1. Fulfill a competency requirement, which shall be
8 satisfied by either:

9 a. Passage of a masters-category Qualifying National
10 Exam;

11 b. Licensure of the applicant in their Home State at
12 the master's category, beginning prior to such time as a
13 Qualifying National Exam was required by the Home State
14 at the master's category and accompanied by a continuous
15 period of Social Work licensure thereafter, all of which
16 may be further governed by the Rules of the Commission;
17 or

18 c. The substantial equivalency of the foregoing
19 competency requirements which the Commission may
20 determine by Rule.

21 2. Attain at least a master's degree in Social Work from
22 a program that is:

23 a. Operated by a college or university recognized by
24 the Licensing Authority; and

25 b. Accredited, or in candidacy that subsequently
26 becomes accredited, by an accrediting agency recognized
27 by either:

28 i. the Council for Higher Education
29 Accreditation or its successor; or

30 ii. the United States Department of Education.

1 D. An applicant for a bachelor's-category Multistate License
2 must meet all of the following requirements:

3 1. Fulfill a competency requirement, which shall be
4 satisfied by either:

5 a. Passage of a bachelor's-category Qualifying
6 National Exam;

7 b. Licensure of the applicant in their Home State at
8 the bachelor's category, beginning prior to such time as
9 a Qualifying National Exam was required by the Home State
10 and accompanied by a period of continuous Social Work
11 licensure thereafter, all of which may be further
12 governed by the Rules of the Commission; or

13 c. The substantial equivalency of the foregoing
14 competency requirements which the Commission may
15 determine by Rule.

16 2. Attain at least a bachelor's degree in Social Work
17 from a program that is:

18 a. Operated by a college or university recognized by
19 the Licensing Authority; and

20 b. Accredited, or in candidacy that subsequently
21 becomes accredited, by an accrediting agency recognized
22 by either:

23 i. the Council for Higher Education
24 Accreditation or its successor; or

25 ii. the United States Department of Education.

26 E. The Multistate License for a Regulated Social Worker is
27 subject to the renewal requirements of the Home State. The
28 Regulated Social Worker must maintain compliance with the
29 requirements of Section 4(A) to be eligible to renew a
30 Multistate License.

1 F. The Regulated Social Worker's services in a Remote State
2 are subject to that Member State's regulatory authority. A
3 Remote State may, in accordance with due process and that Member
4 State's laws, remove a Regulated Social Worker's Multistate
5 Authorization to Practice in the Remote State for a specific
6 period of time, impose fines, and take any other necessary
7 actions to protect the health and safety of its citizens.

8 G. If a Multistate License is encumbered, the Regulated
9 Social Worker's Multistate Authorization to Practice shall be
10 deactivated in all Remote States until the Multistate License is
11 no longer encumbered.

12 H. If a Multistate Authorization to Practice is encumbered
13 in a Remote State, the regulated Social Worker's Multistate
14 Authorization to Practice may be deactivated in that State until
15 the Multistate Authorization to Practice is no longer
16 encumbered.

17 SECTION 5. ISSUANCE OF A MULTISTATE LICENSE

18 A. Upon receipt of an application for Multistate License,
19 the Home State Licensing Authority shall determine the
20 applicant's eligibility for a Multistate License in accordance
21 with Section 4 of this Compact.

22 B. If such applicant is eligible pursuant to Section 4 of
23 this Compact, the Home State Licensing Authority shall issue a
24 Multistate License that authorizes the applicant or Regulated
25 Social Worker to practice in all Member States under a
26 Multistate Authorization to Practice.

27 C. Upon issuance of a Multistate License, the Home State
28 Licensing Authority shall designate whether the Regulated Social
29 Worker holds a Multistate License in the Bachelors, Masters, or
30 Clinical category of Social Work.

1 D. A Multistate License issued by a Home State to a resident
2 in that State shall be recognized by all Compact Member States
3 as authorizing Social Work Practice under a Multistate
4 Authorization to Practice corresponding to each category of
5 licensure regulated in each Member State.

6 SECTION 6. AUTHORITY OF INTERSTATE COMPACT COMMISSION AND
7 MEMBER STATE LICENSING AUTHORITIES

8 A. Nothing in this Compact, nor any Rule of the Commission,
9 shall be construed to limit, restrict, or in any way reduce the
10 ability of a Member State to enact and enforce laws,
11 regulations, or other rules related to the practice of Social
12 Work in that State, where those laws, regulations, or other
13 rules are not inconsistent with the provisions of this Compact.

14 B. Nothing in this Compact shall affect the requirements
15 established by a Member State for the issuance of a Single State
16 License.

17 C. Nothing in this Compact, nor any Rule of the Commission,
18 shall be construed to limit, restrict, or in any way reduce the
19 ability of a Member State to take Adverse Action against a
20 Licensee's Single State License to practice Social Work in that
21 State.

22 D. Nothing in this Compact, nor any Rule of the Commission,
23 shall be construed to limit, restrict, or in any way reduce the
24 ability of a Remote State to take Adverse Action against a
25 Licensee's Multistate Authorization to Practice in that State.

26 E. Nothing in this Compact, nor any Rule of the Commission,
27 shall be construed to limit, restrict, or in any way reduce the
28 ability of a Licensee's Home State to take Adverse Action
29 against a Licensee's Multistate License based upon information
30 provided by a Remote State.

1 SECTION 7. REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME

2 STATE

3 A. A Licensee can hold a Multistate License, issued by their
4 Home State, in only one Member State at any given time.

5 B. If a Licensee changes their Home State by moving between
6 two Member States:

7 1. The Licensee shall immediately apply for the
8 reissuance of their Multistate License in their new Home
9 State. The Licensee shall pay all applicable fees and notify
10 the prior Home State in accordance with the Rules of the
11 Commission.

12 2. Upon receipt of an application to reissue a
13 Multistate License, the new Home State shall verify that the
14 Multistate License is active, unencumbered and eligible for
15 reissuance under the terms of the Compact and the Rules of
16 the Commission. The Multistate License issued by the prior
17 Home State will be deactivated and all Member States notified
18 in accordance with the applicable Rules adopted by the
19 Commission.

20 3. Prior to the reissuance of the Multistate License,
21 the new Home State shall conduct procedures for considering
22 the criminal history records of the Licensee. Such procedures
23 shall include the submission of fingerprints or other
24 biometric-based information by applicants for the purpose of
25 obtaining an applicant's criminal history record information
26 from the Federal Bureau of Investigation and the agency
27 responsible for retaining that State's criminal records.

28 4. If required for initial licensure, the new Home State
29 may require completion of jurisprudence requirements in the
30 new Home State.

1 5. Notwithstanding any other provision of this Compact,
2 if a Licensee does not meet the requirements set forth in
3 this Compact for the reissuance of a Multistate License by
4 the new Home State, then the Licensee shall be subject to the
5 new Home State requirements for the issuance of a Single
6 State License in that State.

7 C. If a Licensee changes their primary State of residence by
8 moving from a Member State to a non-Member State, or from a non-
9 Member State to a Member State, then the Licensee shall be
10 subject to the State requirements for the issuance of a Single
11 State License in the new Home State.

12 D. Nothing in this Compact shall interfere with a Licensee's
13 ability to hold a Single State License in multiple States;
14 however, for the purposes of this Compact, a Licensee shall have
15 only one Home State, and only one Multistate License.

16 E. Nothing in this Compact shall interfere with the
17 requirements established by a Member State for the issuance of a
18 Single State License.

19 SECTION 8. MILITARY FAMILIES

20 An Active Military Member or their spouse shall designate a
21 Home State where the individual has a Multistate License. The
22 individual may retain their Home State designation during the
23 period the service member is on active duty.

24 SECTION 9. ADVERSE ACTIONS

25 A. In addition to the other powers conferred by State law, a
26 Remote State shall have the authority, in accordance with
27 existing State due process law, to:

28 1. Take Adverse Action against a Regulated Social
29 Worker's Multistate Authorization to Practice only within
30 that Member State, and issue subpoenas for both hearings and

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

13 2. Only the Home State shall have the power to take
14 Adverse Action against a Regulated Social Worker's Multistate
15 License.

16 B. For purposes of taking Adverse Action, the Home State
17 shall give the same priority and effect to reported conduct
18 received from a Member State as it would if the conduct had
19 occurred within the Home State. In so doing, the Home State
20 shall apply its own State laws to determine appropriate action.

21 C. The Home State shall complete any pending investigations
22 of a Regulated Social Worker who changes their Home State during
23 the course of the investigations. The Home State shall also have
24 the authority to take appropriate action(s) and shall promptly
25 report the conclusions of the investigations to the
26 administrator of the Data System. The administrator of the Data
27 System shall promptly notify the new Home State of any Adverse
28 Actions.

29 D. A Member State, if otherwise permitted by State law, may
30 recover from the affected Regulated Social Worker the costs of

investigations and dispositions of cases resulting from any
Adverse Action taken against that Regulated Social Worker.

E. A Member State may take Adverse Action based on the
factual findings of another Member State, provided that the
Member State follows its own procedures for taking the Adverse
Action.

F. Joint Investigations:

1. In addition to the authority granted to a Member
State by its respective Social Work practice act or other
applicable State law, any Member State may participate with
other Member States in joint investigations of Licensees.

2. Member States shall share any investigative,
litigation, or compliance materials in furtherance of any
joint or individual investigation initiated under the
Compact.

G. If Adverse Action is taken by the Home State against the
Multistate License of a Regulated Social Worker, the Regulated
Social Worker's Multistate Authorization to Practice in all
other Member States shall be deactivated until all Encumbrances
have been removed from the Multistate License. All Home State
disciplinary orders that impose Adverse Action against the
license of a Regulated Social Worker shall include a statement
that the Regulated Social Worker's Multistate Authorization to
Practice is deactivated in all Member States until all
conditions of the decision, order or agreement are satisfied.

H. If a Member State takes Adverse Action, it shall promptly
notify the administrator of the Data System. The administrator
of the Data System shall promptly notify the Home State and all
other Member State's of any Adverse Actions by Remote States.

I. Nothing in this Compact shall override a Member State's

decision that participation in an Alternative Program may be used in lieu of Adverse Action.

J. Nothing in this Compact shall authorize a Member State to demand the issuance of subpoenas for attendance and testimony of witnesses or the production of evidence from another Member State for lawful actions within that Member State.

K. Nothing in this Compact shall authorize a Member State to impose discipline against a Regulated Social Worker who holds a Multistate Authorization to Practice for lawful actions within another Member State.

SECTION 10. ESTABLISHMENT OF SOCIAL WORK LICENSURE COMPACT COMMISSION

A. The Compact Member States hereby create and establish a joint government agency whose membership consists of all Member States that have enacted the compact known as the Social Work Licensure Compact Commission. The Commission is an instrumentality of the Compact States acting jointly and not an instrumentality of any one State. The Commission shall come into existence on or after the effective date of the Compact as set forth in Section 14.

B. Membership, Voting, and Meetings

1. Each Member State shall have and be limited to one (1) delegate selected by that Member State's Licensing Authority.

2. The delegate shall be either:

a. A current member of the Licensing Authority at the time of appointment, who is a Regulated Social Worker or public member of the State Licensing Authority; or

b. An administrator of the Licensing Authority or their designee.

1 3. The Commission shall by Rule or bylaw establish a
2 term of office for delegates and may by Rule or bylaw
3 establish term limits.

4 4. The Commission may recommend removal or suspension of
5 any delegate from office.

6 5. A Member State's Licensing Authority shall fill any
7 vacancy of its delegate occurring on the Commission within 60
8 days of the vacancy.

9 6. Each delegate shall be entitled to one vote on all
10 matters before the Commission requiring a vote by Commission
11 delegates.

12 7. A delegate shall vote in person or by such other
13 means as provided in the bylaws. The bylaws may provide for
14 delegates to meet by telecommunication, video conference, or
15 other means of communication.

16 8. The Commission shall meet at least once during each
17 calendar year. Additional meetings may be held as set forth
18 in the bylaws. The Commission may meet by telecommunication,
19 video conference or other similar electronic means.

20 C. The Commission shall have the following powers:

21 1. Establish the fiscal year of the Commission;

22 2. Establish code of conduct and conflict of interest
23 policies;

24 3. Establish and amend Rules and bylaws;

25 4. Maintain its financial records in accordance with the
26 bylaws;

27 5. Meet and take such actions as are consistent with the
28 provisions of this Compact, the Commission's Rules, and the
29 bylaws;

30 6. Initiate and conclude legal proceedings or actions in

1 the name of the Commission, provided that the standing of any
2 Licensing Authority to sue or be sued under applicable law
3 shall not be affected;

4 7. Maintain and certify records and information provided
5 to a Member State as the authenticated business records of
6 the Commission, and designate an agent to do so on the
7 Commission's behalf;

8 8. Purchase and maintain insurance and bonds;

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

12 10. Conduct an annual financial review;

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

20 12. Assess and collect fees;

21 13. Accept any and all appropriate gifts, donations,
22 grants of money, other sources of revenue, equipment,
23 supplies, materials, and services, and receive, utilize, and
24 dispose of the same; provided that at all times the
25 Commission shall avoid any appearance of impropriety or
26 conflict of interest;

27 14. Lease, purchase, retain, own, hold, improve, or use
28 any property, real, personal, or mixed, or any undivided
29 interest therein;

30 15. Sell, convey, mortgage, pledge, lease, exchange,

abandon, or otherwise dispose of any property real, personal,
or mixed;

16. Establish a budget and make expenditures;

17. Borrow money;

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

19. Provide and receive information from, and cooperate
with, law enforcement agencies;

20. Establish and elect an Executive Committee,
including a chair and a vice chair;

21. Determine whether a State's adopted language is
materially different from the model compact language such
that the State would not qualify for participation in the
Compact; and

22. Perform such other functions as may be necessary or
appropriate to achieve the purposes of this Compact.

D. The Executive Committee

1. The Executive Committee shall have the power to act
on behalf of the Commission according to the terms of this
Compact. The powers, duties, and responsibilities of the
Executive Committee shall include:

a. Oversee the day-to-day activities of the
administration of the compact including enforcement and
compliance with the provisions of the compact, its Rules
and bylaws, and other such duties as deemed necessary;

b. Recommend to the Commission changes to the Rules
or bylaws, changes to this Compact legislation, fees

1 charged to Compact Member States, fees charged to
2 Licensees, and other fees;

3 c. Ensure Compact administration services are
4 appropriately provided, including by contract;

5 d. Prepare and recommend the budget;

6 e. Maintain financial records on behalf of the
7 Commission;

8 f. Monitor Compact compliance of Member States and
9 provide compliance reports to the Commission;

10 g. Establish additional committees as necessary;

11 h. Exercise the powers and duties of the Commission
12 during the interim between Commission meetings, except
13 for adopting or amending Rules, adopting or amending
14 bylaws, and exercising any other powers and duties
15 expressly reserved to the Commission by Rule or bylaw;
16 and

17 i. Other duties as provided in the Rules or bylaws
18 of the Commission.

19 2. The Executive Committee shall be composed of up to
20 eleven (11) members:

21 a. The chair and vice chair of the Commission shall
22 be voting members of the Executive Committee; and

23 b. The Commission shall elect five voting members
24 from the current membership of the Commission.

25 c. Up to four (4) ex officio, nonvoting members from
26 four (4) recognized national Social Work organizations.

27 d. The ex officio members will be selected by their
28 respective organizations.

29 3. The Commission may remove any member of the Executive
30 Committee as provided in the Commission's bylaws.

1 4. The Executive Committee shall meet at least annually.

2 a. Executive Committee meetings shall be open to the
3 public, except that the Executive Committee may meet in a
4 closed, non-public meeting as provided in subsection F.2
5 below.

6 b. The Executive Committee shall give seven (7)
7 days' notice of its meetings, posted on its website and
8 as determined to provide notice to persons with an
9 interest in the business of the Commission.

10 c. The Executive Committee may hold a special
11 meeting in accordance with subsection F.1.b. below.

12 E. The Commission shall adopt and provide to the Member
13 States an annual report.

14 F. Meetings of the Commission

15 1. All meetings shall be open to the public, except that
16 the Commission may meet in a closed, non-public meeting as
17 provided in subsection F.2 below.

18 a. Public notice for all meetings of the full
19 Commission of meetings shall be given in the same manner
20 as required under the Rulemaking provisions in Section
21 12, except that the Commission may hold a special meeting
22 as provided in subsection F.1.b below.

23 b. The Commission may hold a special meeting when it
24 must meet to conduct emergency business by giving 48
25 hours' notice to all commissioners, on the Commission's
26 website, and other means as provided in the Commission's
27 Rules. The Commission's legal counsel shall certify that
28 the Commission's need to meet qualifies as an emergency.

29 2. The Commission or the Executive Committee or other
30 committees of the Commission may convene in a closed, non-

1 public meeting for the Commission or Executive Committee or
2 other committees of the Commission to receive legal advice or
3 to discuss:

4 a. Non-compliance of a Member State with its
5 obligations under the Compact;

6 b. The employment, compensation, discipline or other
7 matters, practices or procedures related to specific
8 employees;

9 c. Current or threatened discipline of a Licensee by
10 the Commission or by a Member State's Licensing
11 Authority;

12 d. Current, threatened, or reasonably anticipated
13 litigation;

14 e. Negotiation of contracts for the purchase, lease,
15 or sale of goods, services, or real estate;

16 f. Accusing any person of a crime or formally
17 censuring any person;

18 g. Trade secrets or commercial or financial
19 information that is privileged or confidential;

20 h. Information of a personal nature where disclosure
21 would constitute a clearly unwarranted invasion of
22 personal privacy;

23 i. Investigative records compiled for law
24 enforcement purposes;

25 j. Information related to any investigative reports
26 prepared by or on behalf of or for use of the Commission
27 or other committee charged with responsibility of
28 investigation or determination of compliance issues
29 pursuant to the Compact;

30 k. Matters specifically exempted from disclosure by

1 federal or Member State law; or

2 1. Other matters as promulgated by the Commission by
3 Rule.

4 3. If a meeting, or portion of a meeting, is closed, the
5 presiding officer shall state that the meeting will be closed
6 and reference each relevant exempting provision, and such
7 reference shall be recorded in the minutes.

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

17 G. Financing of the Commission

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

21 2. The Commission may accept any and all appropriate
22 revenue sources as provided in subsection C(13).

23 3. The Commission may levy on and collect an annual
24 assessment from each Member State and impose fees on
25 Licensees of Member States to whom it grants a Multistate
26 License to cover the cost of the operations and activities of
27 the Commission and its staff, which must be in a total amount
28 sufficient to cover its annual budget as approved each year
29 for which revenue is not provided by other sources. The
30 aggregate annual assessment amount for Member States shall be

1 allocated based upon a formula that the Commission shall
2 promulgate by Rule.

3 4. The Commission shall not incur obligations of any
4 kind prior to securing the funds adequate to meet the same;
5 nor shall the Commission pledge the credit of any of the
6 Member States, except by and with the authority of the Member
7 State.

8 5. The Commission shall keep accurate accounts of all
9 receipts and disbursements. The receipts and disbursements of
10 the Commission shall be subject to the financial review and
11 accounting procedures established under its bylaws. However,
12 all receipts and disbursements of funds handled by the
13 Commission shall be subject to an annual financial review by
14 a certified or licensed public accountant, and the report of
15 the financial review shall be included in and become part of
16 the annual report of the Commission.

17 H. Qualified Immunity, Defense, and Indemnification

18 1. The members, officers, executive director, employees
19 and representatives of the Commission shall be immune from
20 suit and liability, both personally and in their official
21 capacity, for any claim for damage to or loss of property or
22 personal injury or other civil liability caused by or arising
23 out of any actual or alleged act, error, or omission that
24 occurred, or that the person against whom the claim is made
25 had a reasonable basis for believing occurred within the
26 scope of Commission employment, duties or responsibilities;
27 provided that nothing in this paragraph shall be construed to
28 protect any such person from suit or liability for any
29 damage, loss, injury, or liability caused by the intentional
30 or willful or wanton misconduct of that person. The

1 procurement of insurance of any type by the Commission shall
2 not in any way compromise or limit the immunity granted
3 hereunder.

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

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

30 4. Nothing herein shall be construed as a limitation on

1 the liability of any Licensee for professional malpractice or
2 misconduct, which shall be governed solely by any other
3 applicable State laws.

4 5. Nothing in this Compact shall be interpreted to waive
5 or otherwise abrogate a Member State's state action immunity
6 or state action affirmative defense with respect to antitrust
7 claims under the Sherman Act, Clayton Act, or any other State
8 or federal antitrust or anticompetitive law or regulation.

9 6. Nothing in this Compact shall be construed to be a
10 waiver of sovereign immunity by the Member States or by the
11 Commission.

12 SECTION 11. DATA SYSTEM

13 A. The Commission shall provide for the development,
14 maintenance, operation, and utilization of a coordinated Data
15 System.

16 B. The Commission shall assign each applicant for a
17 Multistate License a unique identifier, as determined by the
18 Rules of the Commission.

19 C. Notwithstanding any other provision of State law to the
20 contrary, a Member State shall submit a uniform data set to the
21 Data System on all individuals to whom this Compact is
22 applicable as required by the Rules of the Commission,
23 including:

24 1. Identifying information;

25 2. Licensure data;

26 3. Adverse Actions against a license and information
27 related thereto;

28 4. Non-confidential information related to Alternative
29 Program participation, the beginning and ending dates of such
30 participation, and other information related to such

1 participation not made confidential under Member State law;

2 5. Any denial of application for licensure, and the
3 reason(s) for such denial;

4 6. The presence of Current Significant Investigative
5 Information; and

6 7. Other information that may facilitate the
7 administration of this Compact or the protection of the
8 public, as determined by the Rules of the Commission.

9 D. The records and information provided to a Member State
10 pursuant to this Compact or through the Data System, when
11 certified by the Commission or an agent thereof, shall
12 constitute the authenticated business records of the Commission,
13 and shall be entitled to any associated hearsay exception in any
14 relevant judicial, quasi-judicial or administrative proceedings
15 in a Member State.

16 E. Current Significant Investigative Information pertaining
17 to a Licensee in any Member State will only be available to
18 other Member States.

19 1. It is the responsibility of the Member States to
20 report any Adverse Action against a Licensee and to monitor
21 the database to determine whether Adverse Action has been
22 taken against a Licensee. Adverse Action information
23 pertaining to a Licensee in any Member State will be
24 available to any other Member State.

25 F. Member States contributing information to the Data System
26 may designate information that may not be shared with the public
27 without the express permission of the contributing State.

28 G. Any information submitted to the Data System that is
29 subsequently expunged pursuant to federal law or the laws of the
30 Member State contributing the information shall be removed from

1 the Data System.

2 SECTION 12. RULEMAKING

3 A. The Commission shall promulgate reasonable Rules in order
4 to effectively and efficiently implement and administer the
5 purposes and provisions of the Compact. A Rule shall be invalid
6 and have no force or effect only if a court of competent
7 jurisdiction holds that the Rule is invalid because the
8 Commission exercised its rulemaking authority in a manner that
9 is beyond the scope and purposes of the Compact, or the powers
10 granted hereunder, or based upon another applicable standard of
11 review.

12 B. The Rules of the Commission shall have the force of law
13 in each Member State, provided however that where the Rules of
14 the Commission conflict with the laws of the Member State that
15 establish the Member State's laws, regulations, and applicable
16 standards that govern the practice of Social Work as held by a
17 court of competent jurisdiction, the Rules of the Commission
18 shall be ineffective in that State to the extent of the
19 conflict.

20 C. The Commission shall exercise its Rulemaking powers
21 pursuant to the criteria set forth in this Section and the Rules
22 adopted thereunder. Rules shall become binding on the day
23 following adoption or the date specified in the rule or
24 amendment, whichever is later.

25 D. If a majority of the legislatures of the Member States
26 rejects a Rule or portion of a Rule, by enactment of a statute
27 or resolution in the same manner used to adopt the Compact
28 within four (4) years of the date of adoption of the Rule, then
29 such Rule shall have no further force and effect in any Member
30 State.

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

3 F. Prior to adoption of a proposed Rule, the Commission
4 shall hold a public hearing and allow persons to provide oral
5 and written comments, data, facts, opinions, and arguments.

6 G. Prior to adoption of a proposed Rule by the Commission,
7 and at least thirty (30) days in advance of the meeting at which
8 the Commission will hold a public hearing on the proposed Rule,
9 the Commission shall provide a Notice of Proposed Rulemaking:

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

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

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

16 H. The Notice of Proposed Rulemaking shall include:

17 1. The time, date, and location of the public hearing at
18 which the Commission will hear public comments on the
19 proposed Rule and, if different, the time, date, and location
20 of the meeting where the Commission will consider and vote on
21 the proposed Rule;

22 2. If the hearing is held via telecommunication, video
23 conference, or other electronic means, the Commission shall
24 include the mechanism for access to the hearing in the Notice
25 of Proposed Rulemaking;

26 3. The text of the proposed Rule and the reason
27 therefor;

28 4. A request for comments on the proposed Rule from any
29 interested person; and

30 5. The manner in which interested persons may submit

1 written comments.

2 I. All hearings will be recorded. A copy of the recording
3 and all written comments and documents received by the
4 Commission in response to the proposed Rule shall be available
5 to the public.

6 J. Nothing in this section shall be construed as requiring a
7 separate hearing on each Rule. Rules may be grouped for the
8 convenience of the Commission at hearings required by this
9 section.

10 K. The Commission shall, by majority vote of all members,
11 take final action on the proposed Rule based on the Rulemaking
12 record and the full text of the Rule.

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

16 2. The Commission shall provide an explanation of the
17 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 3. The Commission shall determine a reasonable effective
21 date for the Rule. Except for an emergency as provided in
22 Section 12.L, the effective date of the rule shall be no
23 sooner than 30 days after issuing the notice that it adopted
24 or amended the Rule.

25 L. Upon determination that an emergency exists, the
26 Commission may consider and adopt an emergency Rule with 48
27 hours' notice, with opportunity to comment, provided that the
28 usual Rulemaking procedures provided in the Compact and in this
29 section shall be retroactively applied to the Rule as soon as
30 reasonably possible, in no event later than ninety (90) days

after the effective date of the Rule. For the purposes of this provision, an emergency Rule is one that must be adopted immediately in order to:

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

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

N. No Member State's rulemaking requirements shall apply under this compact.

SECTION 13. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

A. Oversight

1. The executive and judicial branches of State government in each Member State shall enforce this Compact and take all actions necessary and appropriate to implement

1 the Compact.

2 2. Except as otherwise provided in this Compact, venue
3 is proper and judicial proceedings by or against the
4 Commission shall be brought solely and exclusively in a court
5 of competent jurisdiction where the principal office of the
6 Commission is located. The Commission may waive venue and
7 jurisdictional defenses to the extent it adopts or consents
8 to participate in alternative dispute resolution proceedings.
9 Nothing herein shall affect or limit the selection or
10 propriety of venue in any action against a Licensee for
11 professional malpractice, misconduct or any such similar
12 matter.

13 3. The Commission shall be entitled to receive service
14 of process in any proceeding regarding the enforcement or
15 interpretation of the Compact and shall have standing to
16 intervene in such a proceeding for all purposes. Failure to
17 provide the Commission service of process shall render a
18 judgment or order void as to the Commission, this Compact, or
19 promulgated Rules.

20 B. Default, Technical Assistance, and Termination

21 1. If the Commission determines that a Member State has
22 defaulted in the performance of its obligations or
23 responsibilities under this Compact or the promulgated Rules,
24 the Commission shall provide written notice to the defaulting
25 State. The notice of default shall describe the default, the
26 proposed means of curing the default, and any other action
27 that the Commission may take, and shall offer training and
28 specific technical assistance regarding the default.

29 2. The Commission shall provide a copy of the notice of
30 default to the other Member States.

1 C. If a State in default fails to cure the default, the
2 defaulting State may be terminated from the Compact upon an
3 affirmative vote of a majority of the delegates of the Member
4 States, and all rights, privileges and benefits conferred on
5 that State by this Compact may be terminated on the effective
6 date of termination. A cure of the default does not relieve the
7 offending State of obligations or liabilities incurred during
8 the period of default.

9 D. Termination of membership in the Compact shall be imposed
10 only after all other means of securing compliance have been
11 exhausted. Notice of intent to suspend or terminate shall be
12 given by the Commission to the governor, the majority and
13 minority leaders of the defaulting State's legislature, the
14 defaulting State's State Licensing Authority and each of the
15 Member States' Licensing Authority.

16 E. A State that has been terminated is responsible for all
17 assessments, obligations, and liabilities incurred through the
18 effective date of termination, including obligations that extend
19 beyond the effective date of termination.

20 F. Upon the termination of a State's membership from this
21 Compact, that State shall immediately provide notice to all
22 Licensees within that State of such termination. The terminated
23 State shall continue to recognize all licenses granted pursuant
24 to this Compact for a minimum of six (6) months after the date
25 of said notice of termination.

26 G. The Commission shall not bear any costs related to a
27 State that is found to be in default or that has been terminated
28 from the Compact, unless agreed upon in writing between the
29 Commission and the defaulting State.

30 H. The defaulting State may appeal the action of the

1 Commission by petitioning the U.S. District Court for the
2 District of Columbia or the federal district where the
3 Commission has its principal offices. The prevailing party shall
4 be awarded all costs of such litigation, including reasonable
5 attorney's fees.

6 I. Dispute Resolution

7 1. Upon request by a Member State, the Commission shall
8 attempt to resolve disputes related to the Compact that arise
9 among Member States and between Member and non-Member States.

10 2. The Commission shall promulgate a Rule providing for
11 both mediation and binding dispute resolution for disputes as
12 appropriate.

13 J. Enforcement

14 1. By majority vote as provided by Rule, the Commission
15 may initiate legal action against a Member State in default
16 in the United States District Court for the District of
17 Columbia or the federal district where the Commission has its
18 principal offices to enforce compliance with the provisions
19 of the Compact and its promulgated Rules. The relief sought
20 may include both injunctive relief and damages. In the event
21 judicial enforcement is necessary, the prevailing party shall
22 be awarded all costs of such litigation, including reasonable
23 attorney's fees. The remedies herein shall not be the
24 exclusive remedies of the Commission. The Commission may
25 pursue any other remedies available under federal or the
26 defaulting Member State's law.

27 2. A Member State may initiate legal action against the
28 Commission in the U.S. District Court for the District of
29 Columbia or the federal district where the Commission has its
30 principal offices to enforce compliance with the provisions

1 of the Compact and its promulgated Rules. The relief sought
2 may include both injunctive relief and damages. In the event
3 judicial enforcement is necessary, the prevailing party shall
4 be awarded all costs of such litigation, including reasonable
5 attorney's fees.

6 3. No person other than a Member State shall enforce
7 this compact against the Commission.

8 SECTION 14. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

9 A. The Compact shall come into effect on the date on which
10 the Compact statute is enacted into law in the seventh Member
11 State.

12 1. On or after the effective date of the Compact, the
13 Commission shall convene and review the enactment of each of
14 the first seven Member States ("Charter Member States") to
15 determine if the statute enacted by each such Charter Member
16 State is materially different than the model Compact statute.

17 a. A Charter Member State whose enactment is found
18 to be materially different from the model Compact statute
19 shall be entitled to the default process set forth in
20 Section 13.

21 b. If any Member State is later found to be in
22 default, or is terminated or withdraws from the Compact,
23 the Commission shall remain in existence and the Compact
24 shall remain in effect even if the number of Member
25 States should be less than seven.

26 2. Member States enacting the Compact subsequent to the
27 seven initial Charter Member States shall be subject to the
28 process set forth in Section 10(C)(21) to determine if their
29 enactments are materially different from the model Compact
30 statute and whether they qualify for participation in the

1 Compact.

2 3. All actions taken for the benefit of the Commission
3 or in furtherance of the purposes of the administration of
4 the Compact prior to the effective date of the Compact or the
5 Commission coming into existence shall be considered to be
6 actions of the Commission unless specifically repudiated by
7 the Commission.

8 4. Any State that joins the Compact subsequent to the
9 Commission's initial adoption of the Rules and bylaws shall
10 be subject to the Rules and bylaws as they exist on the date
11 on which the Compact becomes law in that State. Any Rule that
12 has been previously adopted by the Commission shall have the
13 full force and effect of law on the day the Compact becomes
14 law in that State.

15 B. Any Member State may withdraw from this Compact by
16 enacting a statute repealing the same.

17 1. A Member State's withdrawal shall not take effect
18 until 180 days after enactment of the repealing statute.

19 2. Withdrawal shall not affect the continuing
20 requirement of the withdrawing State's Licensing Authority to
21 comply with the investigative and Adverse Action reporting
22 requirements of this Compact prior to the effective date of
23 withdrawal.

24 3. Upon the enactment of a statute withdrawing from this
25 compact, a State shall immediately provide notice of such
26 withdrawal to all Licensees within that State.
27 Notwithstanding any subsequent statutory enactment to the
28 contrary, such withdrawing State shall continue to recognize
29 all licenses granted pursuant to this compact for a minimum
30 of 180 days after the date of such notice of withdrawal.

1 C. Nothing contained in this Compact shall be construed to
2 invalidate or prevent any licensure agreement or other
3 cooperative arrangement between a Member State and a non-Member
4 State that does not conflict with the provisions of this
5 Compact.

6 D. This Compact may be amended by the Member States. No
7 amendment to this Compact shall become effective and binding
8 upon any Member State until it is enacted into the laws of all
9 Member States.

10 SECTION 15. CONSTRUCTION AND SEVERABILITY

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

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

27 C. Notwithstanding subsection B of this section, the
28 Commission may deny a State's participation in the Compact or,
29 in accordance with the requirements of Section 13.B, terminate a
30 Member State's participation in the Compact, if it determines

1 that a constitutional requirement of a Member State is a
2 material departure from the Compact. Otherwise, if this Compact
3 shall be held to be contrary to the constitution of any Member
4 State, the Compact shall remain in full force and effect as to
5 the remaining Member States and in full force and effect as to
6 the Member State affected as to all severable matters.

7 SECTION 16. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE
8 LAWS

9 A. A Licensee providing services in a Remote State under a
10 Multistate Authorization to Practice shall adhere to the laws
11 and regulations, including laws, regulations, and applicable
12 standards, of the Remote State where the client is located at
13 the time care is rendered.

14 B. Nothing herein shall prevent or inhibit the enforcement
15 of any other law of a Member State that is not inconsistent with
16 the Compact.

17 C. Any laws, statutes, regulations, or other legal
18 requirements in a Member State in conflict with the Compact are
19 superseded to the extent of the conflict.

20 D. All permissible agreements between the Commission and the
21 Member States are binding in accordance with their terms.

22 § 5702. When and how compact becomes operative.

23 (a) Execution.--When the Governor executes the
24 Interstate Compact on behalf of this State and files a verified
25 copy with the Secretary of the Commonwealth and when the compact
26 is ratified by one or more other states, then the compact shall
27 become operative and effective between this State and the other
28 state or states. The Governor shall take action as may be
29 necessary to complete the exchange of official documents between
30 this State and any other state ratifying the compact.

1 (b) Notice in Pennsylvania Bulletin.--The Secretary of the
2 Commonwealth shall transmit notice to the Legislative Reference
3 Bureau for publication in the next available issue of the
4 Pennsylvania Bulletin when the conditions specified in
5 subsection (a) are satisfied and shall include in the notice the
6 date on which the compact became effective and operative between
7 this State and any other state or states in accordance with this
8 chapter.

9 (c) Implementation.--The State Board of Social Workers,
10 Marriage and Family Therapists and Professional Counselors
11 shall:

12 (1) Promulgate temporary regulations necessary to
13 implement this chapter under 63 Pa.C.S. § 3120 (relating to
14 temporary rulemaking authority) no later than one year after
15 the effective date of this paragraph.

16 (2) Accept compact privilege applications and issue
17 compact privileges under this chapter no later than one year
18 after the effective date of this paragraph.

19 § 5703. Compensation and expenses of delegate.

20 The delegate who represents this State, as provided for in
21 section 10 of the compact, is not entitled to any additional
22 compensation for the duties and responsibilities as delegate,
23 but is entitled to reimbursement for reasonable expenses
24 actually incurred in connection with the duties and
25 responsibilities as delegate in the same manner as for expenses
26 incurred in connection with other duties and responsibilities of
27 the individual's office or employment.

28 Section 2. This act shall take effect immediately.

HOUSE OF REPRESENTATIVES

DEMOCRATIC COMMITTEE BILL ANALYSIS

Bill No:	HB2774 PN3882	Prepared By:	Kari Orchard
Committee:	Professional Licensure		(717) 787-6882
Sponsor:	Abney, Aerion	Executive Director:	Kari Orchard
Date:	9/25/2026		

A. Brief Concept

This bill authorizes Pennsylvania to join the Audiology and Speech Pathology Compact, Dentist and Dental Hygienist Compact, Physician Assistant Compact and the Social Work Compact.

C. Analysis of the Bill

House Bill 2774 amends **Title 63 (Professions and Occupations) of the Consolidated Statutes** to authorize Pennsylvania to join four interstate compacts: the Audiology and Speech Pathology Compact, Dentist and Dental Hygienist Compact, Physician Assistant Compact and the Social Work Compact.

The bill creates Part III - Interstate Compacts within Title 63 and places each compact in its own chapter. The compact language in each chapter contains the entire model law for that compact and is identical to the language of HB 80, HB1127, HB1961 and HB 554, respectively. These are the free-standing bills that were passed by the House earlier this session to enact each compact individually.

The bill also includes amendments to the implementation and effective dates made this session by the House and/or Senate. The net effect of passing HB 2774 is the same as passing the four bills listed above separately.

The bill is organized as follows:

- Chapter 51 is established to join the Audiology and Speech-Language Compact (pages 1-33 of the bill).
- Chapter 53 is established to join the Dentist and Dental Hygienist Compact (pages 33-69).
- Chapter 55 is established to join the Physician Assistant Compact (pages 69-105).
- Chapter 57 is established to join the Social Worker Compact (pages 105-145).

In general, interstate compacts facilitate the movement of licensed professionals across state lines. Each compact -- developed by the Council of State Governments with the professions' stakeholders -- requires states to enact identical model language to join the compact. In all four, a Compact Commission with representation by every participating state is established to make rules and effectively operate the compact. Unified national data systems ensure that license status, discipline and other measures related to licensees are quickly and efficiently shared with all participating compact states.

For a more detailed analysis of each compact, please see the following bill analyses hyperlinked here:

- Audiology and Speech-Language Compact: [HB 80 Analysis](#)
- Dentist and Dental Hygienist Compact: [HB 1127 Analysis](#)
- Physician Assistant Compact: [HB 1961 Analysis](#)
- Social Work Licensure Compact: [HB 554 Analysis](#)

Effective Date:

The bill take effect immediately, but implementation is staggered.

The State Board of Examiners in Speech-Language Pathology and Audiology must promulgate temporary regulations and accept/issue compact privileges no later than 180 days from the effective date. Licensing boards overseeing the Dental, Physician Assistant and Social Work compacts must do the same not later than one year from the effective date.

G. Relevant Existing Laws

Each profession impacted by one of the four compacts in this bill is governed by a practice act (listed below). Compacts do not change the underlying requirements for licensure or the scope of practice of a professional in a participating state. All existing state laws and regulations for each profession remain in effect.

- Act 238 of 1984 - Speech-Language Pathologists and Audiologists Licensure Act
- Act 76 of 1933 - The Dental Law
- Act 112 of 1985 - The Medical Practice Act
- Act 261 of 1978 - The Osteopathic Medical Practice Act
- Act 39 of 1987 - The Social Workers, Marriage and Family Therapists and Professional Counselors Act

These professionals are regulated by the Department of State's Bureau of Professional and Occupational Affairs via a licensing board. Board authority and regulations continue to apply when participating in licensure compacts.

E. Prior Session (Previous Bill Numbers & House/Senate Votes).

This bill was not introduced in previous sessions, but the four compacts passed the House individually during the 2025-2026 Legislative Session.

HB 80 (Audiology) passed 203-0 on July 7, 2025.

HB 554 (Social Work) passed 187-15 on June 4, 2025.

HB 1127 (Dental) passed 136-66 on June 23, 2026.

HB 1961 (Physician Assistant) passed 202-0 on Nov. 17, 2025.

This document is a summary of proposed legislation and is prepared only as general information for use by the Democratic Members and Staff of the Pennsylvania House of Representatives. The document does not represent the legislative intent of the Pennsylvania House of Representatives and may not be utilized as such.

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 631 Session of
2026

INTRODUCED BY MALAGARI, HILL-EVANS, GUZMAN, DUKES, CEPEDA-FREYTIZ, KHAN, RIVERA, VENKAT, SANCHEZ AND HOHENSTEIN,
SEPTEMBER 24, 2026

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE,
SEPTEMBER 24, 2026

A RESOLUTION

1 Recognizing the week of October 25 through 31, 2026, as
2 "Respiratory Care Week" in Pennsylvania.

3 WHEREAS, Respiratory therapists are highly educated and
4 skilled health care professionals who provide essential care to
5 patients with conditions that affect their ability to breathe,
6 including some critical conditions and cardiac or pulmonary
7 diseases; and

8 WHEREAS, To become licensed as a respiratory therapist in
9 this Commonwealth, an individual must complete an approved
10 respiratory care program, an examination from the National Board
11 for Respiratory Care and, every two years, a minimum of 30 hours
12 of continuing education for licensure renewal; and

13 WHEREAS, Demand for respiratory therapists is increasing as
14 the United States population continues to age; and

15 WHEREAS, Further, estimates from the American Lung
16 Association show that more than 35 million individuals in the
17 United States live with a chronic lung disease and almost 44

1 million cases of some type of an acute respiratory disease are
2 diagnosed every year; and

3 WHEREAS, The United States Bureau of Labor Statistics
4 estimates an employment growth rate of 9% for respiratory
5 therapists from 2025 to 2035, which is considered much faster
6 than average; and

7 WHEREAS, Respiratory therapists care for patients of all
8 ages, from premature infants requiring life-sustaining support
9 to critically ill patients requiring advanced airway management
10 and mechanical ventilation; and

11 WHEREAS, Common conditions that a respiratory therapist may
12 treat during their work include acute respiratory failure,
13 asthma, bronchitis, chronic obstructive pulmonary disease and
14 sleep apnea, among many other acute and chronic conditions; and

15 WHEREAS, Respiratory therapists are integral members of the
16 health care team, providing lifesaving interventions and
17 expertise in emergency and critical care, neonatal and pediatric
18 care, medical and surgical services, pulmonary diagnostics,
19 sleep medicine, pulmonary rehabilitation and home care; and

20 WHEREAS, Respiratory therapists use their expertise in airway
21 management, mechanical ventilation, oxygen therapy, pulmonary
22 function testing, medication delivery, rehabilitation and
23 patient education to improve outcomes and quality of life; and

24 WHEREAS, Respiratory therapists bring clinical expertise,
25 compassion and calm during some of the most critical moments in
26 a patient's life, when every breath matters; and

27 WHEREAS, Respiratory therapists deserve recognition for their
28 service and commitment to helping Pennsylvanians breathe and
29 live better; and

30 WHEREAS, In recognizing "Respiratory Care Week," this

1 Commonwealth acknowledges and celebrates the dedication and
2 extraordinary contributions of respiratory therapists across the
3 State; therefore be it

4 RESOLVED, That the House of Representatives recognize the
5 week of October 25 through 31, 2026, as "Respiratory Care Week"
6 in Pennsylvania.

HOUSE OF REPRESENTATIVES

DEMOCRATIC COMMITTEE BILL ANALYSIS

Bill No:	HR0631 PN3906	Prepared By:	Joseph Brett (717) 772-4031
Committee:	Professional Licensure	Executive Director:	Kari Orchard
Sponsor:	Malagari, Steve		
Date:	9/24/2026		

A. Brief Concept

Designates the week of October 25 through 31, 2026, as "Respiratory Care Week" in Pennsylvania.

C. Analysis of the Bill

This resolution recognizes the important work and contributions of respiratory therapists in caring for patients with respiratory and other critical health conditions and declares October 25 through 31, 2026, as "Respiratory Care Week" in Pennsylvania.

Effective Date:

N/A

G. Relevant Existing Laws

N/A

E. Prior Session (Previous Bill Numbers & House/Senate Votes)

This resolution was not introduced in prior sessions.

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LEGISLATIVE REFERENCE BUREAU

AMENDMENTS TO SENATE BILL NO. 114

Sponsor: Watro

Printer's No. 751

1 Amend Bill, page 1, lines 3 through 5, by striking out
2 "training for" in line 3 and all of lines 4 and 5 and inserting
3 a study on nurse aide training and oversight; and imposing
4 duties on the Joint State Government Commission.

5 Amend Bill, page 1, lines 8 through 18; pages 2 and 3, lines
6 1 through 30; page 4, lines 1 through 12; by striking out all of
7 said lines on said pages and inserting

8 Section 1. The act of June 9, 1997 (P.L.169, No.14), known
9 as the Nurse Aide Resident Abuse Prevention Training Act, is
10 amended by adding a section to read:

11 Section 3.1. Study on nurse aide training and oversight.

12 (a) Duty.--The Joint State Government Commission, in
13 consultation with the department and other State agencies, shall
14 conduct a study in accordance with the following:

15 (1) The study shall analyze and evaluate:

16 (i) All nurse aide training programs currently
17 offered in this Commonwealth, including each program's
18 length, effectiveness, cost, availability, accessibility
19 and manner of examination or evaluation of competency.

20 (ii) The average timeline for training facility
21 applications to be reviewed and approved by the
22 department, including the number of revision requests and
23 average response time for requests.

24 (iii) Nurse aide training programs used in other
25 states and how the curriculum, trainer qualifications and
26 method of delivery compare to this Commonwealth's current
27 training programs.

28 (iv) The role of the department, the Department of
29 Health, the Department of Human Services and the
30 Department of State in the current nurse aide testing and
31 training system, maintenance of this Commonwealth's nurse
32 aide registry and oversight of third-party evaluators.

33 (v) Where and how nurse aides are employed and nurse
34 aides' scope of duties broken down by type of facility.

35 (2) The study shall make recommendations relating to:

1 (i) Ways in which training, evaluation and
2 certification of nurse aides could be improved and
3 streamlined in this Commonwealth.

4 (ii) Changes to the model, delivery or
5 implementation of training to improve access, eliminate
6 barriers and increase the nurse aide workforce.

7 (iii) The most appropriate government agency
8 oversight of the program, including curriculum criteria,
9 registry, examination and regulatory oversight.

10 (iv) Ways to eliminate barriers for prospective
11 nurse aides.

12 (b) Report.--The Joint State Government Commission shall
13 compile and report its findings no later than one year after the
14 effective date of this section to the following:

15 (1) The Secretary of Education.

16 (2) The Secretary of Health.

17 (3) The Secretary of Human Services.

18 (4) The Secretary of State.

19 (5) The chair and minority chair of the Aging and Youth
20 Committee of the Senate.

21 (6) The chair and minority chair of the Aging and Older
22 Adult Services Committee of the House of Representatives.

23 (7) The chair and minority chair of the Consumer
24 Protection and Professional Licensure Committee of the
25 Senate.

26 (8) The chair and minority chair of the Professional
27 Licensure Committee of the House of Representatives.

28 (9) The chair and minority chair of the Education
29 Committee of the Senate.

30 (10) The chair and minority chair of the Education
31 Committee of the House of Representatives.

32 (11) The chair and minority chair of the Health and
33 Human Services Committee of the Senate.

34 (12) The chair and minority chair of the Health
35 Committee of the House of Representatives.

36 Section 2. This act shall take effect immediately.

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 114 Session of
2025

INTRODUCED BY ARGALL, BROOKS, BOSCOLA, PENNYCUICK, LAUGHLIN,
J. WARD, CULVER, BROWN, COSTA, MASTRIANO, GEBHARD, PHILLIPS-
HILL, HUTCHINSON, SCHWANK, ROBINSON, DUSH, FARRY AND COLLETT,
JANUARY 22, 2025

SENATOR CULVER, EDUCATION, AS AMENDED, MAY 6, 2025

AN ACT

1 Amending the act of June 9, 1997 (P.L.169, No.14), entitled "An
2 act providing for Statewide nurse aide training programs
3 relating to nursing facilities," providing for training for
4 long-term care, for criteria for nurse aides and for
5 limitation on department.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. The act of June 9, 1997 (P.L.169, No.14), known
9 as the Nurse Aide Resident Abuse Prevention Training Act, is
10 amended by adding sections to read:

11 Section 3.1. Training for long-term care.

12 The department shall:

13 (1) Develop and implement a long-term care curriculum
14 for nurse aides.

15 (2) Establish qualifications for individuals to conduct
16 training of the long-term care curriculum. The qualifications
17 shall include, at a minimum, that an instructor must be a
18 registered nurse or a licensed practical nurse under the

1 supervision of a registered nurse as defined in 49 Pa. Code §
2 21.1 (relating to definitions).

3 (3) Establish a training program to implement a train-
4 the-trainer model so that trainers are able to deliver the
5 long-term care curriculum to nurse aides in this
6 Commonwealth. If the training of a nurse aide is performed by
7 a registered nurse or a licensed practical nurse under the
8 general supervision of a registered nurse:

9 (i) the registered nurse must be available to the
10 licensed practical nurse; and

11 (ii) the registered nurse must have a minimum of two
12 years of nursing experience, with at least 12 months of
13 employment in a long-term care nursing facility.

14 (4) Review a facility's application for approval to
15 establish a training program. If the department fails to
16 approve an initial application within 45 calendar days of
17 receipt, the application shall be deemed approved. If the
18 department fails to approve a revised application within 15
19 days of receipt, the application shall be deemed approved.

20 Section 3.2. Criteria for nurse aides.

21 (a) Competency examination.--In order to become a nurse aide
22 in this Commonwealth, an individual must DO ONE OF THE
23 FOLLOWING:

24 (1) Successfully complete a State-approved nurse aide
25 curriculum and training program or the long-term care
26 curriculum for nurse aides and achieve a minimum score,
27 established by the department, on the nurse aide competency
28 examination, which shall consist of:

29 (i) a written portion that may be taken, at the
30 option of the individual, in person or remotely over the

<--

Internet; and

(ii) a skills-demonstrated portion approved by the department and administered at a site and instructor approved by the department.

(2) Be a graduate of an accredited registered nurse or licensed practical nursing program and achieve a minimum score, established by the department, on the nurse aide competency examination.

(3) Notwithstanding any other provision of law, be a student nurse or graduate nurse that has completed courses through a nursing program that is equivalent to the requirements of the nurse aide training program and achieves a minimum score as required by the department on the nurse aide competency examination.

(b) Facility proctoring of the competency evaluation.--

(1) The competency evaluation may, at the prospective nurse aide's option, be conducted at the facility in which the prospective nurse aide is or will be employed unless the facility is described in 42 CFR 483.151(b)(2) (relating to state review and approval of nurse aide training and competency evaluation programs).

(2) The department may permit the competency evaluation to be proctored by facility personnel if the department finds that the procedure adopted by the facility ensures that the competency evaluation program:

(i) is secure from tampering;

(ii) is standardized and scored by a testing, educational or other organization approved by the department; and

(iii) requires no scoring by facility personnel.

1 Section 3.3. Limitation on department.

2 The department may not impose on a provider of a State-
3 approved nurse aide program a waiting period between approval of
4 the training program and the offering of any portion of the
5 training online as authorized under section 9.

6 Section 2. This act shall take effect as follows:

7 (1) The addition of section 3.1(1), (2) and (3) of the
8 act shall take effect in one year.

9 (2) The addition of section 3.2(b) of the act shall take
10 effect in 60 days.

11 (3) The remainder of this act shall take effect in 30
12 days.

HOUSE OF REPRESENTATIVES

DEMOCRATIC COMMITTEE BILL ANALYSIS

Bill No:	SB0114 PN0751	Prepared By:	Joseph Brett (717) 772-4031
Committee:	Professional Licensure	Executive Director:	Kari Orchard
Sponsor:	Argall, David		
Date:	9/23/2026		

A. Brief Concept

Establishes new standards for nurse aide training and certification by increasing the availability of long-term care training courses and expanding eligibility to take the nurse aide competency examination.

C. Analysis of the Bill

Senate Bill 114 amends the Nurse Aide Resident Abuse Prevention Training Act of 1997 to increase the availability of long-term care training courses and expand eligibility to take the nurse aide competency examination.

Training for Long-Term Care

The Department of Education is required to do the following:

- Develop a long-term care curriculum for nurse aides.
- Establish minimum qualifications for instructors, including requiring instructors to be registered nurses or licensed practical nurses working under the supervision of a registered nurse.
- Create a train-the-trainer program to prepare instructors to provide the long-term care curriculum.
- Require supervising registered nurses to be available to LPNs providing training and to have at least two years of nursing experience, including at least 12 months in a long-term care facility.
- Establish deadlines for reviewing facility training-program applications, with applications deemed approved if the department does not act within 45 days for initial applications or 15 days for revised applications.

Criteria for Nurse Aides

This legislation expands the pathways for individuals to become nurse aides by:

- Allowing individuals who complete an approved nurse aide or long-term care training program to take the competency exam, with the written portion available in person or remotely online.
- Allowing RN and LPN graduates, as well as certain student or graduate nurses who have completed equivalent coursework, to qualify to take the competency exam.
- Allowing prospective nurse aides, at their option, to complete the competency evaluation at the facility where they are or will be employed, subject to certain restrictions.
- Permitting qualified facility personnel to proctor the competency exam if the testing process meets department requirements for security, standardization, and scoring.

The Department is prohibited from imposing a waiting period on an approved nurse aide training program before it can begin offering authorized portions of the training online.

Effective Date:

Section 3.1 (1), (2), and (3), which set the guidelines for the department's development of new training standards for long-term care, will take effect in one year.

Section 3.2 (b), facility proctoring of the competency evaluation, will take effect in 60 days.

The remainder of the act will take effect in 30 days.

G. Relevant Existing Laws

The Federal Omnibus Budget Reconciliation Act of 1987 (OBRA) (Public Law 100-203, 101 Stat. 1330) establishes standards of care for nursing homes participating in the Medicare and Medicaid programs. Among these requirements is a mandate that nurse aides complete at least 75 hours of training.

Following the enactment of OBRA, Pennsylvania enacted the Nurse Aide Resident Abuse Prevention Training Act of 1997 (Act 14) (P.L. 169, No. 14). The law requires prospective employees of skilled nursing facilities in the Commonwealth to complete State-approved training and competency evaluation. The training, overseen by the Pennsylvania Department of Education (PDE), is intended to ensure that nurse aides have the education, practical knowledge, and skills necessary to provide effective care to residents of facilities participating in Medicare and Medicaid.

Under Act 14 of 1997, State-approved nurse aide training programs must include instruction on, but are not limited to:

- Recognizing and preventing:
 - Abuse
 - Exploitation
 - Neglect
 - Improper use of physical or chemical restraints
- Protocols for reporting abuse and notifying appropriate authorities.
- Options and strategies for addressing abusive behavior toward nurse aides by residents.

In addition, applicants seeking approval for a nurse aide training program must complete a criminal history report.

PDE approves nurse aide training programs conducted by nursing facilities and educational entities. Applicants must submit information regarding:

- Training hours
- Instructor qualifications
- Lesson plans
- Assessments

Penn State University also offers a Train the Trainer Nurse Aide Training Curriculum Education Program, which provides sample training materials and lesson plans and periodically offers training opportunities for new nurse aide trainers.

E. Prior Session (Previous Bill Numbers & House/Senate Votes)

SB 1102 (Argall) of the 2023-2024 Legislative Session passed the Senate by a vote of 42-8 on June 24, 2024, but remained in the House Health Committee, where it did not receive any further action.

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THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1133 Session of
2026

INTRODUCED BY FARRY, FONTANA, COLLETT, MALONE, VOGEL, BAKER,
COLEMAN, CULVER, SCHWANK AND KANE, JANUARY 9, 2026

SENATOR STEFANO, CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
AS AMENDED, JUNE 10, 2026

AN ACT

1 Amending the act of September 27, 1961 (P.L.1700, No.699),
2 entitled "An act relating to the regulation of the practice
3 of pharmacy, including the sales, use and distribution of
4 drugs and devices at retail; and amending, revising,
5 consolidating and repealing certain laws relating thereto,"
6 further providing for State Board of Pharmacy.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Section 6(a) and (b) of the act of September 27,
10 1961 (P.L.1700, No.699), known as the Pharmacy Act, are amended
11 to read:

12 Section 6. State Board of Pharmacy.--(a) Beginning with any
13 vacancies existing on the effective date of this act, and as
14 terms expire or vacancies occur thereafter, the State Board of
15 Pharmacy shall consist of the Commissioner of Professional and
16 Occupational Affairs, the Director of the Bureau of Consumer
17 Protection in the Office of Attorney General, or his designee,
18 two persons representing the public at large, [and five] six
19 persons who are licensed to practice pharmacy in this

1 Commonwealth [~~and who are not teachers or instructors in any~~
2 ~~educational institution teaching pharmacy.~~] and one person who
3 is registered as a pharmacy technician with the board. Two
4 pharmacists shall be appointed from independent retail
5 pharmacies, two pharmacists shall be appointed who are employees
6 of retail chain pharmacies which operate five or more pharmacies
7 licensed within this Commonwealth and [~~one~~ ~~two~~ pharmacist] TWO <--
8 PHARMACISTS shall be appointed from [~~an~~] SEPARATE acute care <--
9 institutional [~~pharmacy~~] PHARMACIES. Each pharmacist appointee <--
10 must have been registered as a pharmacist for at least five
11 years immediately preceding their appointment. The pharmacy
12 technician shall be registered with the board for at least five
13 years immediately preceding their appointment or provide an
14 attestation from a licensed pharmacist verifying the pharmacy
15 technician has been working as a pharmacy technician in this
16 Commonwealth for at least five years immediately preceding the
17 appointment. All professional, ~~pharmacy technician~~ and public <--
18 members of the board shall be appointed by the Governor with the
19 advice and consent of a majority of the members elected to the
20 Senate.

21 (b) The terms of each professional, ~~pharmacy technician~~ and <--
22 public member of the board shall be six years, or until a
23 successor has been appointed and qualified, but not longer than
24 six months beyond the six-year period. A pharmacy technician
25 shall only be eligible to serve one six-year term. No other
26 member shall be eligible for appointment to serve more than two
27 consecutive terms. In the event that any [~~of said members~~]
28 member of the board shall die or resign or otherwise [~~becomes~~]
29 become disqualified during his or her term, a successor shall be
30 appointed in the same way and with the same qualifications and

1 shall hold office for the unexpired term. [No member shall be
2 eligible for appointment to serve more than two consecutive
3 terms.]

4 * * *

5 Section 2. This act shall take effect in 60 days.

HOUSE OF REPRESENTATIVES

DEMOCRATIC COMMITTEE BILL ANALYSIS

Bill No:	SB1133 PN1810	Prepared By:	Kari Orchard
Committee:	Professional Licensure		717-787-6882
Sponsor:	Farry, Frank	Executive Director:	Kari Orchard
Date:	9/9/2026		

A. Brief Concept

Adds a pharmacy technician and a second acute care institutional pharmacist to the State Board of Pharmacy.

C. Analysis of the Bill

Senate Bill 1133 amends **The Pharmacy Act (Act 699 of 1961)**, to increase the number of seats on the state Board of Pharmacy.

The legislation adds two seats -- one for an acute care institutional pharmacist and one for a pharmacy technician -- in addition to the existing composition of the Board, bringing the total to 11 board members. It removes the stipulation that board members cannot be teachers or instructors.

Under this legislation, the board composition would be:

- Commissioner of Professional and Occupational Affairs
- Director of the Bureau of Consumer Protection, Office of Attorney General (or designee)
- Two members of the public
- One pharmacy technician
- Six licensed pharmacists
 - Two from independent retail pharmacies
 - Two from chain retail pharmacies
 - Two from acute care institutional pharmacies

A pharmacy technician is eligible for appointment if they are registered with the board for at least 5 years and provide attestation from a licensed pharmacist verifying they have been working in the Commonwealth.

Pharmacy technicians shall be on the board for one six-year term; all other members may be appointed to no more than two consecutive terms.

Effective Date:

This act shall take effect in 60 days.

G. Relevant Existing Laws

Section 6 of The Pharmacy Act establishes the state Board of Pharmacy and its composition. There are currently nine seats delineated as follows:

- Commissioner of Professional and Occupational Affairs
- Director of the Bureau of Consumer Protection, Office of Attorney General (or designee)
- Two members of the public
- Five licensed pharmacists (who are not teachers)
 - Two from independent retail pharmacies
 - Two from chain retail pharmacies

- One from an acute care institutional pharmacy

To be eligible for a board seat, pharmacists must be licensed for at least five years preceding their appointment by the Governor and confirmation by the state Senate. Public board members must also be confirmed by the Senate. Board member terms are six years.

E. Prior Session (Previous Bill Numbers & House/Senate Votes)

This legislation was not introduced in previous sessions.

A House version was introduced as HB 980 (Venkat) and was approved by the House 201-0 on April 15, 2025.

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