

## 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 which the Licensee has selected to use as their Qualifying License. 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) "**Compact**" means the PA Licensure Compact.

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

(c) "**Employer**" means a person, business, or organization located in a PA's designated state of principal licensure 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,

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

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

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

36 (f) **“Participating State”** means a State that has enacted this Compact.

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

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

44 (i) **“Qualifying License”** means an unrestricted License issued by a Participating State to  
45 provide Medical Services as a PA.

46 (j) **“Remote State”** means a Participating State where a Licensee who is not licensed as a PA is  
47 exercising or seeking to exercise the Compact Privilege.

48 (k) **“State of Qualifying License”** means a Participating State where a PA holds a qualifying  
49 license and which has been designated as such by the PA for purposes of registration and  
50 participation in the Compact.

51

## 52 **2.1 State of qualifying license designation:**

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

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

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

59 (3) The location of the PA’s current employer, or

60 (4) If no state qualifies under subparagraph (1), subparagraph (2), or  
61 subparagraph (3), the state designated as state of residence for purposes of  
62 federal income tax.

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

67 (c) The PA shall submit with any designation or redesignation request proof of the  
68 requirements in subparagraph (a) as determined by the Commission. The designated

69 State of Qualifying License may, at any time, require the PA to submit additional  
70 documents to verify subparagraph (a) requirements.

71

72 **2.2 Redesignation of the state of qualifying license:**

73 (a) If the PA voluntarily terminates their qualifying license through which they applied for  
74 their current compact privilege(s) and that qualifying license has not yet expired, the  
75 PA shall redesignate their state of qualifying license by following this process:

76 (1) Complete a state of qualifying license redesignation form at the Commission's  
77 website,

78 (2) Pay a non-refundable fee of \$50 to the Commission,

79 (3) Meet the requirements of paragraph 2.1 with the new state of qualifying  
80 license, and

81 (4) Have no pending investigation of the current qualifying license at the time of  
82 the redesignation request.

83 (b) Upon approval of a redesignation form and confirmation from the current state of  
84 qualifying license that there is no pending investigation, the PA and the Commission  
85 shall notify the new state of qualifying license and current state of qualifying license of  
86 the applicant's redesignation,

87 (c) Any PA information collected by the Commission during the process to redesignate a  
88 state of qualifying license shall be available to all participating states.

89 (d) Any compact privilege(s) held prior to redesignation shall expire when the original  
90 qualifying license expires or terminates.

## PA Compact Commission

**Title of Rule:** Compact Privilege

**History of Rule:**

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

**Effective Date:**

**Chapter 3:** Compact Privilege

**Authority:** Section 4: Compact Privilege

Section 7: Establishment of PA Compact Commission

Section 9: Rulemaking

### 3.0 Purpose:

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

### 3.1 Definitions:

- (a) **"Adverse Action"** means any administrative, civil, equitable, or criminal action permitted by a State's laws which is imposed by a Licensing Board or other authority against a PA License or License application or Compact Privilege such as License denial, censure, revocation, suspension, probation, monitoring of the Licensee, or restriction on the Licensee's practice.
- (b) **"Compact"** 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) **"Criminal Background Check"** means the submission of fingerprints or other biometric based information for a License applicant for the purpose of obtaining that applicant's criminal history record information, as defined in 28 C.F.R. § 20.3(d), from the State's criminal history record repository as defined in 28 C.F.R. § 20.3(f).
- (e) **"Data System"** means the repository of information about Licensees, including but not limited to License status and Adverse Actions, which is created and administered under the terms of this Compact.
- (f) **"Jurisprudence Requirement"** means the assessment of an individual's knowledge of the laws and Rules governing the practice of a PA in a State.
- (g) **"Licensee"** means an individual who holds a License from a State to provide Medical 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 (i) **“Non-participating State”** means a State that has not enacted this Compact.
- 42 (j) **“Participating State”** means a State that has enacted this Compact.
- 43 (k) **“PA”** means an individual who is licensed as a physician assistant in a State. For purposes  
44 of this Compact, any other title or status adopted by a State to replace the term "physician  
45 assistant" shall be deemed synonymous with "physician assistant" and shall confer the  
46 same rights and responsibilities to the Licensee under the provisions of this Compact at the  
47 time of its enactment.
- 48 (l) **“PA Licensure Compact Commission,” “Compact Commission,” or “Commission”**  
49 mean the national administrative body created pursuant to Section 7.A of this Compact.
- 50 (m) **“Qualifying License”** means an unrestricted License issued by a Participating State to  
51 provide Medical Services as a PA.
- 52 (n) **“Remote State”** means a Participating State where a Licensee who is not licensed as a PA  
53 is exercising or seeking to exercise the Compact Privilege.
- 54 (o) **“State”** means any state, commonwealth, district, or territory of the United States.
- 55 (p) **“State of Qualifying License”** means a Participating State where a PA holds a qualifying  
56 license and which has been designated as such by the PA for purposes of registration and  
57 participation in the Compact.

58

### 59 **3.2 Delegation of compact privilege responsibilities**

- 60 (a) Participating states are deemed to have delegated and assigned to the Compact  
61 Commission the following responsibilities in the compact privilege process:
- 62 (1) The Compact Commission shall provide participating states an online application for  
63 use by PAs seeking compact privileges through their designated state of qualifying  
64 license.
- 65 (2) The Compact Commission shall use information from its data system to facilitate an  
66 application for review by the PA’s designated state of qualifying license.
- 67 (3) The Compact Commission shall provide and administer a process to collect service  
68 fees and state fees from the PA and remit these fees to the participating state boards  
69 and the Compact Commission.

70

### 71 **3.3 Eligibility for compact privilege**

- 72 (a) A PA must meet the following requirements to receive a compact privilege under the terms  
73 and provisions of the Compact:
- 74 (1) Graduated from a PA program accredited by the Accreditation Review Commission  
75 on Education for the Physician Assistant, Inc.
- 76 (2) Holds a current certification from the national commission on certification of  
77 physician assistants.

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

### 104 **3.4 Compact privilege process**

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

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

### 159 **3.5 Compact privilege cycle and continued participation**

- 160 (a) A compact privilege shall be valid until the expiration or revocation of the qualifying license  
161 used to apply for the privilege unless the privilege is terminated pursuant to an adverse  
162 action. The expiration date of the qualifying license shall be the expiration date that was in

163 effect on the date the PA applied for the compact privilege. Any renewal of the qualifying  
164 license does not automatically extend the expiration date of the compact privilege.  
165

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

174 (c) An application for a compact privilege shall be considered opened from the date the  
175 application form is received by the state of qualifying license.

176 (1) If the PA does not submit all requested materials, including any required fees, within  
177 60 days after the application is opened, then the application shall be deemed to have  
178 been withdrawn. The PA must reapply and submit a new application and new  
179 nonrefundable application fees as determined by the state of qualifying license and  
180 the Compact Commission.  
181

### 182 **3.6 Jurisprudence requirement**

183 (a) If a member state has a jurisprudence requirement to be eligible to obtain a compact  
184 privilege in accordance with Section 4.A.11 of the Compact, the PA must have successfully  
185 taken and passed any jurisprudence requirement prior to applying for a compact privilege in  
186 the remote state.  
187

188 (b) If a compact privilege expires and the PA has applied for another compact privilege prior to  
189 the expiration date, in the same remote state, the PA may submit proof that the  
190 jurisprudence requirement was previously met for a compact privilege in that remote state.  
191

192 (c) If a compact privilege expires and the PA fails to make an application for another compact  
193 privilege in the same remote state prior to the compact privilege expiration date, all  
194 applicable requirements for completion of a jurisprudence requirement will apply.  
195

### 196 **3.7 Denial or withdrawal of the determination of eligibility**

197 (a) If the member state designated as the state of qualifying license issues a notice to the  
198 Compact Commission denying the applicant's eligibility for the compact, the PA may appeal  
199 such determination of eligibility within 30 days of the PA's receipt of the notice. The appeal  
200 shall be filed with the member state that issued the denial and shall be subject to the laws of  
201 that state.  
202

203 (b) If the member state designated as the state of qualifying license issues a notice to the  
204 Compact Commission approving the PA's eligibility for the compact and thereafter withdraws



205 the approval due to the PA not meeting the Compact's eligibility requirements, any compact  
206 privilege issued under that qualifying license shall automatically be cancelled with no further  
207 action required by any member state. The Compact Commission shall provide e-mail notice  
208 of the withdrawal to the PA along with notice that all issued compact privileges have been  
209 cancelled. The PA may appeal the withdrawal of eligibility within 30 days of the PA's receipt  
210 of the withdrawal notice. The appeal shall be filed with the member state that issued the  
211 denial and shall be subject to the laws of that state.  
212

### 213 **3.8 State of emergency rule – waiver of timeframes**

214 (a) This rule is effective upon a declaration of a national emergency by the President of the  
215 United States and/or a declaration of emergency by one or more Governors of the compact  
216 member states in response to Force Majeure such as a pandemic, hurricane, tornado,  
217 earthquake, or other natural disaster. As such time, each Board or the Executive Committee  
218 of the Compact Commission has the authority to temporarily waive enforcement of the  
219 timeframes in this rule which are not statutorily required.  
220

221 (b) Such waiver would be justified based upon:

- 222 (1) The degree of disruption to procedures or timeframes under this rule, which is the  
223 basis for the waiver;
- 224 (2) The degree of benefit (or detriment) of such waiver to the PA and/or public health;  
225 and
- 226 (3) The anticipated duration of the emergency.  
227

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

1 **PA Compact Commission**

2 **Title of Rule:** Compact Data System, Confidentiality, Information Sharing, and Joint  
3 Investigations

4 **History of Rule:**

5 **Reason for Rule:** To establish Data System requirements, confidentiality of certain records  
6 maintained by the Commission and/or Participating States, information  
7 sharing by Participating States, and the process for joint investigations.

8 **Effective Date:**

9 **Chapter 5:** Compact Data System, Information Sharing, Confidentiality and Joint  
10 Investigations

11 **Authority:** Section 6: Adverse Actions

12 Section 7: Establishment of PA Compact Commission

13 Section 8: Data System

14 Section 9: Rulemaking

15 **5.0 Purpose:**

16 This Rule addresses the Compact Commission’s responsibility to develop and implement a  
17 coordinated data and reporting system, confidentiality of data maintained by the Compact  
18 Commission, information sharing by the Compact Commission and Participating States, and the  
19 process for joint investigations. This Rule will become effective upon adoption by the PA  
20 Compact Commission as provided in Section 9 of the PA Compact.

21  
22 **5.1 Definitions:**

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

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

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

33 (d) **"Confidential and filed under seal"** means all information and documents required to be  
34 shared in compliance with the Compact shall be transmitted confidentially and may not be  
35 discoverable in civil litigation, re-disclosed voluntarily or pursuant to a public records  
36 request, or produced pursuant to civil or criminal subpoena, except that such information

- 37 may be used for the purpose of investigating and taking disciplinary action and may be  
38 disclosed as part of any public disciplinary action resulting from the investigation.
- 39 (e) **"Criminal Background Check"** means the submission of fingerprints or other biometric  
40 based information for a License applicant for the purpose of obtaining that applicant's  
41 criminal history record information, as defined in 28 C.F.R. § 20.3(d), from the State's  
42 criminal history record repository as defined in 28 C.F.R. § 20.3(f).
- 43 (f) **"Data System"** means the repository of information about Licensees, including but not  
44 limited to License status and Adverse actions, which is created and administered under the  
45 terms of this Compact.
- 46 (g) **"Investigative Information"** means information, records, or documents received or  
47 generated by a Licensing Board pursuant to an investigation.
- 48 (h) **"Joint Investigation"** means an investigation conducted jointly by two or more Participating  
49 States.
- 50 (i) **"Licensee"** means an individual who holds a License from a State to provide Medical  
51 Services as a PA.
- 52 (j) **"Non-participating State"** means a State that has not enacted this Compact.
- 53 (k) **"Participating PA"** means a PA who has applied for or holds a Compact Privilege.
- 54 (l) **"Participating State"** means a State that has enacted this Compact.
- 55 (m) **"PA"** means an individual who is licensed as a physician assistant in a State. For purposes  
56 of this Compact, any other title or status adopted by a State to replace the term "physician  
57 assistant" shall be deemed synonymous with "physician assistant" and shall confer the  
58 same rights and responsibilities to the Licensee under the provisions of this Compact at the  
59 time of its enactment.
- 60 (n) **"PA Licensure Compact Commission," "Compact Commission," or "Commission"**  
61 mean the national administrative body created pursuant to Section 7.A of this Compact.
- 62 (o) **"Qualifying License"** means an unrestricted License issued by a Participating State to  
63 provide Medical Services as a PA.
- 64 (p) **"Remote State"** means a Participating State where a Licensee who is not licensed as a PA  
65 is exercising or seeking to exercise the Compact Privilege.
- 66 (q) **"Significant Investigative Information"** means Investigative Information that a Licensing  
67 Board, after an inquiry or investigation that includes notification and an opportunity for the  
68 PA to respond if required by State law, has reason to believe is not groundless and, if proven  
69 true, would indicate more than a minor infraction.
- 70 (r) **"State"** means any state, commonwealth, district, or territory of the United States.
- 71 (s) **"State of Qualifying License"** means a Participating State where a PA holds a qualifying  
72 license and which has been designated as such by the PA for purposes of registration and  
73 participation in the Compact.
- 74 (t) **"Uniform Data Set"** means information maintained by the Compact Commission with  
75 respect to participating PAs.
- 76

## 77 **5.2 Data System**

- 78 (a) The Compact Commission shall develop, maintain, operate, administer and utilize a  
79 Coordinated Data and Reporting System ("Data System").

- 80 (b) The Data System shall maintain information related to participating PAs, including:  
81 (1) A uniform data set;  
82 (2) Qualifying License and Compact Privilege requests, dispositions and related  
83 data;  
84 (3) Adverse actions taken;  
85 (4) Reports of the existence of significant investigative information; and  
86 (5) License and privilege denials and any periods of Compact participation  
87 ineligibility resulting therefrom.
- 88 (c) If the Compact Commission determines the Data System development and  
89 implementation will rely, in whole or in part, on data created or maintained by third  
90 parties, such as a national certifying organization or other similar entity, the Data  
91 System may also maintain information related to PAs who may be eligible to  
92 participate in the Compact, but have not yet designated a State of Qualifying License  
93 or applied for Compact Privileges.
- 94 (d) The appropriate licensing board(s) in Participating States shall have access to the Data  
95 System to report and query information, as appropriate.
- 96 (e) Participating States shall enter and update information in the Data System concerning  
97 actions taken as a designated State of Qualifying License, as a Remote State, and as  
98 otherwise set forth in the Rules of the Compact Commission.
- 99 (f) Any information submitted to the Data System that is subsequently expunged pursuant  
100 to federal law or the laws of the Participating State contributing the information shall  
101 be removed from the Data System as soon as reasonably possible, but no later than  
102 ten business days after the Compact Commission's receipt of a report of expungement  
103 by the appropriate Participating State.
- 104 (g) Participating states shall not disclose or report to the Compact Commission, and the  
105 Data System shall not receive or maintain, any criminal background check results  
106 obtained by Participating States.

107

### 108 **5.3. Uniform Data Set**

- 109 (a) The Compact Commission, through its Data System, shall maintain a uniform data set  
110 for each PA who applies for or holds Compact Privileges.
- 111 (b) Notwithstanding any other State law to the contrary, each Participating State shall verify  
112 and submit the required information to create a uniform data set for each PA who  
113 applies for or holds Compact Privileges.
- 114 (c) As a State of Qualifying License, a Participating State shall verify and submit the  
115 following information for each PA applying for or holding a Qualifying License:  
116 (1) Full legal name;  
117 (2) Other name(s) used, previously or currently;

- 118 (3) Sex;
- 119 (4) Date of birth;
- 120 (5) National Provider Identifier Number;
- 121 (6) Social security number;
- 122 (7) Primary residence address of record;
- 123 (8) Telephone number of record;
- 124 (9) E-mail address delegated by applicant to receive correspondence from the
- 125 Compact Commission and Participating States;
- 126 (10) PA educational program completed, including year of completion;
- 127 (11) NCCPA Certification number, current certification status and certification
- 128 expiration date;
- 129 (12) License number, status, issue date and expiration date in the designated
- 130 State of Qualifying License;
- 131 (13) Adverse actions against a License or Compact Privilege;
- 132 (14) The existence of Significant Investigative Information; and
- 133 (15) Any denial of licensure, and the reason(s) for such denial (excluding the
- 134 reporting of any criminal history record information where prohibited by law).
- 135 (d) As a Remote State, a Participating State shall verify and submit the following
- 136 information for each PA applying for or holding a Compact Privilege in the Remote
- 137 State:
- 138 (1) Compact Privilege issue date, status, expiration date and privilege number or
- 139 other unique privilege identifier issued by the remote state;
- 140 (2) Adverse actions against a Compact Privilege; and
- 141 (3) The existence of Significant Investigative Information.
- 142 (e) The uniform data set shall also include the following additional information:
- 143 (1) All primary residence address changes provided by the participating PA to the
- 144 Compact Commission, and the date the address was changed;
- 145 (2) All e-mail address changes provided by the participating PA to the Compact
- 146 Commission, and the date the e-mail address was changed;
- 147 (3) All applications, attestations or certifications submitted by the participating
- 148 PA in support of a request to designate a State of Qualifying License or to
- 149 obtain a Compact Privilege in a Remote State;
- 150 (4) All documents submitted by a Participating State to verify or decline a PA's
- 151 eligibility for Compact participation or to issue a Compact Privilege; and
- 152 (5) Evidence of the current certification status with the NCCPA for all PAs
- 153 holding Compact privileges.

154

155 **5.4. Reports of Adverse Actions and Significant Investigative Information**

- 156 (a) Participating States shall report all adverse actions taken against PA's Qualifying  
157 License or Compact Privilege to the Compact Commission either by entry into the  
158 Data System or on a form developed and provided by the Compact Commission.
- 159 (b) Adverse action reports shall:
- 160 (1) Include the participating PA's name, NPI number, a summary of the action  
161 taken or a copy of a public complaint detailing the charges against the PA, and  
162 a copy of the order or other documentation imposing the adverse action.
  - 163 (2) Be submitted to the Compact Commission as soon as reasonably possible,  
164 but no later than ten days after the adverse action is ordered or otherwise  
165 taken by the State. If the adverse action is summary or emergency action, the  
166 report shall be submitted within one business day.
  - 167 (3) Be updated by the reporting State upon changes to the status of any reported  
168 adverse action. Updated adverse action reports shall be submitted as soon as  
169 reasonably possible, and within the same time limitations as established for  
170 initial adverse action reports.
- 171 (c) A State of Qualifying License shall report the existence of Significant Investigative  
172 Information concerning a PA with a Qualifying License in the State, and a Remote  
173 State shall report the existence of Significant Investigative Information concerning a  
174 PA holding a Compact Privilege in the State. All reports shall be made to the  
175 Compact Commission either by entry into the Data System or on a form developed  
176 and provided by the Compact Commission.
- 177 (d) Significant Investigative Information reports shall:
- 178 (1) Include the participating PA's name, NPI number a copy of any public  
179 complaint detailing the allegations under investigation by the Participating  
180 State, and contact information for follow-up with the reporting State.
  - 181 (2) In the absence of a public complaint, include a brief description of the nature  
182 of the allegations under investigation.
  - 183 (3) Be submitted as soon as reasonably possible, but no later than ten days after  
184 a State issues a public complaint in association with Significant Investigative  
185 Information or makes a non-public determination, after inquiry and  
186 investigation, its investigative process has developed Significant Investigative  
187 Information.

188

## 189 **5.5. Confidentiality**

- 190 (a) Information contained in a PA's uniform data set shall be maintained by the  
191 Compact Commission in a confidential manner.

- 192 (b) All uniform data sets in the custody and control of the Compact Commission are  
193 confidential and exempt from public disclosure by the Compact Commission  
194 except for:
- 195 (1) The names of participating PAs; and
  - 196 (2) The states where participating PAs hold Qualifying Licenses and Compact  
197 Privileges.
- 198 (c) With the exception of public complaints and publicly available records of adverse  
199 actions, all adverse action reports and Significant Investigatory Information reports  
200 submitted to the Data System pursuant to Section 5.4 of this Rule are designated  
201 confidential and filed under seal. Participating States who access this confidential  
202 information may only utilize the confidential material for investigations or during  
203 disciplinary processes. The confidential material may be made public in  
204 disciplinary actions, but Participating States shall not redisclose confidential  
205 adverse action or Significant Investigative Information to any person or Non-  
206 participating State.
- 207 (d) In addition to the confidentiality provisions established herein, Participating States  
208 contributing information to the Data System may, in accordance with state or  
209 federal law, designate information that may not be shared with the public without  
210 the express permission of the contributing State. Notwithstanding any such  
211 designation, such information shall be reported to the Commission through the  
212 Data System.
- 213 (e) Nothing in this section prohibits the Compact Commission from complying with a  
214 lawful order issued by a court of competent jurisdiction.
- 215 (f) This section is not intended to limit the Compact Commission's authority to enter  
216 into data sharing agreements with Participating States or other entities to facilitate  
217 the purpose of the Compact. Provided, that Significant Investigative Information  
218 pertaining to a PA in any Participating State shall only be available to other  
219 Participating States.

## 221 **5.6. Information Sharing**

- 222 (a) A Participating State shall have access to the uniform data set for every applicant  
223 and licensee who holds a Qualifying License or Compact Privilege in the  
224 Participating State.
- 225 (b) When the Compact Commission receives notice of an adverse action, it shall  
226 promptly notify each Participating State where the PA holds a Qualifying License or a  
227 Compact Privilege of the adverse action.
- 228 (c) Upon request, adverse action reports may also be shared with any other  
229 Participating State.

- 230 (d) When the Compact Commission receives notice of Significant Investigative  
231 Information, it shall promptly notify each Participating State where the PA holds a  
232 Qualifying License or a Compact Privilege of the existence of Significant  
233 Investigative Information.
- 234 (e) A Participating State where a PA holds a Qualifying License or a Compact Privilege  
235 may request an investigative file from any Participating State that submitted a  
236 Significant Investigative Information report with respect to the PA.
- 237 (1) Upon receipt of such a request, a Participating State shall share the  
238 requested information from an investigative file as soon as reasonably  
239 possible.
- 240 (2) Information shared with another Participating State pursuant to this process  
241 is confidential and filed under seal.
- 242 (3) Participating States who access this confidential information may only utilize  
243 the confidential material for investigations or during disciplinary processes.  
244 The confidential material may be made public in disciplinary actions but may  
245 not be redisclosed to any person or Non-participating State.

#### 247 **5.7 Joint Investigations**

- 248 (a) Participating States may conduct a joint investigation of a PA applying for or holding  
249 one or more Compact Privileges.
- 250 (b) If a participating State seeks to initiate a joint investigation, it may obtain a list of all  
251 other participating States where the PA holds Compact Privileges or a Qualifying  
252 License from the Compact Commission or the Data System.
- 253 (c) States participating in a Joint Investigation shall designate a lead investigative state.
- 254 (d) The lead investigative state shall direct the investigation, update the other members  
255 of the joint investigation upon any significant developments in the investigation, and  
256 share investigative information.
- 257 (e) The lead investigative state may request the other States participating in the joint  
258 investigation to conduct investigatory tasks in their own states.
- 259 (f) A non-lead investigative state may continue its own investigation but shall keep the  
260 lead investigative state apprised of its investigatory actions and shall coordinate its  
261 actions with the lead investigative state.
- 262 (g) States participating in the joint investigation shall share investigative information,  
263 litigation, and compliance materials in furtherance of the investigation.
- 264 (h) During a joint investigation, a Participating State may request that another  
265 Participating State issue a subpoena on behalf of the joint investigation or assist in  
266 the enforcement of a lawful subpoena issued by the joint investigation.



- 267 (i) A Participating State may elect to withdraw from a joint investigation at any time,  
268 however upon doing so it shall share with the remaining members of the joint  
269 investigation any investigative information, litigation, and compliance materials in  
270 its custody and control which were obtained or generated during the course of the  
271 joint investigation.
- 272 (j) If a joint investigation results in Significant Investigative Information, the lead  
273 investigative state shall be responsible for making a report to the Compact  
274 Commission on behalf of all participants in the joint investigation.
- 275 (k) Any adverse action resulting from a joint investigation shall be reported to the  
276 Compact Commission by the Participating State which took the adverse action.
- 277

278 **5.10 Authenticated Business Records of the Compact Commission**

- 279 (a) The records and information provided to a Participating State pursuant to this  
280 Compact or through the Data System, when certified by the Commission or its  
281 agent, shall constitute the authenticated business records of the Commission, and  
282 shall be entitled to any associated hearsay exception in any relevant judicial, quasi-  
283 judicial or administrative proceedings in a Participating State.

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