

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 59th Legislature (2024)

4 HOUSE BILL 3781

By: Duel of the House

5 and

6 **Pugh** of the Senate

7
8
9 AS INTRODUCED

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

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

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

In order to strengthen access to medical services and in
recognition of the advances in the delivery of medical services the

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

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

24 As used in this Compact:

1 1. "Adverse action" means any administrative, civil, equitable,
2 or criminal action permitted by a state's laws which is imposed by a
3 licensing board or other authority against a PA license or license
4 application or compact privilege such as license denial, censure,
5 revocation, suspension, probation, monitoring of the licensee, or
6 restriction on the licensee's practice;

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

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

16 4. "Criminal background check" means the submission of
17 fingerprints or other biometric-based information for a license
18 applicant for the purpose of obtaining that applicant's criminal
19 history record information, as defined in 28 C.F.R., Section
20 20.3(d), from the state's criminal history record repository as
21 defined in 28 C.F.R., Section 20.3(f);

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

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

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

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

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

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

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

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

23 13. "Medical services" means health care services provided for
24 the diagnosis, prevention, treatment, cure, or relief of a health

1 condition, injury, or disease, as defined by a state's laws and
2 regulations;

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

6 15. "Participating state" means a state that has enacted this
7 Compact;

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

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

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

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

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

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1 21. "Significant investigative information" means investigative
2 information that a licensing board, after an inquiry or
3 investigation that includes notification and an opportunity for the
4 PA to respond if required by state law, has reason to believe is not
5 groundless, and if proven true, would indicate more than a minor
6 infraction; and

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

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

12 A. To participate in this Compact, a participating state shall:

13 1. License PAs;

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

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

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

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

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

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

6 8. Grant the compact privilege to a holder of a qualifying
7 license in a participating state.

8 B. Nothing in this Compact prohibits a participating state
9 from charging a fee for granting the compact privilege.

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

13 A. To exercise the compact privilege, a licensee shall:

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

17 2. Hold current NCCPA certification;

18 3. Have no felony or misdemeanor conviction;

19 4. Have never had a controlled substance license, permit, or
20 registration suspended or revoked by a state or by the United States
21 Drug Enforcement Administration;

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

23 6. Hold a qualifying license;

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

3 8. If a licensee has had a limitation or restriction on a
4 license or compact privilege due to an adverse action, two (2) years
5 must have elapsed from the date on which the license or compact
6 privilege is no longer limited or restricted due to the adverse
7 action;

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

15 10. Notify the Compact Commission that the licensee is seeking
16 the compact privilege in a remote state;

17 11. Meet any jurisprudence requirement of a remote state in
18 which the licensee is seeking to practice under the compact
19 privilege and pay any fees applicable to satisfying the
20 jurisprudence requirement; and

21 12. Report to the Commission any adverse action taken by a non-
22 participating state within thirty (30) days after the action is
23 taken.

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1 B. The compact privilege is valid until the expiration or
2 revocation of the qualifying license unless terminated pursuant to
3 an adverse action. The licensee must also comply with all of the
4 requirements of subsection A above to maintain the compact privilege
5 in a remote state. If the participating state takes adverse action
6 against a qualifying license, the licensee shall lose the compact
7 privilege in any remote state in which the licensee has a compact
8 privilege until all of the following occur:

- 9 1. The license is no longer limited or restricted; and
- 10 2. Two (2) years have elapsed from the date on which the
11 license is no longer limited or restricted due to the adverse
12 action.

13 C. Once a restricted or limited license satisfies the
14 requirements of paragraphs 1 and 2 of subsection B, the licensee
15 must meet the requirements of subsection A above to obtain a compact
16 privilege in any remote state.

17 D. For each remote state in which a PA seeks authority to
18 prescribe controlled substances, the PA shall satisfy all
19 requirements imposed by such state in granting or renewing such
20 authority.

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

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1 A. Upon a licensee's application for a compact privilege, the
2 licensee shall identify to the Commission the participating state
3 from which the licensee is applying, in accordance with applicable
4 rules adopted by the Commission, and subject to the following
5 requirements:

6 1. When applying for a compact privilege, the licensee shall
7 provide the Commission with the address of the licensee's primary
8 residence and thereafter shall immediately report to the Commission
9 any change in the address of the licensee's primary residence; and

10 2. When applying for a compact privilege, the licensee is
11 required to consent to accept service of process by mail at the
12 licensee's primary residence on file with the Commission with
13 respect to any action brought against the licensee by the Commission
14 or a participating state, including a subpoena, with respect to any
15 action brought or investigation conducted by the Commission or a
16 participating state.

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

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

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

4 1. Take adverse action against a PA's compact privilege within
5 that state to remove a licensee's compact privilege or take other
6 action necessary under applicable law to protect the health and
7 safety of its citizens;

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

19 3. Notwithstanding paragraph 2, subpoenas may not be issued by
20 a participating state to gather evidence of conduct in another state
21 that is lawful in that other state for the purpose of taking adverse
22 action against a licensee's compact privilege or application for a
23 compact privilege in that participating state; and
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1 4. Nothing in this Compact authorizes a participating state to
2 impose discipline against a PA's compact privilege or to deny an
3 application for a compact privilege in that participating state for
4 the individual's otherwise lawful practice in another state.

5 C. For purposes of taking adverse action, the participating
6 state which issued the qualifying license shall give the same
7 priority and effect to reported conduct received from any other
8 participating state as it would if the conduct had occurred within
9 the participating state which issued the qualifying license. In so
10 doing, that participating state shall apply its own state laws to
11 determine appropriate action.

12 D. A participating state, if otherwise permitted by state law,
13 may recover from the affected PA the costs of investigations and
14 disposition of cases resulting from any adverse action taken against
15 that PA.

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

19 F. Joint investigations:

20 1. In addition to the authority granted to a participating
21 state by its respective state PA laws and regulations or other
22 applicable state law, any participating state may participate with
23 other participating states in joint investigations of licensees; and
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1 2. Participating states shall share any investigative,
2 litigation, or compliance materials in furtherance of any joint or
3 individual investigation initiated under this Compact.

4 G. If an adverse action is taken against a PA's qualifying
5 license, the PA's compact privilege in all remote states shall be
6 deactivated until two (2) years have elapsed after all restrictions
7 have been removed from the state license. All disciplinary orders
8 by the participating state which issued the qualifying license that
9 impose adverse action against a PA's license shall include a
10 statement that the PA's compact privilege is deactivated in all
11 participating states during the pendency of the order.

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

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

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

24 B. Membership, voting, and meetings:

1 1. Each participating state shall have and be limited to one
2 (1) delegate selected by that participating state's licensing board
3 or, if the state has more than one licensing board, selected
4 collectively by the participating state's licensing boards;

5 2. The delegate shall be either:

6 a. a current PA, physician, or public member of a
7 licensing board or PA council/committee, or

8 b. an administrator of a licensing board.

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

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

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

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

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1 7. The Commission shall establish by rule a term of office for
2 delegates.

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

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

5 2. Establish the fiscal year of the Commission;

6 3. Establish fees;

7 4. Establish bylaws;

8 5. Maintain its financial records in accordance with the
9 bylaws;

10 6. Meet and take such actions as are consistent with the
11 provisions of this Compact and the bylaws;

12 7. Promulgate rules to facilitate and coordinate implementation
13 and administration of this Compact. The rules shall have the force
14 and effect of law and shall be binding in all participating states;

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

18 9. Purchase and maintain insurance and bonds;

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

21 11. Hire employees and engage contractors, elect or appoint
22 officers, fix compensation, define duties, grant such individuals
23 appropriate authority to carry out the purposes of this Compact, and
24 establish the Commission's personnel policies and programs relating

1 to conflicts of interest, qualifications of personnel, and other
2 related personnel matters;

3 12. Accept any and all appropriate donations and grants of
4 money, equipment, supplies, materials and services, and receive,
5 utilize, and dispose of the same, provided that at all times the
6 Commission shall avoid any appearance of impropriety or conflict of
7 interest;

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

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

14 15. Establish a budget and make expenditures;

15 16. Borrow money;

16 17. Appoint committees, including standing committees composed
17 of members, state regulators, state legislators, or their
18 representatives and consumer representatives and such other
19 interested persons as may be designated in this Compact and the
20 bylaws;

21 18. Provide and receive information from, and cooperate with,
22 law enforcement agencies;

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1 19. Elect a chair, vice chair, secretary and treasurer, and
2 such other officers of the Commission as provided in the
3 Commission's bylaws;

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

7 21. Approve or disapprove a state's participation in the
8 Compact based upon its determination as to whether the state's
9 Compact legislation departs in a material manner from the model
10 compact language;

11 22. Prepare and provide to the participating states an annual
12 report; and

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

16 D. Meetings of the Commission:

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

21 2. Notwithstanding paragraph 1 of subsection D of this section,
22 the Commission may convene a public meeting by providing at least
23 twenty-four (24) hours prior notice on the Commission's website, and
24 any other means as provided in the Commission's rules, for any of

1 the reasons it may dispense with notice of proposed rulemaking under
2 subsection L of Section 9;

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

- 6 a. non-compliance of a participating state with its
7 obligations under this Compact,
- 8 b. the employment, compensation, discipline, or other
9 matters, practices, or procedures, related to specific
10 employees or other matters related to the Commission's
11 internal personnel practices and procedures,
- 12 c. current, threatened, or reasonably anticipated
13 litigation,
- 14 d. negotiation of contracts for the purchase, lease, or
15 sale of goods, services, or real estate,
- 16 e. accusing any person of a crime or formally censuring
17 any person;
- 18 f. disclosure of trade secrets or commercial or financial
19 information that is privileged or confidential,
- 20 g. disclosure of information of a personal nature where
21 disclosure would constitute a clearly unwarranted
22 invasion of personal privacy,
- 23 h. disclosure of investigative records compiled for law
24 enforcement purposes,

- i. disclosure of information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to this Compact,
- j. legal advice, or
- k. matters specifically exempted from disclosure by federal or participating states' statutes;

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

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

E. Financing of the Commission:

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

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

4 3. The Commission may levy on and collect an annual assessment
5 from each participating state and may impose compact privilege fees
6 on licensees of participating states to whom a compact privilege is
7 granted to cover the cost of the operations and activities of the
8 Commission and its staff, which must be in a total amount sufficient
9 to cover its annual budget as approved by the Commission each year
10 for which revenue is not provided by other sources. The aggregate
11 annual assessment amount levied on participating states shall be
12 allocated based upon a formula to be determined by Commission rule.

13 a. a compact privilege expires when the licensee's
14 qualifying license in the participating state from
15 which the licensee applied for the compact privilege
16 expires, and

17 b. if the licensee terminates the qualifying license
18 through which the licensee applied for the compact
19 privilege before its scheduled expiration, and the
20 licensee has a qualifying license in another
21 participating state, the licensee shall inform the
22 Commission that it is changing to that participating
23 state the participating state through which it applies
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1 for a compact privilege and pay to the Commission any
2 compact privilege fee required by Commission rule;

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

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

15 F. The executive committee:

16 1. The executive committee shall have the power to act on
17 behalf of the Commission according to the terms of this Compact and
18 Commission rules;

19 2. The executive committee shall be composed of nine (9)
20 members:

- 21 a. seven voting members who are elected by the Commission
- 22 from the current membership of the Commission,
- 23 b. one ex-officio, nonvoting member from a recognized
- 24 national PA professional association, and

1 c. one ex-officio, nonvoting member from a recognized
2 national PA certification organization;

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

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

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

8 6. The executive committee shall have the following duties and
9 responsibilities:

- 10 a. recommend to the Commission changes to the
11 Commission's rules or bylaws, changes to this Compact
12 legislation, fees to be paid by compact participating
13 states such as annual dues, and any Commission compact
14 fee charged to licensees for the compact privilege,
- 15 b. ensure Compact administration services are
16 appropriately provided, contractual or otherwise,
- 17 c. prepare and recommend the budget,
- 18 d. maintain financial records on behalf of the
19 Commission,
- 20 e. monitor Compact compliance of participating states and
21 provide compliance reports to the Commission,
- 22 f. establish additional committees as necessary,
- 23 g. exercise the powers and duties of the Commission
24 during the interim between Commission meetings, except

1 for issuing proposed rulemaking or adopting Commission
2 rules or bylaws, or exercising any other powers and
3 duties exclusively reserved to the Commission by the
4 Commission's rules, and

5 h. perform other duties as provided in the Commission's
6 rules or bylaws;

7 7. All meetings of the executive committee at which it votes or
8 plans to vote on matters in exercising the powers and duties of the
9 Commission shall be open to the public and public notice of such
10 meetings shall be given as public meetings of the Commission are
11 given.

12 8. The executive committee may convene in a closed, non-public
13 meeting for the same reasons that the Commission may convene in a
14 non-public meeting as set forth in paragraph 3 of subsection D in
15 Section 7 and shall announce the closed meeting as the Commission is
16 required to under paragraph 4 of subsection D in Section 7 and keep
17 minutes of the closed meeting as the Commission is required to under
18 paragraph 5 of subsection D in Section 7.

19 G. Qualified immunity, defense, and indemnification:

20 1. The members, officers, executive director, employees, and
21 representatives of the Commission shall be immune from suit and
22 liability, both personally and in their official capacity, for any
23 claim for damage to or loss of property or personal injury or other
24 civil liability caused by or arising out of any actual or alleged

1 act, error, or omission that occurred, or that the person against
2 whom the claim is made had a reasonable basis for believing it
3 occurred within the scope of Commission employment, duties, or
4 responsibilities, provided that nothing in this paragraph shall be
5 construed to protect any such person from suit or liability for any
6 damage, loss, injury, or liability caused by the intentional or
7 willful or wanton misconduct of that person. The procurement of
8 insurance of any type by the Commission shall not in any way
9 compromise or limit the immunity granted hereunder;

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

23 3. The Commission shall indemnify and hold harmless any member,
24 officer, executive director, employee, and representative of the

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

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

14 5. Nothing herein shall be construed as a limitation on the
15 liability of any licensee for professional malpractice or
16 misconduct, which shall be governed solely by any other applicable
17 state laws;

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

23 7. Nothing in this Compact shall be interpreted to waive or
24 otherwise abrogate a participating state's state action immunity or

1 state action affirmative defense with respect to antitrust claims
2 under the Sherman Act, Clayton Act, or any other State or federal
3 antitrust or anticompetitive law or regulation; and

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

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

9 A. The Commission shall provide for the development,
10 maintenance, operation, and utilization of a coordinated data and
11 reporting system containing licensure, adverse action, and the
12 reporting of the existence of significant investigative information
13 on all licensed PAs and applicants denied a license in participating
14 states.

15 B. Notwithstanding any other state law to the contrary, a
16 participating state shall submit a uniform data set to the data
17 system on all PAs to whom this Compact is applicable (utilizing a
18 unique identifier) as required by the rules of the Commission,
19 including:

- 20 1. Identifying information;
- 21 2. Licensure data;
- 22 3. Adverse actions against a license or compact privilege; and

23
24

1 4. Any denial of application for licensure, and the reason for
2 such denial, excluding the reporting of any criminal history record
3 information where prohibited by law;

4 5. The existence of significant investigative information; and

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

7 C. Significant investigative information pertaining to a
8 licensee in any participating state shall only be available to other
9 participating states.

10 D. The Commission shall promptly notify all participating
11 states of any adverse action taken against a licensee or an
12 individual applying for a license that has been reported to it.
13 This adverse action information shall be available to any other
14 participating state.

15 E. Participating states contributing information to the data
16 system may, in accordance with state or federal law, designate
17 information that may not be shared with the public without the
18 express permission of the contributing state. Notwithstanding any
19 such designation, such information shall be reported to the
20 Commission through the data system.

21 F. Any information submitted to the data system that is
22 subsequently expunged pursuant to federal law or the laws of the
23 participating state contributing the information shall be removed
24

1 from the data system upon reporting of such by the participating
2 state to the Commission.

3 G. The records and information provided to a participating
4 state pursuant to this Compact or through the data system, when
5 certified by the Commission or an agent thereof, shall constitute
6 the authenticated business records of the Commission, and shall be
7 entitled to any associated hearsay exception in any relevant
8 judicial, quasi-judicial, or administrative proceedings in a
9 participating state.

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

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

17 B. The Commission shall promulgate reasonable rules in order to
18 effectively and efficiently implement and administer this Compact
19 and achieve its purposes. A Commission rule shall be invalid and
20 have no force or effect, only if a court of competent jurisdiction
21 holds that the rule is invalid because the Commission exercised its
22 rulemaking authority in a manner that is beyond the scope of the
23 purposes of this Compact, or the powers granted hereunder, or based
24 upon another applicable standard of review.

1 C. The rules of the Commission shall have the force of law in
2 each participating state, provided however, that where the rules of
3 the Commission conflict with the laws of the participating state
4 that establish the medical services a PA may perform in the
5 participating state, as held by a court of competent jurisdiction,
6 the rules of the Commission shall be ineffective in that State to
7 the extent of the conflict.

8 D. If a majority of the legislatures of the participating
9 states rejects a Commission rule, by enactment of a statute or
10 resolution in the same manner used to adopt this Compact within four
11 (4) years of the date of adoption of the rule, then such rule shall
12 have no further force and effect in any participating state or to
13 any state applying to participate in the Compact.

14 E. Commission rules shall be adopted at a regular or special
15 meeting of the Commission.

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

20 1. On the website of the Commission or other publicly
21 accessible platform;

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

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

1 G. The notice of proposed rulemaking shall include:

2 1. The time, date, and location of the public hearing on the
3 proposed rule and the proposed time, date, and location of the
4 meeting in which the proposed rule will be considered and voted
5 upon;

6 2. The text of the proposed rule and the reason for the
7 proposed rule;

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

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

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

17 I. If the hearing is to be held via electronic means, the
18 Commission shall publish the mechanism for access to the electronic
19 hearing.

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

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

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

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

12 J. Following the public hearing, the Commission shall consider
13 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 Commission's
19 website;

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

23 3. The Commission shall provide on its website an explanation
24 of the reasons for substantive changes made to the proposed rule, as

1 well as reasons for substantive changes not made that were
2 recommended by commenters; and

3 4. The Commission shall determine a reasonable effective date
4 for the rule. Except for an emergency as provided in subsection L,
5 the effective date of the rule shall be no sooner than thirty (30)
6 days after the Commission issued the notice that it adopted the
7 rule.

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

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

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

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

22 4. Protect public health and safety.

23 M. The Commission or an authorized committee of the Commission
24 may direct revisions to a previously adopted Commission rule for

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

12 N. No participating state's rulemaking requirements shall apply
13 under this Compact.

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

17 A. Oversight:

18 1. The executive and judicial branches of state government in
19 each participating state shall enforce this Compact and take all
20 actions necessary and appropriate to implement the Compact;

21 2. Venue is proper and judicial proceedings by or against the
22 Commission shall be brought solely and exclusively in a court of
23 competent jurisdiction where the principal office of the Commission
24 is located. The Commission may waive venue and jurisdictional

1 defenses to the extent it adopts or consents to participate in
2 alternative dispute resolution proceedings. Nothing herein shall
3 affect or limit the selection or propriety of venue in any action
4 against a licensee for professional malpractice, misconduct, or any
5 such similar matter; and

6 3. The Commission shall be entitled to receive service of
7 process in any proceeding regarding the enforcement or
8 interpretation of the Compact or the Commission's rules and shall
9 have standing to intervene in such a proceeding for all purposes.
10 Failure to provide the Commission with service of process shall
11 render a judgment or order in such proceeding void as to the
12 Commission, this Compact, or Commission rules.

13 B. Default, technical assistance, and termination:

14 1. If the Commission determines that a participating state has
15 defaulted in the performance of its obligations or responsibilities
16 under this Compact or the Commission rules, the Commission shall
17 provide written notice to the defaulting state and other
18 participating states. The notice shall describe the default, the
19 proposed means of curing the default, and any other action that the
20 Commission may take and shall offer remedial training and specific
21 technical assistance regarding the default;

22 2. If a state in default fails to cure the default, the
23 defaulting state may be terminated from this Compact upon an
24 affirmative vote of a majority of the delegates of the participating

1 states, and all rights, privileges, and benefits conferred by this
2 Compact, upon such state may be terminated on the effective date of
3 termination. A cure of the default does not relieve the offending
4 state of obligations or liabilities incurred during the period of
5 default;

6 3. Termination of participation in this Compact shall be
7 imposed only after all other means of securing compliance have been
8 exhausted. Notice of intent to suspend or terminate shall be given
9 by the Commission to the governor, the majority and minority leaders
10 of the defaulting state's legislature, and to the licensing boards
11 of each of the participating states;

12 4. A state that has been terminated is responsible for all
13 assessments, obligations, and liabilities incurred through the
14 effective date of termination, including obligations that extend
15 beyond the effective date of termination;

16 5. The Commission shall not bear any costs related to a state
17 that is found to be in default or that has been terminated from this
18 Compact, unless agreed upon in writing between the Commission and
19 the defaulting state;

20 6. The defaulting state may appeal its termination from the
21 Compact by the Commission by petitioning the U.S. District Court for
22 the District of Columbia or the federal district where the
23 Commission has its principal offices. The prevailing member shall
24

1 be awarded all costs of such litigation, including reasonable
2 attorney fees; and

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

6 a. licensees who have been granted a compact privilege in
7 that state shall retain the compact privilege for one
8 hundred eighty (180) days following the effective date
9 of such termination, and

10 b. licensees who are licensed in that state who have been
11 granted a compact privilege in a participating state
12 shall retain the compact privilege for one hundred
13 eighty (180) days unless the licensee also has a
14 qualifying license in a participating state or obtains
15 a qualifying license in a participating state before
16 the one-hundred-eighty-day period ends, in which case
17 the compact privilege shall continue.

18 C. Dispute resolution:

19 1. Upon request by a participating state, the Commission shall
20 attempt to resolve disputes related to this Compact that arise among
21 participating states and between participating and non-participating
22 states; and

23

24

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

4 D. Enforcement:

5 1. The Commission, in the reasonable exercise of its
6 discretion, shall enforce the provisions of this Compact and rules
7 of the Commission;

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

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

21 E. Legal action against the Commission:

22 1. A participating state may initiate legal action against the
23 Commission in the U.S. District Court for the District of Columbia
24 or the federal district where the Commission has its principal

1 offices to enforce compliance with the provisions of the Compact and
2 its rules. The relief sought may include both injunctive relief and
3 damages. In the event judicial enforcement is necessary, the
4 prevailing party shall be awarded all costs of such litigation,
5 including reasonable attorney fees.

6 2. No person other than a participating state shall enforce
7 this Compact against the Commission.

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

11 A. This Compact shall come into effect on the date on which
12 this Compact statute is enacted into law in the seventh
13 participating state.

14 1. On or after the effective date of the Compact, the
15 Commission shall convene and review the enactment of each of the
16 states that enacted the Compact prior to the Commission convening
17 "Charter Participating States" to determine if the statute enacted
18 by each such Charter Participating State is materially different
19 than the model compact:

20 a. A Charter Participating State whose enactment is found
21 to be materially different from the model compact
22 shall be entitled to the default process set forth in
23 subsection B of Section 10, and
24

1 b. If any participating state later withdraws from the
2 Compact or its participation is terminated, the
3 Commission shall remain in existence and the Compact
4 shall remain in effect even if the number of
5 participating states should be less than seven.
6 Participating states enacting the Compact subsequent
7 to the Commission convening shall be subject to the
8 process set forth in paragraph 21 of subsection C in
9 Section 7 to determine if their enactments are
10 materially different from the model compact and
11 whether they qualify for participation in the Compact;

12 2. Participating states enacting the Compact subsequent to the
13 seven initial Charter Participating States shall be subject to the
14 process set forth in paragraph 21 of subsection C in Section 7 to
15 determine if their enactments are materially different from the
16 model compact and whether they qualify for participation in the
17 Compact; and

18 3. All actions taken for the benefit of the Commission or in
19 furtherance of the purposes of the administration of the Compact
20 prior to the effective date of the Compact or the Commission coming
21 into existence shall be considered to be actions of the Commission
22 unless specifically repudiated by the Commission.

23 B. Any state that joins this Compact shall be subject to the
24 Commission's rules and bylaws as they exist on the date on which

1 this Compact becomes law in that State. Any rule that has been
2 previously adopted by the Commission shall have the full force and
3 effect of law on the day this Compact becomes law in that state.

4 C. Any participating state may withdraw from this Compact by
5 enacting a statute repealing the same.

6 1. A participating state's withdrawal shall not take effect
7 until one hundred eighty (180) days after enactment of the repealing
8 statute. During this one-hundred-eighty-day period, all compact
9 privileges that were in effect in the withdrawing state and were
10 granted to licensees licensed in the withdrawing state shall remain
11 in effect. If any licensee licensed in the withdrawing state is
12 also licensed in another participating state or obtains a license in
13 another participating state within the one hundred eighty (180)
14 days, the licensee's compact privileges in other participating
15 states shall not be affected by the passage of the one hundred
16 eighty (180) days.

17 2. Withdrawal shall not affect the continuing requirement of
18 the state licensing boards of the withdrawing state to comply with
19 the investigative and adverse action reporting requirements of this
20 Compact prior to the effective date of withdrawal.

21 3. Upon the enactment of a statute withdrawing a state from
22 this Compact, the state shall immediately provide notice of such
23 withdrawal to all licensees within that state. Such withdrawing
24 state shall continue to recognize all licenses granted pursuant to

1 this Compact for a minimum of one hundred eighty (180) days after
2 the date of such notice of withdrawal.

3 D. Nothing contained in this Compact shall be construed to
4 invalidate or prevent any PA licensure agreement or other
5 cooperative arrangement between participating states and between a
6 participating state and non-participating state that does not
7 conflict with the provisions of this Compact.

8 E. This Compact may be amended by the participating states. No
9 amendment to this Compact shall become effective and binding upon
10 any participating state until it is enacted materially in the same
11 manner into the laws of all participating states as determined by
12 the Commission.

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

16 A. This Compact and the Commission's rulemaking authority shall
17 be liberally construed so as to effectuate the purposes and the
18 implementation and administration of the Compact. Provisions of the
19 Compact expressly authorizing or requiring the promulgation of rules
20 shall not be construed to limit the Commission's rulemaking
21 authority solely for those purposes.

22 B. The provisions of this Compact shall be severable and if any
23 phrase, clause, sentence, or provision of this Compact is held by a
24 court of competent jurisdiction to be contrary to the constitution

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

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

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

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

1 B. Any laws in a participating state in conflict with this
2 Compact are superseded to the extent of the conflict.

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

5 SECTION 14. This act shall become effective November 1, 2024.

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7 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 02/22/2024 -
8 DO PASS, As Coauthored.

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