

# Advisory Board on Physician Assistants

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Virginia Board of Medicine

October 10, 2024

1:00 p.m.

**Advisory Board on Physician Assistants**

Board of Medicine

Thursday, October 10, 2024 @ 1:00 p.m.

9960 Mayland Drive, Suite 201, Henrico, VA

**Board Room 2**

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Call to Order – Justin Hepner, PA-C, Chair	
Emergency Egress Procedures – William Harp, MD	i
Roll Call – Jamie Culp	
Approval of Minutes of June 6, 2024	1 - 4
Adoption of the Agenda	
Public Comment on Agenda Items (15 minutes)	
<b>New Business</b>	
1. Report of Regulatory Actions ..... Erin Barrett	5 – 6
2. Consideration of Language for Physician Assistant License Reinstatement Process ..... Erin Barrett	7 - 10
3. Update on Physician Assistant Licensure Compact from Compact Commission Meeting ... Justin Hepner	11- 36
4. Approve Appointment of Primary Delegate to the PA Compact Commission ..... William Harp	37 – 44
5. Election of Alternate Delegate to the PA Compact Commission ..... William Harp	-- --
6. Approval of 2025 Meeting Calendar ..... Justin Hepner, PA-C	45
7. Election of Officers ..... Justin Hepner, PA-C	46 - 47

Announcements:

Next Scheduled Meeting - February 13, 2025 @ 1:00 p.m.

Adjournment

**PERIMETER CENTER CONFERENCE CENTER**  
**EMERGENCY EVACUATION OF BOARD AND TRAINING ROOMS**  
(Script to be read at the beginning of each meeting.)

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**Board Room 2**

Exit the room using one of the doors at the back of the room. (Point) Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

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<< DRAFT >>

**ADVISORY BOARD ON PHYSICIAN ASSISTANTS**

**Minutes**

June 6, 2024

The Advisory Board on Physician Assistants met on Thursday, June 6, 2024 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Henrico, Virginia.

**MEMBERS PRESENT:** Erin Myers, PA-C, Vice-Chair  
Lucy Treene, PA-C  
Tracey Dunn, Citizen

**MEMBERS ABSENT:** Justin Hepner, PA-C, Chair  
Brian Hanharan, MD

**STAFF PRESENT:** Michael Sobowale, LL.M., Deputy Executive Director – Licensure  
Colanthia M. Opher, Deputy Executive Director - Administration  
Erin Barrett, JD, Director of DHP Legislative and Regulatory Affairs  
Matthew Novak, DHP Policy and Economic Analyst  
Roslyn Nickens, Licensing Supervisor  
Jamie Culp, Licensing Specialist  
Barbara Hodgdon, PhD, Healthcare Workforce Data Center  
Yetty Shobo, PhD, Healthcare Workforce Data Center

**GUESTS PRESENT:** Robert Glasgow - Virginia Academy of Physician Assistants  
Jonathan Williams – Virginia Academy of Physician Assistants

**Call to Order**

Erin Myers called the meeting to order at 1:03 p.m.

**Emergency Egress Procedures**

Michael Sobowale announced the emergency egress instructions.

### **Roll Call**

Jamie Culp called the roll; a quorum was declared.

### **Approval of Minutes**

Erin Myers moved to approve the minutes of the September 22, 2022 meeting. Upon a motion by Lucy Treene, seconded by Tracey Dunn, motion was passed unanimously to approve the minutes as presented.

### **Adoption of Agenda**

Tracey Dunn moved to adopt the meeting agenda as presented. Lucy Treene seconded the motion. By unanimous consent, the agenda was adopted as presented.

### **Public Comments**

None

### **2024 Healthcare Workforce Data Presentation**

Barbara Hodgdon, Ph.D. provided a comprehensive presentation of the results from the 2023 physician assistant healthcare workforce data survey. Among the key findings are increases in licensees entering the Virginia workforce and those working in full-time employment.

### **New Business**

#### **1. Report of Regulatory Actions**

Erin Barrett reviewed the status of the advisory board's regulatory actions.

#### **2. Legislative Update**

Erin Barrett discussed House Bill 324 which was passed into law by the 2024 General Assembly. This legislation authorized Virginia to become a signatory to the physician assistant compact. The Board will need to develop regulations to implement the Compact.

She also discussed Senate Bill 133 which provides a practice agreement exemption for physician assistants. Physician Assistants employed by a hospital or in certain designated state or federal facilities are exempted from having a separate practice agreement, if the credentialing and privileging requirements of the applicable facility include a practice arrangement that incorporates the components of a practice agreement as provided in the law.

### **3. Request from Council of State Governments and Correspondence Regarding PA Compact**

Michael Sobowale discussed the request in the correspondence received from the Council of State Governments (CSG) for appointment of a state delegate to the Physician Assistant Compact Commission. Members opted to take the request under advisement and await more information from the CSG regarding the next steps.

### **4. Discuss License Reinstatement Process for Physician Assistants**

Michael Sobowale led the discussion. The current provision in regulations says that a physician assistant who lets their license expire for two (2) years or more will have to submit a new application. This causes duplicity of documentation when attempting to reactivate a license. This has also led to confusion, sometimes, among license applicants and staff processing the submitted paperwork in regard to distinguishing a new application from one to reactivate a license. In order to eliminate this confusion, promote efficiency in the licensing process, and further simplify the license reinstatement process for license applicants, Mr. Sobowale proposed that the Board consider adding language that addresses a license reinstatement process to its regulations. After discussion, Lucy Treene made a motion to request the DHP's Office of Legislative and Regulatory Affairs to draft language that describes a license reinstatement process for physician assistants for addition to the regulations at the next scheduled meeting. Erin Myers seconded the motion. Motion carried.

### **5. Orientation to the Board of Medicine and Advisory Board**

Michael Sobowale gave a PowerPoint Presentation on the Board of Medicine and its Advisory Boards.

## **Announcements**

## License Statistics

Jamie Culp provided the licensing statistics report for Physician Assistants. The Board currently has a total of 6,419 physician assistant licenses.

Next Scheduled Meeting:

The next scheduled meeting is October 10, 2024 at 1:00 p.m.

**Adjournment**

With no other business to conduct, the meeting was adjourned at 2:29 p.m.

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William L. Harp, M.D., Executive Director

**Board of Medicine – Advisory Board on Physician Assistants**  
**Regulatory Actions**  
**As of September 20, 2024**

**In the Governor’s Office**

None.

**In the Secretary’s Office**

VAC	Stage	Subject Matter	Submitted from agency	Time in current location	Notes
18VAC85-50	NOIRA	Removal of patient care team physician or podiatrist name from prescriptions issued by physician assistants	8/8/2023	406 days	Following a petition for rulemaking, removes the requirement that the patient care team physician or podiatrist name appear on prescriptions issued by physician assistants for Schedule II – V drugs
18VAC85-50	Fast-track	Implementation of changes following 2022 periodic review of Chapter	10/6/2022	402 days	Periodic review changes voted on at 2022 October Board meeting
18VAC85-50	NOIRA	Amendment to requirements for patient care team physician or podiatrist consultation and collaboration	8/8/2023	396 days	Following a petition for rulemaking, the Board is noticing that it will amend 18VAC85-50-110(1) to reduce requirements for consultation and collaboration

**At DPB or OAG**

None.



**Recently effective/awaiting publication**

VAC	Stage	Subject Matter	Publication date	Effective date/ next steps
18VAC85-50	Exempt/ Final	Amendment to allow physician assistants working for defined employers to practice without a separate practice agreement	10/7/2024	Effective 11/6/2024. Pursuant to legislation of the 2024 GA Session

**Agenda Item: Consideration of language for physician assistant reinstatement****Included in your agenda package:**

- Draft changes to 18VAC85-50 to accommodate reinstatement of physician assistant licenses

**Staff note:** As noted by staff at the previous advisory board meeting, physician assistants that let their license lapse by two years or more must file a new application for licensure. This is unusual and procedurally problematic. The attached draft language is consistent with other licensing boards' handling of this issue.

**Action needed:**

- Motion to recommend the full Board adopt fast-track regulatory changes regarding physician assistant reinstatement as discussed.

**Project 8085 - Fast-Track****Board of Medicine****Reinstatement of licensure for physician assistants****18VAC85-50-35. Fees.**

Unless otherwise provided, the following fees shall not be refundable:

1. The initial application fee for a license, payable at the time application is filed, shall be \$130.
2. The biennial fee for renewal of an active license shall be \$135 and for renewal of an inactive license shall be \$70, payable in each odd-numbered year in the birth month of the licensee. For 2021, the fee for renewal of an active license shall be \$108, and the fee for renewal of an inactive license shall be \$54.
3. The additional fee for late renewal of licensure within one renewal cycle shall be \$50.
4. A restricted volunteer license shall expire 12 months from the date of issuance and may be renewed without charge by receipt of a renewal application that verifies that the physician assistant continues to comply with provisions of § 54.1-2951.3 of the Code of Virginia.
5. The fee for reinstatement of a license pursuant to § 54.1-2408.2 of the Code of Virginia shall be \$2,000.
6. The fee for reinstatement of a license that has expired for a period of two years or more shall be \$180.
- ~~6.~~ 7. The fee for a duplicate license shall be \$5.00, and the fee for a duplicate wall certificate shall be \$15.

~~7.~~ 8. The handling fee for a returned check or a dishonored credit card or debit card shall be \$50.

~~8.~~ 9. The fee for a letter of good standing or verification to another jurisdiction shall be \$10.

~~9.~~ 10. The fee for an application or for the biennial renewal of a restricted volunteer license shall be \$35, due in the licensee's birth month. An additional fee for late renewal of licensure shall be \$15 for each renewal cycle.

**18VAC85-50-56. Renewal of license.**

A. Every licensed physician assistant intending to continue to practice shall biennially renew the license in each odd numbered year in the licensee's birth month by:

1. Returning the renewal form and fee as prescribed by the board; and
2. Verifying compliance with continuing medical education standards established by the NCCPA.

B. Any physician assistant who allows his NCCPA certification to lapse shall be considered not licensed by the board. Any such assistant who proposes to resume his practice ~~shall make a new application for licensure.~~ within two years or less shall apply for renewal and pay the late fee specified in 18VAC85-50-35. A physician assistant shall apply for reinstatement and pay the associated fee specified in 18VAC85-50-35 if the license has lapsed for more than two years.

**18VAC85-50-62. Reinstatement.**

A. A physician assistant whose license is lapsed for a period of two years or less may reinstate the license by payment of the renewal and late fees as set forth in 18VAC85-50-35.

B. A physician assistant whose license is lapsed for a period of more than two years may apply for reinstatement and shall submit:

1. A completed application package;

2. The fee specified in 18VAC85-50-35; and

3. Evidence of current certification by NCCPA.

Draft

## PA Compact Timeline

As of April 4, 2024, the PA compact has been enacted in seven states. The PA Compact legislation specifies that the compact needs seven member states to become active.

However, this does not mean that PAs can practice yet in other compact member states. Instead, there is still an estimated 18-24 month process before the compact is fully operational and PAs can apply for a privilege to practice. Below is a timeline of the process.

### Formation of Compact Commission

First, each member state must appoint a commissioner. The state commissioners will convene for the inaugural meeting of the PA Compact Commission where they will elect an executive committee, vote on rules and bylaws, and take other steps for the compact to move towards being fully operational. All compact commission meetings will be open to the public.

### Creation of Compact Data System

After the inaugural meeting, the compact commission will continue to work on operationalizing the compact, including acquiring a data system. The data system is a foundational piece of compact operations. Through it, compact member states communicate licensure and privilege information with each other and with the compact commission.

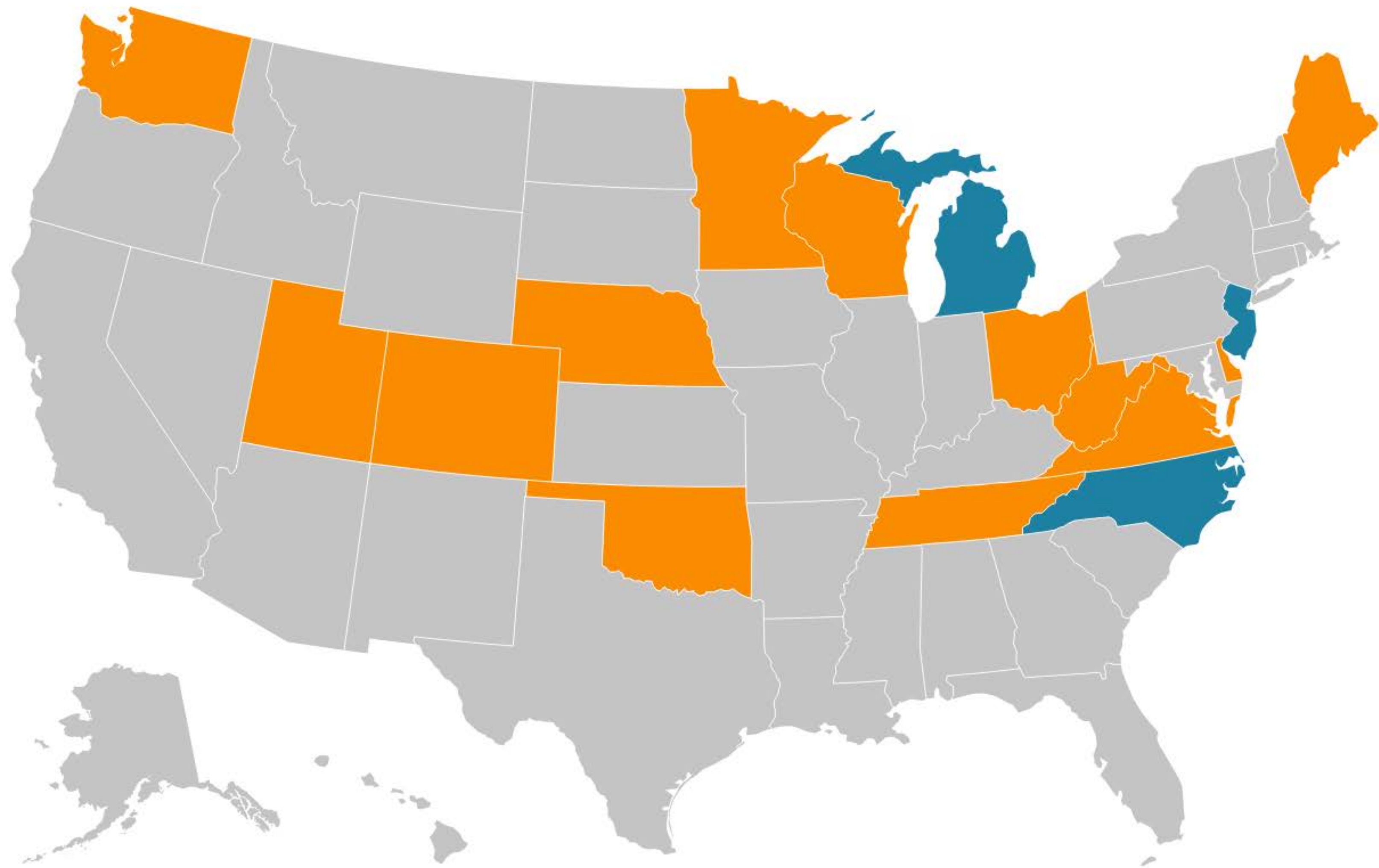
Once the data system is available, states will be tasked with onboarding to the system. It is expected that states will have varying timelines to onboard.

### Privilege Applications Open

As states become able to successfully communicate licensure and privilege information with one another via the data system, the compact commission will open applications for compact privileges to PAs.

The application process will involve verifying that the PA has a license in a member state and is eligible for compact participation. Once the application has been reviewed by the compact commission, the PA will receive confirmation that they have been issued compact privileges in compact member states they selected. After a privilege is issued, the PA can practice in another compact state.

■ No active legislation ■ Legislation Filed ■ Legislation Enacted - Compact Member





## PA Compact Model Legislation

### ***Special Note***

*The following language must be enacted by a state to officially join the PA Compact.*

*No substantive changes should be made to the model language.*

*Substantive changes may jeopardize the enacting state's participation in the compact.*

*The Council of State Governments National Center for Interstate Compacts reviews state Compact legislation to ensure consistency with the model language. Please direct any inquiries to Carl Sims at [csims@csg.org](mailto:csims@csg.org).*



# 1 PA LICENSURE COMPACT

2

## 3 Section 1. Purpose

4

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

20

## 21 Section 2. Definitions

22

23 In this Compact:

- 24 **A. "Adverse Action"** means any administrative, civil, equitable, or criminal action permitted  
25 by a State's laws which is imposed by a Licensing Board or other authority against a PA  
26 License or License application or Compact Privilege such as License denial, censure,  
27 revocation, suspension, probation, monitoring of the Licensee, or restriction on the  
28 Licensee's practice.
- 29 **B. "Compact Privilege"** means the authorization granted by a Remote State to allow a  
30 Licensee from another Participating State to practice as a PA to provide Medical Services  
31 and other licensed activity to a patient located in the Remote State under the Remote  
32 State's laws and regulations.
- 33 **C. "Conviction"** means a finding by a court that an individual is guilty of a felony or  
34 misdemeanor offense through adjudication or entry of a plea of guilt or no contest to the  
35 charge by the offender
- 36 **D. "Criminal Background Check"** means the submission of fingerprints or other biometric-  
37 based information for a License applicant for the purpose of obtaining that applicant's  
38 criminal history record information, as defined in 28 C.F.R. § 20.3(d), from the State's  
39 criminal history record repository as defined in 28 C.F.R. § 20.3(f).
- 40 **E. "Data System"** means the repository of information about Licensees, including but not  
41 limited to License status and Adverse Actions, which is created and administered under

42 the terms of this Compact.

43 F. **“Executive Committee”** means a group of directors and ex-officio individuals elected or  
44 appointed pursuant to Section 7.F.2.

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

47 H. **“Investigative Information”** means information, records, or documents received or  
48 generated by a Licensing Board pursuant to an investigation.

49 I. **“Jurisprudence Requirement”** means the assessment of an individual’s knowledge of  
50 the laws and Rules governing the practice of a PA in a State.

51 J. **“License”** means current authorization by a State, other than authorization pursuant to a  
52 Compact Privilege, for a PA to provide Medical Services, which would be unlawful without  
53 current authorization.

54 K. **“Licensee”** means an individual who holds a License from a State to provide Medical  
55 Services as a PA.

56 L. **“Licensing Board”** means any State entity authorized to license and otherwise regulate  
57 PAs.

58 M. **“Medical Services”** means health care services provided for the diagnosis, prevention,  
59 treatment, cure or relief of a health condition, injury, or disease, as defined by a State’s  
60 laws and regulations.

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

63 O. **“Participating State”** means a State that has enacted this Compact.

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

69 Q. **“PA Licensure Compact Commission,” “Compact Commission,” or “Commission”**  
70 mean the national administrative body created pursuant to Section 7.A of this Compact.

71 R. **“Qualifying License”** means an unrestricted License issued by a Participating State to  
72 provide Medical Services as a PA.

73 S. **“Remote State”** means a Participating State where a Licensee who is not licensed as a  
74 PA is exercising or seeking to exercise the Compact Privilege.

75 T. **“Rule”** means a regulation promulgated by an entity that has the force and effect of law.

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

80 V. **“State”** means any state, commonwealth, district, or territory of the United States.  
81

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

83

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

85

1. License PAs.

86

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

88

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

91

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

96

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

101

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

103

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

106

107 8. Grant the Compact Privilege to a holder of a Qualifying License in a  
108 Participating State.

109

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

112

**113 Section 4. Compact Privilege**

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

115 1. Have graduated from a PA program accredited by the Accreditation Review  
116 Commission on Education for the Physician Assistant, Inc. or other programs  
117 authorized by Commission Rule.

118

2. Hold current NCCPA certification.

119

3. Have no felony or misdemeanor Conviction.

120

4. Have never had a controlled substance license, permit, or registration suspended

121 or revoked by a State or by the United States Drug Enforcement Administration.

122 5. Have a unique identifier as determined by Commission Rule.

123 6. Hold a Qualifying License.

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

126 8. If a Licensee has had a limitation or restriction on a License or Compact Privilege  
127 due to an Adverse Action, two years must have elapsed from the date on which  
128 the License or Compact Privilege is no longer limited or restricted due to the  
129 Adverse Action.

130 9. If a Compact Privilege has been revoked or is limited or restricted in a  
131 Participating State for conduct that would not be a basis for disciplinary action in a  
132 Participating State in which the Licensee is practicing or applying to practice under  
133 a Compact Privilege, that Participating State shall have the discretion not to  
134 consider such action as an Adverse Action requiring the denial or removal of a  
135 Compact Privilege in that State.

136 10. Notify the Compact Commission that the Licensee is seeking the Compact  
137 Privilege in a Remote State.

138 11. Meet any Jurisprudence Requirement of a Remote State in which the Licensee is  
139 seeking to practice under the Compact Privilege and pay any fees applicable to  
140 satisfying the Jurisprudence Requirement.

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

143 B. The Compact Privilege is valid until the expiration or revocation of the Qualifying License  
144 unless terminated pursuant to an Adverse Action. The Licensee must also comply with all  
145 of the requirements of Subsection A above to maintain the Compact Privilege in a Remote  
146 State. If the Participating State takes Adverse Action against a Qualifying License, the  
147 Licensee shall lose the Compact Privilege in any Remote State in which the Licensee has  
148 a Compact Privilege until all of the following occur:

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

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

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

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

158

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

161

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

166 1. When applying for a Compact Privilege, the Licensee shall provide the  
167 Commission with the address of the Licensee's primary residence and thereafter  
168 shall immediately report to the Commission any change in the address of the  
169 Licensee's primary residence.

170 2. When applying for a Compact Privilege, the Licensee is required to consent to  
171 accept service of process by mail at the Licensee's primary residence on file with  
172 the Commission with respect to any action brought against the Licensee by the  
173 Commission or a Participating State, including a subpoena, with respect to any  
174 action brought or investigation conducted by the Commission or a Participating  
175 State.

176

177 **Section 6. Adverse Actions**

178

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

181

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

184

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

188

189 2. Issue subpoenas for both hearings and investigations that require the attendance  
190 and testimony of witnesses as well as the production of evidence. Subpoenas  
191 issued by a Licensing Board in a Participating State for the attendance and  
192 testimony of witnesses or the production of evidence from another Participating  
193 State shall be enforced in the latter State by any court of competent jurisdiction,  
194 according to the practice and procedure of that court applicable to subpoenas

195 issued in proceedings pending before it. The issuing authority shall pay any  
196 witness fees, travel expenses, mileage and other fees required by the service  
197 statutes of the State in which the witnesses or evidence are located.  
198

199 3. Notwithstanding paragraph 2, subpoenas may not be issued by a Participating  
200 State to gather evidence of conduct in another State that is lawful in that other  
201 State for the purpose of taking Adverse Action against a Licensee's Compact  
202 Privilege or application for a Compact Privilege in that Participating State.  
203

204 4. Nothing in this Compact authorizes a Participating State to impose discipline  
205 against a PA's Compact Privilege or to deny an application for a Compact  
206 Privilege in that Participating State for the individual's otherwise lawful practice in  
207 another State.  
208

209 C. For purposes of taking Adverse Action, the Participating State which issued the Qualifying  
210 License shall give the same priority and effect to reported conduct received from any  
211 other Participating State as it would if the conduct had occurred within the Participating  
212 State which issued the Qualifying License. In so doing, that Participating State shall apply  
213 its own State laws to determine appropriate action.  
214

215 D. A Participating State, if otherwise permitted by State law, may recover from the affected  
216 PA the costs of investigations and disposition of cases resulting from any Adverse Action  
217 taken against that PA.  
218

219 E. A Participating State may take Adverse Action based on the factual findings of a Remote  
220 State, provided that the Participating State follows its own procedures for taking the  
221 Adverse Action.  
222

223 F. Joint Investigations

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

227 2. Participating States shall share any investigative, litigation, or compliance  
228 materials in furtherance of any joint or individual investigation initiated under this  
229 Compact.  
230

231 G. If an Adverse Action is taken against a PA's Qualifying License, the PA's Compact  
232 Privilege in all Remote States shall be deactivated until two (2) years have elapsed after  
233 all restrictions have been removed from the State License. All disciplinary orders by the  
234 Participating State which issued the Qualifying License that impose Adverse Action  
235 against a PA's License shall include a Statement that the PA's Compact Privilege is

236 deactivated in all Participating States during the pendency of the order.

237

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

240

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

242 A. The Participating States hereby create and establish a joint government agency and  
243 national administrative body known as the PA Licensure Compact Commission. The  
244 Commission is an instrumentality of the Compact States acting jointly and not an  
245 instrumentality of any one State. The Commission shall come into existence on or after  
246 the effective date of the Compact as set forth in Section 11.A.

247 B. Membership, Voting, and Meetings

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

252 2. The delegate shall be either:

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

255 b. An administrator of a Licensing Board.

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

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

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

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

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

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

- 270 1. Establish a code of ethics for the Commission;
- 271 2. Establish the fiscal year of the Commission;
- 272 3. Establish fees;
- 273 4. Establish bylaws;
- 274 5. Maintain its financial records in accordance with the bylaws;
- 275 6. Meet and take such actions as are consistent with the provisions of this Compact  
276 and the bylaws;
- 277 7. Promulgate Rules to facilitate and coordinate implementation and administration of  
278 this Compact. The Rules shall have the force and effect of law and shall be  
279 binding in all Participating States;
- 280 8. Bring and prosecute legal proceedings or actions in the name of the Commission,  
281 provided that the standing of any State Licensing Board to sue or be sued under  
282 applicable law shall not be affected;
- 283 9. Purchase and maintain insurance and bonds;
- 284 10. Borrow, accept, or contract for services of personnel, including, but not limited to,  
285 employees of a Participating State;
- 286 11. Hire employees and engage contractors, elect or appoint officers, fix  
287 compensation, define duties, grant such individuals appropriate authority to carry  
288 out the purposes of this Compact, and establish the Commission's personnel  
289 policies and programs relating to conflicts of interest, qualifications of personnel,  
290 and other related personnel matters;
- 291 12. Accept any and all appropriate donations and grants of money, equipment,  
292 supplies, materials and services, and receive, utilize and dispose of the same;  
293 provided that at all times the Commission shall avoid any appearance of  
294 impropriety or conflict of interest;
- 295 13. Lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold,  
296 improve or use, any property, real, personal or mixed; provided that at all times the  
297 Commission shall avoid any appearance of impropriety;
- 298 14. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose  
299 of any property real, personal, or mixed;
- 300 15. Establish a budget and make expenditures;
- 301 16. Borrow money;



- 302 17. Appoint committees, including standing committees composed of members, State  
303 regulators, State legislators or their representatives, and consumer  
304 representatives, and such other interested persons as may be designated in this  
305 Compact and the bylaws;
- 306 18. Provide and receive information from, and cooperate with, law enforcement  
307 agencies;
- 308 19. Elect a Chair, Vice Chair, Secretary and Treasurer and such other officers of the  
309 Commission as provided in the Commission's bylaws.
- 310 20. Reserve for itself, in addition to those reserved exclusively to the Commission  
311 under the Compact, powers that the Executive Committee may not exercise;
- 312 21. Approve or disapprove a State's participation in the Compact based upon its  
313 determination as to whether the State's Compact legislation departs in a material  
314 manner from the Model Compact language;
- 315 22. Prepare and provide to the Participating States an annual report; and
- 316 23. Perform such other functions as may be necessary or appropriate to achieve the  
317 purposes of this Compact consistent with the State regulation of PA licensure and  
318 practice.

319 D. Meetings of the Commission

- 320 1. All meetings of the Commission that are not closed pursuant to this  
321 subsection shall be open to the public. Notice of public meetings shall be  
322 posted on the Commission's website at least thirty (30) days prior to the  
323 public meeting.  
324
- 325 2. Notwithstanding subsection D.1 of this section, the Commission may  
326 convene a public meeting by providing at least twenty-four (24) hours prior  
327 notice on the Commission's website, and any other means as provided in  
328 the Commission's Rules, for any of the reasons it may dispense with  
329 notice of proposed rulemaking under Section 9.L.  
330
- 331 3. The Commission may convene in a closed, non-public meeting or non-  
332 public part of a public meeting to receive legal advice or to discuss:  
333
- 334 a. Non-compliance of a Participating State with its obligations under  
335 this Compact;  
336
- 337 b. The employment, compensation, discipline or other matters,  
338 practices or procedures related to specific employees or other  
339 matters related to the Commission's internal personnel practices

- 340 and procedures;
- 341
- 342 c. Current, threatened, or reasonably anticipated litigation;
- 343
- 344 d. Negotiation of contracts for the purchase, lease, or sale of goods,
- 345 services, or real estate;
- 346
- 347 e. Accusing any person of a crime or formally censuring any person;
- 348
- 349 f. Disclosure of trade secrets or commercial or financial information
- 350 that is privileged or confidential;
- 351
- 352 g. Disclosure of information of a personal nature where disclosure
- 353 would constitute a clearly unwarranted invasion of personal
- 354 privacy;
- 355
- 356 h. Disclosure of investigative records compiled for law enforcement
- 357 purposes;
- 358
- 359 i. Disclosure of information related to any investigative reports
- 360 prepared by or on behalf of or for use of the Commission or other
- 361 committee charged with responsibility of investigation or
- 362 determination of compliance issues pursuant to this Compact;
- 363
- 364 j. Legal advice; or
- 365
- 366 k. Matters specifically exempted from disclosure by federal or
- 367 Participating States' statutes.
- 368 4. If a meeting, or portion of a meeting, is closed pursuant to this provision, the
- 369 chair of the meeting or the chair's designee shall certify that the meeting or
- 370 portion of the meeting may be closed and shall reference each relevant
- 371 exempting provision.
- 372 5. The Commission shall keep minutes that fully and clearly describe all matters
- 373 discussed in a meeting and shall provide a full and accurate summary of actions
- 374 taken, including a description of the views expressed. All documents considered
- 375 in connection with an action shall be identified in such minutes. All minutes and
- 376 documents of a closed meeting shall remain under seal, subject to release by a
- 377 majority vote of the Commission or order of a court of competent jurisdiction.
- 378 E. Financing of the Commission
- 379 1. The Commission shall pay, or provide for the payment of, the reasonable
- 380 expenses of its establishment, organization, and ongoing activities.

- 381 2. The Commission may accept any and all appropriate revenue sources,  
382 donations, and grants of money, equipment, supplies, materials, and services.
- 383 3. The Commission may levy on and collect an annual assessment from each  
384 Participating State and may impose Compact Privilege fees on Licensees of  
385 Participating States to whom a Compact Privilege is granted to cover the cost of  
386 the operations and activities of the Commission and its staff, which must be in a  
387 total amount sufficient to cover its annual budget as approved by the Commission  
388 each year for which revenue is not provided by other sources. The aggregate  
389 annual assessment amount levied on Participating States shall be allocated  
390 based upon a formula to be determined by Commission Rule.
- 391 a. A Compact Privilege expires when the Licensee's Qualifying License in  
392 the Participating State from which the Licensee applied for the Compact  
393 Privilege expires.
- 394 b. If the Licensee terminates the Qualifying License through which the  
395 Licensee applied for the Compact Privilege before its scheduled  
396 expiration, and the Licensee has a Qualifying License in another  
397 Participating State, the Licensee shall inform the Commission that it is  
398 changing to that Participating State the Participating State through which  
399 it applies for a Compact Privilege and pay to the Commission any  
400 Compact Privilege fee required by Commission Rule.
- 401 4. The Commission shall not incur obligations of any kind prior to securing the funds  
402 adequate to meet the same; nor shall the Commission pledge the credit of any of  
403 the Participating States, except by and with the authority of the Participating  
404 State.
- 405 5. The Commission shall keep accurate accounts of all receipts and disbursements.  
406 The receipts and disbursements of the Commission shall be subject to the  
407 financial review and accounting procedures established under its bylaws. All  
408 receipts and disbursements of funds handled by the Commission shall be subject  
409 to an annual financial review by a certified or licensed public accountant, and the  
410 report of the financial review shall be included in and become part of the annual  
411 report of the Commission.

412

## 413 F. The Executive Committee

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1. The Executive Committee shall have the power to act on behalf of the  
Commission according to the terms of this Compact and Commission Rules.
2. The Executive Committee shall be composed of nine (9) members:
- a. Seven voting members who are elected by the Commission from the  
current membership of the Commission;

- 420                   b. One ex-officio, nonvoting member from a recognized national PA  
421                   professional association; and  
422
- 423                   c. One ex-officio, nonvoting member from a recognized national PA  
424                   certification organization.
- 425           3. The ex-officio members will be selected by their respective organizations.  
426
- 427           4. The Commission may remove any member of the Executive Committee as  
428           provided in its bylaws.  
429
- 430           5. The Executive Committee shall meet at least annually.  
431
- 432           6. The Executive Committee shall have the following duties and responsibilities:  
433
- 434                   a. Recommend to the Commission changes to the Commission's Rules or  
435                   bylaws, changes to this Compact legislation, fees to be paid by Compact  
436                   Participating States such as annual dues, and any Commission Compact  
437                   fee charged to Licensees for the Compact Privilege;  
438
- 439                   b. Ensure Compact administration services are appropriately provided,  
440                   contractual or otherwise;  
441
- 442                   c. Prepare and recommend the budget;  
443
- 444                   d. Maintain financial records on behalf of the Commission;  
445
- 446                   e. Monitor Compact compliance of Participating States and provide  
447                   compliance reports to the Commission;  
448
- 449                   f. Establish additional committees as necessary;  
450
- 451                   g. Exercise the powers and duties of the Commission during the interim  
452                   between Commission meetings, except for issuing proposed rulemaking or  
453                   adopting Commission Rules or bylaws, or exercising any other powers and  
454                   duties exclusively reserved to the Commission by the Commission's Rules;  
455                   and  
456
- 457                   h. Perform other duties as provided in the Commission's Rules or bylaws.  
458
- 459           7. All meeting of the Executive Committee at which it votes or plans to vote on  
460           matters in exercising the powers and duties of the Commission shall be open to  
461           the public and public notice of such meetings shall be given as public meetings of  
462           the Commission are given.  
463

464 8. The Executive Committee may convene in a closed, non-public meeting for the  
465 same reasons that the Commission may convene in a non-public meeting as set  
466 forth in Section 7.D.3 and shall announce the closed meeting as the Commission  
467 is required to under Section 7.D.4 and keep minutes of the closed meeting as the  
468 Commission is required to under Section 7.D.5.

469 G. Qualified Immunity, Defense, and Indemnification

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

481  
482 2. The Commission shall defend any member, officer, executive director, employee,  
483 and representative of the Commission in any civil action seeking to impose liability  
484 arising out of any actual or alleged act, error, or omission that occurred within the  
485 scope of Commission employment, duties, or responsibilities, or as determined by  
486 the commission that the person against whom the claim is made had a reasonable  
487 basis for believing occurred within the scope of Commission employment, duties,  
488 or responsibilities; provided that nothing herein shall be construed to prohibit that  
489 person from retaining their own counsel at their own expense; and provided  
490 further, that the actual or alleged act, error, or omission did not result from that  
491 person's intentional or willful or wanton misconduct.

492  
493 3. The Commission shall indemnify and hold harmless any member, officer,  
494 executive director, employee, and representative of the Commission for the  
495 amount of any settlement or judgment obtained against that person arising out of  
496 any actual or alleged act, error, or omission that occurred within the scope of  
497 Commission employment, duties, or responsibilities, or that such person had a  
498 reasonable basis for believing occurred within the scope of Commission  
499 employment, duties, or responsibilities, provided that the actual or alleged act,  
500 error, or omission did not result from the intentional or willful or wanton  
501 misconduct of that person.

502 4. Venue is proper and judicial proceedings by or against the Commission  
503 shall be brought solely and exclusively in a court of competent jurisdiction where

504 the principal office of the Commission is located. The Commission may waive  
 505 venue and jurisdictional defenses in any proceedings as authorized by  
 506 Commission Rules.

507

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

511

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

516

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

521

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

524

## 525 **Section 8. Data System**

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

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

533 1. Identifying information;

534 2. Licensure data;

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

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

539 5. The existence of Significant Investigative Information; and

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

- 542 C. Significant Investigative Information pertaining to a Licensee in any Participating State  
543 shall only be available to other Participating States.
- 544 D. The Commission shall promptly notify all Participating States of any Adverse Action taken  
545 against a Licensee or an individual applying for a License that has been reported to it.  
546 This Adverse Action information shall be available to any other Participating State.
- 547 E. Participating States contributing information to the Data System may, in accordance with  
548 State or federal law, designate information that may not be shared with the public without  
549 the express permission of the contributing State. Notwithstanding any such designation,  
550 such information shall be reported to the Commission through the Data System.
- 551 F. Any information submitted to the Data System that is subsequently expunged pursuant to  
552 federal law or the laws of the Participating State contributing the information shall be  
553 removed from the Data System upon reporting of such by the Participating State to the  
554 Commission.
- 555 G. The records and information provided to a Participating State pursuant to this Compact or  
556 through the Data System, when certified by the Commission or an agent thereof, shall  
557 constitute the authenticated business records of the Commission, and shall be entitled to  
558 any associated hearsay exception in any relevant judicial, quasi-judicial or administrative  
559 proceedings in a Participating State.

560  
561 **Section 9. Rulemaking**

- 562 A. The Commission shall exercise its Rulemaking powers pursuant to the criteria set forth in  
563 this Section and the Rules adopted thereunder. Commission Rules shall become binding  
564 as of the date specified by the Commission for each Rule.
- 565 B. The Commission shall promulgate reasonable Rules in order to effectively and efficiently  
566 implement and administer this Compact and achieve its purposes. A Commission Rule  
567 shall be invalid and have not force or effect only if a court of competent jurisdiction holds  
568 that the Rule is invalid because the Commission exercised its rulemaking authority in a  
569 manner that is beyond the scope of the purposes of this Compact, or the powers granted  
570 hereunder, or based upon another applicable standard of review.
- 571 C. The Rules of the Commission shall have the force of law in each Participating State,  
572 provided however that where the Rules of the Commission conflict with the laws of the  
573 Participating State that establish the medical services a PA may perform in the  
574 Participating State, as held by a court of competent jurisdiction, the Rules of the  
575 Commission shall be ineffective in that State to the extent of the conflict.
- 576 D. If a majority of the legislatures of the Participating States rejects a Commission Rule, by  
577 enactment of a statute or resolution in the same manner used to adopt this Compact  
578 within four (4) years of the date of adoption of the Rule, then such Rule shall have no

579 further force and effect in any Participating State or to any State applying to participate in  
580 the Compact.

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

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

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

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

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

589 G. The Notice of Proposed Rulemaking shall include:

590 1. The time, date, and location of the public hearing on the proposed Rule and the  
591 proposed time, date and location of the meeting in which the proposed Rule will be  
592 considered and voted upon;

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

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

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

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

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

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

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

608 3. All hearings shall be recorded. A copy of the recording and the written comments,  
609 data, facts, opinions, and arguments received in response to the proposed  
610 rulemaking shall be made available to a person upon request.  
611



- 612 4. Nothing in this section shall be construed as requiring a separate hearing on each  
613 proposed Rule. Proposed Rules may be grouped for the convenience of the  
614 Commission at hearings required by this section.
- 615 J. Following the public hearing the Commission shall consider all written and oral comments  
616 timely received.
- 617 K. The Commission shall, by majority vote of all delegates, take final action on the proposed  
618 Rule and shall determine the effective date of the Rule, if adopted, based on the  
619 Rulemaking record and the full text of the Rule.
- 620 1. If adopted, the Rule shall be posted on the Commission's website.  
621  
622 2. The Commission may adopt changes to the proposed Rule provided the changes  
623 do not enlarge the original purpose of the proposed Rule.  
624  
625 3. The Commission shall provide on its website an explanation of the reasons for  
626 substantive changes made to the proposed Rule as well as reasons for  
627 substantive changes not made that were recommended by commenters.  
628  
629 4. The Commission shall determine a reasonable effective date for the Rule. Except  
630 for an emergency as provided in subsection L, the effective date of the Rule shall  
631 be no sooner than thirty (30) days after the Commission issued the notice that it  
632 adopted the Rule.
- 633 L. Upon determination that an emergency exists, the Commission may consider and adopt  
634 an emergency Rule with twenty-four (24) hours prior notice, without the opportunity for  
635 comment, or hearing, provided that the usual rulemaking procedures provided in this  
636 Compact and in this section shall be retroactively applied to the Rule as soon as  
637 reasonably possible, in no event later than ninety (90) days after the effective date of the  
638 Rule. For the purposes of this provision, an emergency Rule is one that must be adopted  
639 immediately by the Commission in order to:
- 640 1. Meet an imminent threat to public health, safety, or welfare;  
641  
642 2. Prevent a loss of Commission or Participating State funds;  
643  
644 3. Meet a deadline for the promulgation of a Commission Rule that is established by  
federal law or Rule; or  
644 4. Protect public health and safety.
- 645 M. The Commission or an authorized committee of the Commission may direct revisions to a  
646 previously adopted Commission Rule for purposes of correcting typographical errors,  
647 errors in format, errors in consistency, or grammatical errors. Public notice of any  
648 revisions shall be posted on the website of the Commission. The revision shall be subject

649 to challenge by any person for a period of thirty (30) days after posting. The revision may  
650 be challenged only on grounds that the revision results in a material change to a Rule. A  
651 challenge shall be made as set forth in the notice of revisions and delivered to the  
652 Commission prior to the end of the notice period. If no challenge is made, the revision will  
653 take effect without further action. If the revision is challenged, the revision may not take  
654 effect without the approval of the Commission.

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

656

## 657 **Section 10. Oversight, Dispute Resolution, and Enforcement**

### 658 A. Oversight

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

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

669 3. The Commission shall be entitled to receive service of process in any proceeding  
670 regarding the enforcement or interpretation of the Compact or the Commission's  
671 Rules and shall have standing to intervene in such a proceeding for all purposes.  
672 Failure to provide the Commission with service of process shall render a judgment  
673 or order in such proceeding void as to the Commission, this Compact, or  
674 Commission Rules.

### 675 B. Default, Technical Assistance, and Termination

676

677 1. If the Commission determines that a Participating State has defaulted in the  
678 performance of its obligations or responsibilities under this Compact or the  
679 Commission Rules, the Commission shall provide written notice to the defaulting  
680 State and other Participating States. The notice shall describe the default, the  
681 proposed means of curing the default and any other action that the Commission  
682 may take and shall offer remedial training and specific technical assistance  
683 regarding the default.

684 2. If a State in default fails to cure the default, the defaulting State may be  
685 terminated from this Compact upon an affirmative vote of a majority of the

686 delegates of the Participating States, and all rights, privileges and benefits  
687 conferred by this Compact upon such State may be terminated on the  
688 effective date of termination. A cure of the default does not relieve the  
689 offending State of obligations or liabilities incurred during the period of  
690 default.

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

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

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

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

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

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

713  
714 b. Licensees who are licensed in that State who have been granted a  
715 Compact Privilege in a Participating State shall retain the Compact  
716 Privilege for one hundred eighty (180) days unless the Licensee also  
717 has a Qualifying License in a Participating State or obtains a Qualifying  
718 License in a Participating State before the one hundred eighty (180)-day  
719 period ends, in which case the Compact Privilege shall continue.

## 720 C. Dispute Resolution

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

724 2. The Commission shall promulgate a Rule providing for both mediation and

725 binding dispute resolution for disputes as appropriate.

726 D. Enforcement

- 727 1. The Commission, in the reasonable exercise of its discretion, shall enforce  
728 the provisions of this Compact and Rules of the Commission.
- 729 2. If compliance is not secured after all means to secure compliance have been  
730 exhausted, by majority vote, the Commission may initiate legal action in the  
731 United States District Court for the District of Columbia or the federal district  
732 where the Commission has its principal offices, against a Participating State  
733 in default to enforce compliance with the provisions of this Compact and the  
734 Commission's promulgated Rules and bylaws. The relief sought may include  
735 both injunctive relief and damages. In the event judicial enforcement is  
736 necessary, the prevailing party shall be awarded all costs of such litigation,  
737 including reasonable attorney's fees.
- 738 3. The remedies herein shall not be the exclusive remedies of the Commission.  
739 The Commission may pursue any other remedies available under federal or  
740 State law.

741 E. Legal Action Against the Commission

- 742
- 743 1. A Participating State may initiate legal action against the Commission in  
744 the U.S. District Court for the District of Columbia or the federal district where the  
745 Commission has its principal offices to enforce compliance with the provisions of  
746 the Compact and its Rules. The relief sought may include both injunctive relief and  
747 damages. In the event judicial enforcement is necessary, the prevailing party shall  
748 be awarded all costs of such litigation, including reasonable attorney's fees.
- 749 2. No person other than a Participating State shall enforce this Compact  
750 against the Commission.  
751

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

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

- 755 1. On or after the effective date of the Compact, the Commission shall  
756 convene and review the enactment of each of the States that enacted the  
757 Compact prior to the Commission convening ("Charter Participating States") to  
758 determine if the statute enacted by each such Charter Participating State is  
759 materially different than the Model Compact.
- 760 a. A Charter Participating State whose enactment is found to be materially  
761 different from the Model Compact shall be entitled to the default process  
762

763 set forth in Section 10.B.

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

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

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

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

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

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

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

801           3. Upon the enactment of a statute withdrawing a State from this Compact, the State  
802           shall immediately provide notice of such withdrawal to all Licensees within that  
803           State. Such withdrawing State shall continue to recognize all licenses granted  
804           pursuant to this Compact for a minimum of one hundred eighty (180) days after  
805           the date of such notice of withdrawal.

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

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

814

## 815 **Section 12. Construction and Severability**

816

817           A. This Compact and the Commission's rulemaking authority shall be liberally construed so  
818           as to effectuate the purposes, and the implementation and administration of the Compact.  
819           Provisions of the Compact expressly authorizing or requiring the promulgation of Rules  
820           shall not be construed to limit the Commission's rulemaking authority solely for those  
821           purposes.

822

823           B. The provisions of this Compact shall be severable and if any phrase, clause, sentence or  
824           provision of this Compact is held by a court of competent jurisdiction to be contrary to the  
825           constitution of any Participating State, a State seeking participation in the Compact, or of  
826           the United States, or the applicability thereof to any government, agency, person or  
827           circumstance is held to be unconstitutional by a court of competent jurisdiction, the  
828           validity of the remainder of this Compact and the applicability thereof to any other  
829           government, agency, person or circumstance shall not be affected thereby.

830

831           C. Notwithstanding subsection B or this section, the Commission may deny a State's  
832           participation in the Compact or, in accordance with the requirements of Section 10.B,  
833           terminate a Participating State's participation in the Compact, if it determines that a  
834           constitutional requirement of a Participating State is, or would be with respect to a State  
835           seeking to participate in the Compact, a material departure from the Compact.  
836           Otherwise, if this Compact shall be held to be contrary to the constitution of any  
837           Participating State, the Compact shall remain in full force and effect as to the remaining  
838           Participating States and in full force and effect as to the Participating State affected as to  
839           all severable matters.

840

## 841 **Section 13. Binding Effect of Compact**

- 842 A. Nothing herein prevents the enforcement of any other law of a Participating State that is  
843 not inconsistent with this Compact.
- 844 B. Any laws in a Participating State in conflict with this Compact are superseded to the  
845 extent of the conflict.
- 846 C. All agreements between the Commission and the Participating States are binding in  
847 accordance with their terms.



Outlook

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## PA Compact Commission Delegate

---

**From** Sobowale, Michael (DHP) <Michael.Sobowale@dhp.virginia.gov>

**Date** Mon 7/8/2024 2:47 PM

**To** gminix@csg.org <gminix@csg.org>

**Cc** Justin Hepner (jchepner@gmail.com) <jchepner@gmail.com>

2 attachments (151 KB)

Delegate Appointment Form.VA.pdf; VA PA Compact Commission Code of Conduct - signed.pdf;

Dear Grant Minix,

As requested, please find the attached signed compact delegate appointment form and Code of Conduct form for the Commonwealth of Virginia.

Thanks,



Michael Sobowale, LL.M.  
Deputy Executive Director, Licensure  
Department of Health Professions - Virginia Board of Medicine  
9960 Mayland Drive, Suite300  
Henrico, VA 23233  
Telephone: (804) 367-4472  
E-Mail: Michael.Sobowale@dhp.virginia.gov

---

**From:** Board of Medicine <medbd@DHP.VIRGINIA.GOV>  
**Sent:** Monday, July 1, 2024 2:57 PM  
**To:** Sobowale, Michael (DHP) <Michael.Sobowale@dhp.virginia.gov>  
**Subject:** Fw: PA Compact Commission Delegate

Virginia Board of Medicine  
9960 Mayland Drive, Suite 300  
Henrico, VA 23233-1463  
804-367-4600

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This email expresses views only of the sender, which are not to be attributed to the Department of Health Professions and may not be copied or distributed without this statement.

---

**From:** Grant Minix <gminix@csg.org>

**Sent:** Monday, July 1, 2024 2:19 PM

**To:** Board of Medicine <medbd@dhp.virginia.gov>; Morton, Colanthia D. (DHP) <coco.morton@dhp.virginia.gov>

**Subject:** PA Compact Commission Delegate

Hello,

Congratulations on your state's enactment of the PA Compact. You should have received an email last month from my colleague Jessica Thomas regarding the PA Compact's activation. The Council of State Governments is providing interim secretariat services for the compact commission in partnership with the Federation of State Medical Boards, American Academy of PAs, and the National Commission on the Certification of PAs.

As a new member, there are several important items of business for your state to first address:

1. Please see the attached letter welcome letter for information on selecting a delegate for the PA Compact Commission. Also attached is the appointment form for your state to nominate a delegate/commissioner. **Please return these forms to me at your earliest convenience.** Upon receipt, we will reach out to the delegate/commissioner about upcoming compact events. If your board must meet to determine a commissioner, we kindly ask that you let us know of that meeting date. The welcome letter outlines instructions for states with multiple licensing boards for PA's.
2. Your state is an inaugural member of the PA Compact. As such, the compact is not yet fully operational. The PA Compact Commission must meet to begin working on compact operations. The inaugural meeting of the compact commission will take place **September 24-25<sup>th</sup> in Washington D.C.** While a virtual option will be made available, we highly encourage your state's delegate/commissioner to attend in person. Travel funding will be provided available for state delegates/commissioners. The delegate/commissioner your state appoints will be integral to the operationalization process.
3. A code of conduct form is attached. **Your state's delegate/commissioner must read, sign, and return the form to me before the inaugural Commission meeting on September 23<sup>rd</sup>.**
4. If you or your delegate have questions about conflict of interest or other legal issues, please contact the Compact's Interim Legal Counsel, Nahale Kalfas, at [nkalfas@compactlegalconsultants.com](mailto:nkalfas@compactlegalconsultants.com). For general information about the compact (including current compact member states), please visit <https://www.pacompact.org/>.

Thank you in advance for your help in getting these initial items completed.

We look forward to working with your state as we begin the process of implementing the PA Compact Commission. Please reach out if you have any questions.

Thank you,  
Grant Minix

**Grant Minix**

Policy Analyst

The Council of State Governments Center of Innovation

1776 Avenue of the States | Lexington, KY 40511

859-244-8024



**National Center for  
Interstate Compacts**

THE COUNCIL OF STATE GOVERNMENTS



## PA Compact Delegate Appointment Form

Pursuant to Code of Virginia 54.1-2900 et seq., I affirm I am the duly authorized representative of the appropriate appointing authority for the PA Compact. In consultation with the Virginia Board of Medicine that is responsible for the licensing and regulation of physician assistants, I affirm the appointees named below are state actors who have regulatory authority over physician assistants in my state:

Justin Hepner, PA-C, Chair of the Advisory Board on Physician Assistants, is appointed as the PA Compact Delegate by the Virginia Board of Medicine responsible for the licensing and regulation of PAs. The Delegate shall be a PA, physician, or public member of a licensing board, a PA Council/Committee (only if that council or committee has actual regulatory authority over PAs) public member, or an administrator of the board/agency responsible for the licensing and regulation of physician assistants/associates. The Delegate shall be entitled to one (1) vote regarding the promulgation of rules, creation of bylaws, and other voting matters of the Commission and shall otherwise have an opportunity to participate in the business and affairs of the Commission, subject to the terms of the PA Compact. They can be reached at [jchepner@gmail.com](mailto:jchepner@gmail.com)

Optional: N/A for now is appointed as the authorized temporary representative in the unavoidable absence of the appointed delegate at meetings. They can be reached at N/A for now. The delegate must notify the Commission in advance of any meeting if the temporary representative will be attending on their behalf. The temporary representative is the only individual authorized to vote on behalf of the delegate unless a new temporary representative is appointed utilizing this form.

In order to participate and vote at any meeting of the Commission, both the delegate and the temporary representative must first execute and return the attached Code of Conduct form to be kept on file with the Commission.

These appointments are effective 07/05/2024. If you need additional information regarding this appointment, please contact William L. Harp, MD in my office at (804)652-5887 or at [william.harp@dhp.virginia.gov](mailto:william.harp@dhp.virginia.gov)

Sincerely,

A handwritten signature in black ink, appearing to read 'William L. Harp', written over a horizontal line.

President  
Virginia Board of Medicine

## **PA Compact Commission Administrative Policy - Code of Conduct**

### **I. Introduction**

As a joint government entity created by the enactment of the PA Compact (Compact) by its member states, the PA Compact Commission (Commission) affords great deference to its member states in selecting PA Compact Delegates (Delegates) to represent them. The diverse personal, educational, and professional backgrounds of Delegates are one of the Commission's greatest assets. However, this diversity means that some Delegates may have personal pecuniary interests which are affected by the outcomes of management and other decisions which must be made concerning the administration of the Compact Commission at times. This policy was implemented to ensure transparency, accountability, and integrity in the Commission's decision-making process.

### **II. Code of Conduct**

Delegates and their Temporary Representatives appointed by the states are responsible for upholding the integrity of the Commission and its member states. No Delegate or Temporary Representative shall engage in criminal or unethical conduct prejudicial to the Commission, any other Delegate, or any other state.

No Delegate or Temporary Representative shall vote or participate in debate upon a matter in which they have a direct or indirect financial or other personal interest resulting in a personal benefit that conflicts with the fair and impartial conduct of official duties. The Executive Committee shall have the sole authority to consider allegations of breaches of this code, including appeals from Delegates alleged to be in violation herewith. In the case of a breach, the Executive Committee may direct the Chair to notify the appropriate appointing authority in the Delegate's home state.

### **III. Definition**

A Conflict of Interest is a set of circumstances that creates a risk that professional judgement or actions regarding a primary interest will be unduly influenced by a secondary personal interest economic or otherwise.

### **IV. Disclosure of Conflicts of Interest**

1. All Delegates and Temporary Representatives are required to complete a Code of Conduct form. The form constitutes an agreement by each Delegate and Temporary Representative to disclose personal interests that may impact the ability of a Delegate

or Temporary Representative to conduct business in a “fair and impartial” manner and that the Delegate or Temporary Representative will recuse from debating or voting on such a matter in fulfilling the duties of an PA Compact Delegate or Temporary Representative.

2. Completed Code of Conduct forms must be submitted as soon as possible after a state has appointed a Delegate or Temporary Representative. A Delegate or Temporary Representative cannot vote at a meeting until this form is completed. For the first year of implementation of this policy, all Delegates and Temporary Representatives must complete the form prior to inaugural meeting.
3. Completed Code of Conduct forms are public documents which may be disclosed by the Commission upon request.

#### **V. Delegate and Temporary Representative Recusal**

Prior to the discussion of an issue in which a Delegate or Temporary Representative believes a conflict of interest may exist, the Delegate or Temporary Representative must announce to the Committee or Commission meeting that they are recusing themselves from participating in the caucus and voting. Once recused, the Delegate or Temporary Representative will not be able to participate in the debate or the vote concerning the matter which led to the recusal.

#### **VI. Concerns over Financial Disclosure and Conflict of Interest**

Concerns over conflicts of interest should be brought to the attention of the Chair of the Commission for consideration by the Executive Committee. The Executive Committee, in consultation with legal counsel, will determine if any of the provisions of the Commission’s Policy on Conflicts of Interest have been violated and decide the appropriate action, if any.

#### **VII. Notification of Home State Appointing Authority**

If any of the following conditions are met, the Commission may notify the appropriate appointing authority in the home state of the Delegate or Temporary Representative regarding its concern about the ability of the Delegate or Temporary Representative to perform his/her duties in a fair and impartial manner.

1. The Delegate or Temporary Representative has a substantial financial conflict of interest in the outcome of the matter, such as the awarding of a contract for services or employment;

2. The Delegate or Temporary Representative has a substantial positional conflict of interest in the outcome of the matter, such as a leadership position for another organization whose purpose is contrary to that of the Commission;
3. The Delegate or Temporary Representative has been found in violation of criminal or civil state or federal statute or regulation;
4. The Executive Committee determines that a Delegate or Temporary Representative is not performing their duties consistent with this policy.\

### **Code of Conduct Form**

Delegates or Temporary Representatives appointed by the states are responsible for upholding the integrity of the Commission and its member states. No Delegate or Temporary Representatives shall engage in criminal or unethical conduct prejudicial to the Commission, any other Delegate, or any other state. No Delegate or Temporary Representative shall have a direct or indirect financial interest that conflicts with the fair and impartial conduct of official duties. The Executive Committee, in consultation with Legal Counsel to the Commission, shall have the sole authority to consider allegations of breaches of this code, including appeals from Delegates alleged to be in violation herewith. In the case of a breach, the Executive Committee may direct the Chair to notify the appropriate appointing authority in the Delegate or Temporary Representative's home state.

I, Justin Hepner,  
(*print name*)

Delegate for the State of Virginia  
(*title—Delegate or temporary representative*)

hereby swear or affirm that I have read and understand the PA Compact Commission Code of Conduct and will comply with said policy in all matters pertaining to my duties and obligations as a Delegate, Temporary Representative, or Officer of the Commission, including my obligation to recuse myself from consideration, debate or voting on any matter that conflicts with the fair and impartial conduct of my official duties.

  
\_\_\_\_\_  
(Signature)

Dated this 5th day of July, 2024.

# 2025 Board Meeting Dates

## Advisory Board on:

### **Behavioral Analysts**

**10:00 a.m.**

Mon - February 10

June 9

October 20

### **Genetic Counseling**

**1:00 p.m.**

Mon - February 10

June 9

October 20

### **Occupational Therapy**

**10:00 a.m.**

Tue - February 11

June 10

October 21

### **Respiratory Care**

**1:00 p.m.**

Tue - February 11

June 10

October 21

### **Acupuncture**

**10:00 a.m.**

Wed - February 12

June 11

October 22

### **Radiological Technology**

**1:00 p.m.**

Wed - February 12

June 11

October 22

### **Athletic Training**

**10:00 a.m.**

Thurs - February 13

June 12

October 23

### **Physician Assistants**

**1:00 p.m.**

Thurs - February 13

June 12

October 23

### **Midwifery**

**10:00 a.m.**

Fri - February 14

June 13

October 24

### **Polysomnographic Technology**

**2:30 p.m.**

Fri - February 14

June 13

October 24

### **Surgical Assisting**

**10:00 a.m.**

Tue - February 18

Mon - June 16

Tue - October 27



**BYLAWS FOR**  
**ADVISORY BOARDS OF THE BOARD OF MEDICINE**

**Article I - Members of the Advisory Board**

The appointments and limitations of service of the members shall be in accordance with the applicable statutory provision of the advisory board governing such matters.

**Article II - Officers**

Section 1. Titles of Officers - The officers of the advisory board shall consist of a chairman and vice-chairman elected by the advisory board. The Executive Director of the Board of Medicine shall serve in an advisory capacity.

Section 2. Terms of Office - The chairman and vice-chairman shall serve for a one-year term and may not serve for more than two consecutive terms in each office. The election of officers shall take place at the first meeting after July 1, and officers shall assume their duties immediately thereafter.

Section 3. Duties of Officers.

- (a) The chairman shall preside at all meetings when present, make such suggestions as may deem calculated to promote and facilitate its work, and discharge all other duties pertaining by law or by resolution of the advisory board. The chairman shall preserve order and conduct all proceedings according to and by parliamentary rules and demand conformity thereto on the part of the members. The chairman shall appoint all committees as needed.

The chairman shall act as liaison between the advisory board and the Board of Medicine on matters pertaining to licensing, discipline, legislation and regulation of the profession which the advisory board represents.

When a committee is appointed for any purpose, the chairman shall notify each member of the appointment and furnish any essential documents or information necessary.

- (b) The vice-chairman shall preside at meetings in the absence of the chairman and shall take over the other duties of the chairman as may be made necessary by the absence of the chairman.

**Article III - Meetings**

Section 1. There shall be at least one meeting each year in order to elect the chairman and vice-chairman and to conduct such business as may be deemed necessary by the advisory board.

Section 2. Quorum - Three members shall constitute a quorum for transacting business.

Section 3. Order of Business - The order of business shall be as follows:

- (a) Calling roll and recording names of members present
- (b) Approval of minutes of preceding regular and special meetings
- (c) Adoption of Agenda
- (d) Public Comment Period
- (e) Report of Officers
- (f) Old Business
- (g) New Business

The order of business may be changed at any meeting by a majority vote.

**Article IV - Amendments**

Amendments to these bylaws may be proposed by presenting the amendments in writing to all advisory board members prior to any scheduled advisory board meeting. If the proposed amendment receives a majority vote of the members present at that advisory board meeting, it shall be represented as a recommendation for consideration to the Board of Medicine at its next regular meeting.



The travel regulations require that “travelers must submit the Travel Expense Reimbursement Voucher within 30 days after completion of their trip”. (CAPP Topic 20335, State Travel Regulations, p.7). Vouchers submitted after the 30-day deadline cannot be approved.

In order for the agency to be in compliance with the state travel regulations, please submit your request for today’s meeting on or before

**November 8, 2024**