

PA Compact Commission

Title of Rule: State of Qualifying License Process

History of Rule:

Reason for Rule: To establish the process for a PA to select the participating state where a qualifying license is held and to be used to qualify for a compact privilege in a remote state.

Effective Date:

Chapter 2: State of Qualifying License

Authority: Section 5: Designation of the State from Which Licensee is Applying for a Compact Privilege

Section 7: Establishment of PA Compact Commission

Section 9: Rulemaking

2.0 Purpose:

Pursuant to Section 5, the PA Compact Commission shall promulgate applicable rules for a Licensee to identify the Participating State from which the Licensee is apply. The state of Qualifying License is ultimately responsible for ensuring the PA meets the qualifications to practice under the PA Compact. This Rule supports the purpose of the Compact as outlined in Section 1 which is to create a process that complements the existing authority of State Licensing Boards to license and discipline PAs and enhances the portability of a PA license while also safeguarding the safety of patients. This Rule will become effective upon adoption by the PA Compact Commission as provided in Section 9 of the PA Compact.

2.1 Definitions:

As used in this chapter:

(a) **“Active”** means providing medical services to patients within the previous 12 months and the maintenance of an active supervisory or collaborative agreement in that state if required.

(b) **“Compact”** means the PA Licensure Compact.

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

(d) **“Employer”** means a person, business, or organization located in a PA's ~~designated state of~~ principal licensure state of qualifying license that employs or contracts with a PA to provide medical services. Excluding:

(1) an employer that only maintains a registration with the Secretary of State of a participating state,

36 (2) an employer that only has the presence of a registered agent who is located in a
37 participating state.

38 (e) **"Licensee"** means an individual who holds a License from a State to provide Medical
39 Services as a PA.

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

43 (g) **"Participating State"** means a State that has enacted this Compact.

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

49 (i) **"PA Licensure Compact Commission," "Compact Commission," or "Commission"**
50 mean the national administrative body created pursuant to Section 7.A of this Compact.

51 (j) **"Qualifying License"** means an unrestricted License issued by a Participating State to
52 provide Medical Services as a PA.

53 (k) **"Remote State"** means a Participating State where a Licensee who is not licensed as a PA
54 is exercising or seeking to exercise the Compact Privilege.

55 (l) "Service member" means a member of the uniformed services or the reserved components
56 as defined in 10 U.S.C. Chapter 101 or other such services as may be designated by Congress.

57 (m) **"State of Qualifying License"** means a Participating State where a PA holds a qualifying
58 license and which has been designated as such by the PA for purposes of registration and
59 participation in the Compact.

60 (n) "Terminate" means the PA chooses to give up their qualifying license for a non-disciplinary
61 reason

62

63 **2.1 State of qualifying license designation:**

64 (a) The PA shall designate a Participating State as the state of qualifying license for
65 purposes of registration for a compact privilege through the Compact if the PA
66 possesses a full and unrestricted license to conduct medical services in that state, and
67 the state is:

68 (1) The state of primary residence for the PA, or

69 (2) The state where at least twenty-five percent of the active medical services
70 occurs, or

71 (3) The location of the PA's current employer, or

72
73 (4) If no state qualifies under subparagraph (1), subparagraph (2), or
74 subparagraph (3), the state designated as state of residence for purposes of
75 federal income tax.

76 (5) A service member, or the service member's spouse, may retain their state of
77 primary residence designation during the period the service member is on
78 active duty.

79
80 (b) Regardless of the designation qualification under subsection (a), the PA shall provide
81 the Commission the primary residence address and consent to service of process by
82 mail at the primary residence address under Section 5(A)(2) of the Compact. A change
83 of primary residence address shall be reported to the Commission within thirty (30) days.

84 (c) The PA shall submit with any designation or redesignation request proof of the
85 requirements in subparagraph (a) as determined by the Commission. The Commission
86 may, at any time, require the PA to submit additional documents to verify subparagraph
87 (a) requirements.

88
89 **2.2 ~~Redesignation of the~~Application for new state of qualifying license:**

90 (a) If the PA voluntarily terminates their qualifying license through which they applied for
91 their current compact privilege(s) and that qualifying license has not yet expired, the
92 PA shall ~~redesignate their~~ select a new state of qualifying license by following this
93 process:

94 (1) ~~Complete~~ Submit an online application through a state-of-qualifying license
95 ~~redesignation form at~~ the Commission's website,

96 (2) Pay a non-refundable fee ~~of \$50 to the Commission~~ as set by Rule X.X,

97 (3) Meet the requirements of paragraph 2.1 with the new state of qualifying
98 license,

99 (4) complete a criminal background check pursuant to Public Law 92-544 within
100 60 days of the application and

101 (45) Have no pending investigation of the current qualifying license at the time of
102 the ~~redesignation request~~ application.

103 (b) ~~Upon approval of a redesignation form and confirmation from the current state of~~
104 ~~qualifying license that there is no pending investigation, the Commission shall notify~~
105 ~~the new state of qualifying license and current state of qualifying license of the~~

106 ~~applicant's redesignation~~ Upon application under subsection (a), the new state of
107 ~~qualifying license shall complete the requirements under Rule 3.4(b),~~

108 (c) Any PA information collected by the Commission ~~during the process to redesignate~~ with
109 the application to select a new ~~a~~ state of qualifying license shall be distributed to all
110 participating states.

111 (d) Any existing compact privilege(s) held ~~prior to redesignation~~ shall ~~expire~~ terminate
112 when the original qualifying license ~~expires~~ is voluntarily terminated. ~~There will be no~~
113 ~~change in compact privilege expiration dates based upon a redesignation under this~~
114 ~~paragraph.~~ The PA will apply for new privilege(s) once a new state of qualifying is
115 selected.

1 **PA Compact Commission**

2 **Title of Rule:** Compact Privilege

3 **History of Rule:**

4 **Reason for Rule:** To establish the eligibility for a compact privilege and create the process
5 for a PA to apply for a compact privilege in a remote state.

6 **Effective Date:**

7 **Chapter 3:** Compact Privilege

8 **Authority:** Section 4: Compact Privilege

9 Section 7: Establishment of PA Compact Commission

10 Section 9: Rulemaking

11 **3.0 Purpose:**

12 Pursuant to Section 4, the PA Compact Commission shall promulgate applicable rules for a
13 Licensee to exercise a Compact Privilege. This Rule will become effective upon adoption by the
14 PA Compact Commission as provided in Section 9 of the PA Compact.

15
16 **3.1 Definitions:**

17 (a) **"Adverse Action"** means any administrative, civil, equitable, or criminal action permitted by
18 a State's laws which is imposed by a Licensing Board or other authority against a PA
19 License or License application or Compact Privilege such as License denial, censure,
20 revocation, suspension, probation, monitoring of the Licensee, or restriction on the
21 Licensee's practice.

22 (b) **"Compact"** means the PA Licensure Compact.

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

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

31 (e) **"Data System"** means the repository of information about Licensees, including but not
32 limited to License status and Adverse Actions, which is created and administered under the
33 terms of this Compact.

34 (f) **"Jurisprudence Requirement"** means the assessment of an individual's knowledge of the
35 laws and Rules governing the practice of a PA in a State.

36 (g) **"Licensee"** means an individual who holds a License from a State to provide Medical
37 Services as a PA.

38 (h) **“Medical Services”** means health care services provided for the diagnosis, prevention,
39 treatment, cure or relief of a health condition, injury, or disease, as defined by a State’s laws
40 and regulations.

41 ~~(h)~~(i) **“NCCPA”** means the National Commission on Certification of Physician Assistants or a
42 successor organization.

43 ~~(h)~~(j) **“Non-participating State”** means a State that has not enacted this Compact.

44 ~~(j)~~(k) **“Participating State”** means a State that has enacted this Compact.

45 ~~(k)~~(l) **“PA”** means an individual who is licensed as a physician assistant in a State. For
46 purposes of this Compact, any other title or status adopted by a State to replace the term
47 "physician assistant" shall be deemed synonymous with "physician assistant" and shall
48 confer the same rights and responsibilities to the Licensee under the provisions of this
49 Compact at the time of its enactment.

50 ~~(h)~~(m) **“PA Licensure Compact Commission,” “Compact Commission,” or “Commission”**
51 mean the national administrative body created pursuant to Section 7.A of this Compact.

52 ~~(m)~~(n) **“Qualifying License”** means an unrestricted License issued by a Participating State to
53 provide Medical Services as a PA.

54 ~~(h)~~(o) **“Remote State”** means a Participating State where a Licensee who is not licensed as a
55 PA is exercising or seeking to exercise the Compact Privilege.

56 ~~(o)~~(p) **“State”** means any state, commonwealth, district, or territory of the United States.

57 ~~(p)~~(q) **“State of Qualifying License”** means a Participating State where a PA holds a
58 qualifying license and which has been designated as such by the PA for purposes of
59 registration and participation in the Compact.
60

61 **3.2 Delegation of compact privilege responsibilities**

62 (a) Participating states are deemed to have delegated and assigned to the Compact
63 Commission the following responsibilities in the compact privilege process:

64 (1) The Compact Commission shall provide participating states an online application for
65 use by PAs seeking compact privileges through their designated state of qualifying
66 license.

67 (2) The Compact Commission shall use information from its data system to facilitate an
68 application for review by the PA’s designated state of qualifying license.

69 (3) The Compact Commission shall provide and administer a process to collect service
70 fees and state fees from the PA and remit these fees to the participating state boards
71 and the Compact Commission.
72

73 **3.3 Eligibility for compact privilege**

74 (a) A PA must meet the following requirements to receive a compact privilege under the terms
75 and provisions of the Compact:

76 (1) Graduated from a PA program accredited by the Accreditation Review Commission
77 on Education for the Physician Assistant, Inc.

- 78 (2) Holds a current certification from the ~~national commission on certification of~~
79 ~~physician assistants~~ NCCPA.
- 80 (3) Has never been found guilty by a court of a felony or misdemeanor offense through
81 an adjudication or by an entry of a plea of guilt or no contest to the charge.
- 82 (4) Has never had a controlled substance license, permit, or registration suspended or
83 revoked by a State or by the United States Drug Enforcement Administration.
- 84 (5) Has a unique identifier that is a social security number.
- 85 (6) Holds an unrestricted License issued by a participating state to provide medical
86 services as a PA.
- 87 (7) Has had no revocation of any License or limitation or restriction on any License
88 currently held due to an adverse action.
- 89 i. If a PA has had a limitation or restriction on a License or Compact
90 Privilege due to an Adverse Action, two years must have elapsed from the
91 date on which the License or Compact Privilege is no longer limited or
92 restricted due to the Adverse Action.
- 93 (8) Notifies the Compact Commission that the PA is seeking the Compact Privilege in a
94 Remote State.
- 95 (9) Meets any Jurisprudence Requirement of a Remote State in which the PA is seeking
96 to practice under a Compact Privilege and pay any fees applicable to satisfying the
97 Jurisprudence Requirement.
- 98 (10) Complies with each remote states' laws and regulations related to supervision by or
99 collaboration with a physician.
- 100 (11) Complies with each remote states' laws and regulations related to authority to
101 prescribe controlled substances for each remote state in which the PA seeks
102 authority to prescribe controlled substances.
- 103 (12) Reports to the Commission any Adverse Action taken by a non-participating State
104 within thirty (30) days after the action is taken.
- 105

106 3.4 Compact ~~privilege~~ participation process

107 (a) A- To apply for a Qualifying License a PA shall:

- 108 (1) Submit an online application through the Compact Commission's data system along
109 with a sworn statement attesting to the truthfulness and accuracy of all information
110 provided by the applicant.
- 111 (2) During the application process designate a state of qualifying license. The PA must
112 meet one of the state of qualifying license eligibility requirements in Rule 2 at the
113 time of application. A member state shall apply Rule 2 requirements
114 contemporaneously when evaluating a licensee's compact privilege eligibility under
115 Compact Section 4 and this Rule.
- 116 (3) Submit to a criminal background check at the time of application through the process
117 designated by the state of qualifying license which will include the submission of
118 fingerprints or other biometric based information.
- 119 (4) Submit any other information regarding clarifying any discrepancies requested by the
120 state of qualifying license.

- 121 (5) Pay the nonrefundable fees required by the state of qualifying license and the
122 Compact Commission.
123
- 124 (b) When the state of qualifying license receives the application through the Compact
125 Commission that state shall:
- 126 (1) Evaluate the PA's eligibility for participating in the compact privilege process;
 - 127 (2) Perform a criminal background check pursuant to Public Law 92-544 as required by
128 the terms and provisions of the Compact within 60 days;
 - 129 (3) Determine whether the PA meets one of the state of qualifying license eligibility
130 requirements in Rule 2 at the time of application; and
 - 131 (4) Issue notice, through the data system, to the Compact Commission verifying or
132 denying the PA's eligibility to participate in the Compact and confirming that the state
133 will serve as the state of qualifying license.
134
- 135 (c) Upon notice from the Compact Commission of eligibility approval by the state of qualifying
136 license, to apply for a compact privilege the PA shall:
- 137 (1) Complete the registration process established by the Compact Commission.
 - 138 (2) Identify the remote state(s) for which a compact privilege is requested.
 - 139 (3) ~~Submit any additional information required by~~ Follow the remote state(s) laws,
140 regulations, and practice requirements and submit any proof of compliance
141 requested by said remote state(s).
 - 142 ~~(4) Submit satisfactory proof that the PA has entered into a supervision or collaborative~~
143 ~~agreement with a physician licensed in the remote state which the PA is applying for~~
144 ~~a compact privilege, if such agreement is required by the remote state's laws and~~
145 ~~regulations. An agreement must meet all requirements of the remote state's laws and~~
146 ~~regulations and be submitted for each remote state where the PA has applied for a~~
147 ~~compact privilege.~~
 - 148 ~~(5) Submit satisfactory proof as required by each remote state where the PA has applied~~
149 ~~for prescriptive authority with their compact privilege showing that the PA meets all~~
150 ~~requirements imposed by such remote state in granting physician-delegated~~
151 ~~prescriptive authority.~~
 - 152 ~~(6) Submit proof that the PA has successfully taken and passed any jurisprudence~~
153 ~~requirement, if required by the remote state(s), where the PA is applying for a~~
154 ~~compact privilege.~~
 - 155 ~~(7)~~(4) Pay the non-refundable compact privilege fee required by the remote state(s)
156 and any additional service-administrative fee required by the Compact Commission.
157
- 158 (d) Upon receipt of all fees required, and receipt of the information from the applicant including
159 any specific requirements of the remote state(s), including-and verification of eligibility by the
160 designated state of qualifying license, the remote state(s) shall promptly issue a compact
161 privilege to the PA, and provide information regarding the privilege to the Compact
162 Commission to maintain in the data system as set forth in Rule 4.
163

164 **3.5 Compact privilege cycle and continued participation**

165 (a) A compact privilege shall be valid until the expiration or revocation of the qualifying license
166 used to apply for the privilege unless the privilege is terminated pursuant to an adverse
167 action. The expiration date of the qualifying license shall be the expiration date that was in
168 effect on the date the PA applied for the compact privilege. Any renewal of the qualifying
169 license does not automatically ~~extend the expiration date of~~ renew the compact privilege.
170 The PA must follow the procedure set forth in this Rule in order to maintain any existing
171 compact privilege(s).

172
173 (b) Not less than 90-60 days prior to the expiration of a compact privilege, the Compact
174 Commission shall notify the PA by e-mail of the pending expiration of the compact privilege(s)
175 and provide information that the PA may reapply for any compact privileges pursuant to this rule.
176 The e-mail notice shall be sent to the e-mail address currently on-file with the Commission in its
177 data system. The PA is responsible for renewing any compact privilege(s) prior to their
178 expiration and for maintaining current contact information, including an e-mail address, with the
179 Commission.

180
181 (c) The PA shall ensure that the qualifying license is properly renewed pursuant to the laws
182 and regulations of the state of qualifying license. Should the qualifying license remain in an
183 active status past the expiration date, any compact privilege issued under that qualifying license
184 will remain active until the status of qualifying license is updated by the State of Qualifying
185 License.

186
187 (d) When the state of qualifying license processes a complete renewal for the PA, the state of
188 qualifying license shall:

- 189
190 (1) Determine that the PA has not been found guilty by a court of a felony or
191 misdemeanor offense through an adjudication or by an entry of a plea of guilt or no
192 contest to the charge;
193 (2) Determine whether the PA meets one of the state of qualifying license eligibility
194 requirements in Rule 2 at the time of renewal; and
195 (3) Issue notice, through the data system, to the Compact Commission verifying or
196 denying the PA's eligibility to continue participation in the Compact.

197
198 (e) Upon notice from the Compact Commission of continued eligibility approval by the state of
199 qualifying license, to apply for compact privilege(s) the PA shall:

- 200 (1) Identify the remote state(s) for which a compact privilege is being requested.
201 (2) Follow the remote state(s) laws, regulations, and practice requirements and submit
202 any proof of compliance requested by said remote state(s).
203 (3) Pay the non-refundable compact privilege fee required by the remote state(s) and
204 any additional administrative fee required by the Compact Commission.

205
206
207

3.6 Withdrawal of applications

208 (a) An application for a qualifying license shall be considered opened from the date the
209 application form is received by the state of qualifying license.

210 (1) If the PA does not submit all requested materials, including any required fees, within
211 60 days after the application is opened, then the application shall be deemed to have
212 been withdrawn.

213 (2) The PA must reapply and submit a new application and new nonrefundable
214 application fees as determined by the state of qualifying license and the Compact
215 Commission.

216 (b) An application for a compact privilege shall be considered opened from the date the
217 application form is received by the ~~state of qualifying license~~ remote state(s).

218 (1) If the PA does not submit all requested materials, including any required fees, within 60
219 days after the application is opened, then the application shall be deemed to have been
220 withdrawn.

221 (2) The PA must reapply and submit a new application and new nonrefundable
222 application fees as determined by the ~~state of qualifying license~~ remote state(s) and the
223 Compact Commission.
224

3.63.7 Jurisprudence requirement

226 (a) If a member state has a jurisprudence requirement to be eligible to obtain a compact
227 privilege in accordance with Section 4.A.11 of the Compact, the PA must have successfully
228 taken and passed any jurisprudence requirement prior to ~~applying for being issued~~ a
229 compact privilege in the remote state.
230

231 (b) If a compact privilege expires and the PA has applied for another compact privilege prior to
232 the expiration date, in the same remote state, the PA may submit proof that the
233 jurisprudence requirement ~~was previously~~ has been met for a compact privilege in that
234 remote state.
235

236 (c) If a compact privilege expires and the PA fails to make an application for another compact
237 privilege in the same remote state prior to the compact privilege expiration date, all
238 applicable requirements for completion of a jurisprudence requirement will apply.
239

3.73.8 Denial or withdrawal of the determination of eligibility

241 (a) If the member state selected as the state of qualifying license issues a notice to the
242 Compact Commission denying the applicant's eligibility for the compact, the PA may appeal
243 such determination ~~of eligibility within 30 days of the PA's receipt of the notice~~. The appeal

244 shall be filed with the member state that issued the denial and shall be subject to the laws of
245 that state.

246
247 (b) If the member state selected as the state of qualifying license issues a notice to the
248 Compact Commission approving the PA's eligibility for the compact and thereafter withdraws
249 the approval due to the PA not meeting the Compact's eligibility requirements, any compact
250 privilege issued under that qualifying license shall automatically be cancelled with no action
251 required by any member state. The Compact Commission shall provide e-mail notice of the
252 withdrawal to the PA along with notice that all issued compact privileges have been
253 cancelled. The PA may appeal the withdrawal of eligibility ~~within 30 days of the PA's receipt~~
254 ~~of the withdrawal notice~~. The appeal shall be filed with the member state that issued the
255 denial and shall be subject to the laws of that state.
256

257 **3.83.9 State of emergency rule – waiver of timeframes**

258 (a) This rule is effective upon a declaration of a national emergency by the President of the
259 United States and/or a declaration of emergency by one or more Governors of the compact
260 member states in response to Force Majeure such as a pandemic, hurricane, tornado,
261 earthquake, or other natural disaster. As such time, each ~~Board-Participating State~~ or the
262 Executive Committee of the Compact Commission has the authority to temporarily waive
263 enforcement of the timeframes in this rule which are not statutorily required.
264

265 (b) Such waiver would be justified based upon:
266 (1) The degree of disruption to procedures or timeframes under this rule, which is the
267 basis for the waiver;
268 (2) The degree of benefit (or detriment) of such waiver to the PA and/or public health;
269 and
270 (3) The anticipated duration of the emergency.

271
272 (c) The length of the waiver is subject to the length of the national/state emergency declaration
273 unless preemptively concluded by a majority vote of the Compact Commission.