

Multistate Compacts: School Psychologist, Dietitian, Cosmetologist Licensure, and Physician Assistant Licensure; HB 2069

HB 2069 enacts four multistate licensure compacts: the School Psychologist Compact (SP Compact), the Dietitian Compact, the Cosmetologist Licensure Compact (Compact), and the Physician Assistant Licensure Compact (PA Compact). The uniform provisions for each compact are outlined below.

School Psychologist Compact

Purpose

The SP Compact's purpose is to facilitate the interstate practice of school psychology in educational or school settings to improve the availability of school psychological services to the public. The SP Compact establishes a pathway to allow school psychologists to obtain equivalent licenses to provide school psychological services in any member state and promotes the mobility of school psychologists between and among member states to address workforce shortages. The SP Compact will also facilitate the relocation of military members and their spouses who are licensed to provide school psychological services.

Definitions

The SP Compact defines various terms, including:

- "School psychological services" means academic, mental, and behavioral health services, including assessment, prevention, consultation, collaboration, intervention, and evaluation provided by a school psychologist in a school, as outlined in applicable professional standards as determined by the School Psychologist Interstate Licensure Compact Commission rule; and
- "School psychologist" means an individual who has met the requirements to obtain a home state license that legally conveys the professional title of school psychologist as determined by SP Commission rule.

State Participation in the SP Compact

The SP Compact defines requirements for states to join and maintain eligibility as member states in the SP Compact, including enacting a SP Compact statute not materially different from the model legislation and participating in the sharing of information with the SP Commission and other member states as necessary. The SP Compact requires applicants for a home state license to have:

- Taken and passed a qualifying national exam as defined by the rules of the SP Commission;

- Completed a minimum of 1,200 hours of supervised internship, including at least 600 hours completed in a school prior to being approved for licensure; and
- Graduated from a qualifying school psychologist education program.

The SP Compact provides for member states to set and collect a fee for granting an equivalent license.

School Psychologist Participation in the SP Compact

The SP Compact sets requirements for a licensee to obtain and maintain an equivalent license from a remote state, including holding and maintaining a home state license, paying any required fees, and undergoing a criminal background check. To renew an equivalent license in a member state other than the home state, a licensee will be required to apply for renewal, complete a background check, and pay renewal fees as determined by the licensing authority.

Active Military Members or Their Spouses

The SP Compact provides for a licensee who is an active military member or the spouse of an active military member to hold a home state license in any of the following locations:

- The licensee's permanent residence;
- A member state that is the licensee's primary state of practice; or
- A member state where the licensee has relocated pursuant to a permanent change of station.

Discipline and Adverse Actions

The SP Compact will not limit the authority of a member state to investigate or impose disciplinary measures on licensees according to the state's practice laws. Member states will be authorized to receive and will be required to provide files and information regarding the investigation and discipline, if any, of licensees in other member states upon request.

Establishment of the School Psychologist Interstate Licensure Compact Commission

The SP Compact creates and establishes a joint government agency, the School Psychologist Interstate Licensure Compact Commission (SP Commission), consisting of member states that have enacted the SP Compact. The SP Compact will provide requirements for membership, voting, and meetings of the SP Commission; the powers of the SP Commission; and the Executive Committee of the SP Commission.

The SP Compact will provide for the SP Commission to pay for the reasonable expenses of its establishment, organization, and ongoing activities. The powers of the SP Commission will

include levying and collecting an annual assessment from each member state and imposing fees on licensees to cover the cost of the operations and activities of the SP Commission. The SP Compact will require the SP Commission to adopt an annual report, including a financial review, and provide the report to the member states.

The SP Compact will provide for the qualified immunity, defense, and indemnity of its members, officers, employees, and representatives of the SP Commission acting within the scope of SP Commission employment, duties, or responsibilities. The protections will not apply for damage, loss, injury, or liability caused by the individual's intentional, willful, or wanton misconduct. The SP Compact will not limit the liability of any licensee for professional malpractice or misconduct governed by applicable state laws.

Facilitating Information Exchange

The SP Compact requires the SP Commission to facilitate the exchange of information to administer and implement the provisions of the SP Compact, including the following licensee information:

- Identifying information;
- Licensure data;
- Adverse actions against a license and related information;
- Non-confidential information related to alternative program participation;
- Any denial of application for licensure and the reasons for denial;
- The presence of investigative information; and
- Other information that may facilitate the administration of the SP Compact or the protection of the public, as determined by the rules of the SP Commission.

Rulemaking

The SP Compact provides the SP Commission with the authority to promulgate reasonable rules to achieve the intent and purpose of the SP Compact. A majority of legislatures of the member states could reject a rule by enactment of a statute or resolution within four years of adoption of the rule. The SP Compact also provides for emergency rulemaking procedures.

Oversight, Dispute Resolution, and Enforcement

The SP Compact will require the executive and judicial branches of the state government in each member state to enforce the SP Compact and take all actions necessary and appropriate to implement the SP Compact.

If the SP Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under the SP Compact, the SP Commission will provide written notice to the defaulting state to describe the default and provide proposed means of curing the default. The SP Commission will be required to offer training and specific technical assistance regarding the default.

The SP Compact defines the process for removing a defaulting state, resolving disputes among member states, and enforcing the SP Compact against a member state or the SP Commission.

Effective Date, Withdrawal, and Amendment

The SP Compact will come into effect on the date that the SP Compact statute is enacted into law in the seventh member state. [Note: As of February 5, 2025, the SP Compact has been enacted in Colorado and West Virginia, and was being considered in eight states, including Kansas.]

The SP Compact provides for procedures to remove a defaulting member state or for a member state to withdraw from the SP Compact. The SP Compact will be amendable by enactment of law by all member states.

Construction and Severability

The SP Compact and the SP Commission's rulemaking authority will be liberally construed so as to effectuate the purposes, implementation, and administration of the SP Compact. The provisions of the SP Compact are severable.

Consistent Effect and Conflict with Other State Laws

The SP Compact does not prevent or inhibit the enforcement of any other law of a member state not inconsistent with the SP Compact. Any laws, statutes, regulations, or other legal requirements in a member state in conflict with the SP Compact would be superseded to the extent of the conflict, and all permissible agreements between the SP Commission and member states would be binding.

Dietitian Compact

Purpose

The purpose of the Dietitian Compact is to facilitate the interstate practice of dietetics with the goal of improving public access to dietetics services and achieving a number of objectives that reduce administrative burden while increasing availability of licensed dietitians as well as cooperation among member state licensing bodies.

The Dietitian Compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure while also providing license portability for qualifying professionals.

Definitions

The Dietitian Compact defines various terms used throughout the Dietitian Compact, including:

- “Adverse action” means any administrative, civil, equitable, or criminal action permitted by a state’s laws that is imposed by a licensing authority or other authority against a licensee, including actions against an individual’s license or Dietitian Compact privilege, such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee’s practice, or any other encumbrance on licensure affecting a licensee’s authorization to practice, including issuance of a cease-and-desist action;
- “Compact Commission” means the governmental agency whose membership consists of all states that have enacted this Dietitian Compact, which is known as the Dietitian Licensure Compact Commission (Dietitian Compact Commission), and which shall operate as an instrumentality of member states;
- “Practice of dietetics” means the synthesis and application of dietetics as defined by state law and regulations, primarily for the provision of nutrition care services, including medical nutrition therapy, in person or via telehealth, to prevent, manage, or treat diseases or medical conditions and promote wellness;
- “Registered dietitian” means a person who has completed applicable education, experience, examination, and recertification requirements approved by the Commission on Dietetic Registration; is credentialed by the Commission on Dietetic Registration as a registered dietitian or a registered dietitian nutritionist; and is legally authorized to use the title Registered Dietitian or Registered Dietitian Nutritionist and the corresponding abbreviations “RD” or “RDN”; and
- “Single state license” means a license issued by a member state within the issuing state and does not include a Dietitian Compact privilege in any other member state.

State Participation in the Dietitian Compact

The Dietitian Compact requires member states to:

- Participate fully in the Dietitian Compact Commission’s data system;
- Notify the Dietitian Compact Commission of adverse actions regarding a licensee;

- Implement a criminal history check including the submission of fingerprints to both the Federal Bureau of Investigation and the comparable state agency for Dietitian Compact licensees;
- Comply with the rules of the Dietitian Compact Commission;
- Require an applicant for the Dietitian Compact privilege to obtain or retain a license in the home state and meet all home state requirements for licensure or renewal; and
- Recognize each licensee who has met the terms of the Dietitian Compact and rules.

The Dietitian Compact authorizes member states to charge a fee for granting a Dietitian Compact privilege. The Dietitian Compact specifies member states retain sole jurisdiction over the licensing requirements for a single-state license to practice dietetics.

Dietitian Compact Privilege

The Dietitian Compact requires dietitians to meet certain educational and credentialing criteria to exercise Dietitian Compact privileges and aligns Dietitian Compact privilege with the underlying valid home state license, including renewal criteria and continuing education requirements set by the licensee's home state. The Dietitian Compact will require that a licensee practicing in a remote state adhere to the remote state's laws and regulations relating to dietetics.

Obtaining a New Home State License Based on Dietitian Compact Privilege

The Dietitian Compact allows a licensee to have only one home state license at a time. The Dietitian Compact provides a procedure to change a licensee's home state license when relocating between member states.

Active Duty Military Personnel or Their Spouses

The Dietitian Compact allows active duty military personnel or their spouses to designate a home state where such service member or spouse has a current license in good standing and allows such military personnel or spouse to retain that home state designation during the period of time the service member is on active duty.

Adverse Actions

The Dietitian Compact allows a member state to take adverse action against a licensee's Dietitian Compact privilege in such member state and to issue subpoenas. Only the licensee's home state has the power to take adverse action against the license issued by the home state. However, a member state does have the authority to take adverse action based on the factual findings of another remote state if the other member state follows its own procedures for

adverse actions. Member states are permitted to recover costs of investigations or dispositions if permitted by law of their state. The home state will be required to promptly report the conclusions of any investigation to the data system. The Dietitian Compact authorizes joint investigations of licensees by member states.

Establishment of the Dietitian Licensure Compact Commission

The Dietitian Compact creates the Dietitian Compact Commission and includes provisions relating to membership, voting, powers and duties, and financing of the Dietitian Compact Commission. The Dietitian Compact establishes the Executive Committee, which will have the power to act on behalf of the Dietitian Compact Commission according to the terms of the Dietitian Compact.

The Dietitian Compact provides for Dietitian Compact Commission payment of the reasonable expenses of its establishment, organization, and ongoing activities. The Dietitian Compact Commission will be authorized to levy and collect an annual assessment from each member state and impose fees on licensees of member states to cover the cost of operations. The Dietitian Compact will require the Dietitian Compact Commission to adopt an annual report, including a financial review, and provide the report to member states.

The Dietitian Compact provides for the qualified immunity, defense, and indemnity of its members, officers, employees, and representatives acting within the scope of Dietitian Compact Commission employment, duties, or responsibilities. The protections do not apply for damage, loss, injury, or liability caused by the individual's intentional, willful, or wanton misconduct. The Dietitian Compact does not limit the liability of any licensee for professional malpractice or misconduct governed by applicable state laws.

Data Systems

The Dietitian Compact requires the Dietitian Compact Commission to develop, maintain, operate, and utilize a coordinated data system. The Dietitian Compact governs how the information will be provided to the data system by member states and the use of the data by member states, as well as its designation of information that could not be shared with the public without the express permission of the contributing state. The Dietitian Compact also requires removal of expunged information from the data system.

Rulemaking

The Dietitian Compact authorizes the Dietitian Compact Commission to exercise rulemaking powers. The bill requires notice of proposed rules to specified persons and locations to be provided at least 30 days prior to the meeting where the Dietitian Compact Commission will consider such rules. Additionally, the Dietitian Compact Commission will be required to provide notice of the public hearing and provide access to the meeting and record all hearings. The Dietitian Compact states a majority of legislatures of the member states could reject a rule by enactment of a statute or resolution within four years of adoption of the rule. The Dietitian Compact also provides for emergency rulemaking procedures.

Oversight, Dispute Resolution, and Enforcement

The Dietitian Compact requires the executive and judicial branches in each member state to enforce and implement the Dietitian Compact. The Dietitian Compact establishes judicial venue and service of process for the Dietitian Compact Commission. The Dietitian Compact also establishes a process to be followed by member states regarding default, requesting technical assistance, or termination from the Dietitian Compact. The Dietitian Compact requires the Dietitian Compact Commission, upon member request, to resolve disputes arising among member states and between member states and non-member states. In addition, the Dietitian Compact Commission is authorized to enforce the provisions of the Dietitian Compact, and, by supermajority vote, could initiate legal action in federal court against a member state.

Effective Date, Withdrawal, and Amendment

The Dietitian Compact will be effective on the date on which the Dietitian Compact statute is enacted into law in the seventh member state. [Note: As of February 5, 2025, the Dietitian Compact had been enacted in 4 states—Alabama, Nebraska, Ohio, and Tennessee—and was being considered in 15 states, including Kansas.]

Any member state will be allowed to withdraw from the Dietitian Compact by enacting a statute that would repeal the Dietitian Compact, but this would not take effect until 180 days after the enactment of the repealing statute. Member states could amend the Dietitian Compact, but any amendment would not be effective until it is enacted by all member states. Additionally, the Dietitian Compact will not invalidate or prevent any licensure agreement or cooperative arrangement between a member state and non-member state that does not conflict with the Dietitian Compact.

Construction and Severability

The Dietitian Compact states the Dietitian Compact and the Dietitian Compact Commission's rulemaking authority shall be liberally construed and the provisions of the Dietitian Compact are severable.

Consistent Effect and Conflict with Other State Laws

The Dietitian Compact does not prevent the enforcement of any other law of a member state not inconsistent with the Dietitian Compact. Laws in conflict with the Dietitian Compact would be superseded to the extent of the conflict and all lawful actions of the Dietitian Compact Commission would be binding upon member states.

Cosmetologist Licensure Compact

Purpose

The purpose of the Compact is to facilitate the interstate practice of cosmetology with the goal of improving public access to cosmetology services and achieving a number of objectives that reduce administrative burden while increasing licensure and mobility of licensed cosmetologists as well as cooperation between states' licensing bodies.

The Compact preserves the regulatory authority of states to provide services through the current system of state licensure while also providing license portability for qualifying professionals through a multistate licensing system.

Definitions

The Compact defines various terms, including:

- “Commission” means the governmental agency whose membership consists of all states that have enacted this Compact, which is known as the Cosmetology Licensure Compact Commission (Commission), and which shall operate as an instrumentality of member states;
- “Cosmetology,” “cosmetology services,” and the “practice of cosmetology” means the care and services provided by a cosmetologist as defined in the member state’s statutes and regulations in the state where the services are being provided; and
- “Multistate license” means a license issued by and subject to the enforcement jurisdiction of the state licensing authority in a licensee’s home state that authorizes the practice of cosmetology in member states and includes authorizations to practice cosmetology in all remote states pursuant to the Compact.

State Participation in the Compact

To be eligible to join the Compact, member states are required to:

- License and regulate cosmetology;
- Have the ability to receive and investigate complaints about licensees practicing cosmetology in the state;
- Require licensees within the state to pass a cosmetology competency examination prior to being licensed to provide cosmetology services to the public;

- Require licensees to satisfy educational or training requirements in cosmetology prior to being licensed;
- Implement a procedure to consider applicants' criminal history, disciplinary history, or background check;
- Participate fully in the data system;
- Share adverse actions against a licensee with the Commission;
- Notify the Commission of the existence of investigative information or current significant investigative information in the state's possession regarding a state's licensee;
- Comply with the rules of the Commission; and
- Accept licensees from other member states who have met the terms of the Compact.

The Compact authorizes member states to charge a fee for granting a multistate license to practice cosmetology. The Compact provides for member states to retain sole jurisdiction over the licensing requirements for a single state license to practice cosmetology.

Multistate License

The Compact requires an applicant for multistate licensure to hold an active and unencumbered single-state license to practice cosmetology in the applicant's home state. If an applicant meets the educational and credentialing criteria to have a multistate license, the Compact requires the state licensing authority to grant a multistate license within a reasonable amount of time. The Compact requires a licensee practicing in a remote state to adhere to that state's laws and regulations relating to cosmetology as well as the jurisdiction of the state licensing authority and the courts of the member state.

Reissuance of a Multistate License by a New Home State

The Compact allows a licensee to have only one multistate license, issued by their home state, at any given time. The Compact provides a procedure to change a licensee's home state license when relocating between member states.

Authority of the Compact Commission and Member State Licensing Authorities

The Compact does not limit, restrict, or in any way reduce the authority of a member state to enact and enforce laws, rules, or regulations to the practice of cosmetology that are not inconsistent with the Compact. Member states are expected to cooperate with the Commission. The Compact requires discipline to be the sole responsibility of the state where cosmetology

services are provided. Member states are required to communicate with each other regarding complaints and adverse actions.

Adverse Actions

The Compact allows a member state to take adverse action against a licensee's multistate license in such member state and to issue subpoenas. Only the licensee's home state will have the power to take adverse action against the license issued by the home state. For the purposes of taking adverse action, the home state's licensing authority may act on reported conduct received from a remote state as though such conduct occurred within the home state, and the home state will apply its own state laws. The Compact also allows joint investigations of licensees by member states. Member states are permitted to recover costs of investigations or dispositions if permitted by their state law.

The Compact requires a licensee's home state to promptly report the conclusions of any investigation to the data system. If an adverse action is taken by the home state, the multistate license will be deactivated in all member states until all encumbrances are removed from the home state license. The home state will be able accept a licensee's participation in an alternative program in lieu of adverse action. A multistate license would be suspended for the duration of the participation in the alternative program.

Active Duty Military Personnel or Their Spouse

The Compact allows active duty military personnel or their spouses to designate a home state where such service member or spouse has a current license in good standing and allows such military personnel or spouse to retain that home state designation during the period of time the service member is on active duty.

Establishment and Operation of the Cosmetology Licensure Compact Commission

The Compact creates the Cosmetology Licensure Compact Commission (Commission) and includes provisions relating to membership, voting, powers and duties, and financing of the Commission. The Compact establishes the Executive Committee, which has the power to act on behalf of the Commission according to the terms of the Compact.

The Compact provides for the Commission to pay or provide for payment of the reasonable expenses of its establishment, organization, and ongoing activities. The Commission will have authority to levy and collect an annual assessment from each member state and impose fees on licensees of member states to cover the cost of operations. The Compact requires the Commission to adopt an annual report, including a financial review, and provide the report to member states.

The Compact provides for the qualified immunity, defense, and indemnity of its members, officers, employees, and representatives of the Commission acting within the scope of Commission employment, duties, or responsibilities. The protections will not apply for damage, loss, injury, or liability caused by the individual's intentional, willful, or wanton misconduct. The Compact will not limit the liability of any licensee for professional malpractice or misconduct governed by applicable state laws.

Data Systems

The Compact requires the Commission to develop, maintain, operate, and utilize a coordinated database and reporting system. The Compact governs how the information will be provided to the data system by member states and the use of the data by member states, as well as authorizing member states to designate information that cannot be shared with the public without the express permission of the contributing state. The Compact also requires removal of expunged information from the data system.

Rulemaking

The Compact authorizes the Commission to exercise rulemaking powers. The Compact requires notice of proposed rules to specified persons and locations to be provided at least 30 days prior to the meeting where the Commission will consider such rules. Additionally, the Commission will be required to provide notice of the public hearing, provide access to the meeting, and record all hearings. A majority of legislatures of the member states could reject a rule by enactment of a statute or resolution within four years of adoption of the rule. The Compact will also provide for emergency rulemaking procedures.

Oversight, Dispute Resolution, and Enforcement

The Compact provides that the executive and judicial branches in each member state will enforce and implement the Compact. The Compact establishes judicial venue and service of process for the Compact Commission. The Compact also establishes a process to be followed by member states regarding default, requesting technical assistance, or termination from the Compact. The Compact requires the Commission, upon member request, to resolve disputes arising among member states and between member states and non-member states. In addition, the Commission will be allowed to enforce the provisions of the Compact, and, by majority vote, could initiate legal action in federal court against a member state.

Effective Date, Withdrawal, and Amendment

The Compact will be effective on the date on which the Compact statute is enacted into law in the seventh member state. [Note: As of February 6, 2025, the Compact had been enacted in eight states: Alabama, Arizona, Colorado, Kentucky, Maryland, Ohio, Tennessee, and Virginia. Ten additional states, including Kansas, have considered or are considering Compact legislation.]

Any member state will be allowed to withdraw from the Compact by enacting a statute that would repeal the Compact, but this would not take effect until 180 days after the enactment of the repealing statute. Member states could amend the Compact, but any amendment would not be effective until it is enacted by all member states. Additionally, the Compact will not invalidate or prevent any licensure agreement or cooperative arrangement between a member state and non-member state that did not conflict with the Compact.

Construction and Severability

The Compact and the Commission's rulemaking authority are required to be liberally construed and the provisions of the Compact are severable.

Consistent Effect and Conflict with Other State Laws

The Compact will not prevent the enforcement of any other law of a member state that is not inconsistent with the Compact. Laws in conflict with the Compact will be superseded to the extent of the conflict, and all lawful actions of the Commission will be binding upon member states.

Physician Assistant Licensure Compact

Purpose

The purpose of the PA Compact is to facilitate the interstate practice of physician assistants (PAs) with the goal of improving public access to medical services and achieving a number of objectives that reduce administrative burden while increasing availability of licensed PAs as well as cooperation among member state licensing bodies.

The PA Compact preserves the regulatory authority of states to safeguard the safety of patients through the current system of state licensure while also providing license portability for qualifying professionals.

The PA Compact allows active duty military personnel or their spouses to obtain a compact privilege by having an unrestricted license in good standing from a participating state.

Definitions

The PA Compact defines various terms used throughout the PA Compact, including:

- "Compact privilege" means the authorization granted by a remote state to allow a licensee from another participating state to practice as a PA to provide medical services and other licensed activity to a patient located in a remote state under the remote state's laws and regulations; and
- "PA" means an individual who is licensed as a PA in a state. For purposes of this compact, any other title or status adopted by a state to replace the term "physician assistant" shall be deemed synonymous with "physician assistant" and shall confer the same rights and responsibilities to the licensee under the provisions of this compact at its time of its enactment.

State Participation in the PA Compact

The PA Compact requires member states to:

- License PAs;
- Participate in the PA Compact Commission's (PA Commission's) data system;
- Have a mechanism in place for receiving and investigating complaints against licensees and applicants for licensure;
- Notify the PA Commission of adverse actions and the existence of significant investigative information regarding a licensee or applicant for licensure;
- Implement and report a criminal background check, to include the submission of fingerprints or other biometric-based information, per the PA Commission;
- Comply with the rules of the PA Commission;
- Utilize passage of a recognized national examination as a requirement for PA licensure; and
- Grant the PA Compact privilege to a qualifying licensee in a participating state.

The PA Compact authorizes member states to charge a fee for granting a PA Compact privilege.

PA Compact Privilege

The PA Compact requires PAs to meet certain educational, credentialing, criminal history, and controlled substances license, permit, or registration criteria to exercise PA Compact privileges. The bill aligns PA Compact privilege with the underlying license's adverse actions limitations or restrictions unless a participating state does not have the same basis for disciplinary action, and the participating state will be able to exercise its discretion not to consider such action as an adverse action requiring denial or removal of a PA Compact privilege.

Designation of the State from which the Licensee is Applying for PA Compact Privilege

The PA Compact requires a licensee to designate their home state and the primary residential address to be used for service of process by mail. The PA Compact requires a licensee to consent to service of process by mail.

Adverse Actions

The PA Compact authorizes a member state to take adverse action against a licensee's PA Compact privilege in such member state and to issue subpoenas, except that a subpoena could not be issued to gather evidence of conduct that is lawful in another state for the purpose of taking adverse action in the home state. Only the licensee's home state will have the power to take adverse action against the license issued by the home state. However, a member state will have the authority to take adverse action to remove a PA Compact privilege or to protect the health and safety of its citizens.

Member states will be permitted to recover costs of investigations or dispositions if permitted by their state law. The PA Compact authorizes joint investigations of licensees by member states. The PA Compact requires a PA Compact privilege to be deactivated until two years have elapsed after all restrictions have been removed from a state license on which adverse action has been taken. Member states are required to report promptly any adverse action to the data system.

Establishment of the Physician Assistant Licensure Compact Commission

The PA Compact creates the Physician Assistant Licensure Compact Commission (PA Commission) and includes provisions relating to membership, voting, powers and duties, and financing of the PA Commission. The PA Compact establishes the Executive Committee, which will have the power to act on behalf of the PA Commission according to the terms of the PA Compact.

The PA Compact provides for PA Commission payment for the reasonable expenses of its establishment, organization, and ongoing activities. The PA Commission will be authorized to levy and collect an annual assessment from each member state and impose compact privilege fees on licensees of member states to cover the cost of operations. The PA Compact requires the PA Commission to establish a code of ethics for the PA Commission; adopt an annual report, including a financial review; and provide the report to member states.

The PA Compact provides for the qualified immunity, defense, and indemnity of its members, officers, employees, and representatives acting within the scope of PA Commission employment, duties, or responsibilities. The protections do not apply for damage, loss, injury, or liability caused by the individual's intentional, willful, or wanton misconduct. The PA Compact does not limit the liability of any licensee for professional malpractice or misconduct governed by applicable state laws.

Data Systems

The PA Compact requires the PA Commission to develop, maintain, operate, and utilize a coordinated data system. The PA Compact governs how the information is provided to the data system by member states and the use of the data by member states, as well as a member state's designation of information that could not be shared with the public without the express permission of the contributing state. The PA Compact also requires removal of expunged information from the data system.

Rulemaking

The PA Compact authorizes the PA Commission to exercise rulemaking powers. The bill requires notice of proposed rules to specified persons and locations to be provided at least 30 days prior to the meeting where the PA Commission will consider such rules. Additionally, the PA Commission will be required to provide notice of the public hearing, provide access to the meeting, and record all hearings. The PA Compact states a majority of legislatures of the member states could reject a rule by enactment of a statute or resolution within four years of adoption of the rule. The PA Compact also provides for emergency rulemaking procedures.

Oversight, Dispute Resolution, and Enforcement

The PA Compact provides that the executive and judicial branches in each member state will enforce and implement the PA Compact. The PA Compact establishes judicial venue and service of process for the PA Commission. The PA Compact also establishes a process to be followed by member states regarding default, requesting technical assistance, or termination from the PA Compact. The PA Compact requires the PA Commission, upon member request, to attempt to resolve disputes arising among member states and between member states and non-member states. In addition, the PA Commission will be authorized to enforce the provisions of the PA Compact, and, by majority vote, initiate legal action in federal court against a member state in default.

Effective Date, Withdrawal, and Amendment

The PA Compact will be effective on the date on which the PA Compact statute is enacted into law in the seventh member state. [Note: As of May 2024, the PA Compact met the threshold of seven states participating. It is projected that the PA Compact Commission will begin granting PA Compact privileges to practice in early 2026.]

Any member state will be allowed to withdraw from the PA Compact by enacting a statute that would repeal the PA Compact, but this would not take effect until 180 days after the enactment of the repealing statute. Member states could amend the PA Compact, but any amendment would not be effective until it is enacted by all member states. Additionally, the PA Compact will not invalidate or prevent any licensure agreement or cooperative arrangement between a member state and non-member state that did not conflict with the PA Compact.

Construction and Severability

The PA Compact states the PA Compact and the PA Commission's rulemaking authority shall be liberally construed, and the provisions of the PA Compact are severable.

Binding Effect of Compact

The PA Compact does not prevent the enforcement of any other law of a member state not inconsistent with the PA Compact. Laws in conflict with the PA Compact would be superseded to the extent of the conflict, and all lawful actions of the PA Commission would be binding upon member states.